



# FIRST NATIONS POLICE GOVERNANCE CONFERENCE REPORT 2018

WINNIPEG, MB | AUGUST 7-8, 2018



DEDICATED TO EXCELLENCE IN POLICE GOVERNANCE

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## CONFERENCE REPORT

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## OPENING REMARKS FROM CO-CHAIRS AND HOST ORGANIZATION

### Opening remarks from co-chairs and host organization

Ron Syke: Treaty land acknowledgement.

We're in trying times, there are positive things as well as challenges. Racism is a concern, court cases specifically, we need to be aware of how these things are being taken in the community. Should be a good two days of programming.

Dan Bellegarde: Little Black Bears, Treaty 4. Acknowledge Elder Swayne. Looking for a successful meeting: through learning and understanding about policing. Diversity of Indigenous experience, hopefully we can learn from each other.

Acknowledge municipal policing agencies, wanting to learn about Indigenous issues for their Indigenous populations in cities.

Sherry Thomas, Vice Chair of Manitoba First National Police Commission: Miigwetch to Elder for pipe. Vice Chair MFN Police Commission, Roseau River First Nation. Welcome to you all, very proud to host you.

Change from Dakota Obijway Police Service (DOPS) to Manitoba First Nations Police (MFNP) on June 1, 2018 to be inclusive of all.

Chief Rick Head (MFNP): Former RCMP (retired), moved to DOPS in January 2018. Happy to make the name change to MFNP to be inclusive. Interesting to hear from lots of other people from policing. Treaty acknowledgement.

Hope to expand through Manitoba, hope to grow. Funding from federal government for another 110 policing positions. Indigenous communities are

demanding more and more self-governance and we hope to be a part of that.

I'm from Newfoundland, roots in a local tribe there. Welcome. Hope to give you a Manitoba policing perspective. MFNP has 36 officers. 6 communities. Based in Portage la Prairie.

DR. NICHOLAS JONES

University of Regina, Associate  
Professor in Justice Studies

## INDIGENOUS POLICING IN CANADA: CHALLENGES AND POSSIBILITIES

NJ: Treaty Acknowledgement, we are all treaty people.

Relatively new to Indigenous policing issues, some research funding from RCMP F Division.

Background: Doctoral work on processes of justice in the Rwandan genocide in 1994.

What qualifies a person in Rwanda to be a judge: a stupid white man question he asked community members: they were people of integrity, nominated by their community members.

What can we bring to Canada from this perspective?

Saskatchewan - Policing Studies

Conducted study in barriers to recruitment of Indigenous people, then RCMP project about Indigenous policing- what the expectations of the community is.

Next slide- 3% of officers are involved with Aboriginal policing directly. But there is greater violence and criminal activity rates than in non-Aboriginal populations.

Colonial history - what the result of colonial history has produced: loss of language, culture, socio-economic barriers.





First Nations Policing Program- seen as culturally appropriate and professional policing.

Conflict of worldviews between Indigenous people and Euro-Canadians - essentially Euro-Canadian law is about procedural justice and keeping order whereas Indigenous justice is about holistic healing in the community from the wrong that has taken place.

The European view of justice precludes Indigenous people from being given justice in the way they understand it. It is about reconciling the person harmed and the person who caused the harm, as well as the community. Restoration of harmony.

‘Canadian’ perspective is about law/Criminal Code. Passive actor in the Canadian justice system.

Moral perspective: how do I make it right? But there

is no room for that in the Canadian justice system.

Similarly a fairly passive role for victims, maybe a victim impact statement.

Community role in the justice process.

### **Restorative Justice**

Community courts in Rwanda- similarity with restorative justice within Indigenous communities. Emphasis on repairing the harm caused by criminal behavior. Best accomplished through a cooperative process that includes all stakeholders.

### **Principles**

1. Justice requires that we work to heal victims, offenders and communities injured by crime.



2. Victims, offenders, and communities should have the opportunity for active involvement in the justice process as early and as fully as they wish.

3. We must rethink the relative roles and responsibilities of government and community: in promoting justice, government is responsible for preserving a just order and the community is responsible for establishing a just peace. (Community has turned away from its responsibility to deal with conflict, we have turned into a 911-centric community.)

#### **Order and peace as conflicting principles**

Values of this: Encounter, amends, reintegration (return as whole, contributing members)

Views of Indigenous and Canadian justice are not strictly at odds, they should be complimentary. One can be used when the other fails. Canadian= order, Indigenous= peace.

#### **A Holistic Policing Paradigm**

What do the Indigenous communities want policing to look like?

