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Canada

COMPREHENSIVE REVIEW OF THE FIRST NATIONS POLICING PROGRAM

NATIONAL REPORT FROM THE COMMUNITY ENGAGEMENT SESSIONS

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EXECUTIVE SUMMARY

As part of the Comprehensive Review of the First Nations Policing Program, Public Safety Canada held a series of community engagements sessions to discuss the review exercise and specific issues important to the communities. Eight sessions were held across Canada between March and June 2010. Participants were asked a number of questions regarding the sustainability of the FNPP, the design and implementation of the FNPP and the relevance and effectiveness of the federal government's involvement in First Nation policing.

Participants stated that program funding was urgently required at the community level and there have been a number of positive outcomes since the program was implemented. Participants spoke about Canada's fiduciary responsibility for policing in First Nation communities and how the program provided the first and, in many cases, only opportunity for First Nations to be involved to some degree in their own police services. However, the FNPP could be considerably more effective and responsive to community needs by addressing a number of issues within the Program.

KEY ISSUES

A number of key issues of common concern were identified in the session and these are outlined below.

- **Federal Involvement in First Nation Policing**

Community participants stated that the responsibility for First Nation policing rests with the federal government, as it is a Treaty Right, as well as Canada's fiduciary responsibility. It was also noted that, while the other levels of government may not realize it, the approval and consultation of First Nation governments was a necessary part of the process; there were three levels of government involved in the process, not two.

- **FNPP Agreement Renewal and Negotiation Processes**

FNPP policing agreements are said to be implemented through tripartite negotiations. Community participants felt that the negotiation process was not a real negotiation and that communities were constantly being presented with an agreement and told if they did not sign, they would not have a police service. It was mentioned that the government had to be transparent and upfront in their negotiations with First Nations, particularly when it came to the availability of funding. Participants stated that many times they were forced to negotiate without having all the information. It was also unreasonable, for the negotiation process, to assume that the communities could precisely forecast their expenses over five years. Community participants expressed that the agreement negotiation and development were done without any recourse for making adjustments for unforeseen circumstances. The agreements should be flexible, enabling the First Nation to develop creative solutions to any challenges they faced.

The participants indicated that there was a need for the people negotiating the agreements to travel to the First Nation communities to understand the situation. They indicated that some of the people who were sitting at the negotiation table had never even been to a community and were not aware of how the agreement actually worked on the ground.

- **Program/Agreement Design**

Participants stated that the word “enhancement” needed to be taken out of the agreements and the federal government needed to recognize that the FNPP was the primary source of funding for policing services in many communities. Participants stated on numerous occasions that the FNPP should not be a program, it should be legislated and have greater authority attached to it.

Participants also indicated that the eligible expenses in the agreements needed to be reviewed and revised to reflect the individual community needs. They argued that the current list of eligible expenses was very limited and missing many elements. Of particular importance was infrastructure funding. Infrastructure funds included in the agreement should include the development of necessary facilities such as holding cells, secured storage, garages, docks, communication requirements (towers), requirements for consistent internet access and other basic requirements that a police service required to do its job effectively.

- **The Need for Flexible Agreements**

There was a need for flexibility within the FNPP agreements. Participants stressed that the program could not use a “cookie cutter” approach, as First Nation communities were diverse and had unique needs. Participants suggested that they needed to be able to respond to the changing face of crime in their communities, address changing economic factors creatively and innovatively and develop policing programming that meets the current needs of their community.

- **FNPP Funding**

There was consensus among the participants that the program was not adequately funded. Participants noted that the funding was woefully inadequate and additional resources needed to be identified to address a number of areas such as: crime prevention; specialized services; school liaison; investigation support; justice system supports; infrastructure for police detachments and housing; equipment; and, additional costs related to geographic isolation.

Of particular concern was officer complement because this had an impact on the objectives of First Nation policing at the community level. Participants provided a number of examples where only a few officers were required to police areas with populations in the thousands over large geographic areas. In situations requiring a timely response, it was very difficult for the limited number of officers to respond effectively. It was mentioned that under the current FNPP Community Tripartite Agreements, police officers were supposed to spend 80% of their time in the community and that was not happening.

- **Community Policing Initiatives**

The lack of financial and human resources made it impossible to be proactive and address issues through the community-policing model. The police service was expected to handle service calls, court, transport of prisoners, paperwork and other administrative tasks, which already stretched their limited resources. In turn, this left no time for victim services, crime prevention, school visits, liaison with community, youth interactions, inter-agency cooperation and other community-based activities.

- **Officer Recruitment and Retention**

It is becoming increasingly difficult to attract officers to smaller and rural communities, including First Nation communities. Participants stated that they had to make policing in First Nation communities a desirable work environment and, currently, there were infrastructure and safety issues that had to be addressed. With regards to the self-administered agreements (SAs), it was also noted that the inability to offer competitive salaries and benefits was an issue when recruiting new officers. It was also noted that they had to address issues regarding advancement and career development for officers who want to be part of a small community police force or part of an SA.

- **Relationship Building and Communications**

Increased communication and interaction between the community, leadership and their police service providers was seen as very necessary. It was noted that these relationships have developed over time with an increased visibility of officers in the community and an ability to address community issues, but the community needs to ensure that these initiatives continue. If there is no consistency in the police response it will contribute to a lack of trust in policing services. It was mentioned that there was a lack of consistency because of funding issues.

- **Strengthening Community Consultation Groups/Police Management Boards**

Participants stated that there was a need for training in leadership and board governance for the Community Consultative Groups (CCGs) and Police Management Boards (PMBs) and training needs should be written within the FNPP agreements. The CCGs/PMBs were the link between the community and the police service providers. Communities wanted to work more closely with police services; however, they lacked the funding to do so. In order to do the work intended under the FNPP, they needed to be properly mandated and resourced.

- **Community Involvement and Officer Visibility**

Participants stated that they needed their officers to be more visible in the communities. They realized that this was very difficult with a low complement of officers who had administrative and other responsibilities that required them to be out of the communities or in the detachment office. Community participants stated that the FNPP had to facilitate the increased involvement and interaction between the First Nation community members and the police service providers. Participants stated that it was important to build relationships with the RCMP and invite the Unit Commander and police officers to Chief and Council and community meetings so that they could hear community concerns directly.

- **Evaluation of the Agreements**

It was noted there was no process for reviewing the effectiveness of the agreements. This process should involve the First Nation(s), the RCMP and provincial officials. It was further noted that the agreements needed to ensure that the objective of the agreement was improved policing services and a safer and healthier community. In addition, participants stated that there was no one monitoring at the federal level to ensure that the province was providing the base level of policing services to First Nation communities.

1.0 BACKGROUND

1.1 Public Safety Canada and the First Nations Policing Program

The FNPP was established in 1991 and developed on the base of consultation with the provinces and First Nation organizations. It was designed to make First Nation communities safer and to build relationships between First Nation communities and the police service of jurisdiction.

The FNPP supports the negotiation of policing arrangements among the federal government, the provincial or territorial government and First Nation and Inuit communities. The program allows for First Nation and Inuit involvement in the administration of justice in their communities, and funds the provision of policing services that respect First Nation and Inuit traditions and beliefs. The costs related to the FNPP are shared between the federal government (52%) and the provinces/territories (48%).

Under the current FNPP, there are four types of agreements that are negotiated including: First Nations Community Policing Service (FNCPS) Framework Agreements; Community Tripartite Agreements (CTAs); Municipal Quadripartite Agreements (MQA); and, Self-Administered (SA) Agreements.

According to Public Safety Canada, there are currently 398 Aboriginal communities in Canada with policing agreements under the FNPP employing 1238 police officers, some of whom are of Aboriginal descent. There are individual community agreements but also multi-community agreements, such as in the case of the Nishnawbe-Aski Police Services (NAPS). NAPS serves 35 communities in northern and northwestern Ontario. Some agreements are self-administered while others are managed through the police service of jurisdiction, predominantly the Royal Canadian Mounted Police (RCMP).

1.2 Comprehensive Review of the First Nation Policing Program

Public Safety Canada is currently undertaking a comprehensive review of the FNPP. The review consists of an examination of service delivery models, funding mechanisms and potential revisions to the FNPP policy framework. The review began in fall 2009 and it is expected to conclude in winter 2010.

The purpose of the review is also designed to gather information/views and engage key stakeholders and partners on complex issues. The outcome of the review will include the development of options that will address the relevance, effectiveness, and sustainability of the FNPP into the future.

There are three phases to the review methodology:

- Phase I - First Nations Policing Policy Evaluation
  This is an independent evaluation of the program being led by Public Safety Canada's Evaluation Directorate to examine the relevance, impact and effectiveness of the program. This is being conducted as a requirement pursuant to the Policy on Transfer Payments and the Financial Administration Act, for all federal grants and contribution programs.

- Phase II – Questionnaires and Engagement Sessions
  The questionnaire process involved police service providers and community representatives. All police service providers and First Nation communities participating in the engagement sessions were canvassed. There were also provincial/territorial bilateral meetings to discuss the work of the comprehensive review and specific issues of importance to communities. In each region, stakeholder community sessions were held to provide community representatives with an opportunity to provide input to the comprehensive review and to discuss various community-based issues.

- Phase III – Development of Options
  At the conclusion of the independent evaluation and the comprehensive review, an analysis of all compiled information will result in policy options to guide the future direction of the FNPP.

This report summarizes the information gathered during the community engagement sessions in each region.

1.3 FNPP Community Engagement Sessions

Phase II of the review process was centered on community engagement sessions. Throughout this process, community representatives and service providers under the Program, along with national and regional Aboriginal organizations, were officially invited to participate in the comprehensive review.

Eight (8) community engagement sessions were held in the following locations:

Session	Date	Location
Ontario First Nation Policing Agreement Holders	March 9 – 10, 2010	Toronto, ON
Ontario Self-Administered Police Services	March 11 – 12, 2010	Toronto, ON
Saskatchewan	April 13 – 14, 2010	Saskatoon, SK
Québec	April 20 – 21, 2010	Québec City, QC
Alberta	April 27 – 28, 2010	Edmonton, AB
British Columbia	May 11 – 12, 2010	Vancouver, BC
Atlantic	May 19 – 20, 2010	Halifax, NS
Manitoba	June 8 – 9, 2010	Winnipeg, MB

The process for each community engagement session was comprised of two parts: an information session followed by a series of small group discussions with questions designed to solicit feedback on the community-based workings of the FNPP. Public Safety Canada officials provided a presentation entitled *"First Nations Policing Program Background Information – Comprehensive Review Community Stakeholder Engagement"*. The presentation provided an overview and history of the FNPP and the types of agreements that were provided under the Program. It also explained the rationale and methodology around the comprehensive review and provided preliminary findings from the Police Service Provider Questionnaire.

The first small group session focused on the sustainability of the policing agreement along with police service and community needs. The participants were asked to consider the following questions:

- Is your current policing agreement sustainable to maintain the FNPP in your community?

- Are the current policing agreements adequate to address policing in First Nation communities?

With regards to the FNPP design and implementation, participants were asked to consider the following questions:

- Is the current contribution program for policing in First Nations appropriately designed?
- Does the current structure of the FNPP adequately address the needs for policing in First Nation communities?

The final discussion session asked participants to consider the following questions with regards to First Nations policing and the federal government (1991 – present):

- What is the added value to having the federal government involved in policing in First Nation communities?
- Is the FNPP administered in a manner that encourages First Nations participation in community safety?

1.4 Limitations of this Report

This national report is a summary of the participants' comments and feedback on the questions and other issues related to the FNPP. It is not intended to be the final or complete response to the department on the issue of First Nation policing or the FNPP program. The participant views have been summarized in more detail in the regional summaries.

In addition, all summaries developed, including this national report, are only a reflection of the views of participants who have taken part in the regional sessions.

2.0 Summary of General Feedback from the Community Engagement Sessions

Participants provided a number of general comments regarding the FNPP, the comprehensive review process and the preliminary results to the Police Service Provider Questionnaire which have been grouped and summarized below. Many of these issues were discussed in more detail during the small discussion sessions.

2.1 The FNPP Comprehensive Review Process

Participants recognized that the comprehensive review and regional engagement sessions were the first positive steps in the process. The participants were looking forward to having a productive report that could be used at the community level, once the comprehensive review was complete. First Nations wanted communities that were free from crime, well-policed and a safe place to live, which was the overall vision for the FNPP.

Participants did, however, voice a number of concerns with the process and the outcomes of the comprehensive review, they feared that the process might put the Program in jeopardy and there was speculation with regards to whether the program would be continuing or be part of anticipated funding cuts. PS representatives reiterated that the goal of the process was not to eliminate the Program but to examine the Program and make recommendations for its future.

Participants were also concerned with the length of the process as many of the agreements are expiring on April 1, 2011 and they did not want the renewals to be in jeopardy. PS representatives assured the participants that this was not the intention and that PS was aware

that many of the agreements were maturing. PS wanted to get the comprehensive review done to collect the information from the exercise and make it available for decision makers by late fall, with a view to renegotiating the agreements in the spring.

It was made clear that participants did not see the meeting as a consultation; participants were invited to the meeting to discuss the effectiveness of the Program from their perspective and they participated to share their views.

Participants also had real concerns with the notion that the process was part of a "comprehensive" review that did not seem comprehensive at all. They noted that, if it were, it would involve community members and other groups.

Participants asked if there would be a separate process to engage leadership. It was indicated that the Chiefs of the First Nation communities were the signatories to the agreements and they needed the opportunity to provide input and feedback as part of the comprehensive review process. The PS representative's response was that there was no specific process for engaging First Nations leadership but it was hoped that they would participate in the questionnaire process. It was noted that this concerned the participants because leadership did not have time to complete questionnaires and there should be a process in place where Public Safety could hear directly from the leaders. It was also noted that the three-month timeframe for the review process was insufficient to effectively engage with community stakeholders.

Participants asked if there were funds to undertake a community-based consultation process. PS representatives stated that there was neither funding nor time to undertake community meetings, but there were a number of processes taking place beyond the regional gatherings of community based participants.

It was felt that the comprehensive review process was narrow and a lot of data was not being collected that would have been useful to the process. In addition, many communities were not given the opportunity to be part of the process. A question was raised as to whether the comprehensive review would be looking at crime rates and other statistics as part of the process, because it was important that the review also consider statistics. It was recommended that the best place to get accurate statistics was to go to the First Nation communities directly. PS representatives responded that they were trying to get the complete picture of what was occurring in the communities and that would also involve looking at statistics as part of the process.

Participants raised concerns about the information gathered in the review process and how it was going to be used. They asked for clarification on what the outcome of the process would be and who would be developing the policy options from the process. It was explained that the community engagement process was a critical element to feed into the development of program options. There were other processes as well including the questionnaire, and participants could also follow up with the department directly through the website.

Participants requested reassurance from PS that the information collected throughout the community engagement sessions would be assessed and that the recommendations would become part of the final report.

Participants voiced concerns with regard to the overall process that was taking place. They had tremendous concerns with the fact that the federal government would be interpreting the

information collected. In Québec last fall, the Chiefs had convened a Summit of Police Chiefs to review the existing agreements, in order to determine what had worked and not worked. They had also tried to convene meetings with the federal government and provincial Ministers to get information on whether the program would continue or if the structure would be changing. However, the responses that they were receiving were vague and the First Nations felt that they were on the fringe of the process. It would have been a positive change if the federal government had engaged in a dialogue and provided some answers and timeframes.

The concern was raised about how the participants were chosen for the engagement sessions and the timeframe around the invitations. It was noted that those First Nation governments with policing agreements had been contacted about the meeting and they decided who would attend. Past participants had included governance members such as Chiefs and Councilors, Chiefs of Police, Police Governing Board members and other community members. The point was raised that many communities had policing issues but they were not represented at the sessions. Participants stated that the timing of the invitations and the planning of the meeting was too short. PS representatives agreed that it was a short timeframe, however, that was the case all over the country and every attempt was made to ensure participation for all agreement holders. It was noted that there would still be an opportunity for communities to complete the community questionnaire, particularly for those communities that could not attend the engagement sessions.

There was some discussion on the role of the RCMP in First Nation policing. It was noted that the RCMP was the service provider in the relationship and it was thought that the community should set the priorities and identify important issues. There was a question as to why there was not more RCMP in attendance at some meetings but it was explained that the sessions were focused on the program and sometimes RCMP involvement could lead to discussion to focus on specific issues. It was mentioned that PS representatives were talking to the RCMP throughout the process. Participants noted that the RCMP should be in attendance at the meetings in order to hear the frustration of the communities firsthand regarding their police services. It was noted that the information shared at the meetings was being recorded by an independent contractor and the report would be shared with the RCMP.

Participants wanted to know when the report from the session would be going to First Nations for approval and how that process would be undertaken. It was indicated that the participants at the engagement sessions should be provided with the Evaluation Report and a comprehensive review report in order to provide comments and views.

2.2 General Comments

Canada's Fiduciary Obligation to First Nations

When the Program was initiated in 1991, the Chiefs were insistent that the Program be cost shared because there were concerns that the FNPP not be "off-loaded" to the provinces and territories. Participants stated that the federal government had a fiduciary responsibility for First Nations and they wanted to ensure that the responsibility was not downgraded to a provincial program responsibility.

Jurisdiction Issues

The control over First Nation policing still rested with the province but the foundation of the FNPP was the authority that was shared between the federal and provincial governments. There were some questions regarding First Nation control of policing and participants stated that the control over policing had never been ceded by First Nations.

Participants noted that their community leadership had the authority to make laws on issues that affected the community but officers needed a clear indication of what was enforceable. It was noted that jurisdictions often mentioned that First Nation laws were a “grey area” but this response was not practical from a law enforcement perspective.

