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Canada

A Renewed Approach to Policing in Indigenous Communities –

Engagement Summary Report:

What We Heard

Edmonton (Alberta) – September 8-9, 2016

Yellowknife (Northwest Territories) – September 21-22, 2016

Toronto (Ontario) – September 27-28, 2016

SUBMITTED TO:

GOVERNMENT OF CANADA

PUBLIC SAFETY CANADA

SUBMITTED BY:

DPRA CONTACT: KIM CHOLETTE

EMAIL COORDINATES: kim.cholette@dpra.com

SUBMITTED ON:

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Notice to Readers

This report was prepared by DPRA Canada, the independent facilitator and engagement specialist for the renewed approach to funding policing services in Indigenous communities. It was produced following three regional engagement sessions on behalf of Public Safety Canada and reports what was heard during those sessions. The views and opinions expressed in this report are the participants' own views and opinions as expressed at those engagement sessions and they do not necessarily represent the views of Public Safety Canada or the Government of Canada.

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List of Acronyms

APS Anishinabek Police Service

BCP Band Constable Program

CCG Community Consultative Group

CMAC Community Mobilization Advisory Committee

CPO Community Programs Officer

CSO Community Safety Officer

CTA Community Tripartite Agreement

DOPS Dakota Ojibway Police Service

FHFNPS File Hills First Nation Police Service

FNPP First Nations Policing Program

LOE Letter of Expectation

O&M Operations and Maintenance

OPP Ontario Provincial Police

PPSA Provincial Policing Services Agreement

PS Public Safety Canada

RCMP Royal Canadian Mounted Police

SA Self-administered Agreement

SNI Social Navigator Initiative

SWAT Special Weapons and Tactics

UCCM United Chiefs and Councils of Manitoulin

UNDRIP United Nations Declaration on the Rights of Indigenous Peoples

Executive Summary

Purpose

DPRA Canada was contracted by Public Safety Canada (PS) to provide independent facilitation and note-taking services for three regional engagement sessions on developing a renewed approach to policing in Indigenous communities across Canada. The engagement sessions occurred in September of 2016. The perspectives and observations heard during each of the sessions were compiled and recorded by DPRA into the following report.

The views and opinions recorded in this report are those of the participants as heard by DPRA at the engagement sessions. They do not necessarily reflect the views of Public Safety Canada or the Government of Canada.

Overview

The First Nations Policing Program (FNPP) is a contribution program administered by PS. Through the FNPP, Public Safety Canada provides funding to support policing services that are professional, dedicated and responsive to the communities they serve. The FNPP operates pursuant to the First Nations Policing Policy (the Policy) which was introduced in 1991. Under the FNPP, the Government of Canada provides funding towards 52% of eligible costs, with the provinces or territories providing the remaining 48%.

There are two main types of policing agreements under the FNPP:

(1) Self-administered Police Agreements (SAs), where policing services are managed by a First Nation or Inuit community, or group of communities pursuant to provincial policing legislation and regulations, and;

(2) Community Tripartite Agreements (CTAs), where police officers from the Royal Canadian Mounted Police (RCMP) provide dedicated policing services to a First Nation or Inuit community.

There are currently 186 FNPP agreements in place in Canada, providing policing services to roughly 65% of First Nation and Inuit communities nation-wide. A total of 1,299 police officer positions receive funding under the FNPP, serving a population of approximately 422,000 in 453 communities.

Summary of Key Issues

Engagement findings suggest a number of key considerations in moving forward. The main issues explored during the three regional engagement sessions have been consolidated under three primary program development themes as follows:

- "Why" (why is this needed?/what are its objectives);
- "How" (How should these objectives be implemented);
- "What" (what should then be an eligible funded activity).

"Why"

Why is this needed – what should be the objectives of a renewed approach?

Indigenous Policing as a Distinct Policing Model

Participants spoke about the need to approach Indigenous policing in a much more expansive/holistic way. What we heard is that a new approach should not prescribe any particular policing models; rather, Indigenous police services should adopt their own unique approach that will ultimately meet their community safety needs. Three key issues were raised with respect to the kinds of approaches Indigenous communities desire in a community policing model:

A problem-oriented approach

- Participants expressed the view that the existing policing approach tends to emphasize a more traditional crime control approach which prioritizes such things as detecting crime, apprehending criminals and pursuing charges against offenders. There is a suggestion to retreat from this narrow approach to policing toward a broader community justice approach. The new approach is one which has a more socially-oriented role, a "problem-oriented" or "community policing" approach.

Dual / Tiered policing approach (enforcement & prevention)

- In describing this approach, participants suggested that this new approach would be prevention-oriented, rather than exclusively enforcement-based. While there was a desire to expand the objectives of policing to include broader community safety objectives, participants were also clear that conventional policing cannot be abandoned; there is a need to marry "conventional crime control" approaches with more community based approaches to solving problems.

Collaboration / Integrated Approach

  - Problem-oriented policing, as described by participants, could take an integrated approach in partnership with community social and wellness services.

"What?"

What eligible activities would fall under a renewed approach? What funding would be sufficient?

Funding Allocations

Funding was consistently characterized, by communities with agreements, as inadequate. In moving forward, we heard that funding should reflect the real costs of policing. Participant views on this matter are discussed in Section 3.2.

Human Resources

Participants agree that the effectiveness of policing in Indigenous communities would be strengthened by ensuring that retention and recruitment is a targeted effort under a renewed approach (e.g., employment and wage equity, longer-term agreements, pension plans).

Training and specialization

Situational and culturally relevant training for police officers is critical.

"How"?

How should a renewed approach be operationalized?

Oversight & Administrative Authorities

A renewed approach must provide for greater oversight and accountability in the following topic areas:

Control

- Renewal results should be characterized by significant Indigenous involvement, input, and control.

Type of agreement

- Many favored wholly autonomous Indigenous police forces, characterized by control and "self-policing" (separate; Indigenous controlled and administered).

- Participants with self-administered agreements (as defined in Section 2.1 of this report) prioritized partnerships and police collaboration across other agencies and stressed that community policing remain autonomous.

Oversight and review processes

- Civilian oversight mechanisms are needed.

Power of parties in negotiations

- We heard that all parties to the agreements must share equal power in negotiations moving forward. It was believed that at times, agreements were pre-defined and PS would table proposals with very little room for Indigenous groups to actually negotiate.

Governance

- Participants in the Western and Central/Atlantic Canada sessions were generally in favour of Community Consultative Groups (CCGs) as being a leading and promising practice in promoting dialogue and communication between the police service and the community. However, a key message that was heard was that communities do not have the resources, funding or training to support this type of initiative under their current agreement.

Funding Sources and Instruments

Participants spoke about the need for funding instruments to be amended and other eligible funding sources made available to communities moving forward under a renewed approach.

Funding sources

- Participants agreed that sustainable, guaranteed funding is needed.
- We heard that mechanisms that allow Indigenous police services to access other funds are needed. Two particular sources mentioned were the revenues accumulated through enforcement activities, as well as criminal forfeiture funds.

Funding instruments

- Long-term stable funding is needed - 10-20 year agreements - with built in escalators which allow for modifications based on external changes in circumstances.
- There has to be a re-examination of the federal funding formula (the fiscal framework used to develop budgets for policing) in consultation with Indigenous police forces as the current model does not truly reflect actual safety needs and costs.

Legal Authority Issues

Various issues under the umbrella of legal authority were raised by participants and needing to be addressed under a renewed approach.

Legal status of some law enforcement officials

- In some instances, where there is no other formal police service, law enforcement officials are engaging in policing activities beyond their jurisdiction which may be exposing them and their band councils to legal risks.

Move from "program" to legislated essential service

- The current contribution approach is unacceptable. Policing in Indigenous communities needs to be seen as an essential service and funded as such, with proper legislation to protect funding. Participants felt that the lack of a legal basis for Indigenous policing leaves them without essential rights or recourse. Without a clear statutory basis, Indigenous police forces are not subject to the same standards as other police forces.

Jurisdictional issues

- Any new approach must address the realities of providing policing services across geographical boundaries (within more than one community) as this causes issues for policing and enforcement.
- Some Indigenous communities that are geographically remote and involve enormous tracts of sometimes non-contiguous land face accessibility issues for policing and other services.

Access/Availability of Policing Services

What we heard is that there is a lack of policing services in some communities. Solutions are needed in cases where there is currently no policing service in a community. For a summary of participant views on this matter please refer to Sections 3.2.

Policing Standards/Comparability

Participants suggested that policing standards are needed in order to ensure service uniformity across jurisdictions.

Cultural/Situational Considerations

Western legal traditions vs. Indigenous customary ways

- The existing enforcement-based model should be replaced with models which include customary ways and do not insist on imposing a policing approach that is infused with, and constrained by, western legal traditions.

Cultural responsiveness

- Aboriginal policing must reflect the cultural realities and needs of Indigenous communities.

The Renewal Process Itself

A renewed approach should be based on a Nation-to-Nation / government-to-government relationship. This relationship would entail Indigenous communities defining the parameters of Indigenous police operations to ensure it is responsive to the needs and priorities of Indigenous communities.

Next Steps

Many issues will have to be addressed in the renewal effort going forward. Participants reported that the current approach has issues, some of which are complex and involve multiple parties arriving at agreement on how best to respond, making the pathway forward challenging. How those challenges are addressed will shape the future of Indigenous policing.

Public Safety Canada has committed to this renewal effort and has engaged Stakeholders across the country. Considerations in the renewal could include fiscal; legal; statutory; and jurisdictional elements, all of which were issues raised in the three engagement sessions.

Based on the feedback received during this process PS will be in a position to craft a renewed approach that is informed by the views and perspectives of Indigenous police interests across the country.

1.0 Introduction

DPRA Canada was contracted by Public Safety Canada (PS) to provide independent facilitation and note-taking services for three regional engagement sessions on the issue of developing a renewed approach to policing in Indigenous communities across Canada. The engagement sessions took place in September of 2016.

The perspectives and observations heard during each of the three regional sessions were compiled and recorded by DPRA into the following report.

1.1 Report

1.1.1 About this Report

This report reflects the views of those individuals who participated in the engagement sessions. The views reported by the participants have not been verified because they are presented as "views and perspectives" reflecting the priorities and concerns of the participants, and are not facts which have been verified by DPRA Canada.

This report was not written with the involvement of individuals whose professional expertise is in law enforcement; we therefore encourage the reader to not dwell on the terminology chosen by the authors.

Lastly, with respect to the format of the regional dialogue sessions themselves, the authors wish to note for the reader that note taking was shared between DPRA and PS. With the exception of Yellowknife, the regional sessions included a mixture of plenary and break out style discussions. In Edmonton there were five (5) breakout sessions, only two of which had DPRA note takers (the other three breakout sessions had note takers provided by PS); in Yellowknife the group chose to work in a plenary format therefore there were no breakout sessions and DPRA was solely responsible for note taking; and in Toronto, there were three breakout sessions, one of which had a DPRA note taker.

Report Structure

This report is structured to reflect the views and observations shared by participants in three separate regional dialogue sessions. While there are many common themes across jurisdictions (e.g., funding; policing models, jurisdictional issues), participants in all three sessions expressed an interest in seeing findings presented by region so that area-specific differences and nuances would not be lost. In addition, it was believed that it would be beneficial for each regional session to be able to stand alone in terms of using the report to continue discussing issues at the regional level.

With respect to the themes, it was suggested by some that, while their preference is to focus on the regional summary, it would also be important to be able to confidently state that there are instances in which there are commonalities across the country.

As such, the authors have chosen to repeat the exact wording of common issues in cases where concerns were expressed in the same manner - raising mirror concerns with respect to a topic. It is our belief that in order to ensure the accuracy of how an issue was characterized, the wording should not

change from one region to another. As a result, the report will repeat issues, perspectives and / or observations.

2.0 What is the First Nations Policing Program?

2.1 Overview

The First Nations Policing Program (FNPP) is a contribution program administered by Public Safety Canada (PS). Through the FNPP, PS provides financial support to policing services that are professional, dedicated and responsive to the First Nation and Inuit communities they serve. The FNPP operates pursuant to the First Nations Policing Policy (the Policy) which was introduced in 1991. Under the FNPP, the Government of Canada provides funding towards 52% of eligible costs, with the provinces or territories providing the remaining 48%.

There are two main types of policing agreements under the FNPP:

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There are currently 186 FNPP agreements in place in Canada, providing policing services to roughly 65% of First Nation and Inuit communities nation-wide. A total of 1,299 police officer positions receive funding under the FNPP, serving a population of approximately 422,000 in 453 communities across Canada[1]. FNPP agreements by province and region are as follows:

- In Western Canada, a total of 271 communities are covered under FNPP agreements. In British Columbia there are currently 58 agreements covering 143 communities; Alberta has 25 agreements that cover 27 communities; there are 35 agreements in Saskatchewan, covering 51 communities; and in Manitoba there are 11 agreements that cover 50 communities[2].
- In Northern Canada, there are a total of three FNPP agreements. There are two FNPP agreements in Yukon that cover 12 communities and one agreement in the Northwest Territories, covering a total of 10 communities[3]. No Nunavut communities currently have agreements in place or coverage under the FNPP.
- In Central and Atlantic Canada, there are currently 54 FNPP agreements. Ontario has 12 signed FNPP agreements that cover 104 communities; there are 21 agreements in Quebec that cover 39 communities; and a further 21 agreements in the Atlantic provinces. Agreements and community coverage by Atlantic province are broken down as follows:
    - New Brunswick: four (4) FNPP agreements covering three (3) communities;

[1] PS. 2016. Developing a Renewed Approach to Funding Indigenous Policing.
[2] PS. September 2016. Yellowknife Dialogue Session: September 22-23, 2016 (Questions & Answers). Provided by the Client September 1st, 2016.
[3] PS. September 2016. Yellowknife Dialogue Session: September 22-23, 2016 (Questions & Answers). Provided by the Client September 1st, 2016.

- Nova Scotia: nine (9) FNPP agreements covering eight (8) communities;
- Prince Edward Island: three (3)FNPP agreements covering two (2)communities, and;
- Newfoundland and Labrador: five (5) FNPP agreements covering four (4) communities.

2.2 Renewal

The FNPP Policy has not been updated since 1996. Beginning in September 2016, PS began formal engagement on a renewed approach to policing in Indigenous communities. Three facilitated, regional engagement sessions were held in Edmonton, Yellowknife and Toronto. Representatives from various Indigenous groups in each region were in attendance, as well as officials from the provinces, territories, and the RCMP. A total of 96 participants attended the Edmonton session; 31 attended the Yellowknife session; and 71 were present at the Toronto session. The primary objectives of the regional sessions were to:

- Provide a forum for stakeholders and the federal government to engage in dialogue and knowledge sharing;
- Inform the development of options on a renewed approach to Indigenous policing.

2.2.1 Approach to Facilitated Sessions

With the exception of Yellowknife, regional sessions included a combination of plenary and breakout style discussion formats. In Yellowknife, it was the preference of participants that the session be conducted entirely as a plenary. Three overarching themes served to organize discussion:

1. Leading and Promising Practices in Indigenous Policing;
2. Elements and Principles of a Renewed Policy;
3. Funding Needs, Priorities and Assessment.

For each theme, participants were asked to consider the following questions:

<u>Theme 1: Leading and Promising Practices in Indigenous Policing</u>

1. What promising and leading practices have been implemented in your community or police service? What is/was the impact of these practices?
2. What do you think are the most important elements for success in implementing new approaches?
3. Are there new or additional approaches that you would like to explore implementing in your community or police service?
4. What is required – from Canada, provinces and territories and Indigenous communities - to support effectively these promising and leading practices?

<u>Theme 2: Elements and Principles of a Renewed Policy</u>

1. Of the elements presented, which “policing models” do you think would be of most benefit to your community or police service? And why?

2. In your opinion, would innovative or complementary service delivery approaches be a model you would consider a benefit to your community? Why or why not?
3. What does the term "cultural responsiveness" mean to you:
    a. From an organizational (police service) perspective?)
    b. At the individual (police officer) level?
4. What do you think should be the policy principles to guide the funding of Indigenous policing in the future?

Theme 3: Funding Needs, Priorities and Assessment.

1. What is the best method for the Government of Canada to obtain feedback from the communities regarding their needs? How frequently should this occur?
2. In your opinion, what elements or expenses require funding for Indigenous police services to be effective?
3. How could we improve the delivery of funding?
4. What is the optimal length for funding arrangements? Why?

The responses to these questions are the focus of this report.

2.3 Participants Views on the Renewal Process Itself

In addition to viewpoints and observations shared on the FNPP, participants provided observations with respect to the renewal process itself being taken by PS. These are summarized below.

Views Shared by all Participants in all three sessions

- There was a request for engagement sessions to be more community-based and for PS to engage at the local level. Such a process is believed to support broad-based involvement of Elders, the community at large and political leadership in articulating views for the future of Indigenous policing;
- Participants suggested that there is significant data that is in the hands of Indigenous organizations which could assist the renewal process moving forward. In particular, it was pointed out that in most cases, Indigenous organizations have detailed financial information on the real costs of policing;
- Participants sought clarification on the renewal process and were seeking reassurances that officials would not simply produce a report and then move to program design and a Cabinet submission process without further engagement of Indigenous leadership. In their view, this would be an unacceptable approach and is to be avoided;
- Questions were posed with respect to the report. In particular there was interest in the report being made available to Stakeholders in a timely fashion. In addition, participants expressed an interest in seeing the views presented by region.

Views Shared by Northern Participants

- In the Northern session, some participants felt that this process of engagement was in fact "consultation" and should be respected as such;
- It was articulated that an Inuit-specific engagement session is required as Inuit culture is different than that of First Nations and should be accounted for in the process moving forward;
- Some concerns were raised with respect to lack of documentation in advance of the session. Many felt that they were invited without sufficient background information and could not adequately prepare for the engagement process.

Views Shared by Central/Atlantic Canada Participants

- In Toronto, a few participants requested that the notes that were being taken in the room during the discussions be shared that day. DRPA Canada expressed concern that the notes contained personal identifiers which would be removed before being finalized; therefore we felt it would be inappropriate to distribute them as they currently were. The question was posed to the floor with respect to any concerns with being identified in the notes and participants concurred that this was a concern. Notes were not distributed;
- In Toronto, participants called for action; there was frustration with repeated attempts at "renewal" and repeated feedback being solicited by PS of Indigenous policing leaders with little to no change flowing from these engagements.

Views Shared by Western Canada Participants

Participants at the Western Canada session shared similar views to those expressed in the Northern and Central/Atlantic Canada session. As such, they are not listed here to avoid repetition.

