

# Moving Towards a New Approach

Findings from the *Policing as an Essential Service* Forum

May 25 & 26, 2022





## Executive Summary

The *Policing as an Essential Service* Forum (the Forum) was held on May 25 & 26, 2022 in a virtual environment and was hosted by the BC Assembly of First Nations (BCAFN) and the BC First Nations Justice Council (BCFNJC). The main purpose of the Forum was:

- 1) for First Nations chiefs, leadership, experts, technicians and community members to discuss their vision for transformative change in First Nations policing and community safety, and
- 2) to inform federal and provincial legislative commitments for reforming existing policing and justice systems.

With registration numbers of over 200 people and 60-80 people participating in the breakout sessions, First Nations from across the province came together to share their challenges and successes, recognizing it is a unique time at the provincial and federal levels with governments looking to change course on their approach to First Nations policing.

In realizing this transformative change, engagement and feedback from First Nations leadership and community members will be critical. The Assembly of First Nations (AFN) and BCAFN have both passed resolutions related to the designation of policing as an essential service, with the AFN supporting the regions to host engagement sessions to discuss and determine priorities ahead of the co-development of legislation in 2022-2023. In addition to the AFN engagements, the Department of Justice Canada also hosted their own independent engagement process. The legislation is anticipated to recognize First Nations policing as an essential service and provide a framework for stable funding and resources. If successful, this approach will support First Nations to assert jurisdiction over their own community safety priorities which will result in improved police services.

To demonstrate different kinds of policing services within BC and abroad, speakers weighed in on their experiences with the First Nations Policing Program (FNPP), including Community Tripartite Agreements (CTAs), Self-Administered Agreements, and other types of enhanced policing agreements. With what was shared amongst participants during the breakout sessions and by the aforementioned speakers, many similar themes emerged – regardless of which policing body or type of agreement was involved. These themes included:

- Racism and under-funded services
- Lack of police responsiveness to community priorities and a failure of police to communicate with First Nations leadership
- Lack of clarity around who is responsible for and has the jurisdiction to enforce policing First Nations communities
- Challenges with recruitment and retention of quality officers
- Data and information sharing opportunities

- Accountability mechanisms for police
- Training considerations and requirements
- Relationship building between police and communities

Also in attendance at the Forum was the BCFNJC Chair Doug White who presented the *BC First Nations Justice Strategy*. Chair Doug White also shared some of the successes that the BCFNJC has seen around increasing the accessibility of Gladue reports for Indigenous peoples caught up in the justice system, raising the yearly average of completed Gladue reports from below 100 to over 400 reports annually.

In considering how to bring Indigenous legal traditions to the front of police reform, Dr. Val Napoleon was invited to speak at the Forum and shed some light on the processes of the Indigenous Law Research Unit and their work with communities to unpack traditional stories and law in order to apply them to modern challenges. With BC making some strides in this area, the Forum also heard from Indigenous police services outside of the province who were well on their way to realizing autonomy and self-determination for their police services. While police services outside of BC have their own jurisdictional considerations that may not easily translate to BC, it is helpful to see what is possible in policing when legislative and political will are aligned with adequate funding.

## Table of Contents

Perspectives from Our Elders .....	5
Background.....	6
AFN Mandate & Update from Representatives.....	7
BC Assembly of First Nations & BC First Nations Justice Council .....	8
Current State of Policing .....	11
First Nations Policing Program .....	11
National Inquiry into MMIWG2S+ Final Report .....	12
Special Committee on Reforming the Police Act .....	13
Examples of Current Policing Models in BC .....	15
Traditional Laws and Restorative Justice .....	25
<i>Examples of First Nations Traditions Supporting Community Safety in BC</i> .....	26
Examples of Indigenous Policing outside of BC .....	29
Challenges and Opportunities.....	30
Next Steps .....	39
Appendix A: Legislative Recommendations Report.....	40
Appendix B: AFN & BCAFN Resolutions .....	46
Appendix C: Graphic Recordings & Artist Profile .....	58
Appendix D: Meeting Agenda.....	60

## Perspectives from Our Elders

*Dr. Gwendolyn Point<sup>1</sup>, Boyd Peters<sup>2</sup>, and Caroline Buckshot<sup>3</sup>*

In opening the Forum on both days, participants were welcomed by Elders in our communities. Below are some perspectives that were shared by the Elders with forum participants.

Knowledge Keeper and Elder Dr. Gwendolyn Point reminded Forum participants that our ancestors would say ‘thank you’ to us for doing this work. She noted that while First Nations are still overrepresented in the prison system, Elders are now being brought in to help them and this is a step in the right direction. Dr. Point shared a story about a friend she used to have who was attacked by a man one night and killed him in self-defence.<sup>4</sup> Even though her friend was only acting in self-defence, the police, prosecutors, and judge moved forward with a murder charge and conviction. When her friend was released from prison, she was a very different person. Dr. Point reflected on the relationship between First Nations, police, and the justice system, concluding that it just takes one bad event to steer life in a very different direction and that this could have happened to her as well.<sup>5</sup>

In reflecting on building on an Aboriginal-focussed corrections facility, Knowledge Keeper and Elder Boyd Peters proudly shared that it was completed 20 years ago, and they will be having a celebration in September 2022. While there were a lot of challenges in building the facility, seeing the benefits of land-based healing in action was truly rewarding and resulted in the most successful healing village in BC.<sup>6</sup> He shared with us that he was taught by his Elders that bad or careless behaviour should not be met with punishment and discipline, but rather, this behaviour provides an opportunity for a teachable moment. Instead of punishment, this approach centers on

---

<sup>1</sup> Dr. Point has been the Knowledge Keeper for the BC Assembly of First Nations for many years, and is also a well-respected and recognized Sto:lo leader, mentor and cultural advisor. Dr. Point holds a bachelor’s, master’s, and doctorate in Education, as well as an honorary doctorate from the University of Victoria in British Columbia. In her time with the BC Assembly of First Nations, Dr. Point is known to offer her insightful guidance and teachings to staff and leadership on many occasions, including “change happens when truth walks in the room.”

<sup>2</sup> Boyd Peters is a Director at the BC First Nations Justice Council and leads the Policing and Corrections portfolio, along with being the Director of the Sts’ailes Rights and Title Department in his community. Boyd has been elected to council in his community for over 20 years and is responsible for looking after the spiritual, physical, and cultural connections that the Sts’ailes people have with their land, water, and resources in their territory. Boyd has made important contributions to improving the correctional system, including sharing cultural and traditional forms of healing to help reintegrate Indigenous peoples coming out of prison back into their home community.

<sup>3</sup> Elder Caroline Buckshot is a well-respected Elder in many communities, originally hailing from Algonquin territory in Maniwaki, Quebec. She has a background in counselling and Indigenous-focussed therapy to practice Indigenous trauma-informed healing. Elder Buckshot has made significant contributions supporting Indigenous folks who are incarcerated. She has worked in provincial correctional environments offering advice on the care and custody of Indigenous people, as well as providing spiritual guidance and ceremonies to Indigenous folks who are incarcerated. Elder Buckshot has written over 3500 Elder Review Reports and works with corrections staff on all aspects of the intake assessment process, mental health, interventions and decisions that affect Indigenous people who are incarcerated.

<sup>4</sup> PES Notes, page 34

<sup>5</sup> PES Notes, page 2

<sup>6</sup> PES Notes, page 95

forgiveness, respect, and an opportunity to grow. He also highlighted the tension within some Nations that want to write down and record our teachings so that they can be shared, but also being mindful that we want to protect our teachings and respect oral traditions.

Representation matters and Elder Caroline Buckshot wants to see more Indigenous peoples in management and decision-making positions because it is important that Indigenous people see themselves in these senior roles. She also reflected on her experience working with Indigenous folks who are incarcerated and emphasized the importance of healing lodges within correctional environments and how she has seen so much healing happen when people have the opportunity to connect to the land and ceremonies. Caroline considered her own teachings around traditional law and what happened in the past when people did harmful acts towards one another and how that was addressed. She shared that in her community, people whose behaviour was out of line were taken on a canoe ride with an Elder and taught respect and to be kind. In this way, teachings were emphasized over punishment. She reminded Forum participants that love is a gift that we must always keep in our hearts.<sup>7</sup>

## Background

The *Policing as an Essential Service* Forum (the Forum) was held on May 25 & 26, 2022 in a virtual environment and was hosted by the BC Assembly of First Nations (BCAFN) and the BC First Nations Justice Council (BCFNJC). The purpose of the Forum was:

- 1) for First Nations chiefs, leadership, experts, technicians and community members to discuss their vision for transformative change in First Nations policing and community safety, and
- 2) to inform federal and provincial legislative commitments for reforming policing and justice systems that currently exist.

With registration numbers of over 200 people and 60-80 people participating in the breakout sessions, First Nations from across the province came together to share their challenges and successes, recognizing it is a unique time at the provincial and federal levels with governments looking to change course on their approach to First Nations policing.

In realizing this transformative change, engagement and feedback from First Nations leadership and community members will be critical. The Assembly of First Nations (AFN) and BCAFN have both passed resolutions related to the designation of policing as an essential service, with the AFN supporting the regions to host engagement sessions to discuss and determine priorities ahead of the co-development of legislation in 2022-2023. In addition to the AFN engagements, the Department of Justice Canada

---

<sup>7</sup> PES Facilitator's notes.

also hosted their own independent engagement process. The legislation is anticipated to recognize First Nations policing as an essential service and provide a framework for stable funding and resources. If successful, this approach will support First Nations to assert jurisdiction over their own community safety priorities which will result in improved police services. (See Appendix D for the Agenda and Appendix C for Graphic Recordings of the Forum).

## AFN Mandate & Update from Representatives

### *Mandate*

Between 2017 – 2021, the AFN Chiefs-in-Assembly passed four resolutions that support the development of First Nations policing as an essential service, framing each resolution within the context of the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP). At the regional level, BCAFN resolution 09/2021 pointed to UNDRIP, along with the Truth and Reconciliation Commission of Canada Calls to Action (TRC) and the National Inquiry into Missing and Murdered Indigenous Women (National Inquiry) in highlighting the need for immediate policing reform (See Appendix B)..

Calls for reform have come from many First Nations who continue to experience racism, slow response times, and a lack of interest from police in focussing on community priorities. Examples from around turtle island have demonstrated that success is possible when proper funding, resources, and training are available for police and communities.

### *Update from AFN Representatives*

As joint AFN portfolio holders for Justice & Policing, Regional Chief Ghislain Picard and Regional Chief Terry Teegee attended the Forum to provide updates on their work with the AFN, along with BC regional representatives Chief Dean Nelson and Chief Jerry Jack who sit on the AFN Policing Taskforce.

Regional Chief Picard shared that the intention of the federal government is to pursue co-development of federal legislation, but that we need to be on the same page with shared objectives and concrete timelines, and ensure that we are looking at models that respond to the capacity and regional needs of communities.<sup>8</sup> He also noted that there are a few communities who are already negotiating pilot programs based on the regionalization of policing services, and reminded us that while this is promising, some communities are still deciding where to begin.<sup>9</sup>

Underfunding of First Nations police services has been a longstanding issue that Regional Chief Picard said was brought to the attention of the Canadian Human Rights Tribunal. In January 2022, the Tribunal agreed with the Pekuakamiulnuatsh First Nation in Quebec, stating that the “First Nation police service is chronically underfunded: the

---

<sup>8</sup> PES Notes, page 3.

<sup>9</sup> PES Notes, page 3.

funding does not allow the First Nation to offer its members a basic police service comparable to that enjoyed by neighbouring communities. When the First Nation attempts to do so, it runs a deficit year after year.”<sup>10</sup>

The Tribunal found, “the complainant was discriminated against by Public Safety Canada in the provision of a service, on the grounds of race and national or ethnic origin”. Furthermore, “the Tribunal found that the implementation of the First Nations Policing Program (FNPP) perpetuates existing discrimination, and that the goal of substantive equality is not being and cannot be achieved through the FNPP, because of its very structure, which necessarily results in a denial of service.”<sup>1112</sup> He further noted that a final ruling of the federal court could have significant implications, including how governments currently provide funding to First Nations.

Chief Dean Nelson advised that, along with Chief Jerry Jack, he serves on the AFN Policing Taskforce – an organization made up of regional representatives, technical experts, and executive members of the First Nations Chiefs of Police Association who meet regularly to provide support and guidance in the development of a new legislative framework for First Nations policing. This framework would address the 30+ years of chronic underfunding to ensure that First Nations get the resources, funding, and infrastructure required to support First Nations policing priorities in an equitable way.<sup>13</sup>

Chief Jerry Jack provided an update on the AFN Policing and Restorative Justice forums that were held in April 2022, noting that participants looked at social, economic and political wellbeing in communities during their discussions. He reflected that “we are simultaneously over-policed and under-policed,”<sup>14</sup> leaving community members feeling like they are not protected as funding disparities continue to contribute to many cases of abuse and tragic deaths in our communities.

## BC Assembly of First Nations & BC First Nations Justice Council

### *BC Assembly of First Nations*

BCAFN advocates for the rights, title, jurisdiction and interests of the 204 First Nations in BC, with the Regional Chief of British Columbia sitting on the national AFN Executive Committee supporting various national-level portfolios. In 2021, the BCAFN Chiefs-in-Assembly passed resolution 09/2021 titled *Need for Immediate Policing Reform and Support for First Nations Jurisdiction of Policing*, and supported:

<sup>10</sup> *Dominique (on behalf of the members of the Pekuakamiulnuatsh) v. Public Safety Canada*, 2002 CHRT 4. Online: <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/520770/index.do?q=Pekuakamiulnuatsh>

<sup>11</sup> *We have to stop denying it: CHRT says Canada is discriminating against Indigenous police forces*. February 2022. Online: <https://www.aptnnews.ca/national-news/we-have-to-stop-denying-it-chrt-says-canada-is-discriminating-against-indigenous-police-forces/>

<sup>12</sup> For more information on challenges with the FNPP, see page 31 of this report.

<sup>13</sup> PES Notes, page 42

<sup>14</sup> PES Notes, page 43



- First Nations in exercising their rights to self-determination, including the implementation of culturally relevant justice systems in relation to their communities and Nations;
- Urging provincial and federal governments to recognize First Nations' jurisdiction with respect to justice and policing, and provide financial and technical assistance to all First Nations to support their policing priorities; and
- Calls on provincial and federal governments, and police forces in Canada to fundamentally reform policing and the criminal justice system with specific priority placed on ending police brutality and violence against Indigenous peoples and transforming the relationship with Indigenous peoples so that it is in alignment with UNDRIP.

