

Thunder Bay Engagement – Engaging on the Proposed Elements for Federal First Nations Police Services Legislation

Date: February 29th, 2024

Location: Victoria Inn Hotel and Convention Centre

(555 Arthur St W, Thunder Bay, ON, P7E 5R5)

In-Attendance: 21 people attended (7 virtual / 14 in-person) representing the following:

- Elder
- Advisor to Chief and Council
- Councillor
- Chief
- Constable
- ON Province Representatives
- Grand Council

Welcome and Opening Remarks

Thank-you to the Chiefs that are here. It is important that we come together to deal with the crisis in our communities. We want to hear what you have to say. Bring us the thoughts, concerns, and hopes that you have, so we can move forward with this legislation. Every single voice in this space counts, every single voice matters.

Elder Jean opened with a prayer and smudge.

Ron Linklater introduces himself, currently lives in Winnipeg, eldest son, celebrating 43 years of sobriety, retired and works with the Indigenous Leadership Institute.

Dennis Meeches introduced himself and did a presentation on behalf of Indigenous Leadership Development Institute, Inc.

Ron Linklater introduces the note takers, Jocelyn and Andrew. He also introduced Elder Jean who sits on the Lakehead University Committee and works with Dilico and Tikinagan.

Tara McDonald spoke about this being an opportunity to share our thoughts, concerns and hopes so that we can use this as we move forward with policing legislation. She provided an agenda overview.

Elder Jean did the land acknowledgment and talked about the Gull Bay policing programs, which were forced to join the First Nation Policing program and the hardships faced when communities try to do things independently away from the Government. He asked, “how do we put into legislation a way to protect First Nations living in cities?”

A member of Gull Bay First Nation spoke about how Gull Bay was one of the first communities to have their independent policing system. He spoke about inherent right, which is the right to govern oneself given to by the Creator. But this doesn't translate within legislative documents. He spoke about how they asked for the bylaws/band council resolutions to be enforced, but the OPP have turned them down saying that they won't be able to enforce it as it may violate the constitutional rights act. Policing is extremely important in our FN communities. He says where there are calls for service in Gull Bay, it is difficult to get the support they need, from outside police services. Communities in the North face difficulties accessing 24/7 policing services. When you don't have any service calls, or a small number of them, it is believed that you don't need your own police service, but that's the opposite of the truth. In comparison to urban settings, police response times to calls are often longer, which poses risks to the safety of their community.

A member of Pik River First Nation, discussed the Indigenous right to self-govern. He felt that the Ontario Provincial Police (OPP) are too aggressive with his community. Police officers should engage with the community in meaningful, positive ways, however in many cities in North West Ontario (NWO), police officers do not react this way. Many Indigenous people living in NWO grow up learning to hate/dislike the police officers as they have at least one negative experience with policing services in our city (Thunder Bay Police Service and OPP). It is important that First Nation Policing Systems are recognized as an essential service for the safety of the community and the officers as well. Due to lack of funding/not enough employees, First Nation officers often respond to calls by themselves, alone. In the city, this is not seen as much since most calls have a minimum of 2 responding officers. We need enough staff to staff the policing services in First Nation communities.

My name is Little Bear - I signed the Treaty with Big Bear. The thing with the policing, is everything was going up, except for the funding. How are we going to put in legislation to protect people that are living in cities? What about the people here? Last weekend, there was a young lady that got beat up with no security. No one came to intervene. We have got to have First Nations people, protecting First Nations people.

More Participant Remarks:

