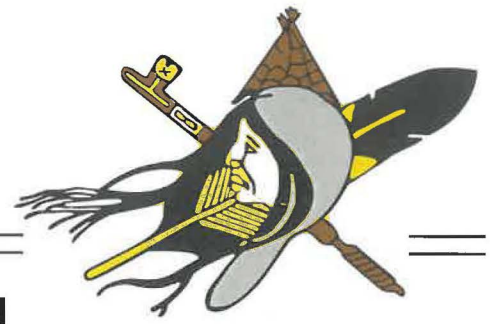


Poplar River First Nation

Poplar River, Manitoba
Box 90, Neginan R0B 0Z0

Phone (204) 244-2267
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BAND COUNCIL RESOLUTION

Bylaw No. 2025.01
Page 1 of 2

DO HEREBY RESOLVE:

WHEREAS the undersigned, being the duly elected Chief and Council for the Poplar River First Nation (the “Nation”) by way of election of Chief and Councillors (collectively known as “Council”), each of whom have one vote and are empowered to vote on and act upon each Band Council Resolution (“BCR”); and

WHEREAS quorum of Council is 4, and on December 2, 2025, Council met in quorum at a duly convened meeting to discuss the Community Protection Bylaw; and

WHEREAS the Nation has been consulted on the Community Protection Bylaw on by way of presentation on October 9, 2025, and by way of Nation band meeting November 6, 2025; and

WHEREAS Council has determined that the Nation must take direct action to address the crisis in the Nation with this Community Protection Bylaw to preserve the health and safety of the Nation and protect all people within the Nation.

AND WHEREAS section 81 of the *Indian Act*, R.S.B.C 1985, c.l-5 empower the Council to pass bylaws.

NOW THEREFORE BE IT RESOLVED THAT, Council:

1. Adopts the Poplar River First Nation Community Protection Bylaw attached to this BCR as Schedule “A”.
2. Directs the Nation’s administration to publish the Poplar River First Nation Community Protection Bylaw on the First Nations Gazette and to make a copy available at the Poplar River First Nation Administration office, commonly known as the Band Office, at the earliest possible date.

Quorum of the Council is 4.

Resolved at a meeting for the Poplar River First Nation Council duly convened on December 2, 2025.

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BAND COUNCIL RESOLUTION

Bylaw No. 2025.01
Page 2 of 2

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Chief Darcy Bruce

A blue ink signature of Councillor Darrell Bruce, written in a cursive style, positioned above a horizontal line.

Councillor Darrell Bruce

A blue ink signature of Councillor Norway Rabliauskas, written in a cursive style, positioned above a horizontal line.

Councillor Norway Rabliauskas

A blue ink signature of Councillor Deborah Favell, written in a cursive style, positioned above a horizontal line.

Councillor Deborah Favell

A blue ink signature of Councillor Guy Douglas, written in a cursive style, positioned above a horizontal line.

Councillor Guy Douglas

A blue ink signature of Councillor Kelly Hindmarch, written in a cursive style, positioned above a horizontal line.

Councillor Kelly Hindmarch

Schedule "A" Bylaw No. 2025.01

Poplar River First Nation
Community Protection Bylaw

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Poplar River Community Protection Bylaw

WHEREAS since time immemorial, Poplar River First Nation has had traditional laws and teaching regarding the protection of the community, including the traditional practice of banishment as a traditional remedy for dealing with individuals who pose a threat to the citizens, residents and community of Poplar River First Nation.

WHEREAS citizens of Poplar River First Nation have the right to safety in the community.

WHEREAS the Council of Poplar River First Nation has the authority and inherent right to govern its ancestral lands, reserves, government relationships and other band-owned entities.

WHEREAS the Council of Poplar River First Nation has an obligation to ensure the safety of its citizens and residents, and to ensure that the remote location of its reserve is managed in a way that maximizes the protection of its citizens and residents.

WHEREAS Poplar River First Nation is only accessible year-round by air and seasonally by winter road or lake water, therefore unique measures for the protection and safety of its citizens and residents are required.

WHEREAS the Council of Poplar River First Nation are in the best position to evaluate the safety and health of its citizens and residents on its reserve and can fulfil their obligation to ensure that observation of law and order.

WHEREAS Poplar River First Nation recognizes the need for this community protection bylaw, as evidenced by the Band Council Resolution passed December 2, 2025, for the purpose of enforcing the contents of this bylaw.

WHEREAS this bylaw balances the rights of the individual guaranteed under the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act* with the safety of the citizens of Poplar River First Nation and its residents.

AND WHEREAS subsection 81(a)(c)(d) (p.1)(q) and (r) of the *Indian Act*, R.S.B.C 1985, c.I-5 empower the Council to pass bylaws to provide for the safety of citizens and residents on reserve, the observance of law and order, the prevention of disorderly conduct and nuisances, the removal and punishment of persons trespassing on reserve or frequenting the reserve for any prohibited purpose, in addition to matters arising out of or in addition to the exercise of powers under this section and the imposition of a penalty for the violation of any such bylaw.

THEREFORE, The Council of Poplar River First Nation approves and enacts the following bylaw:

PART 1: NAME

- 1.1 The Bylaw may be cited as the *Poplar River First Nation Community Protection Bylaw* or the *Community Protection Bylaw*.

PART 2: DEFINITIONS

- 2.1 For the purposes of this bylaw, the following definitions apply:

“Appeals Tribunal” mean the Appeals Tribunal appointed by Council pursuant to Part 12 of this bylaw to consider an appeal of a Removal Order.

“BCR” means a Band Council Resolution, which is the written decision made by quorum of the Council at the duly convened meeting of Council.

“Band” means the lands, members, and community of Poplar River First Nation that is referred to by Canada and established by the *Indian Act*, R.S.B.C 1985, c.l-5, same meaning as “Poplar River First Nation”.

“CMHC housing” means the Canada Mortgage and Housing Corporation on-reserve non-profit houses.

“Court” means any federal or provincial court of competent jurisdiction.

“Council” mean the Chief and Council of Poplar River First Nation that is duly elected in accordance with the Poplar River First Nation election law.

