



**GOVERNANCE OF POLICING AND
FIRST NATIONS COMMUNITIES**

REPORT 2016

DEDICATED TO EXCELLENCE IN POLICE GOVERNANCE

WWW.FN.CAPG.CA



GOVERNANCE OF POLICING

AND FIRST NATIONS COMMUNITIES

FAIRMONT CHÂTEAU LAURIER

AUGUST 11, 2016

OTTAWA, ON

Content



- MOUs between Tribal Councils and Municipal Police Services4
- Update from the First Nations Chiefs of Police Association9
- The Evolving Role of Community Justice and Conflict Resolution13
- Update from Public Safety Canada on the FNPP.....19



MOUS BETWEEN TRIBAL COUNCILS AND MUNICIPAL POLICE SERVICES

Dan Bellegarde, Chair, File Hills Board of Police Commissioners

Dan thanked the Elder for the prayer and acknowledged the Algonquins and the unceded territory in which we are currently meeting.

There is going to be a big focus on memoranda of understanding (MOUs) as we move forward. MOUs are not legally binding between bodies. They are declarations of intent about the best efforts to work together to reach agreed-upon goals.

The catalysts for the MOU between Regina Police Service and File Hills Qu'Appelle Tribal Council (11 First Nations):

1. Demographics: Winnipeg has 70,000 First Nations people; Regina has at least 20-30K including Métis and Inuit; the government lumps all under Aboriginal

2. Crime rates: Regina has one of the highest rates in country. We accept that some FN/Métis/Inuit are responsible for crime but there are issues of poverty, housing, etc., that give rise to crime and we have to address those head on.

Recently, there was a signing ceremony of an MOU between Regina Police Service and File Hills Qu'Appelle Tribal Council. It was a commitment to work together on community policing, crime

Opening Blessing given by Elder Peter Decontie, Kitigan Zibi

prevention, diversity, cultural awareness, retention and recruitment, etc. to address a need that is understood on both sides.

Additional influences: the American Indian movement started in Indianapolis as a protective mechanism for street people, became radicalized and became a strong component of tribal rights in the U.S., eventually leading to Wounded Knee, Alcatraz and the Walk to Washington. In Canada, AIM was involved in the occupation of the park in Kenora and other incidents.

In the North End of Winnipeg, the Bear Clan Patrol (the Bear Clan is the Anishnabe Clan that is the protector) is active on the streets to assist people in crises. In Regina, the White Pony Patrol, primarily Cree, performs that role. You're going to see that more and more as our people come into cities and awareness grows of the need for more control, to assist ourselves in a way that's cooperative with police services but is community based. It seems to be accepted as a good way to prevent violence and

support people. There is support from police services for this as long as it's done for the good of community and does not turn into a vigilante movement.

While enforcement is still required, an MOU can act as the starting point for community based policing approaches, restorative justice and crime prevention, as well as enforcement.

To put some context around current MOUs and relations with Police Services in SK, you have to be aware of the 'Starlight Tours', where people were left outside Saskatoon city limits by police officers in winter. Neil Stonechild died in the snow and this led to an inquiry and national attention. Relations between the Saskatoon Police Service and FN people have improved dramatically in how they work with individuals and the Saskatoon Council. There are now Saskatoon police officers assigned to Aboriginal police services and the Saskatoon Tribal Council is involved in the SPS HUB program.

Changes are rapid and the negative side is that

people from both sides want to be seen as doing something, even if it's only an MOU. Sometimes those documents can gather dust and that's the negative side of an MOU.

With all that is happening now (MMIW inquiry, Thunder Bay inquiry into student deaths, etc.) there is a huge focus on the relationship with First Nations, the government, the police and the justice system

Strengths: MOUs are aspirational and can help develop partnerships between First Nations and police services; some are based on operations and some are at the policy level. An MOU may be between a Police Service and a Tribal Council and deal with operational issues or between Boards and political leadership of First Nations and Tribal Councils. Sometimes there is a disconnect between operations and policy and you may need agreements in both areas, with First Nations having more involvement at the policy level (e.g., Board of Police Commissioners)

Weaknesses: MOUs are not legally enforceable or required to have oversight. Most do not have specifics attached to them, such as indicators, critical points, responsibilities. Leadership changes can be a challenge where MOUs can be lost in the process of changing leadership. Trust and acknowledgement of common issues is also something we need to work on.

