



NISICHAWAYASIIHK CREE NATION OKEMAWIN

ORDER IN COUNCIL

(OTASOWEWIN)

Date: January 17, 2025

Number: OIC-313-2025-1

Authorized by: Chief and Council

Effective on Saturday, January 18, 2025

WHEREAS:

1. The high rate of violence and property damage related to the sale and use of alcohol and illegal drugs continues to be of major concern to NCN Citizens and has recently escalated with a drive-by shooting that critically injured a youth in our community.
2. There has been a number of non NCN Citizens coming into N'tuskenan and some have been causing serious risks to the health and safety of NCN Citizens and other residents on NCN Lands.
3. Chief and Council have been required to take action to address issues arising from the drug and alcohol related violence that is occurring within N'tuskenan and has been causing serious risks to the health and safety of NCN Citizens and other residents on NCN Lands.
4. NCN Citizens have clearly indicated that efforts must be made to combat violence in the community fueled by drugs, alcohol, gang activity and harbouring people banished from or adjacent to NCN Lands.
5. In addition to the recent gang violence, it has come to Chief and Council's attention that chemicals and other harmful substances such as Fentanyl are being put into bootlegged alcohol and illegal drugs which has resulted in seizures and could lead to fatal overdoses.

ORDER

Definitions

1. The following definitions apply in this Order

“community” means those persons who ordinarily live on or adjacent to NCN Lands at Nelson House, Manitoba;

“NCN Lands” means the lands described in *Aski-Pumenikiwin*, 2017, c. A-1 and in particular IR 170, 170A, 170B, and 170C;

“drug activity”, “gang activity”, “harbouring”, “human trafficking”, *N’tuskenan*” and “peace officer” have the same definitions as in the Community Protection Law 2019, c. C-1;

State of Emergency in Effect

2. Effective on, Saturday, January 18, 2025 at 12:00 a.m. the State of Emergency for all NCN Lands (excluding the Mystery Lake lands) shall be extended for a period of 90 days to minimize the risk of criminal activity and violence to ensure the health and safety of all persons on or adjacent to NCN Lands. This State of Emergency will remain in effect until Friday, April 18, 2025, unless revoked or amended by a subsequent NCN Order in Council.

Between January 18, 2025 and April 18, 2025 , Chief and Council may, by written notice posted on the NCN website and social media, impose **additional rules** that must be followed in addition to or in place of the rules in this Order in Council until a new Order in Council is issued.

Entry to NCN Lands

3. Only residents on NCN Lands and persons authorized by the NCN Chief of Law Enforcement and/or the Justice Director or their designate shall be allowed to enter NCN Lands, as long as they agree to have their vehicle and belongings searched, to comply with directions at the checkstop or other points of entry to NCN Lands, and are able to produce valid photo identification.

Visitors/non-NCN residents will not be permitted entry from midnight to 6 am.

- **An NCN resident is someone who has a fixed address or lives in NCN;**
- **If you are a resident of NCN you can come and go as you please;**
- **Visitors/non NCN residents may be permitted entry between midnight and 6am, for emergency or compassionate reasons, with advanced notice and authorization from NCN Chief of Law Enforcement and/or the Justice Director or their designate.**

4. Visitors/non NCN residents, seeking entry into the community will be required to state the reason they are seeking entry, and the information will be recorded at the checkstop. Any person who is in violation of NCN Laws or is found to have illegal drugs, alcohol or cannabis that exceeds

the allowable limits outlined in section 5(e)(i)(ii)(iii), or gang colours or other paraphernalia will not be allowed entry onto NCN Lands.

5. Any person (including NCN residents) who has been found to breach this OIC will lose their permit automatically and may be subject to applicable fines or other consequences to be determined by the Justice Department. The reissuing of permits, once lost, is at the discretion of the Justice Department.