“Criminal Code” means the *Criminal Code of Canada*, R.S.C. 1985, c. C-46, as amended or replaced from time to time.

“Enforcement Officer” means any RCMP, police officer, police constable, peace officer, First Nation Safety Offices, bylaw enforcement officer or any other person charged with the duty to preserve and maintain the peace and appointed by Council for the purposes of maintaining law and order.

“Extenuating circumstance” is a situation that provides an excuse for an action or inaction, such as a death of a family member or medical emergency, that could not reasonably be predicted to occur in normal circumstance.

“First Nation Safety Officer” means a person appointed by Poplar River First Nation who is authorized to enforce this Bylaw.

“Housing Policy” means the *Poplar River First Nation Housing Policy*.

“Immediate Family” means a mother, father, spouse, sibling, child and any other relative residing in the same residence.

“Indictable Offence” includes hybrid offense that proceed by way of summary conviction.

“Intoxicant Bylaw” means the *Poplar River First Nation Intoxicant Bylaw*.

“Intoxicant” includes substance, liquids or vapors which, when consumed, inhaled or injected, can result in an altered state of mind, intoxication, or altered behaviour which may impact the capacity to recognize reality or meet the ordinary demands of life, and without restricting the foregoing, includes:

- substances as defined under the *Controlled Drugs and Substance Act*, SC 1996, c 19.
- substances regulated, controlled or restricted by the Province of Manitoba.

For greater clarity, intoxicants do not include caffeine, nicotine or any prescription drugs regulated by the Federal Government of Canada under the *Food and Drug Act*, RCS 1985, c F-27. However, prescriptions drugs are only legal when prescribed by a registered healthcare professional with the legal authority to issue prescriptions. It is illegal to possess such drugs without a valid prescription or to have the same prescription issued by multiple pharmacies under false pretense. Selling prescription drugs without the authority to do so is a criminal offence, anyone caught selling prescription drugs without the authority to do will be reported to the RCMP. It is not the intent of Poplar Rivier First Nation to legislate or interfere with criminal law or the administration of justice in Manitoba.

“Justice Committee” means the committee of no more than 5 members appointed by Council to administer this Bylaw.

“Justice Manager” means the person appointed by Council to administer this Bylaw.

“Land” means the lands that are under the control of Poplar River First Nation for the benefit of Poplar River First Nation citizens, within the meaning the *Indian Act*, R.S.B.C 1985, c.l-5; the same definition as “reserve”.

“Member” refers to individuals who appear on the Poplar River First Nation membership list.

“Person of Interest” means a person identified by Council as a Person of Interest under PART 6 of this Bylaw.

“Poplar River First Nation” means the lands, members, and community that is referred to by Canada and established by the *Indian Act*, R.S.B.C 1985, c.l-5, same as meaning as “band”.

“Removal Order” means a decision made by Council under this Bylaw to prohibit a person from residing or being on Reserve.

“Reserve” means the lands that are under the control of Poplar River First Nation for the benefit of Poplar River First Nation citizens, within the meaning the *Indian Act*, R.S.B.C 1985, c.l-5; the same definition as “land”.

“Resident” means a person who is living on Poplar River First Nation reserve, regardless of membership status to Poplar River First Nation, and either:

- (a) lives in or is listed in a rental agreement as an occupant of a Poplar River First Nation home under the *Housing Policy*;
- (b) lives in or is listed in a rental agreement as an occupant of CMHC housing;
- (c) lives in a privately owned home or dwelling on the reserve; or
- (d) otherwise has the written permission of Council to reside on the Reserve.

2.2 Unless the context clearly indicates otherwise, words used in the singular include the plural, the plural includes the singular, and the gender neutral includes all gender identities.

PART 3: PUBLICATION OF BYLAW

3.1 Upon coming into force or any amendments of this Bylaw, Council shall:

- (a) cause the Bylaw to be published in the First Nation Gazette; and
- (b) post the Bylaw on the public notice board in the Poplar River Band office, including the date this Bylaw came into force and a summary of this Bylaw, Appendix A; and
- (c) if applicable, cause the Bylaw to be published on the Poplar River First Nation app.

PART 4: APPLICATION OF BYLAW

4.1 This Bylaw applies on all reserve land.

4.2 This Bylaw applies to all individuals on reserve land.

PART 5: COMPLIANCE WITH OTHER LAWS

5.1 Where any applicable federal or provincial laws, act, regulation, or other Poplar River First Nation bylaw applies to any matter covered in this Bylaw, compliance with this Bylaw will not relieve the person from complying with the provisions of any other applicable law, act, regulation or bylaw.

PART 6: IDENTIFYING A PERSON OF INTEREST

Individuals over the age of 18:

6.1 If Council believes the presence of an individual on the reserve may pose a threat to the observance of law and order on the reserve, Council may declare the individual to be a Person of Interest by BCR and issue a Request Meet with Council, and the meeting must occur within 14 days of the individual being declared a Person of Interest.

6.1.1 Service of the request to meet with a Person of Interest will be issues by providing a copy of the BCR to the Person of Interest along with a 'Request to Meet with Council' form, Appendix B, containing the proposed time, date and location of the meeting, the documents will be delivered to the individual within 72 hours of the BCR being issued.

6.1.1.1 If the individual cannot be located, or refuses to accept the service then the documents shall be send by email (if applicable), Facebook messenger to the individuals last known account (if applicable), posted to the community Facebook page(s), left at the last known address of the individual and posted to public notice board in the Poplar River band office.

6.1.2 Should the Person of Interest request change the proposed meeting time, they must do so in writing and submit it to the Justice Manager 72 hours prior to the original proposed meeting. The proposal to change the meeting time must include details of why they cannot attend the original meeting, only extenuating circumstances will be considered.

6.1.3 If the Person of Interest proposes a new meeting time as outlined in section 6.1.2, the Justice Manager will have 48 hours to respond in writing accepting the proposed new meeting time, or they may propose a different meeting time.

6.2 The Request to Meet with Council form shall include the reasons that Council have identified the individual to be a Person of Interest.

6.3 If the Person of Interest fails to comply with the Request to Meet with Council form, then Council may take any steps necessary to ensure the safety of the residents on the reserve, without further notice to the Person of Interest, including banishment from the Poplar River First Nation.