In the File Hills First Nation Police Service, we have MOUs with the RCMP about mutual support, exchange of information, using radio communications and data collection systems, specialized services like canine and Emergency Response Teams, and other services that we don't have for ourselves. We call

on them and in return, we provide support to them when they call on us.

MOUs will be prevalent in the future and even if they are not enforceable, they must be able to withstand scrutiny. An MOU can lead to major improvement in relationships and can lead to significant improvements in policing services.

If you have MOUs I urge you to share them with CAPG and discuss how we can best use this type of arrangement within current policing and, in the future, with the establishment of a First Nations justice system.

The federal government has said that they recognize the UN Declaration on the Rights of Indigenous Peoples. How will this work out at the end of the day? We need creative, effective agreements, which may have its beginning with effective MOUs

Questions

How did your MOU process start?

It started because of a critical incident. The White Bear First Nations in Treaty Four set up a casino; said they had the right but the province and the federal government said no, the RCMP raided the casino. It ended up with an MOU on a gaming agreement between the FSIN and the province; that four-page MOU resulted in eight casinos, with the profits in 2016 of \$83m, shared among the First Nations.

I mentioned the 'starlight tours'. The resulting Stonechild Inquiry recommended that First Nations and police work together and that resulted in number of MOUs.



At other times, an MOU arises out of an acknowledgement of common issues we all face. That's what happened between our communities and the Regina Police Services where there is an acknowledgement that preventative measures must be used.

From both sides—police or tribal council—there is a commonality and we it needs to be leadership driven.

Fabian Batise, Board Liaison, Nishnawebe-Aski Police Service (NAPS) provided additional information:

MOUs can be constructive to carry out government mandates and are not just about governance. They can be from a municipality to a First Nations and back. When amalgamation happened in Ontario, under Mike Harris, the town looked at the cost of police services. We made a constructive agreement, and although the mine [primary employer] opened and the town was relieved of its tax burden, the MOU means we can provide back up from our First Nation.

What do you do with MOUs becoming stagnant?

Hopefully, it doesn't depend on next critical incident. It forces the issue back into the light. Another type of MOU is the one between the Federation of Saskatchewan Indians and the Métis Nation of Saskatchewan. The MOU was signed give years ago and it sat and sat, with no action being taken on it until the recent SCC decision on the Métis Nation. Now they're starting to get together because of that ruling.

MOUs can be seen as a photo-op with good intentions but no organizational discipline to support it. That's why they sit on the shelf waiting until they can be resurrected through leadership or critical incident. You need to put those types of elements in from the beginning.

Can you give MOU examples that are working well?

The City of Regina and File Hills Qu'Appelle Tribal Council First just signed MOUs. There is a Protocol

Agreement between the Federation of Sovereign Indigenous Nations and the RCMP's F Division in SK. There are others across the country and I'm sure we can get a databank in CAPG..

I'm curious about the patrols you mentioned. Are there any formal arrangements between them and police/tribal council?

Yes, the White Pony Patrol has the support of Regina Police Services, as far as I know, and there's an understanding that it's like a citizen crime watch, not

You'd have to go to the Bear Clan Patrol organizers for that information. You're putting it in a framework that has organization, but that doesn't always fit the community based type of patrol. I'm sure they have their own training, orientation, etc. Not sure if they're incorporated or what kind of training is provided.

In terms of MOUs, my experience is in other areas and I've found both positives and negatives. Putting a time limit on MOU is a good idea; if you go for a five-year plan, it could sit on a shelf, but if you go short-term, as a living document, and change the

“MOUs are aspirational and can help develop partnerships between First Nations and police services.”

in enforcement, but inform police much like auxiliary constables. The patrols in the U.S. started back in 1980s or 1990s, initially to help citizens in difficult situations (the homeless, etc.) but it became about crime prevention over time. Patrols have been active in Winnipeg, Thunder Bay and Saskatoon; they are street-based, grass roots, there for protection and prevention. They are primarily only in urban centres where there are larger First Nations populations.

