Tsuut'ina Session – Engaging on the Proposed Elements for Federal First Nation Police Service Legislation

Date: February 20th, 2024

Location: Tsuut'ina First Nation, Alberta

Grey Eagle Casino & Resort (3777 Grey Eagle Dr, Calgary, AB T3E 3X8)

In-Attendance: 52 people attended (6 virtual / 46 in-person) representing:

- Assistant Deputy Minister, Public Safety and Emergency Services
- Regional Senior Program Officer
- Communities Chief's of Police
- Directors of Policy
- Executive Assistants
- Executive Director
- T8 Regional Police Service Lead
- President, FNCPA
- Vice President West, FNCPA
- Chief of Tsuut'ina Police
- Vice President East, FNCPA
- Vice President Central, FNCPA
- Past President, FNCPA
- Executive Director, FNCPA
- Executive Assistant, FNCPA
- Communications Specialist, FNCPA

- Community Inspectors
- Police Commission
- Consultants
- Safety and Security Consulants
- Financial Controller/EA
- Police Consultant
- Chief's
- Director of Emergency Management
- Administator/Fire Chief
- Director of Policing
- Security/Policing
- Councillor's
- Protective Services Manager
- Manager Treaty Initiatives
- Teacher Education Assistant
- Emergency Management
- G4 Representatives

Welcome and Opening Remarks

Elder Anthony Starlight spoke the opening prayer and shared a story about the importance of elders in the community.

Dennis Meeches shared a morning prayer song and shared the following:

- Acknowledgment of being on Treaty One territory.
- Gratitude for the opportunity to participate in leadership development sessions.
- Mentioned the previous sessions held across the country.
- Recognized the partners and facilitators involved in the sessions.
- Discussed colonial legislation's impact on Indigenous ceremonies and traditions.
- Referenced the efforts to revive cultural practices within families.
- Notes the importance of being together as a community and in ceremony.
- Reflected on the impact of colonial laws on indigenous ways of life.
- Recognized Indigenous sovereignty and efforts towards governance.

Wayne Caboni conducted acknowledgments.

The Assistant Deputy Minister, Public Safety Canada presented on:

https://ildii.sharepoint.com/sites/ILDIArchive/Shared%20Documents/EXECUTIVE%20TRAINING/2024/APPROV ED%20Proposals/FN%20Policing%20Legislation/FN%20Policing%20Leg%20-%20Documents/IAB_IPTF_PS%20Presentation%20ILDI%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?

Participant Responses

- Highlighting funding uncertainties and the need for long-term planning.
- Emphasizing tailored budgets for each nation, including schooling in funding, and clarity on justice and accountability under Treaty 6.
- Achieving parity with the RCMP and the need for sustainable funding models.
- Suggesting a level of association comparable to the Alberta Chiefs of Police for addressing First Nations concerns.
- Noting the historical context of colonial legislation to understand its impact on Indigenous communities, including the imposition of laws that infringed upon Indigenous rights and restricted cultural practices. Highlighting that this historical injustice underscores the urgent need for legislative reform to address systemic inequalities and rectify past injustices perpetrated against Indigenous peoples.
- Examining the complexities surrounding the definition of "essential services" within the legislative framework, with a focus on the need to incorporate Indigenous perspectives in shaping this definition. Indigenous communities must have a meaningful voice in defining essential services to ensure that their unique cultural, social, and economic needs are adequately addressed and prioritized.
- Addressing the fact that the Indigenous police services face numerous challenges, including jurisdictional ambiguity, funding constraints, and resource disparities. These challenges hinder their ability to effectively serve and protect their communities, highlighting the need for increased support and investment in Indigenous policing initiatives.
- Highlighting that community-driven solutions and culturally relevant policing approaches are essential in addressing the unique needs of Indigenous communities. Empowering Indigenous communities to shape their own policing priorities and practices fosters trust, improves cooperation, and enhances public safety outcomes.
- Making sure that there is advocacy for increased recognition of Indigenous sovereignty and selfgovernance within legislative processes. Highlighting the importance of meaningful engagement and consultation with Indigenous stakeholders. Indigenous communities must be active participants in decisionmaking processes that affect their rights, governance structures, and well-being.
- Noting the interplay between legislative frameworks and practical policing considerations, such as response times, victimization rates, and resource allocation. Analyze these considerations to identify areas for improvement and reform. Legislative reforms must align with the operational needs and priorities of Indigenous police services to effectively address community safety concerns.
- Considering the partnerships and collaborative initiatives that are instrumental in strengthening Indigenous policing services and enhancing community safety outcomes. By leveraging partnerships with federal, provincial, and Indigenous stakeholders, Indigenous police services can access additional resources, expertise, and support to address complex policing challenges.
- Exploring the potential benefits of a tripartite agreement involving federal, provincial, and Indigenous stakeholders in shaping policing policies and practices. Such agreements can facilitate greater coordination, accountability, and cooperation among all parties involved in policing governance, ultimately improving outcomes for Indigenous communities.
- Considering the long-term implications of legislative reforms on Indigenous rights, governance structures, and community well-being. It is essential to ensure that legislative changes uphold Indigenous rights, promote self-determination, and support the holistic well-being of Indigenous communities.
- Committing to ongoing advocacy and engagement efforts aimed at promoting equitable access to justice and improving policing outcomes for Indigenous communities. Continued dialogue, collaboration, and action are necessary to address systemic inequalities, promote Indigenous rights, and enhance the safety and well-being of Indigenous peoples.

