

## Quebec City Engagement on the Proposed Elements for Federal First Nations Police Service Legislation

**Date:** March 12, 2024

**Location:** Four Points by Sheraton Lévis Convention Centre

(5800 Rue, Michaud Lévis, Quebec City)

**In-Attendance:** 33 people attended (8 virtual / 25 in-person) representing the following:

- Chiefs
- Community CEO's
- Counsellors
- Association of First Nations and Inuit Police Directors of Quebec
- Representatives of Police Force's
- Regional Chief, Assembly of First Nations Quebec-Labrador
- Minister of Public Safety
- Mohawk Council of Kahnawake
- Justice Initiatives Advisor

### Welcome and Opening Remarks

Dennis Meeches said Welcome Remarks and provided a welcome honor song.

Presentation - Chris Moran, Assistant Deputy Minister, Public Safety Canada:

[https://ildii.sharepoint.com/sites/ILDIIArchive/Shared%20Documents/EXECUTIVE%20TRAINING/2024/APPROVED%20Proposals/FN%20Policing%20Legislation/FN%20Policing%20Leg%20-%20Documents/IAB\\_IPTF\\_PS%20Presentation%20ILDI%20Engagement.pdf](https://ildii.sharepoint.com/sites/ILDIIArchive/Shared%20Documents/EXECUTIVE%20TRAINING/2024/APPROVED%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

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 Answers

- One of the things that I noticed was the old concept of co-development - *what does that look like and will we actually hold the pen or will it be public security Canada? What needs to be included?*
- What's not included is the letter which speaks that this legislation is primarily about funding, provincial jurisdiction over policing.
- We've had a couple experiences with co-legislation and we've seen what was done and with some pieces of that legislation we actually held the pen.
- One of the main elements missing is the discussion around jurisdiction - the fundamental basis of why we're here and what we want out of our future police services.
- I don't think we would be looking to receive anything less than what we have in the past.
- PSC - The mandate is really to co-develop legislation which is complementary to PT jurisdiction. I will advise the minister of what you're saying. We are looking to engage and understand what is missing. I will bring the message back regarding jurisdiction.
- We invited the minister to a task force meeting. The response we received was totally unacceptable. We need the answer to who's holding the pen - it's a reflection of this process.
- It's beyond the process - why do we need a second engagement? Things have been told to Canada for decades of policing of what needs to be done - this should be a simple process - recognizing our policing service like everywhere else in the country - why has it been so complicated? Do the other provinces carry more weight than we do? Those are the answers we need.

- PSC - We have been clear with respect to the mandate and the process. The legislation drafters are responsible for drafting on the basis that we are providing. We are aiming to ensure that the instructions we provide through the elements reflect what is being sought. We need to establish a process - we've continued to engage throughout the process and ensure we are doing check-ins and that's where this is, the final product to be co-developed. We are hopeful we have not missed the mark. We have worked very hard on creating relationships, listening to the technical experts and the nations that have engaged with us. We are striving to deliver this and I am mindful that there is an ongoing disagreement with the mandate we received.
- *How do we ensure that all levels of government are held accountable?*
- PSC - With respect to the role that the provinces and territories play - we have continued to work with them; to ensure that they are also aware that they are supportive and engaged in what we are doing - our legislation cannot impose requirements - however there is a prioritization for this work and ensuring we are getting it done. This is a case of federal legislation. The authorities would continue to flow however First Nations would be provided with adequate funding. The First Nations police services are forming an integral part in the regions and we want to make sure they are supported.
- There are issues with the language - it is important to flag some of the language.
- We are scared that we will not get the proper funding and that it will be limited and restricted. Also that the language will not reflect the changes needed.
- The wording takes us backwards. We must recognize First Nation Leadership. It goes further than just language.