How do patrols get established in terms of training, selection, oversight? Volunteers? How would that work?

document as the circumstances change, then things can be adjusted as needed.

There will be more MOUs as we develop capacity and they can be seen as a springboard to legal agreements as they go forward.

Ron Skye: Part of the concern is the political will to move it forward and we need the support as well from the operational side.



UPDATE FROM THE FIRST NATIONS CHIEFS OF POLICE ASSOCIATION

John Domm, President, First Nations Chiefs of Police Association

I am here to represent Stand-Alone First Nations police services (SAs) across this country. The FNCPA was formed in 1993 to support SAs, to become a national voice for these services, to facilitate partnership and training, and to develop strategies for communities. We are a small group of Chiefs of Police but we lead departments in Alberta, Saskatchewan, Manitoba, Ontario and Quebec (the largest SA service in Canada).

A number of SA police services are regional and police multiple communities over wide stretches of land (mostly rural and remote, but some urban). There are currently 38 Self-Administered agreements covering 168 communities however First Nations

police are not designated as an essential service.

We can't arrest our way out of problems; the true measure of success is the absence of crime. We want safe communities and we can take a role in that by working with youth and other vulnerable people, by developing restorative justice programs based on our traditions; all this complements the TRC recommendations.

But right now we are understaffed and poorly financed. SAs require tripartite agreements and this leads to challenges in long-term planning. And these challenges have driven certain outcomes: For example, a number of weeks ago there was a strike

threat in NAPS; this couldn't happen if we were deemed an essential services. This affects quality of service and shakes the foundation of our existence.

The First Nations Policing Program (FNPP) will be renewed in March 2018 and this is a significant undertaking. The FNPP has to keep up with the times and ensure that we meet needs of our community; the FNPP needs changes and investment.

Priorities include:

- Retain police as an essential service;
- Develop new framework;
- Fund human resource needs;
- Provide adequate infrastructure needs;
- Provide sustainable funding that acknowledges regional variation;
- Allow for expansion or creation of First Nations' police services

The Canadian Association of Chiefs of Police's (CACP) 2016 Moving Forward Safer Futures conference was held before the MMIW inquiry was announced. The CACP wanted to move in a positive direction, so the conference was held at end of May in Winnipeg. I was at that conference and it was the first time the National Chief had ever spoken at a CACP conference. There are so many burning issues in our communities so it was very rewarding that the National Chief was present; it made a difference. I was invited to speak at the Assembly of First Nations, a first for a First Nations police chief. It was another great step forward and we received positive feedback. National associations support us and understand many of our issues. Most are in awe or shock by the challenges we face, but the general population doesn't understand. Some of the issues facing policing in our communities

include:

- Marijuana legislation – proposed changes and legalization will have an impact;
- Drugs in general in our communities are problematic (particularly synthetic drugs);
- Guns and gangs;
- The MMIW inquiry: What does the Inquiry mean for us? What is our involvement and what will it look like from our perspective?
- Labour challenges are always an issue;
- Some of us have legislation, some of us don't; these are the gaps that don't allow us to function. We can follow best practices and legislation but if we're not in it, it's a problem.

Other questions include: What's your role as an oversight agency? Ontario has nine associations and none fall under the umbrella of these oversight bodies. We need an oversight entity that has the capacity to investigate issues from time to time. We know this is still relatively new so we need to start thinking about what it will look like in all communities; it challenges the notion of whether we should have a First Nations Police Commission. In terms of governance, it provides the checks and balances; a sounding board. It's an important role and you need to work closely with police leaders.

Questions

On behalf of the First Nations community, thank you for giving us time to talk about our training needs and requirements. One of the things that was really well put forth was the First Nations comments from the government sector when FNPP representatives were there. Has anyone responded to the online surveys?

It's a good topic; it goes to the root of our challenges and is what we're hearing from our communities. People want to see us thrive but we don't have the resources. There have been proposals that we follow a national formula or provincial formula that allows for appropriate staffing levels—that's a tall order for remote communities—but there is better allocation than 20 years ago when program originated. It's been grossly under-resourced since day one; since 1991 we've been trying to make do and provide services. The pressures begin to surface because we can't do it all. My recommendation is to push for use of well-

allocation hasn't changed; that drives the numbers. Each community is different and should be assessed individually for what they need and base them on established formulas from funding agencies. Look at your community, determine what's required, what's an adequate number of officers, level of service, and then build financial budgets and requests based on that.

