



**First Nations Police Governance Council of the Canadian Association of  
Police Governance to the National into Missing and Murdered  
Indigenous Women and Girls**

**FINAL SUBMISSIONS**

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## **I INTRODUCTION**

1. On August 17, 2017, the First Nation Police Governance Council (FNPGC) was granted party status with standing and was permitted to make submission before the Commissioners of the MMIWG. In June, 2018, FNPGC made a submission to the Inquiry with recommendations. This Final Submission builds upon those recommendations and expands its recommendations.
2. The FNPGC is a part of the Canadian Association of Police Governance (CAPG). The FNPGC represents those First Nations that have established their own Indigenous police services and put in place governance mechanisms for that service. This is referred to as Self-Administered (SA) Indigenous police services that operate independently and are governed by their own people through a police or peacekeepers services board. The FNPGC represents those First Nations that have entered into an agreement with the federal government under the First Nation Police Program (FNPP) and a provincial Public Safety Ministry for such SA arrangements. The program is a result of a federal government policy and is not affected by provincial legislation as other police services in Canada.<sup>1</sup>
3. The FNPP is a contribution program that is administered by Public Safety Canada (PS). PS provides financial support to policing services that are to be professional, dedicated and responsive to First Nation and Inuit communities. The FNPP operates pursuant to the First Nation Policing Policy which was introduced in 1991. Under the FNPP, the federal government provides 52% of funding towards eligible costs and provinces and territories provide the

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<sup>1</sup> Transcript - MMIWG, Quebec City – Corrections Oversight, Pat 2 & 3, Volume 5, page 59 of 314, line 22-25, page 60 of 314, line 1.

remaining 48%.<sup>2</sup> First Nations may choose to pursue the SA approach or enter into a Community Tripartite Agreement (CTA) in which police services are provided by an external agent, which is, for the most part, the RCMP. In these instances, the RCMP operates within the parameters of its legislation with minimal FN community input. It is recognized that the RCMP makes effort to engage the contracted communicates through various forms of consultation. None of these constitute actual governance of the policing in the First Nations.

4. The FNPGC focuses on issues of police governance. They are the governors of the police in their respective Nations. Governance in this instance (and as it applies to all police governance in Canada, regulated through provincial legislation) serves to provide direction to the police and peacekeeper services on behalf of individual or collective First Nations. This governance takes the form of setting strategic direction for the services, creating policies for the operation of the service, hiring police executives, monitoring the delivery of services and holding the service to account for results. Unlike most oversight bodies, its role is to ensure the delivery of good police services. It is also to ensure that police services are delivered without operational political interference, serving as a buffer between the lawmakers and the police. Individual Indigenous police boards ensure community involvement and that community values are reflected in the police services being provided in their Nations' territories.
  
5. There are approximately 1.4 million self-identified First Nations, Metis and Inuit in Canada. Of the First Nations, there are approximately 600 bands that hold around 3100 reserves and urban centres across the country. There are currently 186 FNPP agreements in place that provide

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<sup>2</sup> John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) "Set up to Fail: An Analysis of self- administered indigenous police services in Canada Exhibit 23.

police services to approximately 65% of First Nation and Inuit communities. This services roughly 422,000 Indigenous people in 453 communities across Canada. Of these Agreements, 38 are Self-Administered. The majority of the SAs are in Ontario and Quebec. These serve 170 communities with a total population of 169,000 and 840 police officers. In contrast, CTA agreements serve 280 communities with a population of 250,000 with 452 officers.<sup>3</sup>

6. The FNPP policy has not been updated since 1996, but in 2016 Public Safety Canada started the formal engagement process for a renewal approach to policing Indigenous communities. Without changing the overall policy or funding models, the federal government made two announcements in 2018 of increased funding, the first for \$291M to improve police salaries to approach parity with other police services and the second for \$88.6M to improve police facilities. The federal retained the contribution-agreement based funding model in both instances, thereby tying these commendable changes to both the policing model and the revenue-dependency model that has not served First Nations well. This is an opportune time for the MMIWG Commission to weigh in on the process of moving forward in building a renewed relationship with Indigenous People in policing and community safety.

7. The FNPGC is cognizant of the important work that is being completed by the MMIWG Commission. The loss of one woman, one girl or one man or boy from our respective Indigenous communities is one too many. The fact that this remains prevalent in our communities underscores the need for First Nation police and peacekeeper services that are

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<sup>3</sup> John Kiedrowski, Michael Petrunik & Rick Ruddell, **Illustrative Case of First Nations Policing Program Models**, Research Paper published by Public Safety Canada, accessible at <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2016-r014/index-en.aspx#a02>

based on a holistic model of First Nation community safety and governance of those police and peacekeepers.

8. With the introduction of SA First Nation police services and peacekeeper services to Indigenous communities, they have been able to address some of the deep distrust that is entrenched in Indigenous communities. Indigenous approaches and concepts to policing have also been introduced through Indigenous involvement on Police Boards. Further, some resourcing has been provided, albeit at a rate that is insufficient to meet the standards and requirements for police services in other parts of the country. Research has clearly shown, as well, that First Nations that adopt the SA model have a police service that is actively engaged in community activities including a greater engagement in positive preventive and problem-solving activities such as local sports, crime prevention and talk shows on First Nation radio.<sup>4</sup> First Nations police services have also provide leadership in the creation of integrated approaches such as the introduction of the social navigator initiatives, community programs targeting gangs, needs of elders and culturally affirmative problem-solving.
  
9. Increased and expanded First Nation police and peacekeeping services in Indigenous communities throughout the country will assist in addressing particular policing concerns raised in the Commission's Hearings. The purpose of FNPGC's submission is to ensure that its recommendations are made by the MMIWG Commission for important steps to be taken towards rebuilding the flawed system of policing that contributes to the profound risks faced by

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<sup>4</sup> Op. cit.

Indigenous women and girls.

10. The systemic flaws in the current justice system have led to some of the tragic incidents that are core subject matter before the MMIWG Commission. A First Nation policing approach such as the SA approach which leads to greater self-determination and the greater self-responsibility by communities, can assist in addressing these flaws in the current justice system. If the recommendations are made for the following needs to be met, the FNPGC believes First Nations will be equipped to assist with the issues that contribute to whether First Nations women, girls and males are put at risk. These needs include:

- a. The provision of resources for the preventive elements of public safety;
- b. The adoption of more culturally sensitive means of policing;
- c. Improved governance that truly reflects Indigenous values and community engagement;  
and,
- d. The adoption of a holistic community safety model with adequate capacity in terms of skills, depth and funding.

11. The FNPGC is mandated to work with First Nation communities to work towards a holistic view of public safety through effective collaborative efforts of the people, their Elders, their administrators and their own police, all working together to ensure that measures are in place to prevent the loss of another woman or girl in their communities. A system driven by after-the-fact responses to incidents is insufficient. A system is needed that has pre-existing mechanisms

for better addressing why women or girls are first put at risk. In other words, Indigenous police services must be properly equipped to act proactively rather than merely reactively.