- We do have new legislation that we are looking at to help our communities move forward. We have the right to govern ourselves. Recently there was a court case that went to the supreme court, regarding child welfare, and what concerns me is if we are getting these recognitions but there is no mention of section 35 in that case. When I look at what's happening here, I hope that we would have First Nations jurisdiction recognized, but it doesn't seem that will be the case. I question that because when we ask for our bylaws to be enforced by the provincial jurisdiction, they say we can't enforce those.
- Policing is so important in our communities. We are roughly 45 minutes from a detachment that had 12 officers. When there was a call for service for an intoxicated driver, two officers came down to deal with it, but they said they couldn't arrest him and that they had to return to the detachment. The issue is they had no backup, there was no one available. Had this person become violent, there could have been a lot of problems in our community.
- On numerous occasions, if you look at other places, they have a whole variety of police forces that they could rely on, that could get to their communities in short notice. Why in our communities do we have to wait hours and hours and hours for help?
- The discussions between us and Service Canada have not gone well. What happens if a new government comes in? I'm not sure if this legislation will die on the table. I don't think these governments are addressing some of these issues in our community.
- If they are not first nations, they don't care. The reasons for having policing services declared essential is important so we can bring in the proper people and the proper equipment. These guys work alone. Is that safe? It's not safe. We need to have our police officers properly equipped, so they are not alone in dangerous situations.
- Presentation – Chris Moran, Assistant Deputy Minister, Public Safety Canada: https://ildii.sharepoint.com/sites/ILDIArchive/Shared%20Documents/EXECUTIVE%20TRAINING/2024/APPROVED%20Proposals/FN%20Policing%20Legislation/FN%20Policing%20Leg%20-%20Documents/IAB%20IPTF%20OPS%20Presentation%20ILDI%20Engagement_FRA.pdf

Elements to Inform the Legislation

1. Context

Discussion Question

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?

Participant Responses

- We can throw funding at anything, but that doesn't necessarily mean that it is going to work. That is a huge issue within the province of Ontario.
- Communities need officers in their community who have awareness of the history, and situational awareness of the calls in which they are responding. In Pik, we rarely see Nishnaabe police in the community since the detachment is located outside of the community. Situational awareness is so important for the safety of the community and police officers. Strong belief that officers need to be more visible in the communities, to develop positive relationships with the community members. Back when he started on the force, he had positive experiences with the community in which he served. However, since that time, things have changed. Simple tactics of being active in the community have somehow been lost. Situational awareness needs to be addressed and the only way to address that issue is by more boots on the territory. This needs to be addressed in the legislation.

- When you look at what's out there, we have the legislation with the RCMP and First Nation communities out west; and the Ontario legislation with built in First Nation input. If we have templates that are available to us, why are we not using them? Even for the Nishnawbe-Aski Police Service (NAP), we had only one officer last weekend in Peawanuck. The system is broken, but we have templates that we could indigenize this legislation. It's good to see consultation, but let's move this process on further.
- We also must look at what will keep people in Indigenous policing, NAP policing has a high turnover rate. How do we make Indigenous policing attractive and possibly incentivize employees, so that they stay with their branch for 20-25 years/retirement.
- The harm that has been caused to our communities was not asked for. How do we fix issues so that we provide "boots on the ground", but "boots on the ground" for a long time. Harmonize those relationships once again.
- Needs to define what that relationship is. We want to see community-based policing tasks, but this is lost in translation with calls for service. If we don't have calls for service, that's a good thing, it means we are preventing harmful activity in our community.
- A chief acknowledged that when he was first elected as chief, he bumped heads with the head of policing in their community, but they grew to like each other, and the Sargent became an asset to the community and its overall wellbeing. But the Sargent was removed after they had built a relationship over a 20 year period, and replaced with a substitute that brought an aggressive policing style.
- Lack of leadership at the Armstrong OPP detachment led to harsh relationships with the community, and they ended up passing Band Council resolution that banned the OPP from Gull Bay First Nation. Understanding the history and situational awareness is important.
- It is important to sort out the good and bad apples from the police forces – not all cops are bad, but there are a few officers who should change careers.
- Lack of police presence is the issue. I don't buy that there are very few calls to the police, so they are not needed. I think communities need to have officers. I think it is vital that this legislation addresses the fact that officers need to be in their communities more often than not. This has to deal with funding and the lack of funding. These detachments are underfunded, understaffed, and have to cover such a wide area.
- I strongly feel that this legislation needs to address the fact that we need police in our community. It is important that the kids know our officers and feel safe with them. Situational awareness is huge for these situations.
- What we don't have right now, are the simple tactics of showing our community that we are doing something, by having a police presence. By showing the members of our community that we do care and are protecting them.
- When looking at the federal legislation, it's no longer acceptable that we are told what we can and can't do with legislation. When talking about partnership, our voices are often not heard.
- If we say we want four officers, don't turn to us and say we don't have enough calls for service, because that's a good thing. That means we are doing something right. By having policing in our communities.
- Communities need officers in the community on a regular basis.
- A participant had no history of the Community and spoke about being blind sighted when called to Indigenous Peoples' issues. This participant agreed that the funding is necessary as often he witnessed First Nation Police Officers arriving shorthanded and under-equipped. He also stated the current way of policing overall in the country is not effective as it creates more harm than good. He notes that funding impacts the community heavily as Indigenous officers are laid off and strangers are put in as substitutes, and this affects situational awareness from both police officers and community members.
- The legislation is telling Indigenous Peoples what they can do and cannot do which is not the right way to address Indigenous Policing because it is not mainstream policing.
- Feedback of the community members should be prioritized in the new legislation.

