

Winnipeg Session - Engaging on the Proposed Elements for Federal First Nations Police Service Legislation

Date: February 13th 2024

Location: Wyndam Garden Winnipeg Airport Hotel
(Long Plain First Nation, 460 Madison St, Winnipeg, MB R3J 1J1)

In-Attendance: 77 people attended (13 virtual / 61 in-person) representing the following:

- Chiefs
- Councillors
- Band Administrator
- Elders
- Board of Directors
- Executive Director of Police
- Chiefs of Police
- Directors of Policing & Community Safety
- Inspectors
- Court Administrators
- Supervisors
- CEO's representing First Nations in Manitoba
- Director of Inter-Governmental Relations
- First Nation Safety Officers
- Community Administration Representatives
- Youth Coordinators
- Manitoba Justice Representatives
- Directors of Justice & Public Safety
- Justice Coordinators
- Negotiators
- Advisors
- Emergency Management Coordinators
- Manitoba First Nation Police Service Representatives
- Police Constable

Welcome and Opening Remarks

- The opening welcome recognized the Elders, Chiefs of Police and all First Nation Members.
- Prayer and song was shared by First Nation member.
- Public Safety Canada representatives were introduced.
- First Nation Chief expressed that the point of the discussion is to protect the community, make more amendments in the policing services, and take steps towards the legislation. The Chief shared that the legislation is needed because there are drug dealers coming to live on the reserve, and that this is making the lives of young people worse, and that there should be no access or permissions. The Chief noted that they deserve the same recognition and protections, and that history shows that they are under-resourced and underfunded. Equal allocations are required.
- Another Chief spoke to the lack of policing services in the community, saying that currently, the service is not there, and it was felt that the Government was failing them. It was also noted that jurisdiction does not respect local government. The importance of right relations with the crown and the federal government was stressed.
- ILDII board member recognized all the Chiefs and thanked them for attending the engagement sessions. He spoke about how we are here to add suggestions and recommendations and possible implementation steps to make it happen in the right way, and that the vision is to ask for equal funding levels that should be possible if it comes to legislation.

The Assistant Deputy Minister of Public Safety Canada presented on the PowerPoint linked here: https://ildii.sharepoint.com/sites/ILDIArchive/Shared%20Documents/EXECUTIVE%20TRAINING/2024/APPROVED%20Proposals/FN%20Policing%20Legislation/FN%20Policing%20Leg%20-%20Documents/IAB_IPTF_PS%20Presentation%20ILDII%20Engagement.pdf

Elements to Inform the Legislation

1. Context

Discussion Question

1. The context emphasizes that the federal legislation should recognize and support First Nations police services with funding and foster effective partnerships between First Nations, the Government of Canada and the province/territory. Are there other concepts that you feel need to be included in the context to properly set the tone of this envisioned legislation?

Answers

- A Chief spoke about how the government is going back to the white paper and trying to trick them. The Chief spoke about not accepting this duty to consult on behalf of their First Nation and will not turn their back on their community. The Chief expressed not wanting to see legislation happen to them.
- Another Chief spoke about how they can't accomplish objectives that are government imposed, and that makes it difficult from a financial standpoint. The Chief spoke about how the First Nation police servicing should be substantial and respectful to the community they serve. As well, there needs to be a provision that acknowledges the role of the leadership within a community. The point is to find a way to the finish line, which means First Nation police should be funded.

It was mentioned by a participant that:

- First Nations need to be educated on what the legislation means.
- There is mistrust, as promises made in the past have made no impact as it is seen today.
- Instead of more legislation, it is needed to see where and when the drugs are being poured into a community.
- Recognizing that the term "essential services" means less when it has been decades to provide services.
- It is important to see and accept that the community is responsible for the formation of the government and not the other way around.
- First Nations need to be allowed to set their own frame of rules, instead of only moving forward with one frame of mind.
- Youth need to be involved in the process and decision making.
- Equal pay for equal rights.
- Statutory obligations should be to provide resources and facilities. The statutory obligations should be measurable. The concept of statutory obligation does not appear in the report.
- The concern that the federal law of policing RCMP for algorithmic policing results in zero police presence.
- There must be measurable standards for the policy of public safety.

2. Purpose and Funding Arrangements

Discussion Questions

1. What are your views of the roles and responsibilities of the Government of Canada, First Nations and the provinces/ territories as articulated in the Elements?
2. Do you have any suggestions for how to increase the likelihood that funding arrangements will be successfully concluded?

Answers

- Each First Nation is on a different path, and that needs to be recognized.
- Funding arrangements would be an expression of funding for policing as an essential service.
- The broader picture of justice focuses on punishments, but it was felt that trauma and the colonial justice system need to be addressed.