12. One key aspect of this is to have a police force that Indigenous community members can trust. Another mechanism is to have the community directly involved in its own policing. The governance model in place in SAs provides the basis for building this trust through the engagement of citizens in actual governance and their interaction with their community to be responsive to its needs.
  
13. If Indigenous communities are able to take on greater levels of self-determination they will be better equipped to deal with the effects of colonization and the institutions that support the system. First Nations that choose to administer their own police services under the current agreement are making an important move towards greater overall self-determination. This move to empowerment will contribute to the rebuilding and resiliency of Indigenous communities and strengthen their members against risk factors that lead to high rates of missing or murdered women and girls. It has to be recognized that the path towards self-determination, including adopting more direct governance and control of police services, demands a lot of effort. The CTA model represents a form of delegation to an external provider, in this case for the most part the RCMP, with its long history of colonialization. Unfortunately, it is a less demanding path that some communities believe that must follow.
  
14. Chandler and colleagues have theorized about the persistence of identity at the individual and cultural level. This work has addressed the aspirations of Indigenous communities “to not only



preserve, restore, and rehabilitate the remnants of their collective past, but to regain control of their own future and destiny”. In pursuing the idea that well-being is intimately linked to the preservation of culture and local control of available resources, their work used available data from First Nations communities throughout British Columbia assessing community efforts to i) obtain title to traditional lands, ii) exercise self-governance, iii–vi) locally control the provisions of education, police and fire, health, and child welfare services, vii) provide facilities dedicated to cultural activities, viii) elect women to local governance, and ix) promote knowledge of Indigenous language. Based on these markers, the degree of local control was inversely correlated with suicide rates among First Nations youth and adults, to the point where suicide was virtually absent in communities exhibiting all or most markers.<sup>5</sup>

## **II KEY ISSUES OF POLICE GOVERNANCE IN RELATION TO MMIWG**

### **A. Trust of Police Services**

15. There are many reasons why Indigenous people distrust the police. Historically, it was the police who assisted in the forced removal of people from their lands and for the removal of the children from communities to attend the residential schools. The police only came to support Canadian authorities in enforcing colonial laws and governing structures in the Indigenous communities.

16. The police have also dealt with Indigenous people in a condescending and sometimes callous manner. They often showed great disrespect and disregard for Indigenous culture, customs and ways. The police were only interested in Eurocentric approaches to problem solving. Anything

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<sup>5</sup> Chandler & Lalonde, 2003.

else was beneath them and not taken seriously.

17. Under the current CTA model, policing in Indigenous communities has been plagued by response times that are unacceptably slow. In some cases, the police do not show up at all. As a result, there is an urgent need for community response teams or people within communities to be involved in dealing with emergencies and critical incidents until such time as the police do arrive on the scene. Many communities are looking at tiered policing in the form of enhanced security personnel, Peacekeepers or Community Safety Officers.
18. It has also been observed that there is a lack of positive community contact. When the police do come to a community, it is because something negative has already happened. They do not come in circumstances that could be more positive. They do have the time to build a rapport with an Indigenous community. Therefore, the police only represent something negative to many community members.
19. Police officers often demonstrate a lack of awareness of Indigenous culture and local issues and seem to have a lack of interest in interacting with Indigenous communities. They are often seen as being aloof and unapproachable and in breach of Indigenous protocols because of their lack of knowledge of Indigenous culture.
20. There is a high turnover of non-indigenous police officers who are part of the CTAs with Indigenous communities, particularly with the RCMP. This turnover contributes to the failure to build rapport with communities. As well, when an officer does build a relationship with a

community, the officer may leave or be transferred before that relationship can be fostered.

21. Indigenous people see bias in policing on the basis of race. People from Indigenous communities feel that they are stopped and ticketed because they are Indigenous. Indigenous people often feel that police officers cannot see them as human beings and stereotype them based on false racist beliefs. This behavior confirms and further entrenches the distrust that an Indigenous person may have towards the police.
22. Some Indigenous people view the police as the enemy who have done more harm than good. They are not viewed as an ally to in achieving and maintaining community safety. Rather, police are seen as a threat to any safety. They are also seen as a threat to the exercise of Aboriginal and Treaty rights.
23. There exist language barriers between non-Indigenous police and Indigenous people. Sometimes it is, in fact, language differences between European languages and Indigenous languages. Other times it is the manner in which people speak that causes misunderstandings between the police and Indigenous people. For example, an Indigenous person may feel that a police officer is speaking with airs or attitude even though an officer may not be doing so intentionally. There are different forms of language barriers between non-Indigenous police and Indigenous people.
24. These areas of interaction between non-Indigenous police and Indigenous people cause deep distrust of the police. There may also be distrust among non-Indigenous police officers with

respect to Indigenous people due to a failure to bridge their respective cultures and a lack of time spent to understand one another. Non-Indigenous police officers have the option to leave remote communities when other opportunities arise. Often there is no long-term commitment to those Indigenous communities.

## **B. Need for Indigenous Approaches to Policing**

25. In light of the many difficulties Indigenous communities face in their interactions with the police services, an alternative to the Canadian system is needed. The traditional European approach to policing is a law and order approach that is heavily focused on individualistic and adversarial processes. This narrow traditional western approach to policing is all about law enforcement.

26. The fundamental objectives of policing need to be broadened to include other social objectives. Community policing would encompass community safety and crime prevention and not merely after-the-fact law enforcement.

27. There is a need for Indigenous approaches to policing and justice in general. The traditional Indigenous approach to justice is a more multi-faceted one that includes retributive, rehabilitative and reparative/restitutive approaches to justice.<sup>6</sup> This approach does not include a proscribed policing model in itself. Indigenous police services would adopt the unique approach that is tailored to the specific communities with which they are working. However, three key tenets frame an Indigenous police service. These include a problem-oriented

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<sup>6</sup> Jones, NA. Miles RG Ruddell, R., & Quinn, K (2015) Exhibit 22, Policing First Nations: Community Perspectives Exhibit 22, p. 47.

approach, a tiered policing approach, and a collaborative and integrated approach to policing. We discussed the pre-colonial model of public safety in our First Submission to the Inquiry. The FNPGC believe that it is a solid basis for moving forward and that many of the newer approaches such problem-oriented policing are a means to apply that model in the 21<sup>st</sup> century.

28. Problem-oriented policing involves identifying crime and enforcement problems at the outset to enable officers to approach the problem with prompt, proactive, and preventative responses. This is a community policing approach that focuses on officers working closely with community members where trust and relationship ties are established and built within the community. This approach may initially seem time consuming and will place a higher demand on an officer's time. However, officers engaged at the pre-offense stage assist in the reduction of potential re-encounters with community members in the formal criminal justice system. The time taken to build relationships and trust in communities creates environments that enable the prevention of crime when community members feel safe to come forward before a crime is committed or before a woman or girl is placed at risk.
  