Regional Chief Teegee remarked during the Forum that “we are here to collaborate on creating a vision for transformative policing” and that we are at the beginning of a seismic shift.<sup>15</sup> He shared that at the federal level, there are commitments to develop a National Indigenous Justice Strategy and co-develop a legislative framework for First Nations policing.<sup>16</sup> First Nations are now in a position where there is an opportunity to establish their own justice systems and reduce the negative effects of the colonial justice system. In reaching these goals, Regional Chief Teegee outlined the importance of culture and the recognition of First Nations jurisdiction.<sup>17</sup>

#### *BC First Nations Justice Council*

In 2016, the BCFNJC was established through resolutions of the BCAFN, the First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC), collectively known as the First Nations Leadership Council (FNLC). The BCFNJC is guided by the BC First Nations Justice Strategy, which sets out two tracks for transformational change:

- 1) Reducing harm and improving First Nations people's experience with the justice system; and
- 2) Supporting the revitalization of First Nations justice systems.<sup>18</sup>

As the Chair of the BCFNJC, Doug White participated in the Forum and shared his perspectives. He stated that currently policing does not belong to First Nations in any significant way and that it

*“...was structured to control us and ensure the development of Canada across the prairies and specifically targeted Indigenous peoples. We find ourselves in this continuing pattern that has been one of the main storylines of what Canada is.”<sup>19 20</sup>*

---

<sup>15</sup> PES Notes, page 2

<sup>16</sup> PES Notes, page 36

<sup>17</sup> PES Notes, page 3

<sup>18</sup> PES Notes, page 44

<sup>19</sup> PES Notes, page 15

<sup>20</sup> PES Notes, page 44

Doug White shared that in the early 1900s, 10% of the prison population was made up of Indigenous people; today that number sits at 32% despite some initiatives being put in place over the years. Considering that Indigenous peoples only make up 4.9% of the Canadian population, there is a clear overrepresentation of Indigenous people in the justice system which needs to be urgently addressed.

*“We know our people are over-policed, over-charged, over-prosecuted, over-convicted and serve harder time. Meanwhile, we are massively underrepresented in systems of power in the justice system: underrepresented in policing, prosecution services, on the bench, on juries, in corrections.”<sup>21</sup>*  
- Doug White, Chair of the BCFNJC

The BCFNJC is trying to change this grim reality with the Justice Strategy<sup>22</sup> which looks to create change through two key tracks:

- 1) Change the status quo to make colonial systems safer and more responsive to Indigenous peoples.
  - Example: Gladue reports increased from 75 reports per year to approximately 400
- 2) Support self-determination for First Nations to restore legal structures and traditions
  - Example: Using UNDRIP as a framework to advance self-determination

In considering a vision for policing and public safety in the future, Doug White encouraged participants to think about transformative change that would protect some of our most vulnerable community members: a young, Indigenous mother living in a remote community who is grappling with domestic violence. Right now, some people in that situation may not pick up the phone to call police for help due to several reasons:

- Will it take days for the police to arrive?
- Will she encounter racism from police, MCFD, and healthcare providers?
- Will her partner be assaulted by police and arrested?
- Will her children be removed from her care?

With these kinds of considerations hanging over them, people may decide not to call for help. Doug White emphasized that “this is not a system of public safety or policing; community members are entitled to and deserve to feel safe and be able to live a peaceful life in their communities.”<sup>23</sup> The BCFNJC will continue to work toward addressing these systemic challenges and upholding First Nations jurisdiction through the implementation of the BC First Nations Justice Strategy.

<sup>21</sup> PES Notes, page 45

<sup>22</sup> BC First Nations Justice Council – Justice Strategy. Online: <https://bcfnjc.com/landing-page/justice-strategy/>

<sup>23</sup> PES Notes, page 49

## Current State of Policing

Policing in BC is made up of a patchwork of federal, provincial, and municipal police services with one tribal police service in operation. Federal actors like the Royal Canadian Mounted Police (RCMP) are responsible for policing remote, rural, and some urban locations and are accountable mainly to the RCMP Civilian Review and Complaints Commission, and the Independent Investigations Office (IIO) in some situations. In other regions, some large and small municipalities have opted for their own police force that answers to police boards within those municipalities, as well as other accountability and oversight offices like the Office of the Police Complaint Commissioner (OPCC) and the IIO. At the provincial level, BC has a variety of gang units within the Combined Forces Special Enforcement Unit (CFSEU-BC) and the Organized Crime Agency of BC (OCABC).<sup>24</sup> Finally, there is one tribal police service called the Stl'atl'imx Tribal Police Service for the First Nations in the Lillooet and Mt. Currie area.

This patchwork can create challenges for accountability, coordination, and resource efficiencies between police departments.<sup>25</sup> For First Nations living in their home territories or in an urban environment, it appears that many have found persistent challenges with police responsiveness to complaints and cultural sensitivity and racism in their interactions with police and their governing bodies.<sup>26</sup>

## First Nations Policing Program

When it comes to First Nations and policing, the FNPP was introduced in 1991 to provide policing services to enhance public safety in First Nations Communities.<sup>27</sup> Since the inception of the FNPP, it has received criticisms of insufficient resources and support, with one explanation being that “rather than augmenting existing police services, as was the intention, FNPP funding is often used to provide basic services, and often in ways that are not sufficient given the challenges faced in many Indigenous communities.”<sup>28</sup> Funding for FNPP is provided through a Framework Agreement between the Government of Canada and the Province of BC, with approximately 133 of 204 First Nations in BC falling under FNPP jurisdiction.

---

<sup>24</sup> Combined Forces Special Enforcement Unit – About. Online: <https://www.cfseu.bc.ca/about-cfseu-bc/>

<sup>25</sup> *Transforming Policing and Community Safety in British Columbia*. Special Committee on reforming the *Police Act*. Online: [https://www.leg.bc.ca/content/CommitteeDocuments/42nd-parliament/3rd-session/rpa/SC-RPA-Report\\_42-3\\_2022-04-28.pdf](https://www.leg.bc.ca/content/CommitteeDocuments/42nd-parliament/3rd-session/rpa/SC-RPA-Report_42-3_2022-04-28.pdf)

<sup>26</sup> *Systemic Racism in Policing in Canada*. Report of the Standing Committee on Public Safety and National Security. June 2021. Online: <https://www.ourcommons.ca/DocumentViewer/en/43-2/SECU/report-6/page-5>

<sup>27</sup> PES Forum Backgrounder and Discussion Guide, page 3

<sup>28</sup> PES Forum Backgrounder and Discussion Guide, page 3



Under the FNPP, there are two primary policing service models: (1) Self-Administered (SA) Agreements<sup>29</sup>; and (2) Community Tripartite Agreements (CTAs). Under the SA model, a First Nation community or group of communities negotiates a tripartite agreement with the federal and provincial/territorial government to administer its own police service. Much like a police service in a small town, the First Nation is responsible for developing, managing, and administering all aspects of the police service.

By contrast, under the CTA model, a First Nation community or group of communities negotiates with the federal and provincial/territorial governments to be policed by officers from an existing police force (e.g., RCMP). Where available, the contracting police force is expected to assign Indigenous officers to work in the First Nations' community. In addition to tripartite agreements, a single *quadripartite* agreement exists in BC and brings municipal police to the table as the contracting police service for First Nations.<sup>30</sup>

### National Inquiry into MMIWG2S+ Final Report

Based on her work as the Chief Commissioner of the National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry), honourable judge Marion Buller shared findings of fact and Calls for Justice regarding Indigenous policing. Some of the key themes she observed were that First Nations police services were under-funded and under-resourced, noting that “various programs under First Nations policing programs get a short funding cycle, and are in a constant cycle of applying and waiting for the funding and not being able to plan for the future because of this instability.”<sup>31</sup> This instability also has an effect on recruitment and retention challenges, which is compounded by a lack of housing, schools, and childcare for future police officers who may want to reside in First Nations communities.

*“We see the racism towards the Indigenous officers, they get the worst cars and the worst hours; we beg for funding.”<sup>32</sup>*

- Forum participant

While funding and retention continue to be significant barriers, there were also many positive experiences with First Nations policing that the Chief Commissioner reported from her findings of fact stemming from the National Inquiry, including that the approach taken:

- was respectful of community perspectives;
- included holistic interventions, peacekeeping, and crime prevention;
- focussed on building relationships; and
- reported a low turnover for staffing.

<sup>29</sup> In British Columbia, the Stl'atl'imx Tribal Police Service is the only self-administered agreement in the province.

<sup>30</sup> For more information on the quadripartite agreement, see page 23 of this report.

<sup>31</sup> PES Notes, page 28

<sup>32</sup> PES Notes, page 29

Another specific finding made by the National Inquiry was that, in alignment with UNDRIP,<sup>33</sup> Indigenous peoples have the inherent right to develop and administer their own police services to serve and protect their people, with underfunded CTAs and delegated authorities falling short of giving full effect to an authentic way for Indigenous peoples to exercise this right. There is a clear linkage between the underfunding of Indigenous police services and the inability of First Nations to properly respond to, investigate and prevent violence against Indigenous peoples.<sup>34</sup>

Findings were also made with respect to police accountability mechanisms, recommending that civilian oversight bodies should have the jurisdiction to audit and investigate complaints about police misconduct with annual reporting. This issue was raised several times throughout the Forum, with some participants taking issue with the civilian oversight model that results in “the police investigating themselves and there’s no First Nations’ involvement in that process.”<sup>35</sup> The *oversight* piece of *civilian oversight* means that in our current system in BC, police in many cases are still investigating members within their own department, but there is a civilian analyst who is providing oversight of the police’s investigation. In some serious cases, an investigation into the misconduct of a police officer may be given to another police department within or outside of BC for investigation.

In terms of what’s next for the Calls to Justice that came from the National Inquiry, Marion Buller reported that there has been some amazing work happening in the Yukon and Northwest Territories and encouraged participants to check out their implementation plans.<sup>36</sup> She also noted that work is underway across Canada at a grassroots level and also in BC, although the work is disjointed because a single coordinated MMIWG2S+ implementation plan for the Calls for Justice does not exist.

## Special Committee on Reforming the Police Act

While these issues and many others are found in numerous existing reports and inquiries,<sup>37</sup> these challenges and more were highlighted in the 2022 report from the Special Committee on Reforming the Police Act (SCORPA). Both the Chair and the Deputy Chair of SCORPA spoke at the Forum to share some reflections on their work.

<sup>33</sup> The United Nations *Declaration on the Rights of Indigenous Peoples*. Online: [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf). **UNDRIP Article 4:** Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. **UNDRIP Article 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

<sup>34</sup> PES Notes, page 28

<sup>35</sup> PES Notes, page 155

<sup>36</sup> Yukon Strategy: <https://yukon.ca/en/changing-story-upholding-dignity-and-justice-yukons-missing-and-murdered-indigenous-women-girls-and> Northwest Territories Action Plan: <https://www.gov.nt.ca/en/newsroom/gnwt-releases-draft-action-plan-address-calls-justice-missing-and-murdered-indigenous-women>

<sup>37</sup> *Royal Commission on Aboriginal Peoples* (1996), Truth and Reconciliation Commission *Calls to Action* (2015), *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (2019), Report of the Standing Committee on Public Safety and National Security: *Systemic Racism in Policing* (2021)

SCORPA was formed to address the widespread awareness of systemic racism in policing with a demand for police accountability.<sup>38</sup> Some of the challenges and issues that were identified included:

- systemic racism within organizations;
- resolving trust issues between community members and the police;
- the need for relationship building between police and other partners; and
- recognition of Indigenous jurisdiction for the administration and operation of police services within their communities and territories.

Several recommendations were put forward by SCORPA, including screening new police recruits and existing officers as a way to address systemic racism in policing and ensure zero tolerance for racism and bias towards people of Indigenous ancestry. Further, the recommendations include recognizing First Nations' jurisdiction over policing to align with UNDRIP, the creation of a provincial police force, and the reform of BC's policing oversight structure so that there is a single independent oversight agency, instead of multiple layers of oversight and standards for different police services in BC.<sup>39</sup>

To support an approach that upholds First Nations traditions, more localized education and training on Indigenous history and culture should be built and delivered in partnership with the communities in which the police are working, along with training on culturally appropriate practices and systemic racism.<sup>40</sup>

In line with parts of the BC First Nations Justice Strategy discussed by Doug White, the recommendations from SCORPA included the implementation of a new *Community Safety and Policing Act* to govern the provisions of policing and public safety services, with a requirement that Indigenous peoples must be engaged in the drafting of this legislation. This *Act* would effectively end BC's relationship with the RCMP as the contract police service of choice, which has been long-standing since 1950 when BC decided to fold its BC Provincial Police after 92 years of service and contract with the RCMP to provide policing in BC.<sup>41</sup> While SCORPA did acknowledge that the RCMP do some good work in the province, it appears they also believe that BC needs a police service that responds to BC priorities, instead of a police service that may, at times, be looking east and answering to the federal RCMP instead of local concerns.<sup>42</sup>

The proposed *Act* would put the values of decolonization, anti-racism, and community accountability at the core of police services and ensure that all police services are

---

<sup>38</sup> PES Notes, page 62

<sup>39</sup> Independent Investigations Office, Office of the Police Complaint Commissioner, RCMP Civilian Oversight, police boards, provincial policing standards.

<sup>40</sup> PES Notes, page 63

<sup>41</sup> *BC had a provincial police force once before. Why did it vanish?* April 30, 2022. CBC News online: <https://www.cbc.ca/news/canada/british-columbia/bc-provincial-police-force-1958-to-1950-1.6436025#:~:text=B.C.%20Provincial%20Police%20was%20absorbed,in%201950%2C%20after%2092%20years&ext=Standing%20before%20the%20B.C.%20Legislature,police%20force%20with%20the%20RCMP.>

<sup>42</sup> PES Notes, page 24



subject to the same standards, requirements, and policies. When asked about equitable funding for First Nations policing, SCORPA representatives confirmed that this was a big part of the recommendations and recognized the importance of self-administered police services such as the Stl'atl'imx Tribal Police Service.<sup>43</sup>

SCORPA representatives concluded by stating that they had called on government to work with First Nations to implement the recommendations contained in the report, and encouraged citizens to keep the pressure on government and make sure they are being held accountable to implement the recommendations in the SCORPA report. For now, the SCORPA report sits on the desk of Mike Farnworth, the BC Minister of Public Safety and Solicitor General, as he considers his next steps.

## Examples of Current Policing Models in BC

To provide examples of the current state of policing and the models used in BC, below are summaries of different kinds of policing and community safety agreements that were represented at the Forum, highlighting the successes and challenges of each model.

### First Nations Self-Administered Agreements

*Chief Officer Dee Doss-Cody, Stl'atl'imx Tribal Police Service  
Board Chair Rebecca Barley, Stl'atl'imx Tribal Police Board  
Councillor Courteney Adolph-Jones, T'it'q'et First Nation*

Chief Officer Doss-Cody explained the origins of the Stl'atl'imx Tribal Police Service (STPS), stating that St'at'imc communities were tired of suffering racism from the police, which led members to participate in training to become police officers for the community. The STPS defines itself as a police *service* instead of a police *force* to emphasize that they are there to *serve* the people. The STPS includes traditional components of their training such as participating in sweats and escorting families during burials. St'at'imc communities also have a history of having their own 'watchmen' who had the job of ensuring that community members were safe. Currently, STPS is looking for funding to bring in four new community liaison officers who will not be police officers, but rather, will have the duties of the watchmen and work to build relationships between the communities and STPS.<sup>44</sup>

To show loyalty and dedication to the community, new officers swear an oath to the community instead of the Queen and are 'danced in' during a ceremony to acknowledge culture and tradition, even for non-Indigenous officers.<sup>45</sup> Training for officers also includes life skills and workshops on sexual harassment and Elder abuse. Regarding future training, the STPS is providing recommendations to BC for police reform and are

---

<sup>43</sup> PES Notes, page 64

<sup>44</sup> PES Notes, page 19

<sup>45</sup> PES Facilitator's Notes and PES Notes, page 18

including pieces around designating expert training on matters concerning Indigenous peoples and the history of colonization.

The STPS Board is responsible for the oversight of the STPS, and members of the board are required to report updates back to their respective communities. One of the challenges pointed out is that, at times, communities don't feel informed of board activities by their representatives. On a positive note, due to enhanced virtual abilities that were prompted by the global pandemic that began in 2020, participation by board members has increased.