The national model is good to reference for remote communities; the RCMP work in remote communities, but there are differences in their

“We want safe communities and we can take a role in that by working with youth and other vulnerable people.”

recognized formulas that already exist in mainstream organizations (municipal, provincial/territorial, federal) and have been around since Confederation.

Does anyone analyze what's required? In my community, leadership launched economic development initiatives. My concern is that every First Nation has unique circumstances and need unique funding formulas. In 10 years' time our police forces won't be adequate; are there any other resources or recommendations that we should consider?

The inflexibility of the program is a negative and has not changed since inception. Human resource

role between provinces and territories. Small communities have similar challenges and we have to look at them almost one by one. The RCMP is a good example, they've done it for 100+ years; there are lots of examples from municipal organizations, they know what's required to provide adequate policing in those communities.

Do you have to look at outside police services to see what makes a community well and make your analysis in relation to that? It's more of a challenge but part of holistic approach to community wellness. We certainly need to take that into consideration. Are there other support mechanisms? Is it a quiet

community with low demands/needs? Forty hours a week only goes so far. Officers may need to factor in court time and vacation time, etc. How often are you going to see your officer in the community with all those other responsibilities? So, people end up not feeling safe; they know when the cops aren't there and things can spiral out of control. We need a foundational sense of security in a community. How do you get that? It's a tall order. If there's no cop and the plane ride in takes half a day, you could be out of control.

Comment: In remote communities one thing that bothers us is that there's a breakdown of services, e.g., the nursing station closes down if nurses won't go into a place where they're not protected and that can happen in other areas (schools, teachers). It's about community safety and we're driving home the need for police services.

Comment: It doesn't take into account unique environments; the opposite problem is that if crime is under-reported, they may not believe officers are required.

We can't use some statistics because of that. Many of our communities have the highest crime rates in the country with lowest number of officers and we

wonder why? We're not invested in the right areas; there are no mechanisms to deal with it.

Comment: The relationship between the municipal board and police chief is regulated; First Nations communities don't have that.

Whether the relationship is mainstream or legislated, it's articulated in a legal tripartite agreement that allows us to function. It's not as thorough and it creates gaps; there are fewer historical examples of how we deal with issues because we're relatively new police agencies and don't have that breadth and depth. The operational piece is always a grey area; who has a say in what areas? Another challenge is whether you have elected leadership on boards; any of my elected representatives are ex officio, they don't vote, but we have a good, functioning board and that's a positive.

Ron Skye: The municipal model is there and is the work of First Nations communities; John identified that. If a board has oversight over police that could be problematic, so we'll be looking at developing a proposal to help us have input in developing governance tools (available over the next year or so).



THE EVOLVING ROLE OF COMMUNITY JUSTICE AND CONFLICT RESOLUTION

Jane Dickson, PhD, Department of Law & Legal Studies, Carleton University

Today I'll focus on the evolving role of policing in community justice; in your experience, you know the shift to restorative procedures generally requires us to think differently in how courts respond but also how police and those on the ground deal with it.

In 1991 the Justice for the Cree report was based on an extensive grass roots analysis; when they talked to people about policing, quantity, quality, what they'd like, the authors of the report found that Cree people in the nine communities surveyed wanted the same quality policing as their non-Cree peers, e.g., when they called police, they wanted them to come, to take complaints seriously and meaningful reactions from police or other agencies; they wanted good policing. This came as a shock to people and

police that they weren't receiving it already.

As we move forward, one of the challenges we face is to determine what we mean by meaningful reactions to crime and conflict. Many of you are police officers; what in your mind is a meaningful reaction to the problems you face?

Delegate response: Taking the time to listen to complainant; be sincere in what they're feeling; hearing what they have to say, their story; being sincere in your response.

As officers, you're trained to immediately get facts and get engaged; the difficulty is that although facts are important, for victims and survivors of crime, it

is an emotional experience; when you come in, you are focused on facts, so there's a big piece of the experience (the victim) that's not being attended to.