3.0 Key Findings from Regional Sessions

In exploring the central elements of a renewed approach to policing in Indigenous communities, the regional dialogue sessions sought to understand participant views and perspectives on three elemental questions of renewal:

- "*Why*" is the program needed or what problem is it intended to address (the purpose and goals of a renewed approach);
- "*What*" should it fund (activities to be funded under a renewed approach); and
- "*How*" will it accomplish the principles of a renewed approach.

Substantive components of a renewal approach are explained in greater detail in the next section.

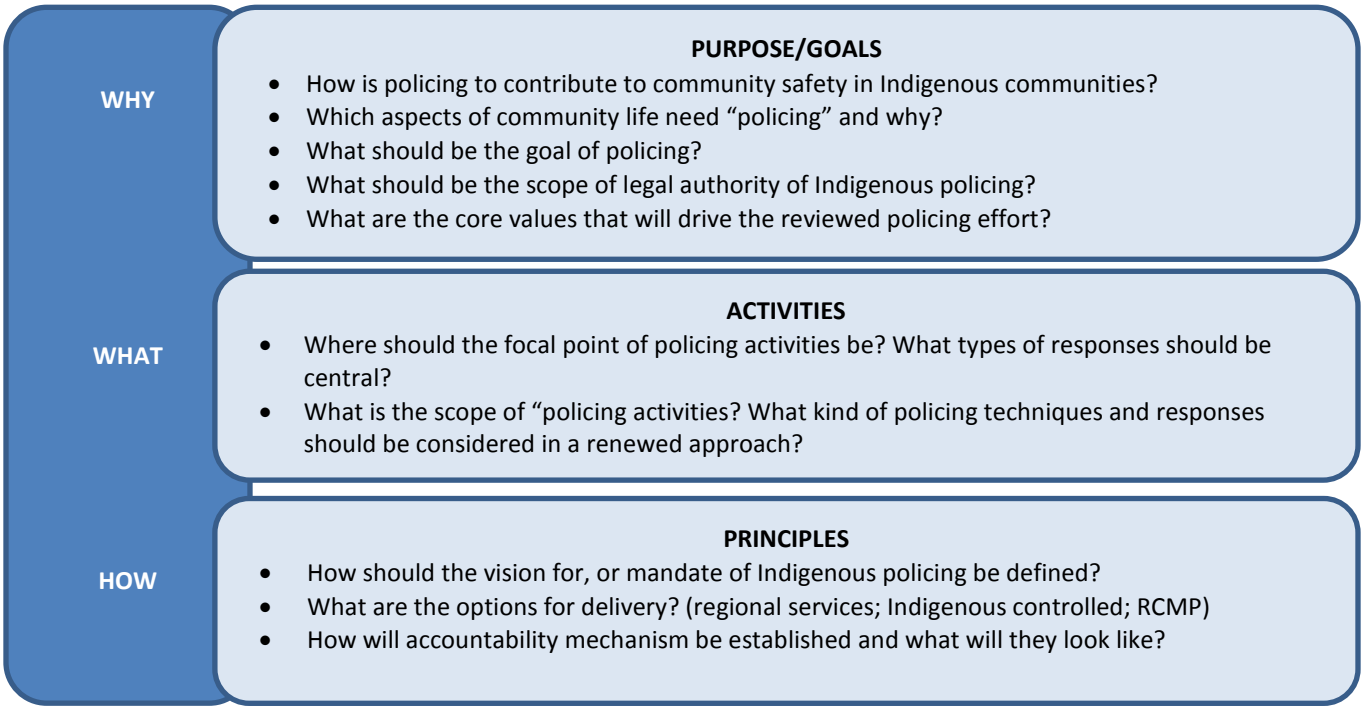
3.1 Focus of Renewal Effort (Substantive Issues in Renewal)

The renewed approach to Indigenous policing has the potential to have profound and long term implications for Indigenous communities. Renewal processes are often multi-faceted, involving research and assessment of options and articulating a vision for the future based on a solid understanding of the issues to be addressed by the undertaking. In reviewing participant views and perspectives from the three regional dialogue sessions, a number of thematic similarities emerged. We have chosen to capture these themes with the following three broad fundamental questions:

1. Why?
2. What? And;
3. How?

The regional dialogue sessions, while exploring some fundamental issues related to principles, elements and funding, ultimately sought to understand views on the three central questions of why are we doing Indigenous policing; what will we do; and how will we do it as illustrated in Figure 1.1 on the following page.

Figure1.1: Elements of a Renewed Approach



"Why?"

The question of "why" is at the foundation of determining the parameters of a renewed approach to policing in Indigenous communities. In asking "why", we are seeking to articulate why an intervention is needed; what the fundamental issues are that need to be resolved. Fundamental questions to be addressed might include, "is the intended goal of funding Indigenous policing services purely law enforcement, or should it be broadened to include overall community safety?" and "what are the fundamental values driving the initiative?"

In asking and seeking answers to these questions, partners can begin to clarify the primary drivers and underlying principles of a renewed approach and unearth the overarching vision for the redesign effort. Determining the "why" will determine the objectives to be met and this in turn will help to set parameters around what kinds of activities are eligible and/or permissible under a new approach.

"What?"

The question of "what" relates to the kinds of activities that would support achieving the vision and the objectives. Which activities should be eligible, and therefore fundable under the renewed approach? Permissible activities are a direct reflection of "why", which sets the broad parameters in moving forward. For example, if it is agreed that community safety is the foundational goal, the kinds of activities that are funded must be broadened to include those outside the realm of traditional law enforcement –such as outreach and crime prevention activities, restorative justice initiatives, and support for mental health related services.

"How?"

Once the underlying principles and vision of a renewed approach have been established, it must be determined how the renewed approach will be implemented. In other words, what will on-the-ground policing look like in Indigenous communities? Do current policing agreements facilitate or hinder community roles in crime prevention, overall community safety, and law enforcement? Or will a new model be required in order to meet the overarching principles and objectives of a renewed approach?

3.2 Regional Perspectives

The issues and challenges facing Indigenous communities are in many cases, mutually shared across Canada. However, there are important regional characteristics that must be taken into account in the renewal process going forward. Broad regional characteristics that influence or impact the delivery of policing services in Western Canada, the North and Central/Atlantic Canada are organized according to the central elements of renewal ("*why*" "*how*" and "*what*"), and are presented below. Again, the issues outlined below are views expressed by participants.

3.2.1 Western Canada Dialogue Session

The following section summarizes views and perspectives voiced by participants during the Prairies and B.C. regional session on the intended objectives (why), eligible activities (what), and operational considerations (how) of a renewed Indigenous policing effort.

3.2.1.1 Why?

In seeking to understand the "why" that drives the need for a renewed approach to Indigenous policing, participants began by identifying the fundamental issues respecting law enforcement and community safety that need to be resolved in communities across the Prairies and B.C. Through this discussion, the underlying principles and objectives of a renewed approach became clearer. There were two central features to the discussion on objectives;

- Policing models and how they might support objectives; and
- Sharing the role of policing in support of broader objectives.

In many ways, in making suggestions about objectives - or the "why" of policing – participants were articulating the philosophical orientation to Indigenous policing. These are explored below.

<u>Indigenous Policing as a Distinct Policing Model</u>

Participants spoke about the need to approach Indigenous policing in a much more expansive/ holistic way. The issue of addressing the underlying model of policing (the approach to policing) was a central theme during the Western Canada regional session. This was essentially about ensuring that the fundamental tenets around which a new approach is built define policing in terms that are acceptable to Indigenous communities and which will ultimately meet their community safety needs.

The fundamental objectives of policing need to be broadened to include other social objectives. In this way, community policing begins to look more like community safety and crime prevention, and less like a narrower focus on law enforcement.

Participants suggested that a new approach not proscribe any particular policing models and that Indigenous police services adopt their own unique approach. However, three key issues were raised with respect to the kinds of approaches Indigenous communities desire in a community policing model:

- A problem-oriented approach;
- Tiered policing approach;
- Collaboration / integrated approach.

Problem -oriented approach

- With respect to how policing might meet broader community safety objectives, while there was not an agreed upon definition of a model, participants suggested that there is a need to retreat from the current narrow, approach to policing which seems to favour a strict law enforcement approach toward a broader community justice approach. The desired new approach was characterized as one in which policing takes a more socially-oriented role; a "problem-oriented" or "community policing" approach. "Problem-oriented" policing describes a policing approach where a specific crime or enforcement problem is identified at the outset in order to prompt proactive, preventative responses by officers. "Community policing" refers to a policing strategy that focuses on officers working closely with community members to build trust and establish ties within the community.
- Within the context of an approach to policing that favours community safety, a renewed approach would be characterized by partnerships and coordination. Such an approach sees police working with communities to understand, assess, and resolve broad community problems, the boundaries of which may be more flexible than the present narrow law enforcement definition allows for. This approach demands police officers building relationships with communities and establishing a consistent, visible community presence.
    - This new approach's basic tenet is its adaptability to local context, driven by community input in defining policing priorities. In some cases, a community may want to see a crime dealt with through the criminal justice system; while in other cases, they may deem that a restorative justice approach or dealing with the crime relying on some other internal means, may better meet community needs. This flexibility in terms of type of policing model communities want to develop would have to be built into the new policing approach.
- Participants suggested that community policing models are time consuming and place higher demands on officers' time; and as a result, are more resource-intensive. A strong community orientation as a fundamental approach to policing is accompanied by more time spent by officers interacting with the community and its members, both pre and post offence. In fact, in such an approach, officers would enhance their role at the pre-offence (prevention) stage so as to reduce the potential to re-encounter those individuals in the formal criminal justice system.
    - Such approaches – those that exceed the law and order approach - may potentially lead to less "statistically significant" results than more conventional approaches to strict law enforcement. However, many suggested that prevention and restorative approaches may be cheaper in the long run as it helps avoid interactions and long-term engagement with

the criminal justice system and its many tentacles. This latter issue may necessitate a re-thinking of performance measurement and how success and results are demonstrated in annual reporting; again, this is linked to what issues policing is attempting to resolve. Those objectives must in turn be reflected in the metrics used to measure success. Traditional "return on policing investments and value for money" approaches may not lend themselves well to community-based policing activities.

Tiered Policing Approach

- Some participants highlighted the need to remove hard distinctions between what is seen as "core" policing and "enhanced" policing under a renewed, tiered approach that balances enforcement and prevention activities. Both are imperative and these distinctions are seen to be impediments to policing at the local level.
- While there was a desire to expand the objectives of policing to include broader community safety objectives, participants were also clear that conventional policing cannot be abandoned; there is a true need to marry "conventional crime control" approaches with more community-based approaches to solving problems - this seems to suggest a dual or tiered approach for Indigenous policing. Under a dual / tiered approach, officers are performing prevention and enforcement related duties, and there is an officer complement designated for these activities. The functions and roles of officers would need to be clearly defined and built into community policing agreements. The dual / tiered nature of the role would then have implications for recruitment; training; and funding.

Collaboration/ Integrated Approach

- Participants suggested that problem-oriented policing could take an integrated approach in partnership with community social and wellness services. Such an approach would involve officers working collaboratively and liaising with service providers at the community and regional level to address underlying needs such as mental wellness, substance abuse, and the linkages of these needs to community safety and justice issues.
    - Participants stressed that for CTAs in particular, success is dependent upon these partnerships. This approach enables the networking and sharing of information with other agencies to make more effective use of resources to achieve shared community safety and wellness objectives.
- The police would focus on responding to community concerns but they would be supported in this by the community assuming its share of responsibility for dealing with problems of crime and disorder.
    - Such an approach shifts the emphasis away from relying solely on police as agents of community harmony and acknowledges the important role the community plays. It also reduces dependency on police for maintaining social order. This approach sees policing as a joint responsibility; one which seeks to engage the entire community in addressing safety-related issues. This approach has to be reflected in the funding and community support must be provided.
- This problem-oriented/community safety approach is not without challenges. Participants pointed out that if police are empowered to use discretion in how they choose to respond to a policing issue then there is the potential that police may come to play a different role in Indigenous daily

life. If police are more involved in the daily social fabric they may inadvertently have more power and authority in social situations. How this discretion is managed may be important. It might be reasonable to expect to see clear rules of operation with respect to this discretion and autonomy. In addition, a highly responsive/problem-oriented approach would still need to adhere to standards of policing.

3.2.1.2 What?

The question of "what" explores the activities that might be relevant in support of achieving the vision and objectives of a renewed approach to policing. In designing a renewed approach, participants agreed that there must be a link between the overarching vision for policing, and the types of activities that are permissible, and therefore fundable. Participants views are captured below.

Funding Allocations

There was strong agreement that any new model that does not provide sufficient financial resources in support of the needs of the chosen model, will surely fail.

- Funding was consistently characterized as inadequate and communities felt restricted by insufficient funding. While policing needs have risen in many Indigenous communities in recent years, there has not been an increase in funding. All participants agreed that Indigenous police forces are operating with inadequate budgets and resources. This trend has to be reversed and the funding provided must cover actual costs of policing. In many cases, despite the fact that the FNPP is supposed to be cost-shared between Canada and the provinces/territories, many First Nations are contributing own-source revenues to support what they consider an "essential service". In other cases, participants cited communities having to borrow funds (e.g., from banks), accruing interest costs that the community was then liable to pay. Participants also cited cases where other funding provided to Indigenous governments gets clawed-back as Indigenous governments are deemed to have inappropriately used FNPP funding to cover policing costs out of financial contributions intended for other purposes. Participants expressed frustrations with the strict designation of funds to specific budget items. There is a need for greater flexibility in terms of how funding can be used by communities to respond to shifting needs in the most effective and efficient way.

Cost Drivers of Police Services in Indigenous communities

- Participants suggested that policing services in Indigenous communities are more costly to operate than in non-Indigenous communities and municipalities. However, unlike municipal police forces, Indigenous communities have no mechanisms in place to address insufficient funding. Many communities experience high per capita costs and low officer complement levels relative to population, but require an elevated level of officer interaction with at-risk individuals. These are all factors for consideration in building a cost estimate for policing services in Indigenous communities.
    - Geography is an important cost driver that needs better attention in future approaches to funding. Some communities are sparsely populated and are located in isolated and/or geographically dispersed areas which can only be accessed by aircraft or through winter roads or via water in the summer. These factors drive many aspects of costs from officer

complement levels and the size of travel and transportation budgets to the impact of overtime and backfill requirements on budgets.

- The isolated nature of some communities means that at times, it is not possible to take advantage of economies of scale as one might in an urban context. The vast geographies over which policing takes place creates cost pressures which must be reflected in the fiscal framework going forward.

Operations and Maintenance (O & M) Budgets

Participants raised a number of operational issues which require increased funding levels. These areas are said to have been either been cut or overlooked through current agreement funding structures.

- It was pointed out at the Edmonton session that agreements are negotiated on the basis of costs per officer and neglect to include costs associated with the administrative aspects of running a detachment (e.g., clerks, administrative support). It would be beneficial in the renewed approach if appropriate administrative structures would be supported.
- Some pointed to the need for PS to include funding for the process of negotiating agreements as there are real costs to engage in those negotiations.

Capital and Infrastructure

- The eligible expenses under the existing approach do not cover all real costs of policing such as infrastructure. There is a lack of policing infrastructure and equipment in many communities and these needs do not necessarily translate into budgets that include capital support based on the application of General Accepted Accounting Principles (e.g., capital depreciation is not factored into annual budgets).
- Additional capital funding is urgently needed in some communities. Typically, the buildings used for Indigenous police services are functionally inadequate, poorly equipped, not properly built-out for police purposes, and in an advanced state of disrepair.
    - Some communities want to build multi-purpose complexes e.g., police, fire, health, and justice to align with an integrated / collaborative servicing approach and reduce the silos between agencies.
    - Participants suggested that funding for police services be integrated with federal and provincial infrastructure planning and funding such as fire and emergency management services.

Officer Housing

- The need for funding for housing for officers to reside in the community was consistently raised. Not providing sufficient financial resources to allow for officers to live in the community reduces visibility, trust, and other important factors such as response times. Visibility builds relationships and reduces stigma between police and the community; without it trust and safety are compromised. It would be beneficial for a new model to address this issue as it is preferred that officers reside in the communities they police. Aside from the more natural reasons why this makes sense (better response times, etc.) it also allows officers to participate in community events; something that is deemed important in an Indigenous community policing context.

- Participants from Saskatchewan and Manitoba raised the specific issue of housing and facilities being made available for rent to RCMP at less than market value but that RCMP are opting not to rent these units, which affects their visibility and presence in communities.

Administrative, Oversight, and Safety & Security Issues

Administrative issues, oversight and safety & security issues are important funding considerations moving forward.

Administrative Capacity Related Issues

- Many Indigenous communities are struggling with their ability to meet current administrative requirements (such as reporting) under the FNPP. Some participants felt these requirements carried excessive measures for accountability and transparency such as multiple annual reports. A renewed approach should ensure that any administrative requirements placed on communities are streamlined and reflect the capacity of these communities to administer policing services.
- The tension between needing formally managed and fiscally accountable police forces must be balanced against the ability to take on additional administrative and reporting burdens. There needs to be support for ensuring boards have the tools they need, including support for such things as financial literacy. Others suggested that funding agreements must include allocations (e.g., 10%) to specifically cover these costs.
- Participants also cited unreasonable requirements placed on Indigenous police officers, such as security clearance levels, that place undue administrative burden on the community and have limited relevance or application to the low-level security issues officers face in the community.

Oversight Issues

- Participants identified the need to support capacity development for Community Consultative Groups (CCGs) and other police service oversight bodies / mechanisms (e.g., the review of annual police work plans and business plan priorities).
- It was suggested that CCGs are a leading and promising practice that most communities cannot effectively support under their current agreements. For example, many communities with active CCGs rely on unpaid volunteer participation – including Elders.

Safety & Security Issues

- Other underfunded components relate to insurance premiums and other security issues / sources of liability and costs which Indigenous communities must absorb. For example, participants highlighted lack of officer complement requiring officers to work alone and / or to complete many hours of overtime which increases costs as well as safety concerns and liabilities for the Indigenous police force. These are real costs that must be reflected under future agreement structures.

- Participants described "peacekeepers", or community members acting in a peace keeping capacity[4], as one means of addressing / offsetting safety and liability issues associated with police officers working alone and without adequate back-up. Funding needs to be available to enhance officer complement at various levels of support.

New Service Development

In addition to the O & M requirements of implementing a renewed approach, the costs associated with the development of new Indigenous police services were also identified as an issue of concern.