Interviews with elders and communities in Saskatchewan. No generalization because there are 71 diverse communities in SK.

#### **Some basis for further understanding**

- Community Safety Issues
  - o Concerns about substance abuse, mental health, problem of incarceration
  - o Policing issues: response time, lack of local control, accountability, positive contact
- Tradition and Culture
  - o Language as respectful and just crucial for communication
- Relevance of History
  - o Looking for acknowledgement of the past and the impact of intergenerational trauma: awareness of police and their

acknowledgement of these events was seen as extremely important

- Importance of Relationships
  - o Importance of police being members, active members of the community and leaders in other ways to show them to the community in capacities other than the 'badge'.
  - o Policing as a helping hand to community members. Need to achieve harmony.
- Roles and Responsibilities
  - o Every member of the community has a role to play; it's not just the police, judges and corrections. Use of elders, mutual respect, role of family that differs from the Euro-centric conceptions.

#### **A Holistic Approach to Justice**

- Conceptions of Policing
- Self-policing and community policing models, interviewees believe that it more important than outside/imposed policing.

#### **Restorative Policing**

Policing based on relational equality, rooted in community well-being. Importance of informal social control (the perspective of the community vs. the threat of sanction from criminal justice system)  
Power imbalance (public is not involved in justice)

#### **Three required changes**

- Definition of crime
- Role of police (from peacekeeper/maker to community builder)
- Community role for dispute resolution.

What do we need to get there: cultural change towards democracy and accountability within the policing system to develop a relational approach.

Connection to Sir Robert Peel: communities should self-regulate. Requires police officers to relent, to let communities have a role in solutions.



Q: how does Restorative Justice relate to really violent crime?

A: Some research suggests it is most impactful on really serious crimes- but there's a time and place. Needs an offender that is willing to take part/be accountable, as well as a victim. Don't want to re-victimize the victim. Possibility for pre-court or post-sentencing restorative justice process, depending on the situation.

Q: Missing issues in your presentation: spiritual aspect of the culture needs to be included/foundational. History of inclusion in treaty. Issue of banishment used in Indigenous communities (incongruous with Criminal Code). Discretionary authority in the execution of law (to keep youth out of the system)

both policing and Crown. How do we get more buy-in from these other players?

Q: Describe restorative policing, how it would work in a particular circumstance?

A: Sharing decision making, removing power imbalance, determining what is appropriate for the issue, developing relational equality. Doesn't have a concrete example because it's not in practice.

Q: What about the example of meth?

A: Community and treatment of addiction.

Q: Youth and restorative justice, most promising area for this work. Brings up participant Celina Reitberger for an example.



Celina Reitberger: Indigenous People's Court in Thunder Bay. Domestic abuse. Accused is required to enter a guilty plea, then brings in the circle. 20 year marriage, by the time they got to the circle they had done all their healing (alcohol treatment and counselling on both sides). Good example for this court. Did blanket ceremony. Lots of spirituality in the court. Able to only have a conditional sentence, no lasting criminal record if there is successful participation.

Bearskin Lake First Nation: alcohol problem, no by-law enforcement (courts wouldn't take the case), changed the by-law to have a community based process to cut off going to court: used restorative justice circle (or proposed). Still working on implementing.

Coming up with a community-based solution as a way to encourage self-government.

Q: Elder Swayne: 7 point system - the clan system. Bear Clan exists to deal with justice in the community. Holistic process with mother earth, the animals, the earth. 8 years at Stony Mountain, saw things that he never wants to see again. Works with diverted people, share the teaching so that they can have a better life. Need to share because the language, ceremony and culture was lost through residential schools.

Need to talk about how we can work together as a community to make things safer. How do we get the levels of government to listen to make these changes so things can improve?

## TONIA WILLIAMS

Public Safety Development Analyst/  
Corrections Supervisor, Kahnawake  
Public Safety

# BOARD POLICY – PLANNING AND CARRYING OUT COMMUNITY CONSULTATIONS

### Summary:

Background - Kahnawake Mohawk, outside Montreal  
- People of the Rapids. The Peacekeepers have a tripartite agreement with Canada and Quebec. 25 officers (capacity of 45).

Philosophy - community and police work together

Why do community consultations with regards to policing? Need to deal with broken trust from our communities. Development of partnerships.

Fractured communities = less trust, more crime, more tolerance to crime.

'Broken Policing Communities'- Ipperwash, Oka

Crisis, with non-native policing forces. Locally, 1979 David Cross killed.- Specific incidents that create racism, prejudice and distrust. Taught to hate police or hide or dislike.

First Nations Policing- lots of work to undo the harm done- begin by focusing on the relationship between the service and the community.