Grants and Contributions Programs versus Statutory Regime

Participants mentioned that many of the issues that they faced in terms of the FNPP were based on the fact that FNPP was a program and, as such, was not legislated.

The participants indicated that the word “program” itself was an issue as First Nations policing was an essential service. They indicated that the funding for First Nation policing needed to be stable and could not disappear.

The Need for a True and Meaningful Negotiation Process

Participants were concerned about the agreements and how they were being negotiated, and with the term “negotiation”, since the First Nations could not actually negotiate funding amounts. Participants stated that, with regards to the negotiation process for the agreement, there was no actual negotiation. They felt that the stipulations in the agreements were imposed and the process did not allow for addressing policing needs at the community level.

Participants indicated that they were prepared to move forward with the process as long as they received assurances that what was said would be reflected at the negotiation table next fall. They wanted the process to be concrete as they moved forward and they did not want to be ignored again. PS representatives responded that currently they were at the phase of getting the participants’ perspectives, the data and the challenges that were encountered in order to provide that information to the upper levels of the department. In terms of aligning the process with the upcoming negotiations, there may or may not be an adjustment in funds; PS simply did not know. PS representatives were focused on collecting as much information as possible to inform the department.

Issues with the FNPP and the Agreements

It was evident that while this program was designed as an enhancement, it was forced to go beyond that and the program was the only source of essential basic policing services in some communities.

The participants indicated that they had an issue with the use of the word ‘communities’ as they were First Nations. They felt that the objectives of the program should be changed to reflect that First Nations were governments and not communities.

They indicated that the current CTA process did not provide for the ability to undertake comprehensive planning to ensure adequate infrastructure was in place over time. The participants indicated that any new agreements put in place needed to allow for proper funding to meet the basic requirements of police service providers.

Equity for First Nations Police Services

The policing situation was inequitable in a number of ways when compared to the regular police forces, including the following: there was no wage parity or equal benefits for First Nation officers compared to the other forces; First Nation officers could not expect the same quality of equipment or infrastructure as other forces; there were increased risks for First Nation officers as to safety and security; and, the First Nation communities could not expect the same quality of service as other areas.

In comparison to other police services, participants stated that they felt that their officers were not on equal footing not only because of a lack of wage parity, including a lack of equality when it came to benefits including pensions, but also because of their duties and the recognition of their unique situation.

There were also issues around recruitment and retention with participants mentioning that they had lost officers to other services because of better salary and benefits, increased support for officers, and housing options.

Issues of Isolation and Availability of Dependable and Culturally Appropriate Police Services

There were also issues with call centres, as some community members, such as Elders, did not want to answer a number of questions from a stranger hundreds of kilometres from the community when attempting to access police services. It was noted by participants that this did not constitute a culturally appropriate service and it was suggested that they needed someone in the community to take those calls. Participants stated that their services were currently looking at how to address issues around respecting local culture and traditions.

Region-Specific Feedback

It was mentioned that there were two major issues impacting First Nation policing in Ontario and those were the Ipperwash Inquiry's recommendations and the recommendations from the Kashechewan inquest. These recommendations were foundational when it came to First Nation policing in Ontario and the FNPP needed to have a legislative base to address those issues. It was also noted by participants that the Ontario Provincial Police (OPP) had received funding to address the Ipperwash recommendations. Although First Nations were also expected to address the recommendations, First Nation policing services were not provided with additional funding. It was important because people had lost their lives and their legacy had to make a difference in First Nation policing.

In Saskatchewan, participants asked what the role of the Federation of Saskatchewan Indians (FSIN) would be in the process. Some participants indicated that the federal government should not be relying on regional organizations to advance recommendations on policing in communities, as the First Nation communities were much better placed to provide the information. A participant also requested that any input that was provided by the FSIN be shared with First Nation communities.

It was mentioned that in 2008, Alberta First Nation stakeholders had participated in a 2-day visioning exercise specifically on First Nations policing for 2010 and beyond, to discuss the future of First Nations policing in Alberta. Although it was a provincial exercise, those discussions would also be taken into consideration by PS through the FNPP comprehensive review. The province also participated in on-going reviews every two to five years that dealt strictly with how the police services were being delivered to communities. There were 166 standards that had to be met by all police services. It was clarified that those reviews were an entirely different process than PS's current comprehensive review process. It was important to separate the FNPP comprehensive review process from any provincial review process.

Participants stated that a comprehensive review of the FNPP for Alberta would be ideal and it could include service provider surveys, community surveys and community engagement sessions. PS representatives indicated that perhaps it was a process that could be led by the province. PS representatives also stated that every province was unique and the information collected through the surveys and discussions were high level, which may not identify the true policing issues for each of the provinces.

It was stated that the Manitoba Region held an engagement process with the Band Constables in 2007-2008 and those communities had been represented within that process; the engagement report would also be used as part of the comprehensive review process. PS representatives stated that one outcome of the comprehensive review process could potentially be the identification of a need to expand the program to include more communities in the FNPP.

3.0 Police Service Provider Questionnaire and Preliminary Results

Participants provided their feedback on a presentation of preliminary results from the police service provider questionnaires from PS representatives. One of the key issues raised was the fact that the survey results only showed one perspective while other views along with other data sources were needed to fill out the picture of First Nations policing in the communities. Participants also spoke at length of the impact of inadequate funding levels particularly on the policing complement. Communities did not have officers to undertake specialized services desperately required such as victim services, crime prevention, school liaison or community-based interagency activities. There was also a lack of police visibility in the communities because of the limited number of officers, a lack of housing in the community and a lack of policing facilities locally.

Other Perspectives Needed

Participants mentioned that the data presented in the presentation might not give the full picture, as it only provided one perspective. PS representatives agreed and stated that one of the reasons for gathering information from a number of processes and different stakeholders was to provide contextual pieces to accompany the statistical information.

Participants asked questions with regards to the purpose of the questionnaires that were sent out by PS representatives; the participants wanted to know what the goal of the data collection was and how the data would be used. Participants raised concerns that it was not clearly stated that the data collected from the police service provider questionnaires was only the perception of the service providers, but the views of the community members receiving the service could be, and likely would be, very different. They cautioned that the information collected from both

the service providers and the community members, along with other information, would need to be analyzed, compared and contrasted in order to get a complete picture.

The participants were worried that the responses of the police service providers could be used against them when it came time to renegotiate the agreements. PS representatives responded that they were aware that the police service provider responses were only one side of the picture and that they would be taking the responses from the community member questionnaires to develop a more complete picture. PS representatives stated that it was never their intention to proceed with only the responses received from the police service providers.

PS representatives mentioned that the questionnaires also provided respondents with the opportunity to answer open-ended questions; however, those responses had not yet been tabulated. PS representatives added that those responses should provide the rationale behind some of the service provider responses and would be made available to communities once complete. In addition, the purpose of the engagement sessions was to receive more in-depth community feedback on the same issues and questions presented in the service provider questionnaires.

Demographics

Participants raised concerns with regards to the population numbers that were quoted in the presentation. They felt that the numbers that were provided by INAC to Public Safety Canada were inaccurate and that the demographical information should be provided by the First Nation communities themselves. They indicated that discussions should be held with First Nations with regards to the statistics that were used.

Participants also had concerns with the accuracy of the statistics because they could not see their communities within the data. There was some concern that the statistics were not accurate because the data was being collected to support the work of the current police service providers. PS representatives reminded the participants that they would have the opportunity to provide their perspectives in the community questionnaire, which may or may not agree with the perceptions of the service providers.

Breakdown of Data Collected

Participants from a number of regions indicated that the information presented would be more useful if they could receive it by region; they could then use the information in their communities. PS representatives stated that not all data had been tabulated, but, providing provincial breakdowns of responses was a possibility once the review was complete. However, confidentiality was key and if any breakdown had the potential to identify responses from a specific police detachment or a community, that data could not be included. There was some concern that in order to be relevant to the discussions that were taking place at the engagement sessions, they needed region-specific information.

The participants indicated that they would like the data presented in separate charts for Self-Administered Agreements (SA) and Community Tripartite Agreements (CTA) so that they would not be compared, as they were completely different models.

Participants suggested that they might want to separate the isolated communities from the others for the results, as the outcomes of the survey would be different based on geographic

impacts. PS representatives agreed that this was one of the ways that the data needed to be analyzed and this analysis would be done once all data was collected. Urban communities had common issues as compared to isolated communities and those common issues were found across Canada.

Questionnaire Response Rates

There was some discussion concerning the response rate from the self-administered policing services' personnel. PS representatives stated that the sample size was large enough to provide statistically significant results. It was also mentioned that they could provide a breakdown of the statistics on a provincial basis but could not provide the information by individual police services because that could identify individual responses.

With regards to the completion of the survey, it was also noted that there was a lot of turnover in detachments and understaffing. There were concerns that the service providers were not in a good position to answer some of the questions posed in the questionnaires.

It was noted that there were 1208 respondents solicited but some participants claimed that no one had responded from their community so they questioned the relevance of the responses. There were also questions about the relevance to British Columbia, since there was only one SA in the entire province. It was noted by PS representatives that from a statistical point of view, the response rate was large enough to provide statistically significant results.

Issues with Questionnaire Wording

Participants also had some concerns with respect to the wording of the police service provider questions, which they felt might confuse the respondents or distort the results. Participants felt strongly that the statistics gathered through the police service provider questionnaire process could not be accurately analyzed out of context.

Community Perspective on the Police Service Provider Responses

During the engagement session, participants were provided an opportunity to share their views on why the police service providers responded the way they did to the questionnaires. Participants' feedback provided some initial insight in First Nations policing within their communities. A number of these issues also came up in more detailed discussions in the small group sessions.

Participants mentioned that they were not surprised that many First Nation police officers did not live in the communities where they worked. If an officer lived in the community, it would seem like they were on call all of the time and this would be especially challenging for those officers who policed their home community. It was also noted that there was a lack of housing for officers so many did not have the option of living in the community in which they worked. It was stated by participants that they wanted housing to be an eligible expense under the FNPP. There was also concern raised that a police officer's family may not be safe living in the community.

Participants had many comments and concerns regarding police response times. It was noted that in areas that were rural, rather than isolated, response time was still an issue because of the extended geographic area that very few officers had to cover. It was suggested that it could

take an hour to get to a call because the communities were far apart and officers were only stationed at central points. This was another reason why housing for officers was needed in the communities.

It was noted that while response times may be a feasible way to judge the effectiveness of urban-based police services, it was viewed as almost impossible to use this mechanism when discussing isolated or even rural-based police services. The fact was that many isolated communities had a very limited complement of officers and many situations required fly-in responses. Issues around geography, weather, pilot and plane availability and transportation costs would wreak havoc on any attempts to identify a standard for evaluating response times. As one participant stated, sometime there was no response time at all. This was a real safety issue in First Nation communities.

Participants remarked that data concerning response times might be accurate on a national level but it was not representative of some individual communities. They indicated that a more in-depth review would determine why police service providers felt that the response time was poor and would allow a comparison with non-First Nation communities.

They noted that the applicability of laws was an issue because of the reserve status on federal lands. It was mentioned that there were issues with federal laws, provincial laws and laws enacted by the First Nation. To add to the confusion, the officers had many lines of authority when it came to implementing the laws. It was stated that FNPP officers only had funding to enforce federal and provincial laws while any laws enacted by the First Nation were not enforceable because of a lack of resources. There were also other laws that further confused the issues of enforcement such as those related to environmental issues and new land codes.

Significant issues were raised concerning community policing. Community policing could mean something entirely different in each First Nation community. Many participants viewed community policing as participating in the community. They added that it also included more mainstream activities such as crime prevention and victim services. It was mentioned that there were no resources or time to implement community policing initiatives and so the focus of First Nation policing was enforcement. In many instances, there was not even enough funding for enforcement because there were many new issues to contend with, such as organized crime, increased smuggling in border communities and increased gang activities on-reserve.

Participants expressed concern with the question assessing the police service's ability to work with local leadership. It was noted that some communities could not set up their own police governing authority and there was a need to analyze that information within the context of each community situation.

Participants mentioned that their communities were not aware of the policing models or how to implement them. In addition, it was noted that the communities wanted First Nation policing but were not aware of the administrative and logistical issues that might arise out of implementing these policing services. There were a number of issues pertaining to the time required for an officer to do all aspects of his or her job; the costs related to providing local policing; or, how to temper expectations based on the funding available to the community.

With regard to specialized services, participants noted that there were also situations where victims did not feel comfortable to come forward so there needed to be an increase in victim support services. However, there was general agreement that due to a limited complement,

First Nation police services could not provide victim services or other support services such as school liaison or crime prevention.

In relation to questions involving police services that were respectful of the unique culture and traditions of communities, participants were concerned that the responses would be looked at in isolation. It was noted by participants that many officers were not from the community that they served. Local officers not only had community relations to think about but also the logistics of operating effectively in rural areas with minimal, if any, orientation to do the job. The example was provided where officers were called about drug trafficking and they could not even find the location. Related to this issue, there needed to be adequate training on cultural and community issues for new officers coming into the community.

Participants highlighted the need for increased trust between the First Nation communities and their police service providers. When a grievance or complaint was lodged against the police service provider, the provider was tasked with carrying out the investigation. It was also noted that there was lingering resentment around how the cases of missing First Nation women was being handled by the police and the perception around how these cases would have been handled differently if they involved non-First Nation women. It was noted that the RCMP was originally put in place as a tool of assimilation with to First Nation people and there were questions around if, systemically, this was still their role.

Participants felt that it was not a good idea to ask service providers about the governance of the FNPP because many front-line officers were not even aware of the FNPP and how it worked. Police officers were not worried about how the program was governed. The questions should be addressed to the people in the community who were aware of the program.

With regard to the question about whether the FNPP had led to an increase in the number of dedicated police officers in First Nation communities, respondents could have been influenced by the fact that most police officers were fairly junior and would not have the historical background to know whether there had been an increase in the number of police officers.

Participants indicated that PS needed to take into account that the findings were from a police officer's perspective. They noted that, when it came to evaluating whether police service providers offered comparable services in similar non-First Nation communities, the participants needed to know whether the officers were comparing themselves to a small community nearby, other RCMP detachments, city officers, etc. The participants suggested that this might be why the responses were skewed.

Funding Issues

Participants stressed that there were significant issues around FNPP funding and the perception was that other police services have more funding for basic and other services. It was agreed that the FNPP process did add value to the policing services in the First Nations but there were serious capacity issues that were not addressed year after year.

Participants noted that the service provider questions concerned them as well, due to a lack of funding, they never received the complement of officers needed to undertake the tasks outlined in the questionnaire. Participants noted a real concern with the agreement negotiation process but it was not mentioned throughout that process.

Participants noted that service providers had difficulty providing basic policing services with their funding and therefore did not have the extra funds to provide specialized services such as dealing with sexual assault cases and child abuse situations. They noted that these were important and necessary services for their communities.

Similarly, police service providers seldom had time to even look at crime prevention initiatives under the current funding levels. Their priority was to respond to calls. Therefore, the perception of the community with regards to crime prevention and visible levels of patrol would be very different than that of the service provider.

It was noted that in isolated communities with very limited police services, there was an increased reliance on other community programs such as child and family services and health services. When these programs experienced funding cuts, it also affected policing in these communities.

Funding an adequate complement of officers for communities of a certain size was viewed as necessary. In addition, participants found that to offer competitive salaries to their officers, they were required to lower the complement of officers. For example, one community was funded for 10 officers but due to the limited funding level and the necessity to attract quality personnel, they only could afford a complement of 8 officers.

Communities understand that they have taken part in similar discussions in the past and changes would have to be made based on this most recent input. Participants raised the need to build a stronger relationship between the communities and the detachments.

There was some discussion about the Letter of Expectation (LOE) between the detachment and the community. It was noted that some communities had explicitly stated what their basic needs were in terms of policing but the service providers would only state that they did not have the required funding.

4.0 Policing Agreement Sustainability – Police Service and Community Needs

Participant feedback with regards to sustainability has been compiled into themed areas below

4.1 REGIONAL SUMMARIES

Ontario First Nation Policing Agreement Holders

Participants had more questions about their agreements and could not understand why the government was using the same process/instrument that had proven to be ineffective. The agreements were not sustainable or adequate to address policing within First Nation communities. Participants stated that the primary issue was funding to meet the basic policing needs of the communities. It was important to take into consideration the vast geographic areas that the police service providers covered. There needed to be a larger complement of officers to undertake this work effectively at the community level in order to provide much needed services such as school liaison, victim services and crime prevention. There was also a need for increased training for officers in order to provide the specialized technical police services that were no longer available through other police service providers.

Ontario Self-Administered Policing Agreement Holders
Participants did not believe that their current policing agreements were sustainable to maintain the FNPP in their communities. The fact was that they were hampered by a lack of funding to provide even basic policing services in their communities. The lack of stability around the funding arrangements led to difficulties recruiting and retaining officers and they needed to increase the length of the agreements. Specific issues related to policing in isolated communities were not taken into consideration and the funding received by the SAs was not equitable compared to that of other service providers in Ontario. There were significant issues around police officer complement and a lack of infrastructure for the SA police service providers. There were also jurisdictional issues with other services around waterways and border situations. Participants stated that the program could be more sustainable with more First Nation involvement to provide information on the community policing realities.

Participants remarked that the agreements should be specifically tailored to the needs of the community and the administration of the agreements should take into consideration the varied and unique aspects of policing in different First Nation communities.

Saskatchewan
Participants stated that funding was not adequate to meet the needs of communities; the agreements were rigid and could not respond to the changing needs of policing in First Nation communities; and, additional financial support was required to increase the effectiveness of Police Management Boards (PMBs) and other leadership structures. Participants spoke at length regarding the reactive nature of the police services and their inability to proactively address policing in their community because of the lack of adequate funding.