- Indigenous police service development / start-up costs must be factored into cost estimates under any new approach.
- Some participants pointed to the importance of developing partnerships with other communities and with regional and municipal police services to support the extension of their own services. This was raised in the context of specialized functions and operations to address criminal and other matters which community police officers are not equipped to deal with (due to lack of training, resources, and equipment).
  - There were concerns raised with respect to the incremental costs associated with expansion / creation of additional police services. These additional costs relate to new police forces and associated training, equipment, and infrastructure costs required (e.g., to cover the incorporation of new communities under an existing agreement). These funding requirements must be reflected in how budgets are built moving forward.
  - Participants raised concerns with respect to the resultant costs associated with the need to re-establish community police services after they have been decommissioned or shutdown. There are costs such as pensions, recruitment, training and infrastructure which must be factored into re-starting a detachment.

Human Resources

Recruitment and Retention

The effectiveness of policing in Indigenous communities would be strengthened by ensuring that retention and recruitment is a targeted effort. Participant views are summarized as follows:

- Having officers who are familiar with the community and its members and having an understanding of the issues facing that community, has clear advantages. Understanding familial lines, having a sense of the history of problems in the community and the experiences / triggers of specific individuals, and knowing from the beginning, where someone lives in the community or tends to "hang-out" is extremely helpful and avoids that "start-up" time that faces most new officers.
- There is a need to ensure adequate representation of Indigenous people in policing of Indigenous communities but some suggested that this may not be a straightforward proposition.

[4] The term 'peacekeeper' is used here to reflect the terminology used by participants during the engagement session to describe a modified law enforcement official whose roles and responsibilities were not specifically defined, but involve providing support to law enforcement officials. It would likely be beneficial to further clarify the term "peacekeeper" and its role in community law enforcement going forward in the renewal effort.

It was suggested that there are situational factors which seem to be impeding the recruitment of Indigenous members.

- Situational factors include the reality of a criminal record and how this may impede a person's ability to apply to the police academy.
- In addition, some of the academic requirements may be serving as barriers to entry into a police service and options to address this should be taken into consideration. Consideration may need to be given to certain academic requirements and creative ways of helping potential Indigenous recruits meet entry requirements.
- At the Edmonton session, participants raised concerns with respect to the lack of pension plans for police officers under FNPP agreements and lack of wage parity between Indigenous police officer wages and the wages paid to RCMP. These conditions greatly affect recruitment and retention of officers.

Training and Specialization

The importance of situational and culturally relevant training for police officers was a common theme discussed at the Western Canada regional session.

- Participants discussed the need for training to meet changing and more complex needs that communities are experiencing due to changing demographics and other factors. Indigenous police officers need to be trained to address a multitude of issues, particularly for officers serving remote communities that are unable to effectively access specialized police services. Participants suggested that they cannot support special projects due to a lack of officer skills and training.
- Some argued for a need for Indigenous law enforcement officers to receive the same level of training as RCMP officers. They also specified a need for expansion of training programs (e.g., locations) so that more community members are able to access these.
- Some participants expressed frustration that special constables and other non-enforcement officers are not eligible to receive training in service areas needed within the community.
- Others wanted to see special law enforcement officers ("peacekeepers") / special constables in their communities trained as first responders and conservation officers as well, and given the authority and training to operate firearms.
- Others advocating for an integrated policing model discussed the need for training so that police officers are aware of the kinds of services that are available in the community and how to help individuals in accessing these services. This would also require the establishment of service level agreements with community / regional organizations and the training of staff from these organizations.
- Further, the short-term length of the current agreements (three (3) years) limits Indigenous police services in terms of their ability to plan for and realize officer training opportunities.

<u>Model of Policing</u>

- Participants expressed the need for a renewed approach to provide mechanisms and funding specifically for prevention-based services. Current agreement funding levels are not sufficient to

adequately fund and support this important work in many communities, and this is typically the first service area to be cut when funding is short.

  - Without adequate prevention services, policing is not responsive to community needs and becomes enforcement-driven and reactive. Participants do not want police services to only be reactive to crises in their communities. They cited examples of past crisis interventions which carried high associated costs through calls to specialized forces (e.g., SWAT teams). They want sustainable funding for proactive services to prevent such crises from occurring.
  - In particular, participants expressed a desire to focus more on youth as a large and growing demographic group through programs such as RCMP summer camps and youth cadet corps. Youth involvement in community safety and policing was said to support positive identity, diversion, and recruitment into policing and justice sectors.

- Participants from Alberta raised the Special Constables Program as a prevention-based practice that should be continued under a renewed approach. These special constables are recruited from Indigenous communities and trained to support the capacity of RCMP / community police forces under CTA and SA frameworks. The constables provide for by-law enforcement and community support services.
- An issue specifically raised by Manitoba participants relates to the former Band Constable Program (BCP). The Government of Manitoba passed a June 2015 amendment to the province's *Police Services Act* to establish a band-employed First Nation Safety Officers (FNSO) program in First Nation communities (in replacement of the BCP). Participants noted the important function of Safety Officers as community front-line support and serving as liaison between RCMP and the community. However, they noted some challenges with the scope of powers and authorities for the Safety Officers, which are limited compared to the scope of powers and authorities which were granted to Band Constables under the BCP. It was suggested that their responsibilities and training to carry out these duties be expanded; currently, training for Safety Officers is only three weeks.

3.2.1.3 How?

The question of "how" pertains to the operational considerations of implementing a renewed approach.

<u>Oversight & Administrative Authorities</u>

Participants agree that a renewed approach must have greater oversight and accountability. Key themes of this discussion are captured below.

Control

- Renewal results should be characterized by significant Indigenous involvement, input, and control.
- Participants with CTAs in the Prairies and B.C. spoke of a need for increased control over the staffing and recruitment of officers through tripartite agreements. Increased community involvement in and control over recruitment processes would help communities in responding to their own unique staffing requirement and to support positive relationships with officers.
- Many suggested that it is incumbent on the federal government to build in mechanisms for stronger Indigenous decision making powers with respect to tripartite agreements and tools to

ensure that when issues arise, Indigenous communities have agreed-upon means of addressing these.

Type of Agreement

- Generally, there is a desire to move away from CTAs. Many participants favored wholly autonomous Indigenous police forces, characterized by control and "self-policing" (separate; Indigenous controlled and administered).
- Participants with self-administered agreements discussed the importance of partnerships and police collaboration across other agencies but stressed that community policing remain autonomous such that the community takes the lead and structures partnerships in an appropriate way to meet community needs.
- Participants representing CTA Indigenous police services expressed unique concerns with respect to their current agreement structures and perceived instability. They want security and stability through a renewed approach and to make sure that improvements gained over the past decades will be sustained and built upon rather than displaced or lost.

Oversight and Review Processes

- Participants highlighted the need for funding, resources and training for the creation of effective, legally binding procedures for civilian oversight. Suggested mechanisms for implementation included continued use of Community Consultative Groups (CCGs), the introduction of formal complaints processes, and/or independent review mechanisms (e.g., complaints commission).
    - Some participants suggested Indigenous police forces have two levels of CCGs as a best practice. The first level is the CCG group while the second level is a justice steering group which also consists of health service providers in substance abuse intervention. It was suggested that the CCG meet every two months and the justice steering group meet as needed.
    - Other participants recommended bi-weekly meetings of CCGs with RCMP members (under a CTA structure) to discuss policing priorities and any new issues.
    - Finally, a suggestion was made to establish provincial CCGs to facilitate the exchange of information on best practices and innovative Indigenous police service models / approaches. This would require the funding of provincial meetings and conference sessions under a renewed approach.

Power of Parties in Negotiations

- Both SA and CTA participants expressed dissatisfaction with the perceived lack of equal power of the parties in the agreement negotiation process. Negotiations appear to be based on a fixed level of funding rather than on the basis of community service needs. It was believed that at times, agreements were pre-defined and Canada would table proposals with very little room for Indigenous groups to actually negotiate – particularly for agreements that cover multiple

communities with their own unique needs. Participants questioned how this constituted "negotiations".

- It was suggested that these negotiations need to reflect a truly tripartite process; entered into in good faith so that the agreements reflect real community needs and priorities.
- It was also noted that roles and responsibilities under Indigenous police agreements (for Canada, the provinces, communities, etc.) need to be clearly laid out and agreed to by all parties during negotiations.
- Others suggested that international guidelines such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) should inform negotiations processes to enhance their credibility.

Funding Sources and Instruments

Suggestions were made with respect to funding instruments and proposals for changes under a renewed approach.

Funding Sources

- Some participants spoke about the need to move away from "pilot" projects in response to addressing emerging issues as this approach is short-sighted. Such an approach to funding does not offer the sustainability or flexibility needed by Indigenous police forces to respond to emerging needs.
- Others expressed the need to access complementary funding for programming and services such as capacity-development. Two particular sources of funding Indigenous police services were considered. Some suggested that access to the revenues accumulated through their enforcement activities would be beneficial and others suggested accessing criminal forfeiture funds.

Funding Instruments

- There were also issues raised with respect to the timeliness of some financial transfers (Canada) and a request that the new approach build in stronger mechanisms to ensure that cash flow is considered and built into funding agreements.
- Others stressed that funding should come directly to the Indigenous police service for administration rather than be transferred through a third party.
- Long-term stable funding is needed. Some timeframes suggested were 10-20 year agreements with built in escalators which allow for changes based on external changes in circumstances. The current short term approach is untenable and does not allow for long-term planning; and importantly, job security through long-term staffing commitments ultimately affects service delivery and cost (turnover has a financial cost associated with it).
- There has to be a re-examination of the federal funding formula (the fiscal framework used to develop budgets for policing). The current indices used capture metrics such as total population and number of service calls but do not reflect actual safety needs and costs.

- A complete overhaul of the tools used to build budgets should be carried out in consultation with Indigenous communities as they have data on community needs and the true costs of policing. A deterministic and standards-based approach to budgeting is required; one which fully identifies all costs of policing necessary to deliver an adequate level of service to meet community needs.

- Participants suggested that there should be mechanisms to ensure policing budgets are adequate to meet evolving community needs (perhaps through the implementation of funding escalators (3-5 per cent) and/or the introduction of annual budget reviews or other appeal mechanisms which would provide for binding decisions to ensure the adequacy of budget allocations). Participants in Edmonton suggested one mechanism would be to assign a Treasury Board Analyst for each province to provide oversight to funding submission and delivery processes.

Legal Authority Issues

Various issues that fall under the umbrella of legal authority, including jurisdiction and governance, were raised by participants and are discussed below.

Legal status of Indigenous special law enforcement officials ("peacekeepers") / special constables

- Some participants pointed to issues associated with special law enforcement officials ("peacekeepers"[5]) and special constables (formerly termed "Band Constables" under the Band Constable Program [BCP]). These roles are intended to supplement the front-line police services at the local level through the enforcement of bylaws and promotion of crime prevention programming and activities. The jurisdiction of these officers is generally quite narrow with no or limited police authority. In some cases however, where there is no other formal police service, peacekeepers and band constables are engaging in policing activities which may be exposing them and their band councils to legal risks. These issues have to be addressed through more clearly defined authorities and mechanisms moving forward (e.g., legislative amendment).

- Participants expressed a desire for the creation of policies and procedures to solidify the roles and responsibilities of prevention-based officers and to ensure the continuance of these service structures. In doing so, they asked for RCMP policies and procedures to be reviewed and amended in cases where these impose restrictions on / limit the powers and authorities of Indigenous police services.

Move from "Program" to Legislated Essential Service

- Many participants criticized the approach to Indigenous policing as merely a federal contribution program. It has no formal legal basis, which leaves Indigenous communities without essential rights or recourse. Without a clear statutory basis, policing is arbitrary and subject to a "contribution program" approach which tends to see services as discretionary.

    - Participants suggested that Indigenous policing efforts would be greatly enhanced if it had a statutory basis. A legislative base specifies respective roles and responsibilities, accountabilities, standards and other relevant delivery elements. A legislative base would

[5] The term 'peacekeeper' is used here to reflect the terminology used by participants during the engagement session to describe a modified law enforcement official whose roles and responsibilities were not specifically defined, but involve providing support to true law enforcement officials.

generally constitute an unambiguous commitment by government on how services will be rendered and by whom. It would set standards on how services are to be delivered and how reviews will be undertaken in cases of perceived non-compliance. With a legal basis, accountability and ultimately overall delivery, is better defined.

- The view is that in most provinces, policing is governed by a provincial statute which sets out legally binding standards, complaints procedures, and oversight mechanisms. Without a clear statutory basis, Indigenous police forces are not subject to the same standards as other police forces.
    - Participants explained that for instance, municipal police are subject to the standards under the provincial *Police Services Act* and are therefore subject to review and appeal mechanisms. This is not the same for Indigenous police forces. Without a clear statutory basis, issues of standards remain problematic. It was suggested that municipal type authorities for policing should be given to Indigenous police forces.
    - Participants provided examples where the only "tools" to remedy performance problems with an officer is to rely on codes of conduct and Letters of Expectation (LOE); but these are limited tools. Ultimately, these mechanisms are less powerful given their status as a policy as opposed to having the force of law.

Jurisdictional Issues

There are a variety of jurisdictional challenges associated with Indigenous policing in Western Canada.

- Some of these relate to broader problematic Provincial/Federal/Indigenous government relationships which have roots in the *Constitution Act*. The *Constitution* locates policing as a Provincial responsibility and Indigenous-related issues as within the exclusive jurisdiction of the Federal Government by virtue of its responsibility for "*Indians and Lands reserved for Indians"* under paragraph 91(24) of the *British North America Act*, 1867.
    - In addition, in the context of the Constitutional place of Indigenous peoples being squarely within the Federal mandate, some Indigenous leaders see themselves dealing with policing issues on a Nation-to-Nation basis with the Federal government. This creates a somewhat problematic context.
- The effectiveness of the FNPP reflects the shared jurisdictional nature of the Canadian criminal justice system, and depends on collaboration between the three partners (provincial/territorial, federal, and Indigenous governments) in fulfilling their respective roles within their area of jurisdiction. This dependence on all parties to support all respects of implementation was reported by many, as problematic. In particular, the commitment of certain provinces was called into question.
- Any new approach must address the realities of the challenges associated with policing across jurisdictional/geographical boundaries. Some Indigenous communities in Western Canada are geographically remote and involve enormous tracts of sometimes non-contiguous land. Policing agreements must be flexible enough to allow enforcement officers to have legal authority in multiple jurisdictions and to be able to respond to investigations and issues that transcend jurisdictional borders.
    - Some participants expressed that funding is only available for policing on-reserve / within the community's boundaries, despite the massive area between communities that must be

policed. The issue of how existing models might be able to accommodate policing outside of an agreement's area of jurisdiction was identified as an important issue to address moving forward.

- Participants suggested initiatives be considered such as cross-deputization agreements and /or protocols which allow band / Indigenous officers to enforce provincial law and local enforcement officials to enforce Indigenous law under specific conditions. This provides for an institutional approach where Indigenous police officers are sworn as provincial peace officers and vice versa.

Indemnification and Liability

- Issues were raised with respect to indemnification and a desire to incorporate processes related to indemnifying Indigenous police forces (and police officers) so as to reduce legal exposure and protect them against liability. For example, participants raised concerns with respect to legal risks associated with wrongful arrest, excessive force, and complaints raised against officers and the fact that these costs may be borne by Indigenous police services if insurance coverage is limited.

<u>Access/Availability of Policing Services</u>

A common issue expressed by participants was the lack of accessible policing services in some communities. Key considerations for a renewed approach are introduced below.

Lack of Available Policing Services in Some Communities

- Solutions are needed in cases where there is currently no policing service in a community. This is a common challenge in northern, remote communities and tends to be characterized by such communities depending on regional or national forces which are situated several hours away. Some participants suggested that this reality creates a situation where policing in some Indigenous communities is delivered in an inequitable manner as compared to non-Indigenous (and/or urban) communities. The reality of a two hour response time is ineffective and essentially seen as unresponsive.

Autonomous / Regionalized Models

- Participants spoke of potential governance options which might address issues associated with policing in dispersed, rural populations. Many suggested that approaches might include regional police forces. While some participants favoured this approach, they suggested that there is a lack of funding and flexibility under the current framework to create regional and /or treaty-based models (e.g., a "multi-party agreement" for communities and service areas that cross provincial jurisdictional boundaries).
- Others raised concerns about the potential of a regional model to deliver on the community-based, problem-centred policing models many desire. They noted that regional models can work, but only if the policing is dedicated to the community. While administrative savings may result from regionalization and the sharing of resources, benefits that come from officer knowledge of the community and its issues may be diminished under a regional approach.
    - Some of the challenges with regional models include realities of trying to police over vast territories and the impact that this has on "visibility" of officers in communities. A regional model, if not adequately resourced, may negatively impact on officer visibility at the local

level. Without officer presence in the community, policing can only be reactive and there is no prevention.

- The tension between community-based policing and fiscally attractive regional models will have to be addressed. Some might argue that the two models are not completely incompatible. Regionalization will simply require a re-thinking of how resources are deployed and a commitment to management responses which places more autonomy/responsibility on officers for resource allocation.

Retention/Turnover

- Participants spoke to the challenges associated with officer turnover which impact the access and availability of police officers. Burnout and lack of wage parity contribute to officer turnover, but regional/national police policies and procedures play a role as well.
    - Moving officers out of smaller communities after a fixed term (e.g., three years was cited for RCMP) is not always helpful. Just when an officer comes to better understand situational factors in a community, they are moved. This is seen as detrimental to effective community-based policing efforts. While the rationale for moving officers - a fear of negative ties - is understood, it was felt that the benefits of retaining officers for longer periods, far outweigh the dangers.
    - Participants requested that a new approach include a variety of compensation-related mechanisms to promote officer retention such as unionization, and to ensure wage and benefit / pension structures compensate for the level of service officers are providing (e.g., endured mental stress; exhaustion).
    - Others suggest the establishment of community special law enforcement officers ("peacekeepers") to support / offset officer capacity, reduce burnout, and encourage retention.

<u>Policing Standards/Comparability</u>

The issue of policing standards and comparability with services provided in other provinces was raised by participants at the Western Canada session.

Standards for service delivery

- There seems to be a general agreement that policing standards are desirable and that in fact, these are needed in order to ensure service uniformity across the country.
    - Some individuals felt the lack of policing standards requires the Police Commissioner to step in and impose policing standards with respect to training, and understanding of police roles and responsibilities. It is believed that such intervention has the potential to ultimately address legal liability issues associated with officers who are not legally authorized to engage in full policing efforts (e.g., enforcement).
- Standards drive training and equipment requirements and are thus pivotal in setting service delivery levels. Understanding the link between standards and costs of service delivery, will be essential in moving forward. The higher the standards, the higher the service delivery costs are likely to be in meeting those standards. Some consideration may be needed for how this may (or may not) affect the viability of small autonomous police services.

