



NISICAWAYASIIHK CREE NATION OKEMAWIN

ORDER IN COUNCIL

(ITASOWEWIN)

Date: July 13, 2023

Number: OIC-313-2023-1

Authorized by: Chief and Council

WHEREAS:

1. During the spring Annual General Assemblies the high rate of violence and property damage related to the sale and use of alcohol and illegal drugs was indicated to be of major concern to NCN Citizens;
2. Chief and Council have been required to, and may continue to be 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.
3. NCN Citizens have clearly indicated that efforts must be made to combat violence in the community fueled by drugs and alcohol.
4. Since the Annual General Assemblies were held it has come to Chief and Council's attention that people may be putting chemicals and other harmful substances (possibly Fentanyl) into bootlegged alcohol which is very dangerous 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 and in particular IR 170, 170A, 170B, and 170C;

“N'tuskenan” has the same definition as in *Othasowewin*, 2017, c. O-1.

State of Emergency in Effect

2. Effective on July 13, 2023 at 6:00 pm a State of Emergency shall come into effect for all NCN Lands (excluding the Mystery Lake lands) to minimize the risk of violence, health and safety to all persons on or adjacent to NCN Lands. This State of Emergency will remain in effect unless revoked or amended by a subsequent NCN Order in Council. During this period of time, due to the evolving nature of the drug and alcohol related violence in the community Chief and Council may by written notice posted on the NCN website and social media outline 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. Persons shall only be allowed to enter NCN Lands as long as they agree to have their vehicle and belongings searched and comply with directions at the checkstop or other points of entry to NCN Lands. All visitors 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 or alcohol that exceeds the allowable limits under the Community Protection Law, 2019 c. C-1 and regulations will not be allowed entry onto NCN Lands.

Alcohol and Drug Prohibitions

4. 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. Although the requirement to have a permit to transport alcohol and cannabis on NCN Lands is temporarily suspended, the limits in the regulations continue to apply and anyone found to be over the limits will have their alcohol or cannabis seized and they will be fined.

Bear Mace and Machetes

5. 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

6. A curfew shall be in effect from 10:00 pm to 7:00 am for all children under the age of 18. No snowmobiles, ATVs or boats shall be operated on or adjacent to NCN Lands from 10:00 pm to 7:00 am. All snowmobiles, ATVs or boats operated in violation of this rule will be confiscated.

Breach of Curfew Rules

7. Parents or guardians will be given notice by the Executive Director of Justice and Public Safety 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 Executive Director of Justice and Public Safety or designate will notify Child and Family Services regarding the situation.

Patrols Within *N'tuskenan*

8. 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

9. NCN Citizens released from jail and who are not subject to a banishment order are allowed to visit or reside on NCN Lands only with a special pass issued by the Executive Director of Justice and Public Safety or designate following a risk assessment and determination of appropriate conditions.

Wellness Plans

10. 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 and if they refuse they will be evicted or banished from the community upon order of Chief and Council.

Rules if Escalating Violence in Community

11. If the violence, harm to people or property in the community further escalates Chief and Council in consultation with the Executive Director of Justice and Public Safety and the Director of Emergency Services or their designates will determine whether additional restrictions must go into effect to protect the health and safety NCN Citizens 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

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

Penalties

13. Failure to comply with this Order will result in fines and other penalties in accordance with the Offences and Tickets Law, 2022 c. O-1, the regulations thereunder or other NCN policies.

14. In addition to the penalties in paragraph 13

(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 boat in violation of paragraph 6, 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 will be banished if they breach the rule a 3rd time.

Regular Review of Order

15. 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 is 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.