Stats on social problems in Kahnawake: unemployment, social assistance, drug/alcohol rates.

Approach: community mobilization project

Vision for 20 years from now (2009) visioning project.





Collective impact committee (organization and community come together to start addressing each issue).

Peacekeepers came in for these issues. Included police chief as a leader.

Policing goal: reduce fear, prevent crime and promote order.

Want people to get involved; notice their neighbours; be attuned to activity and changes, to become partners in crime and safety. People traditionally policed each other. Not enough resources for police so they need the community.

Community approaches to reduce crime: constant and consistent application to the public about policing to change attitudes.

First Nations communities should be the only ones policing each other, as they know culture, tradition, etc. Communities of this nature usually know the

person, their issues, circumstances that they're going through. Instead of force and incarceration.

Importance of being a part of the community, for civility, community and de-escalation. We want different results so we do different things.

Community policing initiatives: A lot of community events, education.

Research to understand how their initiatives were working. In 2015 & 2017. Conducted surveys on perceptions.

Results- increasing respondents. Community moderately satisfied with policing, helped understand what they can do differently, great start.

#### **Co-analysis: 2015 & 2017**

- Higher interest in crime prevention initiatives
- Perceptions of crime, assume it's going up (actually slight reduction)
- Concerns specifically with drugs, organized crime,

violence, unreported domestic violence. Discovered there was more unreported DV as people were concerned about getting involved in the system and revictimized, specifically by being investigated by Child & Family Services authorities.

- What areas were community members looking for in the future, what can they do better (more impartial and fair- which TW suggests is an issue that requires more education on community based approach, instead of arresting), what are the peacekeepers doing well (seeing 'our own officers' at events).

Stats - criminal incidents from 2009-2015, significant decrease. 2015/2016 - bulk are assaults and threats. Used it to assess how to deploy officer, community mobilization to this.

Overall Peacekeeper Rating: Good (medium). Excellent place to start, lots of area to make improvements. Ability to retest (re-survey) once initiatives are introduced.

Future: hope to introduce policy that shows new activities as a result of the survey- formally release crime stats, community watch program. Mobilize youth, as an important feature.

Engage in a more proactive relationships with community to lower crime rates through prevention and bring up community rating of peacekeepers.

'If we care and they see it, then they'll care'

Want community to take power back and not accept crime.

#### **Question period**

Q: What kind of training do the officers have?

A: Training in RCMP Depo, ability to have lateral officer hiring in the future. Field training in the community, where the officers unlearn everything they learn in training.



Q: Hiring officers: how do you deal with background issues, previous history with criminal record, how do you mitigate that issue?

A: Attempting to work with education facilities; attempting to have some degree of flexibility.

Q: Why don't we set a higher bar for an undergraduate degree? To have a better quality of constable?

A: TW: Agrees with this issue, but First Nations communities are in recovery mode from intergenerational trauma.

Q: Recruiting Afro-Canadian constables in New Brunswick. Our young people are very mistrustful of police and concerned about what their friends would think. We find it difficult.



# ANTOINE BOURDAGES

Director Crime Prevention, Public  
Safety Canada

## UPDATES ON RENEWALS OF THE FIRST NATIONS POLICING PROGRAMS

### Summary

**Budget 2017:** Maintaining budget, then 2018 an additional \$189.2 million over 5 years, beginning in 2018-2019. \$144.4M for officer safety, salaries and equipment, \$44.8M for 110 additional officers (2019-2020), and ongoing funding (\$175.5M as of 2022-2023) including 2.75% annual escalator to account for the rising costs of policing.

Less requests for funding, in perpetuity funding and based on compound-interest (escalator). No increase in funding over the past 10 years.

#### Negotiation of Agreements

- PSC has begun undertaking trilateral negotiations with provinces/territories and

agreement holders.

- Negotiations focused on filling funding gaps
- Self-administrated police service agreements and quadripartite policing agreements already signed
- Negotiations for agreements where RCMP is the service provider will begin in later 2018-2019.

Number of 10 year agreements signed, several provinces have forwarded cash in the meantime.

#### Question period

Q: Fabian: Goodale indicated that there is more work to be done with the FNPP down the road. One issue is the infrastructure, housing for officers. What do



you know about Min. Goodale's thoughts on this?

A: Partnering with Indigenous Services Canada on some housing and infrastructure. It is moving forward, but can't say much. Small part of a larger Indigenous Services Canada appropriations initiative. Well aware that this is a problem, need safe conditions for all people involved.

Discussion about 'essential services' vs program model: Concern about funding models that are short term, limited, uncertain.

