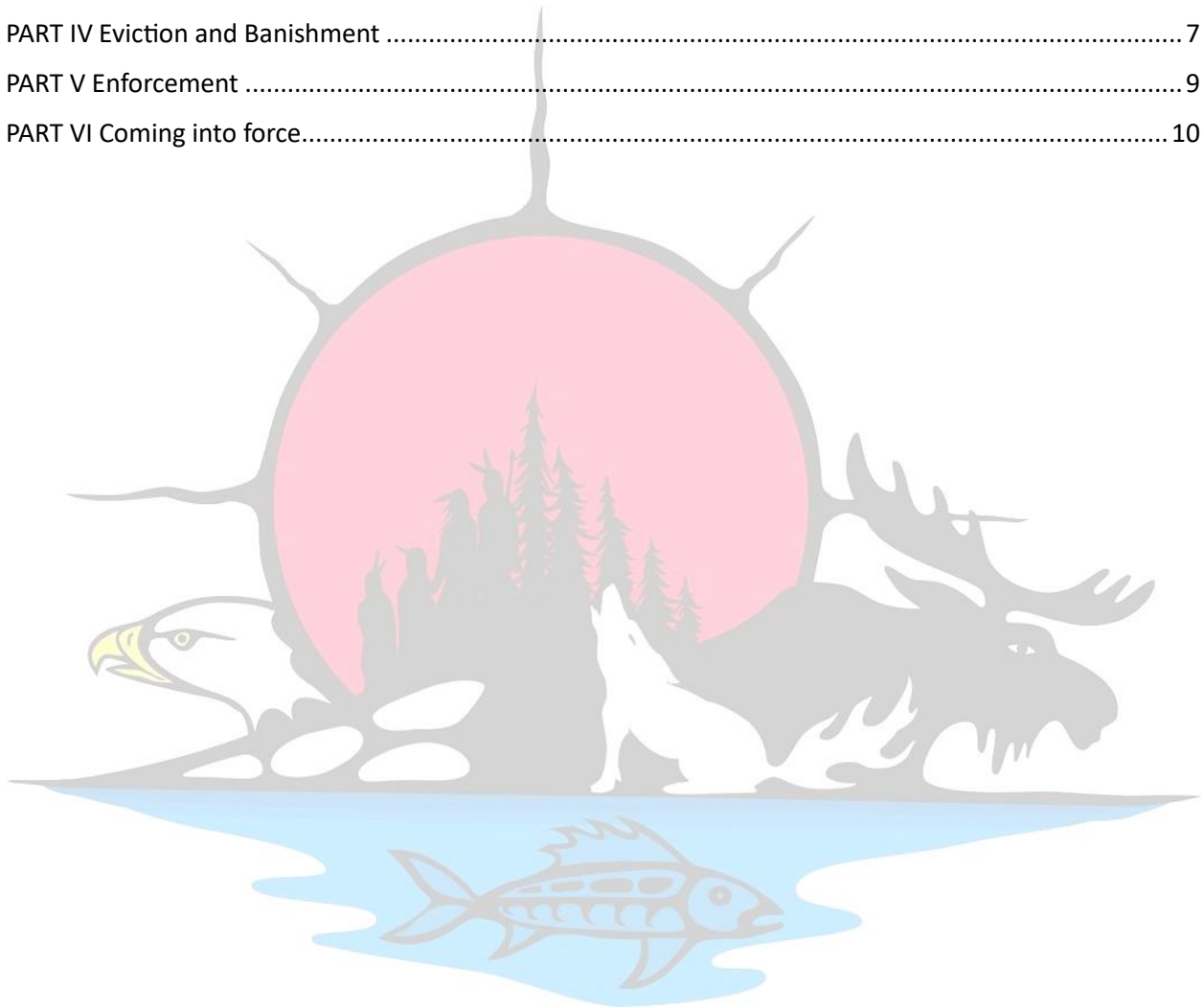




Misipawistik Cree Nation Community Protection Law

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Preamble

Whereas it is in the best interests of the Misipawistik Cree Nation to enact a law to protect the safety of the community, children, and other vulnerable persons from exposure to violent crime, gang activity, illegal drugs, bootlegging, abuse of alcohol, sexual exploitation, human trafficking and abuse on or adjacent to MCN Lands;

Whereas MCN recognizes the importance of collective rights and the priority of those rights over the individual rights in order to maintain peace, order and safety with the community;

Whereas MCN may prohibit harmful substances or people from entering Misipawistik Cree Nation Reserve, grant authority to persons to conduct inspections of persons and vehicles entering MCN Lands and banish people who engage in harmful activities including gang activity, harbouring person engaged in human trafficking, criminal activity or other conduct that is harmful to MCN from MCN Lands;

Whereas MCN has the authority under Section 6 of the MCN Land Code to enact MCN Laws and Section 7.3 of MCN Land Code to enact MCN Laws urgently required for public health or safety or to stop or prevent criminal activity on or adjacent to MCN Lands.

