

# **Engagement in First Nations Police Governance: A National Examination of Police Boards**

Authors:

**Nicholas A. Jones**

**Dan Bellegarde**

**Rick Ruddell**

**Robert Mills**

**Amber Holmes**

**Merelda Fiddler**

**Julie Ziemer**

**Kaitlan Quinn**

**Jennifer Malloy**

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## **Contents**

List of Tables and Figures.....	vi
Executive Summary .....	1
Introduction.....	3
Purpose of the Research .....	4
Background Literature .....	4
General Overview of First Nations Policing – Historical Context.....	4
Commissions, Inquiries, and Other Indigenous-Voiced Concerns .....	11
Audits, Reports, and Reviews .....	13
The Need for Legislative Change.....	16
Community Policing and Indigenous-Focused Policing.....	20
Summary .....	22
Current Research.....	23
Provincial Police Acts and First Nations Policing .....	23
Provincial Legislation.....	23
Federal Legislation .....	24
An Examination of Self-Administered Police Boards Terms of Reference.....	25
Results .....	25
Survey Research.....	28
Results .....	29
Survey Results: Summary .....	39
Focus Group .....	40
Results.....	42
Organizing Theme #1: Relationships.....	42
Basic Theme #1: Relationship with Chief of Police.....	43
Basic Theme #2: Relationship with First Nation Leadership.....	44
Basic Theme #3: Relationship with Provincial Authorities .....	45
Basic Theme #4: Relationship with Federal Authorities.....	46
Basic Theme #5: Community Engagement.....	47
Summary of Organizing Theme #1: Relationships .....	50
Organizing Theme #2: Efficacy .....	51
Basic Theme #1: Board Membership .....	51

Basic Theme#2: Professional Development and Training .....	53
Basic Theme #3 Board Assessment.....	54
Basic Theme #4: Governance Structure .....	55
Summary of Organizing Theme #2: Efficacy .....	56
Organizing Theme #3: Board Activities .....	56
Basic Theme #1: Strategic Planning.....	57
Basic Theme #2: Policy Development .....	58
Basic Theme #3: Knowledge of Relevant Legislation .....	60
Basic Theme #4 Budgets and Funding.....	61
Summary of Organizing Theme #3: Activities .....	64
Organizing Theme #4: Moving Forward .....	65
Basic Theme #1: First Nation Policing as an Essential Service .....	65
Basic Theme #2: Emergent Challenges.....	67
Basic Theme #3: Potential Opportunities.....	68
Summary of Organizing Theme #4: Moving Forward.....	69
Global Theme: Unit of Purpose .....	71
Recommendations.....	73
Conclusion .....	75
References.....	77
Appendix A: Review of Provincial Legislation in Canada Related to First Nations Policing .....	82
Appendix B: Descriptive Statistics for the Results Summarized in Table 6 .....	86
Appendix C: University of Regina Research Ethics Approval.....	99

## **List of Tables and Figures**

### **List of Tables**

Table 1	Descriptive Statistics: Police Service .....	p. 29
Table 2	Descriptive Statistics - Board Structure .....	p. 30
Table 3	Descriptive Statistics - Board Appointments .....	p. 32
Table 4	Descriptive Statistics - Board Member Compensation .....	p. 33
Table 5	Descriptive Statistics for Orientation Process and Professional Development .....	p. 33
Table 6	Summary Statistics: Survey Responses to Key Board Issues .....	p. 34
Table 7	Descriptive Statistics for Board Equity, Diversity, and Inclusion .....	p. 37
Table 8	Organizing Theme 1 - Relationships .....	p. 41
Table 9	Organizing Theme 2 - Efficacy .....	p. 49
Table 10	Organizing Theme 3 - Board Activities .....	p. 55
Table 11	Organizing Theme 4 - Moving Forward .....	p. 63
<b>Appendix A</b>		
Table 12	Review of Provincial Legislation in Canada Related to First Nations Policing .....	p. 78
<b>Appendix B</b>		
Table 13	Descriptive Statistics - Member Knowledge .....	p. 82
Table 14	Descriptive Statistics - Board Processes .....	p. 83
Table 15	Descriptive Statistics - Board Operations and Involvement .....	p. 85
Table 16	Descriptive Statistics for Enforcing Bylaws .....	p. 89
Table 17	Descriptive Statistics for Board Resources .....	p. 90
Table 18	Descriptive Statistics for General Justice Questions .....	p. 93

### **List of Figures**

Figure 1	Thematic Map .....	p. 68
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## **Executive Summary**

There has been increasing attention paid to the policing of First Nations, Inuit, and Métis communities and the shortcomings in the legislative arrangements in the First Nations Policing Program (FNPP) that have inhibited self-administered (SA) police services from reaching their full potential. These limitations were acknowledged in the 2021 federal budget that allocated funding to establish First Nations policing as an essential service and expand the number of self-administered police services. An important component of First Nations policing is the involvement of local police boards in the governance of these agencies. There had been, however, very little prior research examining the characteristics of these boards, their goals, how they work toward meeting those goals or how board members envisioned the future of policing and justice in their communities. We responded to this gap in the literature by analyzing the content of legislative and agency documents and interpreting the results of a national survey and a focus group of police board members.

The first step in this research was a content analysis of all ten provincial police acts and terms of reference for eight police boards. This process revealed that the latest versions of *Manitoba's Police Services Act*, and Ontario's *Community Safety and Policing Act, 2019* (after the revisions come into effect) are the most progressive in recognizing First Nations policing as a distinct form of policing (Manitoba), and the need for policing to be (1) Responsive to First Nations, Inuit, and Métis communities, (2) Representative of the communities served, and (3) Equitable for all residents (Ontario). Analysis of police board terms of reference—that provide boards with a framework for their operations—identified six common categories including their authority, purpose, relationships, structures, policies, and operations. These analyses informed the development of an online survey completed by 42 police board members.

Analyses of the survey results revealed that even though the composition and roles of these boards varied most participated in the development of operational police policies and procedures as well as engaged in strategic planning and established police priorities including bylaw enforcement. Most respondents also reported that their boards participated in budget development exercises as well as human resource matters including the recruitment, selection, and evaluation of their chiefs of police.

Altogether, the survey respondents indicated that they are expected to overcome external barriers—such as inadequate federal and provincial funding—and internal obstacles such as fewer than one-half of the boards represented in this study providing an orientation to new members or having adequate administrative supports. Despite these challenges the respondents expressed optimism about

the future of First Nations policing. These results laid the groundwork for the questions posed to participants in a focus group comprised of police board members.

Thematic network analysis was used to interpret the transcripts of the focus group and this process identified the importance of (1) Relationships with internal and external stakeholders, (2) The efficacy of board operations, (3) Board activities, and (4) Moving forward in an era where First Nations policing is recognized as an essential service. These four organizing themes were distilled into a single global theme labeled a *unity of purpose*; a theme acknowledging the importance of stakeholders pursuing a set of broad objectives for SA policing that builds on existing strengths in overcoming emergent and ongoing challenges. A unity of purpose enables police boards to take advantage of potential opportunities while pursuing common goals including culturally relevant policing, stable and equitable funding, and recognition of First Nation policing as an essential service.

Several desirable future practices were subsequently identified by the researchers considering the findings reported in this study. These practices include: (1) Board capacity-building: that includes developing a framework for competency-based criteria as well as increasing the opportunities for orientation and ongoing professional development for future and current board members. (2) Board governance organization: includes building local, regional, provincial and national opportunities to establish ongoing communication links wherein board roles and responsibilities can be clarified, training and professional development are developed and operationalized, best-practices shared, and developments in First Nation policing are disseminated. (3) Engagement and inclusion of First Nations: federal and the provincial governments need to increase First Nations representation on the various bodies that are considering legislative and policy and programmatic changes to the FNPP and other provincial policing matters.