Q: Jacob: Our community has a Community Tripartite Agreement (CTA) with RCMP. RCMP promised 3 Indigenous officers, have yet to fulfill that. How do we ensure that they fulfill this promise?

Additional question about missing funding and concerns about CTA. Assurances from the department that they can fulfill this.

A: Recruitment is an issue for the RCMP. Can't speak for the RCMP. CTA, 1991. In place of a self-administered program, as the middle ground, if the community wasn't ready for the level of administration.

Q: Lack of self-administered police programs in Western Canada. Are there any policies in the works about transitioning from CTAs to Self-Administered systems?

A: Does not think there is anything in the works. Small amount has happened. Needs to be a conversation between the First Nations and the province. Funding issue, could a police service be run for the same amount of money that they are paying the RCMP?

A message to take back to Ottawa, you should raise the question with Min. Goodale.

There is room for creative thinking and in the spirit of reconciliation, thinks self-administered first nations policing makes sense.



## CHAD LINS CPA, CMA, MBA, BSA

MNP Partner, National  
Aboriginal Services

# TRANSITION FIRST NATIONS POLICING FROM PROGRAM TO ESSENTIAL SERVICE- THE ROLE OF GOVERNANCE

## Summary

CL: There seemed to be some interest in how to change the type of agreement (CTA/MSA with RCMP) that will be talked about.

First Nations Policing Program (FNPP), Board Governance Best Practices, Common Issues, Importance of Community Safety.

RC: Brief Overview of MNP. Consulting and accounting firm, largest in Western Canada, over 60 years, started in Virden, MB. Headquartered in Calgary.

Focus primarily on public sector, health care and agricultural areas.

### MNP experience with First Nations Communities

- Over 30 years of history and focus to Indigenous Community
- Work with over a third of the Indigenous groups in Canada.
- The largest and most diverse array of services and products available to support the Indigenous community.

# ROB CAMPBELL PAED, PMP

MNP Director, National  
Aboriginal Services



CL: MNP Experience with Public Safety: has worked with all four levels of government, as well as parts/levels of the justice system.

Focused a specific practice on public safety due to history, then hired Dave Thorne (former Winnipeg Police Deputy Chief) for business development and operational issues.

## **RC: Part 2 - First Nation Policing Program**

Discussion of the proposed FNPP investments, key points: long term funding agreements in the works, increase in officers. However, no FN police service has received any of the funding yet.

PSC not looking to add more FN police services until

an effective and efficient model of FN policing is established.

Communities with an existing Community Tripartite Agreements (CTA) under FNPP are able to transfer the funds their community currently receives for provincial/federal police services to an existing First Nations police service.

## **CL: Part 3- Board Governance Best Practices and Common Challenges**

First step to get self-administered is to get governance practices in place.

Board Governance is Universal - regardless of org type there are tried and true practices.





Board Roles - begins with looking at organization's purpose and its reason for existence, make decisions that form the basis for police and procedure development, work with executive, trust the executive to achieve the goals.

Primary Responsibilities - hire/monitor performance the Chief Executive, define the vision (ideal future state), setting strategic directions, approve a business plan, approving policies, monitor results (strategic and visionary results, specifically), communicating (community and stakeholders).

RC: Similar signs/universality of ineffective Board slide. Particular challenge in First Nation's communities of having a smaller population, potential for other relationships that colour issues. Old ways of thinking, lack of measurement, lack of orientation and training, Board thinking it should do the executive's job, lack of vision or strategic plan to support it, absence of policy direction, not understanding the budget's purpose, not focusing on

results, lack of effective communication, ineffective meeting strategies.

Duties of a Director: knowledge, confidentiality, duty of care, prudence, diligence, govern, loyalty (limiting conflicting interests), act within scope, obedience, investment powers, delegation, continue.

#### **CL: Part 4- Common Issues**

*Governance vs Management:* Often there are limitations of resources (both financial and human) and it sets up the organization to fail. Need to have the right operational people in place to do the work.

Directors don't have any authority on their own (they have to act as a collective).

Strategic planning: vision, long-term goals based on that vision, what's stopping us from getting there, what are the strategies to overcome that, what's the timeline and what are the indicators.

Failures: strategic plan is too operational, driven by budget (strategy drives budget, not the other way around), does not include measurable goals or time lines, does not involve Executive, is ignored or not operationalized, don't use the strategic plan.

Business Plan Fails: too strategic (should be operationalizing the strategic plan), is not tied to budget or spending (how are we spending the money different to achieve the desired results/or where you move your people to), is not acted upon (fail to change behaviours). Status quo has an incredible inertia.

