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Summary of the 2022 Federal Engagement on First Nations Police Services Legislation What We Heard Report

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This report provides a summary of the engagement approach, the issues, and considerations heard throughout the Government of Canada's engagement process to help inform the co-development of federal First Nations police services legislation.

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Public Safety Canada, Communications
269 Laurier Ave West
Ottawa ON K1A 0P8
Canada

communications@ps-sp.gc.ca

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Summary of the 2022 Federal Engagement on First Nations Police Services Legislation

Context

First Nations police services in Canada all receive financial support through the [First Nations and Inuit Policing Program](#) (FNIPP), a discretionary contribution program created in 1991 that provides federal funding to support professional, dedicated and culturally responsive policing services eligible for First Nations and Inuit communities. Under the FNIPP, eligible costs are shared with the provinces and territories in accordance with a 52% federal and 48% provincial/territorial cost-share ratio. For many years, First Nations police services have faced significant challenges and financial obstacles in being able to deliver adequate and culturally appropriate policing services in part due to the limitations of the FNIPP.

As a result, First Nations have long called for reform to how First Nations police services are funded and have advocated for federal legislation that recognizes First Nations policing as an essential service. These calls for reform were heightened with the release of the [Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#),¹ which included Call for Justice 5.4 to reform the delivery of policing services in Indigenous communities.

Budget 2021 provided \$43.7 million over five years, beginning in 2021-2022, to co-develop a legislative framework that recognizes First Nations policing as an essential service. The [Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People](#)² reiterated the commitment to co-develop a legislative framework. In his December 2021 Mandate Letter, the Minister of Public Safety was mandated to “continue to work with First Nations partners to co-develop a legislative framework for First Nations policing” with the support of the Minister of Indigenous Services and the Minister of Crown-Indigenous Relations.

On March 21, 2022, the Minister of Public Safety Marco Mendicino, supported by the Minister of Indigenous Services Patty Hajdu, and the Minister of Crown-Indigenous Relations Marc Miller, [launched the Government of Canada’s engagement process](#)³ to help inform the co-development of federal First Nations police services legislation.

¹ <https://www.mmiwg-ffada.ca/final-report/>

² <https://www.rcaanc-cirnac.gc.ca/eng/1622233286270/1622233321912>

³ <https://www.canada.ca/en/public-safety-canada/news/2022/03/government-of-canada-launches-engagement-process-for-first-nations-police-services-legislation.html>

This report provides a summary of the engagement approach, the issues and considerations heard throughout the engagement and the next steps in the process. We invite you to share your feedback on this report, including any information we may have missed or any additional comments you may wish to provide, to the following email address:

indigenouspolicing-policeautochtones@ps-sp.gc.ca.

Acknowledgement

We would like to acknowledge Elders Dan Smoke, Mary Lou Smoke and Paul Arthur McKenzie for their significant gifts and talents that contributed to the engagement process. Their wisdom and knowledge of First Nations values, stories, and histories helped shape discussions and brought to light issues that were shared by participants through the virtual engagement sessions.

The Approach

In December 2021, Public Safety Canada and Indigenous Services Canada hosted three pre-engagement sessions with a number of First Nations, representatives from First Nations police services, provinces and territories, and other organizations to seek views on an engagement approach to inform a federal First Nations police services legislation, as well as the potential engagement themes and questions. Participants shared that discussions should focus on the development of federal legislation and not to revisit concerns with the First Nations and Inuit Policing Program (FNIPP), which were raised during the [2016 engagement on the FNIPP](#)⁴. We also heard that participants wanted to have rich conversations on the roles of First Nations, Canada and provinces/territories in supporting First Nations police services. These views shaped the following three themes and the development of contextual information intended to inform discussions:

- 1** First Nations Police Services as Essential Services
- 2** First Nation, Provincial/Territorial, and Federal Roles in Supporting First Nations
- 3** Funding First Nations Police Services

Prior to engagement, participants were provided with [relevant background information](#)⁵ and key questions to help guide discussions based on the above themes.

⁴ <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/mwd-pprch-plcng-ndgns-cmmnts/index-en.aspx>

⁵ <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/nggng-fdrl-frst-ntns-plc-srvcs-lgsltn-2022/index-en.aspx>

Engagement Process

Informed by what we heard during the pre-engagement sessions, Public Safety Canada launched an engagement process to inform the co-development of the First Nations police services legislation in March 2022. The engagement process consisted of: 13 professionally facilitated virtual engagement sessions, an online engagement platform and a generic email address to receive written comments/ submissions.