## 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?

### Discussion Question 2

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

### Participant Answers

- *How will legislation secure our own governments in getting the proper deals?* We have at least a few cases before the courts - one namely is with the indigenous police chiefs of Ontario who went to the federal court, and even with a federal decision, there is still no deal. We've seen this so many times - a take it or leave it deal. How will legislation correct that? It's a big question.
- A number of communities don't have their own police services. Despite the good relationships between police services, the government of Quebec never saw our police services as equivalent to their police services. An example of that is the meeting we attended last fall - with the justice and public safety minister - we had a couple of hours provided to us to make our case - we had a police chief from Ontario say his case very clear and then after we walk out, the bigger voices speak between themselves - *how are we to make our case as we are trying to do this morning?*
- PSC - With respect to some of the challenges that we have faced in providing funding we are constrained currently through the police program.
- With regards to the 52% vs 48%, even if the government says they want to provide a more appropriate type of funding, even with C92, how do we go about that? How do they see this law as one that has no influence on the provincial levels, maybe process wise - what's the thought process?
- PSC - One of the limiting factors right now is the way we are securing and providing funding. If we are able to achieve a more predictable and stable way of funding, we know the provinces will make their share available. Regarding the cost share from the program, we are looking to cost share at that level and ultimately the limiting factor here is the inter governmental processes which are cumbersome.

- I just wanted to bring a response in reference to our meeting last fall. It's not about more time, it's about more time with the decision makers. I took part in a PT meeting just earlier this year on transportation and the same thing again, let's have two hours with the organizations and then we'll meet as governments, and I think where there's failure is there's no recognition that we are governments as well. To me it's fundamentally wrong, because on one hand Canada has its channels, but ultimately I go back to what I said earlier, maybe the provinces are holding the pen and not Canada.
- PSC - I hear what you're saying. When I said more time, I didn't mean time in terms of temporal agency, what I meant was being at the table and being in those meetings. Those are discussions that I know are happening outside of public safety as well. I will feed that in and I hear what you are saying. Part of the legislation's intent is to set out a process where we are including First Nations directly as the decision makers in delivering this funding. Right now that's not the case and we need to get to a place right now where we can see the wants and needs.
- The exercise of the legislation on the provincial level - is that something that can be discussed - if certain exercises or expectations are put in place at a provincial level, who's holding the pen in this case? *Will the communities themselves be able to govern?*
- *Does it need to remain in the 52/48 percentage or is that malleable?* There could be push back from the province to want to take part in the agreement, because if the Canadian government is going to increase the funding to a certain degree, will the provinces be able to follow with it? Is that something that can be changed up given certain circumstances?
- PSC - We will envision that we will maintain that cost share ratio. With the jurisdiction and the legislation over police services in general - the idea is that the province and First Nations are looking at requirements, and determining collaboratively a funding level that is adequate, and that is required to meet the service and the type of service. It will vary on the basis of factors such as population, proximity to urban centers or other policing - it's really about what is required in each community specifically and what does that look like.
- The relationship is getting better but at the end of the day, we're trying to have a partnership that doesn't really work. First Nations policing definitely doesn't have a fair shake or an equal place at the table. The province kind of wheels in their power over us. We are kind of always stuck. For all of us, I know that it's vital that I'm able to provide services to my community. I'm always walking a tightrope between what my community wants, the province wants, and Canada wants. I see the value in being recognized as an essential service, but at the same time, we're just not going to fall under the province's thumb - it's never going to happen that way. We need to find a way to coexist and be true partners.
- This isn't going to happen, we have been talking about this for decades, and nothing ever happens. We've gotten additional funding, but it's not enough. What does the future hold? We have such a difficult time keeping people. When it comes to training it's hard to get the training we require, whether it's in French or English. I'm beating my head against the wall to get things we need. I don't know what the reality is but let's really get this done. Our communities deserve to have safety and security. This is a big deal.
- We've been engaged from day one. And there's a 52/48 split and we're sort of at the receding end but we have our own dotted line with these agreements. What I see is Canada engaging with First Nations but yet when you meet as a Canadian government with the provinces, we are nowhere near that process and to me that's totally totally unacceptable and that's the problem I have when I see this happening.
- PSC - To identify the objectives and these elements we have continued to bring awareness. We are looking to build solutions together and develop consensus. We will continue to work with the provinces, however the elements have all been subject to and influenced by the conversations and input from the First Nations and others. We have maintained an open door to discuss the legislation and we will continue to do that.
- *How will we ensure adequate funding? It's a take it or leave it deal now. How will we fix this?*
- We have 4-5 Inuit communities and no police services. When accidents happened – no police were there. We've been waiting for years, but nothing is happening. The drug and alcohol use is extreme. Our young people are crying out. We need a seat at the table. We can no longer wait for police essential services. We have rights.
- The provinces seem to have a privileged position. Canada allows Quebec to be at the table but not us.