## **Introduction**

***In 1991, the Aboriginal Justice Inquiry (AJI) concluded that First Nations are “over-policed” yet “under-protected,” a phrase that captures the destructive dynamic between Indigenous people and conventional police agencies, like the RCMP and provincial forces, which dates back more than a century. Their communities, First Nations leaders say, are viewed as perpetual crime scenes—areas that require constant monitoring, rather than a group of people worthy of protection. The endless churn of arrests, convictions and incarceration leaves generations stuck in cycles of crime and violence, with devastating human consequences. (Edwards, 2018)***

By the mid-1980s, First Nations communities had a laundry list of issues regarding the challenges of providing effective policing that was responsive to the needs of their communities (Auditor General, 2014). Since then, government reports, and audits, as well as research conducted by university researchers continue to find that First Nations communities do not receive the same level of support from or have the same experiences with police that most Canadians enjoy. In 1992, the First Nations Police Policy (FNPP)—that later became the First Nations Policing Program—was introduced as a transfer payment program to fulfill the following goals:

*The purpose of the First Nations Policing Policy is “to contribute to the improvement of social order, public security, and personal safety in FNs and Inuit communities, including the safety of women, children, and other vulnerable groups.” The policy objectives are:*

- *Strengthening Public Security and Personal Safety: to ensure that FNs and Inuit enjoy their right to personal security and public safety. This will be achieved through policing services that are responsive to the particular needs of FNs and Inuit communities and that meet applicable standards with respect to quality and level of service.*
- *Increasing Responsibility and Accountability: to support FNs and Inuit in acquiring the tools to become self-sufficient and self-governing through the establishment of structures for the management, administration and accountability of FNs and Inuit police services. Such structures will also ensure police independence from partisan and political influence.*
- *Building a New Partnership: to implement and administer the First Nations Policing Policy in a manner that promotes partnerships with FNs and Inuit communities based on trust, mutual respect, and participation in decision-making. (Public Safety Canada, 2016, pp. 2-3)*

However, nearly 30 years after the FNPP was enacted, these goals are still not being met (Auditor General of Canada, 2014; Canadian Council of Academics [CCA], 2019; Kiedrowski, Jones & Ruddell, 2017; Public Safety Canada, 2015). In addition to these criticisms and concerns, new problems and calls for change have risen. The release of the Truth and Reconciliation Final Report in 2015, the Final Report from the Missing and Murdered Indigenous Women and Girls Inquiry (2019), as well as numerous provincial and federal reports and audits of the program, show changes need to

include more than just administrative modifications or program revisions. To fulfill the original vision of the FNPP and meet current demands, legislative changes and agreements that respect the self-governing goals of First Nations communities in Canada must be pursued. Any such changes, however, should be informed by what the research tells us about policing Indigenous communities.

### **Purpose of the Research**

This project was initiated by the First Nations Police Governance Council (FNPGC) of the Canadian Association of Police Governance (CAPG). The study is designed to inform these bodies on matters relating to board governance in First Nation self-administered police services (SA). The project is designed to shed light on capacity-building and inter-governmental relations and the three key outcomes of the research are:

- (1) To provide the framework to develop position papers in areas relative to First Nation police governance boards,
- (2) To lead to the development of assessment and evaluation processes for First Nation police governance boards, and
- (3) To use the products of the research to inform and engage with federal and provincial public safety stakeholders.

Ultimately, the outcomes of this study are to identify First Nations governance and policing challenges and solutions with the aim of developing capacity to identify potential opportunities and implement future reforms, including legislative change and implementing regulations regarding First Nations policing. This, in turn, will lead to a research-based framework for effective First Nations police board governance that accounts for the distinctive nature, history, culture, and inter-governmental relationships of communities across the country that better meets the expectations of First Nations and their funding agencies. First Nation governance boards will have a deeper understanding of the process that will ensure equitable, predictable, adequate, and assured funding for the delivery of police services in their communities.

### **Background Literature**

#### **General Overview of First Nations Policing – Historical Context**

The FNPP provides the administrative structure and funding to enable First Nations to exercise an incremental step toward self-determination and self-governance in the policing of their communities. Mugford (2020) estimates that about 440,000 Indigenous peoples were living in 457 First Nations and Inuit communities covered by 186 policing agreements. Moreover, as Ruddell and Kiedrowski (2020) note, these communities are incredibly diverse in terms of their demographic

characteristics, economic development, political histories and organization, as well as the cultural values of these places.

The FNPP was introduced in 1992 in response to a long-standing dissatisfaction with the policing being carried out on First Nations throughout the country. While Canada is the only English-speaking nation colonized by the British to have developed a *national-level* policing approach intended to increase responsiveness to the distinctive culture and needs of Indigenous peoples, the FNPP has fallen short of the expectations of the people served by these agencies. When asked about policing, First Nations respondents told researchers they wanted “good policing,” or the equivalent of what city residents receive (DPRA Canada, 2016). The following paragraphs provide a very brief historical overview of the origins of this policing policy as knowledge of this historical context is important to better understand the potential for proposed reforms and institutional change.

Prior to colonization First Nations peoples in the lands that would become Canada regulated the conduct of their community members and relied upon many practices we recognize today as being restorative (Jones, Mills, Ruddell, & Quinn, 2016). As the population increased due to immigration throughout the 18<sup>th</sup> and 19<sup>th</sup> centuries there was an increasingly formal approach to regulating wrongdoing that was based on the justice systems of the settler’s homelands. These undertakings initially involved military personnel and employees of private firms such as the Hudson Bay Company, municipal governments (utilizing voluntary and paid personnel), as well as officials employed by the fledgling territorial governments. Fyson (2006, p. 137) observes that “policing in both rural and urban areas of the colony relied on untrained, unpaid, and thus unprofessional individuals who acted reluctantly if at all. The result, according to this view, was a police that was disorganized, untrained, and disregarded by the population, and without the means to exert its will.” These activities also lacked coordination, and a patchwork of different policing approaches evolved throughout the nation. Greer’s (1992, p. 35) review of city police records from the 1830s revealed that most arrests were for minor thefts, assaults, and alcohol-related offences. However, there was less formal record-keeping in rural locales, so we have little insight into the extent of crimes involving First Nations peoples as victims or offenders.

Police services evolved using two approaches. The first was a municipal model based on London’s Metropolitan Police, which was founded in the 1830s and featured unarmed and uniformed officers who relied upon the public’s support. Policing the countryside, where most Indigenous peoples lived, wasn’t formalized until the 1873 founding of the North West Mounted Police (NWMP), which was the precursor to the Royal Canadian Mounted Police (RCMP). The NWMP was modeled on the

Royal Irish Constabulary and was comprised of a lightly armed mounted police force who were housed in barracks and organized in a paramilitary manner.

Although policing was a provincial responsibility after confederation in 1867, the federal government used the RCMP and its predecessors to enforce the laws on First Nations and maintain the peace between the settlers and Indigenous peoples. Lithopoulos (1986) highlights how the federal government's objective was to encourage settlement and economic development in the western territories. Throughout this process, First Nations peoples signed treaties that relegated them to living on reservations that were often ill-suited for agriculture and there were very few options for economic development on these lands. Moreover, the federal government also established residential schools to assimilate Indigenous children into the European culture and the RCMP was used to enforce the removal of children from their homes to be placed in these schools (TRC, 2015). Moreover, the federal police also carried out policies intended to discourage cultural practices and movement through the pass system. As a result of their involvement in those historical activities the RCMP has low levels of trust in surveys of Indigenous peoples (Cotter, 2015; Ibrahim, 2020; see also LeBoeuf, 2011).

Although policed by federal and provincial authorities after confederation some Indigenous peoples were employed in policing roles dating back to the 1880s, and the Dominion Police Act authorized their appointments as constables. Sawaya (2012) notes that many of these officers worked for the federal Dominion police (that existed between 1868 and 1920) and they were primarily based in Quebec. Although authorized to act as officers, there is very little scholarship addressing their roles or how many were employed. It was not until the 1960s that Indigenous peoples started to play a greater role in formally policing their communities. During this era different approaches to policing First Nations were emerging throughout the nation, including the introduction of band constables (Indigenous persons employed to support the activities of sworn officers and enforce band bylaws), and a growing number of RCMP Indian special constables were being deployed on First Nations. About the same time these steps were being taken a report published by the Indian and Northern Development (1971, p. 27) found that Indigenous peoples required more effective, proactive, and responsive policing.

By the late 1970s Clairmont (2006, pp. 4-5) describes how a growing number of semi-autonomous First Nations police services were being established throughout the country including the Ontario Indian Special Constable Program (1975), the Dakota-Ojibway Tribal Council Policing Program (1977) and the Kahnawake peacekeepers (1979); although the Louis Bull Reserve in Alberta is recognized as the first fully self-administered police service with powers equivalent to a municipal

police service. Clairmont (2006, p. 5) estimates that about 500 Indigenous officers and 130 band constables were policing First Nations communities by 1982. Despite making these inroads the federal government found that First Nations policing was being delivered in an inequitable manner compared with what people in non-Indigenous communities were receiving, and that led to lower levels of public safety (Indian and Northern Affairs Canada, 1983).