Delegate response: We can de-escalate situations; on ride-alongs, you see people with mental illness; you may go in with a perceived idea of what you should do; we don't walk in their shoes.

Right, so you need to see the perspective of the person who is in conflict. When you're in the

someone; someone called the police and they arrived. The grandmother was upstairs and when police came in with guns drawn she asked to speak with her grandson; the officer pushed her away and not only charged the man but also charged her for obstruction of justice. The trust that had been there evaporated. A meaningful reaction would, from the grandmother's perspective, be that the elder would make the peace; they didn't allow her to do that. Do you allow the elders to deal with certain situations?

“If you're going to a community it's an important statement of respect to go in with knowledge but also from a place of humility and that there are things to learn from the community.”

community, especially small ones where everyone knows each other or are related, you'll know the people you're policing. This presents interesting challenges; on some occasions, you may fall into the uncomfortable position of policing a relative; it's one of the challenges you face in rural or reserve setting. There are also layers to your identity as a police officer (as an officer, authority, a community member, as a family member, a friend) and you need to navigate those layers. It's more difficult depending on the nature of the crime. De-escalation is as important as is the notion of walking in their shoes.

Delegate response: On the flip side, if there is a history of community control within the community itself, then being a member or relative could be positive. For example: at a party one night, a guy who'd been drinking said he was going to shoot

Delegate response: You need to approach the situation respectfully, use better language when speaking with people (no disrespect). A lot of people can't tell cops to treat them differently.

What I'm hearing from you is that it's about respect and understanding what the resources are. The grandmother you spoke of is a powerful resource. Police training was inadequate and the officer didn't see that as a benefit that could be used. Sincerity, listening, respect, understanding person in conflict. We need a different approach to policing, one in which meaningful reactions are increasingly looking to restorative justice, those practices and principles.

Definition

“Restorative justice is a philosophy and a set of processes, which emphasize peaceful approaches to

harm, problem solving and violations of legal and human rights; it is a collaborative healing response to conflict which seeks to rebuild and restore people and relationships, rather than determine guilt and impose punishment.” —Carol LaPrairie, criminologist

When you're a community, you're involved in broad, collaborative endeavour so you need community responses.

Delegate response: I'm a retired teacher; I faced similar things to what police officers go through; we had a code of ethics and we sometimes had to make a decision to fulfill those ethics. You have to know the historical justice systems in the community; traditional societies in our community have those things in place. If you come to a community, you need to understand the historical role of policing and acknowledge it.

Those are good points: the importance of understanding, it's what education is about. If you're going to a community it's an important statement of respect to go in with knowledge but also from a place of humility and that there are things to learn from the community; also, your role as a teacher and having to make hard choices; concerns about how your community would view you and what kind of support you're going to get from your organization.

When we talk about restorative policing, it's a shift on the ground that needs to be taken. There also has to be organizational change so that officers who want to take a different approach don't face the possibility of being in trouble with their organization. Change has to be big and broad and embraced by those who are impacted by that change.

Conflicts and problems are seen as opportunities to find out what went wrong and to address those and rebuild and restore. We can understand communities as a spider web; if you damage one part, you affect the whole web.

When restorative justice first emerged, there was a lot of discussion about how it dovetailed with traditional indigenous understandings of conflict resolution. You can see that in three ways:

Relational, they understand that people exist in networks (family, community) and those networks have to function well if individuals are going to thrive; we're social beings; you let some things go because you want to live in peace; when we have conflict with persons in our networks, there's a strong incentive to repair the harm and rebuild the relationships because when they're damaged, they hurt and take longer to resolve. When you start looking at crime as a harmful act, you need different responses than in crime control.

Types of approaches

Some of the ways that communities have responded are through the intersections of restorative approaches, e.g., healing/talking circles, sentencing circles, elders panels, family group and community conferencing; we see these in many communities already and all aim to come up with their own solutions.

We know that community justice can be successful, based on what I've learned and seen. In order to be effective, approaches, regardless of the level you're speaking from (police, counselling), those approaches have to be OF the community, FOR the community and IN the community, i.e., based on the community's and reflective of their strengths and

values.