Québec
The majority of participants at the session did not feel that their current policing agreement was sustainable to maintain the program in their community. There were some exceptions to this; in particular, Kahnawake had negotiated two bilateral agreements that met their needs in a number of unique ways that was not evident in the other communities' agreements. Participants argued that policing in their communities was an essential service and needed to be funded adequately with a long-term commitment. Jurisdictional issues were particularly strong in Québec because of the relationship between the federal and provincial government around policing and the need for First Nations to exercise their own jurisdiction over policing in their communities. Current agreements did not provide adequate funding and issues were raised in relation to the provision of comparable police services to non-First Nation communities. The lack of resources and long-term commitment to funding had a negative impact on the recruitment and retention of officers in First Nation police services.

Alberta
Participants stated that the primary issue of concern was the lack of funding for the policing needs of their communities. Communities were forced to use other funding to provide for basic policing needs and the inaccuracy of demographical information was part of the problem. This led to an inadequate complement of officers for communities and a lack of infrastructure to support their policing activities. There was also a need to address administrative capacity issues at the community level. With regard to the agreements, there was a need to have meaningful and respectful negotiations to properly address the realities of First Nation policing and more flexible arrangements to address the changing environment. In addition, participants stated that there was a need to ensure that the funding was stable, as they were providing an

essential service in the community. Participants stressed that the federal government had a fiduciary obligation with regard to First Nation policing.

British Columbia

Participants stated that the agreements were not sustainable because the program was not being administered as it was designed. There were significant discrepancies between how the program was designed and how it was implemented at the community level. There were issues with jurisdiction because First Nation governments were not respected in the negotiation process. The current funding levels did not provide an adequate complement of police officers, infrastructure needs, or specialized equipment needed for different geographic areas. In addition, the agreement holders were not given a clear explanation of the eligible expenses for the program and this led to a significant amount of time needed to justify purchases for the provision of basic police services. Finally, the program and the agreements need to be evaluated to determine if the stipulations in the agreement are being adhered to and this process should involve all parties, including the First Nation governments.

With regard to the adequacy of the agreements to address policing in communities, the participants felt that the program was hampered by significant under funding and the absence of venue for community expertise to delineate policing needs. The renewal and negotiating process was disrespectful to First Nation governments and the resulting agreements were inflexible and non-responsive to actual community policing needs. The funding did not allow for an adequate complement of officers and the presence of officers was observed only a few hours a week and normally at times when there was little or no crime. Participants stated that policing provided to First Nation communities was not remotely equal to the quality or level of service provided to other communities, despite growing crime statistics and increased populations. Participants underscored that RCMP officers assigned to their communities needed additional cultural training, specific to the community in which they work.

Participants identified a serious lack of infrastructure for officer housing and detachments and this added to a number of other issues, which impacted on recruitment and retention. They also talked about the importance of relationship building at all levels between: the community members and their police service providers; local government, community consultative groups, and services providers; community agencies and the police service providers; between governments on a trilateral basis; and, First Nation communities to discuss issues of common concern and identify solutions.

Atlantic

Participants stated that policing is a constitutional right and everyone has the right to be protected and feel safe in their own community. The focus of the FNPP should be on community safety, and adequate funding needed to reflect that priority. Community involvement with the RCMP was important, which included communication, particularly through a formal process where complaints could be brought forward by concerned community members and addressed by the RCMP. A positive police presence was also required in communities because it had a direct impact on lowering the crime rate. Participants identified the need for more proactive policing and crime prevention, where the community also had a role to play. It was mentioned that additional funding under the FNPP for infrastructure and to increase the police complement was also needed.

Manitoba
Participants stated that inadequate funding continued to be an issue for essential police services and initiatives such as community policing activities, infrastructure, officer complement and administrative costs. The negotiation process was not seen as equitable with little or no participation from the First Nation perspective and the agreement timeframes needed to be longer for planning purposes. Participants mentioned that there was a need to increase information sharing between all parties – the province, the federal government, the community leadership and the Community Consultative Groups (CCGs).

Participants felt the agreement design could be adjusted for maximum effectiveness but the issue was how the agreements were implemented. The funding, as mentioned, was not adequate and significant policing requirements at the community level were not being provided. Training needs for officers and for the CCGs were also identified as well as increased resources in order to deal with recruitment and retention issues.

4.2 Is your current policing agreement sustainable to maintain the FNPP in your community?

Common Issues and Viewpoints

4.2.1 Canada's Fiduciary Responsibility for First Nation Policing

Participants stated that the responsibility for First Nation policing rested with the federal government, as it was a Treaty Right as well as a fiduciary responsibility. It was also noted that, although other levels of government may not realize it, consultation with First Nation governments and a consequent approval was a necessary part of the process; there were three levels of government involved in the process, not two. It was noted that when the Public Safety officials developed policy options for consideration by managers, the First Nations would also have to talk to their leaders about the options.

It was mentioned that many of the jurisdictional issues could be resolved if the First Nation leadership was allowed to define the appropriate level of police services. The First Nation should be responsible for defining what their communities need in terms of policing but instead the federal and provincial governments inform the First Nation what level of service should be provided. Communities should have the opportunity to undertake their own comprehensive review so that they could actually identify the level of police services provided, what level of police services were required and what changes needed to be made to the FNPP agreements.

4.2.2 Jurisdiction

There was also a need for clarification with regard to which laws took priority, whether provincial or federal, as well as who was responsible for enforcing those laws. It was noted that funding for enforcement of First Nation laws was not currently funded under the agreements and that also needed to be addressed with the new agreements.

Judicial issues needed to be reviewed to determine how the FNPP could work within the judicial system to ensure that First Nation by-laws were enforceable in communities. There were often misunderstandings between how the judges interpreted the law and how the law was being enforced. Questions were also raised with regard to the fines that were collected for infractions in First Nation communities and whether any portion of those fines collected were provided to

communities. It was stated that the funding should be provided back to First Nation communities in order to enhance existing police services.

Provincial courts, in most instances, would not even consider enforcing First Nation by-laws and First Nations had to hire prosecutors and judges to hear the by-law infraction cases. First Nations pass by-laws to ensure that their communities are safe. Many First Nations had implemented by-laws for issues such as noise, trespassing and dogs; however, the police did not have the time to review and understand these by-laws, and so they did not enforce them. The point was raised that in order to enforce by-laws, First Nations required adequate funding. It was also noted that there was a difference between CTAs and SAs, as the SAs enforce their First Nation by-laws.

4.2.3 Negotiation Process

The participants indicated that the negotiations needed to be true negotiations between the federal, provincial and First Nation governments. These negotiations should identify First Nation policing needs and these needs should be met through this process. It was not a true negotiation if First Nations were constantly being presented with an agreement and told they needed to sign or they would lose the funding.

The participants indicated that they were constantly in a negotiation process as the FNPP was negotiated on a yearly basis in some cases. They stated that they would like the opportunity to negotiate a long-term agreement that would meet First Nation needs. They stated that the inability to negotiate long-term agreements was causing instability and hindering their ability to make long-term plans.

It was mentioned that the Chief and Council were responsible for peace and safety on their lands and they, along with the community, should determine what was needed under the CTAs. It was also Canada's responsibility to provide policing on the lands, no matter the cost.

The federal government had to be involved with the FNPP, particularly where self-governing First Nations were concerned. Self-governing First Nations had a bilateral agreement with the federal government.

In terms of jurisdiction, First Nations indicated that they had to be recognized as governments in the negotiation process. There was a need for greater flexibility with respect to negotiating the agreements.

Participants stated that the FNPP agreements would not be sustainable if First Nations were not at the table from the beginning to discuss their policing needs. Participants indicated that they wanted the ability to sit down and negotiate the FNPP agreements. They wanted to be able to negotiate agreements that were reasonable and sustainable over the long term.

Participants also noted that it was difficult to negotiate with both the provincial government and the federal government. Participants voiced their opinion that First Nations seem to be caught in the middle between provincial and federal jurisdiction and political will. In one session, it was reported that although the province was willing to provide additional funding in a given year, Canada could not increase its share, which meant that no additional funding was provided.

4.2.4 Program Design

Participants indicated that the FNPP was not sustainable and only provided for minimum policing needs in First Nation communities. They felt that the program needed to be redesigned to reflect actual First Nation policing needs. Participants indicated that commitments in the agreements needed to be met and adhered to. This was not the case on many occasions.

The participants also indicated that the First Nations Policing Program was not being applied in the way that it was intended and that this was one of the issues that were causing problems. The program was meant to be an enhancement program but it was actually being used to fund core police services.

Policing needs in First Nations are changing and the FNPP needs to take those changes into consideration within any new program structure. It was noted that twenty (20) years ago, many of the communities had not heard of drug-related crimes, yet today it was a major issue that First Nation communities faced. The need still remained to deal with the day-to-day public safety operations, such as speeding and vehicle safety; however, they also needed to address major operations in the communities. Police services need to be able to deal with gangs in communities and all of the other issues that went along with gangs, such as drugs.

Community representatives also mentioned that the program had to be flexible enough for implementation in communities that had a few hundred people and those communities that had 8,000 people. A participant also raised the issue that First Nation community populations were becoming more and more diverse and included other ethnicities and that issue was not considered within the current agreements.

It was noted by some community participants that the current format, where some agreements cover a number of communities, did not work because of the distance between the communities and their unique needs.

There is a lack of administrative capacity in First Nation communities to effectively manage the FNPP. There is a need for training and education to be included in the agreements in order to build the capacity at the community level. Proper funding is needed to support the structure of the program to ensure that the political arm remains separate from the administration of police services.

4.2.5 Statutory Regime versus Grants and Contribution Program

Participants raised concerns about the stability of the program. When asked if the FNPP should be a statutory program versus a grants and contribution program, it was noted that First Nations had not participated in the decision to have the province involved at all; it was done at the discretion of the federal government. They stated that they viewed First Nation policing as an essential service and, as such, it should have a more stable and long-term funding base. It was noted that participants would need to inform politicians that there is a need for more stable funding for First Nation policing.

A-based funding or legislated funding is required. The existing program is too restrictive and narrow, and greater flexibility is required. The FNPP should be similar to RCMP funding, which was legislated and mandated by Cabinet.

Participants stated that the word “enhancement” needed to be taken out of the agreements and the federal government needed to recognize that the FNPP was the primary funding vehicle for policing services in many communities. The FNPP should not be a grants and contributions program, it should be legislated and have greater authority.

4.2.6 Format of Agreement

The “one size fits all” approach does not work. There were some communities that were not policing well and were consistently the focus of attention. The government did not recognize that some of the communities were doing a great job in policing. All communities were subject to one-year FNPP agreements despite their good track record. A risk-based approach should be taken with respect to the agreements. It was mentioned that the flexibility should be there to allow for 20-year policing agreements, recognizing that not all communities within a given region would be eligible for these long-term agreements.

Participants noted that demographical statistics used in negotiations were prone to change during the life of the agreement and the effect and extent of those demographic changes could not be forecasted at the time of negotiation. Agreements needed to be flexible enough to address policing needs in First Nation communities as they arose, including issues with drugs, gangs, etc. It was also difficult to make amendments to the existing agreement once it was signed. For example, in 2006, there was a significant increase in gasoline prices; however, the First Nation was unable to make amendments to its FNPP agreement

It was suggested that the agreements had to be flexible enough to allow for innovative programs centered on the community. An example was provided where a community wanted to create an Elder program that would enhance the relationship between the community and the RCMP.

Participants stated that they needed more information on budgets for the CTAs and how the allocations are broken down. They had asked to see the budgets but have yet to access this information. Participants questioned the allocation that they were supposed to receive per officer in their community since they were not made aware of the cost breakdown. Participants also indicated that the difference in funding levels from First Nation to First Nation needed to be examined, as there was no consistency between communities. There did not seem to be any standard for funding levels under the current program.

It was noted that, from a Self-administered agreement (SA) perspective, the agreements needed to be more flexible in terms of how funding was allocated and how surpluses were used. For example, the police service could not use a surplus to fill a position nor could it use the funds for needed equipment.

Participants expressed that the agreement should provide for 100% of a police officer’s work on or for the First Nations to ensure that they received the required policing services.

While it may be efficient to group communities under one agreement in some areas, this creates challenges with regard to geographic isolation and unique community characteristics.

Community representatives expressed some concerns related to funding allocated to CTA communities. The communities were unsure how this funding was allocated if it had reached a particular community or the RCMP detachment. Participants gave examples of allocations for equipment to support a CTA that were not provided.

4.2.7 Funding

There was consensus among the participants that the program was not adequately funded. The participants indicated that the geographical area and location of the communities needed to be taken into consideration when funding was allocated. Participants stated that, while some components of the agreement were working, they needed additional resources to provide school liaison, crime prevention, victim services and additional investigative capabilities.

It was noted that the comprehensive review was a concern because First Nations had been evaluated on a number of different levels using different mechanisms. They stressed that the issues had been stated over and over for many years. The fact remained that they could not deliver police services without adequate funding.

The participants advised that the program was seriously under funded and provided the following information on specific needs that should be addressed:

4.2.7.1 Financial Burden on the First Nation

Some communities provide in-kind contributions such as office space and administration and yet the program could not provide for basic policing needs for the officers.

It was noted that First Nations entered into agreements committing to a number of policing services but because the agreements were not adequately resourced, the First Nation had to allocate their operational funding to policing costs, taking away from other services required by the community.

Certain participants stressed that royalties on natural resources from First Nation traditional territories should cover all necessary costs related to adequately police their communities; the First Nation should not have to contribute more and many were not in a financial position to do so. One community indicated that because they were in Third Party Management, they did not have the additional funding to supplement their existing police services. Smaller communities also had difficulty identifying any additional funding for police services.

It was stated that between agreements, First Nations had to cash manage their police services until the new agreement was in place and they received their funding. Participants stated that current funding levels and cash flow issues kept the First Nations police services in deficit and this was also causing First Nations to have to subsidize the program from other sources in order to provide a basic police service.

4.2.7.2 Eligible Expenses

Participants indicated that the eligible expenses in agreements needed to be revised to reflect individual community needs. They felt that the current list of eligible expenses was very limiting and missing many elements. For example, it was noted that the agreement should include a budget line item for administration to provide for support staff salary and benefits, phone, copying, and other administrative requirements.

The participants indicated that the eligible expenses should also provide police officers with the tools they required to do their jobs. They provided examples of some of the necessities that were not covered under the current eligible expenses, which they felt

should be covered such as equipment, police dogs, training, infrastructure, housing, boats, docks etc.

In addition, participants stated that they needed a clear indication of what the eligible expenses were and they were forced to spend considerable time justifying their expenses despite the fact that these addressed basic needs.

4.2.7.3 Demographical Implications and Other Statistical Impacts

While they were informed that demographics were not the only factor in funding, participants were concerned that the statistics that were used for funding allocations were completely inaccurate. This issue had been discussed with Indian and Northern Affairs Canada (INAC), because INAC statistics were currently being used by PS. It was also mentioned that the funding for First Nation police services could not be increased through taxes and that should be taken into consideration.

In addition, the participants indicated that, in order for the FNPP agreements to be sustainable in the long term, the funding needed to take into account overall community population. It was noted that there had been no adjustments made to funding allocations to reflect significant demographic changes in the communities during the life of the agreements. It was also noted that there might be an influx of people at different times of the year because of tourism or at different reserve-based facilities, such as casinos, which was not taken into consideration. In some cases, communities had a significant number of people going through the communities to reach other destinations, which put increased pressures on their police service providers. At times, population statistics were taken from larger nearby communities, which did not accurately reflect the statistics from surrounding communities.

In addition, community representatives noted that the funding formula for FNPP agreements should reflect the mobile nature of the population.

They also noted that there were increases in crime and this required additional resources to address new and emerging policing issues. Participants reiterated that there were no real negotiations taking place to address the situation.

4.2.7.4 Infrastructure

There is a lack of resources for policing facilities and housing for officers. The funds provided for rental costs are significantly below standard and, where possible, the First Nation has to provide additional funds for rent of facilities or get additional funds from the province.

In other cases, funds were provided for RCMP housing; however, the housing was always outside of the First Nation, despite the fact that the officers were supposed to be in the community 80% of the time. The First Nation did not receive this funding; it went to the detachment.

Participants indicated that First Nation communities lacked proper police detachments. Many did not have detachments or the existing facilities were not built to standard. Currently, funding was not provided for infrastructure and that issue needed to be addressed in any new agreements.

Infrastructure funding should include the development of necessary facilities such as holding cells, secure storage, garages, docks, and should address communication requirements (towers), requirements for consistent internet access and other requirements that police services require to do their job effectively. Participants noted that officers had to spend hours transporting offenders to other detachments because the facilities did not exist in the community and this impacted on their requirement to be in the community 80% of the time as well as their ability to complete other daily tasks.

4.2.7.5 Equipment Needs

It was noted that geographic considerations needed to be considered in financial planning such as the wear and tear on vehicles and the cost of gas when policing isolated communities.

Participants highlighted that their officers needed technological support and services to complete their jobs in the community. Some officers had to leave the community to complete their reports on computers at the local detachment because they did not have the hardware or internet capacity in the First Nation facilities. It was noted that there might be funding available from Industry Canada to provide broadband internet connectivity in isolated communities. Financing needed to be at a level that would allow First Nation police services to meet the norms and laws of the province.

4.2.7.6 Officer Complement

Participants provided a number of examples where only a few officers were available to police areas with populations of thousands in large geographic areas. In situations requiring a timely response, it was difficult for the limited number of officers to respond effectively. There never seemed to be enough time to patrol the communities.

Participants indicated that the FNPP funding did not reflect the actual capacity required to police communities. Police visibility within First Nations was important. It was mentioned that communities did not necessarily want only First Nation police officers policing their communities, although that would be ideal; communities just wanted policing.