More Participant Responses

- The government should not have a part of it. People know what they need for their own safety.
- The legislation is not going to make everyone happy and there needs to be a proper funding agreement.
- The challenge is to address the administrative capacity issue/expenditures.
- We need police services that respect culture and spirituality and are accountable to the community.
- We also need to set up our own police force. Whatever engagement is happening, there is nothing for us if it is without us.
- Looking to be able to expect predictable funding that protects communities.
- It is important to build legislative funding and administrative budget development.
- It is important to be a part of legislation, as equal partners. There is a human right obligation to provide the economics of services.
- The budget should be based on priorities established by the First Nations.
- Essential services and visionary services are in a critical state.

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?

Participants Responses

- Indigenous police services depend heavily on financial support to sustain their operations. This funding
 encompasses various aspects, including personnel salaries, training programs, procurement of equipment
 and resources, and maintenance of infrastructure such as police stations and vehicles.
- Indigenous police services have historically faced funding inadequacies, leading to significant disparities in resources compared to mainstream, non-Indigenous law enforcement agencies. These disparities have contributed to challenges in delivering effective policing services and addressing community safety concerns.
- Limited funding often results in a constrained capacity for Indigenous police services to adequately address the complex and diverse safety needs of their communities. This can include challenges in responding to emergencies, conducting proactive crime prevention initiatives, and engaging in community outreach and support programs.
- Adequate funding is essential for implementing culturally relevant policing approaches that align with the values, traditions, and priorities of Indigenous communities. This may involve developing community policing models, cultural sensitivity training for officers, and incorporating Indigenous perspectives into law enforcement practices.
- Insufficient funding can hinder Indigenous police services' ability to recruit and retain qualified personnel.
 Without competitive salaries, benefits, and career development opportunities, these services may struggle to attract and retain experienced officers, impacting their capacity to maintain effective policing operations.
- Addressing funding disparities is crucial for promoting equity in policing services across Indigenous and non-Indigenous communities. Comparable levels of funding support are necessary to ensure that Indigenous communities receive adequate law enforcement resources and support for maintaining public safety.
- Enhanced funding enables Indigenous police services to develop and implement community-driven crime prevention initiatives. These initiatives empower local communities to actively participate in crime prevention efforts, fostering partnerships between law enforcement agencies, community organizations, and residents.

