

**LITTLE RED RIVER CREE NATION**



Chronological No.	20231215
File Reference No.	20231215

**CHIEF AND COUNCIL RESOLUTION**

					Cash Free Balance
Quorum consist of: Six (6) Council Members					Capital Account \$
Date of Duly Convened Meeting:	Month	Day	Year	Province	Revenue Account \$
	December	15	2023	AB	

**DO HEREBY RESOLVE:**

**WHEREAS** the undersigned, being the duly elected Council for the Little Red River Cree Nation (the "Nation") by way of an 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") passed by simple majority, on behalf of the Nation; and

**WHEREAS** Council having met in quorum at a duly convened meeting; and

**WHEREAS** the Nation having adopted a Bylaw to Prohibit the Sale of Illegal Drugs, Bootleg of Alcohol and Banishment from Reserve Lands on January 24, 2020 ("the Bootleg Bylaw") after community approval of the law and the intention of the Bootleg Bylaw being to protect John D'Or, Fox Lake and Garden River ("the Communities");

**WHEREAS** Council has determined that the Nation must take more direct action to address the crisis in the Communities with additional Nation Laws preserve the health and safety of our Communities and protect our Members, Elders, children, and employees;

**WHEREAS** Council has the inherent right to set out its laws in writing and enforce them and has the authority under s.81(1) of the *Indian Act* to pass bylaws;

**NOW THEREFORE BE IT RESOLVED THAT:**

1. Council adopts the LRRCN Community Protection and Crime Prevention Law, Natural Law 2023-00-01, attached to this BCR as Schedule "A".
2. Council directs Administration to publish the LRRCN Community Protection and Crime Prevention Law on the First Nations Gazette at the earliest possible date.




Resolved at a meeting of the Little Red River Cree Nation Council duly convened on December 15, 2023.

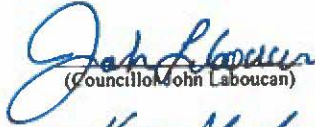
  
(Chief Conroy Sewepagaham)

  
(Councillor Carmen Alook)

  
(Councillor Henry Grandjambe)

  
(Councillor Delmer D'Or)

  
(Councillor Alfred Seesequon)

  
(Councillor John Laboucan)

  
(Councillor Leslie Joe Laboucan)

  
(Councillor Arthur Laboucan)

  
(Councillor Keith Alook)

  
(Councillor Jody Seesequon)

  
(Councillor Harvey Sewepagaham)





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**LRRCN COMMUNITY PROTECTION AND CRIME PREVENTION LAW**

We, as the Little Red River Cree Nation people have, from time of immemorial, had Natural Laws that were taught and bestowed on to us to learn, to teach and follow.

These Natural Laws are made from our Seven Sacred Teachings, Respect, Honesty, Humility, Love, Courage, Truth and Wisdom which were passed down by our Ancestors, whom as peoples of the rivers, forests and mountains must follow these teachings.

Key among those teachings is our duty to live harmoniously with the people and other creatures around us. Anyone who is present in, or resides in, our communities must also follow and respect our Natural Laws, as we all cast the same shadow under our Sun.

**WHEREAS** the Little Red River Cree Nation has exercised, and continues to exercise, an inherent right to self-government, including its authority to place Natural Laws in writing and enforce them within the communities of John D'Or Prairie, Fox Lake and Garden River ("the Communities");

**WHEREAS** in addition to Little Red River Cree Nation's inherent right of self – government, Little Red River Cree Nation Chief and Council ("Council") has authority under s.81 (1)(c), (d), (p), (p.1), (q) and (r) of the *Indian Act* to pass Bylaws, including bylaws with the purpose of:

- i.) Observance of law and order;
- ii.) Prevention of disorderly conduct and nuisances;
- iii.) the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;
- iv.) the residence of band members and other persons on the reserve;
- v.) Penalties for violation of bylaws created for these purposes.

**WHEREAS** the Members of Little Red River Cree Nation ("the Members") and Council are extremely concerned about incidents of violence in the Communities, the growing issues with gangs and drug trafficking within the Communities and the danger those activities are creating for the peace, life and safety of all persons present in the Communities.





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**WHEREAS** Little Red River Cree Nation must be able to impose sanctions on individuals, including removal of trespassers, who are breaching our laws, compromising the safety of our Communities or people or entering our Communities for prohibited purposes.