Participants stated that they were dependent on the RCMP to deliver policing services and, while they realized that there were a lot of demands on local detachments, the issue of officer complement had to be addressed. It was stated that some communities did not even have one officer. In other cases, when officers took a leave of absence, there was no funding to replace them.

4.2.7.7 Community Policing Activities and Specialized Police Services

The lack of resources made it impossible to be proactive and address issues through the community-policing model. The police service was expected to handle service calls, court appearances, transport of prisoners, paperwork and other administrative tasks, which already stretched their limited resources. In turn, this left no time for school visits, liaison with community, youth interactions and other community-based activities.

The current funding was inadequate, unstable and below the provincial level for other police forces. It was mentioned that funding for tactical forces, initiatives to combat drugs or gangs, and training came out of the FNPP core budget; however, the RCMP, Sûreté

du Québec (SQ) or OPP received extra funding for those particular line items from the provincial and federal governments.

4.2.7.8 Training Needs

Participants noted that the training required by their officers was not covered in the agreement and, because this training was required, it had to come out of operational expenses. Training opportunities provided to any officer, whether they be SQ, municipal police officers, RCMP, or First Nation officers, should be the same. In fact, they mentioned that it should be higher for First Nation officers because they had a lack of support due to their limited complement of officers.

Participants indicated that First Nations wanted to be able to train First Nation police officers in different policing specialties so they would no longer have to access those special services from other police services. The cost of using these services was too expensive for the communities and was using up a large portion of the funding. The idea was to have certain First Nation communities specialize in an area and offer their services to other First Nation communities.

The participants also indicated that under the current funding agreements, funding was unavailable to address cultural issues and to offer cultural and other training for the police officers, police boards and community members. Participants stated that funding should be provided within each agreement for additional training for PMB or CCG members and opportunities for networking on the regional and national levels on an annual basis.

It was noted that the Self-administered (SA) police services had a strong cultural training component and, as some of their officers came from outside of the SA's traditional area, this training was specific to the culture and traditions of the area. This was a priority for the SA and there should be funding attached to cultural training and language training in the agreement.

4.2.7.9 Policing in Isolated Communities

The need for an enhanced level of funding was especially true for the more isolated communities. Some communities are close to urban centres and could rely on some measure of police services from those municipalities. For communities that are isolated, police services are limited because there are just not enough officers.

4.2.8 Enhanced Policing Services

Participants stated that there needed to be a base level of police services provided because the FNPP was meant to provide enhanced police services. Often, First Nations did not even have that base level of police services.

There should be no difference between policing on and off-reserve. First Nation policing was likened to smaller communities off-reserve, with a population of less than 5,000. Some smaller off-reserve communities paid for police services. For off-reserve communities that did not pay for police services, they received these services in an indirect way. The point was raised that, although First Nations were not paying directly for police services, the provinces, territories and Canada were generating revenue from natural resources that came from First Nations lands and First Nations should be able to expect at least basic police services.

It was mentioned that one community had a night watchmen position established that the First Nation funded due to an increase in break-ins of local businesses. The police became reliant on that position and were no longer patrolling that particular First Nation in the evenings. In fact, officers were even advising concerned community members to contact the night watchman; this became basic policing instead of enhancing the police services within that community.

With regard to urban communities, it was noted that the First Nations were supposed to receive services from the RCMP but because of a lack of response due to under funding, they had to rely on municipal forces when they required assistance from the police.

It was mentioned that with off-reserve communities, Mayor and Council often had input into the selection of their detachment commander, through an interview process, etc. First Nations, however, were rarely afforded that courtesy. It was noted that the First Nations wanted to be directly and meaningfully involved in decisions regarding who would provide front-line police services in their community. They also wanted to address issues regarding the timing of the assignment of the officers who served in their communities. The RCMP had strict policies on how long an officer could serve in a community but this did not take into account the community policing needs of a First Nation.

Some communities spoke about the participation of the RCMP in prevention activities, such as participation with the Parents Against Drugs group and sexual harassment awareness activities in schools. One community paid for a specific position to complement the existing police services which focused solely on crime prevention. That individual operated the DARE program, provided awareness on sexual harassment and assaults and worked at the school on a daily basis.

4.2.9 Officer Recruitment and Retention

It was noted that there was a high turnover in officers within First Nation communities, which made it difficult for the community to get to know the officers.

In addition, the participants indicated that in terms of their agreements, they were looking for stability. Having the agreements renewed on a yearly basis made recruitment and retention very difficult; the officers did not feel that there was stability within the police service. First Nations would like their agreements to be 3 to 5 years in length, as this would help them to deal with recruitment and retention issues. They would be able to assure the officers, whom they were trying to recruit, that there was a possibility for long-term employment and also offer reassurance to those already on the police force. Participants mentioned that they would like to encourage the young people in their community to join their own police services but this made no sense from a personal finance or career point of view.

Officers felt a sense of insecurity with the short-term agreements and the First Nation police services were losing their members to the other police services, once the officers were fully trained. The RCMP officers received $75K and First Nation police officers were only making $44K. In addition, officers often did not have the opportunity to travel home on the weekends because they were posted in an isolated community and they were usually on call 24/7.

Participants noted that it was difficult to fill the policing positions with First Nation members. Many First Nations were also viewed as a training ground for the RCMP. Inexperienced officers

were placed in those communities and were informed that if they could “make it” on a First Nation, they could “make it” anywhere. It was stated that those attitudes needed to change. RCMP officers were also leaving the communities faster than they were moving in. Participants stated that the majority of the officers were just “putting in their time” on-reserve, so that they could move on to greener pastures.

Some communities were directly involved in the selection process of officers working within their community and this was a seen as a best practice in First Nation policing.

It was mentioned that one region met with First Nation police officers once a year to discuss challenges they faced, including employment equity, lack of training opportunities, discrimination, etc. Some regions were attempting to address these issues and had made some progress; however, the FNPP did not fund these activities and they would probably not be sustainable.

4.2.10 Relationship Building

Participants identified that there was a need to strengthen relationships with the RCMP. It was suggested that letters of expectation (LOE) between the community and the RCMP be drafted that clearly outlined the uniqueness and policing requirements of the community and responsibilities of the RCMP.

The point was raised that expectations were different for police officers who resided in the communities. Those officers were visible in the communities and attended community gatherings and events. However, the reality was that those officers were never really off-duty. Participants also mentioned that if the officers had families, they were more likely to become involved and integrated in the community because of their children.

It was also important to build a relationship with the Detachment or District Commander because they provided the policing assignments and they needed to be aware of the needs of the First Nation. Some CTA communities developed good relationships with the RCMP and were able to discuss on-going cases; they were also able to work towards keeping first-time offenders out of the court system through the use of pre-charges or alternative justice measures.

Some communities introduced new police officers to Chief and Council and introduced them to the community to help build stronger relationships between the police and the community. This also included introducing individuals who work in the police services to others who are part of community services, including the crisis line and Wellness Committee.

It was mentioned that communication was key to the success of the FNPP. Agreements need to facilitate, through funding, the First Nation police services’ ability to communicate with the provinces, partners, other First Nation police services, municipal police services, etc., in order to share information and best practices. It was important to discuss successes and failures in order to learn from one another.

4.2.11 Alternative Policing Options

Participants discussed the idea of peace officers undertaking community policing and by-law enforcement, to support the work of the police officers. It was noted that in some communities

there was an auxiliary program for young people. It was mentioned that the Special Constable Program was also a good program, but the funding was inadequate to sustain it.

In some communities, because of the lack of a police presence, private security officers were hired to patrol the communities. The private security officers were paid by the community. The salaries were not covered under the FNPP and the security officers did not have the power to enforce laws.

In one instance, in order to address the lack of available police officers in First Nation communities, sheriffs were sent to enforce traffic laws without consulting the communities. There was no process for First Nation communities to make complaints against the sheriffs.

It was noted that the Special Constable Program pilot was launched in May 2009 in the File Hills First Nations, a self-administered service. The Special Constables wore the File Hills First Nation Police Service uniforms; however, they did not carry a sidearm. They focused on crime prevention programs, such as facilitating anti-bullying sessions in schools, building relationships with the youth and with the community. It was also mentioned that 3 out of the 4 Special Constables were from the local communities they served, which was helpful in times of crisis and confrontation because they knew the communities.

4.2.12 Inter-agency Cooperation at the Community Level

Participants stated that in order for the FNPP to be sustainable, partnerships with other agencies in the communities needed to be developed. Although the police are responsible for policing, the community and other agencies are responsible as well. One challenge that communities are facing with respect to partnership development was the fact that police officers and staff sergeants assigned to communities are constantly changing. The lack of funding under the FNPP to build relationships and partnerships adds another challenge.

4.2.13 Community Engagement

Community engagement in policing seemed to be missing in many communities. The police services would not be able to solve or fix problems unless they worked together with the community. There was a need for increased communication between the RCMP and the community.

4.2.14 Community Consultative Groups

Participants stated that training for the Community Consultative Groups (CCGs) and training needs should be written in the FNPP agreements. The types of training could include leadership and board governance training.

The CCG was the link between the community and the RCMP. Communities wanted to work more closely with police services; however, they lacked the funding to do so. In order to do the work intended under the FNPP, they needed to be properly mandated and resourced.

4.2.15 Cultural Awareness Training

There is a need to focus on cultural awareness for police officers assigned to First Nation communities. Training needed to be specific to the geographical locations to which the police

officers were assigned. It was mentioned that all police officers within the Division should receive the training; not only those officers who were posted to First Nation communities.

4.2.16 Evaluation of Agreements

It was noted there is no process for reviewing the effectiveness of the agreements and such a process should involve the First Nation(s), the RCMP and provincial officials. It was further noted the objective of the agreements was improved policing services and a safer and healthier community.

4.3 Are current policing agreements adequate to address policing in First Nation communities?

Common Issues and Viewpoints

Participants discussed the following issues with respect to the adequacy of the current policing agreements to address policing needs in First Nation communities.

4.3.1 FNPP (Agreement) Implementation

Participants indicated that, even if a community had an agreement in place, core police services still had to be provided by the province. The FNPP was not intended to replace these core services but was meant to provide services above and beyond the core services. This was not how the program had been implemented and this was the reason for the challenges they were encountering.

There is no one monitoring at the federal level to ensure that the province is providing the base level of policing services on First Nations.

4.3.2 Agreement Renewal Process/Negotiation Process

Participants expressed that the government had to be transparent and upfront in their negotiations with First Nations, particularly when it came to availability of funding. They stated that, on several occasions, they were forced to negotiate without having all the information. First Nations wanted to know whether funding was available; the government should just be upfront about the availability of funds. In addition, if there was nothing to negotiate with respect to FNPP agreements, then the process should not be referred to as a negotiation.

Participants also indicated that the negotiations needed to happen on a government to government basis and that all three parties needed to be part of the process. Currently, the negotiation is not a real negotiation and they are constantly being presented with an agreement and told if they do not sign, they will not have a police service. The participants indicated that this was an unacceptable process and that it needed to change to become a true tri-partite negotiation.

In one case, a community received a notice that they had to sign the policing agreement by a certain date. The notice was provided to them during the winter, which made it very difficult as they were a remote community and access was challenging during the winter months. The First Nation had told the government that they wanted time to review the agreement prior to signing it, but were told that they needed to sign it or lose the funding. The participant indicated that the

First Nation was growing and the agreement would need to be reviewed to meet growing needs. It was also unreasonable to assume that they could forecast their expenses precisely for the next five years during the agreement negotiation and development without any recourse to make adjustments for unforeseen circumstances.

There is a need for flexibility within the CTAs, with different CTA templates for different areas. Self-governing First Nation have different needs and there are unique considerations for each community. One example of this was the situation of urban versus remote communities. If this means having 10 different CTA templates, then there should be 10 different templates. Participants stressed that they could not use a “cookie cutter” approach, as the First Nation communities were diverse and had unique needs.

The agreements should be flexible, enabling the First Nation to develop creative solutions to any challenges they faced. In addition, agreements should be evaluated to ensure that they were reflecting the stated priorities of the communities. It was also noted that, although agreements needed to be flexible, the agreements also needed to have some consistency within them and funding needed to be standardized.

The participants indicated that they had issues with regards to the current renewal process for the agreements. They felt that the renewal of the program should be automatic and that the police service should never be put in peril. They indicated that, as long as the new agreements were not in place, the current agreement should be extended until the new agreement is in effect. They needed to make sure that the police service was automatically covered; it should be designated an essential service. They also indicated that, in some regions, this was also a legal issue because, if an agreement was not in place, the officers no longer had status to legally work as a police officer in the Province. As long as the agreements were not signed, the communities no longer had a police service in place.

Participants stated that it was difficult to plan when agreements are often renewed on a year-to-year basis. Focusing on crime prevention in communities was a great idea; however, this was impossible with short-term agreements. Crime prevention programming and other community policing initiatives could take a year or longer to develop and this was impossible when agreements had to be renewed so often.

4.3.3 Relationship Building between Agreement Signatories

The participants indicated that communication between the signatories to the FNPP agreements needed to be improved. They indicated that transparency needs to be increased and signatories need to develop a climate of openness in order for the agreements to be successful. Individuals who liaised with the police service and the Chief and Council were integral to policing in First Nation communities. These people built the positive relationships that are required to get police services and communities working together.

The participants indicated that many of the people sitting at the negotiation table had never even been to a community and were not aware of how the agreement actually worked on the ground. The negotiators needed to go to the communities to visit the detachments to see what they looked like and whether they met the standards. They also needed to visit the communities to see how they lived to understand policing needs.

4.3.4 Expansion of the FNPP

Community representatives mentioned that some First Nations wanted to enter into a CTA and had the Band Council Resolutions (BCRs) to support that action. A renewed program should allow for expansion to include additional First Nation communities throughout the program's life cycle.

4.3.5 Clarification of Jurisdictions

Participants underscored the federal government's responsibility in funding policing services but the agreements should include a clearer statement on provincial responsibilities.

There was a lack of resources within the FNPP for adequate policing. The issue of a lack of synchronization between the federal and provincial budgets was also raised as a challenge; when the province had funding to enhance First Nation policing, the federal government lacked funding and vice versa.

Participants noted that the community enacted its own bylaws or traditional laws to deal with situations in the community but there was confusion around the police service provider's ability and the justice system's authority to enforce these laws.

4.3.6 Funding

Participants noted that additional resources needed to be identified to address areas such as: crime prevention; specialized services; school liaison; investigative support; justice system support; infrastructure for police detachments and housing; equipment; and, additional costs related to geographic isolation. Participants stated that the agreement should include provisions for those additions.

4.3.6.1 Eligible Expenses under the FNPP

The participants indicated that the First Nations Policing Program's eligible expenses needed to be expanded to allow for the funding of police housing, detachments, communications technology, cell phones, specialized services, training, Pension Plan disbursements, skidoos, boats, transport of detainees, etc.

4.3.6.2 Community Policing Initiatives

Community representatives noted that, for police services that were barely able to provide the basic police service (reactive), more proactive tasks were almost impossible. Participants indicated that additional resources should be identified under the FNPP to provide for community policing initiatives. For the police services to address the needs of the community, they had to identify the resources to address the ongoing and long-term impacts of residential schools, sexual abuse and other social issues.

4.3.6.3 Infrastructure

Participants indicated that infrastructure costs needed to be added to the FNPP agreements. They indicated that they were not necessarily looking for a capital increase per se but for a fair market lease to cover the cost of the detachments. Housing for police officers was also an issue in First Nation communities. Many did not have enough housing on-reserve for their own members, let alone RCMP officers. They indicated that the rent that was allowed in the agreements did not meet the requirements for adequate housing of police officers. Under the current funding levels for fair and equitable rent, First Nations are currently unable to pay back the money that was borrowed for building the houses.

Participants indicated that the lack of adequate detachments in many communities was contributing to the lack of officer complement. They also stated that it was important to ensure that when detachments are built in First Nation communities, these facilities are built to standard.

4.3.6.4 Equipment and Support

In addition, officers must have equipment, particularly technological and communication tools that enable officers to do their jobs effectively and safely. Participants stated that they needed access to internet, computers, communication devices among other tools and the equipment had to be in working order. This equipment should be equal to what is made available to other police forces and paid for by the government. The example was given where the RCMP was provided with extra funding to upgrade their communications system but the self-administered police services were denied this extra funding and were told to take it out of their operating costs.

4.3.6.5 Officer Complement

It was noted that, in some cases, the current FNPP model was not working at the level that community participants expected. First Nations had no idea how the number of officers was awarded to the community; there were concerns that the need and therefore the allocation was decided by provincial and federal governments and the First Nations were not involved.

Capacity was an issue in every First Nation community, including the self-administered police forces. There was no one to cover officers who went on sick leave, maternity or annual leave or an officer away on training. There was a need for additional resources to backfill a position as well as for officer safety because officers were by themselves most of the time.

The participants remarked that officers were not dedicated to a community and some communities were sharing officers. Some officers had limited visibility, as they were only able to come to the community three days a week.

Participants indicated that the FNPP agreements required that 80% of the officer's time was spent in the community. They expressed that the FNPP requirement should be changed to 100% of a police officer's time in the First Nation community. First Nations that were close to urban areas had the option of using the local RCMP officers but for

First Nation that were further away from urban centres, this option was not available and this often left them with no service.

Often the complement in the communities was not being met either because police officers were providing services in another community or they were on leave. The First Nations were left without a full complement in many cases.

Another issue that was raised was that FNPP officers were being absorbed into the major complement of the municipal or regional detachments. Although those officers were supposed to be dedicated to policing in First Nations, they were also used to police the municipalities and surrounding areas.

Participants indicated that the regular RCMP pool should not be pulling officers from the First Nation communities in order to provide services to surrounding areas. This was contributing to the lack of police officers in the communities.

