



Training, Mentorship & Professional Development

The Fraser Valley Pilot Project – Enforcement of Tickets and Offences

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Fraser Valley – Background

- There are 20 First Nations in the Fraser Valley operating under the Framework Agreement and one more at the developmental stage.
- Fraser Valley First Nations are located near the growing population centres and rapidly changing economic activity in the Fraser Valley – environmental controls are becoming more urgent
- Some Fraser Valley First Nations deal with complex economic development, with many non-member businesses and residents
- Some Fraser Valley First Nations have years of experience with land codes and have built sophisticated land systems – others have only recently adopted land codes

Fraser Valley – Laws

- Most Fraser Valley First Nations would likely agree that there has been little to no enforcement of by-laws under the old Indian Act
- Many Fraser Valley First Nations have adopted sophisticated laws under the Framework Agreement, including matters such as trespassing, environmental assessment, environmental protection, as well as soil deposit, transfer and removal.
- These laws have been carefully crafted with specialist advisors as well as heavy input from community members
- Fraser Valley First Nations have typically adopted “enforcement and ticketing laws” which work alongside all their other laws.

Fraser Valley – Ticketing & Enforcement Laws

For those Fraser Valley First Nations which have enacted ticketing and enforcement laws, the rationale seems to be:

- fundamental aspects of enforcement need to be spelled out in law – who has authority and how they are appointed – what scope of authority they have – what procedures apply when tickets are issued etc.
- rather than repeat this in every law it makes sense to have one ticketing and enforcement law
- the ticketing and enforcement law can be updated as needed – without having to go back and amend all other laws
- those most affected by enforcement can find details of enforcement in one place
- staff, security companies, and other enforcement personnel can be trained on the details of the ticketing and enforcement law – a critical reference guide in their work

Fraser Valley Pilot Project – the Power of Many

- It is entirely up to Fraser Valley First Nations ... but there has been exploration of joining together to build enforcement systems
- The Resource Centre (RC) has invited interested First Nations to participate in a pilot project – with participating First Nations along with the RC working together through an “Oversight Committee”
- The Oversight Committee will provide broad direction on implementation of enforcement systems, key priorities, service expected, etc.
- However, the Framework Agreement provides that the independence of justices of the peace must be respected ... so there is a limit on what the Oversight Committee can do ... not intervene in individual cases

Fraser Valley Pilot Project – the Initial Proposal

- Under the pilot project, participating Fraser Valley First Nations would appoint the same justice(s) of the peace – supported by a court registrar function to track disputed tickets and offences – with a roster of lawyers available to serve as prosecutors
- The supporting court registrar would track disputed tickets, collect fines, and remit funds received minus costs to participating First Nations
- The justice(s) of the peace could at any stage recommend dispute resolution – a potential off ramp and avenue toward “healing” in respect of a dispute
- Where a justice of the peace renders a decision, the Framework Agreement provides that decisions can be appealed to provincial courts

Fraser Valley Pilot Project – What we Have Learned

Potentially valuable building block for ADJUDICATION

Still need the TICKETING & OFFENCE building block

- guidelines and training for security companies and other personnel who issue tickets
- funding gap for personnel who issue tickets – lands office has neither the funding nor the training to manage ticketing process
- complex and serious offences require specialists – e.g. prosecutor's briefs
- BC courts are moving to electronic filing and records – potential efficiency over traditional court registry function

Financial contribution from First Nations is a challenge given workload of lands offices and the Ticketing and Offence gap

Heavy focus on internal communication so far – Chiefs and Council, Lands Advisory Committees, and Lands Managers ... an external communication strategy will be important on launch

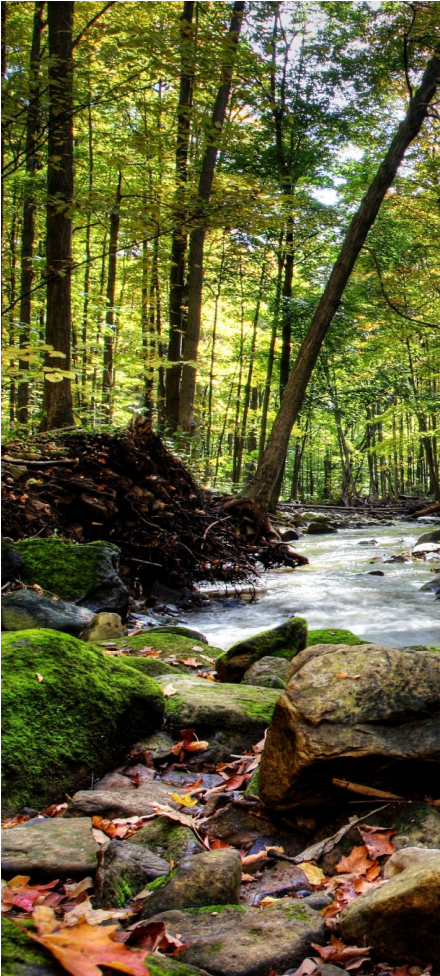
Questions & Discussion



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