**AND WHEREAS** nothing in this Bylaw shall deem to alter, diminish, derogate or abrogate from the Nation's rights and entitlements under Treaty Number 8, including the spirit and intent of our Treaty Rights and the inherent right as understood by our Elders of Little Red River Cree Nation and other Sovereign Nations residing within the territory of Treaty 8.

**NOW THEREFORE** the Council of Little Red River Cree Nation hereby makes the following Natural Law and Bylaw:

**1.0 SHORT TITLE**

1.1 This Bylaw may be cited as "LRRCN Community Protection Law"

**2.0 INTERPRETATION**

2.1 In this Bylaw:

"Band Council Resolution" or "BCR" means the documented written decision by a majority of Council made at a duly convened meeting of Council;

"Community" or "Communities" means the Little Red River Cree Nation Communities of Fox Lake I.R. 162 ("Fox Lake"), John D'Or Prairie I.R. 215 ("John D'Or") and the Community of Garden River ("Garden River");

"Council" means the Chief and Council, as defined in the *Indian Act*;

"Crime Stoppers" means the Edmonton and Northern Alberta chapter of the Crime Stoppers or such other Crime Stoppers chapter as the Nation may have agreements with;

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





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“LRRCN” means the Little Red River Cree Nation;

“LRRCN Community Safety Officer” or “Nation Security Force” means a company or individual(s) employed or contracted by LRRCN to perform the duties and functions set out for those positions in this Law;

“Illegal Drugs and Alcohol Bylaw” means the LRRCN Bylaw Number 2020-002, a Bylaw to Prohibit Sales of Illegal Drugs, Bootleg of Alcohol and Banishment from Reserve Lands, as amended or replaced from time to time;

“Immediate Family” means mother, father, spouse (including common-law spouse), brother, sister, children and any other relative residing in the same residence;

“Indictable Offence” means and indictable offence as defined by the Criminal Code and includes a hybrid offence that proceeded by way of summary conviction;

“Intoxicant” means any substance, liquid, or vapour which can be used to produce a state of intoxication, and includes, without limiting the foregoing:

- a. Alcohol, spirits (vodka, gin, rum, whiskey, etc.), wine, beer, fermented malt or other intoxicating liquor, combination of liquors, or liquor mixed into another beverage, including any drink beverage or liquid capable of human consumption is intoxicating;
- b. Illegal drugs as defined by the Illegal Drugs and Alcohol Bylaw;
- c. Any homemade liquids, powders, mixtures or similar substances capable of producing state of intoxication;
- d. Cannabis products that are not obtained by way of a prescription from a qualified health practitioner;
- e. Prescription drugs used or possessed without a valid prescription;







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“Law” means the LRRCN Community Protection Law;

“Member” means a person whose name appears in the LRRCN Membership List or who is entitled to have her/his name appear in the LRRCN Membership List;

“Minor” means any person under the legal age of majority in the Province of Alberta;

“Non-member” means any person whose name does not appear on the LRRCN Membership List;

“Officer” means any RCMP, police officer, police constable, peace officer, or any other person charged with the duty to preserve and maintain the public peace;

“R.C.M.P” means the Royal Canadian Mounted Police; and

“Removal Order” means the order or penalty allowed under s. 6.12- 6.16 of this Law.

**3.0 APPLICATION OF LAW**

3.1 This Law applies to all locations within the Communities, whether public or private spaces.

3.2 This Law applies to Members and Non-Members, including LRRCN employees and contractors, while they are present or living on Reserve.

3.3 This Law applies to Members and Non-Members over the age of 18. Breaches of this law by Minors will be addressed by referrals to Mamawi Awasis Society or by imposing penalties or sanctions under the law on the guardians of the Minor.

3.4 Due to the current crisis in the Communities, the application of this Law will be made retroactive to October 1, 2023 and applies to any conviction that has not been pardoned as of October 1, 2023.

**4.0 PRESENCE IN THE COMMUNITIES**





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- 4.1 No person has an unconditional right to be present or reside in the Communities, even if they are a Member or have been allocated Nation housing. Living in the Communities or in Nation provided housing is a privilege, not a right.
- 4.2 Council has the authority to regulate and address any and all negative impacts on Community Safety in the Communities, and to address any circumstance that may pose a threat to the observance of law and order in the Communities, including placing conditions on access to, and residence within, the Communities.
- 4.3 Any person who is found to be in breach of this Law by an LRRCN Community Safety Officer, a member of the Nation Security Force or by Council may be deemed a trespasser in the Communities and removed from the Communities, either temporarily or permanently.