Several challenges were highlighted with First Nations Self-Administered Agreements, including:

- 1) Finding qualified police trainers with up-to-date credentials;<sup>46</sup>
- 2) Lack of standard resources to exercise police functions, such as police vehicles and infrastructure;<sup>47</sup>
- 3) Lack of funding for competitive salaries, benefits (including access to pensions), and hiring incentives customary to neighbouring and competing non-Indigenous police forces;<sup>48</sup>
- 4) Lack of stable funding means that as a program, funding can be cut. This instability makes it challenging to attract top-tier talent. In one instance, the police service had to get a loan from the community just to continue its service during a funding lapse that was due to government error;<sup>49</sup>
- 5) Limited jurisdiction: cannot investigate homicides and fatal motor vehicle accidents;<sup>50</sup>
- 6) Limited resources: does not have access to canine or forensics units
- 7) ;<sup>51</sup>
- 8) Four layers of accountability can create jurisdictional confusion, duplication, and overreporting for the STPS that answers to the Police Board, St'at'imc Chiefs Council, Office of the Police Complaint Commissioner, and the Independent Investigations Officer; and
- 9) Like Community Tripartite Agreements (CTAs), First Nations Self-Administered Agreements are not funded at the same level as other police services and no surplus is permitted in their budgets. This inflexibility means that there is no wiggle room or safety net to cover unanticipated events that can cause financial strain.

*“We are one accident away from blowing our budget.”*  
- Forum speaker

---

<sup>46</sup> PES Notes, page 18

<sup>47</sup> PES Notes, page 18

<sup>48</sup> PES Notes, page 52

<sup>49</sup> PES Notes, page 19

<sup>50</sup> PES Notes, page 18

<sup>51</sup> PES Notes, page 19

STPS Board Chair Rebecca Barley provided additional background information on First Nations Self-Administered police services and noted that there used to be three First Nations police services in BC, but two have since folded due to funding and resource challenges, reinforcing what was already pointed out by other speakers in the Forum: the lack of funding for Indigenous police services is an urgent matter. The STPS has changed over time but has generally become a full replacement for the RCMP, with some exceptions to their jurisdiction such as homicides and fatal motor vehicle accidents. Both the STPS and RCMP work in the geographic area and can support one another on files of mutual concern.

Recruitment and retention challenges were also further explained, with Board Chair Barley stating that, in the past, some fully trained police officers were offered a \$25,000 incentive by another police force to leave STPS immediately and join their force. She explained that this kind of competition is not unheard of because there is a national shortage of people signing up to be recruited for policing, increasing the likelihood of low morale amongst existing members. One way that the STPS has tried to attract officers is by paying for their training and paying for their salary while they are being trained.<sup>52</sup> However, once officers are trained, there is nothing in place to keep them with the STPS.

The STPS also has to contend with competition from other police forces, like the new municipal police force in Surrey which has set the bar very high in terms of salaries and benefits. By contrast, the STPS experienced many challenges just securing access to standard benefits for officers, such as a pension plan.<sup>53</sup> While this benefit was greatly needed to retain STPS officers, it also came at a great financial cost that put more strain on an already tight budget.

These are not the only challenges faced by the STPS. What will be reimbursed by government as an 'allowable expense' has also caused confusion and stress when the parameters of what is 'allowable' is not clear and a list of allowable expenses is not provided for review and reference for use by the STPS. For example, when funding that was supposed to arrive from the government in April did not arrive until June, the STPS had to get a loan from the community to cover costs for its operations. When the interest on the loan became due, it was not considered an 'allowable expense' that qualified for reimbursement by the government and the STPS had to cover the cost internally. Any reasonable expense that is required to ensure adequate and effective policing should not be disputed by the government, especially when the government themselves were the ones to cause the STPS to incur the expense in the first place.

*“When it comes to our policing agreements, there is an implied negotiation, and it comes down to: “this is what we are going to offer, take it or leave it. What’s the point of negotiating? We had one year of extensions after the other. We tried sitting down with the government to talk and have been put off many times.*”

---

<sup>52</sup> PES Notes, page 19

<sup>53</sup> PES Notes, page 53



*That creates morale issues because of the lack of stability.*<sup>54</sup>

- STPS Board Chair Rebecca Barley

She also revealed that the STPS (as a *program* versus an *essential service*) is not allowed to own any buildings as capital investments, so they must rent space which has presented many challenges in the past and present.<sup>55</sup> Given the limited rental availability of specialized police buildings that can meet the security needs and concerns of a police department, refusing to allow capital investments in infrastructure for a police service is a shameful practice by governments that compounded inequitable conditions for STPS.

In 2018, the Government of Canada created a new program to provide funding for First Nations policing. However, the funding was not accessible by police services themselves so the community of T'it'q'et stepped up and was able to secure the funding which enabled STPS to access \$5 million to fund a new detachment, with 52% of the funding coming from Canada, and 48% from the Province of BC.<sup>56</sup> <sup>57</sup> While federal and provincial governments kicked in the funding, T'it'q'et donated the parcel of land and took the lead on the project management.

Councillor Courteney Adolph-Jones from T'it'q'et First Nation was very involved in pursuing the funding and advancing the planning and implementation of the project. She noted that the STPS had been hosted in the community for some time, so it was very desirable to keep the STPS nearby and in a central location. Other important features of the detachment included the establishment of living quarters for members to rest and stay at during shift changes instead of having to drive home, which could be a long drive to the opposite side of the territory. While extreme climate events in 2021 pushed back their opening date by a few months, T'it'q'et and STPS anticipate the new detachment will open in June 2022.

Below are some recommendations that flow from these identified challenges:

1. Designate qualified trainers to support Indigenous communities to train their own community members to become police officers.
2. At a rate comparable to other BC police forces, fund salaries, benefits, resources, and infrastructure for First Nations police services with stable and reliable funding through long-term agreements that invest in communities and promote recruitment and retention.
3. Reimburse police services for any reasonable costs incurred in the course of operations, especially when government delay has resulted in a police service incurring additional costs outside of their budget.
4. Promote the use of training bonds to keep newly trained members for a set period of time once they have completed their preliminary training. Consider how

---

<sup>54</sup> PES Notes, page 20

<sup>55</sup> PES Notes, page 8

<sup>56</sup> PES Notes, page 20

<sup>57</sup> PES Notes, page 20

training bonds are used with airlines and pilots to counter aggressive headhunting for newly qualified candidates who are fully trained.

5. Simplify police accountability mechanisms by removing layers of oversight to focus on transparency, timeliness, and meaningful resolutions.

## Community Tripartite Agreements

Speaking to Community Tripartite Agreements (CTAs) at the Forum was Senior Policing and Public Safety Advisor Calvin Demerais with the BCFNJC. As a former member of the RCMP for 32 years, Calvin has provided guidance on First Nations policing and CTAs, along with Community Consultative Groups (CCGs). CCGs are community groups that are created to inform the CTA process and agreement and should be representative of the community and their priorities. While some communities have very active CCGs with many community members participating, others may not have the capacity or interest from community members to participate.

Calvin Demerais emphasized that the purpose of CTAs is to provide an enhanced focus on community policing priorities such as drug and substance abuse issues. However, Calvin reiterated that most Indigenous policing resources in CTAs report to detachment commanders, who can misallocate these Indigenous policing resources to other areas when police are short-staffed or have different priorities at the detachment.<sup>58</sup>

One participant who is a former police officer and worked with CTAs for their entire career felt that CTAs are very outdated and did not believe a CTA had been signed in the last 14 years, indicating that government may appear reluctant to come back to the table to renegotiate.<sup>59</sup> The participant also highlighted that the onus was on both Public Safety Canada and the communities to move the agreements forward with real recommendations for the CTA. One of the challenges that came to light was that community expectations versus police expectations can sometimes fall out of alignment, emphasizing the value and need for direct and reliable communication between police and community partners.<sup>60</sup> On the community side, engagement challenges can come in many forms, including capacity, interest, and sometimes a complete lack of a CCG which is supposed to guide the priorities for the community. A participant disclosed that she had worked with four different CTAs and none of them used a formal CCG to draft a letter of expectations, leaving herself and one of the councillors to figure it out. Unfortunately, the letter of expectation was only able to reflect the input from these two individuals because no one else in the community felt able or willing to contribute to the process.<sup>61</sup>

---

<sup>58</sup> PES Notes, page 84

<sup>59</sup> PES Notes, page 82

<sup>60</sup> PES Notes, page 83

<sup>61</sup> PES Notes, page 83

CTAs should be flexible and look at policing priorities on an annual basis, or anytime that communities feel they have a problem. Several challenges were highlighted with CTAs, including:<sup>62</sup>

- 1) At times there can be insufficient supervision and oversight by police management to ensure that requirements for staffing and community priorities in the CTA are being met, acknowledging the national shortage for recruiting officers. One reason for insufficient supervisor is that the RCMP detachment commander may not have experience with CTAs or working with First Nations;
- 2) CCGs are not always functioning to provide input and advice on the content and implementation of a CTA. The CCGs are not always representative of the community and more Elders should be included; and
- 3) Due to an overall shortage of police officers, CTA resources are at risk of being consumed by or redirected to other policing priorities. We need to ensure that these dedicated resources stay on task and are not syphoned off to other priorities so that they are available to respond to community concerns.
- 4) The grants and funding for policing under CTAs are not enough to provide adequate and effective policing for First Nations.<sup>63 64</sup>

While some CTAs are working well for First Nations in BC, other relationships and agreements related to CTAs will require revisiting to address one or more of the four key challenges identified above.

Given that information is power, one participant suggested that it would be helpful to see what other communities were incorporating in their CTAs to explore any provisions that should be added to strengthen other communities' agreements. Sharing this kind of information between communities would support transparency, consistency, and best practices by helping communities to get the most out of their CTA agreements.<sup>65</sup>

#### *Example of Community Challenge: Lack of Police Response to Bootlegging & Violence*

One participant at the Forum wondered how his community could get police to take action where unaddressed bootlegging and alcohol problems have had cascading effects on domestic violence in the community. They highlighted that RCMP and community police officers often 'pass the buck' by citing reasons why the police cannot respond to the isolated community, including that it's 'after supper', or for other

---

<sup>62</sup> PES Notes, pages 6 and 51

<sup>63</sup> PES Facilitator's Notes

<sup>64</sup> BC *Police Act*, section 2: The minister must ensure that an adequate and effective level of policing and law enforcement is maintained throughout British Columbia. Online: [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367\\_01#section2](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367_01#section2)

<sup>65</sup> PES Notes, page 105

legitimate reasons, like the weather.<sup>66</sup> In some cases, community members will protest enforcement actions on alcohol by suggesting there is an invasion of privacy occurring. In this way, individuals who are bringing alcohol into the community may attempt to protect their interests by asserting privacy rights so that they can continue with behaviour that is not welcome in the community.

Some suggestions and explanations were offered by other participants in response:<sup>67</sup>

- resource problems can sometimes exist in CTA environments because officers assigned to enforce agreements are still working within the larger RCMP body that dictates priorities and allocations of resources to other areas. This can leave communities without any police officers to support community issues and priorities;<sup>68</sup>
- one community hired their own security team to address issues of this nature, and now they get called on more than the police;
- if there is a pattern of obvious negligence it needs to be addressed legally because communities have the right to public safety like everyone else. A deliberate refusal to provide service is a serious problem that requires a complaint to the highest supervisor of the RCMP in the area and may also require a formal negotiation or revisiting of the CTA;
- community priorities are important and police have a responsibility to target people that are causing problems; a bigger discussion needs to happen as to why police are not meeting those priorities;
- Use the Community Consultative Group (CCG) to voice community priorities and draw attention to live issues;
- consider creating a Band Council Resolution (BCR) that sets out specific priorities and incorporating a Letter of Understanding into a CTA that brings wording from the BCR; and
- explore the use of BCRs or other ways to bring traditional laws forward around banishment for community members who continue to cause harm and risk to the community, as one participant shared that provincial courts are increasingly recognizing BCRs in their decisions.

#### *Example of Community Challenges: Lack of Police Response to Camps, Drug Addiction, and Thefts in Community*

Another participant expressed frustration at a new trend she is observing in her community that is near an urban center and stated she had seen this occurring in three other Nations.<sup>69</sup> She shared that she has seen a drastic increase of people facing addictions and homelessness challenges come into the community, some of whom are attracting drug dealers, committing thefts and making camps that were not welcomed by the participant. She advised that police had attended and removed people from their camps, but people will return the next day despite warnings from police not to return.

---

<sup>66</sup> PES Notes, page 9

<sup>67</sup> PES Notes, page 9

<sup>68</sup> PES Notes, page 24

<sup>69</sup> PES Notes, page 60



The participant sympathized with people facing homelessness and addictions challenges, however, she stressed that some First Nations communities are committed to keeping their neighbourhoods free from drugs and alcohol due to the legacy of harm that these substances have caused communities in the past and present. The participant felt helpless in this situation and was unsure of how to enforce community priorities when the police response did not address the issue.

Some suggestions and explanations were offered by other participants in response:

- In the lower Fraser Valley, some communities have signed onto a community safety agreement because they were having similar issues with homeless populations in their area. Both the Department of Fisheries and Environment Canada were engaged because trees were being illegally cut down and were impacting fish-bearing streams, along with the dumping of propane chemicals. At the end of the day, the participant felt that these issues weren't best addressed by police and she was able to get some traction to address the issues through the multi-faceted approach mentioned above with the DFO and Environment Canada.
- Consider a working group within the community and other neighbouring communities to develop alternative responses that do not rely on a police response, such the Squamish Nation's Peace Keepers.
- Approach local mental health organizations to see if they can support with any skills, services, or resources.<sup>70</sup>

## Tl'azten Nation

### *Chief Leslie Aslin & Justice Coordinator Maddison Sam*

Chief Leslie Aslin and Maddison Sam shared with Forum participants some creative solutions they've been working on in their community, which is about 40 minutes from the nearest police detachment. Their community was facing challenges with drug and alcohol use, so they began offering support to help people recover from their addictions. While this was successful at times, as a last resort, the community would formally evict people from their residence and take them to a treatment facility so that they could get the help they needed. Once the home was cleaned up, it would be provided to another family in the community who was in need. Another initiative they took on was installing a security gate to keep out drug dealers and bootleggers who were coming in and causing trouble.<sup>71</sup> The community also offered training and workshops in different areas to support the community, including trauma-informed care, Elder abuse prevention, and bullying.<sup>72</sup>

Maddison Sam shared that she attended the Indigenous Cadet training in RCMP depot and found that the comments from some of her peers were inappropriate, stereotypical, and showed that they lacked the cultural competency and awareness to work in small

---

<sup>70</sup> PES Notes, page 11

<sup>71</sup> PES Facilitator's Day 2 Summary

<sup>72</sup> PES Facilitator's Day 2 Summary

Indigenous communities. And yet, here they were, completing their training and about to be sent out to their new detachment.

## Urban Realities

Concern was raised by one participant that there is a lack of consideration for First Nations who are living in urban centres and are negatively affected by discriminatory encounters with the police. One suggested avenue for building relationships between urban populations and police is through the Friendship Centres, which serve a lot of urban Indigenous people who are away from their traditional homes and families.<sup>73</sup>

For urban police departments like the Vancouver Police Department and the Victoria Police Department, it was asked how Indigenous voices are represented at policy and management levels, including within accountability mechanisms. More urban-specific engagement is needed to determine appropriate engagement approaches.

