



NORTHERN DEVELOPMENT

FEB 13 1995 002526

BAND COUNCIL RESOLUTION RÉSOLUTION DE CONSEIL DE BANDE Sioux Lookout, Ontario

Chronological no. - N° consécutif 800/95 File reference no. - N° de référence du dossier 4216-209

NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds. NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

Table with financial details: Cash free balance - Solde disponible, Capital account - Compte capital, Revenue account - Compte revenu. Includes council name: BIG TROUT LAKE FIRST NATION and meeting date: 2 5 0 2 7 4 ONTARIO.

DO HEREBY RESOLVE: DÉCIDE, PAR LES PRÉSENTES:

SUBJECT: Authorization for the Big Trout Lake First Nation Appointed Peacekeepers to conduct search, seizure and disposal of intoxicants.

WHEREAS: the use of intoxicants has been demonstrated over time to be the greatest contributor to death, suicide, drowning, family breakdown, ill-health, disorderly conduct, nuisances and breaches of law and order for the Big Trout Lake First Nations people, thereby threatening the present and future peace, health and well-being of the Big Trout Lake community and its residents;

AND WHEREAS combating the destructive effects of intoxicants in an effective manner in our particular community requires special measures tailored to its unique location, culture, traditions, character and composition;

AND WHEREAS the inhaling of vapours of gasoline, solvents, cements and other substances poses a very serious threat to the health and safety of our young people and similarly requires that special measures be taken to their protection;

AND WHEREAS the geographical location of the Big Trout Lake Reserve effectively bars speedy access to Judges or Justices for the purpose of obtaining judicial authorizations for certain investigative or enforcement of Laws concerning intoxicants, including search warrants;

Quorum FIVE ( 5 ) Danny Morris (Councillor - Conseiller), Josee Hartley (Councillor - Conseiller), Grace Leskey (Councillor - Conseiller)

Stanley Blissett (Chief - Chef), Stanley Blissett (Councillor - Conseiller), (Councillor - Conseiller), (Councillor - Conseiller)

CERTIFIED TRUE COPY

Signature of Councillor - Conseiller, (Councillor - Conseiller), (Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE. Table with columns for Expenditure - Dépenses, Authority (Indian Act Section), Source of funds, Recommending officer, and Approving officer.

**AND WHEREAS** effective enforcement of many of the provisions of the Intoxication Law requires a speedy response to prevent destruction of evidence, escape, avoidance of prosecution and the like;

**AND WHEREAS** it is the responsibility of the duly elected Chief and Council to ensure that all persons that assist in the enforcement of this law are fully protected and indemnified;

**AND WHEREAS** the Chief and Council of the Big Trout Lake First Nations have the power under the Indian Act to make Laws:

- a) to provide for the health of Reserve residents Section 81(1)(a);
- b) to provide for the observance of law and order Section 81(1)(c);
- c) for the prevention of disorderly conduct and nuisances (Section 81(1)(d);
- d) with respect to any other matter arising out of or ancillary to those powers (Section 81(1)(g)), including those investigative measures deemed necessary for effective enforcement of those Laws; and
- e) respecting intoxicants, including Laws declaring the complete prohibition of intoxicants from the Reserve (Section 85.1).

**AND WHEREAS** the Council of the Big Trout Lake First Nations must be adequately protected and respected in their duty to enforce the control of intoxicants at the Big Trout Lake First Nations Reserve;

#### DEFINITIONS

In this Law,

"Intoxicants" includes:

- a) glues, cements and similar compounds, and the vapours thereof;
- b) gasoline naphtha and other fuels, and the vapours thereof;
- c) cleaning solvents, disinfectants, and the vapours thereof;
- d) anti-freeze, de-icers and other similar products containing alcohol, and the vapours thereof;

- e) perfumes, hairsprays, mouthwashes and other cosmetic of hygienic products, and the vapours thereof;
- f) home-made mixtures capable of producing a state of intoxication;
- g) intoxicants as defined under Section 2(1) of the Indian Act; and
- h) such other substances and the vapours thereof to produce a state of intoxication;

"Traffic" means:

- a) to manufacture an intoxicant; or
- b) to sell, exchange, barter or trade an intoxicant; or
- c) where the recipient of the intoxicant is 18 years of age or younger, to supply, give, administer or distribute an intoxicant to such a young person, whether or not for gain; or
- d) to offer to do anything in paragraph (a), (b), and (c) immediately above; and "trafficking" has a corresponding meaning.

"Intoxicated"

in addition to its ordinary meaning, any person 18 years of age or less who has in any manner consumed intoxicants is deemed to be intoxicated for the purpose of this Law.