29. Tiered policing recognizes a balance between enforcement and preventative community policing. While there is a need for a broadened approach to policing to include broader community safety objectives, the narrow law-and-order approach cannot simply be abandoned. On the spectrum of policing approaches that a community may need, a balanced approach that achieves public safety and confidence in the police to be able to work more effectively with Indigenous communities is imperative.

30. A collaborative or integrated approach to policing would require partnerships with community social and wellness services. Police and service providers at the community and regional levels would be required to work collaboratively and liaise to address underlying needs, such as mental health and, substance abuse, and link interventions to the needs to community safety and justice issues. Communities in turn would be responsible for working effectively with Indigenous police services to facilitate this collaborative or integrated approach to policing.

31. Indigenous police officers may have an easier time understanding and building a rapport within an Indigenous community because they may have a common language or history (lived experience within Indigenous Communities). They may also be more desired by community members who prefer to deal with their own people, rather than a non-Indigenous person who they do not understand.

### **C. Need for Indigenous Involvement on Municipal Police Boards Under Provincial Jurisdiction**

32. The FNPGC recognize that the issue of policing is not restricted to First Nations themselves. The Inquiry has to address many complex policing issues associated with the RCMP and all police services in Canada. With the exception of Quebec, all of the municipal police services have civilian bovernance Boards or Commissions. The governance role is all instances involves not such those of corporate direction and accountability but a responsibility to engage the community and a duty to ensure public safety. In many instances, such governance has been wanting with respect to First Nations issues, including murdered and missing women and girls, but also the treatment of resident and transient First Nations people when they engage with

municipal police services and the RCMP. In some instances, police boards or commissions themselves have been accused of a form of willful blindness when it comes to these issues. In places where there is a large First Nations presence, this willful blindness has led to the minimization of police actions or inactions with respect to FN people, lack of sensitivity to the community needs, failure to direct the police service to be more representative in its hiring and failure to engage FN organizations within their own community.

33. Police Boards for Canadian municipalities, governed by provincial legislation, are currently made up of a mix of appointees from a municipal government, the provincial government and some community representation appointed either by the province or municipality.<sup>7</sup> It not clear whether these appointees have the capacity or knowledge to understand Indigenous communities. Some may, but in order to effectively ensure that Indigenous insight and perspective is present on Police Boards, it is essential that more Indigenous stakeholders are involved and hold positions on Police Boards across the country.

34. Community oversight lends to relationship building and the nurturing of trust between the community and the police. This delicate relationship is strengthened and the parties are able to work towards community safety and equilibrium together. With indigenous involvement, the decision-making processes of the police service are no longer a mystery. Decisions are made with fuller recognition of the concerns, needs and preferred approaches of all stakeholders.

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<sup>7</sup> Graham, Andrew. 2018 The Concept of Governance as Forward Oversight as Applied to Police Agencies in Canadian Municipalities. Exhibit 18.

#### **D. Resources for Indigenous Police Services**

35. Currently, Indigenous police services are underfunded. Whereas municipal police services have the flexibility to draw upon community resources to modify their budgets according to demands. At this time, Indigenous police services are solely reliant on federal and provincial revenue.<sup>8</sup> Almost every evaluation of the FNPP has highlighted challenges these police services face in providing an effective service with the resources they are provided, and a number of studies have found that they are insufficiently funded to meet their mandates and provincial policing standards.<sup>9</sup> While FNPP funding arrangements were negotiated for five-year periods after 2013, this still falls short of the permanent funding relationship needed.<sup>10</sup> Budget freezes in 2007 and 2013 have also prevented any expansion of access to the program.<sup>11</sup> As noted above, in 2018, the federal government made new funding announcements. These are positive, but it is unclear whether they are sufficient and how they will change the overall paradigm. For the most part, this new funding is a form of catch-up, not a form of advancement.

36. At the Hearing at Quebec City, QC, the Commission heard Chair Mike Metatawabin, ex-officio chair of the Nishnawbe-Aski Police Service (NAPS), identify cases where inadequate funding contributed to deaths. In one case, two men died in a fire where they were being held and were not able to get out of an unheated facility. In another case, a young woman committed suicide inside the police truck she was being held in because the police facility did not have heat. And,

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<sup>8</sup> John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) “Set up to Fail: An Analysis of self- administered indigenous police services in Canada Reference Reference exhibit 23 at p 8.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*



in yet another case, it was reported that officers worked alone on crimes of violence without a partner and without radios.

37. Officers have been observed wearing bullet-resistant vests past their expiry dates and may be forced to use ‘make-do arrangements in under-equipped detachments that do not provide an appropriate level of safety and security through hardened cells for arrestees or secure interview rooms.<sup>12</sup> Inquests in Ontario and Quebec have also identified ways in which insufficient funding leads to tragedies for those in custody, such as cases where Indigenous arrestees died or were victimized in police custody due to the lack of safe or appropriate holding cells.<sup>13</sup>

38. Clearly the safety of people and the police are being put at extreme risk when insufficient funds are provided. Public safety is clearly not achieved in Indigenous communities where services are not funded at a level comparable to non-Indigenous communities and unique restrictions hamper Indigenous policing. Policing needs have risen in many Indigenous communities while there has not been any increase in funding. Despite the cost sharing arrangement between the federal and provincial governments to provide funding to Indigenous police services, many First Nations are contributing own-source revenues to support what they consider an “essential service”.

39. In other cases, communities have had to borrow funds from banks, accruing interest and repayment obligations so that the community is able to provide essential police services. In other cases, communities have had funds clawed back for having spent funds on policing costs

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<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

not approved under the FNPP funding list. Band councils may end up having to provide funds to offset shortfalls.<sup>14</sup> There is a need for greater flexibility as to how funding can be used by communities to respond to shifting needs in a more effective and efficient manner.

40. A lack of adequate funding for Indigenous police services creates difficulties for recruitment and retention of police officers, especially in remote and sparsely populated communities.<sup>15</sup> For example, a lack of adequate funding can mean a lack of housing for police officers in remote communities.<sup>16</sup> Officers may be required to live with extended family in crowded conditions, or make short term living arrangements in schools, hotels, or construction camps.<sup>17</sup> The RCMP is able to provide housing for officers in isolated and rural detachments, and this may lead to officer turnover to other police services and recruitment issues for Indigenous police services that cannot match these benefits.<sup>18</sup> An inability to pay ‘market rates’ for police salaries also makes recruitment and retention difficult, as does a lack of funding for infrastructure and equipment.<sup>19</sup>

41. As noted in our June 4, 2018 presentation to the Commission, it is also important that funding of Indigenous police services recognizes that “the efforts to overcome years of damage to the social fibre of [First Nations] communities will not be achieved without an extra effort”.<sup>20</sup> In

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<sup>14</sup> John Kiedrowski, Michael Petrunik & Rick Ruddell, **Illustrative Case of First Nations Policing Program Models**, Reference exhibit 17 at p 17.