## Tsawwassen First Nation & the municipality of Delta

*Mary Childs, General Counsel, Tsawwassen First Nations*

*Katie Alexander, Manager of Health and Social Services, Tsawwassen First Nation*

Tsawwassen First Nation (TFN) is a modern urban treaty Nation with the powers for law enforcement outlined in their Final Agreement from 2009. TFN established a police agreement with their neighbouring municipal police service, the Delta Police Department (DPD), because their previous agreement with the RCMP “was horrible.”<sup>74</sup> The five-year Enhanced Policing Services agreement between TFN, DPD Police Board, Province of BC and City of Delta is the only quadripartite agreement of its kind and ensures that the DPD provides “policing services to the same level of quality as such services are ordinarily provided to residents of Delta.”<sup>75</sup> Mary Childs noted that in fact, the agreement is actually with five parties, including the Government of Canada.

Some of the enforceable regulations include those related to fire, good neighbours, and land security, including trespass orders. Katie Alexander provided additional information on some of the specific practices that the DPD employs, such as showing up to youth events in plainclothes, officers committing to longer terms to increase retention and expertise, and pairing police with professionals who have expertise in trauma-informed practices. Furthermore, because so many great relationships have been built, the calls for police in the community have decreased and community members are more likely to call a community liaison to assist and de-escalate situations before they require police attention.

---

<sup>73</sup> PES Notes, page 93

<sup>74</sup> PES Notes, page 26

<sup>75</sup> PES Notes, page 97

*“When it comes to reform, it is important to recognize flexible approaches because we need to be able to make choices that make sense for our communities.”<sup>76</sup>*

- Forum participant

## Tsleil-Waututh Nation

*Andrew Van Eden, Community Safety Manager, Tsleil-Waututh Nation*

Andrew Van Eden from Tsleil-Waututh Nation (TWN) shared his perspectives about their enhanced policing arrangement with the North Vancouver RCMP, a police service that TWN did not select and has no ability to provide guidance to. Of note, this arrangement is not a CTA, quadripartite, or self-administered agreement. Rather, the agreement provides services to support the Integrated First Nations Unit (IFNU) through partnerships with the Squamish Nation, RCMP and West Vancouver Police.

The BC *Police Act* limits TWN’s ability to decide which police force is the best fit for their community. This has served as a barrier for TWN and other First Nations to exercise self-determination in creating or selecting a police service of their choice. Presently, TWN cannot exercise jurisdiction over who is being hired, the number of officers, or in guiding the priorities of the police that serve the TWN.

Furthermore, when it came to the CTA negotiation, the federal government emailed TWN a template of the CTA demanding that it be signed. This type of unilateral action on behalf of the government does not uphold the inherent rights of First Nations to determine their own policing approaches. Until or unless amendments to the *Police Act* occur or the new legislation discussed by SCORPA comes into force, First Nations may continue to face barriers in exercising their jurisdiction. In the meantime, First Nations may want to consider exploring Community Safety Officers (CSOs) to reduce police presence and establish traditional justice approaches to respond to community conflict.

Despite these challenges, over the last 10 years, TWN has seen a substantive transformation in relationships, trust and understanding between communities and the police. While some parts of the agreement have gone well so far, the agreement expired five years ago and it has been challenging to get the province of BC back to the table to negotiate a renewal. One of the indicators of the success of this transformation is that there are presently no Tsleil-Waututh members who live on reserve that are incarcerated, speaking to the power and tangible benefits of relationship building between TWN and police.<sup>77</sup>

## Community Safety Agreement between the RCMP and Members of the Stó:lō Nation and Nlaka`pamux Nation

---

<sup>76</sup> PES Notes, page 26

<sup>77</sup> PES Facilitator’s Notes

*Chris Gosselin, Urban Indigenous Liaison Officer – Upper Fraser Valley Detachment (RCMP)*  
*Chief Maureen Chapman, Skawahlook First Nation*  
*Chief James Hobart, Spuzzum First Nation*

14 communities in the Fraser Valley did not have CTA agreements but were interested in developing a way for the RCMP to provide enhanced services that reflected community priorities.<sup>78</sup> Despite some mistrust of police, a Steering Committee was created with the RCMP and four Chiefs' representatives from the communities. Eventually, a Community Safety Agreement was signed by 14 First Nations, including members of both Stó:lō Nation and Nlaka`pamux Nation.<sup>79</sup> <sup>80</sup> Chief Chapman highlighted that in order to work together towards a common purpose, people need to move away from the idea that we 'own' certain projects, and remember that we are working towards a better life for our people and that no one person or organization 'owns' the work because we are all contributing to this process.<sup>81</sup>

Chief Hobart echoed a theme that was heard from many participants: funding is always a concern. He reiterated that we need to see the same funding support to make sure that First Nations-led or partnered initiatives have access to the same resources as other police. Unfortunately, while the Community Safety Agreement is an innovative demonstration of partnership, it has yet to be sufficiently funded. He provided the example of a rusted police vehicle that was being used because nothing else was made available.<sup>82</sup> He also cited a lack of initiative on the government's side to help implement what has already been created, highlighting that solutions are ready and available if funding would come through to support feasible projects.<sup>83</sup>

## Traditional Laws and Restorative Justice

### Dr. Val Napoleon and the Indigenous Law Research Unit

To support Forum discussions on the application and use of traditional laws to contemporary challenges such as police reform, Dr. Val Napoleon was invited to share her work with the Indigenous Law Research Unit and perspectives on the use of Indigenous law. She acknowledged that while no society can exist without law, there is no law that is perfect. Indigenous systems of law have enabled us to be here after thousands of years, but perfection is not the standard we are hoping to achieve.<sup>84</sup> Dr. Napoleon also emphasized that:

---

<sup>78</sup> PES Notes, page 96

<sup>79</sup> Community Safety Agreement: <https://bc-cb.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=2087&languageId=1&contentId=68573>

<sup>80</sup> PES Facilitator's Notes

<sup>81</sup> PES Facilitator's Day 2 Summary

<sup>82</sup> PES Facilitator's Notes

<sup>83</sup> PES Notes, page 97

<sup>84</sup> PES Notes, page 67



*“When we rebuild Indigenous laws, which we have to do because there are no intact legal orders, we have to think beyond rules. Rules are only a small part of what law is. What we need to get to is that law is a part of our citizenship. It’s a part of being part of our societies, and we need to internalize it in the same way that many people have internalized Canadian law and be clear about the rights and wrongs in a society.”<sup>85</sup>*

- Dr. Val Napoleon

Dr. Napoleon observed that Canadian law is focused on punishment while Indigenous law is centred around holistic approaches to restorative justice and conflict resolution.<sup>86</sup> She felt strongly that every generation has a responsibility to draw from laws of the past to solve problems in the present. The scope of Indigenous law is both informal and formal, covering legal processes and institutions, managing political order, the economy and business, lands and resources, water, families and children, harms and injuries, human rights, conflicts, and citizenship. One important theme of her work involved the examination and inclusion of gender. She shared that because sexism exists on a broad spectrum, we need to be mindful that every decision we make can result in violence against women and girls somewhere on that spectrum. All this forms the Indigenous perspective, and every legal order informs the scope of what it is as a society.<sup>87</sup>

Elder Boyd Peters asked Dr. Napoleon if she felt resistance from any communities about writing their laws down, given that colonial governments can sometimes use that against communities in unanticipated ways. Dr. Napoleon responded that the system of law has to be public, but that it's not necessarily a process of codification where rules are written down. She also added that the Indigenous Law Research Unit works by invitation only so that no communities are pressured in any way to put oral traditions on paper if they are not comfortable doing so, and encouraged communities to reach out to explore a potential partnership with ILRU. In addition to this, ILRU offers courses at the University of Victoria that support community-based learning and teaching that can be brought back to communities for consideration.

### *Examples of First Nations Traditions Supporting Community Safety in BC*

Throughout the Forum, participants provided numerous examples of traditional components that were used to support community safety. One participant recalled that traditions and legal orders informed a guardians program where mental health practitioners have been accompanying police officers.<sup>88</sup> In the Yukon, another participant offered that they have a community safety program that provides training for community members to take a traditional approach. These members of the community do not carry a firearm but will take on other roles such as chopping wood for Elders and checking on their mental health. In that particular case, the funding for those positions

---

<sup>85</sup> PES Notes, pages 67 and 30

<sup>86</sup> PES Notes, page 30

<sup>87</sup> PES Notes, page 30

<sup>88</sup> PES Notes, page 73

came internally from the community, but federal and provincial funding for these types of programs is important for those communities that cannot afford to fund programs like this themselves.

*“One of the best messages I heard was not to rely on police services, and to create that connection with broader community agencies so it’s not police handling those situations.”<sup>89</sup>*

- Forum participant

While these types of positions play a vital role in community safety, we also have to manage expectations around what kinds of roles community safety officers will play. For example, one participant remarked that “when you call your community police, everyone thinks that they have the power that they don’t. It’s more about observing and reporting.”<sup>90</sup> This comment demonstrated the high expectations that can sometimes be placed on community safety officers by community members who have misunderstood the roles that these officers have taken on.

One participant shared that “we don’t want our people going through the court system, being apprehended and charged. We’d rather deal with it in our own way so that they don’t have to go through the whole thing about going to court, possibly jail, and being on probation.”<sup>91</sup> In his community, they have now employed a security team and installed a gate during the pandemic to successfully limit unwanted guests coming into the community. While the security team is just observing and reporting, their presence is important in order to keep an eye out for people that are making trouble and involved in thefts, while also making sure they are available to respond to serious incidents that occur after hours.<sup>92</sup>

The Squamish Nation’s Peace Keepers were also mentioned as an excellent program. As the name suggests, they are there to keep the peace in communities using a volunteer group that operated for nearly three decades to deal with community issues proactively, including loud parties, roadside accidents, and illegal substances. The Peace Keepers also helped to build relationships between the RCMP and First Nations youth through cultural activities like paddling.<sup>93</sup> It was also important to build relationships with dispatchers in the area so that they were familiar with the work of the Peace Keepers and knew that when a Peace Keeper called for help, they were calling for a reason.<sup>94</sup> While the program has struggled to maintain funding to operate over the

---

<sup>89</sup> PES Notes, page 70

<sup>90</sup> PES Notes, page 74

<sup>91</sup> PES Notes, page 85

<sup>92</sup> PES Notes, page 86

<sup>93</sup> *Squamish Nation father passing on peace keeper tradition*. June 2018. Squamish Chief Online: <https://www.squamishchief.com/in-the-community/squamish-nation-father-passing-on-peace-keeper-tradition-3348431>

<sup>94</sup> PES Notes, page 87

last several years, as of June 28, 2022, the Peace Keepers were able to obtain funding to operate through community grants provided by Woodfibre LNG.<sup>95</sup>

Another participant shared that a similar peacekeeping program exists in a northern community. In that community, the program keeps children and Elders safe because they have trained peacekeepers who attend wellness checks with police to make sure that there's no abuse of power, and to make sure that everyone is safe and calm.<sup>96</sup> Beyond attendance at wellness checks with police, these peacekeepers also check on Elders when the weather gets cold to make sure they are okay and have everything they need. Another participant felt there was room to grow the relationship between peacekeepers, the prosecution service, and MCFD in order to keep the peace and mediate, rather than have situations escalate and result in assault and convictions.<sup>97</sup>

*"Where are the Elders? Where are the individuals like Gwen Point? Where do they fit in? We need to have more of our true knowledge keepers who know about our own laws. In the southern interior, we do have one supreme court judge who is a Nlaka'pamux woman. There are also two judges from our Nation and one who sits on our bench when I go to Indigenous court. We need to have more of that."<sup>98</sup>*

- Forum participant

A program called the *Watchmen* was developed in one community, which brings youth and Elders together to participate in RCMP training so that they can bring information back to the community.<sup>99</sup> As a result of this, a Community Citizens' Advisory Committee was established and sends out information to the community about local policing issues. Sharing information is one small but important step in relationship building and has allowed for information sharing to open up both ways between the police and the community.

*"Guardian programs, Watchmen programs, community safety officer programs...it's really inspiring because it's an opportunity to tailor safety responses and services to individual Nations that are really owned and run by the Nation. It can be unique to each Nation and isn't necessarily within the hands of government."<sup>100</sup>*

- Forum participant

In one instance, a housing manager shared that there was a youth in their community who got into trouble with the RCMP and as a result, Child and Family Services became involved. Instead of dealing with the matter according to how the RCMP and Child and

<sup>95</sup> Woodfibre LNG provides \$110,000 to Squamish non-profits. June 28, 2022. Online: <https://woodfibrelng.ca/woodfibre-Ing-provides-110000-to-squamish-non-profits/>

<sup>96</sup> PES Notes, page 87

<sup>97</sup> PES Notes, page 88

<sup>98</sup> PES Notes, page 89-90

<sup>99</sup> PES Notes, page 91

<sup>100</sup> PES Notes, page 147

Family Services suggested, the housing manager sat with the Health Department and initiated a healing and justice circle which included RCMP, Chief & Council, Health staff, Elders, and a member from corrections. The process for each representative was explained and the overall feeling from the community was a preference for a restorative justice approach. This approach worked well and the youth worked in the community painting houses and walking dogs as part of taking responsibility for their actions. The approach was a success because it kept the youth out of jail and they have stayed out of trouble since then.<sup>101</sup>

When working with traditional Indigenous law in modern contexts, be mindful and prepared that some community members may feel inclined to bring in Canadian law to try to dictate what communities can and cannot do. One participant shared that a challenge in their community was a young Chief who started to include lawyers into the conversation and this resulted in them attempting to control the process.<sup>102</sup>

## Examples of Indigenous Policing outside of BC

### Tulalip Tribal Police Department

Washington State, USA

The Forum heard from several presenters outside of BC who provided a snapshot of the good work they've been doing in their own areas. Chief of Police Chris Sutter from Tulalip Tribal Police Department in Washington, USA, shared that the hallmark of sovereignty was to have their own police service and that they had to take back their legal jurisdiction, using American legislation that gives the ability for tribes to have their own police service. This allows them to exercise the rights of "home rule" as long as it's not inconsistent with federal or state laws. They also have a tribal court with Indigenous judges, healing circles, and a court with an emphasis on mental health as they try to infuse cultural values and practices into their restorative justice program, emphasizing the importance of having internal services for supports such as victim services.<sup>103</sup>

Police Chief Sutter reflected on tribal cases that have been going on for thousands of years with many documented examples of Indigenous societies and clans that provided protection to their respective Indigenous nations. In the case of Tulalip, they are completely funded through their own internal economic prosperity, and because of this independence, can continue many of these traditions today.

### Tsuut'ina Police Service

Alberta, Canada

---

<sup>101</sup> PES Notes, page 110

<sup>102</sup> PES Notes, page 105

<sup>103</sup> PES Facilitator's Notes and PES Notes, page 101



Chief of Police Keith Blake joined the Forum from the Tsuut'ina Police Service (TPS) in Alberta, which started in 2004 with a couple of members and has now grown to 26 full-time members. They have a community-centred policing model that has emphasized community engagement, including going directly to Elders and asking them what they think is good and bad about policing in the community, and what the priorities should be for police. The TPS also provides escorts for families during wakes and burials for family members and has dedicated a lot of time engaging with the community to understand their priorities and challenges. One way that police show their support is by wearing traditional vests and ribbon skirts that were gifted to them by the community so that they can show their cultural pride at community events.