Communities have powerful resources if you know where to look; culture must be understood as ever changing and multi-faceted; there are the old ways, the new community that has been shaped by the old ways and over generations to the present; you have to understand community in a very broad, fluid way and be sure that the cultural priorities are reflected in the restorative approaches.

Philosophy of the approach

The approach must also be FOR the community; outsiders who think they can fix everything should be shown the door—they're not doing it for the community; they're doing it for themselves. To the degree that all this work should be collaborative, all hands are welcome, but it's about how much work and contribution those hands make; must be focused on unique needs of community, challenges it faces in meeting those needs, and there must be a clear plan to build up community members and the community as a whole.

Approaches have to be IN the community, that is, integrated into mutually supportive and respectful network of supports and stakeholders within and around the community; too many times, judges are flown in but don't stay; they don't know the community; parachuting in legal teams into communities doesn't make the community; approaches have to be created by the community and integrated.

Where are the police in all this? They're part of the community. For some, they see police in the community but not of it. As police officers, they have to be part of the community and they will be integral in smaller communities in community

justice; if they're going to be part of the solution to the challenges, then the police will need to work hard to integrate restorative approaches into their policing activities and shift their focus away from enforcement toward encouraging accountability and responsibility for the obligations that are central to community understandings of community and family.

Challenge

Too much of what we've done has come in from the outside. If the police are going to be part of the community, they need to take part in that, accept and respect all of the approaches that the community can offer to conflict resolution.

When we talk about restorative policing, when officers become part of it, we're talking about shifting the perspective of officers and organizations of how they see crime (as an action, to be managed) and consequences that need to be addressed meaningfully, not only for the legal branch but the rupture in the emotional/physical harms that result.

Crime and conflict prevention/policing is the responsibility of the entire community; can't be dumped on a few individuals in the community, must be collaborative.

Police need to see themselves as a bigger part of the project; the legal system always tends to focus on the offender, not the victim; courts and police are doing a better job of informing victims of the process, but in most cases, once you've made the complaint, you're out of the picture.

Delegate comment: The focus could shift to offender

as part of a restorative approach.

Yes, but not only the offender. You need to actively support offenders AND victims, their families and the community; crime never happens to only one person; if you only focus on one piece, you won't resolve the problem; need to deal with all touched by the event. In a restorative approach, you need to be creative and see the event as an opportunity to move forward in a positive manner; to fix what is broken; build it up and move forward.

Delegate comment: The statutory framework supports that, been around a long time.

Absolutely, but it's rarely met. Most restorative initiatives have not contributed in any degree to the way they would in reducing crime or incarceration.

Delegate comment: Public doesn't see it that way; they see crime going up and the costs; if we only talk about our role in social maintenance, then it's why did police didn't do X or Y?

You're right in that. Project Care was reminiscent of restorative approaches complaints; the success is that fewer people are going to jail or being charged; but it's very narrow; what it did do, however, and what's important, is that it created a network and moved significantly towards restorative approach because you had officers working with them (they didn't have the respect or trust of the people they were policing).

When you come from a place of humility and understanding (and how much power you DON'T have), you can build a more powerful organization; be part of the solution, not the problem. All we've

talked about is how we spend our money; let's spend it in the right direction.

When you embrace restorative approaches, peacemaking is the priority; law enforcement should be a last resort. Adopting restorative policing doesn't mean you're never going to charge anyone; some crimes are not good for the restorative justice approach. Peacemaking isn't about sitting two people down and talking it out; it's a broader understanding—restore peace between people—but because families and communities are a network, they will be affected.

It's about seeing crime and conflict as an opportunity to make sense of what happened and what is needed to strengthen relationships and keep people safe. Every conflict can put another link in the chain or break that chain; look at what you need to strengthen that chain.

Using discretion to prioritize problem solving over crime control with an emphasis on realizing the positive possibilities created by problems; it's crucial to policing function; how you use it is up to you; in a restorative approach, you focus on positive possibilities; when you take this approach, you're no longer alone; if you can get the community to understand that crime control/peace is collaborative, then you're never alone; it becomes everyone's responsibility.

Work with the community to foster the conditions for safe and supportive relationship which prevent crime.

