



Westbank First Nation (WFN) Backgrounder

CAPACITY BUILDING – LAW ENFORCEMENT

January 15-16, 2019

K'omoks First Nation Community Hall

WFN Dispute Adjudication Law and WFN Notice Enforcement Law

1. WFN has at least 10,000 nonindigenous people residing on WFN Lands. 25% of all nonindigenous people residing on reserves in Canada live on WFN Lands.
2. WFN issued violation tickets to support its bylaws as far back as 1998, but had no real authority to do so until April 1, 2005, when WFN's bilateral Self-Government Agreement with Canada (SGA) became effective.
3. Under the SGA, WFN has the power to enact and enforce Westbank Law and currently has 37 laws in place.
4. In 2008, WFN enacted both the *WFN Dispute Adjudication Law* and the *WFN Notice Enforcement Law* to formalize its authority to issue tickets and to provide a dispute mechanism to all residents living on WFN Lands. See <https://www.wfn.ca/your-government/law-enforcement/disputing-ticket.htm> WFN issued a News Release to the public regarding the validity of the WFN ticketing and dispute processes shortly after enactment.

Links to WFN Laws:

<https://www.wfn.ca/docs/2008-01-dispute-adjudication-law.pdf?LanguageID=EN-US>

<https://www.wfn.ca/docs/2008-02-notice-enforcement-law.pdf?LanguageID=EN-US>

5. Also in 2008, WFN began to track the status of tickets issued. This is done through iCity software, which is compatible with Vadim software. The iCity software provides for a three-tiered payment option (early, regular or late fees) and generates helpful reports for government. See <https://www.wfn.ca/our-government/law-enforcement/paying-ticket.htm>

6. To ensure a successful ticketing and enforcement process, WFN has entered into a number of agreements/accords with outside agencies, including ICBC (for traffic and parking violations), the City of West Kelowna Fire Department (for fire protection services), and the Regional District of Central Okanagan (for dog pound services and false alarm administration).
7. WFN also enjoys a high-functioning working relationship with the RCMP. Each member of the local detachment carries a WFN ticket book to facilitate the issuance of WFN violation tickets when warranted. When the RCMP issues a WFN violation ticket, they provide WFN with a copy of the ticket, which is then recorded with iCity. Each of WFN's laws provide authority to the RCMP for enforcement (which includes ticketing).
8. For collections, WFN contracts with Wiggins Adjustments Ltd. (<https://www.wiggins-adj.com/>). When a fine is outstanding for in excess of 42 days, WFN sends details to Wiggins, who proceed with collection activity. WFN has found Wiggins to be easy to work with and their service to be cost effective.
9. If a fine remains unpaid after initial collection activity, Wiggins will post the debt with Equifax and it is included on an individual's credit report (beacon score). This can affect a person's ability to obtain financing, and WFN has had a number of old debts paid off quickly as a result.
10. WFN's mandate has always been focused on compliance rather than the issuance of violation tickets. WFN will often issue a warning ticket to an offender at first instance, which is also tracked on iCity's system. If an individual continues to commit the offence, fines are issued. Our Law Enforcement Officers are very diligent in convincing offenders of the benefits of compliance.
11. WFN is not selective in its application of the law. Where warranted, violation tickets are issued to all offenders, regardless whether they are WFN Members, residents, or visitors to WFN Lands.

WFN Law Enforcement Officers (LEO)

1. WFN has 3 LEOs, all with either policing or security backgrounds. They enforce WFN Law and work closely with the RCMP.
2. The LEOs do not carry firearms so they do not deal with criminal offences; the RCMP deals with those issues.
3. The LEOs participate in a number of WFN community safety initiatives, emergency management, and education programs for residents and the WFN Membership.