Individuals under the age of 18:

6.4 If Council believes the presence of an individual under the age of 18 ('minor') on the reserve may pose a threat to the observance of law and order on the reserve, Council may declare

the minor to be a Person of Interest by BCR and issue a Request Meet with Council, and the meeting must occur within 14 days of the minor being declared a Person of Interest.

6.4.1 Service of the request to meet with a Person of Interest will be issues by providing a copy of the BCR along with a 'Request to Meet with Council' to form, Appendix B, to the minor Person of Interest and their legal guardian, containing the proposed time, date and location of the meeting, the documents will be delivered to the individual within 72 hours of the BCR being issued.

6.4.1.1. If the minor Person of Interest cannot be located, or refuses to accept service, then the documents shall be send by email (if applicable), Facebook messenger to the individuals last known account (if applicable), posted to the community Facebook page(s), left at the last known address of the minor and posted to public notice board in the Poplar River band office.

6.4.1.2. If the legal guardian of the minor Person of Interest cannot be located, or refuses to accept service, then the documents shall be send by email (if applicable), Facebook messenger to the individuals last known account (if applicable), posted to the community Facebook page(s), left at the last known address of the minor and posted to public notice board in the Poplar River band office.

6.4.2 Should the minor Person of Interest or their legal guardian request change the proposed meeting time, then they must do so in writing and submit the request to the Justice Manager 72 hours prior to the original proposed meeting. The proposal to change the meeting time must include details of why they cannot attend the original meeting, only extenuating circumstances will be considered.

6.4.3 If the minor Person of Interest or their legal guardian proposes a new meeting time as outlined in section 6.4.2, the Justice Manager will have 48 hours to respond in writing accepting the proposed new meeting time, or they may propose a different meeting time.

6.5 The Request to Meet with Council form shall include the reasons that Council have identified the minor to be a Person of Interest.

6.6 If the minor Person of Interest or their legal guardian fails to comply with the Request to Meet with Council form, then Council may take any steps necessary to ensure the safety of the residents on the reserve, without further notice to the minor Person of Interest, or to their legal guardian, including banishment from the Poplar River First Nation.

PART 7: MEETING WITH A PERSON OF INTEREST

Individuals over the age of 18:

7.1 At the meeting, the Council will give the Person of Interest, or their representative, the opportunity to respond.

7.2 Council shall consider the following when determining whether to impose any sanctions, prohibitions, conditions, or to determine that the individual is no longer a Person of Interest:

- (a) the oral and written submissions made by the Person of Interest, or their representative, at the meeting under section 7.1;
 - (i) any and all written submission the Person of Interest, or their representative intends to rely on must be provided the Justice Manager in writing 48 hours prior to the meeting, who will distribute the materials to all Council members.
- (b) whether the Person of Interest behavior poses any threat to the peace or safety of the residents of Poplar River First Nation or to the Council's ability to ensure the observation of law and order on the reserve;
- (c) whether the behavior is occurring on the reserve;
- (d) whether the Person of Interest has any outstanding warrants for their arrest in any jurisdiction;
- (e) whether the Person of Interest is facing charges under the *Criminal Code*;
- (f) whether the Person of Interest has been convicted under the *Criminal Code*;
- (g) whether the Person of Interest has failed to comply with previous orders issued by Council, under this Bylaw or any other Poplar River First Nation bylaw;
- (h) the Person of Interest's compatibility within the culture and community of Poplar River First Nation;
- (i) the Person of Interest's intention to engage and complete rehabilitative programming, such as counselling or addictions treatment (residential or out-patient);
- (j) the Person of Interest's employment status, including whether the individual is or was or will be employed on the reserve;
- (k) whether the Person of Interest may present a danger to the health or safety of the citizens of Poplar River First Nation and the residents on reserve; and

(l) the impact the sanctions placed on the Person of Interest's family.

7.3 Council may enact rules of procedures for meetings under this Bylaw.

Individuals under the age of 18:

7.5 At the meeting, the Council will give the minor Person of Interest, or their representative, and their legal guardian, or the legal guardian's representative, the opportunity to respond.

7.5.1 A minor Person of Interest and their legal guardian may each have their own representative; however, they may not use the same representative.

7.5.2 Should the minor Person of Interest's legal guardian fail to attend the meeting, then the legal guardian may be declared a Person of Interest due to child neglect.

7.6 Council shall consider the following when determining whether to impose any sanctions, prohibitions, conditions, or to determine that the minor is no longer a Person of Interest:

(a) the oral and written submissions made by the minor Person of Interest, or their representative, at the meeting under section 7.1;

(i) any and all written submission the minor Person of Interest, or their representative intends to rely on must be provided the Justice Manager in writing 48 hours prior to the meeting, who will distribute the materials to all Council members.

(b) the oral and written submissions made by the minor's legal guardian, or their representative, at the meeting under section 6.1;

(i) any and all written submission the minor's legal guardian, or their representative intends to rely on must be provided the Justice Manager in writing 48 hours prior to the meeting, who will distribute the materials to all Council members.

(c) whether the minor Person of Interest behavior poses any threat to the peace or safety of the residents of Poplar River First Nation or to the Council's ability to ensure the observation of law and order on the reserve;

(d) whether the behavior is occurring on the reserve;

(e) whether the behavior is occurring at school or on the school bus;

(f) whether the minor Person of Interest has any outstanding warrants for their arrest in any jurisdiction;

(g) whether the minor Person of Interest is facing charges under the *Youth Criminal Justice Act* or the *Criminal Code*;

(h) whether the minor Person of Interest has been convicted under the *Youth Criminal Justice Act* or the *Criminal Code*;

(i) whether minor the Person of Interest has failed to comply with previous orders issued by Council, under this Bylaw or any other Poplar River First Nation bylaw.