- Many spoke to issues related to how the level of service delivery is defined in terms of standards. Participants noted that current commitments under the agreements are not being implemented and that parties are not held accountable. Some felt that sometimes federal departments speak about providing "*comparable services"* or services that are reasonably comparable to those of the provinces. But comparability is often poorly defined and may not include, for instance, the level and range of services to be provided.
    - Participants suggested that in order for comparability to be operationalized and given full effect, it would be important to include a clear statement of comparability in police service objectives and define what constitutes comparability. Once comparability is defined, it would then be more feasible to establish measures for evaluating performance and determining whether the police service was achieving the desired outcomes.

Evaluation and Reporting

- Participants suggested that the agreements include annual reporting and that an evaluation be conducted every five (5) years on what results are being achieved and to help plan for / amend approaches moving forward. They suggested the evaluation feedback be gathered through larger regional Indigenous organizations with input from community leaders / stakeholders. These reporting and evaluation processes would require funding under a renewed approach.

<u>Cultural/Situational Considerations</u>

The need for mechanisms to ensure culturally responsive policing in a renewed approach was a common theme raised during the Western Canada session. Culturally responsive policing refers to altering conventional policing approaches to accommodate Indigenous community-specific cultural practices and values. The objective is not to find a "one size fits all" approach, but rather to create Indigenous policing models that are based on ideologies and practices which resonate with Indigenous communities and make room for traditional justice approaches.

In addition, there did not seem to be agreement on what actually constitutes "culturally responsive" policing; participants suggested that cultural values and practices vary and are community-specific. Given this lack of consensus of what constitutes culturally responsive policing, there should not be any firm metrics or standards set with respect to what cultural responsiveness means. Community characteristics in Western Canada differ at the regional and local level, as such; policing services should be customized to account for these differences.

Policing to reflect reality of Indigenous communities

- Any policing efforts must account for, and reflect the realities of the issues faced by Indigenous communities. Situational differences between communities must be provided for by ensuring flexibility in the mix of policing and community safety supports / services under a renewed approach.

Western legal traditions vs. Indigenous customary ways

- There was strong interest in moving away from, if not abandoning, policing models which give prominence to western legal traditions and approaches, where philosophical and operational choices are limited by a worldview that may not necessarily reflect the worldview grounded in

many Indigenous cultures. The existing models would be replaced with models which include customary ways and which do not insist on imposing a policing model that is infused with, and constrained by, western legal traditions. For example, participants discussed the importance of implementing restorative justice processes grounded in Indigenous traditional values, practices, and languages.

Conventional Law-Based Response vs. Integrated Prevention-based Model

- Policing efforts should be flexible, allowing officers to make decisions about how best to deal with situations on the ground, based on the demands of a particular situation. In some instances, this will require a "crime control" intervention; while in others it will require less strict law enforcement approaches.
- While there is a strong desire for a different model of policing which is more problem-oriented and reflects a broader social role for police, there also appears to remain strong interest in conventional policing in instances of high crime and violence. Communities facing high crime rates may need a conventional crime control approach coupled with additional policing supports in other more non-traditional areas.
- Some communities want to expand the definition of policing beyond law enforcement in the strict sense, to include more of a social service lens. Such an approach would be broader than responding to "crime" and would include community wellness and safety through the integration of policing with social services.
    - The social services / integrated approach is not intended to supplant conventional policing but rather to supplement it. This would place equal emphasis on crime prevention as it would on attending to traditional law enforcement activities.

RCMP, Peacekeepers, and Community Involvement

- Some participants suggested that a key to successful community-based policing is the involvement of local police members in community events. This involvement is seen to build trust, and trust - being central to policing efforts in Indigenous communities - is critical.
- Participants from communities under CTAs expressed the need to provide support and guidance to officers and for officers to be proactive in seeking guidance from and building relationships with community leadership, CCGs, and service providers. RCMP / regional police need to engage with community members more regularly to support principles of open communication and mutual respect. Communities with strong relationships between police officers and members noted that it has taken years - if not decades - for these relationships to form.
- Other participants discussed "peacekeepers" as fulfilling a liaison role between RCMP and communities, particularly for communities that are remote and /or lack an RCMP detachment (the term "Peacekeeper" was used by participants to describe a modified law enforcement official whose roles and responsibilities were not specifically defined, but involve providing support to conventional law enforcement officials). Coming from the community, peacekeepers understand the dynamics within families and individuals who are at-risk. This was discussed as particularly important in the context of short-term RCMP postings and communities without a detachment. The community-based peacekeepers help to mitigate RCMP capacity issues and to accompany / support RCMP officers on calls.

Cultural Responsiveness

- Many emphasized the need for cross-cultural training as a core training component of any police service in an Indigenous community.
    - Particularly in the context of CTAs where police officers are temporarily stationed / serve from an RCMP detachment, participants noted the importance of having a mentoring period for incoming officers into a community. This mentorship would ideally be offered not just by the community, but also by the officer(s) leaving a community posting. This way, incoming officers would gain an understanding of the community's needs and existing relationships to assist them in their own community integration process.
- While it is widely recognized that policing in Indigenous communities must be culturally responsive, there is debate as to how this should be built into funding agreements, in particular with respect to any formulas used to allocate / determine costs. While it was argued that "cultural responsiveness" costs money (for example, Elders must be compensated) it is difficult to attach any hard financial amount or standard formulas to determine these costs.

The Renewal Process Itself

With respect to the process of renewing Canada's approach to policing in Indigenous communities, participants offered the following key considerations.

Nation-to-Nation / Government-to-Government

- A renewed approach would be based on a Nation-to-Nation (or Government-to-Government) relationship. Participants noted that Indigenous policing requires a commitment from all three parties at the federal, provincial, and the community levels.
- Indigenous leadership should be involved in this renewal process as it unfolds. Participants requested that PS come to their communities to get a full sense of community needs and the conditions under which the FNPP is operating.
- With respect to the ultimate approach chosen by Canada, participants said that it would not be acceptable for a new approach to be announced following these engagement sessions without more robust, community-based discussions with CCGs, Elders, youth, other community members and community leaders.
- Participants encouraged the federal government to work with Indigenous communities directly and with Indigenous police services on a regional / provincial level. Some agreements include several communities and these structures require a collective / regional approach to renewal. Participants noted that regional organizations cannot make decisions on behalf of communities and so this engagement approach must directly include leadership from communities represented under regional organizations.

Other Recommendations

- Participants suggested the development of regional renewal mechanisms such as an action plan that assigns responsibility for specific action items to parties involved (e.g., PS, the provinces, RCMP, etc.). They recommended the renewal action plan would be driven by an Indigenous steering committee.

- Participants expressed concerns around the timelines set for renewal. Given the tenuous and insecure nature of policing under their current agreement, they are concerned they may no longer have a police service in place by 2018.

3.2.2 Northern Canada Dialogue Session

The following section summarizes views and perspectives expressed by participants during the Northern regional session[6] on the intended objectives (why), operational considerations (how), and eligible activities (what) of a renewed policing efforts in Indigenous communities.

3.2.2.1 Why?

In seeking to understand the "why" that drives the need for a renewed approach to policing in Indigenous communities, participants began by identifying the fundamental issues respecting law enforcement and community safety that need to be resolved in communities across the North. Through this discussion, the underlying principles and objectives of a renewed approach became clearer. There were two central features to the discussion on objectives: (1) policing models and how they might support objectives; and (2) sharing the role of policing in support of broader objectives. In many ways in making suggestions about objectives - or the "why" of policing – participants were articulating the philosophical orientation to policing.

<u>Indigenous Policing as a Distinct Policing Model</u>

Participants spoke about the need to approach Indigenous policing in a much more expansive / holistic way. The issue of addressing the underlying model of policing (the approach to policing) was a central theme during the Northern Canada session. This was essentially about ensuring that the fundamental tenets around which a new approach is built define policing in terms that are acceptable to Indigenous communities and which will ultimately meet their community safety needs.

The fundamental objectives of policing need to be broadened to include other social objectives. In this way, the "why" of community policing begins to look more like community safety and crime prevention, and less like a narrower focus on law enforcement.

Participants suggested that a new approach not proscribe any particular policing model. Three key issues were raised with respect to the kinds of approaches Indigenous communities desire in a community policing model:

- A problem-oriented approach;
- Tiered policing approach;
- Collaboration / integrated approach.

Each of these considerations is described below.

[6] The Northern Canada Dialogue session included representatives from Yukon, the Northwest Territories, Nunavut and Labrador – residents from northern regions of other provinces (e.g. Alberta, northern Quebec) were not in attendance.

- With respect to how policing might meet broader community safety objectives, while there was no agreed upon definition of a model, there is a need to retreat from the current narrow, fiscally conservative approach of policing which favours strict law enforcement toward a broader community justice approach. The new approach was characterized as one which has a more socially oriented role; a "problem-oriented" or "community policing" approach.
    - This approach demands a highly personal, visible presence. Such an approach sees police working with communities to understand, assess, and resolve broad community problems, the boundaries of which may be more porous than the present narrow law enforcement definition allows for. Such an approach allows Indigenous communities to address social problems which cause disharmony and conflict in the community.
    - This new approach's basic tenet is its adaptability to local context, driven by community input in defining policing priorities. In some cases, a community may want to see a crime dealt with through the criminal justice system; while in other cases, they may deem that a restorative justice approach or dealing with the crime relying on some other internal means, may better meet community needs. This flexibility in terms of the policing model would have to be built into the vision for policing. The functions and role definition of officers would need to be built into agreements.
- In particular, it was suggested that safe, resilient communities are inextricably linked to the adequate provision of other essential social services such as healthcare, education and mental health support services. The legacy of residential schools lingers and often manifests itself through violent and criminal behaviour. Adopting a holistic, problem-oriented approach to policing that focuses on resolving underlying community problems proactively, rather than simply reacting to calls for service, is essential.
    - A problem-oriented, or more social services type approach, focuses equal attention on "prevention" activities as it does on conventional enforcement activities, if the situation calls for it. The role of the police within such an approach is expanded to a broad mandate to enhance the community's quality of life.
    - A strong community orientation as a fundamental approach to policing is accompanied by more time spent by officers in interacting with the community and its members, both pre and post offence. In fact, in such an approach, officers would enhance their role at the pre-offence (prevention) stage so as to reduce the potential to re-encounter those individuals in the formal criminal justice system.

Tiered Policing Approach

- While there was a desire to expand the objectives of policing to include broader community safety objectives, participants also were clear that conventional policing cannot be abandoned; there is a true need to marry "conventional crime control" approaches with more community based approaches to solving problems. This seems to suggest a tiered approach to Indigenous policing.

- Additional community involvement is needed going forward to ensure that a renewed approach is developed from the ground up, with the flexibility to adapt to the continually evolving and dynamic landscape of Indigenous needs in Northern Canada.
    - Within the context of an approach to policing that favours community safety, a renewed approach would be characterized by partnerships and coordination. It would involve a partnership between the police and the community. The police would focus on responding to community concerns but they would be supported in this by the community assuming its share of responsibility for dealing with problems of crime and disorder. Such an approach shifts the emphasis away from relying solely on police as agents of community harmony and acknowledges the important role the community plays. It also reduces dependency on the police for maintaining social order. This approach has to be reflected in the funding and community support must be provided.
- This problem-centric/community safety- approach is not without challenges. Participants suggested that if police are empowered to use discretion in terms of how they choose to respond to a policing issue then there is the potential that police may come to play a different role in Indigenous daily life. If police are more involved in the daily social fabric they may inadvertently have more power and authority in social situations. How this discretion is managed may be important. It might be reasonable to expect to see clear rules of operation with respect to this discretion and autonomy. In addition, a highly responsive/problem-oriented approach would still need to adhere to standards of policing.

3.2.2.2 What?

The question of "what" explores eligible activities that would support achieving the vision and objectives of a renewed approach to policing. In designing a renewed approach, participants agreed that there must be a link between the parameters and overarching vision for policing, and the types of activities that are permissible, and therefore fundable.

<u>Funding Allocations</u>

With respect to funding requirements, the following key themes emerged during discussions:

- It was suggested that policing services in Indigenous and Northern communities are more costly to operate than in non-Indigenous and southern police forces. Per capita costs; low population per officer ratios; and in some cases, relatively modest crime levels but with high officer interactions with at-risk individuals, are all factors in building a cost estimate for a police service.
    - Geography is an important cost driver that needs better attention in future approaches to funding. Many communities are sparsely populated and are located in isolated areas which can only be accessed by aircraft, through winter roads or via water in the summer. Isolation factors drive many aspects of cost, from the size of travel budgets, to the impact of overtime and backfill requirements on budgets.
    - There are several implications that flow from this reality. The isolated nature of several communities means that at times it is not possible to take advantage of economies of scale as one might in an urban context. The vast geographies over which policing takes

place creates cost pressures which must be reflected in the fiscal framework going forward.

- Funding was consistently characterized as inadequate and many felt constrained by insufficient funding. While policing needs have risen in many Indigenous communities in recent years, there has not been an increase in funding. This trend has to be reversed and the funding provided must cover actual costs of policing. All participants agreed that police forces in Indigenous communities are operating with inadequate budgets and resources.
- The need for funding to increase the police presence in the North for reasons of Canadian sovereignty was also raised as a key issue by participants.
- Many participants favoured a policing model which leans more towards community-based policing rather a strict law enforcement approach. Community-based approaches require more financial resources but many argued that supporting prevention has the potential to reduce longer term criminal justice costs through cost avoidance (people are not entering the criminal justice system).
- All agreed - any new model that did not provide sufficient financial resources in support of the needs of the chosen model, will surely fail.

<u>Operations and Maintenance (O&M) Budgets</u>

- Participants raised a number of financial issues which may require attention. Across the North, infrastructure such as police detachments, are inadequate, in need of repair, or ill-suited to the business of policing. Major capital funding is currently not available (e.g. for new police detachments).
- Access to adequate and affordable housing is an issue across the North. Funding for officers to reside in the community must be adequate. Not providing sufficient financial resources to allow for officers to live in the community affects visibility, trust, and other factors such as response times. It would be beneficial for a new model to address this issue as it is preferred that officers reside in the communities they police so that they can participate in community events; something that is deemed important in an Indigenous community policing context.
- Funding for northern-specific infrastructure is also needed (e.g. heated garages to keep emergency response vehicles warm and improve response times).

<u>Administrative and Legal Issues</u>

The administrative capacity of Indigenous communities is an important funding consideration moving forward. Key considerations with respect to police service administration are discussed below.

Administrative Issues

- A renewed approach should ensure that any administrative requirements placed on communities reflect the capacity of these communities to administer policing programs. Administrative requirements should not place undue burden on already over-taxed administrations. The tension between needing formally managed and fiscally accountable police forces must be balanced against the ability to take on additional administrative burdens.

Human Resources

Recruitment and Retention

- The effectiveness of policing in Indigenous communities would be strengthened by ensuring recruitment and retention is a targeted effort. Having officers who are familiar with the community and its members, has clear advantages. Understanding familial lines, speaking the language, having a sense of the history of problems in the community; and knowing where someone lives in the community or tends to "hang-out" is extremely helpful and avoids that "start-up" time that faces most new officers.
- There is a need to ensure adequate representation of Indigenous people in policing of Indigenous communities but some suggested that this may not be a straightforward proposition. It was suggested that there are situational factors which seem to be impeding the recruitment of indigenous members. Situational factors include the reality of a criminal record and how this may impede a person's ability to apply to a police academy and academic requirements that may be serving as barriers to entry into service. Consideration may need to be given to this, and creative ways of helping potential indigenous recruits meet entry requirements.
- Cultural differences as well as the reality of a northern climate, along with a reluctance to leave their home community, play a role in determining a young person's chance of success in training and education programs when they leave the North in favour of southern training facilities. Greater emphasis on recruitment and outreach activities that prepare young people to leave their home communities for training and education is needed moving forward.

Training and Specialization

Situational and culturally responsive training for police officers was a common theme discussed at the Northern session.

- Training of police officers should be preparing officers for their role as peace keepers and peace makers as opposed to narrowly focusing on law enforcement.
- In addition, officers should receive social services training so that they are equipped to deal with individuals who have experienced trauma. It has been the experience of some communities that criminal behaviour by residents is prompted from a place of trauma or victimization; RCMP officers should be trained to handle this appropriately.
- Having administrative staff working for the RCMP in each community who speak the language and have knowledge of the community and its people is important, and would facilitate interactions in the community and cut down on response times by removing the language barrier.
    - The need for Inuktitut speaking receptionists / office administration staff and emergency services operators (e.g. 911 calls) was expressed by Nunavut participants in particular.

Civil Remedies

Participants discussed the use of community-based approaches to law enforcement. Existing programs and innovative practices are provided in Appendix A as examples of potential approaches that might be included in a renewed approach.

- In the North, one jurisdiction is using a unique approach to dealing with criminal behavior by utilizing their civil powers under law. In the Yukon they are dealing with issues of bootlegging, drug activity and prostitution from property through a law enforcement unit created under territorial legislation, which can take action and address problematic properties and often in partnership with First Nations government.(For details on this SCAN program, refer to Appendix A).

3.2.2.3 How?

The question of "how" pertains to the operational considerations of implementing a renewed approach. In this section, participant views and suggestions for operational elements such as accountability, legal authority, and cultural considerations are presented.

Oversight & Administrative Authorities

Participants agree that a renewed approach must have greater oversight and accountability.

Control

- Renewal results should be characterized by significant Indigenous involvement, input, and control.
- A renewed approach cannot be so rigid that communities do not have a voice and cannot have a role in implementation. A community-based approach where communities take ownership of policing and safety was favoured by participants.

Oversight and Review Processes

- Participants highlighted the need for clear and transparent processes for making public complaints of mistreatment.

Legal Authority Issues

Various issues that fall under the umbrella of legal authority, including jurisdiction and governance, were raised by participants and are discussed below.

Jurisdictional Issues

- Any new approach must address the realities of issues caused by policing across jurisdictional/geographical boundaries in the North. Some Indigenous communities are geographically remote and involve enormous tracts of sometimes non-contiguous land. Policing agreements must be flexible enough to allow enforcement officers to have legal authority in

multiple jurisdictions and to be able to respond to investigations and issues that transcend jurisdictional borders.

Access/Availability of Policing Services

A common issue expressed by participants during the Northern regional session was the lack of accessible policing services in their community.