The 1983 Indian and Northern Affairs Canada report was one of many identifying challenges and the need for reforms to the justice system. Between 1967 and 1990, the Alberta Government (1991) found that 25 federal and provincial reports addressing the involvement of Indigenous persons with criminal justice systems had been published. Of these reports, the Alberta Government (1991, pp. 4-13) summarized them into the following issues: “the expansion of policing services to First Nations, the need to upgrade the band constable program, increased community involvement in the policing process, higher levels of cross-cultural training, and that more Indigenous persons be employed in justice systems” (Lithopoulos & Ruddell, 2013, p. 105). Lithopoulos and Ruddell noted that the growing concern about Indigenous persons and their involvement with justice systems—including inadequate policing—could no longer be ignored and there were growing political demands to make meaningful changes to address those shortcomings. All of these recommendations for changes, however, were based on reforming the existing criminal justice system and few advocated for structural or systemic changes.

One of the most important aspects of the FNPP was establishing a national framework for First Nations to establish their own police services. Enabling First Nations to deliver policing was seen as an incremental step toward self-determination and self-governance. It was posited that a greater proportion of officers of Indigenous ancestry would be working in these communities, and they would be more mindful of cultural practices and histories. Moreover, it was thought they would be more likely to implement community policing and restorative justice practices into their duties than their non-Indigenous counterparts.

To achieve the goals outlined in the FNPP, the federal and provincial governments provide 100% of the funding for First Nations to establish their own police agency or contract with a larger police service (usually the RCMP, OPP or SQ) to police their communities. Fifty-eight SA police services were founded and 46 were established between 1992 and 1996. Ruddell and Kiedrowski (2020) describe how these police organizations can be operationally and politically fragile as they are typically small stand-alone agencies. Most stand-alone SA agencies serve a relatively small population and their small size limits their ability to benefit from economies of scale. The lack of stable funding was also a

challenge for these agencies, and funding allocations were historically renewed on an annual basis; making it difficult for agency leaders to make any long-term plans. Moreover, there were often funding shortfalls as the federal and provincial governments did not consistently fund officer overtime, salary increases, account for inflation or tasks such as transporting suspects and prisoners (Leuprecht, 2017; Ruddell et al., 2014). This issue is especially problematic in remote jurisdictions where policing costs are high due to the need to transport goods by air or boat (Ruddell et al., 2014).

Lithopoulos (2015) describes how 20 of the original 58 SA police services disbanded prior to 2010. Lithopoulos attributes the disbanding of these agencies due to the disadvantages of their small size, as well as a lack of organizational experience and political supports. The closure of these police services is not surprising given research from the U.S. finding that police organizations with fewer than ten officers were prone to being disbanded (King, 2014). It is important to note that no new SA police services have been founded since 2003.

Regardless of whether a First Nation establishes its own police service, or contracts with another police organization to provide policing to their community, they are required to have a police board. These boards were introduced to give community members a voice in the operations of the police, and many provinces require these boards in their *Police Services Acts*. With respect to policing, the Law Reform Commission of Canada's (1991) report on Indigenous justice systems emphasized the need for autonomous police forces with police commissions and other accountability mechanisms. Issues of autonomy and political independence can be contentious in all forms of policing throughout North America, including policing being carried out by SA agencies. Police management boards are intended to provide oversight as well as serving as a buffer from the inappropriate political influence on the operations of these agencies.

It has long been observed that police management boards and other forms of civilian oversight can play an important role in First Nations policing. Manitoba's Aboriginal Justice Inquiry (1991) identified the need to be responsive to a community's local concerns including those with less political influence. Linden and Clairmont (2006, p. 45) contend that:

There must be mechanisms in place to ensure that the system treats marginalised and powerless community members as fairly as it does those who control the community's political processes. In Aboriginal communities, the role that tribal and band councils play in determining police policy must also be negotiated and monitored.

Public Safety Canada (2010) also observes that police management boards can insulate SA police services from inappropriate political interference. We know very little about the roles and operations of

these boards: Linden and Clairmont (2006, p. 45) observe the lack of research about governance structures and the roles of these boards “in articulating a vision of First Nations policing.” There is a recognition that it is sometimes difficult to disentangle politics and service delivery on First Nations. Murphy and Clairmont (1996, p. 12) identify the issues of “favoritism and the policing in the context of strong, pervasive family ties and political interference in the day-to-day operations of policing.” Similar observations have been made by other researchers (Cardinal, 1998; Johal, 2001; Navigant Consulting, 2008). There is, however, little current research that examines this issue in regard to the operations of the justice system on First Nations.

### ***The Contemporary Context for First Nations Policing***

In addition to serving a relatively small population dispersed throughout the entire nation, there are a number of factors that increase the complexity of providing responsive police services to the 634 First Nations and Inuit communities in Canada. Although the federal government classifies Indigenous peoples into three groups—Status Indian, Inuit, and Métis—the people within these groups are very diverse. For example, over 60 Indigenous languages, falling into 12 language groups, are spoken throughout the nation (Statistics Canada, 2012). Although sharing similarities the people within these First Nations will also have somewhat different religious, moral, and cultural beliefs and traditions (Wells & Falcone, 2008).

Not only is there a diversity in First Nations peoples throughout the country but they also live in a range of communities that defy simple classifications. According to Indigenous Services Canada (2020), about 40% of Registered Indians live on one of 634 First Nations and the remainder are living off-reserve. Most First Nations are sparsely populated—70% of them had less than 500 residents—and only 4% had 2,000 or more residents (Indigenous Services Canada, 2020). Each of these First Nations have different histories of relationships with the provincial and federal governments, as well as the surrounding communities—both non-Indigenous and other First Nations. There is also variation in the governance structures within these places and their levels of political participation. Moreover, like their non-Indigenous municipal counterparts, there is a wide range of economic conditions in these communities and while some are very prosperous others are struggling with high rates of poverty.

In order to better understand the well-being of Canadian communities, the federal government has developed the community well-being index (CWB), which is based on education, employment, income and housing on First Nations. A review of trends dating back to 1981 reveals that although First Nations communities have increased their well-being, the average community has lower levels of well-being than their non-Indigenous counterparts and there is still a considerable gap between these two

groups (Government of Canada, 2020). Phrased another way, many First Nations lag their non-Indigenous counterparts in terms of well-being. Community well-being can also be defined by the prevalence of social problems, and some places suffer from high rates of suicide and substance-abuse problems. Kumar and Tjepkema (2019) report that suicide rates for Indigenous Canadians are three times higher than non-Indigenous people. Rates of substance abuse are also high, and Firestone, Tyndall and Fischer (2015, p. 1114) found that the death rate from alcohol-related causes was nearly twice as high as for non-Indigenous people.

Surveys of officers working in First Nations also reveal high rates of community problems. When asked about suicide and substance abuse problems, over one-half (54.8%) the officers indicated that suicide was a somewhat or very serious problem, while 91.7% said that alcohol abuse was a somewhat or very serious problem (Jones et al., 2019). Jones and colleagues also found that 84.6% of their respondents indicated that family violence was a somewhat or very serious problem. Almost the same proportion of officers (81.8%) in that survey indicated that child welfare problems were a somewhat or serious problem.

High levels of addictions problems and low levels of well-being contribute to crime and two-thirds (66.8%) of the officers in the Jones and colleagues (2019) survey indicated violent crime was a somewhat or very serious problem, whereas 60.4% said that high levels of property crime was a somewhat or very serious problem. Officer perceptions are consistent with a number of federal government studies revealing that crime rates are high in First Nations communities (Allen, 2020; Brzozowski, Taylor-Butts, & Johnson, 2006; Lithopoulos, 2016) and were the highest in remote locations (Public Safety Canada, 2014; Ruddell et al., 2014).

In the previous two sections, we described the historical and contemporary context of the FNPP. We find that much is expected of the officers policing First Nations and 30 years after the introduction few outsiders have officially recognized their efforts in working toward community safety and well-being. Moreover, these officers do not act in isolation and are supported by their community leaders, police boards and the people they serve. Despite that support and the initial optimism after the FNPP was introduced, there is widespread agreement that the shortcomings of this model require considerable reform which would enable the sworn and civilian employees of these agencies to reach their full potential. The following sections describe the findings of government and scholarly investigations of the FNPP.



