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FIRST NATIONS POLICING POLICY

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I

INTRODUCTION

The First Nations Policing Policy (FNPP) was introduced by the federal government in June 1991 to provide First Nations across Canada with access to police services that are professional, effective, culturally appropriate, and accountable to the communities they serve.

The FNPP, administered by the Department of the Solicitor General since April 1992, operates on the principle of partnership. Under the Policy, the federal government, provincial and territorial governments and First Nations work together to negotiate tripartite agreements for police services that meet the particular needs of each community.

An independent review of the first five years of operation of the FNPP found the policy framework to be "relevant, sound and on-track". The review also found that provincial, territorial and most First Nations partners believe the tripartite process is the most effective way to address First Nations policing at this time.

On the strength of this review, the federal government reaffirmed its ongoing commitment to the FNPP, and approved minor changes to the Policy in the Spring of 1996. The changes are intended to address suggestions raised in implementing the Policy and by the policy review.

While unchanged in most respects, the revisions to the FNPP highlight its public safety dimension, particularly for women, children and other vulnerable groups. The revisions also highlight a commitment to supporting First Nations to become self-sufficient and self-governing, and to maintaining partnerships with First Nations based on trust, mutual respect and participation in decision-making. In addition, flexibility has been added to certain areas of the FNPP to simplify its administration.

This guide reflects the changes approved by the government and replaces the earlier guide which was published in 1992.

II

PURPOSE AND SCOPE OF THE POLICY

The purpose of the First Nations Policing Policy is to contribute to the improvement of social order, public security and personal safety in First Nations communities, including that of women, children and other vulnerable groups.

The Policy provides a practical way to improve the administration of justice for First Nations through the establishment of First Nations police services that are professional, effective, and responsive to the particular needs of the community. This is accomplished through the provision of cost-shared funding of police services, and related support and assistance.

The Policy is also a practical means to support the federal policy on the implementation of the inherent right and the negotiation of self-government.

The Policy is implemented consistently across Canada through tripartite agreements negotiated among the federal government, provincial or territorial governments and First Nations.

It applies to all Indian reserves, to certain other Indian communities on Crown land and to Inuit communities.

III

OBJECTIVES OF THE POLICY

Strengthening Public Security and Personal Safety: To ensure that First Nations peoples enjoy their right to personal security and public safety. This will be achieved through access to policing services that are responsive to their particular needs and that meet acceptable standards with respect to the quality and level of service.

Increasing Responsibility and Accountability: To support First Nations in acquiring the tools to become self-sufficient and self-governing through the establishment of structures for the management, administration and accountability of First Nations police services. Such structures will also ensure police independence from partisan and inappropriate political influence.

Building a New Partnership: To implement and administer the First Nations Policing Policy in a manner that promotes partnerships with First Nations communities based on trust, mutual respect, and participation in decision-making.

IV

POLICY PRINCIPLES

Quality and Level of Service

First Nations communities should have access to policing services which are responsive to their particular policing needs and which are equal in quality and level of service to policing services found in communities with similar conditions in the region. First Nations communities should have input in determining the level and quality of the police services they are provided.

Responsibilities and Authorities

Police officers serving First Nations communities should have the same responsibilities and authorities as other police officers in Canada. This means they should have the authority to enforce applicable provincial and federal laws (including the *Criminal Code*), as well as Band by-laws.

Responsiveness to First Nations Cultures and Needs

First Nations communities should be policed by such numbers of persons of a similar cultural and linguistic background as are necessary to ensure that police services will be effective and responsive to First Nations cultures and particular policing needs.

Police Service Options

First Nations communities should have access to at least the same police service models that are available to communities with similar conditions in the region. They should also have input in determining the model appropriate to their community.

Selection of Police Service Model

The selection of a particular model of police service should balance the need for cost-effectiveness and the particular policing needs of First Nations communities.

Implementation of New Arrangements

New First Nations administered police services should be phased in over a number of years to facilitate a successful transition.

Police Accountability and Independence

First Nations communities should have an effective and appropriate role in directing their policing service. Therefore, First Nations policing services should include police boards, commissions and advisory bodies that are representative of the communities they serve. In addition to police management and accountability, these bodies should ensure police independence from partisan and inappropriate political influences.

Police Oversight

Policing arrangements for First Nations communities should include: mechanisms for impartial and independent review of allegations of improper exercise of police powers and violations of codes of conduct; and mechanisms for grievance and redress on matters related to discipline and dismissal.