Because it's a community-based policing model, it's not just police officers who are involved in supporting public safety. TPS recognizes the importance of having people on their team who are not police officers to make the TPS more accessible for community members who are looking for help but may not be comfortable approaching police directly. If and when community members do want to engage with police, the police officers are accountable to community members through the use of body-worn cameras, which are expensive but are worth the expense. Police Chief Blake expressed how invaluable it is to have a video account of an interaction that can capture the circumstances and behaviour of both the officer and the member of the public.<sup>104</sup>

In terms of funding the TPS, Police Chief Blake advised that they rely heavily on grants. For example, they received over a million dollars in grants to support their youth-oriented programming. This kind of programming, along with responsive policing and the inclusion of traditional practices, has ensured that community members feel safe in their neighbourhoods and have had their voices heard by police. These sentiments were reflected by Police Chief Blake who was proud to report that a community survey found that 95% of the community thought that the policing services were "excellent". Further demonstrating the high quality of service and excellent reputation, TPS has become the first Indigenous police service in Canada to be asked to police a non-Indigenous community next door in the community of Redwood Meadows.

## Challenges and Opportunities

### Funding

Funding was consistently identified as a top challenge for participants regardless of their police service model or agreement. The chronic underfunding of First Nations police services and resources for Indigenous peoples is well documented and reflects similar challenges in other areas of Indigenous law and policy, including healthcare and child and family wellness services.

*"If they are not willing to fund, it doesn't work. There are all these different things we try to capture in the agreements, and*

---

<sup>104</sup> PES Facilitator's Notes

*it all goes forward until you need funding. Someone should be making sure that funding is going to come in. The provincial and federal government stop us every time we need the funding.”<sup>105</sup> - Forum participant*

## Racism

While systemic racism in policing continues to negatively affect First Nations,<sup>106</sup> they also continue to experience racism in their interactions with police as well as with some municipalities. Below are stories shared by participants and a speaker at the Forum that highlight these realities and lived experiences.

A participant who works as an outreach worker in the downtown eastside of Vancouver recalled an instance where police approached her “just to check” and accused her of drinking when she was just walking down the street.<sup>107</sup> This type of street check is against provincial policing standards<sup>108</sup>, yet continues to occur for many racialized and marginalized peoples.<sup>109</sup>

In Terrace, it was reported by a participant that there are major problems with “a very racist city council”.<sup>110</sup> The participant advised that the council’s idea was to hire security to push the homeless population down to the train tracks and the river, with many people losing their legs or their lives. The participant felt that the council does not understand the trauma that people have been through and that most people are victims and survivors of residential school abuse.<sup>111</sup>

Julian Falconer joined the Forum from Ontario as general counsel for the Nishnawbe Aski Police Service (“NAPS”) and the Indigenous Police Chiefs of Ontario (“IPCO”). Mr. Falconer first spoke about the differences between the original policy objectives of the First Nations Policing Policy (adopted 1991/ revised 1996) and the contemporary “Terms & Conditions” of the First Nations Policing Program (“FNPP”). The original Policy committed Canada to ensuring First Nations across Canada had access to police services that were professional, effective, culturally appropriate, and accountable to the communities they serve.<sup>112</sup> Despite the encouraging policy direction, the Terms and

<sup>105</sup> PES Notes, page 27

<sup>106</sup> *Systemic Racism in Policing in Canada*. Report of the Standing Committee on Public Safety and National Security. June 2021. Online: <https://www.ourcommons.ca/DocumentViewer/en/43-2/SECU/report-6/page-5>

<sup>107</sup> PES Notes, page 79

<sup>108</sup> Provincial Policing Standards on Police Stops: <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/policing-standards>

<sup>109</sup> *Equity is Safer: Human rights considerations for policing reform in BC*. BC Office of the Human Rights Commissioner, 2021. Online: <https://bchumanrights.ca/publications/scorpa/#:~:text=RESOURCES%20%2F%20PUBLICATIONS%20%2F-Equity%20is%20safer%3A%20Human%20rights%20considerations%20for%20policing%20reform%20in,in%20policing%20in%20our%20province.>

<sup>110</sup> PES Notes, page 90

<sup>111</sup> PES Notes, page 90

<sup>112</sup> p-492: First Nations policing policy. Government of Quebec. Online: [https://www.cerp.gouv.qc.ca/fileadmin/Fichiers\\_clients/Documents\\_deposes\\_a\\_la\\_Commission/P-492.pdf](https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-492.pdf)

Conditions found in the FNPP today are not only restrictive, but outright racist and paternal, for example, blocking First Nations police services from having canine units, and preventing funding for legal advice on funding negotiations under the FNPP.<sup>113</sup> Canada's ongoing efforts to minimize the Policy – to avoid delivering on its promises – are a key reason for why communities today struggle under the FNPP Terms & Conditions.

Mr. Falconer then spoke about recent legislative developments in Ontario, where NAPS, with its partner the Nishnawbe Aski Nation, worked with the provincial government to co-develop new policing legislation. Under the new legislation, the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1* (“CSPA”), First Nations will have the option to “opt-in” to legislated standards of policing, equivalent to the standards that already apply to non-Indigenous police services. Under the CSPA, once a First Nations police service has gone through this “legislative opt-in”, its governing police board will have a legal mechanism to force Ontario into binding funding arbitration, to guarantee that communities are receiving adequate and effective policing.

### Responsiveness

A lack of responsiveness was raised by several participants, whether they resided in rural and remote communities, or within urban communities. While extreme weather conditions can certainly be prohibitive for police who are trying to access rural and remote communities, with urban members also reporting non-responsiveness by police, this raises questions about the commitment of police to respond to the concerns of First Nations regardless of where they reside.<sup>114</sup>

In one instance, a participant shared that RCMP may be misallocating police officers to serve non-Indigenous communities when they should be available to provide services to First Nations communities under their Community Tripartite Agreement (CTA). For another participant, he shared his concern that the RCMP's response to his community's request for assistance has been delayed at times by a week and by that point, people in the community don't want to talk and the matter may get dropped altogether. In one instance, the police were called for help with a serious incident, but the officer responded that “it was after 5 p.m.” and they did not want to respond to the call.<sup>115</sup>

Finally, in Terrace, there is supposed to be an investigative team made up of two officers who are assigned to missing person cases from the Highway of Tears cases, but they are based in Surrey which is over 1300 kms away and the investigators only visit every couple of years to touch base with the families.<sup>116</sup> In this way, while there is technically an investigative team responsible for investigating MMIWG2S+ cases in this

---

<sup>113</sup> PES Facilitator's Notes

<sup>114</sup> PES Notes, page 57

<sup>115</sup> PES Notes, page 25

<sup>116</sup> PES Notes, page 89

area, the police response does not appear to be meaningful given these remarks. Similar non-responsiveness was also noted from the Independent Investigations Office (IIO) which investigates serious harm or death where a police officer was involved. However, no further details were provided.<sup>117</sup>

## Recruitment

Recruitment for Indigenous police services, such as Stl'atl'imx Tribal Police Service, is strained by a number of factors related to retention, which include lower salaries and fewer benefits. One barrier that was noted in BC and Alberta was the challenge of accessing a pension fund, with Alberta reporting that their legislative scheme precludes their Indigenous police services from joining the municipal pension plan. One estimate from Alberta found that over 25 years, without access to a pension plan, the retirement income for police officers would be reduced by approximately \$1.3 million compared to an officer who had access to a pension plan.

While there are many challenges associated with recruitment that often highlight funding disparities and other inequities around compensation and resources, one participant shone a light on the importance of having thorough vetting processes as part of recruitment considerations. In the example provided, the participant explained that they attended a conference and an individual was slated to give a talk about safety for women but was known to be “the biggest perpetrator in the community for violence against women.”<sup>118</sup>

Another dark side of recruitment was brought up by a participant who recalled that a suspected serial killer, Curtis Sagmoen was working at the LNG camp in northern BC. When this was discovered, Indigenous peoples had to apply a lot of pressure to have him fired and forced out of town. The participant was concerned that “there are no criminal record checks done by these corporations on individuals, we need that – especially for violent crimes against women and children. Many of these workers end up in our communities, bringing in drugs and victimizing our women and girls.”<sup>119</sup> This situation also relates to data and information sharing concerns that are further explored below.

## Retention

Retention was highlighted throughout the Forum as an ongoing challenge for many communities. Challenges for retention stem from lower salaries, fewer benefits, limited housing, schools, and childcare within many communities and especially in rural and isolated communities.

---

<sup>117</sup> PES Notes, page 89

<sup>118</sup> PES Notes, page 91

<sup>119</sup> PES Notes, page 156



Another side to retention challenges is the police model for promotions whereby officers must move around to different units and detachments as they try to advance their careers in a meaningful way. Because of this, communities may spend years developing a great relationship with an officer but then the officer moves on to new opportunities because none are available in the community. This speaks to both retention and continuity challenges for communities that must continually retrain and educate officers about their culture and community priorities.

## Interim Approaches

One participant noted that communities are in different places when it comes to readiness and ability to provide their own policing services, so many will stick with the CTA model while others may be denied the ability to negotiate a CTA because of anticipated legislative changes. This situation could leave some communities stuck in the middle, so we must consider what can be done in the interim to increase public safety, including approaches like peacekeepers and community safety officers.<sup>120</sup>

Based on what participants shared at the Forum, these types of positions within communities are effective and affordable compared to rising police costs, with the Squamish Nation's Peace Keepers even running as a volunteer program at one point in time. While not all programs can be run by volunteers alone, having community members trained and ready to observe, deescalate, and report crime in the community is an invaluable service that focuses on preventative solutions instead of reactive responses.

## Data & Information Sharing

Several participants identified information sharing as an issue that required further attention. In one case, a participant said that his community had a big communication problem with the RCMP because police had released a person with a history of sexual harassment of young girls back into the community and had not provided any notice of this in advance. He stated that "the community was upset, it created a problem for us, we are scared for our kids and grandchildren. I don't even know if the RCMP check on him, they say he served his time and that's it."<sup>121</sup>

When it comes to data, improvements are needed to ensure the accuracy and independence of records for important information, especially related to missing and murdered Indigenous people. One participant shared that in her community around Terrace, there are a lot of missing women and girls. She "had 44 names but the RCMP only claims 18, and at least 50 more have been added since I started; we need our own Aboriginal officers to investigate these cases because to the RCMP, we're just another dead Indian."<sup>122</sup>

---

<sup>120</sup> PES Notes, page 25

<sup>121</sup> PES Notes, page 75

<sup>122</sup> PES Notes, page 169

*“There is a clear linkage between the underfunding of Indigenous police services and the inability of First Nations to properly respond to, investigate and prevent violence against Indigenous peoples.”*<sup>123</sup>  
 - Honourable Judge Marion Buller

## Accountability

When police behave in a way that falls below the standard of a reasonable person, how are they held accountable? In BC, there are several mechanisms available to pursue, however, as noted by SCORPA and the BC Office of the Human Rights Commissioner,<sup>124</sup> sometimes these mechanisms fall short of providing the resolutions that people are looking for.

For someone who has had a negative interaction with the RCMP and they believe that behaviour rises to the level of misconduct, they can provide a complaint to the Civilian Review and Complaints Commission. For those who live in urban centres like Vancouver and Victoria that are policed by municipal police, complaints can be submitted to the Office of the Police Complaint Commissioner. If a person is seriously harmed or dies during their interaction with a police officer, regardless of RCMP or municipal police jurisdiction, the Independent Investigations Office will be the investigating authority.

In each case, a civilian oversight body will monitor a police investigation into a police officer. While civilian oversight can be useful, there can also be challenges associated with having police conduct their own investigations, including questions around impartiality, capacity to perform adequate and timely investigations, and a lack of consequences and accountability even when misconduct is identified.

### *Accountability for Individual Police Officer Misconduct: Civilian Oversight*

Some participants expressed concern over the accountability model in BC where police investigate themselves on issues of misconduct.<sup>125</sup> While the SCORPA report indicated that racism was present in policing and committed to changing the narrative, yet SCORPA recommended replicating the current accountability model for police<sup>126</sup> which

---

<sup>123</sup> PES Notes, page 28

<sup>124</sup> *Equity is Safer: Human rights considerations for policing reform in BC*. BC Office of the Human Rights Commissioner, 2021. Online: <https://bchumanrights.ca/publications/scorpa/#:~:text=RESOURCES%20%2F%20PUBLICATIONS%20%2F-.Equity%20is%20safer%3A%20Human%20rights%20considerations%20for%20policing%20reform%20in,in%20policing%20in%20our%20province>

<sup>125</sup> PES Notes, page 155-157, 163-164

<sup>126</sup> Police in BC who are not RCMP, including the Vancouver, Victoria, West Vancouver, New Westminster, Port Moody and Nelson Police Departments.

has been heavily criticized<sup>127</sup> for using a civilian oversight body to monitor police investigations into themselves.

*“The complaints system is meant to fail and there’s no accountability, even if it’s on video, they will determine that police did nothing wrong.”<sup>128</sup> - Forum participant*

At the Forum, the former MMIWG2S+ National Inquiry Chief Commissioner Marion Buller recommended that the civilian oversight model be used, but that civilian oversight mechanisms should also include enhanced powers of investigation so that the investigations would not always fall solely to the police. In this way, the investigation could be led by civilians instead of police – bringing a greater degree of impartiality to investigations and decisions on police misconduct.

#### *Accountability and identification of systemic racism in policing*

Creating a civilian oversight body with powers of investigation would be a step in the right direction given that civilian oversight models as they currently exist may be a challenging tool to use when trying to eliminate racism in policing. It is possible that some police, particularly those who are leading the investigations into members of their own departments or neighbouring police departments, may not have the capacity, training, and/or motivation to address deep-seated issues like racism that need to be rooted out for systemic change to occur. Currently, administrative decisions<sup>129</sup> related to racism in policing can often be restricted to Human Rights tribunals, which do not operate in an *oversight* capacity but function more like a court where cross-examination and questioning can occur on sensitive and critical issues by people who are trained to recognize and address issues of systemic racism.<sup>130 131</sup>

As such, there appears to be a gap within police accountability mechanisms in BC if the many layers of police accountability bodies as they currently exist cannot address racism in policing in a holistic and systemic manner, and may heighten the risk of entrenching these systemic issues further because they are not being addressed.<sup>132</sup>

*“I’ve made police complaints and phone-ins to make these complaints, and we have to go through a lot to make a police*

<sup>127</sup> *Equity is Safer: Human rights considerations for policing reform in BC*. BC Office of the Human Rights Commissioner, 2021. Online: <https://bchumanrights.ca/publications/scorpa/#:~:text=RESOURCES%20%2F%20PUBLICATIONS%20%2F-Equity%20is%20safer%3A%20Human%20rights%20considerations%20for%20policing%20reform%20in,in%20policing%20in%20our%20province>

<sup>128</sup> PES Notes, page 157

<sup>129</sup> Examples of administrative decisions: Human Rights tribunal, Police Complaint Commissioner, Ombudsperson

<sup>130</sup> Office of the Independent Police Review Director: <https://www.oiprd.on.ca/>

<sup>131</sup> *Broken Trust: Indigenous Peoples and the Thunder Bay Police Service*. December 2018. Online: <https://oiprd.on.ca/wp-content/uploads/OIPRD-BrokenTrust-Final-Accessible-E.pdf>

<sup>132</sup> Consider a person who would like to advance a complaint about police misconduct that involves misconduct under section 11 of the BC *Police Act*, but also involves systemic racism allegations. In a case such as this, a person may have to advance two separate complaints – one complaint for misconduct under section 11 with the OPCC, and one complaint to the BC Human Rights Tribunal for the systemic racism allegation.

