

## Montreal Engagement – Engaging on the Proposed Elements for Federal First Nations Police Services Legislation

**Date:** February 27<sup>th</sup>, 2024

**Location:** Montreal, QC

(Best Western Ville-Marie, 3407 rue Peel)

**In-Attendance:** 19 people attended (6 virtual / 13 in-person) representing the following:

- Chief of Staff
- Grand Chief
- Director of Public Safety
- Councillor's
- Strategic Development Advisor's
- Management Consulting
- Legal Council
- General Manager of Public Safety Operations
- Director General
- Chief of Police
- Director of Police
- Directors
- Vice-Chief
- Justice and Public Security Coordinator

### Welcome and Opening Remarks

- Land acknowledgement/territory welcome
- Opening Prayer
- Prayer Song
- Agenda Overview
- Facilitators Introductions
- Presentation – Chris Moran, Assistant Deputy Minister, Public Safety Canada: [https://ildii.sharepoint.com/sites/ILDIArchive/Shared%20Documents/EXECUTIVE%20TRAINING/2024/APP%20ROVED%20Proposals/FN%20Policing%20Legislation/FN%20Policing%20Leg%20-%20Documents/IAB%20IPTF%20PS%20Presentation%20ILDII%20Engagement\\_FRA.pdf](https://ildii.sharepoint.com/sites/ILDIArchive/Shared%20Documents/EXECUTIVE%20TRAINING/2024/APP%20ROVED%20Proposals/FN%20Policing%20Legislation/FN%20Policing%20Leg%20-%20Documents/IAB%20IPTF%20PS%20Presentation%20ILDII%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

- The language is problematic – it must reflect the use of our own policy law and legal perspective with the power of authority resting on the communities. This must be implemented in each community.
- Question: is there an option to opt out, and if so, will they still be treated as essential services and receive funding, or will that be removed?
- Ensure that legislation is meant to support and benefit all communities.
- How many years to see this through? Seems as this has been discussed and nothing has changed. We want a different stance and there should be better support.
- Quebec First Nations Policing efforts are looked down upon by the Quebec Essential Services. We are not looked upon as real policing. Quebec hasn't changed in 40 years of policing and things need to be changed to be better. Elections are coming and there are fears this is all talk and nothing will change.

#### 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

- Sadly too many women and kids have died because of the problem of the legislation, too many obstacles to get help fast for example in cases of murder-suicide situation across Quebec.
- There were a lot of people who could be saved, but many people have died (men, women, kids), due to no access, not enough resources. The funding is one thing, the legislation is another - give them the power to save our people. It comes back to power - we need equal partners.
- When I see languages that say “exercising authorities in police services” - if a draft was formed from these elements, I would actually advise my council not to sign it because of the language. It is not a partnership when signing authority over someone.
- There is a template with the child and family services act, where the language in that legislation acknowledges jurisdiction and the capacity of first nations to do what’s best for their people. This has been tested in court and I would like to see more of that - I don’t think you will get funding agreements when the principle of respect isn’t there. I see red flags across the board here.
- “Is there a better choice of wording?”
- I don’t think it's a partnership when exercising authority. It's impossible to come to solutions when they can pull the trigger on the funding or their authority at any moment. To rank the province above First Nations is not a solution.
- We know the channels are working between the feds and provinces, but I don’t see any true co-development processes here. It seems as though we are going backwards which is concerning. We know where Quebec stands, I refer to the challenge on C92, even after supreme court decision, they talk about giving more autonomy and more self-government but that is not what we are talking about, we are talking about the right to develop our own institutions, and there are different realities within Quebec with First Nations, there are different realities that play, but there needs to be transparency on part of the federal government. How are we securing a proper genuine input from First Nations is the bigger question here?
- From the get-go, it has been the issue of fixing what we are talking about - it is about providing sustainable funding for providing police funding. To deliver a support that is essential. Co-development is about finding consensus and moving towards those solutions. The elements are based on consensus, of partners who are wanting to move forward with this.
- Our minister has been clear and with the national chief that he wants to move on this legislation with provinces and territories, he cannot do this by himself.
- It would have been easier going to one area, we would have shown one voice, but with us being split in these engagements, we are all from small First Nations communities with a small voice - it would have been nice to do one engagement together to have a discussion all together. We create one message with one voice - we want policing, we want to be recognized as one. By splitting us as two, I kind of feel odd, it's like divide and conquer as usual.

## Discussion Question 2

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

## Participant Responses

- This is my second engagement session - when I attended the other session they had 70-80 people and upwards, so we are getting a small group to participate, but we have been pushing this for a long time. There are not a lot of Chiefs or Councils that are participating and at the end of the day, they will be the ones to say yes or no to legislation. The language has to commence with the needs of each community. First nations policing is essential. Without this there can be no public security. We need sustainable funding.
- Each community is unique - I could never say I can go here or there and provide these services - but working for my own community I know that I can.