Monitoring Results: monitor the right stuff: the strategic stuff, not the operational stuff. Keep a focus on goals. If no one is measuring it, it won't get done.

#### **Part 5- The Importance of Governance to Community Safety Going Forward**

Community Policing- want to move governance

closer to the community, acknowledge that a large proportion of crime is rooted in social and health issues that needs to be addressed.

Complex Operating Environment for police/police boards. Where do we draw the borders around what we're responsible for when there's dependencies on all sides. (Only as strong as the weakest link). System needs to be in balance.

Collective Impact - framework to tackle deeply entrenched and complex social problems.

Example of collective impact organizing: Winnipeg Wellness Alliance dealing with public intoxication/ Intoxicated Persons Detention Act.

Common agenda; share information and continually and consistently measure results, plan with mutually reinforcing activities.

Challenge to collective impact: organizational vs

# ANDREW GRAHAM

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University, School Of Policy Studies

systemic risk. The system is better at protecting those who work in the system than those that need help. It impedes change. Money flow to the areas that need it most (suggests there is enough money to deal with the problem but it's separated across organizations). The system has been made too complex and the client doesn't care, they just want help.

It will take significant and selfless leadership and governance to do the things that need to be done going forward.

Need those in areas of leadership to give up parts of their budget or willing to take more risk.

## Importance of Governance Going Forward

As a community/service looking to move from a CTA to a self-governed FNP is to work towards designing/building a governance system.

## Question period

Q: Should a police board secure a yearly budget?

A: Yes and municipal police service should also be audited.

Q: Can a committee or police board donate city property without council approval?

A: I am not a lawyer.

Q: What are the criteria for putting police board agenda items in camera?

A: You need policy in place to decide those things, have a consistent understanding of what is appropriate for in camera vs. public.

Q: If the Board doesn't need to know everything, how do you determine what is appropriate?

A: Should have a standing list of issues (like areas of Board liability) that you need to be informed on to make good decisions.



# EVALUATING THE CHIEF: A CORE GOVERNANCE FUNCTION

## Summary

AG: Boards that are self-governed are part of the key to having self-determination.

In God we trust, everyone else we audit.

Key relationship is between the Board and the Chief: the governor and the governed. Want to fit the evaluation process into the broader role of the Board/Commission.

Share key practices that work and walk through the practical steps needed to build the capacity to effectively give the Chief direction and make them accountable.

Boards have to evaluate the Chief in a formal, consistent way in order to fulfill their role.

Process has to be based in policy and cannot be delegated. Expectations need to be clear to the Chief.

Role of Board: governance (controlling the direction, setting goals, budgets, expectations and holding the Chief accountable) and oversight (ensuring compliance with the law and police, evaluating performance and making adjustment). Governance is looking forward, oversight is looking backwards.

Strategy > Execution > Accountability

Good governance: relationship with Chief is complex and busy. Built around certain notions of personal trust but limitations (we still monitor and don't give them free reign). Like them, but hold them accountable. Good chiefs want to answer to their governors. This is how the governors assure the vision is being carried out, provide evidence to your community of this behavior/performance.

Formal evaluations clear the air, limits 'death by gossip'; also can help limit poor performance (the opposite of good governance is simply for Boards to ride out poor performance to the end of a contract).

Board needs to act as a single entity, collective action. In Chief's best interest to know feedback and formal information about how they're performing. Most challenges you're going to encounter are fixable, so communication builds awareness of expectations so the Chief can adjust their behavior/performance/results.

Can't evaluate someone if you don't give them the resources, give them your expectations and the opportunity to give and receive feedback.

Job 1 of the Board is to make the Chief succeed, because you hired them. You only get there through setting direction, monitoring it and giving feedback. Everyone should be after the capacity to make change/improvement. How does it work? Put a policy in place to: set up the evaluation system; outline the process; establish the basis of evaluation.

Good examples of policy/process: Kahnawake Peacekeepers Services Board, Ottawa, Sudbury.

Do the organizational work well in advance:

- Describe the process: how objectives are set-link to strategy; Chief should sign off; outline timing; describe forms as needed.
- Define deliverables: organizational goals; personal performance objectives; general expectation of CEO- efficiency and effectiveness.

### **How/Who Does What?**

Chair has to pull it all together. Use basics you should already have: Strategic plan/business plan; Chief's job description; core policies; specific personal goals.

Key thing: no surprises. Everyone should be aware of the rules. If there is a major issue use a formalized disciplinary process, not an ambush.

Before You Start Rule: Chief should know in advance of being assessed what her objectives are in all areas. Make it Formal Rule: set out objectives and communicating in writing.