**5.0 PROHIBITED ACTIVITIES AND VIOLATION NOTICES or BCR's**

- 5.1 Any individual present in the Communities violates this Law if they:
  - a. Breach this Law or any other LRRCN law or bylaw;
  - b. Have been convicted of an indictable offence under the *Criminal Code of Canada* or any summary conviction offence that relates to use, sale, possession or similar activities related to Intoxicants unless they have obtained a pardon prior to the effective date of this Law;
  - c. Join an organized gang;
  - d. Disturb or disrupt peace or public order in the Communities, including acts that:
    - i. Create or cause unreasonable levels of noise that disturbs the peace of other individuals in the Communities; or
    - ii. Create a threat to the life, safety, physical well-being, mental well-being or property of other individuals in the Communities.
  - e. Act in a manner that negatively affects health, safety or welfare of other individuals in the Communities;





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- f. Create any risk to peace, safety, well-being or property of others or to one or more of the Communities by being present in the Communities;
  - g. Steal, vandalize or otherwise damage Nation owned or privately owned property;
  - h. Are intoxicated in public, at Nation events or gatherings in the Communities;
  - i. Deliver, sell, barter, supply or otherwise distribute any Intoxicant within the Communities for any form of benefit, profit or fee;
  - j. Drive at excessive speeds or in an otherwise unsafe manner;
  - k. Operating motor vehicles or other machinery while using intoxicants;
  - l. Commit fraud directed at Elders or other vulnerable Members;
  - m. Commit spousal, elder or child abuse;
  - n. Engage in verbal abuse of LRRCN employees or members of Council or otherwise creates a disturbance in LRRCN offices;
  - o. Refuse to comply with an order by a LRRCN Community Safety Officer or Member of the Nation Security Force, the terms of a Safety Violation Notice, or a BCR issued by Council under this Law;
  - p. Assist any individuals in any breach of this Law;
  - q. Commit any other similar conduct or action which a LRRCN Community Safety Officer, Nation Security Force Member or Council finds jeopardizes safety or well-being in the Communities.
- 5.2 Anyone found in breach of this Law will be ordered to cease the violation immediately and will receive a Safety Violation Notice from a LRRCN Community Safety Officer or a







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Nation Security Force Member. Those found in breach of this Law may also receive a Council Safety Violation BCR.

**5.3 Safety Violation Notices or BCR's may be issued based on available information, including:**

- a. a LRRCN Community Safety Officer's own observations or investigations;
- b. a complaint or tip from a Member of Community Member;
- c. an anonymous written or verbal report to a LRRCN Community Safety Officer, Member of the Nation Security Force or to Council which is found to be credible;
- d. a report of any investigator hired by Council;
- e. information received from an Officer;
- f. a Criminal Record check;
- g. an anonymous tip to Crime Stoppers which is found to be credible; or
- h. any other reliable information or evidence that supports the conclusion this Law has been breached.

**5.4 A Safety Violation Notice or BCR will include:**

- a. the sections of this Law alleged to have been breached;
- b. sufficient details of the alleged breach of this Law for the individual named in the notice to understand the decision that they are in breach of the Law; and
- c. an explanation of the process to request a reconsideration of a Safety Violation Notice or BCR.

**5.5 A Safety Violation Notice or BCR will be deemed to be delivered by giving it to the person alleged to have breached this Law in any of the following ways:**

- a. Delivery in person;
- b. leaving a copy at the last known address the Nation has for that person;
- c. By email or text to the person's last known email or cell phone number; or
- d. In cases where the Nation does not have any of the above contact information by posting the Notice or BCR at a residence or leaving it with family members or other individuals which the LRRCN Community Safety Officer, Member of the Nation Security Force or Council has reason to believe will result in the Notice or BCR coming to the attention of the individual alleged to have breached this Law.





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- 5.6 In cases other than delivery in person, delivery will be deemed to have occurred within 7 calendar days of the methods outlined in s.5.5. (b)-(d).