Public Safety Canada sent invitations to participate in the engagement process to over 1200 representatives on February 28, 2022. Representatives invited to participate in the engagement process were from: First Nations, First Nations organizations, First Nations police services, First Nations police boards/commissions, First Nations women's organizations, First Nations youth organizations, First Nations 2SLGBTQQIA+ people and organizations, subject matter experts and others. Participation varied across Canada, with the majority of participants being from Ontario, Quebec and British Columbia, followed by Saskatchewan, Manitoba, Alberta, Yukon, New Brunswick, Newfoundland and Labrador, Northwest Territories and Prince Edward Island, respectively. There were no participants from Nova Scotia or Nunavut. See Appendix A for the dates of the sessions and the breakdown of participants.

The Minister of Public Safety also sent letters to all modern treaty and self-governing agreement signatories signaling the desire to engage on a nation-to-nation, government-to-government basis on their policing priorities. Through the generic email address, Public Safety Canada also received requests from First Nations, First Nations organizations and First Nations police service organizations to meet and discuss their priorities for the federal legislation. As a result, government officials have had numerous bilateral conversations with First Nations and First Nations organizations on the federal legislation. As discussions continue, this report only reflects what has been heard to date.

We also wish to acknowledge that throughout this process Public Safety Canada has kept the Assembly of First Nations, provinces and territories, the First Nations Chiefs of Police Association and the First Nations Police Governance Council informed of progress. What we have heard through this engagement process will inform our collaborative work with these organizations going forward.

What We Heard

We thank all participants for their generous input. While some feedback was consistent across First Nations, other feedback was specific and unique to a community or region. Engagement participants raised many concerns with how policing is supported in First Nations today and put forward ideas for how the federal legislation could address these issues. The following is a summary of what was commonly heard.

While some participants expressed concern with the time it has taken to make progress on a First Nations police services legislation, other participants noted that the need to proceed quickly must be balanced with ensuring that First Nations are properly engaged and that a federal legislation meaningfully addresses the needs of First Nations and First Nations police services.

The Current State of First Nations Police Services

“FNIPP is breaking our officers who are working every single day... it is like driving a car with no brakes, air brakes, or turn signal. It’s time to turn that car in”.

Participants underscored the need for federal officials to understand the implications of using a program to fund First Nations police services. Participants were unanimous in their views that Canada’s reliance on a discretionary program to fund an essential service like policing is inappropriate. Participants argued that not enough funding is available in the overall program budget to adequately support each First Nations police service to do their work and to meet the expectations of the communities served. As an example, representatives from First Nations police services highlighted that they do not have a sufficient number of officers to provide 24 hours a day / 7 days a week policing services and there have been several instances of police officers responding to incidents alone.

Participants also noted that the uncertainty with program funding leads to short-term contribution agreements which impedes long-term planning and contributes to organizational instability. As an example, representatives from First Nations police services raised that funding uncertainties makes it difficult to recruit and retain officers who are looking to develop long-term careers in policing.

While the lack of funding was the most common complaint about the program, participants noted that the program’s Terms and Conditions (which govern what expenditures are eligible for program funding) do not allow for the provision of funding for all police service operations (such as specialized policing services). Participants also noted that First Nations

and First Nations police service leadership often have limited influence over the funding allocated by Canada and the applicable province. As a result, participants argued that First Nations police service budgets are primarily dictated by available funding and not by the needs of the First Nations police service and communities served.

Despite the limitations of the FNIPP, many participants highlighted the importance of their First Nations police service to community safety and wellbeing. Participants acknowledged the challenge that First Nations police services face in providing culturally-relevant policing, often to several communities spread out over large geographies. It was also highlighted that in many communities there are significant community safety and wellbeing challenges that police are often called on to address, ranging from criminal matters such as organized crime and social issues such as substance use and abuse and suicides. Participants stressed that given this complexity, the FNIPP is inadequate to support First Nations police services and that a federal legislation which recognizes First Nations police services as essential services is required.

Essential Service

“I have worked alone 40 nights; with proper funding we could provide essential services... only few of us to do a job, we end up working alone. If we are an essential service that wouldn't be an issue.”