Build it Together Rule: the Chief should be able to clarify and negotiate these objectives.

Never set objectives that aren't in law, policy, plan or budget. Don't ask something of them without equipping them to do it (the feasibility rule).

Are We There Yet? Rule: how do we know we achieved anything? Chief needs to know what they've accomplished (self-reporting), clarify, need to agree on core measures that you will use to evaluate-



should look like your plan's objectives, avoid another layer of reporting.

The KISS and Build to Scale Rule (Keep it Simple Stupid): don't build an elaborate process that you can't administer.

Wheel slide: set objectives, chief signs off (before review period), monitor performance, chief reports, board discusses (after review period), chair writes evaluation, chair reviews with Board, Chief signs off, start all over again.

"Enough nose in and fingers out to know what's going on"

Monitor Performance Regularly: regular board reports will tell if the Chief is on target or not; Boards have to make adjustments to reality in evaluating the Chief.

Cut the Chief some slack on timing, make sure you let the chief say 'we can't make this one' occasionally. Collective process, not personal opinions based on likes/dislikes. Chair has to be backed up. Has to be respectful and confidential.

No such thing as informal evaluation, that's just feedback.

### **Question Period**

Q: No surprise rule, please tease it out.

A: Boards should be having 'How are we doing?'

discussion on a regular basis. Your regular reporting should also give the tenor of the Board's view towards the Chief.

Q: Exit interview's impact on hiring/behavior towards new chief?

A: Exit interviews are great; consolidation of experience and knowledge. Need to learn from successes and failures.

Q: During performance review, we don't have the expertise to judge operational issues and reports coming out, got outside professional advice. Wary about accepting the Chief's word. Does the Chief have the opportunity to assess the Board's work?

A: To first part: not evaluating the Chief, evaluating processes. Suggests picking a few vital areas to evaluate in this manner. Need to pick and choose what you need to know in that level of detail. Can ask City Auditor, if that's something you have.

Board evaluation processes exist that requires the Chief's input (as well as others). Calgary is good as a model.

Ron Skye: recap of the day, topic of each presentation.

DB: Can I have an AMEN.

All: AMEN.

# TOWN HALL AND Q&A

Moderators: Ron Skye & Dan Bellegarde

RS: Have a list of issues that have come up in past meetings that there should be an opportunity to talk about.

DB: Want to have an opportunity to talk between various boards and groups.

Want to start specifically by talking about Indigenous law and what that process would look like in our communities.

Another issue is how to build the relationships between self-administered agencies, tripartite, RCMP and municipal police agencies. What kind of programming exists?

Peacekeepers, special constables, how do we included these other people into the system so it all works

Self-administered policing, lack in Western Canada, there is interest, particularly in Saskatchewan.

Board recruitment and retention. In small communities, how do we find the skills we need. Culture and policing, both changing and evolving, how can they work together?

Building a network for professional development.

RS: Your time to have a say; open floor; good, bad or ugly.



**Fabian Batise:** Asking if the Board council if they can ask the CAPG to move to a week that isn't a compressed week, so we can all attend.

**RS:** A good point to discuss, we piggyback with Canadian Association of Chiefs of Police conference, but we'll talk about.

**Q:** Jeffery (Ontario): FNP and municipal police services: good relationship with Peterborough. FNP do field training in Peterborough which accelerates the learning of the recruits.

**Complaints process.** What works best for resolution, lower cost, people feeling heard? Suggests sharing circles for dispute resolution, as well as work to prevent conflict.

**A:** Bob (Free Agent) Nova Scotia, officer complaints are dealt with by the Chief/Service; Board only handles Chief complaints. Then provincial complaints processes are available.

**RS:** Provincial Police Act lays it out. Personal example: in Quebec have a peacekeeping act, development with conflict resolution methodology, with Chief as the person who runs the solution initially. If the individual is not happy, the Board will take it over.

**DB:** Fine Hills, five communities with Board representation. Community member goes to their representative, which is okay. Don't want the Board member to attempt to solve it themselves, rather bring to the Chief. Community members aren't necessarily aware of or willing to go to provincial complaints mechanism.

**Sherry:** Manitoba. Acts as liaison with community members without getting involved specifically. Passes things on to Chief but also helps the Chief to look at how he could solve things.

**Concerns with particular officers,** usually a lack of cultural understanding, so they engage with

officer to better understand where the community is coming from. Lack of knowledge, education and experience. Encouragement to participate more in the community experience.

Tonia: How do you evaluate the progress of non-Indigenous officers? Should we be doing this? Is it part of our rights if it's part of a tripartite agreement?