Whereas Misipawistik Cree Nation upholds Misipawistik isihtwawina, the laws passed down by our ancestors, and we affirm our collective responsibility to act when the safety and peace of our lands are threatened;

Now therefore this law is hereby enacted as Misipawistik Cree Nation Community Protection Law.

PART I Preliminary Matters

1. Title

The title of this law may be cited as the Misipawistik Cree Nation Community Protection Law.

2. Definitions

“Alcohol” – means beer, wine, liquor, home brew and any other product intended for human consumption that contains more than 1% alcohol by volume.

“Cannabis” – means any part of a cannabis plant as defined in the laws of Canada.

“Chief and Council” – means the Chief and Council of Misipawistik Cree Nation (MCN) as selected by the MCN membership

“Community Land” – means any Misipawistik Cree Nation land in which all members have a common interest, and which have not been allocated.

“Council” – means the Chief and Council of the Misipawistik Cree Nation.

“Drugs” – means a controlled substance as defined in the laws of Canada.

“Drug Activity” – means producing, providing, selling, storing, trafficking, or possessing drugs, prescription drugs without a valid prescription or intoxicants without a valid permit.

“First Nation” – means the Misipawistik Cree Nation.

“Gang Activity” – means activities undertaken by an organized group of people who rely on intimidation, violence, and the commission of criminal acts in order to gain power, recognition or to control other people or certain areas of unlawful activity.

“Harbouring” – means a person who hides another person who the person knew or ought to know is a vulnerable person in need of protection, a criminal offender, suspect or an accessory to a crime or that there is an outstanding warrant for that person’s arrest.

“Human Trafficking” – means the recruitment, transportation, or exercising control, direction, or influence over the movements of a person in order to exploit that person through sexual or other types of exploitation or forced labour.

“Intoxicants” – means industrial, commercial, or household products including but not limited to hand sanitizer, fertilizer, duct tape, and Lysol which are not meant to be ingested or inhaled.

“Law” – means a law enacted pursuant to MCN Land Code

“Member” – means a person whose name appears or is entitled to appear on the Misipawistik Cree Nation band membership list.

“Misipawistik Cree Nation Land” – includes all MCN reserve lands and any other lands subject to the Land Code or recognized by the Nation as under its authority.

“Motorized Vehicle” – includes but is not limited to cars, trucks, motorcycles, boats, personal watercraft, recreational vehicles, snowmobiles, and all-terrain vehicles, with or without a human operator.

“Non-motorized Vehicles” – includes but is not limited to bicycles, dog sleds and canoes.

“Prescription Drug” – means a drug that is obtained or supposed to be obtained by a prescription issued by an authorized practitioner.

“Safety Officer” those individuals appointed by Chief and Council and are accountable to enforce laws in accordance with MCN custom, Land Code, and any regulations developed under this Law..

“Social Occasion Liquor Permit” – means the permit that is required by the Liquor, Gaming and Cannabis Authority of Manitoba (LGCA), if there are plans to sell or serve alcohol at a one-time special occasion such as a social, charity fundraiser or wedding reception.

3. Scope and Application

Subject to Section 6.3 of the MCN Land Code “The Council may in accordance, with this Land Code, make laws respecting the development, conservation, protection, management, use and possession of Misipawistik Cree Nation lands, interests, and licences in relation to those lands. This power includes the power to make laws in relation to any matter necessary to the making of laws in relation to the Misipawistik Cree Nation land.

Subject to Section 7.3 of the MCN Land Code “The Council may enact a law without the preliminary steps required under Section 7.2, if the Council is of the opinion that the law is needed urgently to Misipawistik Cree Nation land or the members. However, the law expires 120 days after its enactment, unless re-enacted in accordance with section 7.2”.

PART II Prohibitions on Alcohol and Illegal Drugs

4. Unauthorized manufacture or sale of alcohol, drugs, prescription drugs or intoxicants

Unless there is a valid Social Occasion Liquor Permit, no person shall sell alcohol on MCN Lands.