### 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 Answers

- Not trying to force other services to be there, and have an open to dialogue - I feel that the attitude is that if a dispute is not heard by both parties, we will send in the OPP, which doesn't constitute a fair resolution process. I think that method of problem solving needs to be not used. Trying to force the negotiation and take what it is you're given, is not necessarily a respectful response. The mindset needs to be changed out whole heartedly. It's a problematic one.
- When you have power imbalances, these dispute processes tend to be unresolved.
- We often have to beg to get our voices heard, unless we still play by their rules, it's not a fair resolution process. I would go back to the power imbalance within the law.
- Looking at it from a political lens, one would think that Canada would still have a stronger foothold in terms of this jurisdiction piece, but on C92, this mechanism for dispute resolution is - if one party chooses to leave the table because they don't like the conditions, this is really what's at stake here.
- C92 federal law, that proposes coordination agreements and tree parties, if the province doesn't like the conditions, they're not there, but if we are not comfortable with the conditions, we always carry that ownness. If there's a question - has Canada changed its focus in light of the supreme court decision of roughly a month ago?
- PSC - We are striving to ensure there's a process in place where there's a collaboration that recognizes the roles of each party at the table. We are looking to ensure that there is a process by which the parties, the province and federal government can come to a consensus and an agreement on what funding level is required. Once you start to look at dispute resolutions, it is a very different type of agreement you are looking at. It is something that we continue to hear from the police chiefs and communities, it is that there is no place to appeal or face the challenges. We want to create a place to work collaboratively. We are responding to that.
- The dispute resolution process is not currently fair. It's a take it or leave it offer/solution approach, and that is disrespectful and needs to be removed.
- The current draft is problematic because of the current power imbalances. The resolutions tend to be unfair. No law trumps the other law. The game is set so that it's already unfair to Indigenous people. Mediation process shouldn't be voluntary. The models are currently western but they should be more Indigenous models.
- The dispute resolution is flawed because it doesn't recognize First Nations models. Why restrict ourselves, we know it is problematic and we have appropriate measures.

### 4. Implementation

#### Discussion Question 1

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

#### 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 Answers

- *Could this mean the review process is shorter or longer? Given this is the first time they will tackle this implementation, will there be a shorter review period?*

- PSC - This is looking at how it's working and if it's delivering the intended effect. How is it working? What needs to change? There would be nothing that requires a community to look at a review, but there is nothing that would prevent them from doing that also.
- I see this process as a hardening down on the dilemmas of operational needs and seeing that the community knows what's best for what's needed. Allowing the First Nations and policing services, to create their own guidelines, and to ensure that the longevity of police service is put in place.
- It's important for all levels of government to put mediators in place - as a way of having a full oversight - as a means of seeing what works and what doesn't in the communities.
- We need to ensure that the First Nations have more weight and more power in determining how the policing standards are put into place.
- When we refer to essential service - we're referring to the broadest spectrum possible.
- PSC - we're not just talking about prevention. We do have programs across the country to enhance offerings in different areas. We are looking for feedback. I would welcome your ideas and I would still welcome your perspectives on what we ought to do as we move forward to protect First Nations communities. It is not solely dependent on policing. There needs to be a robust approach to community safety planning, looking at the factors and conditions as well.
- *Proposal cycle says every 5 years – Does this mean review of process could be shorter or longer?*
- The capacity to act as Government is what's needed! To be a decision maker and have that decision making capacity.
- We had Forest fires last year – We don't have that luxury of time. There's always delays for authorities to make different decisions.