## **Commissions, Inquiries, and Other Indigenous-Voiced Concerns**

Prior to the 1996 Royal Commission on Aboriginal Peoples (RCAP) First Nations peoples expressed concerns about policing in their communities. The RCAP noted a culture clash exists between Indigenous and non-Indigenous peoples when it comes to perceptions of justice and how a community manages wrongdoing (Clark, 2019). Indigenous people find themselves being both over- and under-policed (Clark, 2019). This is not a new issue, as it was identified in Manitoba's 1991 Aboriginal Justice Inquiry. Nor is the challenge unique to Canada, and police scholars have identified similar shortcomings in the policing of marginalized communities in the United States (Brunson, 2020). The Missing and Murdered Indigenous Women and Girls Inquiry heard presentations from individuals and organizations including the First Nations Police Governance Council and several SA police services. The final report was released in 2019 and contained several calls to justice specific to policing of Indigenous peoples, including call to justice 5.4:

We call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing. To do this, the federal government's First Nations Policing Program must be replaced with a new legislative and funding framework, consistent with international and domestic policing best practices and standards that must be developed by the federal, provincial, and territorial governments in partnership with Indigenous Peoples. This legislative and funding framework must, at a minimum, meet the following considerations. (MMIWG, 2019)

Calls for justice 5.4 subsections i and ii outline the need for Indigenous police services to be funded at a level equitable to non-Indigenous services and providing funds to close the gaps in existing resources, including staffing, training, and equipment. The Commission also calls for the creation of a civilian oversight body to audit Indigenous police services and investigate claims of police misconduct.

Calls for justice 9.1 through 9.11 also address policing. Many of these issues describe changes the Commission views as necessary to all Canadian police services including the recruitment of Indigenous and non-Indigenous officers, detecting bias in officers, and working with Indigenous peoples in urban, rural, and First Nations settings. The Commission noted the need to create communications protocols, standardize response times for missing and murdered persons and deploy officers with more cultural competency in all police services.

The Truth and Reconciliation Commission report addresses the need to consider treaties, federal laws, and international agreements in call to action number 47, saying that federal, provincial, and territorial governments need to implement 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” (TRC, 2015).

In addition to the programmatic and legislative concerns raised by federal and provincial commissions, inquiries, and investigations, Indigenous police officers, First Nations police chiefs, and other community stakeholders have expressed concerns about the current FNPP agreement. One way to illustrate the performance of under-funded programs is through first-person accounts of officers working under the current FNPP arrangements.

As a police officer in the small place where he was raised, Angees’s personal life has often intersected with his job. He took the call when one of his sisters took her own life. He’s responded to the ‘numerous’ deaths or suicides of cousins and nephews. More recently, he was on the job when his brother died in a house fire. And the day after each tragedy, he went back to work. But eventually, he says, as the years went on, the weight of trauma became too much: ‘All that shit came crashing down on me’. (Edwards, 2018)

In addition to stressful working environments, SA police services are not funded at the same level as other federal, provincial, or municipal police organizations. Instead, these agreements are viewed as an enhancement of the current services these communities should already receive (CCA, 2019; Kiedrowski, 2016).

In Quebec, the Viens Commission (2019, p. 256) reported that “that the Indigenous police forces do not have the same status as other police organizations operating in Québec”. The Commission’s final report identified similar issues in Québec raised in the federal government’s Auditor General which found there is inadequate and unstable funding that results in fewer officers per capita, a lack of infrastructure that contributes to unsafe situations, and inadequate resources to ensure public safety. Officers in some agencies have limited opportunities to enhance or maintain training and they lack access to important mental health supports many of their non-FNPP counterparts are able to access.

In 2017, the president of the First Nations Chiefs of Police Association (FNCPA) said this program “is failing First Nations Communities by creating unsafe situations for officers and community members” (First Nations Chiefs of Police, 2017). Some of these police services lack infrastructure, proper training, and much-needed support from other agencies such as social services and mental health (First Nations Chiefs of Police, 2017). Across the country media accounts about the program present grim pictures of under-staffed, under-resourced officers dealing with complex social problems, working out of dilapidated buildings, and temporarily holding arrestees and crime victims in police vehicles as some agencies do not have access to interview rooms or holding cells (Edwards,

2018). Given the shortcomings of the FNPP, Indigenous peoples want a new model of policing that is funded to the same levels as those in non-Indigenous communities; one that is based on distinct self-government principles and is based on a community policing model that respects their distinct traditions and beliefs.

### **Audits, Reports, and Reviews**

The calls for change from Indigenous peoples described above have been documented in government reports, reviews, audits, academics papers and studies dating back to the 1970s (Government of Alberta, 1991). Many of the earliest reports signaled a need for sweeping changes in Indigenous policing. In the 1991 *Aboriginal Policing in Manitoba: A Report to the Aboriginal Justice Implementation Commission* focused specifically on Aboriginal communities, as laid out in the official definition of Aboriginal peoples under the constitution. The Commission notes that policing in these communities is expensive when compared to other regional and/or municipal models, the service demands are high, and officers lacked training (see Ruddell et al., 2014). In addition, scholars have pointed out that a trend toward results-oriented and efficient police budgets may be applied to Indigenous police services. “Accountability of Aboriginal police services will be an issue, and governments will have to decide if Aboriginal police services will have to meet the same level of operational and managerial accountability as other police services” (Clairmont, Linden, & Murphy, 2001, p. 7).

Clairmont and colleagues contend that when the focus is on ‘core services’ the principles behind Indigenous community policing can become lost. The need for Indigenous police officers to be visible and take part in community events is considered essential (Clairmont et al., 2001). These scholars argue that most Indigenous officers do not connect their cultural identities and practices to policing. This leads to a more conventional style of policing.

“Given the destruction of native culture by colonialism, the lack of consensus about how to integrate what traditions and realities, and the different priorities in conventional police training, that situation is not surprising” (Clairmont et al., 2001, p. 26).

Without a focus on, or implementation of a clear culturally-informed community policing model, these issues continue to be identified in as shortcomings. The ability to implement a different model of policing is directly tied to self-government.

This relationship opens up for negotiation and interpretation the appropriate balance between obligations to broader political and legal authority and local community and government norms. Though there is no clear consensus on these issues and distinctive mandate of Aboriginal

policing may allow it a degree of legitimate separation from the typical political governance process that limits non-Aboriginal policing in Canada. (Clairmont et al., 2001, p. 38)

Creating a distinct Indigenous community policing model is described in the Report of the Ipperwash Inquiry. In numerous Indigenous communities, police are seen not as dedicated professionals but as a threat. Historical descriptions of police in Indigenous languages loosely translate into English phrases such as: “the one who holds a weapon over you”, “the one who locks you up,” or the “one who comes to take you away,” (Linden, 2007). The current FNPP is viewed as perpetuating this system, using Indigenous officers to re-create the same conditions.

First Nation police services in Ontario have a tenuous existence in law. Although the federal *Indian Act* provides that a band council may establish a police commission, it does not set out a framework of governance, funding, policing standards, and appointment and powers of officers. Nor does the Ontario *Police Services Act* apply to First Nation police services, beyond providing for the appointment and powers of constables. (Linden, 2007, p. 261)

Linden argues that a new legislative framework is needed to address this challenge. In addition, Linden says FNPP communities lack legislative protection for civil damages and financial debts, provincial police acts do not apply to them, there are no formal requirements for dealing with complaints, special investigative units do not have authority to investigate murders (if a special unit exists at all), and there is no requirement to publish information about policing results. To address these, he recommends FNPP communities might pursue inclusion, in part or in total, under provincial and territorial police acts as a start to a self-governing model.

The Public Safety Canada’s (2015) evaluation of the FNPP found few things had changed. The evaluators identified a list of long-standing and unresolved issues including poor communication, lack of human and financial capacity, lack of support from leadership and community stakeholders, and frequent changes in community leadership and police officers (Public Safety Canada, 2015). Of their recommendations, changing the funding structure was the foremost priority – although it is noteworthy that some of the funding issues were somewhat improved with reforms in 2018. The need for accountability was directly connected to the funding agreement, and the need for a stable funding system that included flexible models to ‘better facilitate long-term planning for program recipients’ (Public Safety Canada, 2015, p. 29). As with most issues that involve Indigenous communities, jurisdiction and self-government are at the forefront.

Jurisdictional ambiguity between federal, provincial/territorial, and Indigenous governments has resulted in the development of a ‘programming and funding’ approach to policing that neglects to treat policing as an essential service on reserves as it is in non-Indigenous communities across Canada, (CCA, 2019, pp. xiv-xv).