- A healing process is needed that addresses all the things the First Nation people are going through.
- For the Federal gov to acknowledge that they have not worked they have to understand the relationship and problems.
- A commitment from Canada that it takes place and is enforceable for public safety, is needed.
- RCMP living in their community cannot enforce laws and never understood them, so being there is irrelevant.
- There is concern over how the policing program will address dealing with the taxes and buildings, and contaminated groundwater, and cottage owners cutting wood with no means to enforce the First Nations laws to protect natural resources.
- There is concern over how to enforce laws when 500 boats are in the harbour illegally fishing and bringing the fish to the USA. There have been hundreds of millions of dollars of fish taken from the land and over a decade this population has destroyed ways of life.
- It is difficult when the RCMP follow their own rules, but they are heading in the direction of self-government and having an agreement with the RCMP.
- How legislation has been limiting them from trying their best to save their nation. They get calls because their people trust them to get there instead of asking 100 questions.
- There is a struggle to find money, and it is hard to get uniforms, and they don't get anything from the government.
- Self-governing reserve by-laws, and how to prosecute? The issue is that the Manitoba Justice System makes decisions on the RCMP by-laws.
- Needing access to CPIC. Canadian Police Information Centre. The RCMP says they can't share information.
- Infrastructure: To have all policing services in one building.
- Training: Train officers to cross-train and can do more than 1 job.
- Policing wildlife is needed, and natural resources too, so people can't cut trees whenever they want.
- There is no safety within the low-level funding which the government is providing. So, it's not only the policing which needs to be considered but there are other areas as well. There is a strong need for pre and post consent of the people because when laws or bills are passed there is no way that they get to decide what is right or beneficial for them. Looks like we are set up to fail since the Indian Act is enforced.
- Some have questioned that other supporting programs like First Nation Safety Officer's (FNSO) won't be a part of it or not eligible for the benefits of this new legislation.
- There is a concern that making a new legislation will cause separation from others, and the funding could instead be included into existing programs.
- Data Sovereignty is an issue, as there is mistrust that the Government has been using their data for different purposes.
- It is critical that the legislation needs to be framed in a very clear manner, otherwise it will be confusing to enact or distinguish between existing laws.
- It needs to be made clear that priority is to heal people, not punish.
- There are other areas in deficit, and they are all connected, such as health care, childcare, education etc.
- Wrongdoings have been happening within their community since long ago because we were asked to share our land. Conditions were made worse, by giving us free money. We were able to take back our land because there was no ownership. The foundation is broken, and we are following the same thing to be in deficit. This will not work; we are just wasting our time here.
- The Public Safety Department that is here to help our communities are not properly equipped. They do not have ATV's, Skidoos, phones, power etc.

- For some First Nations, this legislation is vital for them, as they have no on-site policing to help and protect them. This is a basic human right; public safety officers have limited capabilities which restrict them to protect the community. Legislation is needed, over a supplemental program.
- The cost per officer, and per service, should be consistent across Canada. Also, the funds should be the same as the RCMP is funded federally.
- First Nations Policing will understand the need for protection and betterment because they will be aware of the history of the First Nation. This will reduce the criminalization from moving to the next level.
- The values and cultures of the First Nations need to be taken into consideration, by listening to the committees and their respective Chiefs.
- Discussions need to include how the funding will be directed.
- Government needs to recognize that First Nation communities hold an authority that is of equal magnitude to the authority of the government and moving forward, that needs to be kept in mind.
- The focus needs to move from the law of punishment to that of help and development.
- Provide equal funding, equipment, uniform, and training to the members of the first nation police just as one provided to non-first nation police communities.

3. Dispute Resolution

Discussion Question

1. How successful do you think the proposed dispute resolution processes will be in supporting the resolution of disputes? Do you have any suggestions that may help the Government of Canada, First Nations and provinces/territories work together to respectfully resolve disputes?

Answers

- The non-binding agreement is not a good thing because it will not be able to support and protect the rights of the community for which it is being drafted. It will not have any legal commitment as the Government of Canada, First Nation and all provinces and territories will just agree to the elements after the preliminary discussions on it.
- Communication is the key to discussing all the constraints or issues that are coming in the way of legislation, as this is about future generations.
- Arbitration and mediation are two fundamental resolution methods which can always be selected to get an appropriate conclusion where both the parties come together towards a mutual understanding point.
- There are doubts about this legislation's alignment with the court, in the case of any housing or drug selling scenario.
- The current method of dispute resolution is rendered almost useless as it is seen that the same issues are arising and not dealt with that were present almost a decade ago.
- It needs to be recognised and accepted that no party whether it be the government of Canada, First Nations communities or the provinces/territories are above or below others.