Participants indicated that many communities were hiring security personnel in addition to the officers who were allocated in the FNPP agreements in order to increase security in the communities and improve visibility.

4.3.6.6 Training Requirements

Participants indicated that they needed more training for Community Consultative Group (CCGs), officers and community members. Funding was also required for training to inform people about the agreement itself.

Additional training for band constables was needed as crimes related to drugs and gangs were escalating in the communities. It was indicated that officers also needed to be educated about the communities and their specific culture. It was stated that, ideally, the police services would also be able to speak the language of the community. Funding should be provided for cultural training and this should include language training as well.

Participants indicated that an orientation package for police officers would be very useful for the FNPP officers but if such a package was developed, it should be offered to all police officers, not just FNPP officers.

Funding was also needed to have accredited institutions train police officers. There was a need for a recognized training standard, with accredited training.

4.3.6.7 Provision of Specialized Police Services

Community representatives underscored that specialized services were required to deal with increasing drugs, gangs and other emerging policing issues in the community. It was noted that there was separate funding allocated for these types of specialized services, which was not provided directly to the agreement holders. This funding, however, was provided to the province and the RCMP.

Participants highlighted the need for communities to have their own support services, such as a Victim Service Worker or a Gang Liaison Worker who would work to minimize

the effects of gangs in the communities. It was noted that these positions did not necessarily have to be filled by police officers.

4.3.7 Provision of Adequate and Responsive Police Services

The Program's funding formula was based on a number of factors, including crime rate; however, communities did not bother reporting incidents because police officers were not doing anything about it. Participants stated that the only time police were called into isolated communities, for example, was when a major crime occurred and at that point it was too late for intervention.

It was noted that, in many cases, the response time of the RCMP was unacceptable. When a First Nation community required emergency police services, the call was forwarded to the Regina depot and that emergency operator then dispatched the messages to the officers in the area. A better communication system would enable officers to be contacted directly by the community in crisis. The use of satellite phones in the more northern remote communities might ensure a better response time.

4.3.8 Recruitment and Retention

It is becoming increasingly difficult to attract officers to smaller and rural communities, including First Nation communities. Many officers and their families preferred to live in the cities. They sometimes left First Nation communities for health reasons or because of promotions, for example.

Participants indicated that many First Nation officers did not want to police their own communities, because they would be policing their own families.

Participants stated that they had to make policing in First Nation communities a desirable work environment and, currently, there were infrastructure and safety issues that had to be addressed. The infrastructure had to be comparable to what the officers would find in non-First Nation communities or else recruitment and retention would continue to be a losing battle. It was also noted that they had to promote the communities as a desirable place to live and combat negative labels that were placed on the communities.

First Nations wanted to have a commitment from the FNPP officers, that if housing was built, they would live in the communities. There was a need to build trust with the officers. First Nations preferred officers who had families and who were willing to relocate with their families to the First Nation(s) that they were policing.

The participants also indicated that First Nation communities needed to be involved when it came to the selection of the officers. They noted that continuity was an issue when it came to the complement of police officers in communities. In order to provide proper police services, police officers had to have time to get to know the community. Currently, officers would just be getting to understand the community when they would get stationed somewhere else and the process would have to start again. It was also noted that the RCMP had officer shortages as well and often moved their officers out even if they expressed a desire to stay in the community. This needed to be addressed in the agreements.

In the case of the SAs, they faced a number of challenges in recruiting new officers including the inability to provide a competitive salary, issues regarding career advancement and development for officers who want to be part of a small community police force a self-administered police service. Participants indicated that training, professional development and recruitment needed to be increased and funded by the FNPP.

4.3.9 Community Engagement

First Nations had to be strong and work with police to change the situations within the community.

Increased communication and interaction between the community, leadership and their police service providers was necessary. It was noted that these relationships were built over time when the officers addressed community issues and the community had to ensure that these initiatives continued. There was often a lack of consistency because of funding issues, and this contributed to a lack of trust.

In particular for CTA holders, regular, consistent communication between the RCMP and the First Nation, both leadership and community members, was key to resolving issues before they caused a negative rift between the police service and the community. In addition, training and knowledge sharing should take place for officers, management boards, leadership, community members and the RCMP.

4.3.10 Alternative Policing Options

Participants noted that, due to issues relating to police complement, they were considering alternatives. Since the Band Constable Program had not received increases in funding levels, they were considering a cadet program as a training ground for candidates who wanted to become police officers. It was suggested that this might address some of the policing issues in the community.

4.3.11 Justice System Supports

In addition, it was noted by participants that the court system needed to support the officers and the communities in addressing crime. On many occasions, individuals were charged by the officers with the support of the community, but the Crown counsel would drop the case. Participants stated that the lack of funding for an adequate complement to undertake thorough investigations impacted on the ability of the Crown to make the cases strong. It was suggested that this would explain the lack of credibility in the justice system in the eyes of the community, particularly those victims who had come forward to press charges.

4.3.12 Regional and National Communication Initiatives

Participants highlighted that those involved in First Nation policing in communities should have the opportunity to network on a regular basis in order to discuss and share solutions in dealing with community-based policing issues. This should be funded by the FNPP and would address issues of isolation that communities feel in the challenging job of policing in First Nation communities.

4.3.13 Community Consultative Groups (CCGs)

Participants mentioned that, while there were a lot of areas needing improvement in the program, they had seen progress and welcomed the opportunity, as First Nation, to participate in the process of providing policing services in their communities. They added that the Community Consultative Groups (CCGs) should be involved on the provincial level to address local situations in a comprehensive manner.

The participants indicated that many of them had CCGs that provided the link between the RCMP and community councils. They indicated that the CCGs were a part of the CTA and they should be operating because they were the voice to share messages with the RCMP. They indicated that the CCGs worked well if they were able to build a relationship with the RCMP.

Community representatives indicated that funding should be available to run the CCG and to provide the members with training. Turnover and training for the CCGs was a challenge. It was mentioned that the logistics of creating a CCG were also quite daunting and there was no funding to support the work of the CCGs including a lack of funding for travel.

4.3.14 Community Based Inter-Agency Cooperation

One First Nation indicated that its justice team met with the RCMP once a month, to review the RCMP's monthly report that outlined the various police issues in the community. As Chief and Council and community leaders, they began reviewing those reports to determine what resources they could bring into the community to address those particular issues, whether the issue was domestic violence, assault, drugs, etc. It was also important to involve social services and the health department to address. This would result in a healthier community.

It was noted that, from a social perspective, treaty rights obligated the federal government to address the need for more programs and services. Addressing issues of high unemployment would positively impact crime statistics. It was noted that police officers were doing their jobs, but there were a number of social issues that led to an increase of repeat offenders. Those individuals were not major criminals, but their lives could be positively impacted by increased programs and services available at the community level. All pieces had to fit together in terms of crime prevention.

REGION SPECIFIC ISSUES

At the Quebec session, it was mentioned that, in some of the First Nations, police committees had not worked well. The committees were supposed to be a liaison between the Chief and Council and the police services, as well as a support mechanism for the police services. The committees, however, often overstepped their authority and did not work together with Chief and Council. A participant stated that a regional police committee might work better. It was also noted that, while these local committees were a requirement under each agreement, many communities did not have committees in place. There were some inconsistencies in the system where some communities were forced to report on the work of these committees while others did not have to. Community-based committees were viewed as an excellent idea but the community should decide how these committees should be mandated, what kinds of authorities they might have, who they should report to and when they should make their reports. This was not for the government to decide but rather it should be done at the First Nation level.

5.0 FIRST NATIONS POLICING PROGRAM – DESIGN AND IMPLEMENTATION

Participant feedback with regard to the FNPP design and implementation has been compiled into themed areas below. Individual regional summaries were prepared based on engagement sessions.

5.1 Regional Summaries

Ontario First Nations Policing Agreement Holders
Participants stated that the contribution program was not appropriately designed. They agreed that the Program should be legislated recognizing its importance as an essential service. They argued that since it was called a "program" this caused the funding regime to be unstable. The program was not able to provide the support (financial, human resources, infrastructure, equipment or otherwise) required for equitable policing services from either the provider's or the community's perspective.

In addition, the current structure of the FNPP did not address the needs for policing in First Nation communities. A "cookie cutter" approach to policing in First Nation communities did not work; communities were different and their needs were unique.

Ontario Self Administered Policing Agreement Holders
Participants indicated that several areas needed to be reviewed within the agreements and stated that there was a need to explore a different kind of policing agreement between the First Nation policing services and the federal/provincial governments.

Participants noted that the program did not provide adequate funding for basic policing needs and the instability of a contribution program regime with no legislated mandate, made policing in First Nation communities challenging for the service administrators, the service providers and the community.

Saskatchewan
Participants stated that the FNPP was not appropriately designed because of a number of issues including the fact that infrastructure costs were not seen as eligible expenses. The lack of flexibility in the agreement meant that communities could not address unforeseen issues such as an increase in the nature or the amount of crime taking place in their communities and the officer complement and equipment needed to address these emerging trends. It was also noted there was no true negotiation process or mechanism to address unique community needs within the agreement. Participants expressed some frustration caused by the lack of progress in addressing these issues over the last two decades. Some felt that the agreement was designed effectively but was not adequately administered.

Saskatchewan participants agreed that the current structure of the FNPP did not adequately address policing needs in First Nation communities. There were a number of basic needs that could not be covered under the current policing agreement and funding regime. Community policing activities, basic infrastructure needs, adequate complement of officers and unique policing equipment needs based on geography could not be addressed within the current program.

It was noted that, in some communities, technical policing needs were being met but the community policing needs, considered a priority by the community, were not being met.

There were many examples provided of strong working relationships between the First Nations represented at the session and the RCMP, which could potentially defuse negative situations.

Québec

Participants felt that First Nations policing was an essential service and as such, should be legislated at the federal level. The agreements had to be tailored to the needs of each community and should have the flexibility to allow the First Nations to creatively address the situations that arise whether they be service oriented or financial. They recommended that the agreements have the flexibility to allow First Nation policing officers to work together in specialized services and encourage them to work with the Sûreté du Québec and the RCMP. Participants mentioned that funding through government programs for community policing, crime prevention and other initiatives should be more coordinated and accessible. Participants reiterated that the negotiations process was not a true negotiation and this needed to change. They also stated that there were unique provincial laws and regulations that the First Nation police service had to abide by that were not considered from a planning and funding point of view within their agreements.

Québec Participants stated that the excellence of their police services meant that they were meeting the policing needs of their community but they were doing a lot with very little. Participants did not feel that the current structure of the FNPP adequately addressed the needs of policing in First Nation communities. Of particular importance was the lack of funding for basic infrastructure. There was also a need to increase funding and expand the list of eligible expenses to include translation, transcription, operation of the local community police committees, actual costs related to administration of police services, equitable salaries and benefits, pensions, and many others. The renewal process had to provide the timing and the funding for the First Nation to do long-term planning for their policing services. Participants stressed the necessity of First Nation police services and the fact that it would be impossible to provide police services though any other delivery mechanism in some First Nation communities in Quebec.

Alberta

Alberta participants also stated that the program was not appropriately designed as there were a number of policing needs that were not addressed. Community policing initiatives were not part of the FNPP but were a necessity for effective policing in First Nation communities. The program itself needed increased stability and, as policing was an essential service, it should be legislated. The inadequate complement of officers was detrimental to community security and the rigidity of the agreement made the design and implementation of creative solutions impossible. Increased funding was needed in a number of areas including infrastructure, training, recruitment and retention. Community representatives also stressed that the negotiation process was not acceptable as the First Nation was not included in a meaningful way. They also expressed their concern about the lack of meaningful involvement of First Nation leadership in this comprehensive review process.

In terms of the structure of the program, both CTA and SA participants stated their concerns with how the funding allocations per officer were calculated and with the fact that this information was not shared with them. In addition, the training of the officer was not included in this allocation. Participants reiterated that they did not have the funds to undertake desperately needed community policing initiatives and they detailed the many basic infrastructure needs that

were not covered by the program. A lack of information about the funding allocation put them at a disadvantage during the renewal process.

British Columbia

Participants stated that the program was light years ahead of where it had been but there was plenty of room for improvement. Some participants did not feel that the contribution program was appropriately designed while others felt that it just was not being implemented the way it was intended. There were additional challenges because it is a contribution program and it was noted that, for the sake of financial and logistical stability, it should be a statutory program. Participants also noted that it was difficult to manage both provincial and federal concerns and requirements of the program.

The inadequate level of funding was raised as a fundamental issue and therein lay a variety of policing concerns at the community level. The community did not have an adequate complement of officers and the service providers did not have adequate infrastructure to do their work safety and effectively. While some communities were attempting to address this lack of officer complement by putting auxiliary officers in place to carry out specific duties, this community-based policing staff end up doing the job of full-fledged officers. This raised serious safety concerns as auxiliary officers were not trained as police officers. In addition, many communities were in no financial position to exercise this option.

Participants in British Columbia highlighted the need for agreements to be more flexible and responsive to the realities of policing at the community level, as there were geographic issues, basic infrastructure issues, an inadequate complement of officers and no crime prevention or community policing opportunities. The program should provide for awareness activities at the community level and increased cross-cultural training for officers. The program should provide opportunities for officers and community members to interact in a positive community setting and engage the children and youth in order to build a more positive view of the police.

Atlantic

First Nations wanted to see the FNPP continue and mentioned that if this program did not exist, policing would not exist in many First Nation communities. A lack of funding for infrastructure and police complement was identified by participants as a challenge. Participants stated that they needed A-based funding for the FNPP because of the insecurity of grants and contribution funding; permanent funding was required for policing. There was also a need to build flexibility into FNPP agreements that could actually be amended once signed. The crime prevention mandate was a core responsibility of policing; however, it was being treated like an enhancement to policing services. The idea of providing support staff and Community Program Officers (CPOs) to the existing police services was also identified as a need by participants so that there could be more proactive policing vs. reactive policing. Finally, a cultural component was needed for the FNPP because officers needed to be culturally aware of the communities they would be policing.

Manitoba

Participants stated that the agreement framework itself was workable with the addition of a few items. It was noted that the First Nation should have comparable police services as other Manitoba towns of similar size and identified policing needs. The agreement timeframe should correspond with provincial processes to ease negotiation and implementation plans. Participants stressed the need for effective First Nation involvement in the negotiation process in order to convey the policing needs in the communities. They also mentioned the importance

of addressing the training and administrative needs of the CCGs in order to make these bodies more effective.

Participants stated that the current structure of the FNPP does not adequately meet the needs of First Nation policing in the communities. There was a need to identify the realities of policing in the communities in terms of how the agreements rolled out at that level and ensuring accountability to the community. There were funding issues around infrastructure, officer salaries, complement size, and training needs.

5.2 Is the current contribution program for policing in First Nations appropriately designed?

Common Issues and Viewpoints

5.2.1 Design of the FNPP

Participants stated that in 1991 the idea was that the money supplied was to be an enhancement to the policing services offered by the provinces and, even though this had turned out not to be the case, the language had never changed. They also felt that the agreements should be referring to “service beneficiaries” versus “recipients”. Some felt that the phrase “recipient” was disrespectful.

Community representatives stated that there should have been three equal contributors to the design and development of the FNPP: federal government; provincial government; and, First Nation governments. It should have been a consultative process involving First Nation leaders. It was mentioned that First Nations did have some input into how the FNPP model was going to be developed; however, insufficient funding was applied to the program.

The participants noted that they needed a clearer picture of what the community policing requirements were in terms of the complement of officers and services. It was suggested that a needs assessment should be conducted in each community to identify what the actual needs were and what the costs would be to address those needs effectively. One police service mentioned that an audit had been carried out several years ago of community policing needs and it was found that they needed 30-35 officers and, at the time, they had 12.

Participants indicated that the current agreements did not take into account community needs. There should also be a consultation process where First Nation community members have an opportunity to provide input on what they wanted to see within the policing agreements. Every community had specific policing needs and the CTAs were supposed to be meeting those unique community needs. It was mentioned that front-line workers should also have the opportunity to provide input into the agreements, because they were the ones who implemented the agreement at the community level.

The participants indicated that they were looking for long-term agreements no less than 5 years in length. They also indicated that they were looking for flexibility within the agreements to allow First Nations to set their own priorities within their budgets.

Community representatives expressed their concerns about the stability of the program. Communities were looking for security for their police services, as the lack of stability led to a number of issues within the service. The participants stated that they thought the FNPP should

be legislatively based in order to ensure continued funding. If funding were legislated, communities could look at long-term planning. The participants indicated that it might be beneficial to have a *First Nation Policing Act*, which would make the program a statutory obligation.

It was also noted that many First Nation had to use investments from other programs to support the FNPP. The First Nation populations were exploding and that had an impact on all program areas, including policing. The FNPP funding was not reflective of population increases and that issue needed to be addressed.

Participants mentioned that the program did not have capital funding, which was missed in the development of the FNPP. Capital spending was required for infrastructure, vehicles, boats, motors, ski-doos, storage facilities and rent. Capital should not have to be listed in the agreements, since those types of expenses should be automatically provided. The agreements should be flexible enough to allow for increases in the cost of gasoline, officer complement, administration support, etc.

Representatives from the self-administered agreement holders stated that their agreements worked well as long as First Nation police services were given the flexibility to address situations as they arose.

Participants noted that, under the agreement, they were penalized if they were good administrators since any surplus saved throughout the year beyond 8% of the total budget had to be returned to the government rather than reinvest in a required area of the police service.

5.2.2 Negotiation Process

As mentioned earlier in this report, participants indicated that the current process was not a true negotiation. They were provided with agreements and told that they needed to sign or the funding would be cut-off. The participants stated that a real negotiation would include the federal government, provincial government and the First Nation. They would sit down together to review the First Nation policing needs and come to an agreement. Current agreements did not take into account the potential for increased population or traffic through First Nations. For example, one community may be building a theme park, which would triple the number of people who went through the First Nation.