Alcohol and Drug Prohibitions

6. All prohibitions on bootlegging or buying, selling and transporting illegal drugs as outlined in the *Nisichawayasi* Community Protection Law 2019, c. C-1 and federal or provincial legislation continue to apply during the State of Emergency, and anyone bootlegging, transporting, or selling illegal drugs will be evicted or banished from NCN Lands. The following additional rules will be in place:

- (a) all daily commuters (using personal or company vehicles), all NCN employees, and/or all entities using company vehicles, and authorized visitors will not be allowed to transport any alcohol or cannabis onto NCN Lands;
- (b) any person entering NCN with or through a funeral procession will not be authorized to transport any alcohol or cannabis onto NCN Lands;
- (c) residents will only be allowed to transport alcohol or cannabis onto NCN Lands once each day between the hours of noon and 3:00 am;
- (d) every resident transporting alcohol or cannabis onto NCN Lands, including each person in a vehicle must have a valid permit obtained from the Justice Department and valid receipts showing the date and place of purchase;
- (e) any person who previously had a permit and had no violations will be issued a new permit without cost but any person who previously violated their permit will not be issued a new permit unless the Justice Director or their designate provide written authorization to issue a new permit in which case, the cost will be based on the number of previous violations and will increase by \$30.00 for each violation.
- (f) the limits in the Community Protection Law regulations shall be increased to the following:
 - i. Up to forty-eight (48) 355ml cans or bottles of beer or coolers; or
 - ii. Up to two (2) 750ml bottles of spirits such as rye, vodka, or rum; or
 - iii. Up to eight (8) litres of wine;

All other limits in the Community Protection Law remain in force and anyone found to be over the limits will have their alcohol or cannabis seized and they will be fined.

Bear Mace and Machetes

6. No person shall be allowed to bring bear mace, machetes, knives, or guns onto NCN Lands except as approved by Chief and Council or their authorized designate, and any person who causes harm or tries to cause harm to another person using bear mace, machetes, knives, guns or other weapons may be immediately evicted or banished from NCN Lands or other alternate measures will be taken.

Curfew

7. A curfew shall be in effect from 8:00 pm to 7:00 am for children under the age of 18 and the only persons who are allowed to remain in a home during the curfew hours are those persons who are ordinary residents of that residence.

Breach of Curfew Rules

8. Parents or guardians will be given notice by the Justice Director or designate if a child they are responsible for breaches curfew and will be given a chance to rectify the situation, but if such breach continues:

- (a) the parents or guardians will be no longer be eligible for regular benefits under any NCN programs or policies;
- (b) the Alternate Benefits Policy will apply; and
- (c) the Director of Justice or designate will notify Child and Family Services regarding the situation.
- (d) The Director of Justice or designate have the discretion to issue a fine to the parent or guardian;
- (e) The Director of Justice or designate has the authority to issue a community based disposition, including community service work, for a youth who breaches the curfew on more than one occasion.

Snow Machines, ATV's, Recreational Vehicles

9. No snow machine, ATV or any recreational vehicle shall be operated on or adjacent to NCN Lands from 11:00pm to 7:00 am. No snow machine, ATV or any recreational vehicle will be allowed through the checkstop between 11:00 pm and 7:00 am. Any snow machine, ATV or any recreational vehicle operated in violation of this rule will be seized.

Increased Checkstop Searches and Patrols Within *N'tuskenan*

10. Increased searches at the checkstop and patrols of all access roads, trails, rivers and waterways within *N'tuskenan* that lead to NCN Lands, including searches of vehicles and other personal property, will be in effect.

Persons Released from Jail

11. NCN Citizens released from jail and who are not subject to a banishment order are not allowed to visit or reside on NCN Lands unless they receive authorization from the NCN Chief of Law Enforcement in consultation with the Director of Justice following a risk assessment and determination of appropriate conditions.

Business Operating Hours

12. Home based businesses, such as confectionaries, must cease operations, including deliveries, at 11:00 pm daily.

Gang Activities and Harboring Gang Involved Persons

13. No person shall be allowed to participate in gang activities, meetings or wear gang colours, clothing or other paraphernalia on NCN Lands. No person shall harbour any gang involved person, a person involved in gang activity, or a person affiliated with gang activity.

Harboring Banished Persons

14. No person shall harbour any person who has been banished from NCN Lands.

Rules if Escalating Violence in Community

15. If the gang activity, violence, harm to people or property in the community further escalates Chief and Council, in consultation with the NCN emergency measures team, will determine

whether additional restrictions must go into effect to protect the health and safety NCN Citizens, other residents, authorized visitors and the community. The community shall be given written notice of such restrictions by notice posted on the NCN website, social media and through any other reasonable means.