*complaint but it doesn't do any good. I think it just makes the person more frustrated. The police complaint goes through the police and we don't get that accountability we wanted.*<sup>133</sup>

- Forum participant

## Training

Many participants identified that ongoing cultural sensitivity and trauma-informed training is needed to support police in their interactions with Indigenous peoples and is a critical issue that remains outstanding. One suggestion put forward was that there should be greater integration of First Nations, Inuit, and Métis history and culture at the RCMP Depot given the statistical likelihood of those cross-cultural interactions occurring.<sup>134</sup>

Training that incorporates cultural knowledge also needs to happen at the local community level when an officer is first assigned, with one participant sharing that before recruits even completed their training they were embedded within a family in the community,<sup>135</sup> while another participant shared that in Tsilhqot'in territory, officers are trained by the Elders.<sup>136</sup> Training can include components like traditional protocols, healing and sentencing circles, sweats, and other cultural norms or behaviours that should be observed.

Other considerations on how training can support both police and community members, include:

- sexual harassment and abuse workshops;
- Fetal Alcohol Spectrum Disorder (FASD) and Elder abuse prevention, identification, management;
- the *Indian Act* and racism (including overt racist acts and unconscious racial prejudice);
- UNDRIP and the application of DRIPA at the provincial level and UNDRIPA at the federal level;
- Training bonds for police officers can help communities retain officers for longer periods after they are trained to decrease officer turnover rates; and
- Putting a requirement for cultural safety training (or other training that the community wants police to have) into Letters of Agreement or Expectation for police services into CTAs.

One participant was in the middle of developing a community health and safety officer training program<sup>137</sup> and provided an overview for participants on the types of training that people would be receiving, including:

---

<sup>133</sup> PES Notes, page 156

<sup>134</sup> PES Notes, page 156-157

<sup>135</sup> PES Notes, page 64

<sup>136</sup> PES Notes, page 157

<sup>137</sup> PES Notes, page 147

- 2 weeks of trauma-informed care
- de-escalating potentially violent situations with frontline skills for social services;
- 5 days of basic security training, First Aid Level 1, and Naloxone training; and
- a 2-week practicum at the Friendship Centre for up to 10 people.

The variety of training she provided speaks to the complex nature of health and safety officer positions and the requirement for needing individuals who can wear many hats and respond in a calm and supportive manner to people who are in crisis or experiencing challenges with addiction.

## Relationship Building

One participant working in an RCMP detachment shared that she had begun a book club with any interested officers, with the first book titled *White Fragility*. She noted that while some officers are not happy to read it, they do so because they want to understand and look at their actions through a critical lens.<sup>138</sup> Another participant shared an informal approach she had heard of called “Coffee with a Cop”, where community members can drop in and chat with a local officer in a casual environment.<sup>139</sup>

*“You can’t go wrong with an RCMP officer building relationships with Elders. It was just part of how we did business.”<sup>140</sup>*

-Forum participant

Another participant shared that police let the community lead them in how the community wanted to be policed, incorporating cultural opportunities and seeking guidance from Elders regarding their approach to policing. Given that there are many different levels of leadership within the community which hold unique responsibilities, police have to be aware of these nuances to know how to respond to specific situations that come up. In this instance, the police were alive to the priorities and considerations of the community because they took the time to listen and engage with Elders, leadership, and community members.<sup>141</sup> In this way, if police know who to seek advice from in communities about resolving certain issues, they can approach Elders or leaders directly to begin discussions on next steps.

One participant was discouraged that while their community was able to set up a First Nations court, they were not getting the referrals they were hoping to get from service providers. They wondered if this was because there had recently been a lot of turnover with police and Crown counsel, concluding that when change like this takes place, “what you have to do is find a way to work without them. So that’s where we’re heading.”<sup>142</sup>

---

<sup>138</sup> PES Notes, page 103

<sup>139</sup> PES Notes, page 104

<sup>140</sup> PES Notes, page 105

<sup>141</sup> PES Notes, page 105

<sup>142</sup> PES Notes, page 150



In the spirit of coming together, one community member shared that they have a Situation Table that includes multiple agencies to address issues such as mental health cases. These tables help frontline staff from public safety, health, and social service sectors to identify vulnerable people and collaboratively connect them to services before they experience a negative or traumatic event.<sup>143</sup>

In a more casual environment, one Indigenous Crown lawyer supported *Saturday Field Trips* once a month with an open invitation to Crown, lawyers, Elders, and people from the health sector to come together and consider holistic approaches to mental health and addiction issues, while helping people to understand intersections with criminality. The participant felt that this approach was true reconciliation in action that provided an opportunity for people to network and build relationships in a meaningful way.<sup>144</sup>

## Next Steps

In conclusion, a representative from the BCAFN advised that co-development work on a federal legislative framework for First Nations policing is anticipated to happen in the fall of 2022.<sup>145</sup> And that this report would be brought forward for consideration to the Chiefs-in-Assembly. This Forum was held to ensure the voices of First Nations in BC will be included in discussions that the AFN will have with the federal government regarding legislative co-development.

This *What We Heard Report* and a *Legislative Recommendations Report* reflect the discussions and information presented throughout the Forum and will inform the recommendations for federal legislation and next steps.

*“Co-development means that when I come to the table, I come with an open book and a blank sheet of paper. This is a really significant shift that Canada has taken away from unilaterally imposing mandates when we come to the negotiation table. We no longer do that, and that’s a cornerstone of Canada’s efforts to walk the talk of reconciliation.”<sup>146</sup>*

- Federal Crown Negotiator

---

<sup>143</sup> BC Government: Community Safety – Situation Tables. Online:

<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/ocr-go/situation-tables>

<sup>144</sup> PES Notes, page 145

<sup>145</sup> PES Notes, page 133

<sup>146</sup> PES Notes, page 134

## Appendix A: Legislative Recommendations Report

### Background & Summary

The *Policing as an Essential Service* Forum (the Forum) was held on May 25 & 26, 2022 in a virtual environment and was hosted by the BC Assembly of First Nations (BCAFN) and the BC First Nations Justice Council (BCFNJC). The purpose of the Forum was for First Nations chiefs, leadership, experts, technicians and community members to discuss their vision for transformative change in First Nations policing and community safety, and to inform federal and provincial legislative commitments for reforming policing and justice systems that currently exist. With registration numbers of over 200 people and 60-80 people participating in the breakout sessions, First Nations from across the province came together to share their challenges and successes, recognizing it is a unique time at the provincial and federal levels with governments looking to change course on their approach to First Nations policing.

In realizing this transformative change, engagement and feedback from First Nations leadership and community members will be critical. The Assembly of First Nations (AFN) and BCAFN have both passed resolutions related to the designation of policing as an essential service, with the AFN supporting the regions to host engagement sessions to discuss and determine priorities ahead of the co-development of legislation in 2022-2023. In addition to the AFN engagements, the Department of Justice Canada also hosted their own independent engagement process. The legislation is anticipated to recognize First Nations policing as an essential service and provide a framework for stable funding and resources. If successful, this approach will support First Nations to assert jurisdiction over their own community safety priorities which will result in improved police services.

To demonstrate the different kinds of policing services, speakers weighed in on experiences with the First Nations Policing Program, including Community Tripartite Agreements (CTAs), Self-Administered Agreements, and other types of enhanced policing agreements. Throughout the examples provided and discussions among participants during the breakout sessions, many similar themes emerged across the examples regardless of which policing body or type of agreement was involved, these themes included:

- Racism and under-funded services
- Lack of police responsiveness to community priorities and a failure of police to communicate with First Nations leadership
- Lack of clarity around who is responsible for and has the jurisdiction to enforce policing First Nations communities
- Challenges with recruitment and retention of quality officers
- Data and information sharing opportunities
- Accountability mechanisms for police

- Training considerations and requirements
- Relationship building between police and communities

Participants also shared and considered how their communities can bring Indigenous legal traditions to police reform, unpacking traditional stories and law in order to apply them to modern challenges. Communities in BC may be making some strides in this area, however, Indigenous police services from Alberta and Tulalip, Washington are well on their way to realizing autonomy and self-determination for their police services.

BC may have a different legislative scheme than other jurisdictions in Canada and the USA, however, looking at other jurisdictions can still be helpful to consider unique approaches with proven results. While a strong appetite appears to exist at the provincial and federal levels for police reform, meaningful change will require the right legislative scheme, paired with political will and adequate funding.

## Legislative Recommendations

### *Legislative Mechanism*

- Similar to what has occurred in Ontario at a provincial level with the new *Community Safety and Policing Act, 2019, S.O. 2019, c. 1* (“CSPA”), First Nations should have the option to “opt-in” to legislated standards of policing, equivalent to the standards that already apply to non-Indigenous police services.
- Under the CSPA, once a First Nations police service has gone through this “legislative opt-in”, its governing police board will have a legal mechanism to force the province into binding funding arbitration to guarantee that communities are receiving adequate and effective policing.

### *Funding Principles*

- Require funding for long-term agreements that are predictable, reliable and sufficient in order to support the services and priorities determined by First Nations.
- Provide funding for community safety officers or personnel in similar roles who could perform a peacekeeping and prevention function.<sup>147</sup>
- Provide funding to communities to explore the development and implementation of their own police services in accordance with their community-driven public safety priorities
- Provide funding to ensure police services are accessible around the clock, not just during regular business hours, in particular with respect to northern and remote communities.
- To ensure substantive equity, provide access and require that all Indigenous police services have the same pay and benefits as neighbouring police services, including access to commonly held benefits for police such as pension plans.<sup>148</sup>

---

<sup>147</sup> PES Notes, page 74

<sup>148</sup> PES Notes, page 103

- Recognize the legacy of historical underfunding for communities and ensure that funding is available to close the gap.
- Allow surplus amounts in budgets to support flexibility and coverage in the event of unanticipated circumstances that could negatively impact the finances of a police service.
- Consider how funding levels for First Nations policing will vary between self-administered agreements, partnerships and enhanced policing agreements such as CTAs.

### *Types of Policing Expenses*

- Create and make available to First Nations the types of expenses that are permitted to be funded under a flexible funding framework, including:
  - Infrastructure such as police detachments and living quarters;
  - Operational equipment like police vehicles, technology, and body-worn cameras;
  - Salaries and benefits that mirror neighbouring police departments; and
  - Any reasonable expense incurred as a result of providing police services to the community, including interest on loans that are required due to government inability to provide funding on time.
  - Existing social support services should be leveraged to coordinate with police services and provide a holistic response to people in crisis where police are unable or unwilling to attend.
  - Where these supports do not exist, they must be created and funded through legislation to support a holistic public safety response and be funded through a public safety stream.

### *Continuity*

- Require continuity planning and longer commitments for service when working with Indigenous communities, ensuring that contracts include promotional opportunities to keep officers in communities instead of transferring out every couple of years for promotions.
- Require that First Nations Policing Agreements including CTAs must be renegotiated upon expiry to support responsiveness and awareness of community concerns. Agreements cannot be rolled over for years without action by governments who refuse to sit down at the table.
- Consider the use of training bonds to incentivize keeping newly trained members for a set period of time once they have completed their training.
- Develop provincial and national strategies for the recruitment and retention of Indigenous peoples into policing.<sup>149</sup>

### *Resource Allocation*

---

<sup>149</sup> PES Notes, page 111

- Ensure that when RCMP officers are designated and assigned to provide police services to a particular First Nations community or communities, the RCMP may not reassign designated RCMP officers to provide police services outside of the community or communities.<sup>150</sup>
- Permit capital investments by First Nations police services so that police detachments can be built within First Nations communities

### *First Nations Culture & Jurisdiction*

- The preamble of the proposed legislation “should reflect the inherent rights of First Nations and our connection to our lands, taking into consideration our legal orders so that we can shape and administer how policing services are provided to our communities.”<sup>151</sup>
- recognize the importance of including Elders, hereditary leaders, and Knowledge Keepers in providing direction to police and communities in bringing traditional laws forward.<sup>152</sup>
- ensure that legislation recognizes and respects community priorities in leading police reform, including the use of Indigenous languages to describe community priorities.
- Require training for police that is developed and delivered by First Nations, on the history and priorities of the communities they serve.
- Create a legal mechanism that, where desired, requires police, prosecutors and judges to enforce First Nations decisions about community safety and police. For example, require these justice system actors to recognize and enforce Band Council Resolutions (or other kinds of community decisions or direction) where they relate to public safety matters.
- Given that the proposed legislation directly affects the jurisdiction of First Nations communities, an accountability mechanism must be in place for First Nations to understand the process and hold the federal government accountable for their role in implementation.

### *Jurisdictional Considerations Outside of Communities*

- Recognize and address the variety of policing agreements and police services across and between jurisdictions, including how data will be protected, governed and shared, where appropriate.
- Where laws conflict between different policing jurisdictions, legislation must govern paramountcy considerations and consider what protocols are needed to navigate conflicts.
- Review and address other legislation at federal, provincial, and municipal levels that must be amended to give full effect and support to the proposed legislation.
- Consider the future state of First Nations police services providing services to neighbouring non-Indigenous populations and ensure that the proposed legislation does not create barriers to expansion.

---

<sup>150</sup> PES Notes, page 24

<sup>151</sup> PES Notes, page 28 and 73

<sup>152</sup> PES Notes, page 64



- For police in urban areas who answer to municipal police boards, understand how First Nations are represented in these spaces and ensure that their voices are included in municipal conversations and initiatives for policing that affect individual First Nations people and their communities.

### Training

- Develop training for police officers on the management and delivery of police services under enhanced policing agreements such as Community Tripartite Agreements.
- Train specialized investigative units to respond to matters that affect First Nations communities in significant ways, including murdered and missing Indigenous women, girls and 2SLGBTQQIA+ folks.
- Incorporate restorative and traditional justice models into training for police officers who work with Indigenous communities.<sup>153</sup>
  - Require that First Nations' history and culture be incorporated throughout training at the RCMP Depot.<sup>154</sup>
  - Prior to assignment of a police officer to a First Nations community, require training and a demonstrated ability to interact with First Nations people with approaches that respond to the needs of communities. This will include culturally sensitive and trauma-informed approaches with an emphasis on de-escalation.
- Require police to be trained on:
  - Fetal Alcohol Spectrum Disorder (FASD);
  - Sexual harassment and abuse;
  - Identification of Elder abuse;
  - UNDRIP, TRC, and BC's *Declaration on the Rights of Indigenous Peoples Act*; and
  - Systemic racism and unconscious racial bias
- Ensure training and resources are provided so that First Nations police services can assert jurisdiction over serious crimes like homicide and operate or share basic police resources such as access to forensic and canine units.
- Where Community Consultative Groups (CCGs) are working within Community Tripartite Agreements (CTAs) but the CCGs are not representative of the community, training will be developed and delivered to the community to support and encourage community members to take an active role.
- If, after training is developed and delivered, CCGs are still not representative of the community because there is no capacity in the community to provide members to participate in the CCG, paid positions should be created so that dedicated staff can lead and guide engagement with the community to ensure their priorities are reflected in the CTA.