In 2019, the Canadian Council of Academics (CCA), released *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities*. In their report, the CCA notes the FNPP is administered in a tiered approach through a funding and programming perspective. To address this, the federal government needs to view this as part of its fiduciary responsibility and shift to self-determination models (CCA, 2019). That fiduciary responsibility is directly linked to historical treaties and proclamations.

The Royal Proclamation of 1763 declared First Nations and non-First Nations people would have a nation-to-nation relationship; and typically, nations make their own laws. In addition, First Nations view historical treaties and agreements as evidence they would continue to manage their own justice affairs; for example, in Treaty 8 the signatories agreed to maintain justice and peace among themselves and assist police in dealing with any Indian in their community breaking Canadian laws (CCA, 2019). However, while treaties outline what should have been the relationship between First Nations and non-First Nations peoples, in reality much of that relationship is instead laid out in the *Indian Act* and other pieces of legislation. First Nations that have not signed self-government agreements generally continue to operate under many, if not all, sections of the *Indian Act*. While the *Indian Act* does not specifically contain justice and/or policing clauses, Sections 81, 83, and 85.1 discuss the by-law creation powers First Nations. First Nations can pass their own bylaws and police in those regions could potentially be relied on to enforce them. However, “a by-law may not be contrary to and/or conflict with other federal laws, such as the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act*” (Indigenous Services Canada, 2015, para. 2). Inuit communities are not covered by the *Indian Act*, and only those with self-government agreements would be able to create their own bylaws and/or police services. Métis communities, spread out across central and western Canada, have neither adhesion to historical treaties nor are they currently considered eligible to negotiate self-government agreements at present. Currently, only one Métis community has a policing agreement, and that’s the Métis Settlement in Alberta (CCA, 2019).

As noted by the CCA and others, one of the most significant issues with the FNPP is the lack of clarity about the term ‘enhanced policing’ and the need to define it clearly (CCA, 2019; Kiedrowski, 2016; Linden, 2007). This continues to be an issue with communities that have self-government and/or final agreements. Unlike earlier self-government agreements, (i.e.: the James Bay and Northern Quebec Agreement or the Nisga’a), neither the Nunatsiavut nor the Inuvialuit Self and/or Final Agreements that include control over policing and justice (CCA, 2019). Just like communities currently using the

*Indian Act* to manage their community governance, these Inuit communities also have either SA or CTA police forces negotiated under the FNPP. The oversight of these police organizations is managed in SAs by the community police boards or commissions, while CTAs use Community Consultative Groups (CCA, 2019). The creation of these bodies is left to the community and some still lack these groups; and, as noted above, there are no clear mechanisms for the reporting results or lodging complaints.

In 2018, funding commitments going forward under the FNPP were extended for a full 10 years and will include a 2.75% annual inflation increase; but many of these agreements still require provincial or territorial government contributions (CCA, 2019). This new agreement also only includes communities already enrolled in the program at the time of the changes. While this change creates more stability and modest funding increases year over year, it still falls short of the long-term, stable funding Indigenous communities say is necessary to meet program goals.

### **The Need for Legislative Change**

The need for legislative change is evident. According to the First Nations Chiefs of Police (FNCPA) President Dwayne Zacharie, “First Nations communities require and deserve stable, adequately funded policing services that are comparable to those provided to other communities in Canada (FNCPA, 2017). Further, the FNCPA has urged the federal government to make First Nations policing an essential service through legislative entrenchment.

Currently, Indigenous communities and the police services they have formed or work with collaboratively say only legislated change can address the issues they face under the current legislative framework. Before governments can move forward Kiedrowski and colleagues (2016) contend that the name of the program itself be changed to the Indigenous Policing Strategy. The FNPP implies a focus on First Nations communities even though numerous Inuit and one Métis community are also covered by the current program. As discussed above, First Nations are just one of three Indigenous groups recognized in the Constitution, and even expanding to the legal definition of Aboriginal still excludes those groups covered by the more appropriate and accepted term Indigenous.

A name change for the FNPP, on the surface, appears to be a nod to inclusion and reconciliation. However, it has wider political and legal consequences. As of 2016, 55.8% of First Nations peoples lived off reserve (CCA, 2019). In addition, “Almost a third of eligible reserve and Inuit communities do not have FNPP agreements and are policed by regular services of the RCMP or provincial police services (CCA, 2019, p. 82).” Any potential legislation would need to consider these geographic realities and consider including some of the calls to justice issued by the MMWIG Inquiry.

For example, in urban areas, a response to the calls for change from Indigenous communities could be implemented through the creation of specialized, Indigenous-led police boards, or sub-sections of current boards, as well as the recruitment of additional Indigenous-personnel and the creation of Indigenous-led specialized units; steps that are consistent with the recommendations made in section 9 of the MMGIG Inquiry.

Many of the calls to justice from the MMIWG Inquiry, if implemented, will require administrative changes within the FNPP and their service partners, including the RCMP, provincial forces, and municipal services, with which they work. The MMIWG calls for the creation of civilian oversight boards or authorities that include local Indigenous Elders, women, and 2SLGBTQQIA people. The Commission also calls for a nationwide emergency number and regulations outlining how police forces explain their processes to the people they serve. At a minimum, police services would need to create protocols for how each agency would connect with and respond to such a number. Creating consistent policies between federal, provincial, and municipal police organizations would require a willingness to agree to those changes. Alternatively, federal legislation could mandate these changes: however, trying to enact legislation to accommodate 10 provincial police acts would likely lead to court challenges that would take years to resolve.

Changes to existing funding structures and to increase culturally-relevant policing could be made through changes to the existing FNPP. “To conduct change at a meaningful level and create inclusive policy between Indigenous peoples and police organizations, policymakers need to develop culturally appropriate policing measures addressing reconciliation and the needs of the Indigenous peoples of Canada” (Breitagum & Fortier, 2019, pp. 54-55). Inherent in the concept of reconciliation is inclusion. The MMIWG Inquiry (2019) cautions against pan-Indian approaches, and as noted above, argues oversight authorities need to be local, include a wide group of Indigenous peoples, and these groups need to be required to file annual reports. Kiedrowski (2016) found communities with SAs lacked a consistent reporting structure. Among SA agreement forces, some reported to the First Nation’s political leadership while others answered to police governance boards, and one did not file reports (Kiedrowski, 2016).

Similar issues surrounding a lack of compliance with requirements for community boards were also found in CTAs. The RCMP, OPP, and SQ all have “enacted or supported initiatives aimed at supporting Indigenous policing issues pertaining to Indigenous peoples” (CCA, 2019, p. 102). The RCMP, for its part, created a National Indigenous Advisory Committee to advise the organization (CCA, 2019). Finally, the OPP also has an Indigenous Policing Bureau with a number of programming

initiatives. However, a lack of a consistent approach to service delivery and oversight exists between these groups, including clear avenues for lodging complaints from Indigenous peoples and communities. To create consistency, a national oversight board is not recommended; instead, the MMWIG Inquiry recommends that board creation needs to be legislated. This legislation should include requirements for all First Nations, whether served by a SA or CTA, have Indigenous representation, reporting structures and meeting requirements. The results of these board meetings would also have to be made public and require clear reporting-back rules. Even the most stringent board creation will still have to overcome the lack of trust and confidence in oversight boards expressed by some communities (CCA, 2019; Kiedrowski, 2016).

Consistent, stable, and long-term funding is something almost every community and police organization, as well as the Auditor General (2014) and Public Safety Canada (2015) says is lacking in the FNPP. As noted above, in 2018 the federal government renewed funding for ten years with a built-in 2.75% annual inflation increase. Furthermore, in the 2021 federal budget the government allocated \$861 million in additional FNPP funding starting in the 2021-2022 budget year for the development of a legislative framework to recognize First Nations policing as an essential service, to support communities served by the FNPP, to repair, renovate, and replace police facilities in First Nations and Inuit communities, as well as supporting crime prevention and community well-being (Department of Finance, Canada, 2021, p. 258).

The Public Safety Canada evaluation (2016) identified the need to “increase flexibility in the funding model, including the duration of program funding and agreements, to better facilitate long-term planning for program recipients” (PSA, 2016, p. 29). While important funding changes were made in 2018, these changes did not address calls for Indigenous police services to be legislated as essential services. In a series of consultations in Yellowknife, Edmonton, and Toronto, participants expressed their desire to see ‘enhanced services’ become essential services.