(j) the minor Person of Interest's compatibility within the culture and community of Poplar River First Nation;

(k) the minor Person of Interest's intention to engage and complete rehabilitative programming, such as counselling or addictions treatment (residential or out-patient);

(l) the minor Person of Interest's employment status, including whether the individual is or was or will be employed on the reserve;

(m) whether the minor Person of Interest is enrolled in school and attending regularly;

(n) whether the minor Person of Interest may present a danger to the health or safety of the citizens of Poplar River First Nation and the residents on reserve; and

(o) the impact the sanctions placed on the minor Person of Interest's family.

7.7 Council may enact rules of procedures for meetings under this Bylaw.

PART 8: SANCTIONS IMPOSED ON A PERSON OF INTEREST

8.1 After meeting with the Person of Interest, regardless of age, Council may take any action they determine is in the best interest of Poplar River First Nation, its citizens and residents, including but not limited to:

(a) instructing Enforcement Officers to conduct further investigations, including searching the Person of Interest's place of residence, place of business, vehicles and personal property;

(b) enlisting the services of trained dog to confirm the presence of intoxicants or illegal substances;

(c) requesting the Person of Interest to complete a hair follicle, nail follicle or urine sample drug test;

(d) attempting to resolve the issue by declaration, agreement or informal action;

(e) if the Person of Interest is a minor, requesting the minor Person of Interest to complete community service as directed by the Justice Manager;

(f) if the Person of Interest is a minor, then conditions can be placed on their legal guardian, including, but not limited to, requesting the legal guardian to complete parenting classes, hair follicle, nail follicle or urine sample drug test, or any other conditions the Council determines to be in the best interest of Poplar River First Nation;

(g) issuing a Removal Order under PART 9;

(h) removing the individual as a Person of Interest;

(i) any other action the Council determines to be in the best interest of Poplar River First Nation.

8.2 All decisions to order a sanction, prohibition or condition under this Part shall be issued by a BCR, which will include reasons, detailed description of any sanction, prohibition or condition and the length of time it is in effect.

PART 9: REMOVAL ORDER

9.1 Council may make a Removal Order, to remove a Person of Interest from the reserve, or to prohibit the Person of Interest, regardless of age, from entering the reserve, if the Council is reasonably satisfied that:

(a) the Person of Interest is a threat to the health, safety or well-being of Poplar River First Nation members or residents; and

(b) there is no other less restrictive means available to protect the members and residents from the risks of harms from the Person of Interest.

9.2 Council may impose a Removal Order on a citizen for a defined period of time not greater than 24 months, or a non-Band member for a defined period of time, including permanently.

9.3 For greater certainty, Council may renew a Removal Order made pursuant to section 9.2 after the immediate expiration of the initial Removal Order on a yearly basis by following the procedures set out in PART 6 and PART 7.

9.4 A Removal Order must contain:

(a) the name, alias, and date of birth of the Person of Interest subject to the Removal Order;

- (b) a description of the steps Council took in reaching the decision to remove the Person of Interest;
- (c) a description of the activities which led to the issuance of the Removal Order;
- (d) notice that the Removal Order will be posted publicly;
- (e) the time and date upon which the Removal Order is in effect;
- (f) a provision requiring the Person of Interest to vacate the Reserve on or before a date specified in the Removal Order;
- (g) the consequences of failing to comply with the Removal Order;
- (h) if the Person of Interest is party to a tenancy agreement or lease with Poplar River First Nation or CMHC housing the Removal Order immediately terminates the agreement or lease as outlined in the *Housing Policy*;
- (i) any conditions attached to the return of the Person of Interest to the reserve at the expiration of the Removal Order;
- (j) if applicable, a provision fixing the date on which the Removal Order ceases to be in effect; and
- (k) how to appeal the Removal Order.

9.5 Council shall serve the Removal Order on the Person of Interest within 7 days of the decision in accordance with the requirements of section 6.1.1. If the Person of Interest is a minor, then the minor Person of Interest and their legal guardian must be served in accordance with section 6.4.1.

9.6 A copy of the Removal Order will be posted on the public notice board in the Poplar River band office and sent to the Poplar River RCMP local detachment office.

PART 10: EMERGENCY REMOVAL ORDER

10.1 Despite PART 6 and 7, if the Council believes that the presence of an individual on the Reserve, regardless of age or membership status, poses an immediate threat to the observance of law and order on the Reserve, or to the health and safety of its residents, Council may, by BCR, issue an emergency Removal Order and declare the individual as a Person of Interest, in accordance with the requirements under PART 9 without meeting with the individual.

10.2 In addition to the contents of the Removal Order set out in section 9.4, an emergency Removal Order must contain:

(a) particulars of the alleged conduct giving rise to the emergency Removal Order in sufficient detail that the Person of Interest is able to understand the basis for the emergency Removal Order; and

(b) how to dispute the allegations in the emergency Removal Order; and

(c) in respect of a member, the emergency Removal Order must contain:

(i) 'Request to Meet with Council' form, Appendix B; and

(ii) the consequences of failing to meet with Council as required under the emergency Removal Order.

10.3 The Person of Interest subject to an emergency Removal Order shall have the reasonable opportunity to respond to the allegations set out in the emergency Removal Order issued under section 10.1 at the meeting Council held pursuant to such emergency Removal Order.

10.4 If the Person of Interest is unable to meet with the Council at the time specified in the emergency Removal Order under section 10.2(c), the Person of Interest shall follow the procedure set out in section 6.1.2 or, if the Person of Interest is a minor, section 6.4.2.

10.5 The Person of Interest, or their legal representative, will have a reasonable opportunity to respond to the allegations set out in the emergency Removal Order issued under section 10.1 at the meeting with the Council.

10.5.1 If the Person of Interest is a minor, then their legal guardian, or the legal guardian's representative, will also have a reasonable opportunity to respond.

10.6 If the Person of Interest fails to meet with the Council as required under section 10.2, the Council may make any decision under section 10.7 without further notice to the Person of Interest.

10.7 Within 7 days of a meeting held pursuant to section 10.3, the Council shall provide a written decision:

(a) confirming the emergency Removal Order issued under this Part;

(b) issuing alternative sanctions under section 8.1; or

(c) cancelling the emergency Removal Order and removing the individual as a Person of Interest.

10.8 The Council shall serve the emergency Removal Order on the Person of Interest within 7 days of the decision in accordance with the requirements of section 6.1.1. If the Person of

Interest is a minor, then the Person of Interest and their legal guardian must be served in accordance with section 6.4.1.