4. Implementation

Discussion Questions

1. Do you have any other ideas that could help support the implementation of a First Nations police services legislation?
2. The Elements envision that First Nations would be significantly involved in the implementation of the legislation. What is needed to support First Nations participation in this implementation?

Answers

- Consider extending the agreements beyond the five years, to align with existing grants that support self-government efforts.

- Need to explore the possibility of a 10-year grant, as a step towards self-government for First Nations Communities.
- Ensure that First Nations are significantly involved in the implementation of the legislation.
- Provide support and resources to facilitate First Nations' participation in the implementation process.
- Prioritize engagement with First Nations communities and provinces/territories during the review process to gather feedback and ensure the legislation is meeting its goals effectively.
- Continue to work on implementation and policing transition plans, rather than feasibility studies.
- Manitoba has raised concerns about the funding formula not reflecting population proportions accurately, advocating for per capita funding distribution.
- There is a call for the adoption of deterministic mechanisms in funding distribution, similar to those used by Indigenous Services Canada for other funding allocations.
- Setting up mechanisms for equitable funding distribution based on population, environmental factors, and remoteness is crucial to support entities like MKO in establishing self-administered police services.
- Lack of sufficient funding hampers the ability to establish necessary infrastructure and specialized services such as police dogs and homicide investigation units.
- The ultimate goal is to enhance public safety through effective policing and peacekeeping in First Nations communities.
- Manitoba and Saskatchewan each have their own provincial policing acts, with specific provisions and frameworks.
- In Manitoba, historically, contracting for policing services was limited to the RCMP or the Manitoba First Nations Police Service. Legislative changes are needed to allow contracting with other policing service providers.
- In Saskatchewan, there are standalone police services like File Hills, which provide a wide range of investigative services similar to the RCMP.
- Indigenous leadership must negotiate with provincial governments to ensure the best policing services for their communities, considering legislative constraints and contractual agreements.
- Legislative changes may be necessary to allow First Nations to have their own separate policing entity, distinct from provincial policing arrangements.
- Policing is just one aspect of community safety, and effective partnerships with communities are essential for addressing broader safety issues.
- Efforts to establish a self-administered police service for First Nations have been ongoing since 2001, with only one such service currently operational in Manitoba.
- The envisioned federal legislation aims to support First Nations in creating their own police services in collaboration with provincial governments.
- Collaboration with provinces is crucial as they have the authority to designate and authorize individuals as police officers.
- The federal legislation would create mechanisms for federal funding to support the establishment and operation of First Nations police services.
- While federal legislation can provide standards for the operation of police services on First Nations communities and support programs like the First Nations Policing Program, provincial cooperation is essential for the success of these initiatives.
- Ultimately, the province must be willing to collaborate for any federal legislation supporting First Nations police services to be effective.
- Historically, Canada has been able to produce final documents, such as treaties or legislation, without full input or agreement from First Nations, leading to concerns about potential changes or deviations from agreements made during negotiations.

- It is essential for First Nations to have access to the final draft of any document produced by Canada to ensure transparency and accountability.
- Control over legislation by Canada can ultimately result in control over First Nations communities, which raises questions about the need for such control.
- The lack of financial support for initiatives like Bill C31 highlights the disparities and injustices faced by First Nations communities, where promises made by the government are not fulfilled.
- Examples like Bill C31 demonstrate the importance of First Nations having the final say in decisions that affect them, rather than allowing Canada to manipulate documents or agreements on their behalf.
- There is a need for sustainable agreements that go beyond five years, reflecting the long-term nature of treaties and ensuring mutually beneficial resource utilization.
- There's a call for decolonization in the creation of traditional policing methods instead of simply emulating provincial models.
- There may be potential conflicts with provincial authority regarding the designation of peace officers on reserves, but precedents exist for federal designation of peace officers, such as with the Department of Defence.
- Indigenous policing and community safety programs need broader consideration and support from the government.
- Consultation is very important by this they meant an actual community consultation to identify and match that elements we have brought up in are appropriate.
- Evaluation of current position for example size of different communities means having a clear picture of the real dynamics of communities.
- Identification of needs and readiness of the people for these legislations should be included in the early stages of the implementation.
- Healthcare, childcare and sovereignty of data are also supposed to be considered during the implementation process.
- Reserves where people live, they are not living with peace and harmony. Community consultation could be a good solution to lead to a peaceful environment after the legislation is enforced.
- Standardized training at government levels is needed, to provide a clear understanding of the law.
- The government of Canada needs to recognize that even though the money has been promised and present, it is still not used in a manner that is appropriate. There are legislations that are constantly being developed for some purpose in trying to fulfil promises made but never actually fulfilled.
- It is important to note that legislations were made with contracts of 10 to 20 years, and that they remain unfulfilled even upon renewal of said contract. Contracts are rendered useless if they are simply promised and renewed year after year, all the while the funds meant for First Nations police are being poured elsewhere.
- Previous legislations were set over 20 years ago, for the purpose of establishing independent First Nation police services, and even though much time and funds have been poured into this purpose, there is still very little, to no results coming into reality.
- First Nations Chiefs need to have the final say, as to the approach that should be taken in developing and implementing the legislation.