Legislative Framework

First Nations police services should be founded on a legislative framework that enables First Nations to establish, administer and regulate their police service and to appoint police officers, consistent with provincial norms and practices. The federal government will work with the provinces/territories and First Nations to promote legislation in support of First Nations policing where appropriate.

Cost-shared Arrangements

The federal and provincial governments, because they share jurisdiction, should share the cost of First Nations policing services. Within the funds available, the federal government should provide such funding support as is necessary to promote national standards and to support the aforementioned principles on the basis of consistent and equitable funding arrangements.

V

FUNDING

Funding for all types of First Nations police services is based on tripartite agreements between the federal and provincial/ territorial governments and First Nations. Tripartite agreements provide that the federal government pay 52 per cent and the provincial or territorial government 48 per cent of the government contribution toward the cost of First Nations policing services. First Nations communities will, where possible, be encouraged to help pay for the cost of maintaining their police service, particularly for enhanced services.

Police Service Options

The following are **examples** of police service models eligible for federal funding:

1. **First Nations Administered Police Service:** organized on a band, tribal, regional or provincial basis, including arrangements providing for one First Nation to contract for the policing services of another.
2. **Special Contingent of First Nations Officers:** within an existing police service, including:
 - (a) First Nations officers employed within a provincial or municipal police service with dedicated responsibilities to serve a First Nation community.
 - (b) A group of First Nations police officers employed through a contractual arrangement to provide a policing service to a First Nation community.
3. **Developmental Policing Arrangement:** designed to smooth the transition from one type of policing arrangement to another.

Assessment of Funding Requirements

Within the funds available, the federal and provincial/territorial governments and First Nations will determine the number of police officers and civilian staff to be supported by government funding on the basis of:

- the demographic characteristics of the population to be served (i.e. age and number of people)
- the size and nature of the geographic area to be covered
- the police workload in the community, based on crime statistics and crime prevention activities.

Calculating the costs of a policing arrangement for a community should be consistent with the calculation of costs for policing arrangements in other communities with similar conditions in the region.

Criteria for Funding

To qualify for funding, the following criteria must be met:

- All police officers in non-First Nations administered policing services must be First Nations people, except where the First Nation agrees to and participates in the staffing of a non-First Nation person. The duration of such staffing will be negotiated by the federal government, the relevant province/territory and the First Nation.
- The First Nations police service must meet the standards of the province or territory in which it operates.
- First Nations police officers must be properly appointed as peace officers, and empowered to enforce all applicable laws.
- The police service must consult with and be accountable to the community it serves through a police board, commission or advisory body.

Policing Costs Eligible for Funding

- **Program administration:** this includes First Nations police governance mechanisms (e.g. boards, commissions and advisory bodies), and other administrative services provided by the police service, Band Council and/or provincial/territorial departments.
- **Recruiting, training and education:** this includes pre-employment, on the job and formal in-service training.
- **Salaries and benefits:** this is for police officers and civilian staff.
- **Expenditures:** this includes operating, maintenance and minor capital expenditures.

Funding may also be provided to undertake policing needs analyses, research and development activities, evaluations and public education.

VI

PROGRAM MANAGEMENT

The Ministry of the Solicitor General of Canada was given responsibility for the First Nations Policing Policy on April 1, 1992.

The Aboriginal Policing Directorate is part of the Department of the Solicitor General in Ottawa and is responsible for the implementation and administration of the Policy.

Regional representatives ensure that First Nations communities have easy access to the assistance provided by the Ministry of the Solicitor General of Canada, especially in the development of policing proposals.

The Aboriginal Policing Directorate, in partnership with First Nations, provinces and territories, also undertakes both on- and off-reserve policy, research and program development work, with the overall goal of ensuring policing that is responsive to the needs of First Nations and other Aboriginal people living in rural and urban settings.

The Solicitor General of Canada will also help integrate the First Nations policing program with other related initiatives in areas such as family violence, substance abuse, aboriginal justice, and the federal policy on self-government.

For more information on the First Nations Policing Policy and application procedures, please contact the Aboriginal Policing Directorate, Solicitor General Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P8.

Tel: (613) 991-0241

Information on the activities of the Aboriginal Policing Directorate can also be found on Solicitor General Canada's Internet site at: <http://www.sgc.gc.ca>.