- Advocacy efforts involving government agencies, Indigenous organizations, and community stakeholders are essential for addressing systemic funding challenges faced by Indigenous police services. Collaborative advocacy can raise awareness of funding disparities, mobilize support for increased funding allocations, and drive policy changes to enhance financial support for Indigenous policing.
- The long-term sustainability of Indigenous police services relies on securing stable and sufficient funding to meet operational needs and uphold community safety priorities. Sustainable funding models should prioritize flexibility, responsiveness to evolving community needs, and a commitment to supporting Indigenous-led approaches to policing and public safety.
- By addressing funding challenges and ensuring adequate financial support, Indigenous police services can enhance their capacity to provide effective and culturally appropriate law enforcement services, contributing to safer and more resilient Indigenous communities.

More Participant Responses

- If we have more decision makers at the table, then we will have a better chance of the funding arrangements being successfully concluded.
- There should be a discussion between all the parties to make sure we are all on the same page. (Chiefs and Federal Government).
- Bring in resources to help the 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?

Participants Responses

- Mediation is highlighted as a crucial tool for resolving disputes and facilitating constructive dialogue among stakeholders. It is acknowledged that while parties cannot be compelled to participate, it is in their best interests to engage in the mediation process to avoid resorting to litigation. The aim is to foster mutual understanding and find common ground to address underlying issues effectively.
- The significance of culturally appropriate services and dispute resolution mechanisms is underscored, recognizing that Indigenous communities may have distinct cultural norms and values that need to be respected and integrated into the resolution process. This approach ensures that solutions are contextually relevant and sensitive to the needs of Indigenous peoples.
- The challenges inherent in developing legislative frameworks that accommodate diverse perspectives and cultural considerations are acknowledged. It is recognized that the process requires careful navigation and ongoing consultation with Indigenous communities to ensure that their voices are heard and their rights are protected within the legal framework.
- The iterative nature of legislative development processes is emphasized, with a focus on continuous engagement and feedback from Indigenous stakeholders. This iterative approach allows for adjustments and refinements to be made based on the evolving needs and priorities of Indigenous communities, ensuring that the resulting legislation is responsive and inclusive.
- Transparency and inclusivity are highlighted as guiding principles in the legislative process, with a commitment to ensuring that Indigenous voices are adequately represented and that their concerns are addressed. This involves transparent communication, meaningful engagement, and a willingness to adapt and incorporate feedback into the legislative process.
- The role of training and capacity-building initiatives in enhancing the effectiveness of justice systems and dispute resolution mechanisms tailored to Indigenous contexts is acknowledged. It is recognized that investing in training programs can empower Indigenous communities to play a more active role in shaping and implementing solutions that are culturally relevant and responsive to their needs.

More Participants Responses

- Train officers properly on who is supposed to be protecting the community.
- Contract should not be normal. It should contain a broader idea about quality and quantity.
- There should be a process in place to deal with Government, Chiefs, Provinces and Territories.
- Add treaty laws and look at traditional cultural values.
- Need to focus on crime resolution.
- Police need real technology in order to do a proper job.
- Various challenges were discussed, including regulating pay, cultural understanding, and resource allocation.
- Benefits highlighted were empowerment, justice restoration, and community engagement.
- Challenges and risks were addressed that focused on foundational issues and long-term budgetary considerations.
- The importance of nation-to-nation consultation and elder involvement was emphasized.
- It was recommended to explore the options for legislative changes over time and funding caps.
- Success measurement criteria's were discussed, including community-driven crime indices.
- There was an emphasis to refer to Article 19 of the Samson Nations recommendations, for consultations and collaboration.
- Concerns were expressed about the high rates of syphilis highlighted, with dissatisfaction over RCMP's
 response and lack of information to First Nations.
- Concerns were expressed over program monopolization by the Department of Aboriginal Affairs and Northern Development Canada (DAAS).

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?