10.9 A copy of the emergency Removal Order will be posted on the public notice board in the Poplar River band office and sent to the Poplar River RCMP local detachment office.

PART 11: APPEALING SANCTIONS

11.1 Any Person of Interest subject to sanction, prohibition or condition ordered under PART 8 or PART 10 who disagrees with the decision outlined in the BRC or requests that existing BCR be amended or terminated may apply to the Appeal Tribunal to hold a hearing.

11.1.1 If the Person of Interest is a minor, then either the Person of Interest or their legal guardian may apply to have the BCR amended or terminated.

11.2 Within 30 days of being served, with day 1 commencing on the day service is completed, a Person of Interest may apply to dispute the decision by completing an 'Appeal Application', Appendix C.

11.2.1 The Justice Committee may extend the time for completing the Appeal Application if the Justice Committee is satisfied that the extension is in the best interests of justice or due to an extenuating circumstance.

11.3 Upon receipt of the Appeal Application, the Justice Manager shall review the Appeal Application for completeness, notify the Person of Interest at the email address provided in the Appeal Application of any deficiencies and set a reasonable timeframe for the Person of Interest to correct such deficiencies.

11.3.1 If the Person of Interest is a minor, then the Person of Interest and their legal guardian will be notified in writing to the email address provided in the Appeal Application. The individual who submitted the application will be required to correct any deficiencies.

11.4 If the Person of Interest, or if applicable their legal guardian, does not correct the Appeal Application with the timeframe provided under section 11.3, then the appeal shall be deemed to be withdrawn.

11.5 If an Appeal Application is received within the 30-day period, or is granted an extension, then an Appeal Tribunal will be appointed by the Justice Committee to hold the hearing as soon as reasonably practicable.

11.6 At least seven (7) days prior to the hearing, the Appeal Tribunal will:

(a) Give written notice by way of service to the Person of Interest, and, if the Person of Interest is a minor, their legal guardian, informing them of the date, time and place of the hearing informing them that they have the right to appear by telephone, video call or, if the Person of Interest is not subject of a Removal Order, in person, and to present submissions in writing or orally.

(b) Give written notice by way of service to the Council of the date, time and place of the hearing, informing them that they have a right to appear and to present submissions in writing or in person; and

(c) post a copy of the 'Notice of Appeal Hearing' on the public notice board in the Poplar River Band office.

11.7 If the Person of Interest is incarcerated, notice pursuant to section 11.6(a) will be sufficient if it is sent to the Person of Interest's attention at the correctional facility they are located at.

11.8 At the hearing, the Appeal Tribunal shall:

(a) review the BCR and any recordings or notes of the meeting between the Justice Manager, the Council, and the Person of Interest, any written record associated with that meeting, including minutes, transcripts and any written submissions;

(b) provide all parties with an opportunity to respond and to make submissions, both orally and written;

(i) all written submissions will be provided to all parties 72 hours in advance of the hearing.

(c) ask any questions to the Justice Manager, the Council and the Person of Interest, and, if the Person of Interest is a minor, their legal guardian;

(d) summon and examine witnesses, as required; and

(e) waive or extend any time periods set out in these appeal procedures, as necessary.

11.9 The Appeal Tribunal may receive and accept any evidence, including oral history, and other information, whether on oath or by affidavit or otherwise, that it sees fit, whether or not that evidence or information is or would be admissible in a court of law, unless it would be inadmissible in a court by reason of any privilege under the law of evidence.

11.10 The parties to an appeal shall bear the burden of contacting their witnesses and arranging for them to attend the hearing, including costs associated with their witness attending the appeal hearing.

11.11 At a minimum, all hearings before the Appeal Tribunal shall comply with the rules of procedural fairness and the principles of natural justice and shall provide each party with the opportunity to make oral or written submissions and to know and respond to the case against them.

11.12 After the hearing, the Appeal Tribunal shall deliberate in closed session and shall reach a decision on the appeal.

11.13 If the Appeal Tribunal cannot reach a consensus decision, the appeal shall be decided by a majority vote of the Appeal Tribunal.

11.14 Within 14 days of the hearing, the Appeal Tribunal shall provide a written decision with reasons:

- (a) declaring the BCR, in whole or in part, and, if applicable, Removal Order invalid; or
- (b) confirming the BCR and, if applicable, Removal Order valid and dismissing the appeal application.

11.15 The Appeal Tribunal will forward the decision to Chief and Council.

11.16 In making their decision, the Appeal Tribunal can interpret this Bylaw.

11.17 The Appeal Tribunal has sole jurisdiction to try, determine and adjudge appeals with respect to decisions under this Bylaw. A decision of the Appeal Tribunal shall be final and not subject to appeal or judicial review. A Person of Interest shall not reapply to the Appeals Tribunal for a period of one year from the date of the decision, unless:

- (a) the Justice Committee grants special permission due to a material change in Person of Interest's circumstances; or
- (b) the Council offers the Person of Interest a new hearing.

11.18 If a Person of Interest fails to appear before the Appeal Tribunal at the hearing on the date set out in the Notice of Hearing:

- (a) Council's decision is deemed not to be disputed;
- (b) the Appeal Tribunal shall not try, determine or adjudge the appeal; and
- (c) Council's decision stands and any related orders must be immediately complied with.

11.19 If a Person of Interest that does not appear under section 11.18 still wishes to dispute the Council's decision, the Person of Interest may apply to the Justice Committee and, on

being satisfied with the matters in section 11.20, the Justice Committee may allow the appeal to proceed and issue a new Notice of Hearing.

11.20 Before making an order under section 11.19 allowing an appeal to proceed, the Justice Committee must be satisfied that:

- (a) through no fault of the Person of Interest, the Person of Interest was not able to attend the hearing;
- (b) the Person of Interest has a genuine intention to dispute Council's decision;
- (c) no undue prejudice will result from allowing the appeal to proceed;
- (d) the Person of Interest has an arguable defense; and
- (e) it is in the interests of justice to allow the appeal to proceed.