Application of Order

16. This Order applies to all individuals living on or adjacent to, visiting or entering NCN Lands excluding the Mystery Lake Lands in Thompson.

Penalties

17. Failure to comply with this Order will result in a fine of \$500.00 for each provision violated, potential eviction and/or banishment.

18. Any person who violates this Order in Council will be offered the opportunity to enter into an agreement to pursue a plan to achieve *Mithopematisiwin* (a good life) by participating in programs at the Family and Community Wellness Centre, the Medicine Lodge or through other land based programs.

19. In addition to the penalties in paragraph 17

(a) any employee of NCN or an NCN Entity who violates this Order or an NCN Law will be disciplined in accordance with NCN personnel policies and, depending upon the circumstances may be required to agree to ongoing drug or alcohol monitoring programs to retain their employment; and

(b) any person who operates a snowmobile, ATV or recreational vehicle in violation of paragraph , will have their vehicle impounded for 30 days and will be required to pay a fine of \$500 for a first offence, \$1,000.00 for a second offence and may be banished if they breach the rule a third time.

Regular Review of Order

20. This Order will be reviewed on a regular basis while it remains in effect and may be modified, revoked, or extended in whole or in part.

AUTHORITY

Nisichawayasi Nehethowuk Othasowewin, 2017, c. O-1 states:

**CHAPTER 4
JURISDICTION**

4.1 Jurisdiction

The jurisdiction of the *Nisichawayasi Nehethowuk Okimawin* extends over all persons, including *Nehetho* (Citizens), property, lands, air, water, resources and activities occurring on lands used by *Nisichawayasi Nehethowuk*.

The *Nisichawayasi Emergency Measures Law*, c. E-1, 2020 states:

**PART III
STATE OF EMERGENCY**

Emergency Powers

12 Upon the declaration of and during a state of emergency, Chief and Council may make such orders or regulations it believes are necessary to deal with the emergency, including without limitation:

- (c) control or prevent the movement of people and property;
- (d) authorize entry into and searches of vehicles or buildings on NCN Lands and at traditional camps within *N'tuskenan*, without a warrant or order under the *Nisichawayasi Community Protection Law*;
- (g) direct or authorize the closure of schools, businesses, and other facilities;
- (j) expend such sums as are necessary to pay expenses caused directly or indirectly by the emergency; and
- (k) evict, banish, imprison or impose fines consistent with the *Nisichawayasi Community Protection Law 2019*, c. C-1.

The *Community Protection Law 2019*, c. C-1 states:

PART IV

CHECKSTOP AND OTHER SEARCHES

Checkstop

16 (1) Chief and Council may establish a checkstop on or adjacent to NCN Lands for peace officers to conduct inspections of persons, motorized vehicles and non-motorized vehicles on or entering NCN Lands to confirm the persons in such vehicles

- (a) have proper licencing and insurance;
- (b) having possession of, or transporting alcohol, cannabis, drugs, prescription drugs or intoxicants are not doing so contrary to this Law or the regulations;
- (c) are not being inappropriately harboured on NCN Lands;
- (d) are not being exploited or the subject of human trafficking or gang activity;
- (e) have any required residency or work permits issued in accordance with NCN Laws;
- (f) are not in violation of any banishment order issued pursuant to NCN Laws or any court order issued by a court of competent jurisdiction, and
- (g) are not violating any other laws.

Search and Refusal of Entry onto NCN Lands

16(2) All motorized vehicles, non-motorized vehicles, persons and any personal property in such vehicles or on such persons may be searched prior to being allowed entry onto NCN Lands and any person who refuses to be searched shall not be allowed entry onto NCN Lands.

Confiscation illegal substances

16 (4) Any illegal substances found during a search of a person, a sacred bundle or vehicle will be confiscated by the peace officer.

Other Authorized Searches

16(5) If Chief and Council believe on reasonable and probable grounds that bootlegging, drug activity, gang activity, human trafficking or harbouring is occurring on NCN Lands or adjacent to NCN Lands, Chief and Council may make any order it considers advisable to allow a peace officer to inspect the NCN Lands and any buildings on such lands.