### Police Accountability to First Nations

---

<sup>153</sup> PES Notes, page 106

<sup>154</sup> PES Notes, page 156

- Require that investigations into misconduct where it relates to an Indigenous person must be led by the Indigenous community where the person is from, or in collaboration with an organization that the affected person or community trusts.
- Prohibit a police department from investigating its own members for misconduct and provide better support for victims of police violence.
- Prohibit provincial legislation that allows for police to investigate members within their own departments for misconduct.
- Require that any police who are responsible for upholding professional standards receive training that is developed and delivered by the communities they serve.
- Ensure legislative reform is tied to and reflective of the relevant Calls to Justice from the MMIWG2S+ Inquiry Final Report, including the creation of investigative teams for MMIWG2S+ investigations.<sup>155</sup>

## Conclusion

As the federal government considers their next steps toward legislative drafting with Indigenous peoples in 2022-2023, it will be critical to consider the feedback provided at the Forum. Participants were clear and unwavering in their demands for equitable services and pay for Indigenous policing that respond to community priorities and respect the traditions of the community being served.

Through legislative co-development, cultural respect and appreciation, and reliable funding commitments, the Government of Canada and its provincial counterparts are at a unique point in time where meaningful change on the issues identified during the Forum can be brought to light for examination and resolution.

---

<sup>155</sup> PES Notes, page 64

## Appendix B: AFN & BCAFN Resolutions

**ANNUAL GENERAL ASSEMBLY  
JULY 25, 26, & 27, 2017, REGINA, SK**

**Resolution no. 45/2017**

---

**TITLE:** Federal Investments in First Nations Police Services

---

**SUBJECT:** Policing, Public Safety

---

**MOVED BY:** Chief Darcy Gray, Listuguj Mig'maq Government, QC

---

**SECONDED BY:** Chief Dean Sayers, Batchewana First Nation, ON

---

**DECISION** Carried by Consensus

---

**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
  - i.** Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B.** First Nations police services are essential services similar to any other provincial or municipal police force. As such, First Nations police services shall be recognized as essential services and should be funded adequately in order to serve their full purpose.
- C.** In September 2016, the Minister of Public Safety and Emergency Preparedness, the Honourable Ralph Goodale, on behalf of the Government of Canada, committed, to consulting respectfully with First Nations and to being responsive to interests and priorities of First Nations in order to achieve tangible progress in priority areas, such as security and police services in communities to improve the security of their citizens.
- D.** The Government of Canada has committed to bringing reconciliation with Aboriginal peoples through a renewed nation-to-nation, government-to-government and Crown-First Nation relationship, focused on the recognition of rights, respect, cooperation and partnership.

---

**Certified copy of a resolution adopted on the 27th of July 2017 in Regina, Saskatchewan**

---

**PERRY BELLEGARDE, NATIONAL CHIEF**

**45 – 2017**  
*Page 1 of 2*

**ANNUAL GENERAL ASSEMBLY  
JULY 25, 26, & 27, 2017, REGINA, SK**

**Resolution no.45/2017**

- E. Many of the contribution agreements for police services in First Nations communities are ending on March 31, 2018 with future funding dependent on the renewal of the First Nations Policing Program (FNPP), which the Government of Canada has committed to renewing.
- F. The 2017 federal budget proposed an investment of \$102 million over 5 years, starting in 2018-19, to address the most immediate needs of Indigenous police forces, while the federal government examines ways to increase the effectiveness of this program. However, very little information has been made available to date regarding the implementation of Budget 2017 commitments and the renewal of the FNPP.
- G. The lack of timely information from the federal government concerning the renewed approach reduces the importance of the privileged relationship between First Nations and the Crown and conveys to First Nations that ensuring peace and order in our Nations is not as important as the public safety services for Canadians.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to communicate with the Minister of Public Safety and Emergency Preparedness and remind the Government of Canada of its obligation to engage with First Nations to address the public safety of First Nations citizens.
2. Direct the AFN to urge the Government of Canada to ensure that First Nations police services are viewed as essential community services and that they are supported equitably with municipal and provincial police forces.

---

**Certified copy of a resolution adopted on the 27th of July 2017 in Regina, Saskatchewan**

---

**PERRY BELLEGARDE, NATIONAL CHIEF**

**45 – 2017**  
*Page 2 of 2*

---

<b>TITLE:</b>	<b>Support of the First Nations Chiefs of Police Association Resolution Calling for First Nations Policing to be Entrenched as an Essential Service</b>
<b>SUBJECT:</b>	Policing, Public Safety
<b>MOVED BY:</b>	Chief Lance Haymond, Kebaowek First Nation, QC
<b>SECONDED BY:</b>	Chief Régis Pénosway, Conseil des Anicinapek de Kitcisakik, QC
<b>DECISION:</b>	Carried by Consensus

---

**WHEREAS:**

- A.** The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
  - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B.** First Nations communities require and deserve stable, adequately funded policing services that are comparable to those provided to other communities in Canada. The current First Nations Policing Program (FNPP) is failing First Nations communities by creating unsafe situations for officers and community members.
- C.** First Nations police services are essential services necessary for the safety and security of First Nations citizens. As such First Nations police services must be recognized and supported as essential services. The current "grants and contribution program status" creates systemic barriers to the long term creation and sustainability of quality First Nation police services.
- D.** At its Annual General Meeting in October 2017, the First Nations Chiefs of Police Association, through resolution 001-2017, called on the Government of Canada to entrench First Nations Policing as an essential

---

**Certified copy of a resolution adopted on the 7<sup>th</sup> day of December, 2017 in Ottawa, ON**



**ANNUAL GENERAL ASSEMBLY**  
**July 6, 7 & 8, 2021, Ottawa (Ontario)**

**Resolution no. 07/2021**

06/2020, *Support for Advocacy on Systemic Racism in Canada*, and Resolution 07/2020, *Call for Reform to Address Institutional Racism in the Justice System*.

- C. In December 2020, the federal government announced its intention to co-develop a legislative framework for First Nations policing as an essential service with the AFN. The purpose of the legislation is to ensure that First Nations police services across the country have equitable funding, resources, infrastructure, training, and equipment. Furthermore, the legislation will recognize First Nations jurisdiction over policing and will provide governance and accountability mechanisms for First Nations.
- D. The current footprint of the First Nations Policing Program (FNPP) is grossly underfunded and impedes those Nations that wish to exercise their right to self-determination by providing police services for their Nation.
- E. First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential. The current "grants and contribution program status" under the FNPP creates systemic barriers to the long-term creation and sustainability of quality First Nations policing services.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to continue working with Public Safety Canada on the co-development and implementation of a legislative framework that recognizes First Nations policing services as an essential service to end inequitable programming and funding under the First Nations Policing Program (FNPP).
2. Direct the AFN to work with AFN regional offices to carry out an engagement process with First Nations, Tribal Councils, or Treaty Organizations on the co-development and implementation of legislation that recognizes First Nations policing as an essential service while respecting and upholding both pre-existing or otherwise developed processes.
3. Direct the AFN to call on Provinces and Territorial governments to respect and honor the existing 48/52 funding formula under the FNPP. If that formula changes, it does so in favor of First Nations.
4. Direct the AFN to advocate for First Nations, Tribal Councils or Treaty Organizations to be sufficiently funded to create and administer their own essential police services.
5. Direct the AFN to advocate for sufficient funding be made available for the infrastructure necessary to create and administer essential police services.

---

**Certified copy of a resolution adopted on the 16th day of August 2021 in Ottawa, Ontario**




---

**ROSEANNE ARCHIBALD, NATIONAL CHIEF**

**07 – 2021**  
 Page 2 of 2

---

**Assembly of First Nations**


---

55 Metcalfe Street, Suite 1600  
Ottawa, Ontario K1P 6L5  
Telephone: 613-241-6789 Fax: 613-241-5808  
www.afn.ca




---

**Assemblée des Premières Nations**


---

55, rue Metcalfe, Suite 1600  
Ottawa (Ontario) K1P 6L5  
Téléphone: 613-241-6789 Télécopieur: 613-241-5808  
www.afn.ca

**ANNUAL GENERAL ASSEMBLY**  
July 6, 7 & 8, Ottawa (Ontario)

**Resolution no. 07/2021**

---

**TITLE:** Creation and Implementation of Legislation for First Nations Policing as an Essential Service

---

**SUBJECT:** Policing, Public Safety

---

**MOVED BY:** Ogimaa Duke Peltier, Wiikwemkoong First Nation, ON

---

**SECONDED BY:** Chief Dylan Whiteduck, Kitigan Zibi Anishinabeg, QC

---

**DECISION** Approved by the AFN Executive Committee by consensus.

---

**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
  - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to actively involved in developing and determining health, housing, and other economic and social programs affecting them, and as far as possible, to administer such programs through their own institutions.
- B. The Assembly of First Nations (AFN) has previously been mandated to advocate for new legislation that would recognize First Nations policing services as an essential service through AFN Resolution 45/2017, *Federal Investments in First Nations Police Services*, Resolution 107/2017, *Support of the First Nations Chiefs of Police Association Resolution Calling for First Nations Policing to be Entrenched as an Essential Service*, Resolution

---

**Certified copy of a resolution adopted on the 16<sup>th</sup> day of August 2021 in Ottawa, Ontario**

---

**ROSEANNE ARCHIBALD, NATIONAL CHIEF**

**07 - 2021**  
Page 1 of 2

**ANNUAL GENERAL ASSEMBLY**  
**July 6, 7 & 8, 2021, Ottawa (Ontario)**

**Resolution no. 07/2021**

06/2020, *Support for Advocacy on Systemic Racism in Canada*, and Resolution 07/2020, *Call for Reform to Address Institutional Racism in the Justice System*.

- C. In December 2020, the federal government announced its intention to co-develop a legislative framework for First Nations policing as an essential service with the AFN. The purpose of the legislation is to ensure that First Nations police services across the country have equitable funding, resources, infrastructure, training, and equipment. Furthermore, the legislation will recognize First Nations jurisdiction over policing and will provide governance and accountability mechanisms for First Nations.
- D. The current footprint of the First Nations Policing Program (FNPP) is grossly underfunded and impedes those Nations that wish to exercise their right to self-determination by providing police services for their Nation.
- E. First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential. The current "grants and contribution program status" under the FNPP creates systemic barriers to the long-term creation and sustainability of quality First Nations policing services.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to continue working with Public Safety Canada on the co-development and implementation of a legislative framework that recognizes First Nations policing services as an essential service to end inequitable programming and funding under the First Nations Policing Program (FNPP).
2. Direct the AFN to work with AFN regional offices to carry out an engagement process with First Nations, Tribal Councils, or Treaty Organizations on the co-development and implementation of legislation that recognizes First Nations policing as an essential service while respecting and upholding both pre-existing or otherwise developed processes.
3. Direct the AFN to call on Provinces and Territorial governments to respect and honor the existing 48/52 funding formula under the FNPP. If that formula changes, it does so in favor of First Nations.
4. Direct the AFN to advocate for First Nations, Tribal Councils or Treaty Organizations to be sufficiently funded to create and administer their own essential police services.
5. Direct the AFN to advocate for sufficient funding be made available for the infrastructure necessary to create and administer essential police services.

---

Certified copy of a resolution adopted on the 16th day of August 2021 in Ottawa, Ontario




---

ROSEANNE ARCHIBALD, NATIONAL CHIEF

07 – 2021  
Page 2 of 2

---

**Assembly of First Nations**


---

55 Metcalfe Street, Suite 1600  
Ottawa, Ontario K1P 6L5  
Telephone: 613-241-6789 Fax: 613-241-5808  
www.afn.ca




---

**Assemblée des Premières Nations**


---

55, rue Metcalfe, Suite 1600  
Ottawa (Ontario) K1P 6L5  
Téléphone: 613-241-6789 Télécopieur: 613-241-5808  
www.afn.ca

**Special Chiefs Assembly**  
**December 7, 8, 9, 2021, Ottawa (Ontario)**

**Resolution no. 34/2021**

---

**TITLE:** Support for Regionally Developed First Nations Policing Service

---

**SUBJECT:** Policing/Justice

---

**MOVED BY:** Chief David Monias, Pimicikamak, Cree Nation, MB

---

**SECONDED BY:** Chief Harvey McLeod, Upper Nicola Band, BC

---

**DECISION** Carried; 1 objection; 1 abstention

---

**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- B. The First Nation Policing Program (FNPP) is a contribution program administered by Public Safety Canada (PSC). Through the FNPP, PSC provides 52% of eligible funding to support policing services while the provinces or territories provide the remaining 48%.
- C. There are two main types of policing agreements under the FNPP: (1) Self-Administered Agreements where the policing services are managed by a First Nation or group of First Nations, and (2) Community Tripartite Agreements where police officers from the RCMP provide dedicated policing services to a First Nation.
- D. The Government of Canada is now contemplating policing services as an essential service and is developing a legislative framework that will include sustainable and protected funding for policing and is working with National Indigenous Groups on said legislative framework.
- E. First Nations in Manitoba have not been adequately consulted by the federal government or any National group on this legislation and adamantly oppose a pan-Indigenous legislative approach to ensuring essential police services in their First Nations.

---

**Certified copy of a resolution adopted on the 9th day of December 2021 in Ottawa, Ontario**

**ROSEANNE ARCHIBALD, NATIONAL CHIEF**

**34 – 2021**  
Page 1 of 2

Head Office / Siège Social

46 Irene Roundpoint Lane, Akwesasne, ON K6H 0G5 Tel. / Tél.: 613-241-6789 Fax / Téléc.: 613-932-0415



**Special Chiefs Assembly  
December 7, 8, 9, 2021, Ottawa (Ontario)**

**Resolution no. 34/2021**

- F. First Nations in Manitoba wish to work with Canada and Manitoba to develop their own unique approach that will ultimately meet their unique First Nations' safety and policing needs.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to advocate for a Nation-to-Nation, treaty-based approach to the development of policing legislation.
2. Support the development of regional policing solutions that include the transfer of sustainable, guaranteed funding to the respective regions.

---

Certified copy of a resolution adopted on the 9th day of December 2021 in Ottawa, Ontario



---

ROSEANNE ARCHIBALD, NATIONAL CHIEF

34 – 2021  
Page 2 of 2





## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
 Prince George, BC V2K 5S3  
 Website: www.bcafn.ca

BCAFN 17<sup>th</sup> ANNUAL SPECIAL CHIEFS MEETING  
 March 3 & 4, 2021  
 Online via Zoom

Resolution 09/2021

**SUBJECT:** NEED FOR IMMEDIATE POLICING REFORM AND SUPPORT FOR FIRST NATIONS  
 JURISDICTION OF POLICING

**MOVED BY:** CHIEF JEROME JACK, MOWACHAHT/MUCHALAHT FIRST NATION

**SECONDED BY:** CHIEF HARVEY MCLEOD, UPPER NICOLA INDIAN BAND

**DECISION:** CARRIED

**WHEREAS:**

- A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:
- Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- Article 7: 1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person. 2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Certified copy of a resolution adopted on the 4<sup>th</sup> day of March 2021

Terry Teegee, BC Regional Chief

Article 22: 1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration. 2. States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

**B. The Truth and Reconciliation Commission of Canada: Calls to Action states:**

42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal Peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara 1764, and reaffirm the nation-to-nation relationship between Aboriginal Peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

(iv.) Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.