5. Broader Indigenous Policing and Community Safety Programs

Discussion Question

How can the FNIPP and FNIPFP, as well as other Public Safety Canada programming, better respond to broader policing and community safety needs in your communities?

Answers

- Indigenous Policing Program (IPP) can be restrictive in-service delivery models, overlooking factors like travel distances.
- Standalone police services offer advantages in tailoring services to fit community needs, including implementing restorative justice models.
- Challenges persist in obtaining proper funding for community safety initiatives.
- Ongoing concerns include issues such as drug abuse, youth fatalities, and cooperation with local police detachments.
- There's a call for culturally relevant laws and regulations respectful of Indigenous languages and traditions.
- Comprehensive review processes involving Indigenous nations are essential for addressing long standing issues.
- Proper funding and resources are crucial for policing and safety initiatives, including providing officers with necessary tools and facilities.
- "Canada's self-granted authority does not extinguish our right and our sovereignty which was never surrendered to the crown. Why are we talking about Canada's government implementing laws on our treaty based on a false superior superiority and not relying on our own autonomy. We need to stop believing that and housing Canada's laws with our own, not applying their way over us. Enough of the doctrine of discovery-based attitudes that suppress people and civilize the Indians into the body politic for those John a McDonald history buffs. Thank you for your time, thank you, thank you."
- Over 25 years, First Nation laws and bylaws were not enforced by the RCMP or adjudicated by the Public Prosecution Service of Canada.
- There have been numerous discussions and efforts over the years involving successive grand chiefs, division commanders, and ministers of justice to address these issues.
- Despite recognition of deficiencies in First Nation laws, there's also a recognition of and respect for First Nation law making abilities.
- Significant progress has been made in the past couple of years, particularly since the pandemic highlighted challenges in enforcing laws.
- Concerns have been raised by elders and leaders about the presence of drug dealers, bootleggers, and individuals not living according to community rules.
- Partnerships have been formed with various entities, including Manitoba, federal departments such as Justice Canada and Public Safety Canada, as well as Health Canada, to address these issues and develop a roadmap for moving forward.
- Justice Canada is really in support of public safety for the community in Manitoba.
- We need our people on the field, it has been 22 years since trying for self-administered police.
- We have been campaigning since 2021 and are glad the government is working with us. Without prosecution, there's no law enforcement.
- 40% of crimes and drugs must go. Ticketing is a means of guiding people to the right way.
- Properly trained officers in searches for intoxicants are needed. Manitoba designates this by law but there's no designated peace officer.
- Safety officers empowered to write tickets.
- Safety officers are doing a role without legal authority.
- Safety officers should be turned into peace officers as the first respondents.
- Regarding FNIPP FNIPFP, these programs can be more effective with appropriate funding to make it possible for the government to do in-depth need analysis.

- All these programs and workers should be fully equipped with everything they need to promote a safe environment. They should have infrastructure to run these programs with more efficiency and effectiveness.
- Timely review and updating of the elements of these programs so all communities which are still struggling can have access to their services.
- First nation law making is very important as in the absence of prosecution, RCMP will not impose any Law.
- Crime Prevention, public safety, prevention of illegal entry of alcohol and drugs is needed.
- Any drugs found with lawful search are fined and it should lead to amendments to the Manitoba Provincial offences Act.
- This new legislation will clearly enhance the efficiency of First Nation Laws, also laws made by RCMP and other First Nation Officers.
- Most of the crime in our community is related to drugs and alcohol in some way. Our First Nations are generally 14% violent crime rate driven by virtually uncontrolled drug dealing and child apprehensions.
- Enforcement, adjudication, and ticketing can guide people into community support. We don't have the capacity right now to address everyone with addictions in our communities whether it's alcohol or drugs. So, reduction is really a clear piece of this because you can't let everybody into treatment centres at once.
- Understand that although different communities within First Nations have different needs to be provided, the core issue that remains is not the arrangement of said needs but rather the providing of the said needs that is not being fulfilled.

Closing Comments

Closing remarks were that the contribution and feedback of the participants has been recorded by note takers and the youth coordinator. All feedback cards will have additional recommendations/questions and concerns.

Everything will be put together in the report that will be submitted to Officials. This engagement was held to hear what else can be added or updated in the elements of the legislation.

The notes taken here will be further summarized to be used in a rolling final report document which will go back to public safety.

A closing prayer was shared.

Share Your Views

Send your ideas, suggestions, responses to the questions by:

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