Public Safety Canada asked participants what characteristics, capacities and capabilities a First Nations police service would have if recognized as an essential service. We heard from participants that **essential service means**:

- **Guaranteed access by all:** Participants noted that essential service means ‘guaranteed access by all’ and ‘being there when needed.’ Specifically, First Nations police services should be accessible and available 24 hours a day / 7 days a week, with quick response times.
- **Substantively equal to non-Indigenous police services:** Participants underscored that First Nations police services should be considered the main police service in First Nations communities and be funded as such. It was highlighted that the provision of funding must move beyond the limitations imposed by a discretionary program and that First Nations police services should receive an equitable level of funding in comparison with provincial, territorial and municipal police services.
- **Culturally responsive, representative and respectful of the communities they serve:** Participants recognized that First Nations police services provide culturally

responsive policing services that are critical for community safety and wellbeing. Police officers who understand the intergenerational trauma and continuing socio-economic impacts of colonialism, including the legacy of Indian Residential Schools, are better positioned to respond to incidents in a manner that is culturally sensitive. Participants also noted that First Nations police services are an important part of the community that must understand First Nations' treaties and be part of the First Nations' efforts to advance self-governance, including through the enforcement of First Nations laws and by-laws.

It was also noted that **instilling First Nations values and ways of knowing into police services** is critical to improve outcomes. For example, participants highlighted that police officers earn the respect and trust of the community when they speak the local language, know and respect cultural customs, and are involved in the community such as through school presentations and youth group discussions. We also heard that First Nations police services should be representative of communities served and be inclusive of women and 2SLGBTQQIA+ people.

Funding

“We receive the same training at the same institutions as all other police services in Canada. Yet we are funded very differently.”

Participants agreed that First Nations police services need to be funded to a level that recognizes them as an essential service. Participants noted that **funding to support First Nations police services** must be:

- **Responsive to First Nations police services' operational requirements.** Participants noted that First Nations police services that are adequately funded should be able to:
 - Provide competitive compensation and benefits packages (such as sick leave, vacation leave, maternity/paternity leave, mental health supports, pensions, and other obligations of employers);
 - Develop and deploy officer retention and recruitment strategies;
 - Provide specialized services, as required by police operational needs;
 - Conduct community-based policing which includes preventative community safety activities and well-being interventions;

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- Build relationships with health and social services, neighboring police services, Elders, youth and community members.
 - Hire civilian staff, mental health professionals and social workers;
 - Provide training to police officers, including training on investigations, search and rescue, as well as cultural competency;
 - Be responsive to community safety and policing priorities;
 - Enforce First Nations laws and by-laws; and,
 - Provide adequate equipment and police facilities which meets building, policing facility, and, health and safety standards.
- **Predictable, equitable, stable and flexible funding:** Participants advised that having funding that is predictable, equitable to non-First Nation policing services and stable would enable First Nations police services to conduct long-term and strategic planning. This would help ensure adequate resource levels and effective budget management to meet the needs of the communities served and the police services. It was also noted that funding must be flexible to address unforeseen circumstances such as the COVID-19 pandemic and other emergencies.
 - **Responsive to community priorities and needs:** Recognizing that the needs of police services are unique to each First Nation, participants proposed that the funding provided be determined by an assessment based on community safety and policing needs. It was suggested that community-specific factors such as remoteness, size (geographical and population), community safety concerns (including gender-based violence), housing needs for police officers and police infrastructure should be considered in such an assessment.
 - **Conducive to building First Nations police governance capabilities:** It was suggested that First Nations may need support to develop and implement their police governance capabilities. Participants highlighted that First Nations are at varying stages of governance, capacity and development, and may require support to build their police governance processes, such as establishing police boards/commissions and conducting community safety and policing needs assessments.
 - To further support capacity building, participants noted that the current funding reporting requirements are overly cumbersome and complicated, and suggested they be simplified to lighten the reporting burden on First Nations and First Nations police services.

Defining Roles and Promoting Respectful Relationships

“I hope that the majority of the decision-makers are the First Nations themselves. The last thing I want to see happen is that we have these discussions and then someone external to the First Nations makes the decision.”

Many participants see First Nations police services and influence over policing priorities as an expression of **self-determination and self-governance**. Participants highlighted the need to define **roles and responsibilities of First Nations, provinces and territories and Canada in making decisions concerning First Nations police services**. Doing this will support the building of healthy and respectful relationships between governments. To meet these objectives, participants suggested that the legislation should:

- **Respect First Nations rights to self-determination and self-government:** Participants called for the legislation to advance First Nations self-determination and self-government in alignment with *The Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*. To do this, participants iterated that the legislation should:
 - Respect and uphold historic treaties, modern treaties and self-government agreements.
 - Recognize First Nations’ rights to make decisions concerning policing and community safety, including the enforcement of First Nations laws and by-laws.
 - Respect and support First Nations’ processes for community decision-making about their policing needs. It was suggested that these processes should be community-led, collaborative, informed by local needs assessments and police experts, and guided by community leaders, such as Elders. These processes should also be inclusive of women, youth and 2SLGBTQQIA+ people.
 - Acknowledge the role of local police governance, such as police boards and commissions, in working with First Nations leadership and communities in setting policing priorities.
 - Increase civilian oversight of police services and accountability to the First Nations they serve.
 - Support First Nations in building their capacity and expertise to establish and manage First Nations police services and developing policing priorities.