RS: A particular challenge of tripartite, when you don't control who gets hired. Need to lay our objectives and have measurement/barometer that is very specific. Board should be able to say 'this is what we expect, this level of service because we're paying for it'.

Regina (Mohawk PS Board): Interview officers with cultural questions and then do cultural training with all the border agencies (CBSA, New York State, Quebec, Ontario). If you're on our land, you're trained about us.

Suggestion about more content on rules and policies on accommodation.

RS: Great topic that needs to be addressed.

Fabian Batise: Problem in our community as well, either gaming the system, injury, PTSD or a sign of overtaxing our officers.

Another issue: Asks the group to suggest things for the agenda for next year, identify a guest speaker.

RS: PTSD, met with government officials about funding for PTSD for Indigenous fire responders.

Lorraine (Dakota/Brandon Police Board): Urban setting with new Indigenous people. As the only Indigenous board member I've had to speak to these issues. Specifically on street checks.

Been asserting the need for more cultural awareness and involvement in councils, suggests having elders councils in the FNPG Council.

RS: Possible need for northern/rural communities to connect with the larger municipal police.

DB: Anyone have any comments about tiered policing, peacekeeping?

April, Garda World: We develop solutions; find funding from province and federal government for programs that are necessary. Look at specific issues for communities, if it's level of education, attaining driver's license, and training for different levels of security (like tribal police).

Ross Eadie, Winnipeg Police Board: Cadet program in Winnipeg. History of downtown ambassadors/BIZ patrol, some of their work was police work.

Issue with recruit, barrier to recruitment is wage. Specifically if they are supporting family. It's a larger challenge to recruiting Indigenous police officers, as many recruits come from the cadet program. Notes issues with police representatives/union.

Sherry: Mental health/PTSD. Police Commission's strategic plan made officer health and wellness as the number one priority. Developing a critical

incident response protocol. Issue: barriers in confidentiality from policing to health. Their protocol is multi-organizational and there is a communication/confidentiality agreement.

RS: Our service, it's mandatory for a post-critical incident debriefing.

Jacob (Saskatchewan): Community signed CTA with province and federal with three full time Indigenous officers, which didn't happen. Drug influx. Chief and Council were mandated to deal with it and started a security training program to protect land, property, assets, people. Didn't ask for permission. 12 hour shifts (19:00-7:00): check on elders, CCTV in store, band office.

Got province to provide Community Safety Officer Program in Little Pine. Gives their people special constable status to do by-law and traffic, partner with RCMP for homicide and major crime/specialized enforcement.

Dealing with drugs and domestic violence as crime prevention initiatives.

Wanted to move this into a self-administered service with another nearby community, along with other first response agencies, Court, health care.

Treaty 6 didn't give up local authority and we believe this falls into it.



## JULIAN FALCONER

Partner at Falconer Law: Safety  
backed by the rule of law

# ONTARIO POLICE ACT: SUCCESSES AND CHALLENGES- NISHWAWBE-ASKI POLICE SERVICE

## Summary

Non-Indigenous policing: didn't just trust police to do the right thing, they passed laws with remedies if policing didn't happen.

Indigenous policing is a program at the whims of the bureaucrat, who is incentivized to spend less money. Instructions from the Chiefs at Nishwawbe-Aski at the time to not sign anymore tripartite agreements unless they are backed by legislation. End of the experiment.

Often the police chief is tasked with the political side of this, when it is the job of the Board to play the

political game.

This agreement/law was passed by Ontario provincial government. Will go into action in January.

Changed the statement of principles in the Police Act: had forgot to include First Nations people and statement of equity of First Nations policing.

Developed Adequacy Standards table for accountability. Ability for first nations police to opt into this table with the cultural standards to keep it as an Indigenous cultural force, referred to as



‘constituted’, requires the Minister act on it (can’t let it sit un-responded), with funding opportunities.

Insisted on collaborative drafting, not just accepting a preset legislative model. Drafted over 100 amendments.

Legislated Adequacy Standards slide. Amendments requiring Indigenous representation and learnings by associated agencies, and a responsibility to pay for it.

Bill 175- Safer Ontario Act. Separated the Indigenous portions of the act from the rest, which is controversial to new premier and police associations.

Legislation empowers the police board to ensure the adequate and effective policing, as municipal police boards are.

Independent Arbitration: process for conflict resolution, arbitrator must be culturally competent.

First Nations Constables as a concept is done: will have full police officer status.

Cultural Autonomy of First Nation Police Services: requirement to consult with the band chiefs to ensure the services are appropriate for the community.