Lack of policing services in some communities

- Police must be visible in the community. In order to deter crime and in order to support trust between officials engaged in community safety activities, there must be a regular presence in the community. Visibility builds trust; without it, trust and safety are compromised.
- Solutions are needed in cases where there is currently no policing service in a community. This is a common challenge in many northern, remote communities and tends to be characterized by such communities depending on regional or national forces which are situated several hours away. Some participants suggested that this reality creates a situation where policing in some Indigenous communities is delivered in an inequitable manner compared to non-Indigenous (and/or urban) communities. The reality of a two hour response time is ineffective and essentially seen as unresponsive.

Retention/Turnover

- Participants spoke to the challenges associated with officer turnover. Moving officers out of smaller communities after a fixed term is not always helpful. Just when an officer comes to better understand situational factors in a community, they are moved. This is seen as detrimental to effective community-based policing efforts. While the rationale for moving officers – a fear of negative ties – is understood, it was felt that the benefits of retaining officers for longer periods, far outweigh the dangers.

Cultural/Situational Considerations

The need for mechanisms to ensure culturally responsive policing in a renewed approach to policing was a common theme raised during the Northern session. Culturally responsive policing refers to altering conventional policing approaches to accommodate Indigenous community-specific cultural practices and values. The objective is not to find a "one size fits all" approach, but rather to create Indigenous policing models that are based on ideologies and practices which resonate with Indigenous communities and make room for traditional justice approaches.

There does not seem to be agreement on what actually constitutes "culturally responsive" policing; participants suggested that cultural values and practices vary and are community-specific. Given this lack of consensus of what constitutes culturally responsive policing, there should not be any firm metrics or standards set with respect to what cultural responsiveness means. Community characteristics in the North differ at the regional and local level, as such; policing services should be customized to account for these differences.

Policing to reflect reality of Indigenous communities

- Any policing efforts must account for, and reflect the realities of the needs and issues faced by Indigenous communities. Situational differences between communities must be provided for by ensuring flexibility in the mix of policing and community safety supports/ services under a renewed approach.

Western legal traditions vs. Indigenous customary ways

- A common view was that western institutions, legal traditions and approaches are limited by a world view that may not necessarily reflect the world view grounded in many Indigenous cultures, and in this way are not always effective. There was a strong interest in replacing existing models with those that include customary ways and which do not insist on imposing a policing model that is infused with, and constrained by, western legal traditions. It was suggested that Indigenous communities have long standing traditions of "self-policing" and dispute resolution and these customary ways have to be incorporated into any new approach moving forward.

- In particular, the notion of using restorative justice as a means to address criminal behaviour was supported by participants. It was suggested that restorative justice techniques of having offenders give back to the community and make amends to those they have wronged are more appropriate and effective than conventional punishment.

RCMP, and Community Involvement

- It was repeatedly noted by participants that in the past the RCMP has fostered strong, culturally-sensitive relations with northern Indigenous people through the adoption of local practices, living together and participation in community events.
- Some participants suggested that a key to successful community-based policing efforts is to have local police members involved in community events, as was common in the past. This "visibility" is seen to build trust and – trust being central to policing efforts in Indigenous communities – is critical.

Cultural responsiveness

- Many emphasized the need for cross-cultural training as a core training component for policing in Indigenous communities. Cross-cultural training must be a component of any police training program. In the North, there is a need for cross-cultural training to ensure that RCMP members understand the situational and cultural context of the area where they are providing services. Participants indicated that cross-cultural training should be at the regional or even community-level.
- It is important to recognize that amongst the various Indigenous groups in Canada, there can be markedly different linguistic and cultural realities. Not only are there First Nations Peoples and Inuit and Métis but there are differences within groups themselves. A "one-size-fits-all" approach may be imprudent and impractical.
    - In particular, there was concern that Inuit culture, identity and needs are met in a renewed approach.

The Renewal Process Itself

With respect to the process of renewing Canada's approach policing in Indigenous communities, participants offered the following key considerations.

Nation to Nation / Government-to-Government

- A renewed mandate would be based on a Nation-to-Nation relationship.
- Indigenous leadership should be involved in this renewal process as it unfolds. It would not be acceptable for a new approach to be announced following these engagement sessions without more robust, community-based discussions with Elders, community members and community leaders. Many expressed a desire for engagement sessions to be held in their communities.

Other Recommendations

- In moving forward, consideration must be given to not importing southern solutions to northern and/or Indigenous communities. Solutions must reflect the situational realities in northern and Indigenous communities.

3.2.3 Central and Atlantic Canada Dialogue Session

The following section summarizes views and perspectives voiced by participants during the Central and Atlantic Canada regional session on the intended objectives (why), eligible activities (what), and operational considerations (how) of a renewed Indigenous policing effort, and has been structured accordingly.

3.2.3.1 Why?

In seeking to understand the "why" that drives the need for a renewed approach to policing in Indigenous communities, participants began by identifying the fundamental issues respecting law enforcement and community safety that need to be resolved in communities across Central and Atlantic Canada. Through this discussion, the underlying principles and objectives of a renewed approach became clearer. There were two central features to the discussion on objectives; policing models and how they might support objectives; and sharing / integrating the role of policing in support of broader objectives. In many ways, in making suggestions about objectives - or the "why" policing – participants were articulating the philosophical orientation to Indigenous policing. These are explored below.

<u>Indigenous Policing as a Distinct Policing Model</u>

Participants spoke about the need to approach Indigenous policing in a much more expansive/ holistic way. The fundamental objectives of policing need to be broadened to include other social objectives. In this way, the "why" of community policing begins to look more like community safety and crime prevention, and less like a narrower focus on law enforcement.

Three key issues were raised with respect to a model of policing:

- A needs-oriented approach;
- Dual role / tiered policing;
- Collaboration / integrated role.

Problem-Oriented Approach (Community Policing Model)

The issue of addressing the underlying model of policing (the approach to policing) was a central theme during the Central / Atlantic Canada session. This was essentially about ensuring that the fundamental tenets around which a new approach is built define policing in terms that are acceptable to Indigenous communities and which will ultimately meet their community safety needs. Below are the central considerations with respect to a policing model.

- With respect to how policing might meet broader community safety objectives, while there was not an agreed upon definition of a model, participants highlighted the fact that the existing policing model tends to emphasize a more conventional crime control approach to policing which prioritizes such things as detecting crime, apprehending criminals and pursuing charges against offenders. It was suggested that perhaps it would be advantageous to retreat from this narrow, fiscally conservative approach to policing toward a broader community justice approach. The desired new approach was characterized by some as one in which policing takes a more socially-oriented role; a "needs-oriented" or "community policing" approach. This approach demands police officers building relationships with communities and establishing a consistent, visible community presence. Such an approach sees police working with

communities to understand, assess, and resolve broad community problems, the boundaries of which may be more porous than the present narrow law enforcement definition allows for. Such an approach accommodates real safety and justice needs in Indigenous communities to address social problems and reduce stigma which cause disharmony and conflict in the community.

  - This new approach's basic tenet is its adaptability to local context, driven by community input in defining policing priorities. In some cases, a community may want to see a crime dealt with through the criminal justice system; while in other cases, they may deem that a restorative justice approach or dealing with the crime relying on some other internal means, may better meet community needs. This flexibility in terms of type of policing model communities want to develop would have to be built into the new policing approach.

- Participants suggested that community policing models are time-consuming and place higher demands on officers' time; and as a result, are more resource-intensive. A strong community orientation as a fundamental approach to policing is accompanied by more time spent by officers in interacting with the community and its members, both pre- and post-offence. In fact, in such an approach, officers would enhance their role at the pre-offence (prevention) stage so as to reduce the potential to re-encounter those individuals in the formal criminal justice system.

- Approaches that exceed the law and order approach may potentially result in less "statistically significant" results than more conventional approaches to strict law enforcement. This latter issue may necessitate a re-thinking of performance measurement and how success and results are demonstrated in annual reporting and again, this is linked to what issues policing is attempting to resolve. Those objectives must in turn be reflected in the metrics used to measure success. Traditional "return on policing investments and value for money" approaches may not lend themselves well to community-based policing activities.

Dual Role / Tiered Policing

- Participants suggested that a new approach be prevention-oriented, rather than exclusively enforcement-based. The focus would be on resolving underlying community problems proactively, rather than simply reacting to calls for service and community crises. The role of the police within such an approach is expanded to a broad mandate to enhance the community's quality of life. Many suggested that prevention and restorative approaches may be cheaper in the long run as it helps avoid interactions and long-term engagement with the criminal justice system and its many tentacles.

- While there was a desire to expand the objectives of policing to include broader community safety objectives, participants were also clear that conventional policing cannot be abandoned; there is a true need to marry "conventional crime control" approaches with more community-based approaches to solving problems and this seems to suggest a dual or tiered approach for Indigenous policing. The dual / tiered nature of the role would then have implications for recruitment; training; and funding.

Collaboration/ Integrated Approach

- Some suggested that a problem-oriented policing model would ideally take an integrated approach in partnership with community social and wellness services. Such as approach would involve police working collaboratively with service providers at the community and regional

level to address underlying needs such as mental wellness, poverty, substance abuse, and the linkages of these factors to community safety and justice issues.

- Within the context of an approach to policing that favours community safety, a renewed approach would be characterized by partnerships and coordination. It would involve a partnership between the police and the community. The police would focus on responding to community concerns. This approach has to be reflected in the funding and community support must be provided. This approach sees policing as a joint responsibility; one which seeks to engage the entire community in addressing safety related issues.
    - Participants from Ontario who already have integrated policing models suggested that this approach enables the networking and sharing of information with other agencies to make more effective use of resources to achieve shared community safety and wellness objectives.
- A renewed approach would incorporate a role for family as well as other community members in more of a restorative justice approach to policing. This allows communities to be part of any problem and to share in decisions related to how offenders are dealt with at the community level.
- Participants from Ontario and Atlantic Canada suggested that Community Consultative Groups (CCGs) play an important role in managing agreements, identifying community priorities and resolving disputes / challenges experienced within Indigenous police services. Through police participation, CCGs have helped to support positive relationships between police officers and communities.
- This new approach (problem-oriented/community safety) is not without challenges. Some suggested that if police are empowered to use discretion in terms of how they choose to respond to a policing issue then there is the potential that police may come to play a different role in Indigenous daily life. If police are more involved in the daily social fabric they may inadvertently have more power and authority in social situations. How this discretion is managed may be important. It might be reasonable to expect to see clear rules of operation with respect to this discretion and autonomy. In addition, a highly responsive/problem-oriented approach would still need to adhere to standards of policing.

3.2.3.2 What?

The question of "what" explores eligible activities that would support achieving the vision and objectives of a renewed approach to policing in Indigenous communities across Canada. In designing a renewed approach, participants agreed that there must be a link between the parameters and overarching vision for policing, and the types of activities that are permissible, and therefore fundable.

<u>Funding Allocations</u>

With respect to Indigenous police service funding requirements, the following key themes emerged during discussions at the Central and Atlantic Canada session:

- Funding was consistently characterized as inadequate and communities felt restricted by insufficient funding. While policing needs have risen in many Indigenous communities in recent years, there has not been an increase in funding. This trend has to be reversed and the funding

provided must cover actual costs of policing. All participants agreed that Indigenous police forces are operating with inadequate budgets and resources.

- In the session in Toronto, participants spoke to how in some instances, crimes may have after effects which are felt in places outside of where the offence occurred. Members of Indigenous communities may move around and have ties in more than one community and this may have temporary impacts on crime rates and /or the need for police intervention in some kind of safety capacity which ultimately impact on budgets.
- Many participants highlighted the fact that in most cases, funding provided under self-administered agreements and community tripartite agreements does not cover all the real costs of policing. In many cases, despite the fact that the FNPP is supposed to be cost-shared between Canada and the provinces/territories, many First Nations are contributing own-source revenues to support what they consider an "essential service".
- Participants also cited cases where other funding provided to Indigenous governments gets clawed-back as Indigenous governments are deemed to have inappropriately used FNPP funding to cover policing costs out of financial contributions intended for other purposes.

Cost Drivers in Indigenous Police Services

- Participants suggested that policing services in Indigenous communities are more costly to operate than in non-Indigenous communities and municipalities. Many communities report experiencing high per capita costs and low office complement levels relative to population, but require an elevated level of officer interaction with at-risk individuals. These are all factors for consideration in building a cost estimate for an Indigenous police service.
- Geography is an important cost driver that needs better attention in future approaches to funding. Some communities are sparsely populated and are located in isolated and/or geographically dispersed areas which can only be accessed by aircraft or through winter roads or via water in the summer. These factors drive many aspects of costs from officer complement levels and the size of travel and transportation budgets to the impact of overtime and backfill requirements on budgets.
    - The isolated nature of some communities means that at times, it is not possible to take advantage of economies of scale as one might in an urban context. The vast geographies over which policing takes place creates cost pressures which must be reflected in the fiscal framework going forward.

<u>Operations and Maintenance (O & M) Budgets Issues</u>

Participants raised a number of operational issues which require increased funding levels. These areas are said to have been either been cut or overlooked through current agreement funding structures.

- It was pointed out that agreements are negotiated on the basis of costs per officer and neglect to include costs associated with the administrative aspects of running a detachment (e.g., clerks, administrative support). It would be beneficial in the renewed approach if appropriate administrative structures would be supported.
- Some pointed to the need for the Government of Canada to include funding for the process of negotiating agreements as there are real costs to engage in those negotiations.

Capital and Infrastructure

- Additional capital funding is urgently needed in some communities. Participants suggested that major capital funding is currently not available (e.g., for new police detachments). Typically, the buildings used for Indigenous police services are functionally inadequate, poorly equipped, not properly built-out for police purposes, and in an advanced state of disrepair.
    - Some participants pointed to recent infrastructure studies which were done which identified $1.1 million in infrastructure deficiencies in several areas including fire safety and in certain cases cells with no running water. Despite having identified the infrastructure shortfalls, there has been no increases to O & M budgets to address these shortfalls.

Officer Housing

- The need for funding for housing for officers to reside in the community was raised in this session. Not providing sufficient financial resources to allow for officers to live in the community affects visibility, trust, and other important factors such as response times. It would be beneficial for a new model to address this issue as it is preferred that officers reside in the communities they police. Aside from the more natural reasons why this makes sense (better response times, etc.) it also allows officers to participate in community events, something that is deemed important in an Indigenous community policing context.

<u>Administrative, Oversight and Legal Issues</u>

The administrative capacity of Indigenous communities is an important funding consideration moving forward with a renewed approach.

Administrative Capacity Related Issues

- Participants expressed that under current agreements, accountability and transparency measures are excessive, unreasonable and do not recognize the autonomy of Indigenous communities. Participants cited instances of administrative standards being imposed on Indigenous police services which lack the administrative capacity to meet these. Moving forward, consideration needs to be made to streamline these requirements and reduce administrative burden placed on Indigenous police services.
- A renewed approach should ensure that any administrative requirements placed on communities reflect the capacity of these communities to administer policing services. Administrative requirements should not place undue burden on already over-taxed administrations. The tension between needing formally managed and fiscally accountable police forces must be balanced against the ability to take on additional administrative and reporting burdens. There needs to be support for ensuring boards have the tools they need, including support for such things as financial literacy.

Oversight

- Participants highlighted the need to support capacity development for Community Consultative Groups (CCGs) and police service oversight bodies. Participants stressed the importance of these mechanisms which are currently not funded or are underfunded through FNPP agreements. For

example, many communities with active CCGs rely on unpaid volunteer participation – including Elders.

Legal /Insurance Issues

- Participants highlighted the need to ensure that Indigenous police services have financial support required to allow them to seek legal counsel on a variety of enforcement related issues. Legal issues may relate to managing human resource related complaints related to certain officers to broader issues associated with their enforcement roles.
- Other underfunded components relate to insurance premiums and other security issues / sources of liability and costs which Indigenous communities must absorb. For example, participants at the Toronto session highlighted lack of officer complement requiring officers to work alone and / or to complete many hours of overtime which increases costs as well as safety concerns and liabilities for the Indigenous police force. These are real costs that must be reflected under future agreement structures.

Indigenous Police Service Development

In addition to the O & M costs and budgetary requirements of implementing a renewed approach, the costs associated with the development of new Indigenous police services were also identified as an issue of concern.

- Indigenous police service development / start-up costs must be factored into cost estimates under any new approach.
    - There were concerns raised with respect to the incremental costs associated with expansion / creation of new police services. These additional costs relate to new police forces and associated training, equipment, and infrastructure costs required (e.g., to cover the incorporation of new communities under an existing agreement). These funding requirements must be reflected in how budgets are built moving forward.
- Communities located near urban centres in Ontario expressed having unique needs given their proximity to major transportation corridors and associated issues such as drug trafficking. Participants expressed concerns about the lack of flexibility in funding to allow for the creation of special operations units to deal with specific issues such as drugs, organized crime (e.g., human trafficking) or cross-border alcohol, cigarette, and firearm smuggling. These specialized services have high costs associated with special equipment and technology.
    - Some participants expressed the importance of developing partnerships with regional and municipal police services to support extension of these services to their communities. However, having to rely on other police services may not be the best solution for other communities due to slow response times and other challenges.

Human Resources

Recruitment and Retention

- The effectiveness of policing in Indigenous communities would be strengthened by ensuring that there is adequate Indigenous representation on police forces. To promote retention of officers,

wage parity must be institutionalized and not left to the vagaries of budget allowances. Having officers who are familiar with the community and its members and having an understanding of the issues facing that community, has clear advantages. Understanding familial lines, having a sense of the history of problems in the community, and knowing from the beginning where someone lives in the community or tends to "hang-out" is extremely helpful and avoids that "start-up" time that faces most new officers.

- While there is a need to ensure adequate representation of Indigenous people in policing of Indigenous communities some suggested that this may not be a straightforward proposition. It was suggested that there are situational factors which seem to be impeding the recruitment of Indigenous members.
    - Situational factors include the reality of a criminal record and how this may impede a person's ability to apply to the police academy.
    - In addition, some of the academic requirements may be serving as barriers to entry into a police service and options to address this should be taken into consideration. Consideration may need to be given to certain academic requirements and creative ways of helping potential Indigenous recruits meet entry requirements.
    - At the Toronto session, participants raised concerns with respect to the lack of wage parity between Indigenous police officer wages and the wages paid to OPP and RCMP. An example raised by participants was with respect to a recent pay increase which was provided to the OPP and which was not provided to FNPP members in Ontario. This issue went to arbitration and the arbitrator supported the view that FNPP members should receive back pay equal to what was awarded to OPP dated back to January 2014. As of October 2016, this remains an unresolved labour dispute.