There are stand alone, community based Aboriginal

police services already: they are of the community; they live there and understand the community dynamics. They possess the language and cultural skill sets to support safety, healing and repair; officers understand the importance and necessity of building up the community and the challenges which must be overcome to do so.

You have to be the change you want to see in communities. They will walk the path, but you have to invite them; restorative approach offers a vision of that change.

Questions

Front line people are not judge and jury. There's only so much time in their shift and only so many resources. The Police Service Act binds them to do some not so restorative approaches that aren't good for the community; puts them in conflict. Is your presentation for stand-alone or for all police services?

In the UK, policing uses a restorative model. Police officers are asked to do a lot of not so pleasant stuff

and are often the ones who are cleaning up the mess. A lot of the stress that is felt by officers comes not only from the nature of the work but the way they are taught and in some cases directed to respond to those situations. I think there's actually a fair amount of space within those rules and regulations to be a human being. I've seen it. Officers have to feel that they are supported to sometimes do the right thing, as they believe it to be, than to do the regulated thing.

Ron Skye: To police ourselves is relatively new. We have a system where we require the policing service to take restorative justice training once a year. In any situation, the first point of contact is restorative justice system before the court system; we don't tell them how to do it, but it's Board's responsibility to provide direction. The police chief has been supportive on these procedures. It's not about advocating for the offender but showing support for the person to be reintegrated using restorative practices. It's about making sure the damage done before incarceration is addressed on release. It's a lot of time and effort and commitment.



UPDATE FROM PUBLIC SAFETY CANADA ON THE FNPP

Erin Robinson, Senior Policy Advisor, Aboriginal Policing Directorate, Public Safety Canada

When this was first reviewed in 2013, we started talking about a renewal of the First Nations' Policing Program (FNPP). Last fall, the new government brought new tone to the country in terms of looking at a nation-to-nation approach. It was an opportunity for us to think big and go beyond the program approach and look at renewing the overall approach.

FNPP background: The FNPP is a contribution program that provides funding support for policing services in 450 First Nations' and Inuit communities. It has "a measureable and positive impact", but as I speak with more communities and individuals, it's

the police services that have the greatest positive impact. In terms of the renewal itself, the current slate expires March 2018.

Renewal goals are to: create financial sustainability; update the policy to reflect current policing and policy landscapes; build on what works to respond effectively to policing and public safety challenges; consider alternative and innovative approaches to service delivery.

It is important to move forward with the right program and funding to address the complex public

safety challenges faced in indigenous communities today and into the future.

We are now in a formal engagement phase, which is part of why I'm here. We've had some other formal and informal engagement sessions since fall of 2014 and we want to use what we've heard as well as what we've heard from previous years.

Engagement is divided into 3 parts:

1. Agreements and funding mechanisms. Contribution agreements don't always do a good job of providing essential services. When I was at the CAPC last year, I participated in panel with Chief John Domm and he asked how many

programs are sometimes too rigid and can't respond to local needs effectively. Stakeholders tell us that it must be adapted to community needs, not the other way around.

The importance of having culturally-responsive policing, i.e. the recruitment of indigenous officers, cultural training, etc., that message also resonates with us.

Formal stakeholder strategy: we're looking to engage a broad range of police services. There is an online survey that is open until August 26, 2016. We are looking at key questions and issues around public safety challenges.

“It is important to move forward with the right program and funding to address the complex public safety challenges faced in indigenous communities today and into the future.”

people in the room needed to worry about being renewed? It was a powerful message.

2. Funding. No surprise that levels are unsustainable and impact recruitment and retention; e.g., forces haven't been able to increase number officers or other infrastructure issues; so we're taking that into the mix.
3. Flexibility. Two components: a) flexibility in agreements (contributions agreements are often rigid and don't address unforeseen or new pressures). We've heard that message as well as the need to have flexibility in the service delivery option provided. That's where innovative approaches come in. If funding falls outside the framework, too bad; so, while we look to renew, we want to provide that flexibility. National

Main areas we're seeking to address: We're seeking stakeholder engagement to improve delivery of funding; to ensuring that best practices in indigenous policing are known; to engaging with communities, on the ground, about their realities and what the best options are.