Participants Responses

- The necessity for legislative flexibility to accommodate the evolving requirements of First Nations, alongside the facilitation of seamless transitions for existing self-administered service agreements within the framework of new federal legislation, underscores the primary aim of the legislation. Specifically, its components include provisions designed to offer guidance on the implementation of the proposed legislation, with a focus on bolstering First Nations policing capabilities to deliver fundamental services to their communities. Notably, the legislation acknowledges the current funding allocated to First Nations policing services, as well as the expressed intention to continue funding under agreed-upon arrangements.
- Under the provisions of this legislation, funding arrangements are to extend for a period of five years from the enactment of the legislation or before the expiration of existing agreements under the First Nations Policing Program (FNPP). This highlights a crucial observation that the customary two-year planning or funding cycle may not suffice for the envisioned five-year period.
- Pertinent discussion questions arose regarding alternative strategies to support the implementation of legislation concerning First Nations policing services, beyond the current approaches. There is a need to address the requisite personnel and resources necessary to ensure meaningful First Nations involvement in the implementation process.
- It is evident that establishing clear relationships with service providers and vendors is pivotal.
- It is imperative to explore innovative models and ideas that can enhance the effectiveness of service delivery.

- Fostering dialogue and collaboration among stakeholders is essential to harness collective insights and expertise.
- Reflecting on the historical context and unique realities of First Nations communities, there emerges a consensus on the significance of building trust and fostering partnerships. This entails engaging in educational initiatives to enhance understanding, particularly regarding treaty obligations and the broader implications of legislative developments. Such efforts serve to cultivate a shared sense of responsibility and promote inclusive decision-making processes.
- The legislative framework under discussion represents a crucial step in advancing the nation-to-nation dialogue and addressing the evolving needs of First Nations communities. Embracing an ethos of collaboration and continuous improvement, stakeholders are poised to navigate the complexities inherent in this endeavour and forge a path toward sustainable progress.
- We must persevere through challenges and work collaboratively because neither of us are going anywhere.
 This legislation is essential for fostering nation-to-nation discussions. It's an evolutionary process. First Nation policing emerged and grew over time, akin to the expansion of bustling restaurants.
- One of the toughest aspects is the need for strategic, long-term planning amidst partnerships forged in Canada and beyond. Perfection may elude us, and dissenting voices are welcome—they enrich the discourse. This legislation represents the next phase in our evolution, a rise that demands our collective attention.
- Treaty knowledge is crucial, not just for us but for all stakeholders involved. Everyone needs to understand the why behind our actions. Integration is key here; it's about bridging the gap between those who may not grasp our perspectives and what drives us. We've worked hard to build trust, but there's always room for more education and understanding. It's not about worrying about others; it's about deepening our comprehension and sharing information transparently.
- We need to ensure that Cree Nation laws are upheld, despite existing legal frameworks that may encroach upon our jurisdiction. The government's research efforts must be comprehensive, shedding light on all pertinent issues. And let's not forget the wisdom of the Māori in New Zealand—it's our people who are our greatest strength.
- As we navigate forward, it's crucial to recognize the stakeholders involved and their diverse interests. Decolonization of our processes is imperative, ensuring that our interests are authentically represented. Let's not forget our responsibility in this dialogue. We need to engage all key stakeholders, fostering discussions that lead to successful outcomes.

More Participants Responses

- Legislation is something that needs to overcome financial struggles and hardships. It is equally important for building trust. We have to work together to earn trust.
- First Nations had control of their land in the past. They deserve to be treated equally.
- Essential services should bring clarity.
- All Nations have economic opportunities for themselves. We need to protect our visitors and citizens.
- We need to overcome challenges of recruitment and retention.
- To do things better, we need to do as the community desires.
- Looking for ways to collaborate.
- Things need to be equitable, and the budget clear.
- It is recommended to deliver the money in a logical way to mee the community needs.
- There is a great importance of treaty partnerships.
- These elements are not written through the lens of the First Nation, so the process is still not complete. Cultures can walk together to make successful and safe communities.
- These elements need to have a broader perspective.
- Innovation and Collaboration is needed to help with implementation.

- It is recommended to look for opportunities to be better, and to expand representation.
- For greater clarity, adequate funding must be provided.
- Data management should be done in a legal order.
- Provide a cost estimate for additional needs. (Lack of housing, and financial resources to support the process)
- Mistrusting partners take us backward. We need to renew partnerships and develop new physical relationships. This will help in implementation.
- Not everybody is okay with 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?