**6.0 ENFORCEMENT**

*Urgent Situations and Threats*

- 6.1 In the case of Safety Violation Notices or BCR's addressing an immediate or ongoing threat to the Communities or any individual in the Communities, the LRRCN Community Safety Officer, Member of the Nation Security Force or Council may impose a penalty in the Safety Violation Notice or BCR, which penalty will take effect upon delivery.
- 6.2 Individuals in receipt of a Safety Violation Notice or BCR issued under s.6.1 may file a request in writing with Council within three (3) business days to be permitted to provide additional information or evidence and have Council reconsider the Safety Violation Notice or BCR, whether to rescind the violation decision, alter the penalty or both.
- 6.3 In cases where Council decides reconsideration of a s.6.1 Notice or BCR is appropriate, Council in its sole discretion may decide whether to reconsider the matter by way of written submissions or by meeting with the individual by way of virtual meeting or in person.
- 6.4 Council will provide written reasons on any reconsideration request and deliver the decision in any manner permitted under s.5.5-5.6.
- 6.5 Granting a reconsideration request does not operate to suspend any penalty imposed in the Safety Violation Notice or BCR to be reconsidered until or unless Council issues a decision to rescind or alter the penalty.

*All Other Breaches of this Law*

- 6.6 In the case of any Safety Violation Notices or BCR's that do not fall under s.6.1, the Safety Violation Notice or BCR will state the offence or breach that is alleged.





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6.7 Individuals who receive a s.6.6 Safety Violation Notice or BCR will have 15 calendar days to make written submissions to the LRRCN Community Safety Officer, Nation Security Force Member or Council which issued the Safety Violation Notice or BCR. After consideration of the written submission, the LRRCN Community Safety Officer, Nation Security Force Member or Council will make a final decision in writing on whether this Law has been breached and will impose a penalty for the breach.

6.8 Decisions under s.6.7 may be delivered in accordance pursuant to s.5.5 and 5.6.

**7.0 PENALTIES**

7.1 A LRRCN Community Safety Officer, Member of the Nation Security Force or Council may impose any one or more of the following penalties, which they in their sole discretion determine appropriate:

- a. Referral of the matter to Mamawi Awasis Society, the RCMP or other child and family or law enforcement agencies;
- b. An order to cease the activities in question;
- c. An order to provide a written apology, acceptable to the LRRCN Community Safety Officer, Member of the Nation Security Force or Council (as the case may be) and to the individuals affected by the breach of this Law;
- d. An order to complete specific courses, programs, or seminars, at the individual's cost;
- e. Repair or restoration of property affected, at the individual's expense;
- f. Volunteer hours within the affected Community;
- g. Fines up to \$1000.00;
- h. Financial compensation to the individuals affected by the breach of this Law;
- i. If the individual is a LRRCN Employee, a recommendation to LRRCN Human Resources to review the circumstances of the offence and determine if workplace discipline is also merited; or
- j. Any similar sanction or penalty the LRRCN Community Safety Officer or Member of the Nation Security Force determines reasonable and appropriate with consideration to the circumstances.





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- 7.2 If a LRRCN Community Safety Officer or Member of the Nation Security Force is of the opinion that a penalty in s.6.11 should be imposed, they may refer the decision on penalty to Council.
- 7.3 Only Council may impose any one or more of the following penalties for breach of this Law by BCR:
- a. Where the individual in breach of this Law is a Minor, any penalty Council determines appropriate for the parents or guardian of the Minor;
  - b. Publication of any Safety Violation Notice, BCR or decision issued under this Law;
  - c. Reduction or termination of support, funding, assistance, educational funding or economic development funding or similar financial benefits the individual receives from LRRCN;
  - d. Suspension, whether temporary or permanent, from any LRRCN events and activities normally open to Members;
  - e. An order imposing conditions on the individual's continued use of or access to Nation housing or use of Nation lands for their solely owned housing unit;
  - f. An order evicting the individual from Nation housing, prohibiting other Members from allowing the individual to stay in other housing in the Communities or both;
  - g. An order cutting off utilities and other services to housing if the individual refuses to obey an order under s. 6.11 (d);
  - h. A declaration that the individual is to be considered a trespasser in the Communities, whether temporarily or permanently;
  - i. A Removal order requiring the individual to leave the Communities or be removed from the Communities; and
  - j. Any similar sanction or penalty Council determines reasonable and appropriate with consideration to the circumstances.
- 7.4 A Removal Order made pursuant to s.7.11(i) may be imposed for activities and conduct are particularly serious in nature and place the health, welfare or safety of Members and other individuals on Reserve in jeopardy.
- 7.5 A Removal Order may impose a time limited removal, conditions that must be satisfied before a Removal Order will be revoked or any other condition Council determines necessary to protect the Communities.