Training and Specialization

The importance of situational and culturally responsive training for police officers was a common theme discussed at the Central / Atlantic Canada session. Key considerations for this issue are discussed below.

- Participants discussed the need for training to meet changing and more complex needs that communities are experiencing due to changing demographics and other factors. Indigenous police officers need to be trained to address a multitude of issues, particularly for officers serving remote communities that are unable to effectively access specialized police services e.g., forensics. Participants expressed that they have had to give up on special skills development training for their officers because of budget limitations.
- Some participants expressed frustration that special constables and other non-enforcement officers are not eligible to receive training in service areas needed within the community.
- Training of police officers should be diversified and funding for training must be flexible in order to prepare officers for different roles as needed in the community (e.g., peacekeeper, cross-cultural training, training in the use of specific equipment/ technology/ areas of law enforcement, etc.).

- Many participants pointed to an Indigenous policing model which favors community-based policing rather a strict law enforcement approach. Community-based approaches require more financial resources but many argued that supporting prevention has the potential to reduce longer term criminal justice costs through cost avoidance (people are not entering the criminal justice system).
- Participants from Ontario and Atlantic Canada expressed the need for a renewed approach to provide mechanisms and funding specifically for prevention-based services. Current agreement funding levels and resource capacity are not sufficient to adequately fund and support this important work in many communities. Without adequate prevention services, policing is not responsive to community needs and becomes enforcement-driven and reactive. Participants do not want police services to only be reactive to crises in their communities – interventions which carry high associated costs through calls to specialized forces such as SWAT They want sustainable funding for proactive services to prevent such crises from occurring.
    - Participants from Atlantic Canada want to see full implementation of the RCMP Community Programs Officer (CPO) approach in New Brunswick. The CPO was described as a proactive civilian role cover under the Provincial Policing Services Agreement (PPSA). CPOs provide community support focused on diversion and the referral of youth and at-risk individuals to appropriate services.
    - In particular, participants expressed a desire to focus more on youth as a large and growing demographic group. Youth involvement in community safety and policing was said to support positive identity, diversion, and recruitment into policing and justice sectors.

3.2.3.3 How?

The question of "how" pertains to the operational considerations of implementing a renewed approach.

<u>Oversight & Administrative Authorities</u>

Participants agree that a renewed approach must provide for greater oversight and accountability. Key themes of this discussion are captured below.

Control

- Renewal results should be characterized by significant levels of Indigenous involvement, input, and control.
- In particular, participants spoke of a need for increased control over the staffing and recruitment of officers through tripartite agreements. Increased community involvement in and control over recruitment processes would help communities in responding to their own unique staffing requirement and to support positive relationships with officers. Under their CTAs, Indigenous communities in Atlantic Canada are to be consulted about which officers come to their communities, but in practice, these clauses are not always implemented.

- Many suggested that it is incumbent on the Federal government to build in mechanisms for stronger Indigenous decision making with respect to tripartite agreements and tools to ensure that when issues arise, Indigenous communities have agreed upon means of addressing these.
- Participants wanted more control and flexibility to move funding around within their agreement. They cited current structures which limit the transfer of funding between areas such as governance and service delivery and want more control over decisions on the use of funding to more effectively meet community needs.

Type of Agreement

- Many favored wholly autonomous Indigenous police forces, characterized by control and "self-policing" (separate; Indigenous controlled and administered).
- Participants from Ontario with self-administered agreements discussed the importance of partnerships and police collaboration across other agencies but stressed that community policing remain autonomous such that the community takes the lead and structures partnerships in an appropriate ways to meet community needs.
- Participants from Atlantic Canada expressed unique concerns with respect to their current agreement structures and perceived instability. While they did not express an explicit desire for self-administration, communities want security and stability through a renewed approach and to make sure that improvements gained over the past decades will be sustained and built upon rather than displaced or lost.

Oversight and Review Processes

- Participants highlighted the need for the creation of effective, legally binding procedures for civilian oversight through such things as the existing Community Consultative Groups (CCGs), complaints / dispute resolution processes, and/or independent review mechanisms.

<u>Parties to the Agreements</u>

- Some participants questioned the role of the Federal Government in policing agreements and wondered why they were signatories to agreements.
- Some participants further stated that there are current grievances with respect to existing agreements which are still outstanding and must be resolved.

Power of Parties in Negotiations

- Both SA and CTA participants expressed dissatisfaction with the perceived lack of equal power of the parties in the agreement negotiation process. Negotiations appear to be based on a fixed level of funding rather than on the basis of community service needs. It was believed that at times, agreements were pre-defined and Canada would table proposals with very little room for Indigenous groups to actually negotiate – particularly for agreements that cover multiple communities with their own unique needs. Participants questioned how this constituted "negotiations".

- Participants suggested that these negotiations need to reflect a truly tripartite process; entered into in good faith so that the agreements reflect real community needs and priorities.
- Participants noted that roles and responsibilities under Indigenous police service agreements (for Canada, the provinces, communities, etc.) need to be clearly laid out and agreed to by all parties during negotiations.
- Others suggested that international guidelines such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) should inform negotiations processes to enhance their credibility.

Exceptional Circumstances Provisions/Amendments

- Concerns were raised with respect to the existing agreements and the lack of definition of what constitutes an "exceptional circumstance" that would trigger a re-negotiation of funding levels.
  - Examples provided included inquests and the financial pressures that this may place on a police force and whether or not this might constitute an "exceptional circumstance"; or the impact of political activism on policing pressures (road closures / blockades) and the fiscal impacts that this may have on an Indigenous police force in terms of overtime, etc. Moving forward, better clarity on what constitutes an "exceptional circumstance" would be beneficial and agreement amendment mechanisms with clear triggers are needed.

Funding Sources and Instruments

Participants agreed that funding instruments need to be amended and other eligible funding sources made available to communities moving forward under a renewed approach.

Funding Sources

- Some participants spoke about the need to move away from "pilot" projects in response to addressing emerging issues as this type of mentality is short-sighted. Such an approach to funding does not offer the sustainability or flexibility needed by Indigenous police forces to respond to emerging needs.
- Other participants expressed the need to access complementary funding for programming and services such as capacity-development. One particular source of funding Ontario participants want access to is criminal forfeiture funds. Communities expressed frustration that they cannot access forfeiture funds and other fines collected through their police officers' enforcement activities.

Funding Instruments

- There were issues raised with respect to the timeliness of some financial transfers (Canada) and a request that the new approach build in stronger mechanisms to ensure that cash flow is considered and built into agreements.
- Long-term stable funding is needed. Some timeframes suggested were 10-20 year agreements with built in escalators which allow for changes based on external changes in circumstances. The

current short term approach is untenable and does not allow for long-term planning; and importantly, job security through long-term staffing commitments which ultimately affects service delivery and cost (turnover has a financial cost associated with it).

- There has to be a re-examination of the federal funding formula (the fiscal framework used to develop budgets for policing). The current indices used capture such metrics such as total population and number of service calls and do not truly reflect actual safety needs and costs.
- It was clear that any new model that does not provide sufficient financial resources in support of the needs of the chosen model, will surely fail. Participants suggested that there should be mechanisms to ensure policing budgets are adequate to meet evolving community needs (perhaps through the implementation of funding escalators (3-5 per cent) to account for inflation and/or the introduction of annual budget reviews or other appeal mechanisms which would provide for a binding decisions to ensure the adequacy of budget allocations).

Legal Authority Issues

Various issues that fall under the umbrella of legal authority, including jurisdiction and governance, were raised by participants and are discussed below.

Legal status of Indigenous special law enforcement officials ("peacekeepers") / special constables

- Some participants pointed to issues associated with special law enforcement officials ("peacekeepers[7]") and special constables (or community safety officers). These roles are intended to supplement the front-line police services at the local level through the enforcement of by-laws and promotion of crime prevention programming and activities. The jurisdiction of these officers is generally quite narrow with limited police authority. In some cases however, where there is no other formal police service, these officers are engaging in policing activities which may be exposing them and their band councils to legal risks. These issues have to be addressed through more clearly defined authorities and mechanisms moving forward.
- Participants from Ontario expressed a desire for the creation of policies and procedures to solidify the roles and responsibilities of prevention-based officers and to ensure the continuance of these service structures.

Move from "Program" to Legislated Essential Service

- Many participants criticized the approach to Indigenous policing as merely a federal contribution program. It has no formal legal basis, which leaves Indigenous communities without essential rights or recourse. Without a clear statutory basis, policing is arbitrary and subject to a "contribution program" approach which tends to see services as discretionary.
    - Participants suggested that Indigenous policing efforts would be greatly enhanced if it had a statutory basis. A legislative base specifies respective roles and responsibilities, accountabilities, standards and other relevant delivery elements. A legislative base would

[7] The term 'peacekeeper' is used here to reflect the terminology used by participants during the engagement session to describe a modified law enforcement official whose roles and responsibilities were not specifically defined, but involve providing support to true law enforcement officials. Further clarification of the term "peacekeeper" and its role in community law enforcement is needed going forward in the renewal effort.

generally constitute an unambiguous commitment by government on how services will be rendered and by whom. It would set standards on how services are to be delivered and how reviews will be undertaken in cases on perceived non-compliance. With a legal basis, accountability and ultimately overall delivery, is better defined.

- The view is that in most provinces, policing is governed by a provincial statute which sets out legally binding standards, complaints procedures, and oversight mechanisms. Without a clear statutory basis, Indigenous police forces are not subject to the same standards as other police forces.
    - Participants explained that for instance in Ontario, the OPP are subject to the standards under the provincial *Police Services Act* and are therefore subject to review and appeal mechanisms. This is not the same for Indigenous police forces. Without a clear statutory basis, issues of standards remain problematic. It was suggested that municipal type authorities for policing should be given to Indigenous police forces.
    - Participants provided examples where the only "tools" to remedy performance problems with an officer is to rely on codes of conduct; but this is a limited tool as ultimately it is without teeth given its status as a policy as opposed to having the force of law. It was pointed out that FNPP officers are not subject to the same oversight as other police boards under the Ontario *Police Services Act*.

Jurisdictional Issues

There are a variety of jurisdictional challenges when it comes to Indigenous policing in Central / Atlantic Canada. These are discussed below.

- Some of these relate to broader problematic Provincial/Federal/Indigenous government relationships which have roots in the *Constitution Act*. The *Constitution* locates policing as a Provincial responsibility and Indigenous-related issues as generally falling under the responsibility of the federal government by virtue of its responsibility for "*Indians and Lands reserved for Indians"* under paragraph 91(24) of the *British North America Act*, 1867.
    - In addition, in the context of the Constitutional place of Indigenous peoples generally falling under the responsibility of the federal government, some Indigenous leaders see themselves dealing with policing issues on a Nation-to-Nation basis with the federal government. This creates a somewhat problematic context.
- The issue of whether First Nations had ever ceded control over policing under any treaty in Ontario was raised and it was suggested that in their view, the power to police themselves was never given up.
- The effectiveness of the FNPP reflects the shared jurisdictional nature of the Canadian criminal justice system, and depends on collaboration between the three partners (provincial/territorial, federal, and Indigenous governments) in fulfilling their respective roles within their area of jurisdiction. This dependence on all parties to support implementation in all respects was reported by many, as problematic. In particular, the commitment of certain provinces was called into question.
- Any new approach must address issues associated with policing across jurisdictional/geographical boundaries. Some reservations / Indigenous communities in Central / Atlantic Canada are geographically remote and involve enormous tracts of sometimes non-

contiguous land. Policing agreements must be flexible enough to allow enforcement officers to have legal authority in multiple jurisdictions and to be able to respond to investigations and issues that transcend jurisdictional borders. Many criminal cases transcend jurisdictional boundaries and must be recognized in the new agreements.

- Some suggested that initiatives could be considered such as cross-deputization agreements and/or protocols which allow band / Indigenous officers to enforce provincial law and local enforcement officials to enforce Indigenous law under specific conditions. This provides for an institutional approach where Indigenous police officers are sworn as provincial peace officers and vice versa.
- Participants highlighted concerns with respect to other provincial statutes that create legal obligations on Indigenous police forces and result in increased O & M costs. The obligations create statutory responsibilities which must be met (in some cases the direction has come from the courts) in the context of health and safety for example.
    - One specific example offered was that of Post-Traumatic Stress Disorder and how there is an obligation on governments to provide for counselling and other supports to assist officers who have experienced trauma as a result of their work. This must be financially supported in the agreements going forward.
    - With respect to meeting infrastructure related health & safety requirements, participants suggested that in many cases, this would be cost prohibitive under existing financial arrangements and moving forward, these fiscal imbalances would have to be addressed.

Governance Training

- Participants expressed that there should be funding available for training for police boards to address governance issues.

Indemnification and Liability

- Issues were raised with respect to indemnification and a desire to incorporate processes related to indemnifying Indigenous police forces (and police officers) so as to reduce legal exposure and protect them against liability. For example, participants raised concerns with respect to legal risks associated with wrongful arrest, excessive force, and complaints raised against officers and the fact that these costs may be borne by Indigenous police services if insurance coverage is limited.
- Participants raised questions with respect to procedures for dealing with situations such as a police strike. They wondered whether an Indigenous community would be responsible and financially liable for time owed, pensions and other financial liabilities. These issues need to be addressed moving forward.

Residual Policing Powers

- A participant suggested that if financial and other key issues associated with Indigenous policing, remain unresolved, some police forces may be forced to withdraw services leaving a policing vacuum. It was unclear who would have residual responsibility in this instance (the province or Canada).

Access/Availability of Policing Services

A common issue expressed by participants during the Central and Atlantic Canada regional session was the lack of accessible policing services in some communities. Key considerations for a renewed approach are introduced below.

Lack of Available Policing Services in Some Communities

- Police must be visible in the community. In order to deter crime and to support trust between officials engaged in community safety activities, there must be a regular presence in the community.
- Solutions are needed in cases where there is currently no policing service in a community. This is a common challenge in northern, remote communities (e.g., Nunatsiavut and Labrador) and tends to be characterized by such communities depending on regional or national forces which are situated several hours away. Some participants suggested that this reality creates a situation where policing in some Indigenous communities is delivered in an inequitable manner compared to non-Indigenous (and / or urban) communities. The reality of two hour response time is ineffective and essentially seen as unresponsive.
- Many participants reported chronic under-policing as evidenced by a lack of sufficient police presence at the local level. Visibility builds relationships and reduces stigma between police and the community; without it trust and safety are compromised.

Autonomous / Regionalized Models

- Participants spoke of potential governance options which might address issues associated with policing in dispersed, rural populations. Many suggested that approaches might include regional police forces. While some participants from Ontario and Atlantic Canada favoured this approach, others raised concerns about the potential of a regional model to deliver on the community-based, problem-centred policing models many desire. While administrative savings may result from regionalization and the sharing of resources, benefits that come from officer knowledge of the community and its issues may be diminished under a regional approach.
    - Some of the challenges with regional models include realities of trying to police over vast territories and the impact that this has on “visibility” of officers in communities. A regional model, if not adequately resourced, may negatively impact on officer visibility at the local level.
- The tension between community-based policing and fiscally attractive regional models will have to be addressed. Some might argue that the two models are not completely incompatible. Regionalization will simply require a re-thinking of how resources are deployed and a commitment to management responses which places more autonomy /responsibility on officers for resource allocation.

Retention/Turnover

- Participants spoke to the challenges associated with officer turnover.
    - Participants requested that a new approach include mechanisms to promote officer retention through policy adjustments, unionization, and to ensure wage and benefit /

pension structures compensate for the level of service officers are providing (e.g., endured mental stress; exhaustion).

Policing Standards/Comparability

- There seems to be a general agreement that policing standards are desirable and that in fact, these are needed in order to ensure service uniformity across the country.
    - They see the Commissioner and Police Management Boards as essential components of effective policing, providing a link between Indigenous community leadership and the community or regional police force (e.g., RCMP) and that the Commissioner can at times, set standards. Some individuals felt the lack of policing standards requires the Police Commissioner to step in and impose policing standards with respect to training, and understanding of police roles and responsibilities. It is believed that such intervention has the potential to ultimately address legal liability issues associated with officers who are not legally authorized to engage in full policing efforts (e.g., enforcement).
- Standards drive training and equipment requirements and are thus pivotal in setting service delivery levels. Understanding the link between standards and costs of service delivery, will be essential in moving forward. The higher the standards, the higher the service delivery costs are likely to be in meeting those standards. Some consideration may be needed for how this may (or may not) affect the viability of small autonomous police services.
- Many spoke to issues related to how the level of service delivery is defined in terms of standards. Participants noted that current commitments under the agreements are not being implemented and that parties are not held accountable. Some felt that sometimes federal departments speak about providing "*comparable services"* or services that are reasonably comparable to those of the provinces. But comparability is often poorly defined and may not include, for instance, the level and range of services to be provided.
    - Participants suggested that in order for comparability to be operationalized and given full effect, it would be important to include a clear statement of comparability in police service objectives and define what constitutes comparability. Once comparability is defined, it would then be more feasible to establish measures for evaluating performance and determining whether the police service was achieving the desired outcomes.

Evaluation and Reporting

- Participants from Atlantic Canada suggested an evaluation of the agreements every four years to help determine what results are being achieved and help plan for / amend approaches moving forward. They noted that surveys are not true evaluations.

Cultural/Situational Considerations

The need for mechanisms to ensure culturally responsive policing in a renewed approach to policing was a common theme raised during the Central / Atlantic session. Culturally responsive policing refers to altering conventional policing approaches to accommodate Indigenous community-specific cultural practices and values. The objective is not to find a "one size fits all" approach, but rather to create Indigenous policing models that are based on ideologies and practices which resonate with Indigenous communities and make room for traditional justice approaches.

There does not seem to be agreement on what actually constitutes "culturally responsive" policing; participants suggested that cultural values and practices vary and are community-specific. Given this lack of consensus of what constitutes culturally responsive policing, there should not be any firm metrics or standards set with respect to what cultural responsiveness means. Community characteristics in Central / Atlantic Canada differ at the regional and local level, as such; policing services should be customized to account for these differences

Policing to reflect reality of Indigenous communities

- Any policing efforts must account for, and reflect the realities of the issues faced by Indigenous communities. Situational differences between communities must be provided for by ensuring flexibility in the mix of policing and community safety supports/ services under a renewed approach. Policing approaches must be developed with a true commitment to reflecting community needs and way of life.