Participants Responses

- Transitioning of police services would be a great thing as we are currently dealing with meth usage and mental crisis in communities.
- Funding for drug enforcement is needed.
- Need to form agreements according to the community needs.
- Community safety is a paramount objective.
- Can do cultural sensitivity training.
- It is recommended to do community engagement in existing police services in order to prevent health and safety issues.
- There are community concerns regarding public safety programs and their effectiveness in addressing broader policing and community safety needs.
- Having more discussions on various issues impacting communities, such as drug problems, gang impacts, mental health challenges, and adoption agency concerns.
- There is a lack of consultation with Indigenous communities and scepticism regarding the legislative process.
- Challenges with funding mechanisms and delays in reimbursement from provincial authorities.
- Calls for integration of services like schools and telephone services to enhance community safety responses.
- Need for a holistic approach to public safety programs beyond just policing, including Aboriginal community safety programs.
- Efforts to streamline processes and improve service delivery tailored to individual community needs.
- Desire for clearer understanding and transparency in the legislative process, driven by community concerns and lobbying efforts.
- Importance of sustainable funding and legislation to solidify First Nations policing services and ensure ongoing support for reserves.
- Recognition of the evolving nature of legislation and the need for communities to adapt and comply with changes while maintaining autonomy.
- Appreciation for the opportunity to participate in the legislative process and advocate for community interests.
- Concerns about the origins and effectiveness of public safety programs, stemming from grassroots advocacy and community frustrations with existing policies.
- Emphasis on the need for sustainable programs and guarantees to address community safety concerns and ensure ongoing support for First Nations policing.

- Recognition of the ever-changing nature of legislation and the importance of adapting to comply with new regulations while advocating for community interests.
- Acknowledgment of the opportunity for communities to sign agreements based on their needs and priorities, highlighting the importance of compliance with current legislation.
- Call for a solid legislative base to support community services and ensure sustainability.
- Appreciation for the grassroots efforts that led to discussions on policing and community safety objectives.
- Focus on long-term objectives and the gradual development of solutions rather than expecting immediate results.
- Importance of fostering positive relationships with law enforcement agencies like the RCMP and advocating for cultural sensitivity training.
- Recognition of the ongoing evolution of relationships and the need for continued dialogue and collaboration to address community concerns effectively.
- Transition section aims to strike a balance between moving away from regional hospitals while acknowledging the negotiation process.
- Goal is to ensure alignment and agreement among First Nations, provinces, and the government.
- Target is to have individuals transitioned away from the FBI within five years of the legislation's implementation.
- Acknowledgment that some IP agreements may expire after the five-year period.
- Language may appear bureaucratic, but it reflects the complexity of the relationship dynamics.
- Open to feedback and input from stakeholders with different perspectives on the transition process.
- The goal is to have everyone covered by legislation within five years, recognizing that there may be differing opinions on this matter. Stakeholder feedback on this middle ground approach is welcome.
- Middle ground approach is deemed reasonable by stakeholders such as the Chief of Police Association and the Police Governance Council.
- It may take up to five years before negotiations begin.
- The legislation provides a finite period for the development of volunteer programs, which previously relied on the discretion of the Director General or Minister.
- The legislation aims to establish a framework that allows for the evolution and scaling of services over time, considering that not all individuals may initially buy into the idea of the services provided.
- Community safety encompasses various issues and concerns, including infrastructure, population growth, and financial responsibility.
- Clear understanding and decision-making processes are necessary for addressing specific questions related to infrastructure and financial obligations.
- The question remains as to whether the costs associated with constructing a new detachment will be covered under the legislation.
- The legislation aims to address funding limitations currently stretched across the country to support various services, including facilities programs.
- Negotiations will involve discussions on facility plans with police services to determine the need for new constructions, renovations, or adjustments to accommodate expansion, such as adding new officers to the police service.
- The scope of negotiations includes considerations for replacing old buildings, accommodating expansion, and ensuring that the current footprint of police services can support additional personnel.
- Agreements will be coordinated to align with the objectives outlined in the legislation.