PART 12: APPEALS TRIBUNAL

12.1 Regardless of the age of the Person of Interest, the Justice Committee shall appoint the Appeal Tribunal, which shall be composed of three individuals and shall include the following:

- (a) one Elder;
- (b) one member who is a community program director; and
- (c) one member who has attained the age of 18 years.

12.3 The Justice Committee may appoint the Appeal Tribunal on an as-needed basis and dissolve the Appeal Tribunal when the appeal has been completed.

12.4 If any individual is prevented from sitting on the Appeal Tribunal due to a conflict of interest, that individual shall recuse themselves from the Appeal Tribunal. The Justice Committee shall replace the recused individual with an alternate, who shall be appointed in accordance with section 12.1.

PART 13: EFFECTIVE TIME OF REMOVAL ORDER

13.1 Notwithstanding section 24.1, where a Removal Order has been issued under this Bylaw, the Person of Interest subject to the Removal Order shall leave the Reserve by the time and date upon which the Removal Order is effective, which shall not be in less than 24 hours.

13.2 Once a Removal Order comes into effect, it is in force until it expires according to its terms or is cancelled pursuant to section 11.14.

PART 14: PERSONAL PROPERTY OF A REMOVED PERSON OF INTEREST

14.1 The Person of Interest subject to the Removal Order shall remove their personal property from the Reserve by the time and date upon which the Removal Order is effective pursuant to section 9.4(e).

14.2 If the Person of Interest subject to a Removal Order leaves personal property on Reserve, the Person of Interest may submit the “Return of Person Items” form, Appendix D, to the Council in writing within 14 days after the Removal Order takes effect and:

(a) provide a detailed list of personal property and arrange to have the personal property delivered to an agreed-upon location off-Reserve, at the expense of the Person of Interest; or

(b) at the sole discretion of the Council, arrange for re-entry onto Reserve in the presence of an Enforcement Officer for a specified period of time to gather and remove the personal property, at the expense of the Person of Interest.

14.3 The Council may dispose of the personal property at their discretion after 45 days from the Removal Order taking effect. Prior to disposing any personal property, the Council shall notify the Person of Interest in writing to the information provided by the Person of Interest 14-days prior to disposing the items, if no information is provided, then no notice will be given.

PART 15: VISITS

15.1 A Person of Interest subject to a Removal Order may apply to the Justice Manager for permission to visit Poplar River First Nation for the purposes of funerals, wakes, ceremonies, traditional activities and other special occasions.

15.2 A Person of Interest subject to a Removal Order making an application under section 15.1 shall submit a “Request to visit Poplar River First Nation” form, Appendix E.

15.3 Upon receiving an application under section 15.1, the Justice Manager shall gather information relevant to the application including, but not limited to:

(a) input from any individuals harmed by the actions which led to the Removal Order;

(b) input from law enforcement agencies including the RCMP; and

(c) if the Person of Interest is under the age of 18, input from any child and family services agencies.

15.4 The Justice Manager shall meet with the Council to consider and determine applications under this Part as soon as possible, and in advance of the proposed visitation

dates provided that the Person of Interest subject to a Removal Order has given reasonable notice in advance of the proposed visit.

15.5 The Justice Manager and Council may consider and determine applications pursuant to section 15.1 on the basis of the written application and are not required to hold a hearing.

15.6 The Council shall make a final decision under this Part by BCR, and despite Part 11, it is not subject to appeal.

PART 16: PERSONS NOT AFFECTED

16.1 No Removal Order shall impact upon the ability of the spouse or common law partner or children of a Person of Interest subject to a Removal Order to continue to reside on Reserve or visit the Reserve.

PART 17: CANCELLATION OF REMOVAL ORDER

17.1 After the 30-day appeal period has passed, Council shall cancel a Removal Order if it is satisfied that the circumstances described in Part 6, Part 9 or Part 10 no longer exist and that the health and safety of the community or any residents, or the observance of law and order, would not be compromised by cancelling the Removal Order.

17.2 A Person of Interest subject to a Removal Order or other sanction under Part 8 may apply to the Justice Manager for cancellation or modification of the Removal Order or sanction by filing a “Cancellation or Modification Request” form, Appendix F, if they can provide reasonable evidence that the circumstances for which the Removal Order or sanction was issued have changed.

17.3 Upon receiving a “Cancellation or Modification Request” form to cancel a Removal Order under section 17.2, the Justice Manager or Council shall gather information relevant to the application including, but not limited to

- (a) input from any individuals harmed by the actions which led to the Removal Order;
- (b) input from law enforcement agencies, including the RCMP; and
- (c) if the Person of Interest is a minor, input from child and family services agencies

and shall provide the application and information gathered to Council.

17.4 As soon as reasonably practicable from receiving a “Cancellation or Modification Request” form under section 17.2, Council shall:

- (a) consider the application at a duly convened Council meeting;

(b) provide the Person of Interest with an opportunity to provide written or oral submissions or by telephone or video appearance; and

(c) by BCR, either:

(i) approve the application;

(ii) modify the Removal Order or sanction at issue; or

(iii) reject the application.

17.5 Council shall provide written reasons for its decision under section 17.4.

17.6 Council shall serve the decision under section 16.4 on the Person of Interest within 14 days from reaching the decision, by way email address indicated on the “Cancellation or Modification Request” form.

17.7 A Person of Interest under this Part whose “Cancellation or Modification Request” form has been rejected by Council is prohibited from making a further application under this Part for six months after the reasons for rejection have been provided.

17.8 Council shall hold meetings under section 17.3 (a) in camera.

17.9 Council may seek community input to assist them in reaching a decision under sections 17.1 and 17.4.

PART 18: NO LIABILITY FOR DECISIONS MADE IN GOOD FAITH

18.1 Poplar River First Nation, including Chief and Council, or any person acting on authority of, or under the direction of Council, is not liable for any damages arising from an action taken pursuant to this Bylaw, including issuing and enforcing a Removal Order, provided that the action was made in good faith.