Policing in Indigenous communities needs to be seen as an essential service and funded as such, with proper legislation to protect funding. Participants felt that the lack of a legal basis for Indigenous policing leaves them without essential rights or recourse. Without a clear statutory basis, Indigenous police forces are not subject to the same standards as other police forces. (DPRA, 2016, pg. vii)

The issue of Indigenous policing becoming an essential service was addressed in Prime Minister Trudeau’s mandate letter to his Minister of Public Safety requiring that “With the Minister of Indigenous Services, co-develop a legislative framework for First Nations policing, which recognizes First Nations policing as an essential service, and work with interested communities to expand the



number of communities served by First Nations policing” (Office of the Prime Minister, 2019). In response, the 2021 federal budget allocated “\$43.7 million over five years, beginning in 2021-2022 to co-develop a legislative framework for First Nations policing that recognizes First Nations policing as an essential service” (Department of Finance, Canada, 2021, p. 258).

Without essential services legislation, communities and the police departments servicing them, remain concerned funds will never mirror that of non-Indigenous agencies. This creates trust and security issues, leads many officers to leave Indigenous police departments to take more secure and higher paying positions in larger and fiscally stable agencies, and leaves communities in a precarious circumstance (FNCPA, 2017). As recent as 2018, SA police services expressed continuing concerns over funding.

The possibility that a First Nations police service may shut down after their agreements expire is an unnerving reality across the country. The Blood Tribe Police Service, which serves roughly 13,000 people with just 29 officers about 200 km southeast of Calgary, always questions its future as the expiration date of its funding contract approaches. (Edwards, 2018)

Community leaders and police departments also need secure funding for infrastructure, equipment, and training, although the federal government took steps in the 2021 budget to address these shortcomings.

Another significant issue in both SA and CTA agreements, but particularly the latter, is the enforcement of Indigenous community bylaws. First Nation bands can create and pass their own bylaws. However, few of these bylaws are enforced by the police serving their communities. This shortcoming is articulated by Olthuis, Kleer and Townshend (2021) who explain that most police forces ignore bylaws because there is no effective way to prosecute them. They attribute this to a lack of justices of the peace assigned to hear bylaw infractions in First Nations.

This highlights the inability of Indigenous communities to effectively address issues that are important to them. The Canadian Association of Police Governance (CAPG) heard how many First Nations do not bother to pass bylaws because they lack the resources or means to enforce them. “Many of these by-laws under the *Indian Act*, however, don’t have fines or other type of enforcement and provincial prosecutors cannot prosecute Indian Act bylaws” (CAPG, 2017, p. 12). This concern is also not necessarily addressed in self-government or final agreements, also known as modern-day treaties. For instance, neither the Nunatsiavut nor the Inuvialuit under their agreements have control over the criminal justice system (CCA, 2019). Solutions to the challenge of enforcing bylaws may be overcome through the use of other forms of dispute resolution beyond justices of the peace and may include community tribunals, justice commissions, or other mechanisms supported by the community.

One notable exception, although not the only one, is the Nisga'a Final Agreement signed in 1998. In the agreement, the Nisga'a gained unprecedented control of their justice system, including the ability to form a court and police force (Bell, 1998). While there are times federal laws, such as the *Criminal Code*, or B.C. laws take precedent over Nisga'a laws, these instances are reviewed on a case-by-case basis. According to Allen (2004), even though the community could create its own police force it has instead elected to enter into a CTA with the RCMP, and this was still the case in March 2021. Even though in many communities the RCMP does not enforce band bylaws, in this case it does and that has given the Nisga'a nation greater authority because they wish to be the police service of choice (Allen, 2004). "In my view this has fundamentally altered the dynamics of this service because the RCMP is aware that if they do not provide adequate service, we may choose to set up our own police force" (Allen, 2004, p. 239). A key component of this approach is the ability to prosecute laws in this region, a direct result of having a comprehensive modern-day treaty. The situation with many modern-day treaties is not clear according to Kiedrowski (2016), and a revised FNPP would have to define its responsibilities more clearly in these agreements. "It is also unclear whether tripartite policing agreements fulfill the requirements under Modern Day Treaties" (Kiedrowski, 2016, p. 35). Finally, Kiedrowski (2016) also argues separate legislation may be required for SAs and CTAs to ensure that the rights and responsibilities of all partners involved are clearly articulated.

### **Community Policing and Indigenous-Focused Policing**

Participants expressed the view that the existing policing approach tends to emphasize a more traditional crime control approach which prioritizes such things as detecting crime, apprehending criminals and pursuing charges against offenders. There is a suggestion to retreat from this narrow approach to policing toward a broader community justice approach. The new approach is one which has a more socially-oriented role, a "problem-oriented" or "community policing" approach. (DPRA, 2016, p. v)

A consistent theme in the FNPP literature is that Indigenous peoples, community stakeholders, and police expressed concerns that current agreements continue to replicate the colonial justice system that has created and continues to perpetuate many of the issues communities are dealing with today. In fact, "there is little evidence of any distinctive First Nations policing style, though there are hints of an emerging style featuring highly informal, interactionally-intense, community-oriented policing, (Linden, Clairmont, & Murphy, 2001, p. 25).

Creating a community-centered approach is something almost all the reports and studies explored in this report advocate will increase safety (CCA, 2019; DAPR, 2016). There are, however, challenges associated in implementing this model. In their survey of officers policing Indigenous

communities, for instance, Jones, Ruddell, and Summerfield (2019) found that officers working in these places did not place a high importance on community policing. This finding suggests the need to revisit agency priorities and officer training. Police training tends to focus on enforcement. Changing from a 'problem-oriented' to 'community-policing' model means broadening the overall approach police services use (DPRA, 2016, p. v). Adopting a more community-based approach will require additional resources and services; something that will be very challenging in remote and rural communities. Perhaps most importantly there is a pressing need to define what is meant by culturally-appropriate, and up to now, most believe this to mean deploying a greater proportion of Indigenous officers (Kiedrowski, Jones, & Ruddell, 2017). Regardless of how the phrase is defined, the approach to cultural-relevance could not be legislated in a pan-Indigenous way, as this would not encompass the numerous traditions and beliefs. Consequently, further research on the issue of cultural relevance is needed to extend our understanding of this concept

Many communities desire a policing model that addresses problems at the root causes and is not solely focused on enforcement. On the Maskwacis First Nation (formerly known as Hobbema) just outside Calgary, for example, the HUB model of crime reduction was introduced by the RCMP (Morin, 2015). This approach addresses gang violence which has created innumerable health and safety issues in the community. While community members see this model as effective, measuring success is more challenging but not impossible. For instance, Morin (2015) the community credits this model with 62 youth renouncing their gang memberships, and that is a measurable outcome. Community policing models are typically expensive to undertake and do not easily lend themselves to efficiency evaluation models. Nor do these models guarantee overnight success and Christmas, (2016, p. 47) observes that "Community-oriented approaches require the ability of executives and managers to inspire and empower officers. This also includes a willingness to shift responsibility, accountability and authority to individual officers in order to empower them in engaging the community."

Finally, in a community-policing model, particularly one that employs local Indigenous officers, consideration about the laws they uphold is an important consideration. Typically, western models of justice mean officers cannot pick and choose which laws they uphold. Given the increasing number of blockades of railways, roads, and resource development sites, this often puts Indigenous officers in direct conflict with their communities, families, and even Indigenous values. Lawyer Kent Elson says "the underlying issues regarding development on First Nation lands are much deeper. Free consent requires the ability to say 'no.' The FNPP cannot solve those critical underlying issues" (Tunney, 2020).

Community models could mean different expectations for officers and how they interact with the community. The former chair of the File Hills Board of Police Commissioners contends that all First Nations need their own justice system, focused on restorative justice (Tunney, 2020). He says tensions will continue as long as Indigenous police are required to enforce the *Criminal Code of Canada*. These tensions can be overcome if the justice system and the community develop ways to enforce the law that do not rely upon the over-incarceration of First Nations peoples. Developing these crime reduction strategies should be a national priority and based on evidence-based practices that are proven effective in First Nations and other sparsely populated communities; rather than simply importing crime reduction approaches that were developed, implemented, and evaluated in urban centres.

## **Summary**

The previous sections highlighted the challenges that officers working in self-administered police services are expected to overcome in their duties. While describing these challenges we also acknowledge that these dedicated officers have demonstrated success in their crime reduction activities and their efforts to promote community well-being and harmony. They achieved that success in spite of inadequate and inconsistent funding and a lack of formal recognition outside their communities. Some of the barriers to providing “good policing” are a product of the implementation of the FNPP; which was originally intended to overcome these challenges. Some of the most recent and relevant areas related to the FNPP and the need for reform are described above. Some of the calls for change from First Nations communities and groups could be addressed by changes to the current FNPP. However, consistent application of the plan from community to community and how they are measured must be addressed (Kiedrowski, 2016; CCA, 2019; PSA, 2016).