<sup>15</sup> John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) “Set up to Fail: An Analysis of self-administered indigenous police services in Canada Reference exhibit 23 at p 8.

<sup>16</sup> *Ibid.*

<sup>17</sup> John Kiedrowski, Michael Petrunik & Rick Ruddell, **Illustrative Case of First Nations Policing Program Models** exhibit 17 at p 19.

<sup>18</sup> John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) “Set up to Fail: An Analysis of self-administered indigenous police services in Canada Reference exhibit 23 at p 8.

<sup>19</sup> *Ibid.*

<sup>20</sup> FNPGC Presentation to the Commission at 13.

other words, the funding of Indigenous police services must be addressed through a lens of “substantive equality” that requires taking positive steps to avoid perpetuating the historical disadvantages endured by Indigenous peoples or widening the gap between First Nations and the rest of Canadian society rather than narrowing it.<sup>21</sup> According to the Canadian Human Rights Tribunal, substantive equality demands the provision of services “of comparable quality and accessibility as those provided to all Canadians off-reserve”, including sufficient funding to meet the real needs of First Nations and not perpetuate historic disadvantage.<sup>22</sup>

42. The delivery of policing services to First Nations communities is inevitably expensive due to unique challenges such as the large geographic areas that must be patrolled, the isolation of many communities, the high crime rates, and the high rates of community dysfunction.<sup>23</sup> These challenges relate back to high rates of poverty, unemployment, and addiction in Indigenous communities.<sup>24</sup> Further, the demographic constraints are themselves the legacy of a history of colonialism, displacement, and residential schools impacting Indigenous peoples across the country.<sup>25</sup> Equitable and sustainable funding of Indigenous police services must be responsive to this context.

43. To reiterate, the funding allocations of the federal government for indigenous policing are welcome and recognize much of what has been documented above. However, we also see this a catch-up that will not necessarily advance more community-based programming. The issue of

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<sup>21</sup> *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 at paras 399-404.

<sup>22</sup> *Ibid* at para 455.

<sup>23</sup> John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) “Set up to Fail: An Analysis of self-administered indigenous police services in Canada Reference exhibit 23 at p 11.

<sup>24</sup> *Ibid* at p 10.

<sup>25</sup> *R v Ipeelee*, [2012] 1 SCR 433, at para 60.

equity with the rest of Canada is important and needs to be recognized and repaired. However, the challenge of public safety and security for First Nations is not founded in just more policing in the old model. In addition, the funding model perpetuates the colonial relationships, built on the cumbersome contribution agreement process. Further, it is unclear how much of this funding will go to First Nations and how much will go to the RCMP working through the CTA agreements.

### **III IMPACTS INDIGENOUS POLICING SERVICES HAVE IN COMMUNITIES**

#### **A. First Nation Policing – An Implementation of Aboriginal and Treaty Obligations**

44. Indigenous Policing Services exist in various forms in Canada. As noted, they are governed by two main types of Agreements under the First Nation Police Policy: Self-Administered 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 Community Tripartite Agreements (CTAs) where police officers from the RCMP or provincial police services provide dedicated policing services to a First Nation or Inuit community. The FNPGC is focused on the SAs and their implementation within First Nation communities. It is only in SA Agreements that actual governance by the First Nation of policing in its jurisdiction can be found.

45. As recently acknowledged by the Federal Court of Canada, Indigenous nations had their own unique policing mechanisms prior to arrival of European traders or settlers in what is now

Canada.<sup>26</sup> Within Indigenous communities, “social order was regulated by customary standards and disputes were resolved in an alternative manner”.<sup>27</sup> Indigenous approaches to justice “took an undeniably collective form”, including through the appointment of officers by the community “to make decisions and impose sanctions”.<sup>28</sup> This issue was explored in depth in our First Submission.

46. Indigenous policing services enable First Nations communities to take up the responsibility to govern and police themselves as they have historically pursuant to their inherent rights and obligations and as required by the Numbered Treaties entered into between certain First Nations and the Crown. This activity represents each party fulfilling its responsibilities under Treaty or under the need of communities to be self-determining in its own inherent activities. These Treaties clearly vest responsibility for public safety to the First Nation.

47. Currently, there is a sense that the spirit and intent of the Treaties are not being fulfilled due to a lack of understanding and possibly lack of willingness on the part of Canada to do so. The Treaties are written documents that include the unwritten understandings of the Treaty First Nations. However, where specific wording exists, it gives important direction as to what each party understood the Treaties to stand for. FNPGC therefore see the following wording, by way of example from Treaty No. 4:

And, the undersigned Chiefs and Headmen, on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly behave themselves as good and loyal subjects of Her Majesty the

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<sup>26</sup> *Picard v Canada (Attorney General)*, 2018 FC 747 at para 55.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

Queen. They promise and engage that they will, in all respects, obey and abide by the law, that they will maintain peace and good order between each other, and between themselves and other tribes and between themselves and others of Her Majesty's subjects, whether Indian, Half-breeds, or whites, now inhabiting or hereafter to inhabit any part of the said ceded tract; and that they will not molest the person or property of any inhabitant of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract, or any part thereof, and that they will assist the officers of Her Majesty in bringing to justice or punishment any Indian offending against the stipulation of this Treaty, or infringing the laws in force in the country so ceded.<sup>29</sup>

48. It is both a Treaty right and an obligation on the part of the First Nations and the Crown to ensure that First Nations communities assist in the enforcement of the laws that apply in the Treaty areas of the country. Chiefs signed Treaty to have peace, order and good governance. This clause is a critical statement for policing in indigenous Treaty communities and where Treaty people frequent.

49. Historically, Canadian police forces have been the enforcers of government policies that are now recognized as being contrary to the Treaties and unjust. As noted in the final report of the Royal Commission on Aboriginal Peoples, “[i]t has been through the law and the administration of justice that Aboriginal people have experienced the most repressive aspects of colonialism”.<sup>30</sup>

50. The North West Mounted Police (now the Royal Canadian Mounted Police) enforced “infamous measures such as compulsory school attendance for Indian children and the placement of Indian children in residential schools, the prohibition of traditional spiritual practices, which became offences under the *Indian Act* (see former section 114), and the pass system under which

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<sup>29</sup> Treaty No. 4, 1874 (emphasis added).