The participants stated that the policing needs of each community needed to be dealt with on an individual basis. The one size fits all approach was not the way to go with the FNPP agreements.

Community representatives indicated that they need to look at different ways of building the relationship between various levels of governments, including the First Nation, the service provider and the community. Partners need to share information about their responsibilities and jobs in order to build this understanding. It is difficult to accept the limitations of others if these are not understood. It would be beneficial if the FNPP could fund ongoing communication between all parties to the agreement.

The negotiations were attended by First Nation Chiefs and Chiefs of Police but the federal and provincial governments did not send anyone with authority to make decisions. In addition, the

government representatives usually had no concept of First Nations policing, which indicated to First Nations that the issue was not important by government standards.

First Nations were not given the proper tools or funding to enter into negotiations with the federal government. They were not aware of what the actual costs would be with respect to operating police services within communities or what liability issues they could potentially run into. Participants stated that the federal government should have just accommodated the financial needs of the FNPP instead of putting First Nations into a position where they had to negotiate for essential services.

Participants reiterated that they needed more information on how the costs per officer were calculated. They noted that it was difficult to form an argument if they had no knowledge of salary comparisons, pension allocations or, what was allowed for O&M, etc. Municipalities and other non-First Nation governments could top up the funding per officer because they had a tax base to draw from but this was not possible for First Nation communities.

Participants also stated that there should be opportunities to negotiate the financial position of the contribution agreement annually. They recognized that a five-year agreement provided some stability but there was an issue around the need to accurately forecast expenditures for five years, which sometimes meant that the First Nations ran a deficit because anticipated costs were well below actual costs. Unforeseen activities could take up a lot of manpower and a big portion of a budget, such as a homicide investigation.

5.2.3 Agreement Development

The agreements were seen as too rigid and the First Nations could not address issues creatively in terms of funding or programming. The communities are unique and the agreements need to meet their needs. Some more urban-based First Nations would like to take advantage of more technically advanced equipment but that was not possible for more isolated First Nations. First Nation issues, aspirations and limitations are not all the same.

Some communities are involved in the development of the FNPP agreements that meet the needs of their First Nation. However, the community had to clearly state its expectations and have them clearly articulated within the agreements; otherwise, there was room for misinterpretation.

Communities identified that they want ten (10) to twenty (20) year agreements, so they would not have to negotiate the terms and conditions of their police services as often. However, these agreements require flexibility so that they can provide greater opportunities for adjustments such as salary increases, cost of living allowances, etc.

5.2.4 Jurisdiction Issues

Participants stated that Canada was obligated to provide policing services and needed to be committed to providing these services; otherwise, the services would deteriorate further. Participants indicated that the different view between the federal and provincial governments could become a hindrance. In British Columbia, the province was not on board with moving forward with SAs at this time, and this could become an issue in the future.

Many First Nations had band by-laws that the RCMP could not enforce because there was no justice infrastructure in place for prosecution. First Nations had to investigate their own by-laws, but there was no one available to prosecute these offences.

5.2.5 Funding

Participants stated that funding for the FNPP needs to be at the same level as for other police forces and that indexing needs to be part of the funding agreements.

They indicated that cash flow was an issue with the FNPP. The federal government needs to ensure that funding for the First Nation police services flows in a timely manner. A suggestion was made that the federal government should be providing 100% of the funding to the First Nations and then deal with the provincial government to get the 48% back from them. They stated that this was a federal fiduciary responsibility and the federal government needed to address funding issues in a concrete way.

As stated earlier, participants identified a number of areas to be added as eligible expenses in order to provide these much needed service locally.

5.2.5.1 Community Policing

Participants noted that the model, as it was currently funded, was basically only law enforcement with no opportunity to provide community policing. Communities would need a larger complement of officers to take on that role. It was mentioned that in some communities, community policing was urgently needed to address gang issues.

5.2.5.2 Officer Complement

Participants stated that they needed more officers on the ground to provide the police services intended by the program. SA communities do not have the flexibility to access additional funds to meet growing or changing policing needs, the way the municipal forces or the RCMP can access additional funding.

Some agreements stipulated that, if communities were to go below a certain complement level, they would lose their funding. It was noted that there were a number of reasons, not the least of which would be based on shortfalls of the agreement, as to why the police services would lose officers.

5.2.5.3 Officer Training/Specialized Police Services

Participants indicated that training needed to be part of the agreements to educate police officers about culture, communities, specialized training, etc. It was important that cultural training be based on the community's beliefs and traditions. Communities had a role to play in educating the officers but in order for this to happen, funding needed to be available.

Participants mentioned that they could all call in specialized services from outside agencies but they would like to see their own officers trained at the same level. This would be a great recruitment and retention tool and would keep their front line officers up-to-date on the newest information.

Community representatives indicated that the nature of crimes being committed in First Nation communities was changing. They were seeing an increase in gang activity,

drugs, sexual assaults, etc. Because of these changes, they required specialized policing services that were not funded under the current agreements.

5.2.5.4 Infrastructure Needs

Participants expressed the need for adequate policing infrastructure to effectively police the communities. First Nations had to keep their buildings within provincial standards but they were not adequately funded for the constant upkeep required. These standards included building requirements, security, equipment, etc. FNPP agreements should cover infrastructure costs.

Police detachments should be located in communities so that police officers would not have to work from detachments in the larger urban centres. On-reserve detachments would also ensure that the police officers stayed on reserve 80% of their time, instead of having to travel to the nearest off-reserve police detachment to complete their paperwork.

Some communities stated that they needed infrastructure funds for officer housing within the community. It was difficult to get housing for officers from Band operations when not all band members had the housing they required.

5.2.5.5 Equipment Requirements

Participants also highlighted that radio towers were needed in some communities to ensure that the officers could communicate with each other and their supervisors in a timely and consistent manner. This was also considered a capital expense and was not included in the agreements.

Community representatives indicated that First Nation communities in the north and in remote locations were not on the 911 grid and that this needed to be a priority for the federal government. They indicated that the police services needed access to the latest technologies in order to do their work such as GPS, the internet, tasers, etc. They also indicated that wear and tear on the equipment needed to be factored in when it came to getting new equipment or replacing equipment.

Participants raised the issues that the federal contribution to the FNPP should be more than the 52% because of the federal government's fiduciary responsibility. In some regions, it was noted that it was more difficult to deal with the federal government than the province in terms of program requirements, reporting and accessing the agreed upon funding.

It was mentioned that federal government departments do not communicate with each other nor did they help the communities to identify additional funding sources for basic policing services not provided through the FNPP. For example, when First Nations approached the INAC regional offices for funding for a new building, INAC sent them to the Aboriginal Policing Directorate in Ottawa, even though no funding existed within the FNPP for infrastructure.

5.2.6 Officer Training

Participants reiterated the importance of providing cross-cultural training and awareness for officers coming into First Nation communities. It was also noted that cultural training should

include information on First Nation people. It is important that officers understand the community that they serve today as well as the culture and traditions of the past.

5.2.7 Recruitment and Retention Issues

Participants indicated that they had problems with recruitment due to the lack of stable funding; the five-year cycle of the program had a huge impact on recruitment. Officers often went to the communities to get training and then moved to other police services where more opportunities were available. Northern detachments/communities were viewed as a stepping-stone by new police officers.

Some First Nations identified wage parity for their officers as a priority in their community. It was noted RCMP officers in some regions were paid more than the First Nation police officers, on a cost per unit basis. There was definitely a lack of clarity around this issue.

Participants indicated that First Nation communities need to be part of the recruitment process and should have input in who was selected to police their communities. They stated that "rookies" were often assigned to communities and needed to have someone of seniority guiding them. Alternatively, some participants admitted that, sometimes, younger officers were more open to new ideas, working with the community and bringing enthusiasm to the service. Participants also indicated that there obviously was a need for more First Nation members to be assigned to First Nation communities.

5.2.8 Community Awareness/Education

Participants underscored that greater awareness is needed of the agreement and the agreement's implications at the community level on leadership, officers and community members.

5.2.9 Increased Community/Police Service Provider Involvement

Participants stated that they need their officers to be more visible in the communities and realized that this was very difficult with a low complement of officers who had a number of administrative and other responsibilities that required them to be out of the communities or in the detachment office. The FNPP had to facilitate an increased interaction between First Nation community members and the police service providers.

It is important for new officers to be introduced to the community so that they become more aware of the community dynamics and that the community becomes more familiar with the officers. Communities can build relationships with the RCMP by inviting the Unit Commander and police officers to Chief and Council and community meetings to hear community concerns directly.

5.2.10 Community Consultative Groups (CCGs)

Participants stated that the CCGs should be financially supported by the FNPP and this should include funding to undertake development, administrative and training activities locally. The consultative groups also needed increased opportunities to network with other CCGs and others involved in First Nation policing, regionally and nationally, to address common issues and share

solutions. They could share information on funding sources for crime prevention and other specialized activities.

5.2.11 Alternative Policing Options

Some communities supplemented their police services by paying for specific positions. For example, one community hired night security guards for their businesses, which reduced the number of break-ins. However, the security workers were not properly trained in the event of a confrontation with offenders.

Communities indicated that a liaison position with the Chief and Council would be beneficial. In the Atlantic region, it was mentioned that Community Police Officers (CPOs), an RCMP pilot project, could fulfill that function. One of the requirements for CPOs was that they were required to live in the communities and their focus was to increase community engagement and provide an increased police visibility. However, CPOs were not involved with enforcement and could not back up a police officer. It was mentioned that in some communities, the CPO was a crime reduction worker or community program officer. CPOs were hired through the province and the supervision of the CPO was provided by the RCMP. It was noted that CPOs are a national pilot project of the RCMP and were not yet available in some areas. The program could not be expanded until there was approval of the pilot. It was also noted that a CPO type of position was not an option under the current CTAs.

It was mentioned that in Saskatchewan, some First Nations used Peacekeepers; in Manitoba, they used Band Constables to supplement the FNPP. The comment was made that not every First Nation was self-governing or had their own source of revenue and could not pay for Peacekeepers or a night watchman.

Participants indicated that the potential for Special Constables to be included in agreements should be further explored. Their role would not be to replace the RCMP but to support the RCMP. The Special Constables could be used to defuse situations, because they knew the community and were aware of community issues.

Peacekeepers were used in many communities; in some areas, Peacekeepers handled more calls than police officers.

REGIONAL PERSPECTIVES

First Nation Police Force

Quebec participants indicated that the First Nations Policing Program needed to be legislatively based at a federal level. They indicated that they were exploring the idea of a recognized First Nation Police Force federally. They felt that the Province of Quebec may not be in agreement but this was an issue between First Nations and the federal government.

Participants indicated that one option for Québec would be to look at regionalizing some of the police services in parts of the province. This would involve several First Nation communities working together to offer specialized services and basic police services. They also indicated that, under the current agreements, they were not maximizing partnership opportunities with the Sûreté du Québec and the RCMP. This could involve First Nation communities signing MOUs with other policing services.

Governance

Ontario participants indicated that there was a need for a regional body or regional authority that would have direct oversight of the First Nation police officers. This regional police authority could also look at police service deployment options.

5.3 Does the current structure of the FNPP adequately address the needs for policing in First Nation communities?

Common Issues and Viewpoints

5.3.1 FNPP Design

Participants noted that the FNPP was intended to provide enhanced policing services but it focused only on basic policing. They stated that, despite the funding limitations they should never have to question the delivery of basic policing services to which they were entitled.

It was mentioned that First Nations policing should have been an evolution where the program improved, but because of FNPP policies, the program was not allowed to evolve. Although, the landscape was constantly changing, the program remained the same.

Participants indicated that FNPP eligible expenses needed to include funding for detachments, housing, upgrade to buildings, compound for the police dog, dock for boats, boats, public safety programs, community policing, vehicles, internet access, telecommunications, cell phones, cameras, cost of translation services, transcription services, costs of running a local Police Board, cost of the administration of the police services, and should allow for equitable salaries, the First Nations Public Security Pension Plan (FNPSPP) etc. The list of eligible expenses needed to be flexible enough to reflect community needs. Participants added that any funding provided for infrastructure needed to be adequate to ensure that all buildings were built to standard.

Funding needed to be increased during the life of an agreement to take into consideration the cost of living adjustments and inflation.

Participants identified a number of areas where the design of the program could be improved to be more responsive to community policing needs.

5.3.1.1 Adequate Funding

It was mentioned that the program was so under-funded that it set communities up for failure with respect to First Nations police services. There was a lack of funding for infrastructure, officer complement, training and development of officers and CCGs.

The administration costs taken from the FNPP represented only 4% of the budget whereas the First Nation used 10% of other program budgets for administration. However, despite only taking 4% of planned costs for administration, their budget went into deficit each year. There was also a gap in coverage of operations and maintenance costs in FNPP agreements.

Participants expressed that funding for the First Nations Policing Program needed to be

equitable with a level of base funding established for all First Nations. This base funding would allow First Nation communities to deliver essential police services. Categories for funding would be created based on unique community characteristics such as geography (urban, semi-rural, rural, isolated) and other unique community needs would be assessed such as water-based policing, winter vehicles, fly in costs, and specific equipment to deal with crimes such as gangs, smuggling or drugs.

The current financing formula was inadequate and needed to be revised to reflect community needs. Once the funding was provided, it should be up to the First Nation communities to decide how to allocate funding that will best serve community needs. Communities did not want the federal government telling them how to allocate the funding.

Participants also felt that allocating funding based only on population was not a workable process; more elements needed to be taken into consideration. They indicated that other elements needed to be taken into account such as infrastructure needs, administration, benefits, and number of people that transit through the community, size of the territory, statistics, community interventions, etc.

5.3.1.2 Community Policing Needs Assessments

Participants indicated that funding should be allocated for First Nation communities to undertake a study of policing needs and requirements. This needed to be part of the program as they moved forward.

The participants indicated that funding needed to be made available to allow First Nation communities to develop an organizational plan for First Nation police services in each community. This would allow First Nation communities to look at long-term planning and needs. They felt that, if First Nation communities were not able to examine community needs and plans, the program would never work. Part of the organizational plan would include looking at different programs in the community that could work together in an integrated manner to overcome social and crime problems.

5.3.1.3 Infrastructure

Participants indicated that the FNPP needed to provide capital for infrastructure needs such as housing and police detachments. One possible solution was to increase FNPP investments for fair market rent for detachments in order for First Nations to be able to reimburse the cost of capital investments.

The rent paid by the RCMP for their on-reserve detachments was considered inadequate considering the cost of the office structure and the RCMP requirements for security measures. In some communities, the detachment had doubled in size, yet the First Nation still received the same rent from the RCMP which did not cover the cost of the square footage. Fair market value was required. It was also noted that some First Nations did not even have the infrastructure available for an RCMP detachment.

5.3.1.4 Specialized Equipment

Infrastructure funding was also identified for items such as: surveillance cameras in holding cells; police cruisers; communication tools for officers; by-law enforcement officers; crime prevention programs; community policing; helicopters; police dogs; crime

scene investigators; specialized services; etc. Requirements for such items would vary by community based on needs and would also change as communities evolved.

5.3.1.5 Officer Complement

Participants indicated that the negotiated number of officers under the agreements was not enough to meet First Nation community policing needs, particularly in isolated communities.

The original intent of the FNPP was an enhancement program; PPSA officer levels should have remained the same with the FNPP providing additional officers. Participants indicated that the program had not been implemented in this manner.

The population, geography, emerging criminal activities on-reserve and other factors needed to be addressed through the police services but funding was not equal to the task. Some communities of 6000 had only two officers, which was not even safe, let alone effective. There was a need for more officers in the communities.

First Nation communities needed to have a say in the selection of officers to ensure that these officers had the training required to do the job; if the officers selected did not have the training, then additional funding for training was required.

5.3.1.6 Officer Salaries and Benefits

The participants indicated that they were losing their trained officers to the RMCP because of the lack of equitable salary and benefits. This was contributing to rapid officer turnover and a decrease in officer complement in First Nation communities. The FNPP should be providing funding for salaries and benefits comparable to those of the RCMP.

5.3.1.7 Officer Training

The participants indicated that currently First Nations have to wait until a spot opened up at Depot in order to be able to train officers; this was an issue that needed to be addressed in FNPP agreements as well as ongoing training costs for officers.

Participants indicated that communities need the ability to decide the type of training required for officers to provide adequate policing services to the community. The Council could list the programs of importance in the First Nations and then select the officers who had the required training.

5.3.1.8 Community Policing Initiatives

Additional funding leading to a larger complement of officers would cover more than just reactive policing activities in a community. Working with youth, school liaison, victim services and other community activities would lead to safer and healthier communities and to a better relationship between the community and their police service providers.

Participants identified a gap in the area of crime prevention as part of policing provided to First Nations. There was a recognition that the RCMP needed to expand their expertise in crime prevention.

In addition, the police service provider needed the time and resources to work in an inter-agency capacity more holistically to address issues in the community before crimes

were committed. It was also noted that the lack of resources for a number of community agencies, such as mental health services, had led to an increase in workload for police service providers.

Although the justice system seemed to work effectively and everyone was doing what he/she was supposed to be doing, there were still more offenders and they continued to re-offend. It was suggested that the justice system had a series of interconnected parts and they could not look at just one part. People were cycled through the system without healing, learning from mistakes or being accountable for their actions.

There was a need for the government to provide training, education and awareness on how to access government funding and programming, particularly for justice initiatives, including the National Crime Prevention Centre (NCPC) programs. It was particularly important that communities were aware of programs and had access to funding.

5.3.1.9 Holistic (Inter-Agency) Approach to Community Policing

The participants indicated that a more horizontal approach would be appreciated in the implementation of the program. The program needed to involve other departments that had a mandate for wellness. These would include programs in First Nation communities that were involved in restorative justice, education, social services, health and any other program that was involved in crime prevention.