Lastly, we'd like to engage on the policy framework; what are the elements of a renewed policy? What will they look like? We want to explore culturally-responsive policing; how do communities define it, how do we integrate it, etc.

Questions

For the stakeholder sessions, can you have the

facilitator send a list of guiding questions that they'll be asking us, ahead of time, so we'll have a framework for what you're looking for?

Good idea; we'll work on that. We'll be sending invites out shortly.

How do you identify invitees? What happens after the sessions? How do First Nations become involved in setting policy going forward, or is it all done at headquarters with regional/provincial partners? I always felt a disconnect between the provincial-federal direction. If we're good enough to provide information, we should be good enough to sit at the table when it's put into a policy framework.

This has been raised internally; we need to keep the conversation going after the process. The door doesn't close at the end of September.

To your first question, the participant list developed through discussions with regional office and provinces/territories. In Ottawa, we don't have on-the-ground contacts, so we relied on regional and provincial employees to identify stakeholders. Invitees are welcome to send an alternate representative.

In terms of second question, this is a beginning to the conversation. I think we'll be setting the long-term vision out of that session, but implementation will be an iterative process that involves First Nations communities. We can't tell you what the solutions are; after 150 years we're finally learning! I don't want a top-down approach; my job is to listen and provide tools and support what communities need, to give them the flexibility to address their challenges

in the way they see fit.

I want to come and I'll bring more than one. Will stakeholders have a role at the meeting or post-meeting in terms of seeing where the policy goes? We want to be able to tell people that there are good things coming. Otherwise, it's just more money going into the same program.

I can't speak to who's been invited from the Toronto area, but with respect to the stakeholder panel, there will be members invited to sessions. We're also scheduling a teleconference in the next few weeks, with a goal of having face-to-face meeting in the fall. Because of your unique perspectives and with a good cross-section [of communities], you'll keep us honest. We rely on you to help guide us on how those conversations will go forward and how we'll implement the long-term vision. There will be a role for the panel members.

When the sessions across Canada are done, what is the end result? What are we going to do with the information? Are you going to ask for narratives from participants, statistics? What do we need to bring to justify our concerns? You already know what we're going to ask, our challenges, so someone is already thinking about this. If you want meaningful engagement, what is my responsibility to be prepared, what do I need to bring, and what are you doing with the information? Funding is always an issue. It needs to be spelled out. We're getting smarter!

You've raised good points that I'll take back. Reporting back will be through multiple phases—we have note takers at all sessions and use group sessions to hear a variety of voices—and a report will be produced. The report will be made as widely available as

possible. In terms of preparing participants, those are very good considerations; it gives us things to think about. I leave that up to you—narratives and statistics, we want both. That’s something I’d want to engage our stakeholder panel on. In the long-term, I would emphasize that we do see this as a longer conversation. We’ll be able to say, based on what we’ve heard, here’s where we think we should go with that.

Question about having the meeting in Manitoba.

Edmonton chosen because it was central between BC and the other Prairie provinces; our Minister [Ralph Goodale] is from Saskatchewan, so there was push to have it there, too. We’re reimbursing travel costs, so that was also one of the reasons.

Can we have a list of participants? Can others not invited go?

Yes, I’ll share that with anyone who wants it. I would emphasize that they are invitees, so different jurisdictions may be sending different people, not solely the people invited. The room is only so big, so

there will have to be cap on the number of people coming. We didn’t allocate a lot of space in the room for people who would be covering their own travel costs, but it’s something we can look at on a case-by-case basis.

What is the mix? Police officers, policy makers, etc.?

In terms of the dialogue sessions, it will be predominantly indigenous community members but there will also be representatives from the provinces and the RCMP. In Ontario, representatives from police boards and First Nations’ police services. In Alberta, there are First Nations’ police services that will be invited, as well as police boards. I don’t know all invitees off the top of my head.

When the review is done, as has happened before, there will be a question about the RCMP and community engagement. For some, it looks like the RCMP is double dipping, i.e., they get some of their funding from the FNPP.

You’re referring to provincial policing services with the RCMP providing a supplemental level? Yes, we’re



157 Gilmour Street, Suite 302
Ottawa, Ontario K2P 0N8