<sup>30</sup> *Picard* at para 56.

residents of reserves had to obtain written permission to leave the reserve”.<sup>31</sup> The enforcement of these laws and policies by the police—in defiance of the Treaties and any sense of justice—could not help but create a level of distrust between First Nations and the police.

51. The First Nations Policing Policy is a means to support federal policy on the implementation and negotiation of Indigenous peoples’ inherent right to self-government.<sup>32</sup> This policy represents the Government of Canada’s recognition of the importance of First Nations policing.<sup>33</sup> First Nations police forces established pursuant to the policy, such as the Nishnawbe-Aski Police Service (NAPS), serve the important objective of furthering Indigenous self-governance.<sup>34</sup>

## **B. Where Should Indigenous Policing Services Exist in Comparison to Other Police Services?**

52. Indigenous policing services are required where there is high density of Indigenous people, including both rural and urban settings. These police services are needed where Indigenous people live and where they frequent and where Indigenous people will likely experience situations where they will interact with police.

53. Having Indigenous police services available to assist in addressing concerns is critical. Indigenous Policing Services are required where there are high crime statistics and high density of indigenous people including rural and urban settings. Indigenous communities need an equitable distribution of resources for crime and violence prevention strategies. This would

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<sup>31</sup> *Picard* at para 58.

<sup>32</sup> *Picard* at para 64.

<sup>33</sup> *Siksika Nation v Canada (Solicitor General)*, 2002 ABQB 584 at para 10.

<sup>34</sup> *Nishnawbe-Aski Police Services Board v Public Service Alliance of Canada*, 2015 FCA 211 at para 71.

include a distribution driven to a greater extent by level of risk (in most indigenous communities this is high) rather than the sheer volume of offending (which may be high in larger and regional centres).

54. There is a critical need to expand the number of indigenous police personnel to combat and establish safe communities in First Nations. First Nations communities are no longer isolated and are currently impacted by drug and gang activity. Indigenous communities need to sustain reductions in crime. The day-to-day presence of Indigenous Policing Services benefits are undervalued. Expenditures on policing is a governments investment in our peoples that will pay for itself in future economic growth.

55. There has been a steady increase in public demand for police services. The incessant calls for service exist yet police believe that many calls to which they respond are unwarranted. Responding to stray dogs, livestock on roads, neighborhood disputes and other inconveniences, police feel like they are running from “call to call” without solving underlying problems or promoting a sense of safety. Police work has become more complex.

56. Changes in the police regulatory regime of policing, including more detailed rules governing the response to domestic abuse and juvenile delinquency and new disclosure rules, have made routine police work more complex and time consuming. Further, the proliferation of gang crimes, and the growth of identity theft and new types of cybercrime make policing more complex. New demands from governments and Supreme Court decisions have compounded the challenges of police work. As a result, each individual officer today responds to fewer calls for



service and if responded to, requires more time to do so. There are inefficiencies in policing. Many basic operations have been untouched by the technological revolution, and tools such as laptops, video cameras and computer aided dispatch are not always used efficiently. There seems to be an uncontrolled demand for services and with it a subtle and important shift. Police have become the social agency of first resort for the communities. As other social agencies, faced with their own pressures, reduce their times for service, most communities find that the police are the only 7/24 operation in the area. So, regardless of the nature of the problem, it goes to the police. People have little choice.

57. Although the principles of policing remain constant, the world in which police operate has undergone dramatic and paradoxical shifts. Keeping the peace, protecting life and property and enforcing the law are responsibilities that are challenging in a era of rising citizen expectations, the changing nature and sophistication of crime and a need to address severe budget constraints. To meet these present and future challenges, the police are expected and need to be able to turn information into actionable intelligence. In the words of the maxim “Prevention is better than cure”, our police can more effectively detect crime and adopt their services to meet the future needs of policing by adopting evidence based strategies.

58. Policing is far more than law enforcement. Understanding the changes in society that can affect policing in the future is vital to the service provided today. There are three core trends that will impact police services. Citizens expectations are rising in regards to crime reporting, emergency response effectiveness, public safety and public involvement in policing. The importance of changing citizen behaviours must not be underestimated. Citizens now expect a customer

centered approach for all services and policing is no exception. With 24- hour news coverage and the availability of social media, there is an “Always on, always aware” culture that is creating a new dynamic. Increasingly, criminality is organized globally and digitally and is operating across complex networks. Crime is linked to changing societal conditions, whether through global networks or harnessing the power of modern technology. Criminals are not only moving with the times but are often innovating to stay ahead. Criminals can be flexible and nimble the way police cannot and they are often equipped with the latest technology. Police are certainly responding to these changes with a strong social media presence, development of highly specialized units for such challenges as cybercrime and child pornography. First Nations policing has to keep pace.

59. The drug business on most First Nations is based on credit. The drug dealers set up local distributors on credit within First Nations and these locals sell directly to the local market, creating dependency. The local dealers are often protected by the extended families and friends. The RCMP or other provincial police services cannot pierce the veil of protection and secrecy. A locally based indigenous police service invested in the community are in a better position to deal with these kind of drug societies. This is an example of how the flawed system of policing exacerbates the vulnerability of community members such as women and girls.

60. As our indigenous populations increase within the urban settings and within the designated reserve lands, so must the presence of indigenous targeted services. As the sophistication of the crimes grow, local police services need to be more sensitive in their approaches to any law enforcement they engage in. This requires more resources and ingenuity for police services.

## IV PROCESS MANAGEMENT

### A. What is the Interface between Indigenous Policing Services and Canadian police services?

61. Due to the relatively small size of Indigenous police services under Self-Administered agreements, their officers are primarily generalists and many services have memorandums of understanding with larger police services to provide “mutual support, exchange of information, [...] radio communications and data collections systems, [and] specialized services like canine and Emergency Response Teams”.<sup>35</sup> Indigenous and non-Indigenous police services may be functionally integrated in many other ways too. For example, they may both make use of provincial or municipal facilities to detain offenders, work together when transporting offenders, or coordinate action when pursuing offenders.<sup>36</sup> There is often also integration between Indigenous and non-Indigenous police services in terms of training and testing.<sup>37</sup> Informal protocols often exist for how the different police services work together. Non-Indigenous police services may also deploy officers in secondment roles to work in Indigenous police services that are grappling with staff shortages.<sup>38</sup>

62. Interface may include strategies from within and outside. The introduction of indigenous staff may require a range of structural and capacity needs to be addressed, such as

- Police procedures and insignia in two or more languages
- Changes to the organization's Code of Ethics so that discipline procedures can deal with ethnic-based and gender-based prejudice and harassment

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<sup>35</sup> John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) “Set up to Fail: An Analysis of self- administered indigenous police services in Canada Reference exhibit 23 at p 4.

<sup>36</sup> *Nishnawbe-Aski Police Services Board* at para 65.