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- **Govern Canada’s conduct with respect to supporting First Nations police services:** Participants expect that the federal legislation will require Canada to provide predictable, equitable, accessible, flexible and stable funding to First Nations police services in alignment with their recognition as an essential service. Participants also expect Canada to improve coordination with provinces to ensure that First Nations police services are adequately supported. Finally, participants expect Canada to engage in meaningful decision-making processes with First Nations and First Nations police services, particularly concerning funding. This includes increased communication and transparency from the federal government regarding how funding decisions are made as well as the proactive information sharing of other government initiatives that may support community safety and policing.
 - **Respect provincial and territorial roles:** Participants discussed the importance of ensuring that the federal legislation is complementary to provincial/territorial policing legislation because First Nations police services are established and operate in accordance with the relevant provincial/territorial police legislation and regulations. Participants pointed out that the First Nations and Inuit Policing Program has not provided adequate funding to First Nations police services to meet their requirements under provincial/ territorial legislation and regulations and there are strong expectations that the federal legislation will address this issue with increased funding. Participants recognized that the provinces/territories will be important partners in the implementation of a federal First Nations police service legislation and acknowledged that, in addition to federal legislation, changes to provincial/territorial legislation may also be needed to fully recognize First Nations police services as essential services.
 - **Support respectful negotiation processes:** Participants expect First Nations leadership to be meaningfully involved in funding decision-making processes with Canada and the applicable province/territory. Funding decisions should be primarily driven by the First Nations’ policing priorities (as defined by their internal decision-making processes) as well as the needs of the First Nations police services. Engagement with First Nations should be regular, timely and substantive in order to ensure that First Nations leadership is fully informed and equipped to participate in negotiations for funding. Participants also suggested that a dispute resolution process may be required to support negotiation processes.
 - **Support stronger accountability mechanisms:** Participants felt that police must be accountable to the communities they serve. Accountability was called for at all levels – to a First Nations police board/police governance entity and the applicable province and federal government. Furthermore, participants advised that there needs to be an

appropriate oversight body for complaints of police conduct to enhance accountability. Suggestions were made for a national First Nations police governance/oversight body and regulation standards, as well as the need to ensure governance structures are tailored to community needs. A national resource centre was also recommended to develop standards and best practices on how to develop a First Nations police service.

Other Considerations

A number of **broader justice issues** were raised, such as traditional models of justice, restorative justice, holistic approaches to community safety and wellbeing and non-police officer positions which support community safety, such as social workers, crisis workers, community safety officers and peacekeepers. It was noted that policing is one part of the justice system, which also includes prosecutorial services, the court system and corrections system, and that processes should be advanced to also support First Nations priorities in these areas.

Participants highlighted that not all First Nations will want a First Nations police service and that the RCMP will continue to be the local police service for many First Nations for the foreseeable future. As such, participants argued that the RCMP must make changes to their police policies and practices to meet the policing and community safety needs of the First Nations they serve, including improving the enforcement of First Nations laws and by-laws. Participants also noted that Public Safety Canada needs to improve the negotiation and implementation of FNIPP Community Tripartite Agreement (CTAs), where a dedicated group of officers from the RCMP provide policing services to a First Nations or Inuit community.

Conclusion

The feedback summarized in this document includes a broad range of views and positions that will be considered in the co-development of First Nations police services legislation. Engagement participants indicated that this legislation will be critical to adequately supporting First Nations police services, supporting officer well-being and mental health, as well as promoting safety and security in First Nations communities. It was clear from participants that there was a sense of urgency to move forward on this legislation and an eagerness to see progress being made.

Validation of this report is an important step in the process. If you have comments on this “What we Heard” report, or any additional views that have not been captured, or that may

have been misrepresented, please send your views to following email address:
indigenouspolicing-policeautochtones@ps-sp.gc.ca.

The Government of Canada will continue the dialogue and collaboration with modern treaty and self-governing First Nations, First Nations, the Assembly of First Nations, First Nations Chiefs of Police Association, First Nations Police Governance Council provinces and territories, and subject matter experts to advance this important work.

Appendix A: Overview of the Engagement

Objective

The Government of Canada is engaging with First Nations, provinces and territories, First Nations organizations, First Nations police services, First Nations police boards/commissions, First Nations women's organizations, First Nations youth organizations, First Nations 2SLGBTQQA+ people and organizations, subject matter experts and others to support the co-development of federal First Nations police services legislation.