#### OFFENSES AND PENALTIES

THEREFORE BE IT RESOLVED

that everyone who is in possession of an intoxicant, everyone who traffics in an intoxicant or is in possession of an intoxicant for the purpose of trafficking is guilty of an offence punishable and is liable to a fine, payable to the Big Trout Lake First Nation, of the following:

- i. any liquified and condensed intoxicant will result in a fine of \$ .40 per militre (e.g., .40 X 375 (Mickey) = \$150.00); and
- ii. chemical substances will be punishable on summary conviction and is liable to a fine as equivalent to the Food and Drug Act and the Criminal Code.

SEARCH AND SEIZURE

FURTHERMORE, BE IT RESOLVED

- a) that a First Nation Constable, other authorized peace officers, a member or members of the Chief and Council, or a First Nation Member where authorized by the First Nation Council, may, without a warrant, conduct a reasonable search of the clothing of a person, to include vehicle, entering or upon the Reserve:
  - i. if he has reasonable grounds to believe that person to be in possession of an intoxicant in contravention of this Law; or
  - ii. if the person is or appears to be intoxicated, whether or not that person is arrested or charged with an offence in respect of that apparent intoxication.
  
- b) The First Nation Council may authorize a First Nation Member or members to assist a First Nation Constable or other peace officers of the Chief or a Councillor or Councillors in the reasonable search of a person entering onto the reserve who may be attempting to import intoxicants concealed under his or her clothing, to include vehicles, into the Big Trout Lake First Nations Community.

POINTS OF ENTRY ONTO THE RESERVE

FURTHERMORE, BE IT RESOLVED

a First Nation Constable, other authorized peace officers, a member or members of the First Nation Council may, at all points of entry onto the reserve, without warrant and without grounds to believe or suspect that an offence under this Law is being committed or attempted, conduct reasonable searches of all aircraft, vehicles including snowmobiles, vessels, luggage, bags, boxes or other containers and conveyances coming onto the Reserve.

BUILDINGS ON THE RESERVE

FURTHERMORE, BE IT RESOLVED

a First Nation Constable, other authorized peace office, members of the Crisis Intervention Team, member or members of the First Nation Council may, without warrant, conduct a reasonable search of any building on the Reserve, including office and dwelling houses, PROVIDED THAT:

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- a) there are reasonable grounds to believe that such a search will disclose evidence of an offense under this Law, and;
- b) only sufficient force is utilized to gain entry into a building on the reserve where entry cannot be obtained without the use of force.

OTHER SEARCHES ON THE RESERVE

**FURTHERMORE, BE IT RESOLVED**

a First nation Constable, other authorized peace officers or members of the First Nation Council may, without warrant, conduct searches of all aircraft, vehicles, vessels, luggage, boxes, bags, and other containers, and conveyances found upon the reserve PROVIDED THAT he has reasonable grounds to believe that a search will disclose the presence of unlawful intoxicants or property stolen while intoxicated.

SEIZURE OF UNLAWFUL INTOXICANTS

**FURTHERMORE, BE IT RESOLVED**

a First Nation Constable, other authorized peace officers or First Nation Councillor or Chief may seize all intoxicants which he believes on reasonable grounds have been possessed or used in contravention of the provisions of this Law and that any seized intoxicants shall be disposed of wither by the Chief and Council upon forfeiture to the Crown Attorney or shall be disposed of by the Ontario Provincial Police as directed by the Chief and Council.

EVICCTIONS

**FURTHERMORE, BE IT RESOLVED**

any person not a member of the Big Trout Lake First Nations or ordinarily resident in the Big Trout Lake First Nations community who is found intoxicated in the Big Trout Lake Reserve or in possession of intoxicants in the Big Trout Lake Reserve shall be subject to prosecution under the provisions of this Law and the First Nation Council shall have the right to evict such person from the Big Trout Lake Reserve at his expense.

PROTECTION OF CHIEF, COUNCIL AND FIRST NATION MEMBERS

FURTHERMORE, BE IT RESOLVED

any person who threatens or causes or attempts to cause any injury or bodily harm to any member of the Council of the Big Trout Lake First Nations or to any First Nation member working on behalf of the Council in enforcing this Law and especially where such person is in possession of a weapon including an axe, firearm, or knife shall be guilty of an offence and shall be prosecuted immediately under the provisions of the Criminal Code of Canada.

PROVISIO

FURTHERMORE, BE IT RESOLVED

nothing in this Law shall be constructed in any manner which serves to limit the powers of the Chief and First Nation Councillors, First Nation Constables or other authorized peace officers contained in any other statute or recognized at common law.

ENFORCEMENT

FURTHERMORE, BE IT RESOLVED

Big Trout Lake First Nation Council authorize the Ontario Provincial Police (OPP), and the Big Trout Lake First Nation Constables to diligently enforce the provisions of this Law.