PART 19: ENFORCEMENT

19.1 Council may, by BCR, designate a person as an Enforcement Officer.

19.2 This Bylaw is enforceable by any Enforcement Officer.

19.3 An Enforcement Officer may stop a person and search a person or vehicle, or enter a vehicle or enter a building to monitor or confirm compliance with a provision of any of the Poplar River First Nation bylaws or BCR, without limitation, to determine whether:

(a) an individual is allowed to enter or be on Reserve, including by requesting confirmation that the individual is a member or resident;

(i) non-residents, including members who are living off reserve, will be required to sign-in by providing a copy of their current photo identification.

(1) If an individual cannot provide a copy of their current photo identification, then two members who are residents on reserve will be required to be the individual's guarantors. The two members who are residents on reserve acting as guarantors must be in good standing with the reserve. If an individual is unable to produce two guarantors, then they will be removed from the reserve.

(b) an individual is frequenting the Reserve for a Prohibited Purpose; or

(c) an individual is a Person of Interest subject of a Removal Order by Council under Part 9 or Part 10.

19.4 Before searching an individual or entering a vehicle or building to conduct an inspection in accordance with section 19.3, an Enforcement Officer must take reasonable steps to notify the individual, the owner or occupier of the vehicle or building and to obtain their consent, except that an Enforcement Officer may conduct an inspection without providing notice if:

(a) providing notice would not be reasonably possible or practical in the circumstances; or

(b) providing notice would frustrate the purposes of the inspection.

19.5 An Enforcement Officer may order an individual to do or not do anything that the Enforcement Officer reasonably believes is necessary to:

(a) determine whether an individual is carrying out a Prohibited Purpose; and

(b) stop Prohibited Purposes from being carried out or continuing Reserve.

19.6 Without limiting the generality of section 19.3, an Enforcement Officer may:

(a) order a Person of Interest not to enter or to immediately leave the Reserve; or

(b) order a gathering of people to disperse immediately and, where the gathering is in a home or building on Reserve, order any individual who is not a Resident of that home or building to leave the premises immediately.

19.7 Where a Person of Interest who is subject to a Removal Order fails or refuses to do so, an Enforcement Officer may take such reasonable measures as may be necessary to remove the Person of Interest from the Reserve.

19.8 Where an individual who has received an order from an Enforcement Officer fails or refuses to comply with an order, an Enforcement Officer may take such reasonable measures as are necessary to ensure that order.

19.9 An individual who fails or refuses to comply with an order made under this Bylaw or who resists or interferes with an Enforcement Officer action under this Bylaw commits an offence.

19.10 Where, under Section 81(1)(r) of the *Indian Act*, is contravened and a conviction entered, a court of competent jurisdiction may make an order prohibiting the continuation or repetition of the offence by the person convicted.

19.11 Where, under section 81(3) of the *Indian Act*, is contravened, such contravention may be restrained by court action to prevent the continuation of disorderly conduct or restriction or prohibition of the Person of Interest with Poplar River First Nation.

PART 20: PENALTY

20.1 Any individual who fails or refuses to comply with this Bylaw, or who assists an individual who is contravening this Bylaw, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to a term not exceeding thirty (30) days, or both, per offence.

20.2 An individual who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to a term not exceeding thirty (30) days, or both, per offence.

20.3 In addition to all other penalties provided herein, any individual causing damage or loss to any property as a result of an offence under this Bylaw will be responsible for the cost of repairing or replacing such damage or loss.

20.4 Council reserves the right to revisit this issue and amend the Bylaw at a regularly convened Council meeting.

PART 21: JUDICIAL REVIEW

21.1 On any application for judicial review in respect of a BCR made under this Bylaw, the Court shall take notice of the specialized knowledge and expertise of the members of the Appeals Tribunal and Council with respect to the history, culture and values of Poplar River First Nation, as well as the best interests of the community, its members and residents.

PART 22: NOTICE

22.1 An individual has notice not to trespass or engage in a specific activity when they have been given notice by Council or an Enforcement Officer.

22.2 Any individual entering the Reserve is presumed to have received notice of this Bylaw.

22.3 Notice of this Part may be given:

- (a) orally;
- (b) in writing;
- (c) through a BCR;
- (d) by means of posting this Bylaw in a public area in the Band office; or
- (e) by means of signs posted so that the sign is clearly visible in the daylight under normal conditions from the approach of an ordinary point of access to the Reserve or to a specific location on the Reserve.

22.4 A sign naming an activity in English or showing a graphic representation of an activity with an oblique line drawn through the representation is sufficient for the purpose of giving notice that the activity is prohibited.

22.5 Any notice which is required to be provided to Poplar River First Nation under this bylaw will be in writing and will be considered to have been given if delivered by hand or mailed by prepaid registered post in Canada, to the following address:

Justice Manager
C/O Chief and Council, Poplar River First Nation
PO BOX 90
Negginan, Manitoba, R0B 0Z0

PART 23: SEVERABILITY

23.1 Should a Court determine that a provision of this Bylaw is invalid for any reason, the provision shall be severed from the Bylaw and the validity of the rest of the Bylaw shall not be affected.

PART 24: CONFLICT OF TERMS

24.1 If there is any inconsistency between this Bylaw and any other agreement, law, bylaw or policy, the terms of this Bylaw will prevail.

PART 25: CALCULATION OF TIME

25.1 Where there is a reference to a number of days or a number of days in between two events within this Bylaw, in calculating the number of days, the days on which the events happen are excluded and Saturday and Sunday are included.

25.2 Where the time limit for doing an act under this Bylaw expires or falls on a Saturday or Sunday or a federal or a provincial holiday, the act may be done on the next day that is not a Saturday or Sunday or holiday.

25.3 In the time for doing an act under this Bylaw is with respect to an act required in a business office and falls or expires on a day in which the office is not open during regular business hours, the time is extended to the next day that the office is open during regular business hours.

PART 26: AMENDMENTS

26.1 This Bylaw may only be amended by a quorum of the Council at a duly convened meeting of the Council.

26.2 Council shall promptly post the amended Bylaw on the public noticeboard at the Band office and share the Bylaw with the Enforcement Officers who will help to enforce it.