2. Purpose and Funding Arrangements

Discussion Question 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?

Participant Responses

- The federal government is responsible for policing First Nations, provinces, and territories.
- Policing has always been an issue and the government needs to start the very long 5 year process. This process starts from recognizing them as an essential service, proposing legislation, drafting the bill, funding it, and it being effectively enforced.
- All First Nation communities are entitled to the same level of policing services as urban settings, which is placed on the Government of Canada.
- Policing has always been an issue within our communities. The minister recently stated that it would be at least another year before the government declares First Nation Policing as an essential service. Adequate services and funding are not there. The more we talk about it, is good, but the longer we hold this off, timeline wise, the communities will continue to suffer.
- The reality behind the funding is that the province does not have the capacity to train the officers for those positions opened up by this funding... in addressing this, the province could look at their own training services (Ontario Police College).
- Nishnawbe Aski Police services received funding in 2015 for 80 more positions, and the NAP is still working on training personnel and filling those positions. This reiterates the harsh reality of training.
- Reality is, if the province allotted funding dollars to take on officers, the reality is the capacity to train these officers is not there. How long would it take to put these 50 officers through proper police training? The province does not have the capacity to train officers, at the rate that we need. Perhaps we need to look at out of the box training opportunities. We could have the funding, but then we will be waiting on training.
- There needs to be the federal and provincial governments working together, with a capacity to train these officers.
- We think about Ontario Police College, but what about alternative options. What about universities/colleges that remain open/nearly empty throughout the spring and summer courses. Let's not confine ourselves to OPC and explore these options. Address the training modules – can we explore new methods of training?
- The shortfalls of police funding is that everything is urgent when it comes to our people. So, the lack of funding creates the unhealthy environments in which our people live in. Through the colonial systems, a lot of our people have disconnected and lost the relationality to our culture, which contributes to the challenges experienced. Trying to find balance by ingraining our knowledge and culture into legislation.
- We have been marginalized, we have poverty, and it creates this type of environment that we live in. There definitely is a lot of work to do. We are walking out of the colonial times we lived in and bringing balance and rebuilding.

Discussion Question 2

Do you have any suggestions for how to increase the likelihood that funding arrangements will be successfully concluded?

Participant Responses

- Don't come to us with a number in mind already, allow the dialogue to happen. When are you going to hear our voices? We need to prioritize those negotiations at the table.
- There are shortages of officers/supplies, and the mental burnout needs to stop.
- Making us wait 5 years is ridiculous. The safety of our officers is being jeopardized while the government takes a long time to declare policing as an essential service. Officers have been hurt and injured when responding to calls.
- They need to start listening to us, and the roles and responsibilities, and let us show you what we need, and don't tell us "No you don't need that". During this time, our communities are struggling. It has to stop. You have to bridge something between now and the legislation. One of the responsibilities of the federal

government is to figure out what to do in this 5-year span.