Other reforms will require a mix of self-government and/or legislative changes to meet the goals of these First Nations. Each agreement, for instance, must also consider the distinct customs of the community it covers: is it a Métis community, Inuit, First Nation? Does the community operate under a modern-day treaty or agreement with the federal government? Finally, is the community currently working under some or all sections of the *Indian Act*, have they passed bylaws, and is there any way to enforce them? In addition to these considerations, some First Nations and other Indigenous communities have agreements and/or partnerships with provincial or territorial policing organizations, and federal legislation may cause unnecessary issues. For example, in 2019 the Muskoday and Whitecap Dakota First Nations signed a memorandum of agreement with the Province of Saskatchewan to address how First Nation bylaws could be enforced (Short, 2019). A final

consideration is any new legislation should not unnecessarily undo agreements currently providing effective services to Indigenous communities. Finally, one of the consistent recommendations in the literature is that in order to address the larger funding issues, ensure proper infrastructure, support of both Indigenous officers and communities, and to create safe and supported Indigenous communities - the legislation of these police services as essential within Canada is necessary. Although promised in the 2021 federal budget, no timetable for these reforms has been publicized.

## **Current Research**

The results of this preliminary investigation into the state of police governance in First Nation communities in Canada are reported in the following sections. In order to carry out this research, the following strategies were used:

- A review of the provincial police acts to identify specific references to First Nations policing and identify current trends in provincial legislation that are inclusive of First Nations policing.
- An examination of the terms of reference for police boards in the communities utilizing self-administered policing.
- A survey for First Nation communities with self-administered police service was created that asked respondents about the structure, membership, appointment process, orientation and training, administrative support, cultural competency, and their perceptions of the efficacy of these boards.
- A second survey<sup>1</sup> was created for First Nation communities where policing operates under Community Tripartite Agreements provide a basis for comparison.
- A focus group with a sample of key informants associated with Indigenous communities with self-administered policing (e.g., members of police boards and police chiefs) was undertaken to enable the participants to interpret the survey results.

## **Provincial Police Acts and First Nations Policing**

The police acts from all ten Canadian provinces were retrieved after an internet search and these documents reviewed to determine if policing in First Nation communities was formally recognized.

### ***Provincial Legislation***

Few provinces recognize First Nations policing as separate and distinct from provincial and municipal policing in non-First Nation communities. Though there is variance in the degree to which First Nations policing is addressed, Manitoba, Ontario, Quebec, and Nova Scotia have identified issues

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<sup>1</sup> The second survey shared multiple questions with the first survey to allow for comparison between SA and CTA policing in First Nation communities.

related to First Nations constables (peace officers), self-administered policing and governance. To date, the most progressive legislation to come into force in Canada has been the amendments to Manitoba's *The Police Services Act*, which grants authority to operate the province's First Nations Safety Officer Program and addresses how First Nations police services are distinct from other types of policing arrangements. Upon coming into force, Ontario's *Community Safety and Policing Act, 2019 (CSPA, 2019)* will formally recognize goals reflecting the spirit of the FNPP, including:

- The need to be responsive to the unique histories and cultures of First Nation, Inuit, and Métis communities.
- The need to ensure that police services and police service boards are representative of the communities they serve.
- The need to ensure that all parts of Ontario, including First Nation reserves, receive equitable levels of policing. (CSPA, 2019)

In addition, the Ontario amendments will enable First Nations police services to provide contracted services to non-First Nation communities; the requirement of diversity plans for all municipal police services; and excluding First Nations from the requirement to adopt Community Safety and Well-Being Plans, giving them a greater autonomy to address community safety and well-being in First Nation communities (CSPA, 2019). Although Ontario has been subjected to public criticism and legal disputes over its historic lack of legislative protection for SA police services, amendments presented in the CSPA, 2019 will make it the most progressive police act in Canada.

Though the FNPP does not require provinces to specifically recognize First Nations policing, it strongly encourages authorities to enable “...*First Nations to establish, administer and regulate their police service and to appoint police officers, consistent with provincial norms and practices* (First Nations Policing Policy, 1996, p. 5, para. 4). With exception to Manitoba, Quebec, and Ontario (soon), the other seven provinces have relied upon existing provisions related to municipal policing to address SA police services. In other words, they are deemed municipal police services and carry no unique designations. When it comes to provinces with Community Tripartite Agreements (CTAs), none of them acknowledge this arrangement as a policing option for First Nations. Despite both the consultation and governance responsibilities granted to First Nations by CTAs, there is no legislated authority for First Nations to have the same degree of influence over the policing services they receive from contracted service providers, such as the RCMP. (See Appendix A)

### ***Federal Legislation***

In the absence of federal legislation, the First Nations Policing Policy (1996) has served as Canada's national framework for addressing matters related to First Nations policing. Nearly 30 years

after the original policy was released in 1991, on December 13, 2019, Prime Minister Justin Trudeau mandated his Minister of Public Safety and Emergency Preparedness to co-develop legislation recognizing First Nations policing as an essential service (Government of Canada, 2019). This step will mark Canada's first national legislative framework on the matter of First Nations policing and is projected to replace both the national policy framework and its status as a program. The federal government subsequently granted funds to the Assembly of First Nations (AFN) in support of its co-development (Government of Canada, 2020). It is not clear the degree to which provinces and First Nation communities across Canada will have input into both its process and development, nor when the legislation is slated to be introduced.

### **An Examination of Self-Administered Police Boards Terms of Reference**

The Canadian Association of Police Governance facilitated the collection of terms of references for police boards from First Nation communities operating under a SA policing framework. Seven respondents provided a variety of materials that were reviewed and summarized by highlighting the areas given consideration in the terms of reference as well as identifying the similarities and differences between them. We began with a single term of reference and created a coding chart of the varied areas of interest and described the contents. The next six terms of reference were subsequently reviewed and contrasted against the first, adding any additional items to the chart that were not in the first document. The items that emerged from the content analysis were organized and collapsed into general categories of information contained across the documentation.

### ***Results***

The analysis of the documents provided by the seven SA police services identified six broad categories relating to the board's: (1) Authority, (2) Purpose, (3) Relationships, (4) Structures, (5) Policies, and (6) Operations.

#### ***Board Authority***

The authority by which the police boards were created within the seven communities came from two sources. The boards were either created as a product of some form of legislation (e.g., Police Acts or Not-For-Profit Corporations Act) or originated from the initiatives of the Chief and council. In the case of legislation, the police service is regulated in accordance with the Police Act of that jurisdiction. The council serves as a local government to advocate on behalf of community needs, while ensuring that local, provincial, and federal laws are enforced. The police board may have members from the elected leadership, depending on the specific board's terms of reference. The composition and authority

of a Board varies depending on whether the police service's jurisdiction applies to single or multiple communities.

### *Board Purpose*

The purpose of the board was reported as fulfilling and representing the needs and goals of the community. The board assists the police service in identifying and solving community issues, and these issues are often presented and discussed at board meetings. Most boards disclose non-confidential information with the community. The board may facilitate the relationship between the police service and the community by providing educational information about the role of the police.

The analyses of the documents revealed a division regarding the purpose and roles of these boards. While the board was generally reported as having general oversight over the police service, some boards played a more formal approval role, while others adopted advisory roles. Some boards are involved in the process of creating police policy, budget, and planning, but boards may also fulfill an oversight role of approving existing policies. Regardless of its status, these boards must ensure that all policies and planning comply with the council's regulations.

### *Board Relationships*

The documents provided information regarding their relationships with external groups and stakeholders. By reporting existing/desired processes, the police board needs to be responsive to their community's needs to maintain well-being and safety. The process of collecting and sharing information with the community is reciprocal. Boards that serve large geographical areas may require additional funding for travel expenses, or to employ additional staff members (e.g., administrative, local committee) for support. In some cases, board meetings were open to the community. Many boards have a formal process for sharing information with the community due to concerns about confidentiality. Regardless of the formality of these boards, community members are encouraged to contact members of the board or the administrative staff (when applicable) to discuss their concerns. The board often acts as a liaison between the community and the police service. Community members are expected to raise these issues in a timely manner if they wish to have their concerns addressed during a board meeting.

A second relationship identified in the analyses of the documents was the relationship with the Chief and council. The board operates under the council's authority as the local government and must comply with their regulations. Boards must report their activities to the council at least once per year.