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- 7.6 No Removal Order will affect the entitlement of the spouse and children or immediate family of that individual to be present or reside in the Communities, unless they are also the subject of a Removal Order.
- 7.7 Removal Orders will come into effect immediately upon delivery by any of the methods allowed under s.5.5. and 5.6.
- 7.8 The Nation will cooperate with any Officer, particularly the RCMP, in enforcement of penalties under this Law.
- 7.9 Where an individual subject to a Removal Order does not leave the community voluntarily the Nation will co-operate with the RCMP or the Nation Security Force to compel the individual's removal. Alternatively, the Nation may bring an appropriate application in Court of King's Bench to enforce the Removal Order.
- 7.10 Any monetary penalties imposed by this Law which are not paid by the dates specified in the Safety Violation Notice or BCR, as the case may be, will be considered a debt due and owing to LRRCN and may be subject to civil enforcement, including being sent to a collection agency. Further, this Law provides Council with the authority to deduct any debts owing to the Nation under this Law from per capita distributions or other payments owing to the individual from the Nation.
- 7.11 Further, any person who commits an offence under this Law is liable on summary conviction to a fine not exceeding \$1000.00 or to imprisonment for a term not exceeding thirty days, or both. The Nation will fully cooperate with the RCMP, any Officer and the Public Prosecutions Service of Canada to ensure charges are laid and prosecution is actively pursued.

**8.0 COMMUNITY INVOLVEMENT IN ENFORCEMENT**

- 8.1 The protection and safety of the Communities is a joint responsibility. The Members and residents of the Communities have an obligation to participate in the application and enforcement of this Law if they want LRRCN Communities to thrive.







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- 8.2 To support enforcement of this Law, any Member or Resident providing credible evidence that is relied on for a summary conviction under this Law or is the basis for a Safety Violation Notice or BCR issued under this Law may apply to Council for a reward.
- 8.3 In cases of matters related to violence, illegal drugs or alcohol or other serious threats to the Communities, Council has the discretion to give rewards up to \$10,000.00.

**9.0 DEFERENCE AND IMMUNITY**

- 9.1 Any application for judicial review must be made to the Federal Court of Canada in accordance with the *Federal Courts Act*. Any such application for judicial review will be based on deference to:
- a. the Nation's inherent rights of self-government;
  - b. the principles established by the United Nations Declaration on the Rights of Indigenous Peoples and the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c.14 or any similar legislation adopted by the Province of Alberta at some future date; and
  - c. the specialized knowledge and expertise of LRRCN Community Safety Officers, Nation Security Force Members and Council regarding the history, culture and values of the LRRCN community.
- 9.2 No action for damages lies or may be instituted against present or past Council, LRRCN Community Safety Officers, Nation Security Force Members, LRRCN employees, contractors, agents or other representatives for anything said or done or omitted to be said or done in the performance of duty or exercise of authority under this Law or any alleged neglect or default in performance or intended performance of said duty or exercise of authority unless there has been dishonesty, gross negligence or malicious or willful misconduct in the performance of a duty or exercise of authority under this Law.
- 9.3 In any event, no action against the Nation present or past Council, LRRCN Community Safety Officers, Nation Security Force Members, LRRCN employees, contractors, agents or other representatives may be commenced more than six (6) months after delivery of a notice under this Law.





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**10.0 GENERAL PROVISIONS**

- 10.1 Any Member will be provided with an electronic or hard copy of this Law upon request to the Nation.
- 10.2 This Law shall be published in the *First Nations Gazette* and will come into force ten (10) days after it has been published by the *First Nations Gazette*.
- 10.3 Should a court determine that a provision of this Law is invalid for any reason, the provisions shall be severed from the Law and the validity of the rest of the Law shall not be affected.

**11.0 AMENDMENTS**

- 11.1 This Law can be amended by a quorum of Council at a duly convened meeting.