Participants noted that to be effective in addressing not only policing but crime prevention in the community, interagency relationships must be built both within the community and outside the community. The police service members had to have the willingness and ability (enough officers and time for community policing) to work with community agencies, other law enforcement partners, leadership and community members to address policing issues in their community.

It was also noted that community policing representatives such as Police Management Boards (PMB) members, leadership with policing portfolios, and front-line workers, should be provided with funds through the agreement to meet with other communities on the regional and national level to discuss issues in common, identify solutions and undergo training.

Participants also indicated that there needed to be a mechanism built into the agreements that would allow for follow-up and monitoring. If the agreement was not being adhered to, there also needed to be an appeal process.

5.3.2 Negotiating Process and Agreement Flexibility

Participants indicated that the tri-partite process needed to be better coordinated and become a true negotiation process. They need a fresh start with the RCMP and First Nations as part of the negotiation process. People sitting at the negotiation table representing the federal and provincial government need to be the decision makers, because First Nations are constantly being informed by government negotiators that they need to go back to their superiors to get the authority to move forward on anything.

Participants noted that the negotiation process was not effective and the uniqueness of the communities are not recognized in this process. The agreement template was created by the

federal and provincial governments and all First Nations have the same agreement. First Nations are unable to amend the agreement as their communities change and evolve community plans for policing are also not recognized.

Participants stated that the FNPP agreements need to be flexible enough to meet the differing community needs. At the same time, the requirements of the program must be met and the example was given of the requirement that the officer had to spend at least 80% of their time in the community. Participants stated time and again how this was not the reality on the ground.

Community representatives need more information on how the cost-per-officer figures were calculated. It was noted that the CTAs received more funding per officer than the SAs but it was unclear how those figures were determined.

For self-administered police services, First Nations were told that the training had to be paid out of operational funding. First Nation police services took pride in the training they provided their officers but the training needed to be funded through the agreement.

5.3.3 Officer Time in Community (80%)

In relation to the requirement for an officer to be in the community 80% of the time, this was made impossible due to inadequate complement of officers; lack of housing available in the community for the officers; lack of adequate office space for officers to work on reserve; and, the lack of infrastructure such as holding cells, so officers had to spend a considerable amount of time transporting detainees to nearby equipped detachments. These issues led to a lack of police visibility in the community and the inability to initiate community policing initiatives.

5.3.4 Relationship Building

First Nations need a more culturally-sensitive police force. New police officers often have not been exposed to First Nation communities. Officers who have no knowledge of First Nation communities are sometimes fearful due to a lack of awareness.

Building relationships between police and communities is essential. Participants mentioned that good relationships with their staff sergeant had resulted in better police services for their First Nations. Those particular police services responded to community needs and built trust. In turn, the community became more proactive and collaborated not only with police services, but with other service providers.

It was also noted that First Nations want to be involved in how officers are selected to police their communities. This was happening to some degree in some areas and it was identified as a good way to build relationships between the community and the police service provider as well as identify officers who would be successful in the position.

5.3.5 Communications and Networking

Participants suggested that FNPP agreement holders should be able to meet on a regular basis on regional and national levels to share information and improve policing services in First Nations. Funding needed to be included in agreements to allow for agreement holders to come together to share information and best practices once a year.

5.3.6 Community Awareness/Education

Funding is needed to provide for community education and training so that they are aware of the implications and limitations of the FNPP. Participants also stated that they need awareness programs for community members to better understand the role of their police service provider.

5.3.7 Alternative Policing Options

Communities are looking at different options to fill gaps in policing, such as special constables or other types of police services.

One alternative policing model could include the potential for First Nation communities to fund police services directly from the RCMP or municipal police services. By providing the funding directly to the community, it would be able to identify policing needs and have the negotiating ability and, ultimately, the control to meet those needs effectively. Participants stated that this could address the current disconnect between what was in the agreement and the policing needs of the community.

Participants indicated that the type of policing services in First Nation communities needed to be examined further. In many instances, the RCMP was unable to act on information that was provided to them with regard to alcohol and drugs coming into the communities. The RCMP was only able to respond to criminal activity and they could not act on the information that they were receiving. Participants indicated that in the past, the band constables had been able to act on information provided to them. The participants indicated that maybe what was needed was different types of services that would include the RCMP and band constables.

Similarly, the RCMP was not authorized to enforce the *Highway Traffic Act* on First Nation communities, and was not able to evict people from the community or enforce other by-laws. Many communities were using security officers to enforce summonses, evictions, and to provide extra security.

Participants indicated that First Nation communities were not always looking for full-fledged police officers but for a different type of support for the police officer. It was indicated that the RCMP was piloting different programs each with varying levels of authority. Some of the roadblocks that the RCMP faced were around issues of training, supervision and funding. It was also indicated that the Peacekeeper program in Saskatchewan needed to be explored further as currently there was no vehicle for the federal government to move forward on deployment.

5.3.8 Cross-Lateral Implementation of First Nation Policing Services

Participants indicated that there was a need to involve various services at the community level such as social services, health, education, justice and community members themselves if First Nations policing was to be successful. They also indicated that various federal departments need to be involved in First Nations policing.

Some communities were trying to incorporate traditional practices into policing and to marry the non-Aboriginal and Aboriginal worlds. Communities wanted to look at policing from a holistic perspective, involving all programs and services.

REGIONAL PERSPECTIVES

Costs Related to Translation/Transcription

Quebec participants indicated that under the current program, the costs of translation services and transcription were not covered. They often had to have DVDs and CDs of interviews transcribed and translated from the First Nations language to French in order to look at laying charges. If no charges were laid then the costs were not covered by the justice system and there was no item in the eligible expenses of the agreement to cover these costs.

Uniqueness of Quebec Laws

Participants indicated that in Quebec, there were unique laws that made demands on First Nation communities when it came to policing. These demands were not always covered in the agreements and First Nation communities were being required to draw funding from other areas in order to meet these demands. Adequate funding was needed in agreements for First Nations to meet provincial policing requirements.

Political Realities

Quebec participants noted that if First Nations policing were to be eliminated in the province, it would probably cost the Sureté du Québec double the current cost to police First Nation communities. In addition, there would likely be conflicts in some First Nation communities if the Sureté du Québec tried to enter the community. A risk and cost-analysis should be done for the worst-case scenario that could occur if the program was abolished, such as the Oka Crisis that occurred in 1990.

Questions about the Peacekeeper Program

During the engagement session in Saskatchewan, participants mentioned that there were approximately 80 people finishing the training program, however, there were no jobs available. In addition, the RCMP would not take the participants on a ride-along, so they could not finish the training program. There were issues with how the training program was initiated and it was noted that there was no opportunity for negotiations or discussion about a Peacekeeper program at all. The training had not brought forward information such as: what a Peacekeeper is; what his/her role would be within the First Nations community; where the Peacekeeper authority would reside; and, who was responsible for their supervision.

Participants stated that the First Nations do not have the funding to sustain the Peacekeepers once the training is complete. The Peacekeepers were intended to be the extended eyes and ears of the community; they had no powers for arrest and detention and no powers under the Police Act. There was no level of accountability for their activities and it had also not been determined who would be responsible for their salaries and equipment.

6.0 First Nation Policing and the Federal Government

Participant feedback with regard to First Nation policing and the federal government has been compiled into themed areas below. Regional summaries were also provided based on regional sessions.

6.1 Regional Summaries

Ontario First Nations Policing Agreement Holders
Participants expressed that the FNPP allows First Nations to provide policing services that are culturally appropriate and community-based. Communities are also served by officers who are knowledgeable about community dynamics, its history and people. However, the fact remains that First Nation police services are so severely under-resourced that they can not, in some cases, even provide basic policing services. In addition, officers are expected to do their jobs without proper equipment, facilities, or most importantly, without the support of other officers in situations that raised concerns for personal and community safety.

The FNPP was designed as an enhancement to provincial policing to support full policing services in First Nation communities. Participants stated that they needed to explore legislative options to adequately provide for this essential service.

According to participant responses, it is difficult to judge the effectiveness of the FNPP as the police services are so severely under funded that they can not undertake many of the activities that would constitute community policing.

Ontario Self-Administered Policing Agreement Holders
Participants underscore the importance of the funding they receive through the FNPP. They added that the program should be expanded to include the number of items that were identified in this report including infrastructure requirements, funding for officer complement to meet the needs of the community, and updated equipment to address the specific requirements of the police service.

Participants indicated that the government should examine the historical background of the program. This was needed to put the program development in context. The federal government should understand community needs with regard to policing services and to make sure that those needs are met. The federal government must ensure that communities in the north have the same standards of police services as those in the south to achieve parity between communities.

Police services face challenges in providing basic policing services because of the lack of officers, equipment and specialized services and have no time or resources to focus on community policing initiatives. Participants stressed the need for additional funding based on actual community needs that will facilitate a proactive approach to community policing in First Nations.

Saskatchewan
Despite ongoing challenges with the FNPP, participants stated that prior to the program, they had no involvement in how policing was administered in their communities. Saskatchewan participants stated that it was important to have the federal government involved in the program because communities need federal funding and the federal government has a fiduciary responsibility with regard to the security of First Nations. Policing in the communities has improved with the advent of the FNPP and although the 80% requirement for police time spent on reserve was not met, measure could be put in place to improve results.

Participants believe that the program has provided increased opportunities for First Nation participation in community safety but there are many areas that need to be addressed in order

for the program to be more effective. There needed to be more opportunities, both formal and informal, for community input into how they were policed. The program needs to be expanded to include identified community needs such as an increase in crime prevention activities and initiatives to address gang issues. Finally, the manner in which an agreement is negotiated and implemented could be improved in a number of ways, which would have a positive impact on First Nation participation in community safety.

Québec

With regard to the value added by federal government involvement, participants noted the importance of the funding provided at the community level and the fiduciary responsibility of the federal government for security in First Nation communities. In addition, this relationship with the federal government is stronger than the relationship of communities with the provincial government, which was strained in a number of areas. There was a recognition that the FNPP was intended as an enhancement to existing policing services but there have been serious issues with the program's implementation that have impacted on police services in First Nation communities.

Participants stated that the FNPP was not administered in a manner that encouraged First Nation participation in community safety. First Nations should be dealt with as sovereign nations and negotiations should be a good faith process based on First Nation policing legislation, not as a grants and contribution program. The police services provided to First Nation citizens should be comparable to services provided to any other Canadian and this entails funding to adequate levels based on unique community needs. First Nations jurisdiction should be recognized by both the federal and provincial governments and communities should be directly and meaningfully involved in any reviews, changes, updates or revisions to existing programs and services.

Alberta

Alberta participants stated that the federal government had a fiduciary responsibility and treaty obligation to provide funding for police officers. They added that federal involvement brought a more national focus to policing and the potential for connections between First Nations and their service providers. They spoke of national standards for infrastructure and the need to expand the program to increase funding for communities with agreements and to allow more First Nations into the program. They indicated that there needs to be a more comprehensive approach to include all facets of the community justice system and this process should be facilitated nationally through PS and Justice Canada with input from the communities.

With regard to First Nation involvement in community safety, Alberta participants noted that the lack of resources for community policing makes this almost impossible. There is a need for expanded services including comprehensive victim services and crime prevention initiatives but there is no funding. The communities want to develop and implement alternative justice initiatives in order to more effectively address policing issues. They want to look at ways of promoting their community as a great place to work in areas of policing and to support new officers with training and orientation, particularly around cultural awareness. Communities need to address challenges brought on by RCMP deployments, as the current policy does not encourage community involvement or commitment to their community.

British Columbia

Participants noted that funding provided by the program was appreciated and very much needed. They spoke of the urgency of additional funding for the program to current agreements

and to expand more First Nation communities. In addition, participants stated that the federal government had a fiduciary obligation to provide policing services on First Nation lands and the government could not off load this to the province. Participants stated that the program has lead to an increase in the profile and importance of policing issues at the community level, an increase in the development of partnerships on policing issues, and to a standardization of police services on reserve.

In terms of First Nation participation in making communities safer through the FNPP, participants expressed that this could be accomplished through more flexible agreements and the ability to make community needs known through the negotiation process. In addition, communities need to address issue of jurisdiction and law making because service providers and community leadership are unclear about the applicability of by-laws and traditional laws enacted by local government. Participants stressed the importance of relationship building between service providers, community members and local First Nation governments as well as increased interagency cooperation at the community level.

Atlantic

Communities want to see the continuation of the FNPP because it provides consistency across the country. They also stated that it was important to have a police officer dedicated to the First Nation, to provide a consistent point of contact. Proactive policing in communities is important. It is also important for police services to meet with Chief and Council to determine the priorities of the community with respect to policing. These types of meetings would also provide an opportunity to discuss roles, responsibilities and expectations. Community engagement in policing is critical; it takes everyone working together to reduce crime in communities. Participants stated that policing is an essential service and if an Aboriginal officer could be assigned to a First Nation community, that would be ideal; however, the most important thing was to have an actual police presence in the community, whether Aboriginal or non-Aboriginal. Participants stated that one program that was working well was the Summer Student Program where students worked alongside the RCMP. Participants also stated that more outreach work with the youth is required. Finally, it was mentioned that policing also has to address the social needs within communities because it had been proven that investing in prevention saved money in the long term.

Manitoba

Participants noted the importance of federal funding and that Canada had a fiduciary obligation for policing in First Nation communities. They underscored the need for the federal government to interact with First Nations as government to government. They also felt that the federal government involvement increased the accountability of all parties and provided a milieu for a broader response to policing issues in the community.

Participants felt that while the program itself was somewhat adequately designed, its implementation caused a number of issues at the community level. Agreements should be more flexible and the negotiation process needs to be more inclusive and informative. There has to be a clarification of the roles of each party in the agreement and an accountability of each party with regard to the effectiveness of the policing services. The agreements had to take into consideration the changing face of policing in First Nation communities and had to include a community perspective of these realities. In addition, the funding inadequacies had to be addressed basic police requirements.

6.2 What is the added value to having the federal government involved in policing in First Nation communities?

Common Issues and Viewpoints

With regard to the value added by having the federal government involved in First Nations policing, participants provided the following input.

6.2.1 Funding

Participants noted that the funding provided by the FNPP, though inadequate to meet identified needs, was desperately required at the community level. They indicated that the federal government still had a role to play in terms of funding contributions for policing, perhaps directly to First Nations at some point.

Participants indicated, however, that under the FNPP, the province was responsible for providing policing in each First Nation community and the federal government was only there to enhance this base level of policing. The First Nations Policing Program was never meant to provide the only policing services. However, participants indicated that this was not how the program had been implemented. They felt that the program needed to be implemented in the manner in which it was intended. The tri-partite process needed to be applied how it was designed. The system could be very burdensome and frustrating.

At times, the provincial government would be in a position to provide additional funds for the FNPP but the federal government would not be able to match the contribution. There was certain level of frustration expressed about the negotiation process which involved two levels of government. The inadequate level of funding for First Nations policing was causing some participants to advise their Chiefs and Councils to leave the task of policing to other mainstream police services, knowing full well that these other services would not be able to deliver the required policing with the funding available.

In addition, participants indicated that the goal of the program in 1991 was no longer indicative of what was needed today in First Nations policing. The goal and objectives of the program needed to be revisited and revised to reflect the 2010 needs.

6.2.2 Fiduciary Responsibility for First Nation Policing

The federal government needed to recognize First Nations as sovereign nations who had governments prior to contact. It was mentioned that until this recognition took place, nothing would change.

Participants indicated that policing was a federal responsibility that went back to the Treaties. The Treaties called for a Nation-to-Nation relationship and that this was how the FNPP should be moving forward. Participants stressed that it was their understanding that First Nations policing was a federal obligation as outlined in the *Indian Act* and this had been offloaded to some degree by the federal government to the province. They mentioned that it was important to keep that connection between the First Nation and the federal government, while improving ties with the provincial government. It was particularly important for self-governing First Nations to deal with Canada directly and not with the province. If First Nations were going to exercise their rights to govern, they needed to speak with the federal government.

Participants stated that they feared that the goal of the comprehensive review was to give the federal government the opportunity to pull out of the FNPP and transfer the funding to the provinces.

6.2.3 Accountability

Some participants expressed that the involvement of the provincial and federal government ensured that both would be accountable.

Participants indicated that there needed to be a way to ensure that policing agreements were being implemented in the manner they were intended. They highlighted the need for a mechanism that would provide First Nations the ability to report their dissatisfaction with their police services. The participants indicated that this was a role that Public Safety could take on effectively, as they needed to monitor the agreements and follow up regularly with the province and the RCMP.

Participants also indicated that there was a lack of consistency within the justice system and it was recommended that those issues be examined at a higher level between Justice Canada and Public Safety Canada. Participants stated that it was frustrating at the local level to see the different departments working in silos on issues that affected the communities.

6.2.4 Program vs. Legislative Mandate

The federal government is responsible for the FNPP and it would be ideal if there was a legislative base for the program. Participants stated that this would ensure a secure level of funding for the program. It was noted that police services provide an essential service, but the contribution agreement process allows for discretionary decision making on funding.

Legislation would provide greater autonomy to the communities for administering the FNPP and would enable the federal government to refine the program. It was stated that this reform would lead to more effective police services for the community and would enable police services to not only focus on enforcement, but also on awareness and prevention.

6.2.5 Culturally Appropriate Policing Services

Participants indicated that one of the most important aspects of having the federal government involved in policing in First Nation communities was that the program had provided a venue for culturally appropriate policing. Participants indicated that the FNPP has introduced police officers who have a knowledge and understanding of the communities in which they police. It was also noted that the officers are more culturally aware than they have been in the past. There are still improvements to be made in this area and participants felt that more cultural awareness training should be provided to all officers in First Nation communities.