<sup>37</sup> *Ibid.*

<sup>38</sup> John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) “Set up to Fail: An Analysis of self- administered indigenous police services in Canada Reference exhibit 23 at p 10.

- All police training and development provided in two or more languages
- Mixed gender accommodation in residential training sites
- Capacity-building of aboriginal officers as instructors
- Cultural development for all officers
- Managing Indigenous diversity in the workplace development for police managers
- Gender awareness development for all officers
- Managing gender issues development for police managers.

63. Yet there is much more to be done in formalizing these relationships. Many First Nations face a reality of their members moving away to larger population centres and back. Improved communication between Indigenous and non-Indigenous police services is necessary. More support is necessary for those who wish to return to their home communities. And more Indigenous support is necessary through policing in the urban centres where many First Nations' members relocate. New models of joint oversight are needed and can be provided through large urban police boards sensitive to these issues. Indigenous police services also require more consistent and meaningful access to resources from other police services as necessary.

## **B. How Can Diversity Be Achieved?**

64. It is known that the way to maintain success where indigenous people are served, is to have diversity in the organizations that provide the service. Representation with the police ranks and more so in the police governance councils for communities are where such diversity strategies must be incorporated. Police governance councils provide oversight for policing in Indigenous communities. Representatives on municipal Police Governance Boards would provide for representation from Indigenous communities. Providing police training programs or other

related training, such as Community Safety Officer training, provide the opportunities for indigenous representation within First Nation Communities or within communities where policing or safety officer services are required.

65. The lack of trained police personnel and other safety officers requires the professional development of non-indigenous personnel. It is a practice to provide cultural based education to the personnel so that with knowledge they will be empathetic to the plight of the indigenous communities. More resources for training and indigenous education are required to police officers and security officer personnel. However, we want to emphasize that, from a policy governance perspective, “sensitivity” and “awareness” training are merely first steps. Especially in areas of the country where there is a large First Nation population moving between their homes and these larger urban centres, police boards have a special responsibility to develop the kinds of relationships outlined above. They must also develop the clear understanding of the underlying challenges of systemic racism in their own communities and in their own police service. Reaching out is essential.

### **C. Capacity Building for Indigenous Communities**

66. As stated previously, the role of policing has changed and is changing rapidly. From the traditional policing role to the community policing role, this has impacted use of resources. This new paradigm of thought involves community resources to assist in policing. The police are no longer the only personnel involved in policing. In recent years effort to enhance the ability of police to prevent and control crime has focused on developing cooperative, mutually supportive relationships with two groups –the general public and other government agencies. Partnerships has been the watchword. This represents a great opportunity, but one that takes a lot of will and

work to achieve. In the end, it brings us closer to a community safety model with elements of pre-colonial public safety in play.

67. It is the key ingredient to community policing. The philosophy of community policing calls for police to consult with local communities, to develop mutually supportive responses to crime problems, and to mobilize local resources to alleviate problems that generate crime and repeat calls for police service. The application of community policing has been very uneven , but there has been considerable success in many communities. In Indigenous communities, the application has been most evident where the First Nation controls its own police services through an SA agreement. Even here, inadequate resources hamper the fulfillment of potential.

68. An organization is only as good as the people it employs and this is especially true of police organizations. Indigenous Policing Services such as the File Hill First Nations and Naskapi Aski have shown the collective is greater than its individuals. A police organization relies almost completely upon the skills, abilities and motivation of its staff in order to achieve its corporate objectives. Although police officers and support staff might use machines and technology in order to perform their functions, a cursory examination of their tasks reveals their nature as structured and skilled human activities. Where there are gaps in the skills of individuals and groups, a police organization will be less rather than more efficient in achieving its objectives.

69. The capacity-building issues should not be underestimated or ignored. It would be foolhardy to ignore the need to tackle the attitudes of the majority of officers in a majority male

organization that is dominated by one ethnic group. Simply recruiting and providing induction training and development to indigenous and female officers and allowing them to sink or swim in a potentially hostile workplace is not enough. What is required is a significant shift in the attitudes of the majority of officers at all ranks through a structured and intensive capacity-building programme over a number of years.

## **V. RECOMMENDATIONS LOOKING FORWARD**

70. To address the issues of the flawed policing services for our country, forward looking strategies must be taken by all communities whereby Indigenous people take a full role in the needed changes. The purpose of the changes is to ensure that mechanisms are in place to combat the flawed system of policing that contributes to the profound risks faced by Indigenous women and girls. The recommendations which follow build on those made in our first submission.

### **A. Implement Indigenous Policing Services for all Treaty and Indigenous Territories**

71. Important steps need to be taken to rebuild the flawed system of policing that contribute to the profound problems faced by First Nations and the contribute to chaos that has existed for many indigenous people with their entanglements with the police.

72. Indigenous Police Services need to adopt an integrated approach that empowers and enables front line officers and lead to more informed and flexible interactions that better engage and serve our people. The model of Indigenous policing must reflect a holistic approach based on pre-colonial models, considering current challenges and 21<sup>st</sup> developments that assist effective public safety.

73. The FNPGC proposes six steps to help implement the police transformation: engage the people, empower the police, optimize ways of working, predict and improve services through analytics, enhance collaboration, and proactively manage change.

## **B. Implement a First Nation Justice System that includes Policing, Courts, Prosecutions, and Defense Systems Governed by Indigenous Values**

74. In its First Submission, the FNPGC presented the Holistic Policing Paradigm. It is our view that effective police governance means taking regard for community needs to prevent crime as well as providing social protection. Hence, it must be proactive as well as reactive. We believe that the pre-colonial model of community safety, especially with the engagement of Elders, police as we know them today, all other support services and the people acting in a collective manner, is the best way to ensure that those at risk are not lost and that, when those at risk face trouble, they have supports. From our perspective, that means that the disengaged system of criminal justice we see in Canada where the police are mostly in a reactive stage, often becoming involved in situations best suited for social and mental health agencies. We also see situations where the courts and that entire adversarial system only addresses the situation at hand without looking at root causes or solutions in the communities.

75. In fairness, many in the Canadian criminal justice system are frustrated by the silo mentality that applies to addressing crime. Many good efforts are underway across the country. While experience varies, key to the success is agencies working together in different ways focused not on their mandate or processes but on the person under risk. In addition, we see courts looking



for ways to use restorative justice methods where possible. It is our contention that the model we advocate must engage Indigenous means of prevention with adequate support to all agencies engaged. They must work together bound by the guidances of our Elders to prevent losing people inside various bureaucracies and finding a path, often a great challenge, out of their troubles. The courts should be guided not by retribution but by the need to restore social order. The key to the Indigenous model of community safety is to avoid criminalization through prevention, anticipation of problems and their resolution, should they arise, through methods such as restorative justice.