Western Legal Traditions vs. Indigenous Customary Ways

- There was strong interest in moving away from, if not abandoning, policing models which give prominence to western legal traditions and approaches, where philosophical and operational choices are limited by a worldview that may not necessarily reflect the worldview grounded in many Indigenous cultures.
- The existing models would be replaced with models which include customary ways and which do not insist on imposing a policing model that is infused with, and constrained by, western legal traditions.

Conventional Law-Based Response vs. Integrated Prevention-based Model

- Some communities want to expand the definition of policing beyond law enforcement in the strict sense, to include more of a social service lens. Such an approach would be broader than responding to "crime" and would include community wellness and safety through the integration of policing with social services.
    - The social services / integrated approach is not seen to supplant conventional policing but rather to supplement the existing policing role. This would place equal emphasis on crime prevention as on attending to traditional law enforcement activities.
        - Participants at the Toronto session who already have integrated policing models discussed the importance of having established protocols across service providers to ensure consistency in interagency processes and the sharing of information as needed to provide effective integrated services.
    - An approach that leans more towards a social lens may emphasize peacekeeping and restorative justice models more than law enforcement.
- Policing efforts should be flexible allowing officers to make decisions about how best to deal with situations on the ground, based on the demands of a particular situation. In some instances, this will require a "crime control" intervention; while in others it will require softer approaches.

- Some participants suggested that a key to successful community-based policing is the involvement of local police members in community events. This involvement is seen to build trust and trust - being central to policing efforts in Indigenous communities - is critical.
- Participants from communities under CTAs particularly expressed the need to provide support and guidance to officers and for officers to be proactive in seeking guidance from and building relationships with community leadership, CCGs, and service providers. RCMP / regional police need to engage with community members more regularly to support principles of open communication and mutual respect. Communities with strong relationships between police officers and members noted that it has taken years - if not decades - for these relationships to form.

Cultural Responsiveness

- Many emphasized the need for cross-cultural training as a core training component of policing in Indigenous communities.
    - Particularly in the context of CTAs where police officers are temporarily stationed / serve from an RCMP detachment, participants noted the importance of having a mentoring period for incoming officers into a community. This mentorship would ideally be offered not just by the community, but also by the officer(s) leaving a community posting. This way, incoming officers would gain an understanding of the community's needs and existing relationships to assist them in their own community integration process.
- While it is widely recognized that policing in Indigenous communities must be culturally responsive, there is debate as to how this should be built into funding agreements, in particular with respect to any formulas used to allocate/determine costs While it was argued that "cultural responsiveness" costs money (for example, Elders must be compensated) it is difficult to attach any hard financial dollar amount or standard formulas to determine these costs.

<u>The Renewal Process Itself</u>

With respect to the process of renewing Canada's approach to policing in Indigenous communities, participants offered the following key considerations.

Nation-to-Nation / Government-to-Government

- A renewed approach would be based on a Nation-to-Nation (or Government-to-Government) relationship.
- Participants requested that PS come to their communities to get a full sense of community needs and the conditions under which the FNPP is operating. They also encouraged the federal government to work with Indigenous communities and police services on a regional / provincial level. For example, some agreements include several or more communities and these structures require a collective / regional approach to renewal.
- Indigenous leadership should be involved in this renewal process as it unfolds. It would not be acceptable for a new approach to be announced following these engagement sessions without

more robust, community-based discussions with Elders, community members and community leaders. Many expressed a desire for engagement sessions to be held in their communities.

4.0 Next Steps

Many issues will have to be addressed in the renewal effort going forward. The current approach is clearly fraught with issues and concerns, some of which are complex and involve multiple parties arriving at an agreement on how best to respond, making the pathway forward challenging. How those challenges are addressed will shape the future of policing in Indigenous communities.

Public Safety Canada has committed to this renewal effort and has engaged Stakeholders across the country. Considerations in the renewal are likely to include fiscal, legal, statutory, and jurisdictional elements, all of which were issues raised in the three engagement sessions.

Based on the feedback received during this process, PS will be in a position to craft a renewed approach that is informed by the views and perspectives of Indigenous police interests across the country.

Appendix A: Innovative Approaches to Policing

A stated objective of the development of a renewed approach to policing in Indigenous communities is to build on the successes of the FNPP and what has worked well in Indigenous communities to respond effectively to their policing and public safety needs. To support this objective, a renewed approach should integrate and build on promising and leading community practices under the current FNPP in order to maximize the effectiveness and efficiency of resources.

Indigenous police services have developed innovative approaches to service delivery. Examples from across Canada include integrated models that bring police and social service agencies together as well as community safety planning processes and approaches that take a holistic approach to understanding public safety within a community wellness lens, involving the collaboration of multiple community and interagency sectors such as health, education, governance and social services.

PS identified communities that have integrated innovative approaches into their policing programs and requested that leaders from these communities provide an overview presentation on lessons learned and best practices at the regional engagement sessions. A total of six (6) presentations were given on leading and promising practices in Indigenous policing at the engagement sessions in Edmonton, Yellowknife, and Toronto. In addition, participants at each of the three engagement sessions raised innovative policing approaches and practices. A summary of best practices from speaker presentations and discussions held by participants are provided below for each of the three engagement sessions.

Edmonton Regional Engagement Session (September 8-9, 2016)

Guest Speakers:

1. Chief Charlene Belleau of Esk'etemc First Nation

Chief Charlene Belleau of Esk'etemc First Nation in B.C. gave a presentation on the community's work over the past few decades to build healthy and culturally-responsive relationships between the community, the RCMP, as well as conservation and fisheries officers.

A key take away from the presentation is the importance of positive relationships, communication, and collaboration between police services and the community. As Chief, she has taken on networking with community and provincial organizations as a priority to replace the old model of agencies working in isolation of one another to make the most of limited resources at the community level.

Repairing relationships

- Coordination in service delivery and collaboration is important in the context of Canada's historical policies (residential schools, assimilation) as is the need for healing and reconciliation across a number of wellness-related areas.
- Community healing processes require significant time and energy. Traditionally, First Nations people worked to find resolutions through ceremonies that create a space for open and honest relationship-building. It is important to recognize that these processes require time and the investment of money.
- Over the past decade, the First Nation has formed partnerships with regional organizations and police services with the goal of restoring relationships within the community:
    - Worked with the B.C. Residential School Task Force to establish a protocol for coordinated support services for residential school survivors in B.C. Services offered include prosecution and/or traditional healing such as healing circles.
    - Held a healing and honouring ceremony with RCMP in response to a standoff that resulted in the violent conformation of police officers against First Nation members.

Establishment of Esk'etemc Protocol Principles & Goals

- Esk'etemc has established its own protocols within a framework for healing and social recovery that is victim driven – rather than focused on the offender. These are grounded in community traditions and ceremonies and create safety and promote healing.
    - The protocols provide guidelines for early intervention, inter-agency networking and integrated support services, including connections to provincial government and the justice system. Protocols include: spousal assault and historical abuse protocols (to address interpersonal violence from residential schools); Fish and Wildlife protocols; and a protocol for Complaints Against RCMP.

Setting a Vision for Esk'etemc First Nation

- The community has reached a milestone of 40 years sobriety under its drug and alcohol program.

- Esk'etemc First Nation has recently mobilized local, regional and provincial organizations to recognize, address, and end violence against Indigenous women and move towards healing.
    - In 2015, the men and historic chiefs pledged to end violence against Indigenous women and girls and supported these commitments through mechanisms such as commitment sticks, card pledges, and songs. Through this community-based process the First Nation is setting and raising awareness of a policy that sets zero tolerance for violence.
    - This work has to be done collectively within the nation and the province. Positive relationships have been supported through the sharing of responsibility and experience in community-driven processes (i.e., recent search for a missing Aboriginal woman and the combined community and regional effort to search for her).

Esk'etemc Cross Cultural Training

- Esk'etemc First Nation has established a cross-cultural learning and training program with participation from RCMP and B.C. Fishery Officers. The program is based on the exchanging of experience and information in order to understand the perspectives of both sides: both the officers and the community members. The process involved real life community exercises such as fishing, setting up a tipi, camping, and sweat lodge ceremonies as well as a reverse role play scenario in which RCMP officers staged a blockade and community members facilitated an intervention.

Next Steps

- Esk'etemc First Nation's goals in building partnerships with RCMP are to promote alcohol and drug awareness as well as the interaction with constables outside of criminal activity.
- Challenges under the First Nation's CTA include the movement of officers from detachments which displaces the relationships built with the community.
    - The community wish is to build capacity on a local and regional level and to maintain consistency in policing presence (both in terms of a sustained community presence and retention of the individual officers).

2. Constable Michael Grandia of the Delta Police Department, and; Shabna Ali, Manager of Tsawwassen First Nation Health and Social Services Unit

Constable Michael Grandia of the Delta Police Department and Shabna Ali, Manager of Tsawwassen First Nation Health and Social Services Unit gave a joint presentation on Tsawwassen First Nation's (TFN) integrated policing model.

The central point from the presentation was that a policing model focused solely on crime control and enforcement does not work and that such an outdated model is inappropriate for addressing community needs. Through focus on prevention and restorative justice and community healing approaches, the TFN policing model is seeing reduced calls for service, increased participation in treatment programs, decreased violence and crime, and lower recidivism.

- This model focuses on proactive policing and breaking down barriers to build positive relationships between police officers, community members, and organizations. Under this model, Health and Social Services are integrated, with policing and staff from these departments

working together to support the individual within and through their relationships to family and the wider community.

- Tsawwassen First Nation (TFN) has three tiers of policing:

i. Reporting - not just in terms of reporting crimes but looking at social issues as well as early intervention with individuals and families to reduce crimes.

- TFN uses a community Crimestoppers program to divert calls and promote early intervention into situations of violence. Implementation of the Crimestoppers program involved engagement of the community, including rebranding the logo for Crimestoppers to make it more community and culturally-appropriate.

- Social services programs and diversion are integrated with traditional police enforcement approaches;

- Community participation is encouraged as community members have multiple reporting options which allows for anonymity;

ii. Police response (requires the police to educate themselves on how to relate to the community)

- TFN has a dedicated Liaison officer supported by other policing sections;

- Police are involved in all aspects of the community, education, drug and alcohol related issues, mental and physical health, culture (e.g., community events);

- Police work very closely with the Health and Social Services team – this is a team-based approach with Elders, family counsellor, youth workers, language and culture department.

iii. Restorative justice – the Justice system has consistently had an adversarial relationship with the First Nations community. TFN police services stated goal was to insert themselves within the Justice System, (i.e., the Courts and corrections processes of jail/probation/parole).

- TFN restorative justice processes are grounded in cultural and community knowledge, needs, priorities, and working on finding solutions to address underlying causes of crimes; the focal point of interventions is with the victim and offender and their families; the focus is on restoring and building relationships with the community.
    - Community sentences and individualized plans to support reintegration of offenders; Reintegration planning involves the offender (e.g., to develop the plan) and stakeholders across the community through the extension of supportive housing and free safety net services (e.g., food, transportation) for reintegration; reintegration promotes participation in culture-based activities, community volunteering, and connections with TFN Elders and role models.
    - Family support model: TFN Health and Social Services works with clients alone and/or meets weekly with clients and their families to discuss issues and to work on improving communication and building trust – all within the bounds of respecting Client confidentiality; clients (and their families) drive the agenda and the process; this takes a

holistic view of the client and their circumstances and results in the gaining of clients (i.e., some family members also access services as clients).

- Harm reduction model: building relationships with treatment centres that are non-Aboriginal to help them understand the context/underlying issues and barriers TFN clients face.
- Youth programming: focus on promoting youth leadership and strengthening relationships with youth; focus on education, building work experience, training.
- Youth diversion program: TFN and the Delta Police created an informal Youth Justice Committee of Elders, community members, Health and Social Services staff, and Delta Police officers to facilitate interaction between the victim and the youth who has committed a harm and recommend appropriate programs / services; the purpose is to keep youth out of the justice system and focus on providing youth with a supportive environment in the community for learning, growth and development of positive self-identify; youth participate in developing their own community plan.

Plenary / General Discussion:

Over the course of the Edmonton dialogue session, participants shared examples of innovative practices that have been successful in the past, or continue to see success in their communities. These are explored below.

Law enforcement officials / Band Constables / Community Safety Officers (CSOs)

- Participants widely discussed the importance of law enforcement officials / band constables / community safety officers as a best practice in offsetting the capacity of frontline police services and in promoting prevention-based approaches to policing, community safety, and wellness. These officers (such as those appointed under the former Band Constable Program) support frontline officers but do not have the same powers and authorities as these officers. Rather, law enforcement officials / band constables / CSOs typically provide a supporting role (e.g., bylaw enforcement) and act as liaisons between the community, service organizations, leadership and the RCMP.
- As a best practice, the requirement for these types of officials should be set out in business / strategic plans and their roles and authorities legislated under the provincial Police Services Act. These officers are based in the community and have the knowledge of the community dynamics, membership and culture to support building effective relationships within policing services.
- One First Nation community has developed a partnership-based model using three tiers of enforcement, prevention, and integrated service delivery: law enforcement officials (perform core policing functions); peacemakers (restorative justice approaches, sentencing circles, consulting with Elders; and gatekeepers (liaisons with other social service providers).
- Another community used “watchmen” to fill a neighbourhood watch function, but in a manner that is in keeping with / promoting of cultural values and practices.

Alberta Special Constables Program

- Participants discussed a particular special constables program that was created in Alberta with accreditation by the province. This program recruited and trained support officers to work alongside RCMP or FN police forces to provide bylaw and community support services.

- The special constables program was also highlighted as a potential capacity building model that if recognized as such by police forces, could be a stepping stone for the recruitment of local officers.
- These special constables were uniformed civilian officers with their own vehicles and provided a permanent presence in the community and valuable support function to the police forces. This was described as a program that works within the structure of both the Community Tripartite Agreements and the Self-Administered Agreements.

Cross-cultural Training for RCMP

- One Saskatchewan First Nation community has taken on cross-cultural training of RCMP officers appointed under their CTA as a means of building understanding and more effective communication between community members and officers. This training helps to bridge the gap between the community, RCMP and the justice system. The training is based on priorities the community has set and supports a proactive (rather than strictly reactive) policing approach.
- Other communities discussed the importance of developing plans and or policies that set requirements for (new) police officers, such as to visit with Elders and schools / community organizations and orient themselves to the community.

CCGs and Justice Steering Group

- One community identified 2 complimentary levels of CCGs as a best practice. At the first level is a typical community consultative group involving community police, Elders and representatives from the community / community agencies. At the second level is a justice steering group that consists of members from health and wellness fields (e.g., substance abuse management). The justice committee coordinates with the CCG and meets as needed, while the CCG can meet on a weekly or monthly basis, as needed.
- These committees play an important role in making police officers aware of community members with complex needs / histories through developing profiles for at-risk individuals and providing these to officers.
    - An example was given of a man with severe fetal alcohol spectrum disorder who would lash out if he were restrained; this condition resulted in multiple assault arrests on the individual's record. Police officers were able to adapt their approach to more effectively deal with this individual through understanding his case history and special needs.

Public Complaints Commission

- In one jurisdiction a public complaints commission was established as an independent body with trained commissioners that used traditional practices to deal with public complaints, and required the police officers to attend when facing a complaint.
- This type of program requires resources and training to ensure that: i) the public is aware and can access the commission; ii) the police officers understand the function and benefit of the commission, and iii) the commissioners understand their roles and how to address complaints.
- By having to participate in a public complaint process, the police officers have to hear from the families about the impact of their activities. This approach builds a sense of credibility in the community that the police are responsive to their needs and listening to their concerns.

Aligning Policies to Fit Community Safety Needs

- One participant described their use of a community housing policy to address illegal grow-ops through the eviction of these tenants. Community service staff work alongside police officers to implement the policy.
- A Manitoba First Nation developed a collaborative consultation approach (community circle) to mobilize the community towards the development of a community safety and policing strategic plan.
- Another community in Northern Saskatchewan uses a checkpoint system to monitor substances coming in and going out of the community to deter bootlegging and drug dealing activities.

Establishing Community Safety and Wellness Protocol / Principles

- One community established a Protocol and Policy letter and provided this to bootleggers / drug dealers in the community informing them that both the RCMP and the First Nation are aware of their activities and warning that they could be prosecuted and/or banished from the community if they continue their activities.
- The Government of Saskatchewan has established a set of Community Safety and Wellness Principles. As a best practice it is recommended that Indigenous police services be based on principles of community safety and wellness so as to create consistency in the standards and service levels in Indigenous communities. The 10 principles developed for Saskatchewan are listed below:

  1. Community aspirations should drive the destiny of the community and should shape the full range of its community safety and wellness (CSW) solutions and approaches, and its choices with regard to policing.

  2. Culturally responsive policing must be a non-negotiable right, however it is administered, structured, funded and delivered.

  3. The practicalities of structure, funding and administration should follow, not lead, the suite of options available to community decision makers and transitional steps should be collectively negotiated among the funders, with provincial support provided to communities where necessary.

  4. Local solutions should continue to move toward, and not away from, collaborative risk-driven models of planning and execution in all four aspects of the CSW: social development, targeted prevention, rapid intervention and response.

  5. Education must be provided to support local officials in achieving self-administered and locally-defined approaches to CSW that are based on the most current and evidence-based practices in all sectors.

  6. A full menu of community safety and wellness solutions and approaches must be made available to communities, with 'rolling capacity' options, and with adequate support provided for informed choices.

  7. Self-administered CSW must occur within a context of locally available and effectively supported community justice solutions.

  8. Self-administered CSW must occur within a context of available human services - creative efforts may be required to achieve operationally effective levels of support.

  9. Through a joint oversight body, inclusive of First Nations and Aboriginal perspectives, academics and multi-sector policy-makers, all levers should be applied to ensure the most progressive, evidence-based practices in Saskatchewan policing CSW.

10. A common and robust CSW measurement framework should be developed and deployed to all Saskatchewan communities.

Yellowknife Regional Engagement Session (September 22-23, 2016)

Guest Speakers:

1. **Superintendent Michael LeSage** (*RCMP)*

Mr. LeSage is an RCMP officer stationed with the RCMP "G" Division in Yellowknife. Superintendent LeSage is responsible for overseeing the implementation of Community Action Plans under the Government of the Northwest Territories' *Community Action Plan* (2014). Key elements of this initiative are discussed below:

Community Action Plans[8]

- Under the 2014 *Community Action Plan*, RCMP members work in collaboration with community leaders and residents to establish annual policing plans (or Community Action Plans) to reduce and prevent crime according to identified priorities.
- Community Action Plans are intended to address the unique needs of each community and in this way, lead to increased levels of trust and confidence with the RCMP.