26.3 All amendments will be promptly announced over the Poplar River First Nation radio station.

PART 27: DATE BYLAW COMES INTO FORCE

27.1 This Bylaw comes into force the day it is adopted by the Council. As soon as the Bylaw is approved, the Council shall post the Bylaw on the public noticeboard at the Band office and share the Bylaw with the Enforcement Officers who will help to enforce it.

POPLAR RIVER FIRST NATION

Summary of the Community Protection Bylaw

The Community Protection Bylaw is intended to protect and ensure the safety of the members and residents of Poplar River First Nation. This is a summary of the Community Protection Bylaw, if there are any inconsistencies with the Community Protection Bylaw and this summary, then the terms of the Community Protection Bylaw will prevail.

The Community Protection Bylaw applies to all people on Poplar River First Nation, regardless of membership status.

The Community Protection Bylaw contains the process of identifying a Person of Interest, how the Person of Interest is called to meet with Chief and Council, the sanctions that can be placed on a Person of Interest, and if the Person of Interest is under the age of 18, the sanctions that be placed on their legal guardians.

The Community Protection Bylaw contains the process of removing an individual, including in an emergency, from Poplar River First Nation, including banishment. Additionally, the Community Protection Bylaw contains information on how to appeal a Removal Order, how an individual who has been removed or banished from Poplar River First Nation can have their personal property returned to them, and how a removed or banished person can apply to visit Poplar River First Nation.

The Community Protection Bylaw contains the enforcement powers of any person designated as Enforcement Officers and the penalties for interfering with or failing to comply with the Community Protection Bylaw.

For further information, please contact the Justice Manager at the Poplar River Band Office to request a copy of the Community Protection Bylaw.

NOTICE TO MEET WITH CHIEF AND COUNCIL

Date: _____

To: _____

Address: _____

Delivered by: ☐ hand delivery: _____

☐ email: _____

☐ Facebook Message to Account: _____

☐ Other: _____

Regarding: Notice to meet with Chief and Council

You have been declared a Person of Interest under the Community Protection Bylaw.

The Chief and Council have scheduled a meeting with you, and if you are under the age of 18, your legal guardians on _____(date) at _____(time) at _____(location). You may request to change the meeting time; however, you must do so in writing and submit the request to the Justice Manager 72 hours prior to the original proposed meeting. The proposal to change the meeting time must include details of why you cannot attend the original meeting, and only extenuating circumstances will be considered.

The Chief and Council are requesting this meeting for the following reasons:

Failure to respond to this notice or attend the meeting on _____(date) at _____(time) at _____(location) may result in actions being taken against you without further notice, including banishment.

APPEAL APPLICATION FORM

Date: _____

To: Justice Manager

Applicant information

Name: _____

Address: _____

Phone Number: _____

Treaty Number: _____

Email address: _____

The Applicant agrees to accept service and communication by email with the information provided. If for any reason the Applicant cannot access this email address, then the Applicant is responsible for contacting the Justice Manager immediately to inform them. Failure to do so can result in missing information and communication, which is no fault of the Chief and Council or the Justice Manager and final decisions can be made in the absence of the Applicant.

Reasons for Appeal:

**NOTICE: COPY OF THE BAND COUNCIL RESOLUTION THAT YOU ARE APPEALING MUST
BE ATTACHED TO THIS FORM**

RETURN OF PERSONAL ITEMS FORM

NOTICE: THE APPLICANT HAS 14-DAYS FROM THE DATE THE BANISHMENT TAKES EFFECT TO COMPLETE THIS FORM.

Date: _____

To: Justice Manager

Applicant information

Name: _____

Address: _____

Phone Number: _____

Treaty Number: _____

Email address: _____

The Applicant agrees to accept service and communication by email with the information provided. If for any reason the Applicant cannot access this email address, then the Applicant is responsible for contacting the Justice Manager immediately to inform them. Failure to do so can result in missing information and communication, which is no fault of the Chief and Council or the Justice Manager and final decisions can be made in the absence of the Applicant.

Items Applicant wants returned:

BY FILING THIS FORM, THE APPLICANT ACCEPTS THE RESPONSIBILITY OF ALL COSTS ASSOCIATED WITH RETURNING THE ITEM(S) AND UNDERSTANDS THAT THE ITEM(S) WILL NOT BE RETURNED UNTIL AFTER THE COUNCIL HAS BEEN REIMBURSED THE TOTAL AMOUNT. FAILURE TO REIMBURSE THE TOTAL AMOUNT WITHIN 45-DAYS WILL RESULT IN THE ITEM(S) BEING FORFEITED, WITHOUT FURTHER NOTICE, TO THE COUNCIL, WHO MAY DISPOSE OF THE ITEM(S) HOWEVER THEY DEEM APPROPRIATE.

REQUEST TO VISIT POPLAR RIVER FIRST NATION

Date: _____

To: Justice Manager

Applicant information

Name: _____

Address: _____

Phone Number: _____

Treaty Number: _____

Email address: _____

The Applicant agrees to accept service and communication by email with the information provided. If for any reason the Applicant cannot access this email address, then the Applicant is responsible for contacting the Justice Manager immediately to inform them. Failure to do so can result in missing information and communication, which is no fault of the Chief and Council or the Justice Manager and final decisions can be made in the absence of the Applicant.

Date(s) of Requested visit:

Reasons for Requested visits:

Where will you stay during the proposed visit:

Locations you will attend during the proposed visit:

How will you be transported to the community for the proposed visit:

Is there any additional information you would like Chief and Council to consider with your application?

REQUEST TO MODIFY OR CANCEL REMOVAL ORDER

Date: _____

To: Justice Manager

Applicant information

Name: _____

Address: _____

Phone Number: _____

Treaty Number: _____

Email address: _____

The Applicant agrees to accept service and communication by email with the information provided. If for any reason the Applicant cannot access this email address, then the Applicant is responsible for contacting the Justice Manager immediately to inform them. Failure to do so can result in missing information and communication, which is no fault of the Chief and Council or the Justice Manager and final decisions can be made in the absence of the Applicant.

Explain the reason(s) why you want the Removal Order canceled or modified:

**NOTICE: ALL EVIDENCE THE APPLICANT IS RELYING ON TO SUPPORT THE
APPLICATION MUST BE ATTACHED TO THIS FORM**