Needed to be legislated to limit the Minister’s discretion to change status of services in the future. Only possibility is if there is a ‘material change in circumstances’, but self-determination must still be taken into consideration.

NAPS wanted an opt-in mechanism for self-administered policing. Suggests that the input of other Indigenous policing boards was vital to shaping this.

Wants to move away from the current types of agreements that mirror Treaty agreements (sign or you don’t get paid). Must negotiate from a position of strength, the strength is the belief in self-

determination.

Advocates for putting political pressure on the new Ontario government to make sure this goes into effect. This is the possibility for other provinces to get momentum on this issue.

## Questions

Q: President of the Police Association of Ontario: Provide context for the bill. 7 Acts are part of this bill (Coroner/Missing Persons/Forensic Identification,etc). Believe there is support for the Indigenous part of Bill 175. Who will the bargaining agent going forward, when there is still a union involved?

A: JF: I don't know. The politics of this is a powder keg. The legislation currently says officers will be represented by an association, not a union. Context of police job in a union with other occupations is problematic, the threat to strike.

Q: Sherry Thomas: Were the feds not at the table at all?

A: No, they weren't.

Q: Have the feds responded on the essential services piece? It's an issue to have the federal government declare it.

A: JF: Ideally the federal government would have been there but the Harper government had no interest in participating in these discussions. Ontario was a good government to negotiate with because they take responsibility for provincial policing but

forgot to include First Nations people.

Comments about the 58-42 split in funding between federal and provincial governments, it's a fiction and don't get stuck in it.

Q: To benefit from the remedies in the law, do you have to opt into the Ontario Police Services Act as a self-administered police service?

A: Yes, but it's an intermediate step. Acknowledges this is problematic for communities who want self-government. To have higher standards in the meantime, this is the stepping stone.

Q follow up: Her community is quad-agreement (Ontario, Quebec, Federal, community).

A: NAPS signed a \$165 million agreement, increase in 79 officers. Due to federal funding, because the feds then had to come to the table for the funding discussion after the agreement happened.

Advocates for political pressure on Bill 175 because once it exists, you can't take it away.

Q Dan Bellegarde: Presented this to Saskatchewan Justice Commission, they were concerned with self-determination, relationship with the federal government, treaty, nation-to-nation relationships. Suggested reciprocal legislation and federal government involvement.

Given the current political climate, how does this impact the drive towards nation building, can it be reciprocal?

A: Mike (NAPS Board): Treaty 9 was signed by federal

and Ontario government, so the relationship formally exists, and they forgot us in the Police Services Act legislation.

Could never meet the expectations of the community if we continued to be resourced at the way we were. High turnover rate, substandard conditions. Cost of living and doing business is three or four times higher than average in their communities. OPP said it would take \$80 million to operate annually, NAPS had \$27 million annual budget.

It was a reawakening of the treaty agreement that Ontario signed.

Fabian Batise: Federal Indigenous leaders are working on the file, presenting to the Public Safety Minister. Want this to be applicable at whatever level it is needed.

JF: Cultural autonomy standards included in the Act which requires 'culturally appropriate services', which can take whatever shape it needs.

Q: Our quad partite situation with QB/ON/CBSA/US agency- gives significant training, they train in Quebec and Ontario police colleges, have to be certified in both provinces, but our primary applicants are non-Indigenous, and cannot stay on permanently.

Mike (NAPS): We're like a training academy, they go on to a better service after we train them. How can we work that, how can we mold that? Mainstream agencies are looking for experienced officers who have dealt with First Nations communities.

Q: RS: The legislation says that the Minister must

consider the application, what happens if they refuse?

JF: No legislative remedy, but you can take them to court, but reluctant to suggest that unless something really illegal happens. Usually that is a waste of money. If you're an agency that exists and is in good shape, there shouldn't be a major issue with becoming constituted. Need to work with the Minister to get constituted, a negotiation. A political climate issue since Ontario election.

Q: Tonia: What would be the benefit to Ontario to have an agreement like this?

A: JF: That government under Kathleen Wynne, had a progressive Indigenous agenda. Other side was that NAPS & NAN (34 communities) refused to participate without a legislative framework.

Decades of Inquiries going back to Ipperwash suggested that this type of agreement should exist to remedy issues.

Tonia: Her community has a different perspective, no threat of having the Surete Quebec take over, there is a very anti-SQ sentiment in the community.

JF: It doesn't need to be that threat for negotiation, if Bill 175 gets passed it gives room for you to say 'where is my community's legislative framework standards? Why doesn't Quebec want to give this to us?'

Marianne Silverthorn: comments to thank Ron and Dan for all their work and help and expertise.



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