- It is important to note that the federal election will most likely happen within the next year. A concern is that if a new government comes in, this tabled legislation will be halted at the table.
- First Nation communities need to express their priorities for calls, since this is where their funding is spent. There is a drug epidemic in our community, but lots of people don't want to take responsibility for that. It started with Tylenol 3's, then Percocet, then Oxi, and it keeps getting worse. As community leaders, it's important to tackle these issues dead-on. Community members also have to back up the Chief and Council when they are dealing with these issues.
- A participant said he mostly searched for warrants, reiterating the importance of community leadership for reporting issues to higher authorities.
- One of the things that should happen is for face-to-face consultation with the Minister/Deputy Minister, because through consultation, processing times are longer for relevant information to be reported to the Minister.
- Policing services in communities are governed by legislation, therefore there must be just-cause. Legislation is changing every day. Legislation needs to consider the impact of legislative documents on the wellbeing and welfare of our community members.
- The court systems have more rights than the officers in the community, which can place harm on members of the community.
- Drugs and gangs in our community are one of the biggest issues. We need additional funding for dealing with drugs and gangs solely and prosecute those responsible.
- There is a difference between the Indian Act and our own rules of governance.
- When we talk about legislation and how it's going to work, we need to think about partnership and inclusiveness.
- In these consultations, we need more concrete information.
- When we talk about drugs and gangs, we don't have a plan to deal with them, whereas the drug dealers themselves already have plans to take over. As Anishinaabe people, we need to work on our policing systems. Maybe one way of looking at it is similar to security officers, much like ones often seen in Walmart, Shoppers, etc. Would security officers help relieve some of the pressure placed on the police officers?
- A member of The Province of Ontario said that they want to work with First Nations leadership and policing boards, like NAPS, to ensure that they have equitable funding to deliver adequate services to their communities. Taking in the uniqueness of each community and layer in that uniqueness within the funding process.
- You have to be mindful that these officers have people to go home to, they can't be patrolling by themselves. They should be partners. I have seen officers burnt out in our community. We have to look at what we can do to assist the police officers in our community.
- When we look at policing, we have to look at legislation. When someone in our community is charged with drug dealing, how do we make it stop? They get out and they go right back to the trade. What about the courts? These people are doing whatever they want, because there's no repercussions. They have more rights than police officers. We need to continue moving forward and push the government to really change things for us.
- We need a way to put officers in place to deal with drugs and gangs. We need additional funding. We are trying to deal with those drug dealers in our communities, but the province won't prosecute those laws and the people being disruptive.
- Funding has been a huge challenge and the evolution of policing from the old days, and how we govern ourselves. We have to work hard to change.
- The negotiations are flawed as the government already knows what they plan to give and what they will not give.

- Negotiations must start from the people as they have issues that cannot be understood by Non-Indigenous Peoples.
- The legislation process should have more intermediate measures that can support the First Nations Police while the bill is being put in place.
- Responsibilities should go both ways, by the government and Indigenous Peoples. Chief stated the responsibilities should start with the Chiefs and Council in the community then with Federal Government
- There should be clearer search warrants along with execution of the warrant.
- Some members of the community do not want to give the names of culprits even if they are the one that made the report, because they are not convinced anything will happen. No prosecution or protection. Poorly enforced laws.
- A constitution was put in effect for them to make their own laws, but the province will not allow them to execute these laws.
- The approach of the Federal Government in terms of sending policy makers, negotiators, council members, chief members, is not working, they need to bring ministers and deputy members to the table to talk.
- Training takes too long, with the funding not being properly allocated.
- Responsibilities can be split two ways, for example how different Indigenous Police programs came together to form a K-9 unit in the past.
- Legislation needs to address the partnerships between the Provinces and the Indigenous Police as that is a major issue.
- The legislation may need to address recent issues caused by the Covid-19 Pandemic that negatively impacted the Indigenous Communities.
- Former legislations must be rectified as they are the root causes of the issues in the Indigenous Communities, and funding is the first step to solving the issue.

3. Dispute Resolution

Discussion Question

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?

Participant Responses

- Establishing a willingness of the parties and an element of binding them is an important aspect.
- Bring in people with the right skills and cultural competency to use a third party resource.
- Use alternative dispute resolution processes, in the framework of the funding.
- Be clear to avoid civil litigation.
- Use Mediation instead of litigation, respecting each other's views, and clear on what is being proposed.
- It is critical to involve people who can make decisions, when making legislative decisions.
- It is important for higher authoritative positions, like the Minister, to be coming to these events and hearing our voices, instead of relying on other people to pass the information down the line.

4. Implementation

Discussion Question 1

Do you have any other ideas that could help support the implementation of a First Nations police services legislation?