- Let's make it sound like a true partnership. Rather than going in and telling our community what they need, ask them what they need.
- "How do we get those people to the table?"
- In this room, I don't know how many of those people are present now. I think community members need to participate so they can hear and understand what is going on. At the end of the day it is our community giving us report cards on how we are doing - we are always under scrutiny. There is no place to hide, they know everything about you, it is your job to do the best you can for your community. Maybe ILDI or the feds need to make the invitations to the communities. I know there are 600 communities out there but they need to be met with and actually heard.
- The lack of resources is the problem - to really respond to what the community needs.
- We had every study, and we surpassed with the limited funds we had. We overcame every obstacle. We should have 22 leaders and the communities that want their own police forces, and they should be around this table.
- In 2017 we declared a state of emergency and we have never lifted that. The things playing out in our communities are very dangerous.
- The challenges are that we are not on par with the RCMP, we don't have proper facilities and detachments.
- We are navigating our way through looking at federal legislation on how policing should work in our communities. The legislation may not provide all the answers, but we know that our people are demanding safety and security.
- There is a lot at stake. It is like a pendulum - it just swings.
- "How long are these agreements supposed to last? Every 5 years?"
- I want to provide clarity about the agreements. Right now, some are 6 months, 1 year, 10 years - it depends on the community and the trust. Basically it's up to the leaders to decide what they want. It is ensuring that operations can continue one year to the next. It is not a one size fits all. It is up to the people at the table to decide if they want to review every 2 years or when.
- Most police forces in Quebec are understaffed - so there is always a problem with staffing and funding. I would think that in the legislation that you would have to be able to have an increase annually, and a timeline, along the lines of putting in a counter if you will, so that the administrative body would be the one talking with the funders, in year 3 or 4, so when the expiration comes, you'll already have a new agreement ready to go.
- There was a limited number of police officers, where there were only one or two to police the entire community.
- What are we going to do with these communities? How can we engage in real discussions to bring these communities to be safer? It all stems down to leadership. They have to be informed, and supported to increase the ability of First Nations police officers. There are no specific courses. Let's not leave these communities in the way they are right now.
- I understand we were joking about unionising but no unions is what I'm hearing...
- You would think that the argument has been made in terms of what needs to happen, but the bigger question is what solutions are being provided? Canada has left it all to their provinces and territories to make that determination, and to me that's not fair. The whole issue of funding and sustainability, is really in the minds of our policing services and communities. Going through the elements for me, was just reaffirming one way of doing things, and putting a brand-new cover on it. At the end of the day, nothing is changing. Those parties negotiating those agreements should be directly involved.
- So as the chief peacekeeper I have been involved in these discussions for a long time. How do we provide the services that our communities need? We asked to be recognized as an essential service, and now there is kind of a solution that is out there, but does it dot all the i's and cross all the t's? Probably not.

- First Nations policing is going to grow across the country, where are we going to find these people to provide these services? The First Nation policing program set out to grow policing, but it did not do it. The program wasn't doing what it was supposed to be doing. We are still in the same place. We have better relationships and discussions, it is an evolution, but we have to get to a certain point. I just don't see the leadership from our communities participating as much as they should - it is imperative that they do. Time is getting really short. We really do need people to step up and ask for what they need. You have got to actually get up and say the things you need to say, even if they are hard, because we need to get to an important place.
- There is also an issue with recruitment and retention - it is not just funding. I think this is part of the discussion for sure, but I don't want it to be the main issue with what we are talking about. We have people from across the country coming and saying we don't want the RCMP or OPP, we want to be responsible for our own communities and to provide the services we have been asking for.
- First nations police officers aren't making a ton of money, they are under-resourced and underpaid, so they won't stay, they will return home when a position opens up for them. They will leave and go home.
- The rates of crime in our communities are 5,6,7x higher than what's going on for the rest of the country. There are so many things that need to change. We are treated with benign respect.
- They have to wait days and days and days to get help - no one looks at us and says you can do it, but rather we're told "they aren't as good, they are lesser than us".
- At the end of the day, we are able to police ourselves. We can. But recruitment and retention is a big issue across the country. It is salary and benefits. When we sit around the negotiating table, is it fair game?