Panel Discussion

Teddy Manywounds:

- Acknowledgement of Importance: Teddy began by expressing gratitude for the opportunity to discuss First Nations policing services. He emphasized the importance of meaningful discussions and solutions that benefit First Nations citizens.
- Overview of Challenges: He outlined several challenges within the current First Nations policing program, such as pay inequities, pension disparities, and limitations on specialized units. Teddy highlighted the inability of First Nations police officers to buy into equitable pension payments and the inability to create specialized units to adequately serve community needs.
- Need for Adequate Funding: Teddy emphasized the critical need for adequate funding and resources to ensure public safety and security for First Nations communities. He mentioned the ongoing issues with drug dealers and bootleggers in communities, leading to tragic consequences like accidental drug overdoses among youth.
- Optimism for Solutions: Despite the challenges, Teddy expressed optimism about achieving solutions. He
 emphasized the importance of listening to First Nations voices and ensuring that their issues are addressed
 and included in legislation.

Chief Keith Blake:

- Importance of Essential Services Legislation: Chief Keith stressed the significance of essential services legislation for First Nations policing. He highlighted the barriers and discriminatory practices faced by First Nations police services and emphasized the need for equal tools, legislative authorities, and opportunities.
- Success of Self-Administered Policing: Despite limited support and resources, Chief Keith noted the success
 of self-administered First Nations policing. He emphasized that central service legislation would formalize
 and recognize the unique approaches and successes of First Nations policing.
- Collective Improvement: Chief Keith highlighted the collaborative efforts among First Nations police services to collectively improve outcomes. He emphasized the importance of bringing everyone up and ensuring that central service legislation provides opportunities for all. He underscored the pressing need for equal treatment and support for First Nations police services. He highlighted the ongoing challenges faced by these services, including discriminatory practices, pay inequity, and pension disparities.
- Despite these challenges, Chief Keith commended the dedication of First Nations police officers who
 continue to serve their communities tirelessly. He emphasized the importance of formal recognition and
 support to ensure the continued success and improvement of First Nations policing.
- One significant challenge discussed was the recruitment and retention of officers within First Nations police services. Chief Keith noted that while officers may receive attractive offers from other services, efforts are being made to create a supportive environment that encourages them to stay.
- The conversation also touched upon the need for essential services legislation to address funding challenges and ensure equitable support for First Nations police services. By enacting such legislation, it was suggested that the barriers to funding and resources could be overcome, allowing these services to operate more effectively.

Moreover, the importance of community engagement and cultural sensitivity in policing was emphasized. Initiatives such as building relationships with elders, engaging with youth, and incorporating Indigenous ways of knowing into everyday policing practices were highlighted as crucial for building trust within the community.

Participants acknowledged the significance of treaty relationships in shaping policing approaches and priorities. There was a consensus that a collaborative approach, grounded in mutual respect and understanding, is essential for addressing the unique needs of First Nations communities.

Positive impacts resulting from community engagement initiatives were discussed, including enhanced relationships, increased trust, and improved outcomes in addressing community needs.

Closing Comments

We're not going to stop; we're going to find other ways we can to support ourselves financially because our community deserves and expects it and every community that's represented here deserves that. So again, it's innovation, it's investment. It's about a Spirit that can come when you have a great group of people doing things for the right reasons.

Recap of Key Points:

- Funding allocation should encompass resources beyond financial support.
- Strive for equality and mutual respect between the RCMP and FNPP.
- Establish effective dispute resolution mechanisms.
- Emphasize the importance of inclusivity in decision-making processes.

Closing Remarks:

- Reference made to the drug crisis declared in December 2017, underlining the desire for public safety to be integral to community life.
- Concerns raised regarding the potential consequences of the crisis. Testing results from 2008, indicated a significant percentage of negative results among those tested.

Questions from Cards:

- Are legal fees covered in the new policy?
- Who will be the contact for the self-administered policy?
- Did ILDI invite all the nations to the engagement sessions?
- You spoke about infrastructure in place now, but not about new services that will be implemented. Is this to be part of the negotiations?
- Will funding considerations include: new infrastructure, and training FNP officers?
- Have all Chief and Council Members been contacted to assist with legislation?
- Will pay scale be equitable to self-administered police services?