76. A current operational tool that is advocated and used in many First Nations is the restorative justice approach. Restorative justice has been a part of Canada's Justice System close to 40 years. Restorative justice is commonly defined as an approach that focusses on addressing the harm caused by crime while holding the offender responsible for their actions. There must be an opportunity for the parties directly affected by the crime - victims, offender and communities – to identify and address their needs in the aftermath of a crime.

77. The principles of restorative justice are based on respect, compassion and inclusivity. Restorative justice encourages meaningful engagement and accountability and provides an opportunity for healing, reparation and reintegration.

78. The western criminal system does not work for Indigenous people. First Nations people knew that harmony was essential for Mino-pimatasiwim, the good life. Indigenous models of justice emphasize healing not punishment.

79. Indigenous community members were empowered to run their own justice system and all community members were included. Indigenous communities had several methods to restore harmony such as healing circles (emotional), sharing circle (mental), sentencing circles (physical), and ceremonial lodges (spiritual). Restorative justice is a tool for communities to repair relationships. Restorative justice views criminal conflict as an injury to personal relationships and wellness and disruption of harmony Healing is focused for all involved.
80. The Indigenous approach uses a holistic approach to Restorative justice that focuses on healing the root causes of the behaviour, addresses current issues, allows people to learn from their mistakes, and makes amends for their behaviors. The program provides the client the opportunity to take responsibility and make amends to the victim, family and the community.
81. The principles that these methods are based on are the value of each person, the earth, and all that is contained within in it, including those of the spirit world. The principles are concerned with reciprocal, respectful and responsible relationships, based on a holistic perspective of health. This holistic approach is needed to heal and balance the physical, spiritual, emotional and mental areas of one's being. The cyclical holistic approach values the interconnectedness of ones relationships to the earth, animals, people and the spirit world. Incorporated in to the process would be the utilization different dispute resolution processes, which are more culturally appropriate to and sustaining for our communities.

82. Restorative justice processes may take place at any time during the criminal justice system process: after the offence is discovered and offender identified by the community after police arrest, or, after a charge has been laid, after a judge or jury has determined the guilt of the offender, after incarceration, during or after probation or parole. The stage at which the restorative justice process takes place is important as it may determine the extent to which the restorative process will be governed by, or interact with, the mainstream justice system. There are opportunities and challenges that arise when two very different approaches to criminal conduct intersect.

83. Restorative Justice systems have the potential as powerful mechanisms for healing and strengthening relationships between victims, offenders, their families and the community generally. As such, restorative justice systems are able to participate in building and sustaining the relationships that comprise community. These processes also hold promise as ways to reduce recidivism, prevent crime, and create safer, stronger communities.

84. Many of the concerns and recommendations raised in this Submission are not new. During the 1980s, the federal government solicited feedback from Indigenous communities about their policing arrangements and heard concerns over a lack of preventative patrol, crime prevention programs, understanding and sensitivity to Indigenous cultures by non-Indigenous police officers, clear policy or legislation, or leadership or professional standards for Indigenous police services across Canada.<sup>39</sup>

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<sup>39</sup> John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) “Set up to Fail: An Analysis of self-administered indigenous police services in Canada Reference exhibit 23 at p 3.

85. They also heard concerns over chronic under-policing, confusion over jurisdiction and responsibilities between governments, and insufficient and inequitable funding for Indigenous policing.<sup>40</sup> These same issues were raised in a series of 25 reports produced by the federal and provincial governments between 1967 and 1991 about Indigenous peoples and the legal system.<sup>41</sup> A meaningful and robust response to these concerns is long overdue. Recommendations made must address this critical issue of missing Indigenous women and girls.

## **VI. SYNTHESIS OF RECOMMENDATIONS**

### **A. Recommendations by FNPGC from the June 25, 2018 MMIWG Hearing**

85. The First Nation Police Governance Council (FNPGC) recommends a comprehensive approach to community safety as part of Indigenous governance that will help prevent and, if needed, resolve cases of missing women and girls, through:

- a. Adoption of a public safety model that combines modern police methods with traditional, pre-colonial values of community safety as outlined in the submissions made to the June 4, 2018 written presentation to the Commission,
- b. First Nations taking control of their public safety by adopting Self-Administered policing models, and
- c. Effective oversight through sound governance practices as advocated by the FNPGC and Canadian Association of Police Governance (CAPG).

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<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

86. This comprehensive approach is based on the principles of self-determination and a model of community safety that combines modern police methods with contemporary understanding of pre-colonial public safety as outlined in the June 4, 2018 written submission.

87. First Nations should be encouraged by the federal and provincial governments as a matter of policy and by providing resources and training to adopt the Self-Administered model of policing rather than relying upon the RCMP or provincial police services.

88. The federal and provincial governments' support to First Nations community safety should be funded on this model, rather than simply on the provision of police services, and should include traditional practice such as the support for Elders, mental health services and community support.

89. The existing legislation would be amended to include a policing legislative regime for police officers who are stationed on First Nations or other aboriginal communities to have accountability to the local police governance councils which would be created for each region.

## **B. Recommendations Arising from This Submission**

90. **Strategic Recommendations:** These link the two submissions and reiterate the broader goals being sought. These recommendations are:

- The provision of resources for the preventive elements of public safety;
- The adoption of more culturally sensitive means of policing;
- Improved governance that truly reflects Indigenous values and community engagement; and,
- The adoption of a holistic community safety model with adequate capacity in terms of skills, depth and funding.

91. **Recommendations in this Submission:** Once again, the following provides greater clarity on the recommendations made to date and extend to provincially-mandated municipal police governance in some instances:

- Because communities will only be safer and women less vulnerable with community-based holistic solutions, a new model of First Nation policing needs to be adopted. This model must be built on the pre-colonial model of community safety which centered on prevention, full community involvement, the applications of values of earth and spirit to ensure that all community members feel part of both the process of helping those at risk avoid error and those who have erred be part of restoring social harmony. This is not a quixotic aspiration. It is clear that many of the incidents of murdered and missing women and girls might have been avoided with stronger community support. But communities need to be equipped to support. Policing plays but a part of a larger system. So too does a community culture base on self-determination rather than powerlessness and loss of hope.
- Governance, the effective control through resources, direction setting and accountability, can only be achieved when First Nations assume that role, as those that have adopted the Self-Administered under the FNPP have found. Governance is needed to remove the colonial relationship inherent in the current FNPP. The FNPGC strongly believe that there is a great difference between a self-directed governance model operating through police boards directing police or peacekeeper services and community consultation committees advising external police agencies such as the RCMP which take their direction from a national entity.
- The federal government's First Nations Policing Program should be radically altered to incentivize the adoption by First Nations of their own police services, either individually or collectively. That means not just creating an option as the current program offers, but helping First Nations build towards self-determination in this area. This would include special incentives for First Nations, either individually or as groups, to create their own policing

services, assume the governance role and take control. It would also mean special funding to equip First Nations to do so. The current policy, as well, is built on an inadequate and colonial basis of funding – the contribution agreement and individual project control system that ensures continued bureaucratic oversight of First Nations. The very processes in place create disincentives for action towards the supposed goal of self-determination.