#### **More Participant Responses**

- We lost personnel because of a lack of resources. Police have to be on the front end of essential services and give them the power to save our people.
- Provinces and territories exercise authority and regulations without discussing with the municipalities and communities and that needs to change.
- Templates for child and family services acknowledge their people and First Nations and we constantly fight against the legislation exercising authority. Less legal authority is not the solution. Leadership needs to be present prior to going to the supreme court and implementing laws. There needs to be more autonomy and communities to write their own laws that are best supporting them and their cultures. It's about fixing the issues to support.
- Will the legislation provide solutions and not just dictate on behalf of all the provinces and territories? Should be more inclusive and not just the parties in government making the decisions. Communities should get to speak and ask how to get better recognized as essential services. People with signing authorities need to be part of the First Nations police.
- Without policing we need public safety funding for each other and communities. Make this a true partnership and improve inclusivity. Quebec stands alone amongst other provinces and ILDII and Policing and Provinces need to come together as we are but to implement and not just talk. There should be 22 leader's chief and counsel and united fronts with the leaders for the province to implement the changes.
- This is a state of emergency for some indigenous communities and the information taken today will be used to better understand and extend crown solutions for policing. We are a sovereign nation in a state. Winnipeg has a new premiere that has and is implementing new legislation that is groundbreaking.
- Things have to improve; leadership of communities are not involved and it's very disappointing. This has dragged on for years and we need to get to an important place. Recruitment and retention should be part of the discussion and to change the stereotypes and underpaid resources within the surety of Quebec and federal governments.

- Two-year agreements do not work. We need long term contracts in place that stick and remain for the better.
- Mediation from complaints regarding issues of the police act should be in place.
- The lack of respect has been damaging and needs to be improved and shown with action.
- Partnership with Canada needs to come through unless real partnerships are balanced and implemented. There is a confusion about where they stand in Canadian law. All parties need to further discuss this, figure out a solution, especially in Quebec, to best support the communities.
- Nothing has changed since meeting with ministries and essential services communication. They want to be able to submit questions, be heard and see the changes implemented and be heard by all ministries and provinces. Lots going on and answers need to be met.
- There are 22 standalones in Quebec and all leaders should be beside them and should be present to advocate for each region.
- Everyone is scared of what another election will do and Trudeau has been a great support to the Police and other issues on where policing was going during his term.
- What happens to the new generation if things are not updated? We just want to be treated normally, why is everything broken down and why is our leadership not present during these sessions.

### 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

- This process seems to be all too familiar in more ways than one because of the government. Changes in gov't not being addressed all because of the bureaucrats.
- 5-year transitions to negotiate all agreements at the same time allow for expansion of new police. Not enough people understand what we need for stability and long-term predictable funding.
- Where do we find the resources for all the same stories as it's disappointing to the people that aren't being treated fairly.
- Implementing Legislation into its communities and negotiations are required.
- To say there needs to be a law is to say there needs to be essential services outlined.
- We need to look at the resolution process. We have had various issues around ethics complaints, bill 14, bill 18, that just got passed. **Conflict resolution process is only as good as respect for each other is.** What we have seen is that with the province, at first we had some willingness to discuss bill 18, but when we refused to succumb, they walked out of the room. We have been in communications for over a year to restart these conversations, but we are still waiting.
- The tone in the legislation has to be clear that we are equals, the actions have to show that, otherwise you are going to have the power imbalances play out in the resolutions. The partnership with Canada, needs to come through - they need to put the province in their place and be allies to First Nations. Canada doesn't want to take a side between First Nations and a province, but when we are left to resolve conflicts, we are left not getting any answers and we are promised meetings that don't happen. You can say anything you want on paper, but unless there are equals, there will be imbalance. It is the trickle down of where you place power.
- Everything would really depend on the movement from the Canadian government to come to a solution. Once it is written into law, I think some provinces may take positions on what is being proposed. It is telling when you have one level of government saying that the other level of government has power. We

look to the two levels of government asking for help and we get delays or there isn't clarity so we don't know who is going to be looking out for our best interest.

- With time limits, any large party can bring a dispute within 30 days, to mediate, and then after that, you have to look to the courts. But normally, either party can bring to mediation with writing and they have to attend.
- The provinces are trying to articulate their legislation.
- It came to my attention, most of the First Nations speak in English or their first language, and in this meeting, we have this right here in the forefront, where some are speaking French and those who speak English don't understand, so that is what our First Nations community deals with, is the language barrier.

#### **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**

- We did kind of touch on making the information more widely available.
- I don't think people understand the process that we have been going through. They talk a lot about what their needs are, but from self-administered police service, we are looking to become more sustainable. To be better resourced and have predictable funding. We need to strategically plan - not for 1 year or 5 years but for the long term. Whatever way we go - where do we find all the resources and what does that look like? Basically speaking, it is all the same faces here and all the same stories no matter where we go. In Quebec City it is going to be the same thing, when do we say enough is enough, and say this is what we want to do? We need to have leadership. We need decision makers.
- We participate because it's important to us, because our community is important, but we don't have the leadership that's participating. We need people to participate, and if you look around this room, it's a little bit disappointing. It's important that the people that need to be here, are here. I keep reiterating that.
- Thinking as a police officer - the young guns are looking to be treated as equals, if we're going to make changes to the amendment, let's do it. I'm scared for tomorrow. We've been talking for the last 3 years. At the beginning everything was in sync and then it came to sovereignty and jurisdiction.