No person shall manufacture, produce, grow, or sell illegal cannabis, drugs, prescription drugs or intoxicants on MCN Lands.

5. Unlawful purchase of alcohol drugs, prescription drugs, or intoxicants

A person must not purchase alcohol, illegal cannabis, drugs, prescription drugs, intoxicants from a person who is not authorized to sell such substance.

6. Prohibition on buying or selling drugs

No person shall buy, sell, or transport illegal cannabis, drugs, intoxicants, or prescription drugs on MCN Lands.

7. Unlawful transportation onto MCN Lands

A person must not transport or conceal in a motorized vehicle or non-motorized vehicle, for transportation onto MCN Lands cannabis or prescription drugs unless approved by an authorized practitioner.

8. Prohibition of alcohol or cannabis in public places

Except as permitted by the LGCA, a person must not distribute or consume alcohol or cannabis in a public place.

9. Places alcohol or cannabis can be used

Alcohol or cannabis may only be consumed in a residence or on premises where the permit issued by the LGCA states, and the occupier of the residence or other building on MCN Lands must take reasonable steps to prevent known gang activity, trafficking, or drug activity on the premises.

10. Alcohol or drugs not to be provided to intoxicated persons

A person must not give, sell, or otherwise supply alcohol, cannabis, drugs, prescription drugs without a valid prescription, or intoxicants to a person who is or appears on reasonable grounds to be intoxicated.

11. Obligation to prevent disturbances from alcohol consumption

The occupier of a residence or other premises must not allow any person to become intoxicated and cause violence or other disturbances in the residence or premises or in its immediate vicinity. The occupier shall also take reasonable steps to ensure the safety of any person who consumes alcohol, cannabis, drugs, prescription drugs without a valid prescription, or intoxicants at their residence or premises..

12. Transporting alcohol or cannabis on motorized vehicles

A person must not drive or have the care and control of a motorized vehicle, whether or not the vehicle is in motion, if there is alcohol or cannabis in the motor vehicle unless the alcohol or cannabis has not been opened or unsealed and it is stored in a trunk, behind the last seat in a vehicle with open trunk space, in an exterior carrier or in a storage area that is part of the motor vehicle where it cannot be accessed by persons in the motor vehicle.

13. Minors

A person must not give, sell, or otherwise supply alcohol, cannabis, or other drugs to a minor unless such cannabis or other drugs have been prescribed by a Doctor, Dentist or Nurse Practitioner for the minor or are available for purchase from a duly licensed vendor or pharmacy.

PART III Checkstop and Other Searches

14. Checkstop

Chief and Council may establish a checkstop on or adjacent to MCN Lands for MCN Safety Officers and RCMP to conduct inspections where there is reasonable concern about safety or potential violations under this Law. A record of each checkstop shall be kept..:

- a. Have proper licensing;
- b. Have possession of or transporting alcohol, cannabis, drugs, prescription drugs or intoxicants and are not doing so contrary to this Law or the regulations;
- c. Are not being inappropriately harboured on MCN Lands;
- d. Are not being exploited or the subject of human trafficking or gang activity;
- e. Are not in violation of any banishment order issued pursuant to MCN Laws, Band Council Resolutions or any court order issued by a court of competent jurisdiction; and
- f. Are not violating any other laws.

15. Search and refusal of Entry onto MCN Lands

All motorized vehicles, non-motorized vehicles, persons and any personal property in such vehicles or on such persons may be searched prior to entry onto MCN Lands where there is reasonable and probable cause to believe a violation of this Law is occurring. Any person refusing a search may be denied entry.

16. Confiscation illegal substances

Any illegal substance found during a search of a person or vehicle will be confiscated by the Safety Officer or RCMP.

17. Other authorized searches

If Chief and Council believes on reasonable and probable grounds that drug activity, gang activity, human trafficking, or harbouring is occurring on MCN Lands or adjacent to MCN Lands, Chief and Council may make any order it considers advisable to allow a safety officer or RCMP Officer to inspect the MCN Lands and any buildings on such lands.

18. Revocation of benefits or interests

Without limiting any order made by the Chief and Council under this section, the order may include temporary or permanent removal of the person and the person's family from the residence or any other building on MCN Lands, removal from MCN Lands, notification of the relevant child and family services authority if children are affected, and the suspension or termination of any community benefits or land interests held by the person. Any such removal or revocation must be proportionate to the harm or risk identified and shall comply

with Misipawistik Cree Nation's obligations under the Land Code, including the right to a fair hearing.