- First Nations, for their part, must develop legal frameworks that includes a governance model that provide leadership to the police service but also engages the community while ensuring police services are not subject to undue political direction. This means a model not just of policing but First Nation Justice System that includes methods of social control, culturally appropriate dispute resolution processes and sanction and rehabilitation programs governed by Indigenous values. We have examples of this in the country. Doing this takes work and expertise that some First Nations may not have. Here there is a strong potential for organizations such as the FNPGC, if properly supported, to build a shareable base of expertise.
- Policing within First Nations should be funded on an equal, fair and consistent manner, recognizing that the efforts to overcome years of damage to the social fibre of those communities will not be achieved with an extra effort. In 2018, the federal government announced two funding initiatives, one for \$291 Million to upgrade pay levels for First Nations police officers to overcome the pay inequity with other police services in Canada. The other announcement was for \$ 88.6 Million to upgrade police facilities in First Nations. While these are welcome, they will only serve to bring policing in First Nations to a more equitable basis. The fact remains that crime rates, but more importantly, threats to social, health and economic well-being, all key risks to public safety, are higher than in the rest of Canada.
- Governance capacity needs to be built in all First Nations, building on the experience to date, shared among them in useful ways. This includes further work through CAPG and FNPGC on training tools for governance, greater sharing of stories and experiences and representative

models of governance to guide Chiefs and Councils in establishing such governance. The federal government should fund the development of these resources.

- Provinces should be encouraged to mandate those Police Service Boards or Commissions created under provincial jurisdiction to govern municipal police service to have First Nations representation required where there are significant First Nations population, permanent or transient, in their community. Further, these boards or commissions should be mandated to engage First Nations groups and organizations in their environmental scanning and planning. Where there are First Nations police governance bodies nearby, these municipal boards or commissions should actively engage with them to determine ways to ensure that transient First Nations people are not lost between jurisdictions. New models of joint oversight need to be created by large urban police boards, working with First Nations beyond their boundaries, but which have a history of their members moving into the cities and back to improve communications, better support those who want to return to their homes or need great indigenous support in the city.



## **VII. CONCLUSION**

First Nation's policing and its governance has experienced benign neglect from the First Nation Policing Policy. FNPP has ignored the need for equality of funding for local police services. The Canadian Association of Police Governance in 2016 stated in its CAPG report on the FNPP that the renewal goals should be to create financial sustainability, update the policy to reflect current policing and policy landscapes, build on what works to respond effectively to policing and public safety challenges, and to consider alternative and innovative approaches to service delivery. The FNPGC must have legislated oversight of the services provided on First Nations communities and for Indigenous peoples in Canada. That is the proven and recommended innovative approach to service delivery.

## **Appendix I**

### **Exhibit Submitted:**

#### **Recommendations made in MMIWG Master List of Previous Recommendations Organized by Theme Relevant to Police Governance**

Theme 2 – The need for a federally-coordinated, cross-jurisdictional national action plan to address violence against Indigenous women and girls

- “The MWWG recommends that Ministers ask the Canadian Association of Chiefs of Police to consider a national strategy to ensure consistency in reporting mechanisms for reporting missing persons. This could be developed in conjunction with implementation of a National Data Base.”
- “The MWWG recommends that jurisdictions work with law enforcement/police agencies to ensure that the public is made aware of reporting practices for missing persons in their jurisdiction; to evaluate the adequacy of current educational mechanisms; and consider how to make information more accessible through websites. This could include a national public education campaign about missing persons’ issues and police policies and procedures in order to change misconceptions.”

Theme 4 – The need for public education and greater public awareness of violence against Indigenous women and girls

- “The MWWG recommends that jurisdictions work with law enforcement/police agencies to ensure that the public is made aware of reporting practices for missing persons in their jurisdiction; to evaluate the adequacy of current educational mechanisms; and consider how to make information more accessible through websites. This could include a national public education campaign about missing persons’ issues and police policies and procedures in order to change misconceptions”
- “The MWWG recommends that FPT Ministers Responsible for Justice support, as a priority, the work of the Multi-Provincial Strategy on Missing Persons & Unidentified Remains to establish a national missing person database containing both police missing person information and information on unidentified human remains. This database should be accessible to and searchable by both police and coroners or medical examiners, with designated sections accessible to the public by website.”
- “The MWWG recommends that FPT Ministers Responsible for Justice support, as a priority, the work of the Multi-Provincial Strategy

on Missing Persons & Unidentified Remains to establish a national missing person database containing both police missing person information and information on unidentified human remains. This database should be accessible to and searchable by both police and coroners or medical examiners, with designated sections accessible to the public by website.”

- “The MWWG recommends that jurisdictions support the recommendations of the Saskatchewan Provincial Partnership Committee on Missing Persons’ Report that the police develop media and public communications protocols to implement best practices to disseminate information about missing persons and to request the public’s help in locating a missing person.”
- “The MWWG recommends that jurisdictions encourage police investigators involved in cases of missing or murdered women to design and implement effective media plans in order to ensure proactive and strategic use of media sources for educating and soliciting information from the public concerning details of the investigation.”

- “The MWWG recommends that media best practices should be developed in consultation with police and media and made public.”
- Recommendation 7.3: Police, as part of communications with the public, should ensure that information about police policy, procedure and practices related to missing persons cases and the role that the public can play in assisting in missing persons cases is generally available. (From Final report of the Provincial Partnership Committee on Missing Persons, October 2007)

## APPENDIX II

### References

#### Cases

*First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2

*Nishnawbe-Aski Police Services Board v Public Service Alliance of Canada*, 2015 FCA 211

*Picard v Canada (Attorney General)*, 2018 FC 747

*R v Ipeelee*, [2012] 1 SCR 433, 2012 SCC 13

*Siksika Nation v Canada (Solicitor General)*, 2002 ABQB 584

Documents referenced in submission

Some Documents were tendered as Exhibits at the June 25 ,2018 presentation

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John Kiedrowski, Michael Petrunik & Rick Ruddell, **Illustrative Case of First Nations Policing Program Models**, Research Paper published by Public Safety Canada, accessible at <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2016-r014/index-en.aspx#a02>

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Graham, Andrew. The Concept of Governance as Forward Oversight as Applied to Police Agencies in Canadian Municipalities. Exhibit 18

John Kiedrowski, Nicholas A Jones and Rick Ruddell (1017) “Set up to Fail: An Analysis of self-administered indigenous police services in Canada Reference exhibit 23 at p 8.

John Kiedrowski, Michael Petrunik & Rick Ruddell, *ibid*, Reference exhibit 17 at p 17.