Engagement Opportunities

The Government of Canada planned a three-pronged approach to this engagement:

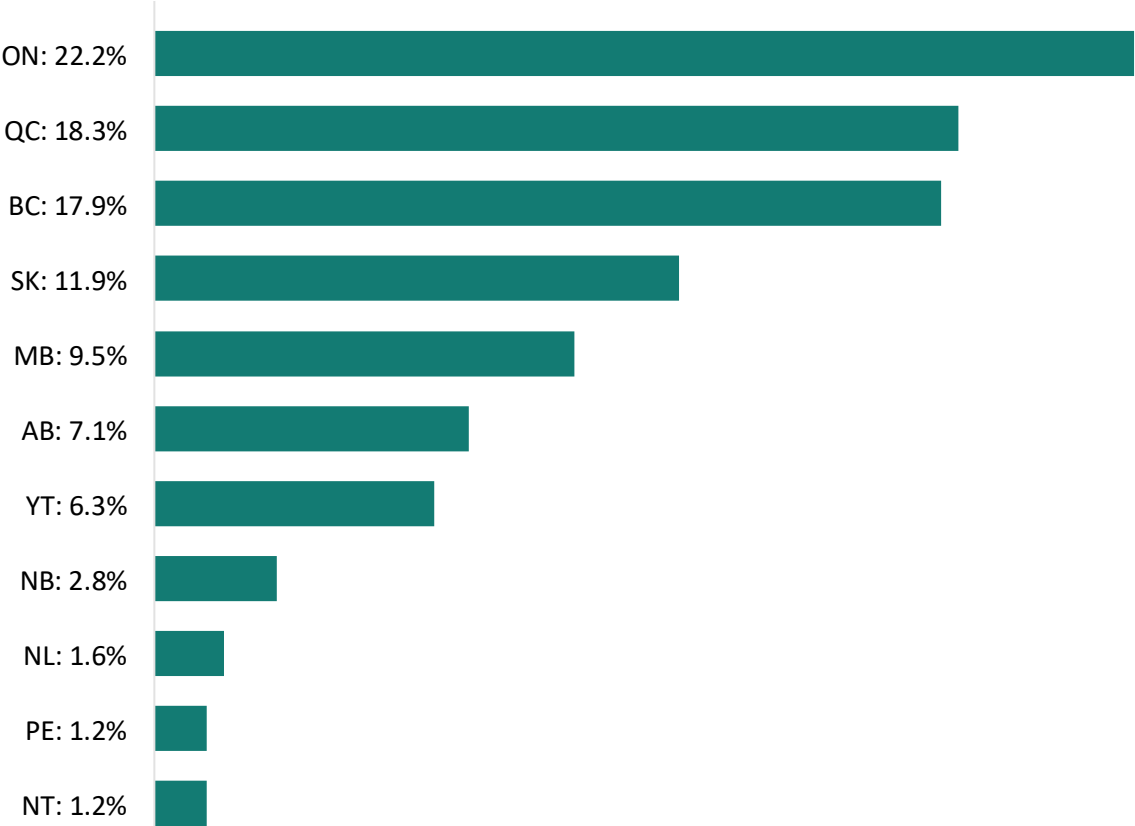
- 1 Online engagement platform
- 2 Written comments/ submissions via an Indigenous Policing email address
- 3 Virtual engagement sessions (details below)

Virtual Engagement Sessions

The Government of Canada hosted thirteen engagement sessions from March 21, 2022 to May 16, 2022. The session themes and dates are below. Also included is a breakdown of participation by province and territory.

- ✓ **Theme 1:** First Nations Police Services as Essential Services (March 21, 25, 30, and April 12)
- ✓ **Theme 2:** First Nations, Provincial/Territorial and Federal Roles in supporting First Nations Police Services (March 31, April 14, 20 and 21)
- ✓ **Theme 3:** Funding First Nations Police Services (March 22, 28, April 13 and 19)
- ✓ All themes: May 16

Percentage of engagement session participants by province/territory



The percentage of engagement session participants by province and territory bar graph shows the level of representation by province and territory for the thirteen engagement sessions.

The percentage is as follows: Ontario: 22.2%, Quebec: 18.3%, British Columbia: 17.9%, Saskatchewan: 11.9%, Manitoba: 9.5%, Alberta: 7.1%, Yukon: 6.3%, New Brunswick: 2.8%, Newfoundland and Labrador: 1.6%, Prince Edward Island: 1.2% and Northwest Territories: 1.2%.