19. Reconsideration

Any person directly affected by an order under this section may, within seven (7) days of the order issued, apply to Chief and Council for reconsideration in accordance with Section 39 of MCN Land Code. The application must state the reasons for the request and include any supporting information the applicant wishes Council to consider

20. Onus

The onus is on the applicant seeking reconsideration to demonstrate that:

- a. The order was not necessary because no drug activity, gang activity, human trafficking or harbouring was occurring;
- b. The order was not based on reasonable and probable grounds; or
- c. The order was inappropriate based on the facts and circumstances known at the time it was issued.

21. Remedies

Upon reconsideration, Chief and Council may set aside, vary with or without conditions, or confirm the order in full. Any decision under this section shall be communicated in writing to the applicant within seven (7) days and must include a brief rationale for the outcome.

PART IV Eviction and Banishment

22. Authority to evict or banish

A person who:

- a. Poses a serious threat to the health, safety, or wellbeing of MCN or any person residing on or visiting MCN Lands;
- b. Has engaged in human trafficking, harbouring, or other conduct deemed criminal or harmful by the Nation; or
- c. Has repeatedly refused to comply with this law or any other MCN Laws,

may be evicted from any residence, building or other premises or banished from MCN Lands by order of Chief and Council, or any person or entity whom Chief and Council has delegated such authority by regulation.

23. Process to be followed

If Chief and Council approve an order of eviction or banishment pursuant to subsection (23) the Chief and Council shall issue a notice of the eviction or banishment order within two (2) business days which notice shall contain:

- a. The name of the person evicted or banished;
- b. A brief description of the basis for the eviction or banishment;
- c. Any other information Chief and Council considers relevant and appropriate in the circumstances.

and a copy of the notice of the eviction or banishment order shall be delivered to the housing department, RCMP and if possible, to the person named in the order, within three (3) business days of it being issued.

24. Eviction order hearings

Any person who receives a notice of an eviction order may request a hearing before the Chief and Council within seven (7) days from the date the notice is issued to present information about why the eviction order should be rescinded.

25. Banishment order hearings

Any person who is banished from MCN Lands may, as part of restorative justice, request a hearing before the Justice Committee, no earlier than five (5) years from the date of the banishment order or if the person has been sentenced to jail, no earlier than five (5) years from the date the person is released from jail, to request the banishment order be rescinded.

26. Submissions at hearing

The Chief and Council shall take into consideration any submissions made by or on behalf of the person who is the subject of an eviction or banishment order, Chief and Council, and any victims of the person and shall provide a recommendation to Chief and Council whether to rescind or confirm the order with or without conditions.

27. Decisions following the hearing

If a person could not be served with a copy of the order after reasonable attempts were made, does not appear at a hearing scheduled pursuant to this subsection or appears and makes submissions but the order is not rescinded, Chief and Council shall confirm the date the order is to take effect and the Chief and Council shall forthwith notify the RCMP and post the order on MCN Lands and the MCN website and social media pages.

28. Register

The Chief and Council shall establish and maintain a register of persons who have been evicted or banished in accordance with the regulations or any band council resolution issued prior to this law coming into effect.

29. Trespass

Any person who:

- a. Is the subject of a banishment order that has not been rescinded and enters upon MCN Lands;
- b. Is the subject of an eviction order that has not been rescinded and enters into the building or premises from which the person has been evicted;
- c. Does not have a valid residency or work permit to enter MCN Lands; or
- d. Where no permission has been granted by the Chief and Council and has failed to report to a member of the Chief and Council upon entry onto MCN Lands,

Shall be guilty of trespassing and may be removed by the Safety Officer or RCMP.

PART V Enforcement

30. Offences

Any person who violates the provisions of this Law is guilty of an offence and is subject to the penalties imposed by this Law or any other MCN Law, in addition to any other penalties imposed by Canada or Manitoba.

31. Penalty

Any person who is found to have violated this Law may be subject to a penalty determined by Chief and Council or their designate, which may include a fine not exceeding five thousand dollars (\$5,000.00), participation in a community accountability process, or removal from MCN Lands, depending on the nature and severity of the violation.

32. Community Service

A person who is sentenced under subsection (32) may in addition be required to perform community service as part of giving effect to the customary law principles of *Misipawistik isihtwawina*.

PART VI Coming into force

33. Effective date

This law comes into force on June 30th, 2025, following a duly convened ratification vote of the members of Misipawistik Cree Nation.