## 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

- I've participated in a number of these sessions - I feel like it's our bat, it's our ball. At the end of the day if we don't have the ability to be a part of the drafting, then we're being put into these little boxes and the walls are defined for us. The little box is handed over and the province shakes it a little bit and we don't have a say. People have to understand where they're coming from, because no one understands first nations policing, more than the communities receiving the service. No one can tell you what you need. We have to make this happen.
- I'm not really here to derail the process but we've been involved in this conversation for the past 8 years now and at some point I think we need to deliver what we committed to deliver to our communities.
- The point that needs to be made is that it can't be compromised on one side and the reason why I raise the points is because we know it's happening. When we see the provinces lobbying each other, it's happening, we've seen it on C92 and it is happening. We have the responsibility to bring things to the surface. How much of that influences what we are trying to do. This is really what's at stake here. I totally understand and think our chiefs of police for years now have been with all the legitimacy, the fact that our capacity of policing numbers are limited, those are very valid points.
- If we are looking for equivalency and recognition, how many years have I heard discussion around the difference between a full-fledged police service as opposed to 1/4 or half. I don't see that anywhere in this process. It's very limited.
- We've been pushing this for a few years now and pushing the calendar and we know how the legislation works, *can we get an answer as to when this bill is supposed to be tabled?*
- PSC - There is no specific date, I can't give a date. There are certain steps we need to follow. Part of it is coming to consensus on these elements which will form the backbone of the instructions for the drafters. We want to move it as quickly as we can. I recognize it has taken many years, but we do have a team devoted

to this. There has been more progress and technical understanding and I'm hopeful we'll be able to continue to work on that. We will finalize the elements through these conversations. We will advise the minister. The legislation drafters will be developing a draft of the bill and at that point we will have a better idea of what the timelines are.

- We will never move if we cannot agree amongst ourselves. There will be no police services if we cannot agree. We need to at least have the same thing as what others have. We will never have police services if it is a prerequisite. Quebec has to say we will work community to community. They have required this for much too long now and it just doesn't work.
- Public safety in the indigenous community, it's about relationships. There's an ongoing investigation but the family doesn't believe it because of systemic rage. When we don't have an indigenous police service right away, you don't trust police officers. People do complain about racism and harassment, so maybe you don't have an answer here but we need an answer. We could let go of all this grouping and do it community by community.
- We Need to realize that there must be a result somewhere. - not just have these communities wait and wait. We won't train officers overnight, but if we don't start today, we'll never start. Even if we had people who wanted to start today, we don't have that capacity.
- With regards to the jurisdiction, officers don't want to interfere because they're scared. We need to break this chain and there's a decision we need quickly. We're still waiting for the chiefs to make a decision around the table. When you go back to your respective authorities, someone needs to decide. There's no reason we shouldn't negotiate community to community because it's already in existence.
- There are many challenges in all communities. We have youth that commit suicide and 6-10 year olds that find themselves in horrible situations, and as a parent and grandfather, the drug and alcohol problems at that age, they're so young to have those problems. What I've heard today is that we certainly need to advance. These issues are real. We are seeing an epidemic among each community among drugs and abuse of alcohol. This continues and persists. Crimes are high. Back home we had one of the highest suicide rates among children, because of the disparity within the community. We have a lot of work to do.
- We are doing this for our community and our children. Progress takes a lot of time to move forward but let's listen and move forward in a respectful manner working together for the betterment of our community.
- It has always been a challenge for Long Plain regarding colonial legislation. The fight for Colonial legislation has evolved but it's now a paramount issue we're facing. There are concerns how provinces impose their legislation. We are still facing barriers working with provincial governments.
- The Indian Act has created many problems. Strengthening Treaty Nations Sovereignty Pressure matures for public and community safety. The Status Quo is not working for our people.
- Two weeks ago we declared a state of emergency for drug addiction. We're losing our younger generation and First Nation children in Longplain.
- The Provincial Government is disconnected from FN issues. We had to take out money to set up K9 Unit Recruitment, retention is difficult The narratives have to be changed. We must see our police officers more positively.
- Manitoba police services expanding to North Winnipeg. We believe the First Nation police model will look very different to include customs, traditions, etc.
- Treaty Sovereignty – We believe we are sovereign first, Canada second. We don't want separation from Canada, and we demonstrate this time and time again – we're allies with the State.
- Our backs against the wall, we feel the pressure that we need this legislation now.
- Enforce our rights under our Treaties