##### **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**

- Something we heard earlier was around capacity. We definitely need to have nation to nation discussions. All of these different organizations, but these decision makers need to be brought up to speed, they need to understand that it's about opening up lines of communications.
- How do you envision First Nations would be significantly involved in implementation? Is it going to be up to First Nations communities to draft it? They are going to need answers at the end of the day, and we have to sell it.
- What do we hope to achieve by becoming an essential service? Those questions need to be answered. We have a lot of questions and I know because the minute I leave here I'm going to have a million and one questions, but I don't have all of the answers. Some people have answers, and they need to share those. We need to start being better partners to each other, all the way around. We have to try and get to a destination.
- We have the federal side, we have the provincial side and we have our side, and at the end of the day, we can all admit that it's taken a long time. I've heard people talking and if people really meant what they said about reconciliation, it shouldn't take this long. Everyone should be going to bat to get things

to happen.

- One word is transparency - as a First Nation, here is our game plan. Quebec should be more in this dialogue. What's their game plan? We know our game plan around this table, but what's the game plan with Quebec? If we are going to be transparent, all stakeholders have to be at this table. Right now, we only hear our voices. Quebec ... are you buying into this? Are you going to give us this jurisdiction? It's like they are just taking intel and using it against us. It's always been an issue with transparency with the 52% and 48%.
- We are always in the middle, like a ping pong back and forth. We have always been transparent about what we do and where we want to go, but we are stuck in the middle. What is Quebec going to say? You guys are essential service but then we go under the Quebec level police act, will we be acknowledged by Quebec?
- I have a lot of issues with the police act - my community is not a community that will be under anyone's jurisdiction, they will never be under acceptance of that. We have to work together and we talk about moving the needle if you will, and it's really difficult to do, and even if there is a police act, if you opt out, then what? When people need our help, they have no problem calling us, we deal with everybody, there's a reason why they call us.
- There are a lot of things that need to change. But if it means giving up who we are, then we will. It's about recognition. It should be something that is malleable to each nation's needs. Every nation is at a different phase. There are different perspectives in each province, especially with readiness.
- There was mention of a special aboriginal committee organization in Quebec.
- Any language around a province exercising their authority is problematic, its exercising authority over you. We understand there has to be standards, having equity and resources, so when we talk to Quebec about the department and facilities, we are open to that collaboration. It's about agreeing to what those standards are. You can still have standards but allow for First Nations to still have jurisdictions. The language around collaboration and in terms of the process, everyone is equally invested, we want our partners at the table, we want to fix and rebuild the trust, so we trust that our partners are in it with us. The easy part is fixing language. I think there is an opportunity to see from status reports that we aren't having one sided discussions and assessments. It's a very one-way relationship and that is some of the resistance, because in action we see how it works and it doesn't work. In thinking about it - the peacekeepers are very unique, the way that laws are drafted are unique, and I would like to see the opportunity for other First Nations to exercise authority and draft their own law. There isn't a cookie cutter model. People can create their own boxes.

## **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 Answers**

- It's keeping it simple and being transparent - answer their questions. We wrote a letter to Quebec and Canada, and they never responded.
- We make requests, but we have no requests coming back. The key is communication. Some communities have two or three dialects in their language. Keep it simple. Sit down and discuss their requirements. Meet the needs of the community and I think you will be okay.
- Conversation in the right language is really complicated. Being clear and direct with the words and having a conversation collectively.
- For the last two years there has been negotiating for funding. They contacted the province of Quebec, and they are failing to move forward to provide full police services. It's an important process but there's a lot of delays in moving forward with their negotiations. They have worked on a new plan for Nunavik

and the costing of funding for that plan is over what is right now permitted and allowed. This is a good example where the program is not flexible enough to answer the needs of Nunavik right now and they've agreed to extend the current agreement for 6 months to see what we can do to try to support their police service.

### **Closing Comments**

- A lot of questions were asked that couldn't be answered today.
- Who is looking into what? The roles and responsibilities need to be clear, as well as understanding the different jurisdictions.
- It's all about finding solutions and how we move together on this and fix the imbalances. What does partnership mean to us? Maybe we could add a definition.
- We follow something that exists, that really doesn't belong to us. We try to mirror it and add in our ways, when we should be developing things the way we see it.
- They listen...but they don't hear us and what we have to say. Peacekeeping is a catalyst in our community's safety and wellbeing.