



FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE

Administration, Implementation and monitoring of Laws

Presented by
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- 1. Records management relevant to enforcement**
- 2. Communications / awareness of laws**
- 3. Appointment / training of enforcement officers**
- 4. Technical experts – working with other FN governments, third parties, professionals, etc.**
- 5. Policing, security management, etc.**



Records management relevant to enforcement

It is recommended that First Nations implement a Records Management system to track enforcement activities, including but not limited to;

- Incoming incidents, complaints, requests for service
- Self generated incidents that an enforcement officer, Inspector may encounter during their work day.
- Track follow ups to those incidents with and a recording of those steps to resolve this issues.
- Use the options under the laws ranging from a warning or compliance notice up to filing of charges where appropriate.

Records management relevant to enforcement

Who may use the records:

- Enforcement Officers and Inspectors (repeat incidents)
- Lands Managers and staff,
- Prosecutors and Court officials during a trial,
- Depending on the administration structure, the housing department when processing applications for residency (past history)

Communications / awareness of laws

- It is recommended that First Nations consider various means of communications when it comes to the developing of a law.
- Consultation with community members, committee/Lands Advisory Committee
- This consultation will ensure that the community has the opportunity to participate in the development of the laws.
- Once the law has been developed and passed, then the law should be communicated to the community in accordance with any requirements of the land code and through measures such as:
 - Posted on the community website,
 - Community meeting minutes
 - Social media
 - Local papers and notices

Communications / awareness of laws

The members and public should have access to those laws especially when they may restrict access or travel including areas of limited access.

- Hunting and Fishing grounds
- Areas of medicines

Those organizations wishing to develop within community lands should have access to those laws and policies of the community when considering development

- Zoning
- Zoning requirements
- Building requirements
- Applications for Tenancy, Members and non-members

Appointment / training of enforcement officers

- It is recommended that First Nations consider an Enforcement law which assembles in one place enforcement issues relevant to most or all of the First Nation's other laws
- Helpful to define both Enforcement Officers and Inspectors in an Enforcement law
- It is recommended that First Nations consider the appointment of Police Officers or Security companies
 - What authorities does Band Council through the community members want to give to Enforcement Officers, to Police Officers?
- Should the law give Enforcement Officers the power to arrest an individual and under what circumstances?

Cont. Appointment / training of enforcement officers

Depending on the authorities bestowed upon Enforcement Officers, Inspectors and Police Officers, it is necessary to ensure that those authorized must have a level of training that meets the needs of their position.

- Recording of enforcement notes and completing reports,
- Ability to read and apply the appropriate laws,
- Understand the authorities under a law: e.g. Entry onto property or residence, search for and seizure of documents etc.
- Arrest and Release Procedures(if provided for in laws)

Cont. Appointment / training of enforcement officers

Why is this important:

- Proper procedure is followed, successful investigations and successful outcomes,
- Liability and protection for the Enforcement Officers, Police and Inspectors
- If the proper authority is bestowed, then the Band Council and Band Administration will be able to defend the authorities provided to their Enforcement team.

Technical experts – working with other FN governments, third parties, professionals, etc.

- When creating a law and especially under Environmental Laws, technical experts and professionals, supporting government officials and contracted security organizations must either be:
 - appointed or under a request by the investigating officer; or
 - be provided with the authority to complete their investigation.
- Examples of specific authorities conferred on individuals include:
 - Entry onto properties within the communities
 - Conducting testing and removal of evidence to support the investigations

Policing, security management, etc.

When creating a law a determination who is going to be responsible for the Enforcement within the community,

Not all offences will be the responsibility of the one agency however, Enforcement Officers may be the first to respond to incidents or reported incidents

- Enforcement officers, Inspectors
- Security Firms
- Police Officer (may require policing agreements or Level of Enforcement Agreements)

Questions and Comments



**FIRST NATIONS
LAND MANAGEMENT
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THANK YOU!

For more information please visit:

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