Participant Responses

- Our community's concern is what are the economics of having your own police services? We are a part of Ontario First Nations Policing Agreement (OFNPA) along with 16 other communities. Other communities are served with Anishinabek Police Service (APS) or Nishnawbe Aski Police Service (NAPS).

Discussion Question 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?

Participant Responses

- The way it is currently structured, we have to get legal people involved to assist the process. Many of our communities run into funding issues, and we need to ensure that they don't run into any bumps throughout this process.
- Once you have the final agreement, you're going to need an implementation agreement. This is the meat and potatoes of this process. We have to make sure that there's no cost to first nations when we are trying to implement these things.
- When you're making legislation, you need to consider culture when working with Indigenous people. Understanding and incorporating cultural components such as the laws of self-governance, truth and reconciliation, etc.

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?

Participant Responses

- The existing programs have to reflect the power of the day, which is that communities are becoming more self-governed and self-determined. Although it can be referenced in the legislative, there needs to be recognized that First Nations have the inherent right to self-govern themselves. It is important to continue to reference the Treaty Agreements as well.
- Regarding the core functions of policing, the communities should be funded in ways that they can tackle the 6 key core functions of policing. And we need to add the cultural components to these core functions. Ex. NAP has been in discussion with Navaho People and police services; they have cultural components interwoven into their core policing systems. It is important to implement similar cultural components.
- Communities are lacking police presence due to the shortage of available officers. Due to long response calls at times, there are instances that escalate and jeopardize the wellbeing of the community members. One of the problems we face, if we have two officers on the east side, what if something happens on the west side, where it takes a long time to get from one side to the other.
- There are issues of drug usage severity throughout the community. It's not just weed, and it's affecting their people. Service needs to improve greatly for First Nations because we are people too. We should be respected the same way.
- We need to be recognized as a police force, not just security.
- One of the biggest barriers that should be addressed, is that not everyone in these communities has access to a phone to be able to call for help.
- The 188 number is also not widely known, we have to keep reminding people to use that instead of calling 911.
- In some communities, it's not as easy to call for police services, which is a huge barrier that needs to be addressed. When you look only at the calls for service, you don't see the full scale of community members who needed help. The ability to reach out to police services easily is a luxury that most people have, except First Nation people. Maybe social media to make calls?
- Regarding the training of police officers, there is discrimination and biases. It is important to understand the historical relationship between the First Nations and the province. e Ex. Treaty history, stereotypical beliefs

of Indigenous People, legal and political information about the First Nations. Education about these issues is extremely important. People must recognize that.

- Training will be subjective once the legislation is enforced, and will be mandatory for all new police officers, as well as existing police officers. The members of the oversight departments will also have to take the training.
- I would like to see a strong cultural component, done by someone who has strong knowledge about these belief systems. Not someone who has no experience with the cultural pieces.
- The education component needs to happen all across Canada. Understanding the hardships faced by Indigenous Peoples needs to be delivered and training officers to understand that, when they are interacting with Indigenous Peoples. The collaboration between NAP Police services and the provincial government has been fruitful compared to the last provincial government.

Closing Comments

Closing comments spoke about the resurgence and resiliency of Indigenous People.

Elder Jean sang a closing song and wished everyone safe travels.

More Participant Comments

- We all know that there are police officers who are racist or practice discrimination against first nations people, so it's important that the training for new police officers incorporates an understanding of the historical relationships. They have to understand the treaties.
- The misconceptions that are out there regarding First Nations are damaging. What's missing is the cultural part and the understanding of what First Nations people have lived through.
- Education of the First Nation culture is something that the indigenous community needs to happen all across Canada. Training officers to understand that when they interact with an indigenous person, that that person did not ask for what they have had to experience. It's important for officers to have an understanding of history.
- We are at the doorstep, and it has taken a couple years to prepare, we have had to do a lot of things to get prepared, but it has been a good process working with you
- It was mentioned that the act will require current and new police officers to be trained in the history and culture of First Nations people, and that the Indian Act is a part of that story. It was noted that huge efforts have been made to raise awareness about First Nations law making and that it is important for policing personnel to be aware.
- The government has created a collaborative table. The purpose of it is to talk about these issues and to figure out what our next steps are. We are actively engaged in those conversations.