Action Plan Development

- The following steps are taken in the development of a Community Action Plan[9]:
    - Community leaders are engaged at the start of each fiscal year by their detachment to determine the issues affecting their community;
    - Policing priorities of the GNWT, Department of Justice, and the RCMP National Headquarters are identified and incorporated into Community Action Plans as applicable;
    - Detachments undertake additional engagement with community leaders to develop the Community Action Plan;
    - Once developed, Letters of Acknowledgement are prepared and forwarded to community leaders in order to finalize the Community Action Plan.

Report Requirements

- Community Action Plans are reviewed on an annual basis by District Officers;
- Once reviewed, each plan is forwarded to the RCMP "G" Division and the GNWT Department of Justice for planning purposes.

[8] Government of the Northwest Territories. 2015-2016 Policing Priorities PDF. Accessed online October 6, 2016 from https://www.justice.gov.nt.ca/wp-content/uploads/2015/11/GNWT-Policing-Priorities-2015-2016-.pdf.
[9] Superintendent Michael LeSage. Guest Presentation. Yellowknife Dialogue Session: September 22-23, 2016.

2. **Ms. Yvonne Niego** (*Assistant Deputy Minister of Justice, Government of Nunavut, Retired RCMP Sergeant)*

Ms. Niego is the Assistant Deputy Minister of Justice for the Government of Nunavut, and a retired RCMP sergeant. Ms. Niego served in the RCMP for 25 years, working in communities across Nunavut and in her home community of Baker Lake. During her presentation, Ms. Niego offered insight and perspective on her experience as a female, Inuit RCMP officer in the North.

Innovative programs that were seen by Ms. Niego to augment and enhance regular policing services in northern Indigenous communities, and assist in recruitment and retention efforts, particularly of Indigenous recruits, include the following:

- Ms. Niego reflected on the personal and cultural challenges that she faced at the start of her career with the RCMP and cited the **Aboriginal Constable Development Program** as the reason why she continued as an RCMP member. The Aboriginal Constable Development Program focuses on preparing individuals for RCMP training by providing information on cultural and geographical adjustments that should be expected.
- Ms. Niego made reference to the **Special Constable Program** when stressing that communities need to take ownership of policing in their own community. She discussed the need to fill the gap between traditional policing services, and the "softer" side of policing that addresses issues from a social services lens. Additional funding and assistance in communities is required to provide training for community members so that they can play a greater role in community safety and augment traditional policing services, perhaps in a Special Constable role.

Plenary / General Discussion:

Over the course of the Yellowknife dialogue session, participants shared examples of innovative practices that have been successful in the past, or continue to see success in their communities. These are explored below.

Community Constables / Special Constable Program

- A strong desire was communicated for the return of Special Constables in communities as an alternative to RCMP officers. Participants agree there is value in having Special Constables in the community that understand the culture and language, and that this has enhanced the effectiveness of policing efforts in the past.
- Having Special Constables as a first line of defence for community safety was a common sentiment at the Yellowknife dialogue session.

Inuit Special Constables

- Inuit Special Constables played an important role in bridging the gap between RCMP and Inuit at the beginning of the 20th century by acting as guides and cultural interpreters.

Junior Canadian Rangers

- The Junior Canadian Rangers program is for youth between 12 and 18. The program teaches traditional skills, like skills and other skills associated with being a Canadian ranger, such as using rifles and small boats, ATV's and snowmobiles safely, and first aid.
- Participants suggested that a potential partnership with the Junior Canadian Rangers and the RCMP could be found to increase the visibility of RCMP in the community, and to encourage recruitment of Indigenous youth to the RCMP.

Aboriginal Court Worker Program

- The Aboriginal Court Worker Program is offered by the Council of Yukon First Nations to help Indigenous offenders to receive fair and equitable treatment before the law. The program helps to promote communication between Indigenous offenders and the criminal justice system, and has been effective at bridging the gap between justice authorities, the offender and the community[10].

Safe Communities and Neighbours (SCAN)

- The SCAN program is being used in the Yukon as a unique approach to dealing with criminal behavior by utilizing civil powers under law. Issues of bootlegging, drug activity and prostitution from property are addressed through a law enforcement unit created under territorial legislation, which can take action and address problematic properties and often in partnership with First Nations government.

Cross-cultural Training

- The need for cross-cultural training for new RCMP officers to a community was a common issue raised by participants. Two examples were offered of jurisdictions currently providing customized cultural training resources to new officers:
    - In Labrador, a community has created their own presentation for new RCMP members that discusses culturally relevant topics, such as the difference between Innu and Inuit. The community also instituted an orientation form / checklist that new officers must complete and give back to the hamlet.
    - In British Columbia, a community developed a video to explain the cultural context to incoming RCMP officers and other service providers.

Restorative Justice

- Participants agreed that the traditional criminal justice system is not always effective for Indigenous offenders, and raised examples of restorative justice initiatives that have been successful in the past. Many petty, or drug and alcohol related crimes are considered by some to be a coping mechanism for larger issues of victimization. In these instances, the importance of community-based programs that intervene in the lives of high-risk youth or minor offenders by taking them out on the land and teaching cultural values were emphasized as being fundamental in the healing process.

[10] Council of Yukon First Nations. Justice Programs. Accessed online on October 6, 2016 from http://cyfn.ca/services/justice-programs/.

Native Court-worker and Counselling Association of British Columbia

- The Native Court-worker and Counselling Association of British Columbia was mentioned as an example of a model that could be adapted for the North to assist Indigenous offenders in receiving culturally appropriate justice.

Inter-Agency Sharing Protocol (Saskatchewan Prince Albert Referral Model)

- The Saskatchewan Prince Albert model of referral was raised during discussion as an example of effective protocol for inter-agency sharing and case management.
- The Saskatchewan Prince Albert model approaches case management through the use of weekly multi-agency data sharing meetings. Basic information about a case is shared in increments with meeting participants in order to narrow down and identify those agencies that are directly responsible for the case. Once all responsible parties have been identified, one organization is designated as the lead and assumes coordination the case and any necessary intervention. This model works as all participants at the multi-agency weekly meeting are at the decision-making level and response is therefore immediate.

The following programs were also suggested as additional ways through which a community may increase its role in promoting safety and crime prevention:

- Neighbourhood Watch Program;
- Block Parent Program.

Toronto Regional Engagement Session (September 27-28, 2016)

Guest Speakers:

1. **Police Chief Doug Palson, City of Dryden, Ontario**

Doug Palson, Police Chief for the City of Dryden, Ontario and former President of the First Nations Chiefs of Police Association (FNCPA) gave a presentation on innovative and alternate police service delivery models from across Canada, with a focus on Central Canada.

Chief Palson provided an overview of the fiscal challenges communities are facing due to frozen and reduced funding levels despite consistent / rising violent crime rates in Indigenous communities. He stressed the importance of innovation and partnerships at the grassroots level to make the best use of limited funding / resources, and to expand service models beyond reactive policing. In particular, Chief Palson presented alternative service delivery models, innovative community initiatives, and partnerships from Ontario, Manitoba, Saskatchewan, and B.C.; these are presented below.

Alternative Service Delivery Models – Law enforcement officials and Community Safety Officers

- **File Hills First Nation Police Service (FHFNPS) Special Constable Program**: The FHFNPS is the only SA in Saskatchewan and serves five (5) First Nations communities located in the Treaty Four Tribal Territory. Chief Palson presented File Hills First Nation Police Service's Special Constable Program as a best practice and significant component of the FHFNPS's policing model. These special constables work as peace keepers with community stakeholders such as schools, Elders, and the community justice committee.
- **Treaty Three Police Service (TTPS) Peacekeepers Program**: Treaty Three Police Service covers 23 First Nation communities in Northwestern Ontario and has a comparable Peacekeepers Program with a mandate to provide an accountable, responsible, and culturally responsive program for crime prevention.
- **Dakota Ojibway Police Service (DOPS) Community Safety Officer Program**: DOPS provides police services to six (6) communities in Southern Manitoba under an SA agreement. DOPS has implemented a Community Safety Officer (CSO) Program. This program has emerged in the aftermath of Manitoba First Nation's experience with the Band Constable Program (BCP) despite a lack of contribution funding for non-officer services. DOPS recruited officers with prior training and/or experience with the former BCP.

Lessons Learned

- It is important to define the distinct roles and responsibilities of peacekeepers / CSOs and link CSOs to the roles and responsibilities provided through the services of police officers.
    - The FHFNPS Special Constables Program has had success due to the fact that this role has been legislated (through the Saskatchewan *Police Services Act*).
    - In Ontario, ambiguity in Ontario provincial legislation has caused discontent with TTPS peacekeepers. TTPS peacekeepers are required to have the same training and do the same job as the local police, however as they are appointed under different sections of the *Ontario Police Services Act*, they do not receive the same authorities and protection as local police.

  - There is further need for the creation of legislative powers to grant DOPS CSOs the authority to enforce community safety regulations, such as liquor control.

- Across these alternative service delivery programs, recruitment, retention, and training remain challenges that reduce the program's capacity. Further, these peacekeeper / CSO positions are usually the first to be cut when funding is tight.

Innovative Community Initiatives

- **Rama Police Service Community Mobilization Action Committee (CMAC)**: The Rama Police Service in Ontario initiated a Community Mobilization Action Committee (CMAC) a couple years ago using short-term provincial grant funding. The purpose of the initiative is to prevent crime through collaborative planning and integrated delivery of services. Rama Police Service established took a blended approach to borrow elements from both Canada and Ontario's safety plans and the hub-core model and to develop their own program framework built on community relationships and informal stakeholder partnerships.
- **Anishinabek Police Service Drug Strategy**: The Anishinabek Police Service (APS) provides services to 16 communities across Central Ontario along the north shores of Lake Superior and Lake Huron. The Police Service established a Drug Strategy in response to influxes of pharmaceutical drugs into the communities and approached the issues from a community-driven prevention rather than enforcement model. Relationships made with the communities have allowed APS to successfully drive the service despite lack of funding for drug-specific enforcement.
- **Dakota Ojibway Police Service (DOPS) Roseau River Ginew Wellness Working Group Waywayseecappo Restorative Justice Program**: DOPS has established a restorative justice program that is premised on getting members from the detachments engaged in the communities. DOPS is able to run this program alongside its other services through establishing and maintaining relationships with the regional RCMP detachment and the Wellness Working Group. These partnerships assist with the referral of individuals to the restorative justice program.

Lessons Learned

- In order to be successful, policing initiatives must be community driven. It is also clear that relationships are key drivers of program success due to existing resource constraints under FNPP. It was noted that while innovative, each of these community initiatives or programs is at risk of being discontinued due to a lack of funding and capacity.

Partnerships

- **Stl'atl'imx Tribal Police Service Lillooet/St'at'imc Cooperative Emergency Boat Launch**: The Stl'atl'imx Tribal Police Service is B.C.'s only Tribal Police Force. Due to the location of St'at'imc communities and the Police Services detachments boats are an essential resource for transportation. The First Nation secured land authorization through a 100-year lease from the Department of Fisheries and Oceans and worked with the RCMP and emergency service providers to build a boat launch using gift-in-kind materials from local construction companies.
- **Dakota Ojibway Police Service (DOPS) Sioux Valley Cadet Corp and Sandy Bay Youth Corps**: Two First Nations within DOPS have established youth programs through relationships established with community schools and the Brandon Police Services Program. The program

runs in the schools after hours and volunteer students from the Police Services Program help facilitate cadet group programming for youth. The program has provided routine structure that helps the youth build leadership and pride and acts as a mischief deterrent.

- **DOPS and Dakota Ojibway Tribal Council (DOTCS) Ranger Insurance Education & Sports Initiative**: DOPS and DOTCS worked together to establish a partnership with Ranger Insurance in order to raise community funds. The insurance company had community connections with football and golf academies which provided in-kind donations. DOPS worked with these organizations to set up tournaments and other fund-raising sports events.
- **DOPS Canine Support Unit**: DOPS has initiated a canine support unit through accessing funding available through criminal property forfeitures. DOPS worked with Search and Rescue Manitoba and found a trained dog for the program. In addition, Enbridge provided funding for dog equipment.
- **DOPS Pawsitive Communities Program**: Lastly, DOPS has partnered with a Brandon, MB based spay program that has enabled First Nation communities to use resources such as trailers to undertake community safety measures related to the neutering of dogs in the community.

Lessons Learned

- Community partnerships are a key and essential driver to making the most out of First Nation policing funding and resources. First Nation communities have struggled and are working away from dependency models towards interdependence with stakeholders such as regional and municipal police. These partnerships help to address the rigidity of current policing funding that impedes innovation at the grassroots level.

2. Chief Nahwegahbow, United Chiefs and Councils of Manitoulin (UCCM) Anishnaabe Police & Social Navigator Daughness Migwans

Chief Nahwegahbow of the UCCM Anishnaabe Police and Daughness Migwans, Social Navigator with the community's mobilization strategy gave a presentation on current initiatives of UCCM that promote tiered and integrated policing services. UCCM Anishnaabe Police Service is a small self-administered police service serving five (5) communities on Manitoulin Island in Ontario.

Chief Nahwegahbow noted that these kinds of healing-based initiatives need to be ongoing and that these take time for Indigenous communities. However, at this stage - 2 years in to the Social Navigator Initiative program - the Police Service is seeing some reductions in their calls to service, improved relationships between police and the community, and reduced stigma associated with police services.

Prisoner Escort – "deliberative servicing"

- UCCM Anishnaabe Police Service members were facing transportation challenges due to the unique geographic characteristics of Manitoulin Island, as well as resource capacity challenges (e.g., lack of staff). UCCM Police joined Manitoulin Police around 2005 through a provincial agreement to grant powers to special constables to transfer inmates to court.
- These constables could be seen as tiered policing but are dedicated staff and considered part of community frontline services, offsetting the capacity of frontline resources. Special constables have also become involved in traditional justice initiatives with the communities in a

peacekeeper capacity / playing a role in the prevention-based services of the Police Service (for which the police service cannot dedicate frontline staff).

Social Navigator Initiative (SNI)

- The Social Navigator Initiative was started 2 years ago with the goal of connecting and supporting at-risk individuals / repeat offenders to the right services at the right time. The model is based in early intervention and outreach to recognized individuals at-risk and fostering strong community-based and collaborative partnerships (or "mobilization") to support these individuals and their families.
- The model is culturally responsive and premised on Manitoulin Island First Nations traditional values and teachings, taking an inclusion-based approach. SNI's goal is to deal with community and family issues such as violence, trauma, and the underlying social issues / factors that lead to offences (e.g., housing, family and peer support, mental health, addictions, school, level of connection the community, identity as Anishnaabe).
- The Social Navigator is the point of contact for entry or re-entry into the program. This is a civilian role working with community partners and with the authority to conduct screenings, initial assessments, participate in care planning, and providing referrals to / coordinating with other service providers to address underlying issues (e.g., cognitive, mental health, addictions, etc.).

Gchi Mino Naadmaadwin Teg (Community Mobilization Strategy)

- Gchi Mino Naadmaadwin Teg is the United Chiefs and Councils of Mnidoo Mnising's (UCCMM) Community Mobilization Strategy. The UCCM Anishnaabe Police Service SNI is responsible for the coordination of the Gchi Mino Naadmaadwin Teg wellness model. This model was developed through collaboration with Elders and is based on the clan governance system of collaboration and inclusion. Individuals at acutely elevated risk are the focus of the model; these individuals face issues such as poverty, substance abuse and lack of a support system that require support from multiple sectors.
- The goal of the Gchi Mino Naadmaadwin Teg working together with the SNI model is to eliminate the silos that have separated police services from communities. Representatives from service sectors across the communities come together for weekly circle discussions and to look at areas of high risk across areas such as justice, health, and public safety. Mechanisms are also in place to ensure that services provided to First Nation individuals are culturally relevant.

Relationship to Indigenous Policing and Justice System

- Under Gchi Mino Naadmaadwin Teg, the UCCM Anishnaabe Police Service participates in Maamwi Naadamadaa, which is a multi-sectorial executive management team that connects policing services and community groups. The Police Service supports the model and ensures that service officers from all levels are involved (e.g., enforcement officers and Community Safety Officers).
- The Social Navigator works alongside police service officers to mutually guide and inform the work of both parties. The SNI and Mobilization Strategy works alongside the UCCM Anishnaabe Police Service Restorative Justice Program as well to promote pre-charge diversion as much as possible (rather than post-charge). A current focus is on developing stronger relationships with the Crown office, as well as probation and parole to work on community reintegration post-

sentencing. The SNI offers flexibility to the Social Navigator can support individuals at any point along the continuum (e.g., prior to any charges being laid or following incarceration).

Plenary / General Discussion:

Over the course of the Toronto dialogue session, participants shared examples of innovative practices that have been successful in the past, or continue to see success in their communities. These are explored below.

High Risk Committee

- A First Nations community has implemented a high risk committee led by police services with the involvement of health, social services, and education groups. The committee reacts to issues such as criminal violence and also focuses on prevention through addressing underlying issues such as mental illness and developing protocols to address these issues and related administrative burdens. Crisis prevention training has been provided for committee members.
- When the committee meets, all community decision-makers go around the table to voice their concerns and proposed solutions / next steps. The issues are later brought back to the table for follow-up and interagency collaboration. This collaboration also helps to supplement and offset limited capacity by enabling connections to resources, equipment and training. Any agency can convene the committee at any time but police services take the lead.

Police Services Partnership Crime Prevention Initiative

- One First Nation is a contributing partner in a multi-agency initiative to address auto theft and related criminal activity in Ontario. The First Nation's police service working with local municipal police services and the OPP to pool resources and collectively gather intelligence and respond to and prevent auto thefts in the region.

Police Service Partnerships and Community Consultative Groups (CCG)

- In other communities, having CCGs and other partnerships allows for networking to understand commonalities and to exchange information across police services /boards and steer the police commission's business (e.g., in terms of innovative approach to address emerging needs). These partnerships can also be accessed when Indigenous police forces require support (e.g., specialized services).

Dedicated Civilian Liaison (RCMP Community Programs Officers (CPO)

- Participants from Atlantic Canada discussed a leading/promising practice that is to be implemented in New Brunswick. Through the RCMP, the program provides a non-uniformed public service employee service to communities covered under the Provincial Policing Services Agreement (PPSA). Participants expressed that the program has shown positive and promising results in communities where it is available. The role focusses on diversion and referring youth and other appropriate individuals to needed services / supports.

Suicide Crisis Line and Drop-in Centre

- In response to a suicide crisis in one community, resources were pooled and police worked closely with other service providers to get a 24-hour crisis line a drop-in centre established for community members to access and get support.