6.2.6 Community Involvement in their own Police Service

Participants noted that prior to the program, the First Nations had no involvement in their own police service. Many First Nation communities who do not have agreements would like to be part of the program but cannot be accommodated at this time. Participants agreed that the

program should be expanded but the department had to allocate additional resources for existing agreements before adding funding for new agreements.

6.2.7 Building Partnerships and Relationships

Participants indicated that it was important for FNPP service providers and administrators to work with different organizations and government departments in creating partnerships to deal with various challenges. But in order to build these partnerships, First Nations need the required funding.

Participants cautioned that it was important for communities to be given the opportunity to heal from past wrongs that were done to them before they would be able to build a relationship with the RCMP. The FNPP has helped communities become safer and has given them the confidence to build a relationship with the RCMP. The FNPP has allowed for a strengthening of the trust between the community and the RCMP.

There was recognition that the FNPP provided a venue for networking and working with other First Nation agreement holders by sharing best practices, common challenges and potential solutions. The example given was when Tsuu T'ina opened their casino; they discussed potential policing issues with Chippewas of Mnjikaning (Rama), who had been operating their own casino for a number of years. Participants noted that these connections were made through the FNPP.

Through the FNPP, First Nations are able to form alliances across Canada and to share information on how negotiations and other processes are undertaken in different regions.

6.2.8 Policing Policies and Standards

The FNPP has led to an enhanced recognition of the importance of standards in First Nation policing. It was noted that this national program provides credibility to First Nation service providers.

Participants mentioned that police officers should all be at the same level and should be delivering policing in a uniform way. Participants stated that the FNPP has had a positive impact on policing standards in First Nation communities, which has occurred throughout the last decade; targets are now set much higher and infrastructure has been strengthened.

6.2.9 Increased Profile of First Nation Policing

Participants indicated that over the years, the FNPP has facilitated a process for more communities to have dedicated policing. The FNPP has leveled the playing field by giving First Nations the ability to be involved in negotiating policing for their communities. Many communities were still to full understand the programming, but one of the major obstacles to the FNPP's success was the lack of funding.

Participants indicated that they were looking for continuity and stability in the program. They felt that this would be beneficial to communities and would create a better working relationship between partners.

6.2.10 Broadened Approach to Policing

Participants mentioned that there were a number of social issues in a community that theoretically the federal program had the flexibility to address while the province was limited to front-line policing activities. They also noted that the cultural component of the FNPP was an essential aspect of effective policing in First Nations.

6.2.11 Consistent Approach to First Nation Policing

Participants mentioned that the FNPP provides some consistency across the country; where otherwise there would be inequities in policing according to the “have” and “have not” provinces. Policing in First Nation communities may not be a priority for those provinces that are struggling with deficits.

6.3 Is the FNPP administered in a manner that encourages First Nations participation in community safety?

Common Issues and Viewpoints

Participants provided the following input on how the program was administered to encourage First Nation involvement in community safety.

6.3.1 Lack of Adequate Funding

Funding levels have not kept pace with community growth and changes in the types of crime now taking place in communities. With an increase in gang activity, organized crime and drug-related issues, local police services are under increased pressure with limited human resources, funds or new equipment.

Participants noted that the police were unable to address a number of challenges due to a lack of resources. It was impossible for the police to assist in addressing social issues in a preventative or proactive way. For example, communities wanted the ability to provide victim services in a comprehensive manner but that was not possible. Crime prevention was also a neglected area.

First Nations want fairness within the FNPP with agreements implemented as they were intended. Participants stated that it is frustrating to see how easily police services are delivered to neighboring municipalities when implementing similar services in First Nations is deemed to be too complicated. First Nations want the same thing as their neighbors and that is safe communities.

Participants underscored that the program should be expanded to include communities who needed and wanted to have policing agreements. There is also need to increase basic funding for all agreements to include: infrastructure costs (offices, storage, garages, holding cells, officer housing on-reserve); funds for crime prevention and other community policing initiatives; as well as funds for capacity building for Police Management Boards.

6.3.2 General Agreement Design

The FNPP agreement outlines how the police service should operate; however, it also provides an interface with the federal government. Participants stated that the current First Nations policing policy does not accurately reflect that relationship. The policy should reflect the relationship between the First Nation and Canada and that the FNPP is more than a funding agreement; a police service establishes jurisdiction.

Participants suggested that a regional advisory body may address the many inconsistencies in the relationship between First Nations and the federal and provincial governments as it relates to policing. There are large disparities between the nature of agreements, the funding, and administration stipulations among others.

Participants stated that policing services funded by the FNPP should become essential services and that message should be supported by the federal government to the provincial governments across Canada. Program funding should be non-discretionary.

Participants suggested that ideally, the agreement period would be longer with the option to review the terms on a regular basis during the life of the agreement. Agreements should be flexible enough to be amended if a proper business case was put forward. It was suggested that the agreement should contain a clause that allows for amendments on a yearly or bi-yearly basis. Amendments could be processed faster than a new agreement or a renewed agreement.

Participants stated that there were also issues of cash flow and mentioned that the government had to disburse funding more quickly because the delays caused hardship for the communities. The negotiation process had to be streamlined to accelerate the signing of the agreement.

Participants mentioned that the following general considerations needed to be looked at when developing the agreement process.

6.3.2.1 Flexibility

The needs of First Nations are similar at the grassroots; however, geographic and economic challenges make each community unique. There is a need for First Nation input into the administration, recruitment, training, salary and benefits, etc. that should be included in the program, to meet the needs of communities.

The lack of flexibility to move funding within an agreement did not allow First Nation communities to address human resource issues, officer complement issues, training, equipment etc. With an appropriate management of funding pursuant to a flexible agreement, communities may be able to stretch the funding.

The federal government is not aware of what takes place within First Nation communities. Officials need to travel to communities to see first-hand what the true needs are and recognize that existing policing policies do not work. Many communities were turning back to traditional law and the current policing policies did not make room for traditional law.

6.3.2.2 Community Engagement

Participants indicated that the ability for First Nations to participate in community safety is dependent on the building of partnerships and the willingness and readiness of

communities to undertake these types of programs. The framework was there for this to happen but it needs to be clearly defined so that all communities can get involved.

There is a need for greater community input into the program. Community representatives do not have a say in how policing is administered. Front-line workers should also have an opportunity to provide input since they often remained constant, whereas a Chief and Council could be elected every two years.

6.3.2.3 Evaluation of Police Services

First Nations were often spoken to about accountability and it was noted that, if the RCMP was the police service provider, the officers needed to be accountable for the level and quality of service that they provided; the RCMP needed to be evaluated in a transparent way in cooperation with the communities. Participants indicated that Public Safety Canada has a role to play in ensuring that this evaluation and accountability process is followed and that this could lead to more effective policing services in First Nation communities.

6.3.3 Specific Agreement Components

Participants noted that specific expenses must be added to the agreements and provided the following feedback.

6.3.3.1 Infrastructure Costs

Participants provided examples to illustrate how the lack of funding has impacted negatively on police service providers. They described severely inadequate infrastructure including overcrowded office space, lack of basic facilities, and little or no secure storage areas for vehicles or firearms. There was also a lack of housing for community-based officers so many officers did not live in the communities. It was stated that it would be beneficial for police officers to reside in First Nation communities, particularly in the isolated communities, because it would cut down on response time and would ensure that policing occurred within that community.

6.3.3.2 Officer Training

Participants indicated that training was needed for police officers such as marine training, search & rescue, survival training etc. The training needed to reflect the environment in which police officers worked.

In addition, participants indicated that the First Nations police service required the ability to train police officers in different specialties (i.e. forensics, canine dogs, murder investigations etc.). They indicated that different First Nations could specialize in different fields and then lend out these specialists to communities where they were needed.

6.3.3.3 Police Management Board/Community Consultative Groups

Training for police service boards should include orientation sessions, the sharing of best practices, group sessions, and networking opportunities.

6.3.3.4 Recruitment and Retention

First Nations need to be involved in the selection process of officers and detachment commanders because this process has a direct impact on service delivery within First Nations. They could be involved in the interview process, for example, to ensure that the personnel selected would be a good fit with the First Nation community.

Officers need to make a longer commitment to working in First Nation communities. It took time for communities to get to know the officers and when they finally did, the officers were transferred out. It was noted that there were RCMP policies in place that determined how much time the officer could spend in a community but there should be exceptions for officers who would like to stay in the same detachment. This option could likely be negotiated in the agreement.

6.3.3.5 Crime Prevention

Communities need access to funding for crime prevention programming. This funding also needs to be more flexible and more accessible, particularly for smaller communities that may not have the same level of crime statistics in larger or urban areas, but still require programming.

6.3.4 Negotiation Process

First Nations need to be involved in the negotiation process from the beginning. They need to be able to sit at the negotiation table and truly negotiate an agreement based on hard facts. Current negotiations do not allow opposing parties to really examine the situation in communities in order to address the policing needs.

Participants stated that in the last renewal process, they were simply presented with the agreements and told that they needed to sign them or the funding would be cut off; they underlined that this was not a negotiation process.

Participants noted that the provincial and federal governments need to work in a coordinated manner for negotiations because the process of working with two levels of government was cumbersome and confusing at times, particularly from a funding perspective. Participants noted that this might cause delays in receiving funding; this situation puts First Nations under substantial financial strain.

6.3.5 Policing Complement and Coverage

Participants indicated that northern First Nations were having difficulties with the requirement for 24/7 police coverage. They do not have enough officers to police the community on 24/7 basis and the community knows when they are not on duty; this is when crimes occur. In the south, the issue was more about officer complement; they were able to provide services on a 24/7 basis but there were not enough officers available at a given time. Police services are often short handed and this is causing officer burnout and security challenges. Even when officers were not on duty community members were still going to them for services. Police officers in the communities are always on duty.

Participants stated that, because the lack of funding does not allow for community policing, the community viewed the police officers in a negative way. In addition, some services have been mandated by the Chief and Council to undertake community policing initiatives despite their

limited resources. In some cases, the police service has accessed funding through different initiatives in order to undertake project-based activities in community policing.

6.3.6 Increased Information Sharing

The exchange of information between the federal government, the provincial government, the RCMP and the First Nation needs to be enhanced. A website should be developed to act as clearinghouse for all information related to First Nation policing. It was noted that this information sharing should also include the CCGs.

Participants indicated that the comprehensive review itself was a great opportunity for First Nation agreement holders to share information and learn from each other. This was the first time that they had heard of a review that involved community members, police service providers and administrators. They hoped that the process would help improve the current FNPP. In addition, participants noted that the FNPP should pay for additional fora, both locally and regionally, to discuss policing issues and identify solutions to common concerns.

The federal government has a role to play in helping First Nation communities make linkages to other funding sources and to ensure this information is available to the communities. The government should also facilitate the sharing of experiences between First Nation communities. Bringing people together to share information once a year would be very useful.

6.3.7 Community's Role

Community members have a role to play in keeping communities safe. For example, they can ensure that their house numbers are visible, that lights are on outside and that they report any incidences to the police services. Without community involvement, the policing program would not be successful in communities. Getting youth involved with the police service is very beneficial since they become more responsible and responsive to the community.

Participants stated that communities needed to be more involved in policing and to be more knowledgeable of policing services. First Nation leadership has to take responsibility for informing their community on policing; however, they also have to educate the RCMP and politicians on the policing needs and concerns of First Nation communities. There is a need for greater awareness of the CTA agreements, particularly for the Police Management Boards (PMB) and the overall community, including leadership. Often the PMB members did not have a good understanding of their own agreements. It should be a mandatory requirement for PMB members to take part in an orientation session on the agreements.

Communities want to see a response to their needs. They also want to be informed of the action taken as a result of complaints that are brought forward. On many occasions, community members are not informed when an action has occurred as a result of their complaint; the perception is, therefore, that the police service has done nothing, which results in a lack of trust by community members in their police services.

Some communities are providing enhanced police services at their own cost, such as a night watchman or community patrol, but they are finding that due to these added services, they no longer see the police in their communities. A police presence is required in addition to enhance community policing services. It is important to not place the community patrol or night watchman

in a dangerous situation since they are not trained as police officers and are only intended to be the eyes and ears of the police services.

6.3.8 Addressing Changing Policing Needs in First Nation Communities

Participants indicated that they are trying to take a multi-organizational approach to policing and they are trying to work with the service providers in areas of health, social issues, education, justice and other areas to address policing needs in their communities. The participants indicated that in order for this approach to be successful, the FNPP agreements need to provide the required funding.

Policing in the communities is changing due to the type of crimes now occurring in First Nations. Communities are seeing a rise in suicides, prescription drug abuse, gangs, drug trafficking, drug production etc. There is therefore a need for specialized services to be part of the program such as drug enforcement, forensics, SWAT Teams, Emergency Task Forces, investigators, sexual assault investigators etc. Clauses that outline the specific needs of the community should be included in the FNPP Agreements.

6.3.9 Accountability of the Police Service Provider to the Community

Participants indicated that there did not seem to be any accountability on the part of the RCMP under the FNPP agreements and that there should be some process to ensure accountability to the community. It was suggested that they could establish police boards to oversee how the work was carried out. The federal government has a role to play in ensuring accountability process is in place.

6.3.10 Increased Community Involvement

There is a need for increased interaction between First Nation community members and their police services providers, particularly amongst the youth and school-age children. This would require increased program funding for activities and an increased complement of officers to take on community policing roles. The benefits of building this relationship would be substantial as it would also increase trust between the police service and the community and assist with community crime prevention.

Participants stated that they were seeing changes in the communities with respect to the image of police officers. Previously, children used to run and hide from the police officers when the police were facilitating crime prevention programs; the children now welcome the police officers and actually run up to them to greet them. It is important for the police officers to take part in and be part of the community.

In the Atlantic region, participants mentioned that a program that seemed to work well with the RCMP was the Summer Student Program. The program enables a student to work alongside the RCMP as they police in First Nations. RCMP officers were able to learn the traditions and customs of the communities while the students and their extended family got to know the officers as people and not just police officers.

6.3.11 Working Together for a More Effective Justice System

Participants underscored that there is a need to address social issues in a more multi-disciplinary fashion at the community level. Federal government departments that work with First Nations must communicate with each other more effectively. For example, while officers may use ticketing for certain violations, these measures are not supported by other areas within the justice system.

6.3.12 Officer Recruitment and Retention

First Nations should have the opportunity to attract the best candidates for policing positions in their communities with incentives centered on officer recruitment and retention. Communities also had to look at how officers were selected to work in a community and how the First Nation could be involved in that process.

6.3.13 Clarification around Bylaw Enforcement

Issues pertaining to bylaw enforcement on reserves and the role of the police service provider need to be clarified. There is no consistency in terms of what the officers had the authority to act upon and what was expected by the community leadership.

Participants mentioned that band by-laws are not enforced by the RCMP. In order to prosecute band by-laws, a federal judge has to be hired because First Nations were federal jurisdiction and provincial courts would not even look at band by-laws. First Nations can not hire a federal judge in most instances because the proceedings are too costly.

6.3.14 Justice Alternatives

Participants spoke of the effectiveness of community justice alternatives. In some communities, officers attended all circles in the community and those processes worked better for everyone involved.

REGIONAL PERSPECTIVES

National First Nation Police Act

In Manitoba, there was some discussion concerning the development of a national *First Nations Police Act* but that the leadership first had to agree with this way forward. This would be different since each province has its own police act. First Nations could look at adding regulations to an existing provincial act to refer to First Nation policing, as was done in the case of Manitoba and the Dakota Ojibway Police Service.

7.0 Conclusion

As part of the comprehensive review of the First Nations Policing Program, Public Safety Canada had undertaken a series of community engagement sessions with FNPP agreement holders. The participants stated their views on the importance of the program and the critical needs addressed by the funding provided. With a view to making the program more effective and responsive to First Nation policing needs, participants provided feedback on the design and implementation of the program.

Participants stated that while the program was meant as an enhancement to basic policing services, the reality was that the program was attempting to address basic policing requirements in many First Nation communities. In addition, the program's restrictions did not allow for a number of services that are urgently required by the First Nation and their police service providers. The FNPP eligible expenses need to be expanded to allow for safety and effectiveness in policing for First Nation communities. Funds are urgently required for office facilities, holding cells, service buildings, officer housing and communications set up. Training for officers members of Community Consultative Groups or Police Management Boards was also raised as a pressing issue.

Officer complement was of particular concern to the participants, as this impacted on community policing initiatives, opportunities for community involvement, the visibility of officers, school liaison, youth interactions, inter-agency cooperation and crime prevention. These activities are so critical to First Nation policing but virtually impossible to carry out because there are too few officers and their time is spent on basic policing and enforcement work.

Community engagement participants spoke at length about the lack of a true negotiation process for the development of agreements. It was stated many times that the communities were approached by PS representatives with agreements in hand for signature with no opportunity to input into the document. Participants stated that this was not only a disrespectful process, it was also ineffective. They stressed that the community was in the best position to identify policing needs and the impact of geography, crime trends, demographics and other factors on the work of their police service providers.

Participants raised the need to extend the length of agreements and to build flexibility within the agreement framework. They underscored that their communities were unique and their policing needs could not be effectively addressed with a "cookie cutter" approach to policing agreements.

On several occasions, participants mentioned that the FNPP was a strong program but the design should be adjusted and updated for it to be implemented as it was intended. They stressed the importance of the federal government involvement in First Nation policing, as it is Canada's fiduciary obligation. The funding has been critical to having the First Nations involved, to some degree at least, in the policing provided to their communities and it has raised the profile of policing issues at the local, regional and national levels.

Finally, many participants spoke about their fears of losing the program and the negative impact that this would have on their community. They agreed that the FNPP was not perfect, but the funding provided has made a difference in their communities.