**C. The National Inquiry into Missing and Murdered Indigenous Women recognized that, “colonial structures and policies are persistent in Canada and constitute a root cause of the violence experienced by Indigenous women, girls, and 2SLGBTQQIA people”, and which amount to genocide. The Calls for Justice included a number of imperatives directed at governments and police services focused on reform and transformation of justice and policing.**

**D. First Nations communities and citizens have not been well-served by the Canadian justice and policing systems. First Nation communities and citizens have been subject to decades of discrimination, violence, racism and bias within Canada’s justice system and there continues to be denial and suppression of First Nations jurisdiction in the areas of justice and policing.**

---

**Certified copy of a resolution adopted on the 4<sup>th</sup> day of March 2021**




---

**Terry Teegee, BC Regional Chief**

- E. Historical and ongoing systemic inequities found in Canada's justice system target and disproportionately impact Indigenous Peoples, including Canada's failure to uphold the principles of the Gladue decision, the overcriminalization of Indigenous peoples; the over incarceration of Indigenous Peoples in Federal prisons; over-policing, abuse by police, unreasonable use of force, and deaths in custody; the disproportionate violent victimization of Indigenous peoples; criminalization of land defenders and use of police to uphold infringement in First Nations jurisdiction; lack of protection and appropriate response for Indigenous people seeking help from police; lack of culturally appropriate, trauma informed responses that take into account complex social issues; underfunding of First Nations policing, justice, and victims-services; and lack of accountability and oversight. As demonstrated in the findings of the National Inquiry, Indigenous women and 2SLGBTQIA+ people are even more adversely affected within these areas.
- F. According to a CBC study from 2000-2017, there have been more than 461 fatal encounters involving the police in Canada and there continues to be significant racially motivated police brutality against Indigenous Peoples.
- G. Examples where the justice system has failed Indigenous Peoples include cases such as those involving Colten Boushie, Chantel Moore, Tina Fontaine, Frank Paul, Neil Stonechild, Everett Patrick, Clayton Willey and the most recent death of Tia-o-qui-aht man, Julian Jones, at the hands of an RCMP officer.
- H. The First Nations Leadership Council (FNLC) endorsed the BC First Nations Justice Strategy in March 2020, which includes strategies and lines of action related to policing reforms;
- I. BCAFN Resolution 16/2020, "Support for the Development of a National First Nations Justice Strategy" and BCAFN Resolution 12/2020, "Endorsement of the First Nations Justice Strategy" call for a national strategy to address to reform Canada's justice system and supporting the BC First Nations Justice Strategy to transform the criminal justice system and the relationship between Indigenous peoples and the criminal justice system.
- J. The Assembly of First Nations will be hosting a National Online Forum on Policing and Justice on March 16-17<sup>th</sup>, 2021 to provide opportunity and space for First Nations to dialogue around the needs and priorities regarding police reform and implementation of First Nations jurisdiction.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly support First Nations in exercising their rights to self-determination including the implementation of culturally relevant justice systems in relation to their communities and Nations;

---

Certified copy of a resolution adopted on the 4<sup>th</sup> day of March 2021

---

Terry Teegee, BC Regional Chief

2. The BCAFN Chiefs-in-Assembly urge the Provincial and Federal governments, in accordance with Articles 4 and 39 of the *United Nations Declaration on the Rights of Indigenous Peoples*, to recognize First Nations jurisdiction with respect to justice and policing, provide financial and technical assistance to all First Nations in support of their respective administration of justice; and
3. The BCAFN Chiefs-in-Assembly calls on provincial and federal governments and police forces in Canada, to fundamentally reform policing and the criminal justice system with specific priority placed on ending police brutality and violence against Indigenous peoples and transforming the relationship with Indigenous peoples so that it is in alignment with the UN Declaration.

---

Certified copy of a resolution adopted on the 4<sup>th</sup> day of March 2021



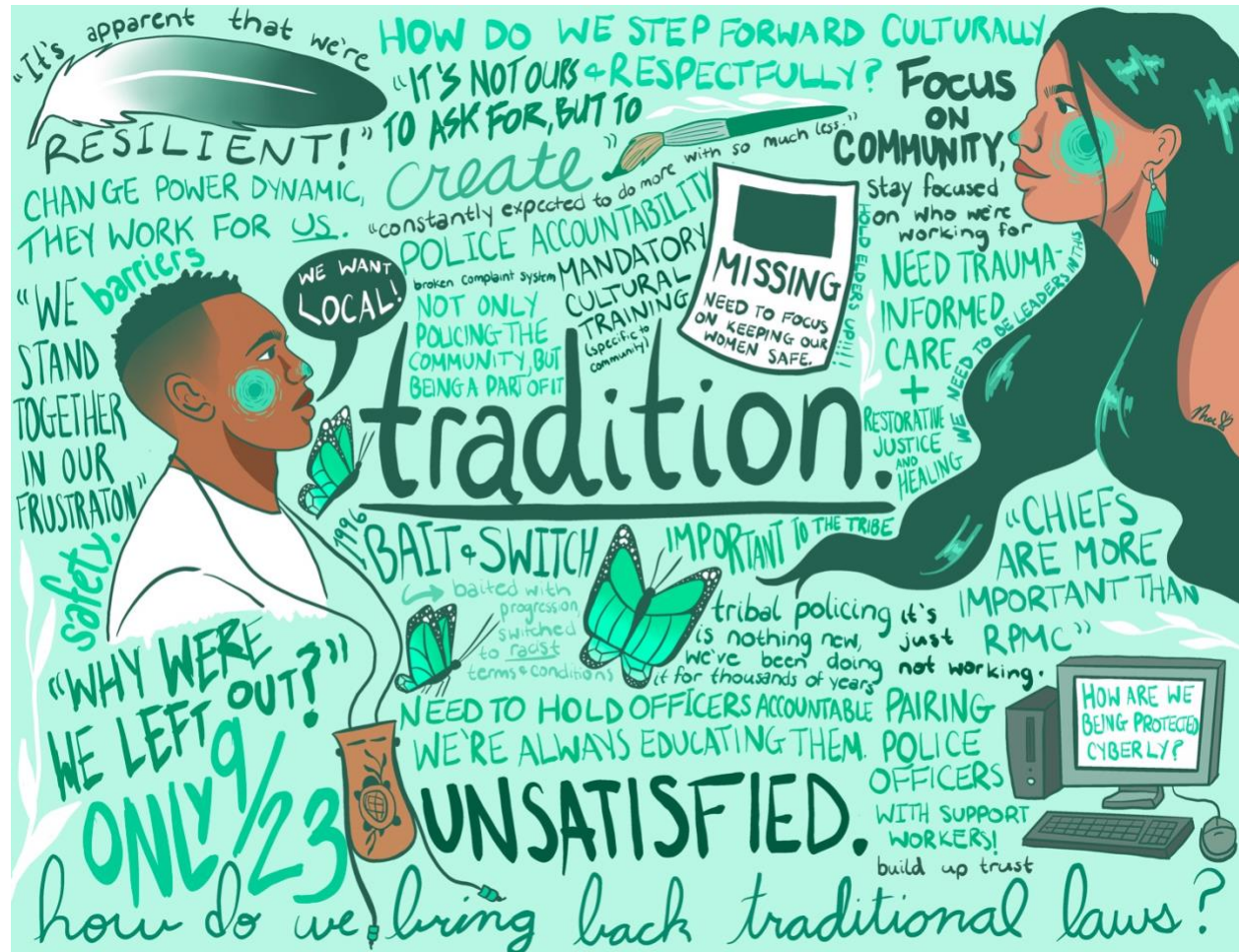
---

Terry Teegee, BC Regional Chief

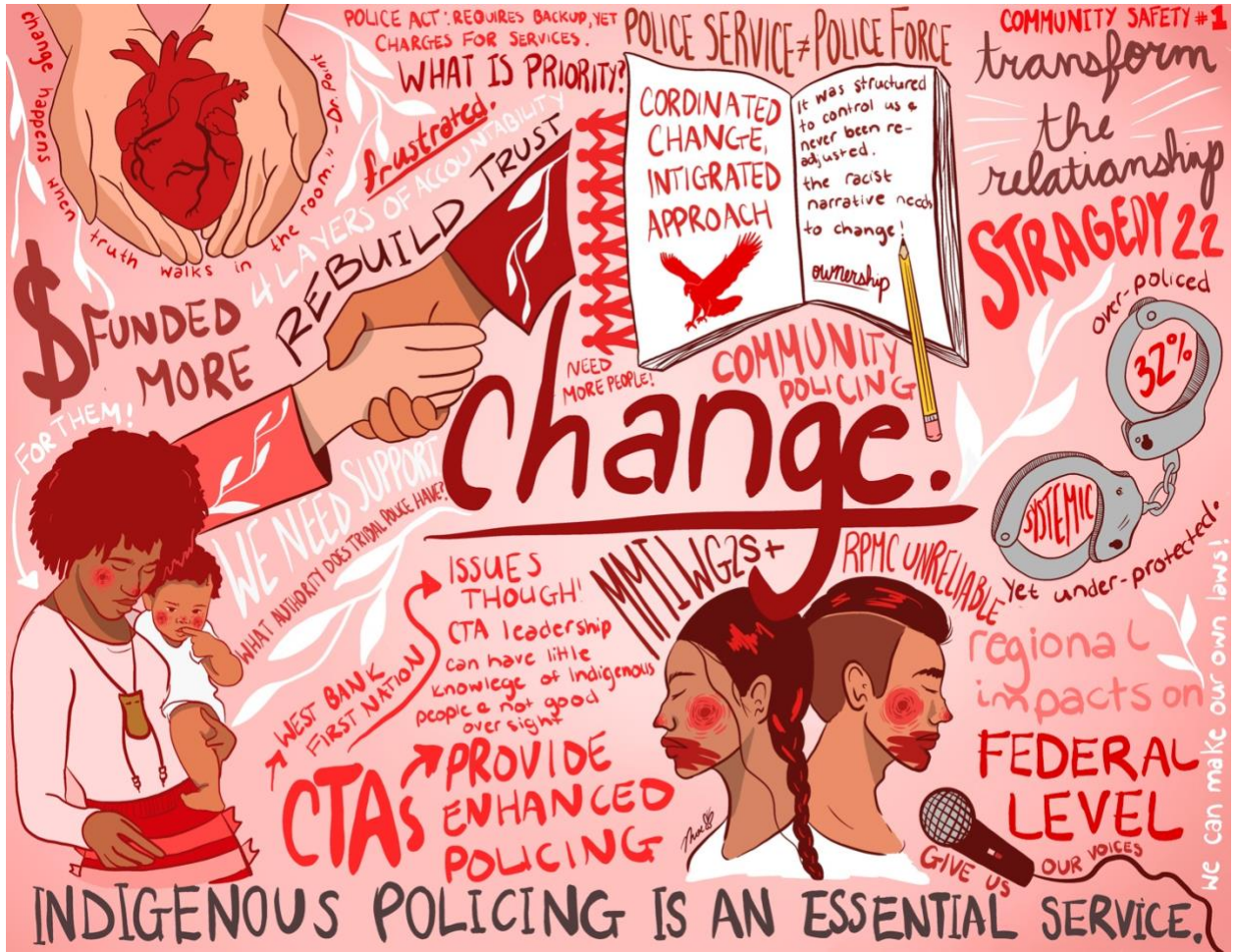


## Appendix C: Graphic Recordings & Artist Profile

Moe Butterfly is a 21-year old, Seneca, Two-Spirit artist currently residing on Susquehannock land. Within his work he does a combination of both traditional and modern Indigenous concentrations with a large emphasis on Two-Spirit representation. In their free time, they also are a Fancy Shawl Dancer and a part of their family's drum circle. His main medium is digital painting, and can be found to have a lot of deep, saturated colors. While his art is for everyone to enjoy, he hopes that more than anything that young, Two-Spirit youth will find themselves in his art.







## Appendix D: Meeting Agenda

### Agenda

#### Day One – May 25, 2022

---

8:45 am to 9:15 am

##### **Opening Protocol**

Dr. Gwendolyn Point, BCAFN Knowledge Keeper

---

9:15 am to 9:25 am

##### **Opening Remarks**

Regional Chief Terry Teegee

---

9:25 am to 9:45 am

##### **Context Setting**

Federal Legislative Commitments and AFN Policing Taskforce Update

Québec/Labrador Regional Chief Ghislain Picard

Chief Dean Nelson, Lil'wat Nation

Chief Jerry Jack, Mowachaht/Muchalaht First Nation

---

9:45 am to 10:15 am

##### **Transforming First Nations Policing**

Chair, Doug White, BC First Nations Justice Council

---

10:15 am to 11:00 am

**Community Tripartite Agreement Experiences**

Chief Councillor Greg Louie, Ahousaht First Nation  
Calvin Demerais, Senior Policing and Public Safety Advisor, BCFNJC

---

11:00 am to 12:00 pm

**Self-Administered Agreement Experiences**

Dee Doss-Cody, Chief Officer for the Stl'atl'imx Police  
Rebecca Barley, Stl'atl'imx Tribal Police Service, Chair  
Courtney Adolph-Jones, former Chief of T'i't'q'et

---

12:00 pm to 1:00 pm

**Lunch Break**

---

1:00 pm to 1:25 pm

**Special Committee on Reforming the Police Act (SCORPA)**

Doug Routley, Chair, and Dan Davies, Deputy Chair, Special Committee on Reforming the Police Act

---

1:25 pm to 1:30 pm

**Reflections on the SCORPA**

Reflections on the SCORPA, Regional Chief Terry Teegee and Doug White, BCFNJC Chair

---

1:30 pm to 2:15 pm

**Breakout Discussion**

Breakout Discussion

---

2:15 pm to 2:30 pm

**Health Break**

---

2:30 pm to 3:00 pm

**The Calls for Justice**

Honourable Judge Marion Buller

---

3:00 pm to 3:30 pm

**First Nation Legal Orders and Community Safety**

Dr. Val Napoleon

---

3:30 pm to 3:45 pm

**Summary of Day 1 and Overview of Day 2**

Facilitators and Graphic Recorder Moe Butterfly, Alderhill Planning

---

3:45 pm to 4:00 pm

**Closing Protocol**

---

4:00 pm

**Adjourn**

---

**Day Two – May 26, 2022**

---

8:45 am to 9:20 am

**Opening Protocol**

Elder Caroline Buckshot  
Boyd Peters, BCFNJC Council Member

---

9:20 am to 10:50 am

### Community Safety Initiatives

Chief James Hobart, Spuzzum First Nation

Chief Maureen Chapman, Skawahlook First Nation

Chris Gosselin, Urban Indigenous Liaison Officer, Upper Fraser Valley Regional Detachment, RCMP

Mary Childs, General Counsel, Tsawwassen First Nation,

Katie Alexander, Manager of Health and Social Services, Tsawwassen First Nation

Andrew Van Eden, Community Safety Manager, Tsleil Waututh First Nation

Acting Chief Leslie Aslin, and Maddison Sam, Justice Coordinator, Tl'azt'en First Nation

---

10:50 am to 11:00 am

### Health Break

---

11:00 am to 12:15 pm

### Experiences from other Regions

Chief Chris Sutter, Tulalip Tribal Police Service (Washington, USA)

Julian Falconer, Falconers LLP, Nishnawbe Aski Police Service (Ontario)

Keith Blake, Chief of Police, Tsuut'ina Nation Police Service (Alberta)

---

12:15 pm to 1:00 pm

### Lunch Break

---

1:00 pm to 1:45 pm

### Breakout Discussion

---

1:45 pm to 2:00 pm

### Breakout Discussion Report Back

---

2:00 pm to 2:45 pm

### Breakout Discussion

---

2:45 pm to 3:00 pm

### Breakout Discussion Report Back

---

3:00 pm to 3:15 pm

### Closing Remarks

Regional Chief Terry Teegee

---

3:15 pm to 3:25 pm

### Summary of Day 2 and Graphic Recording Report Back

Delaine Margaret and Ren Roberts, Alderhill Planning

---

3:25 pm to 3:40 pm

### Closing Protocol

Boyd Peters, BCFNJC Member

---

3:40 pm

### Adjourn

---