In the case where a SA agency serves multiple communities, the boards were reported as having direct communications with local committees from each community. These committees can advocate



for their community's needs and share information with their community members. They are also involved in advising the board about policies and planning that would benefit the community, but their authority for approving policy is limited compared to the police board.

Finally, the documents identified the nature of the relationships between the board and the police service itself. The primary activities identified in these documents were recruitment and evaluation of the police service. The board is involved in establishing the criteria for recruiting police officers and civilian personnel. Police must comply with the standards outlined by the board. The board evaluates the performance of the police service and as part of that process they s are often expected to submit reports to the board.

### *Board Structures*

A number of structural components related to board structure and organization were identified in the analysis including the board make-up. Boards are typically comprised of at least one member from each community/district served by the police. Often there are additional supporting members, such as chair/president, vice-chair/president, secretary/treasurer, and an Elder. Numbers of board members in this sample ranged from five to 23 depending on the populations served and the needs of the community(s). Council member participation varied. Because council members have more authority than board members, it is not common for board members to have previously served on the council; however, in some cases it may occur. To avoid potential conflicts of interest, board members typically are not police officers; however, a few exceptions existed.

A second aspect of board structure related to the election or appointment of their members. For most boards, interested community members must apply for a position. To be eligible, applicants must fulfill their board's criteria (e.g., minimum age requirement, no criminal record, and good community standing). The council then appoints their choice of candidate to the board. In certain circumstances, the council may elect a new board member, or the board member is appointed based on their existing position (e.g., chief of police).

The analysis of the terms of reference also discovered variation in the board terms, the process of orienting new members, as well as training and opportunities for professional development. Term lengths in this sample ranged from one to four years but can be extended depending on a community's needs. Board members are trained to become familiar with their duties, the bylaws, and the code of ethics. They are also expected to participate in additional training opportunities/workshops when offered.

### *Board Policies*

Four key policy issues were identified that applied to the boards. The first is a *Code of Ethics* that requires board members to serve the needs of their community and comply with the law. These codes also place an expectation that members will serve as good examples to their community by acting with moral principles and integrity. The second common policy addresses *Conflicts of Interest*. These guidelines are in place to ensure that boards or their members do not make decisions that are self-serving. For example, few boards accept members who are currently or were recently employed by the police service. A third policy outlines *Compensation*. Board members are often compensated through honorariums or are reimbursed for activities such as board-related travel. Finally, for board decision making, there are policies regarding establishing *Quorum*. The policies were typically set at 50% plus one and quorum needs to be established at board meetings to make decisions official. Finally, most boards had policies regarding *Membership*; requiring members to actively participate in fulfilling their duties.

### *Board Operations*

The review of the documents identified six operational activities of the police board, including: (1) Meetings: Most boards meet on a monthly to quarterly basis, although they can meet more frequently if there are issues requiring resolution. (2) Outreach: Board members overseeing agencies serving large geographical areas may be required to travel to engage with community members and they are sometimes expected to educate them about the role of the police. (3) Planning: Board members are involved in strategic planning, policy changes, financial decisions, and community outreach. They must also try to incorporate the priorities identified by the community with the ability of the police to meet those needs. (4) Boards are also involved in developing and overseeing policies concerning the police service including criteria for recruitment as well as procedures for addressing public complaints. (5) Budget: Board members are expected to assist in planning and monitoring the police agency's budget, and (6) Day-to-day police operations: Few boards are permitted to interfere with the day-to-day operations of the police service, which includes individual investigations and administration.

### **Survey Research**

An online survey was created to garner some basic information regarding governance in SA police services<sup>2</sup>. A total of 50 survey items were developed to solicit information about the following:

(1) General police service information, (2) Board structure and appointments, (3) Orientation,

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<sup>2</sup> A similar survey was created for communities policed under Community Tripartite Agreements. However, the data collection did not result in sufficient responses to warrant any analysis. The researchers are still attempting to discover the possible reasons for the lack of responses.

professional development, and knowledge, (4) General justice, (5) Board processes, (6) Board operations and involvement, (7) Board resources, and (8) Board composition. Most of the questions were closed-ended; however, 16 survey items permitted the participants to provide their own answers and/or make additional comments for clarification of the closed-ended responses. Prior to its administration the survey was piloted with ten volunteers, and they suggested wording changes which were undertaken to increase the clarity of the survey items. The final English language survey instrument was translated into French and both versions were imported into Qualtrics, which is a widely used online survey software application. The survey received ethics approval from the University of Regina's Research Ethics Board prior to its administration (see Appendix C).

The Canadian Association of Police Governance, with assistance from Public Safety Canada generated an email list to enable us to send the introductory letter about the research as well as providing access to both the French and English versions of the online survey. The emails were initially sent to 127 email addresses associated with English-speaking SA police services and 128 email addresses associated with their Francophone counterparts. Two weeks later, follow-up emails were sent to 101 and 102 emails addresses respectively (a reduction due to returned emails due either to old email addresses or duplicate addresses within the two lists). Access to the survey links were terminated after four weeks, and the initial response rate was 36% (French 16 / English 57 – out of 203). However, upon combining the French and English data sets and cleaning and coding the data, the final number of surveys suitable for analysis was 42, yielding a response rate of 21%. Although this rate is lower than desirable, this result is consistent with other online surveys of SA policing (see Jones et al., 2019)

## **Results**

Table 1 (Descriptive Statistics – Police Service) provides information regarding the characteristics of the community or region served by the police agency, whether they operate within an urban environment, how far police headquarters are from the furthest point of their jurisdiction, the approximate population served, and the number of police officers the agency employs. In terms of the type of community/region served, 42.9% of the respondents reported a single community, 26.2% reported multiple communities, 4.8% served a region, while 26.2% stated "other". As for operating within an urban environment, only 16.7% responded affirmatively and 4.8% did not know. With regards to the how far their police headquarters are from the furthest point of jurisdiction, the average distance was 130.6 kilometres ( $SD = 208.4$ ). The average population served by the police service was 5,678.5 residents ( $SD = 7,426.0$ ), while the average number of police officers serving in their agency was 16.5 ( $SD = 19.4$ ).

**Table 1: Descriptive Statistics - Police Service**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Who does your Police Service Serve	Single Community	18	42.9	42	N/A	N/A	N/A	1	N/A
	Multi-Community	11	26.2						
	Regional	2	4.8						
	Other	11	26.2						
Does your Police Service operate within an urban environment	Yes	7	16.7	42	N/A	N/A	N/A	2	N/A
	No	7	78.6						
	I don't know	2	4.8						
How far is it from your police service headquarters to the furthest point in your jurisdiction	KM	38	N/A	38	208.4	130.6	50.0	2	795
What is the approximate population served by your police service	#people	40	N/A	40	7426.0	5678.5	3250.0	2500	41957
How many police officers provide service to your community?	#officers	40	N/A	40	19.4	16.5	10.5	3	93

An open-ended question asked participants about the external police services that their SA service worked with and the nature of those relationships. The participants reported that their agencies often worked with the RCMP, the OPP or SQ, and municipal police in their surrounding areas. The

reasons for these interactions included: (1) No specialized services are available in their service due to a lack of resources (e.g., major crimes, K-9), (2) To receive training, (3) To provide back-up on calls, (4) Information and technology supports, (5) Custody services, (6) Secondments when their agencies are short-staffed, and (7) Participation in joint activities.

Table 2 (Descriptive Statistics – Board Structure) provides information regarding whether boards for the SA agencies have developed terms of reference, how often their board meets, whether the board meets with provincial associations, as well as how many members constitute the board. Fifty-six percent reported having terms of reference, while 38.5% did not, and 5.1% did not know if their board had these documents. With respect to how often their board met, slightly less than one-half stated they met monthly, 17.9% stated they met every three months (quarterly), while 33.3% responded “other”. In reviewing the written comments associated with this question, of those who responded “other” most indicated they lacked having a board (N = 7), it disbanded (N = 4), or they had not yet attended a meeting (N = 1). Thirty-six percent reported that their board met with provincial associations, 48.6% did not, and 10.8% did not know. As for the number of members constituting the board, responses varied from four or fewer (28.6%, N = 8), five to nine (53.6%, N = 15), or 10 or more members (17.8%, N = 5).

**Table 2: Descriptive Statistics - Board Structure**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Terms of References or policies	Yes	22	56.4	39	0.601	1.49	1.00	1	2
	No	15	38.5						
	I don't know	2	5.1						
Board Meets	Monthly	19	48.7	39	1.355	3.18	3.00	2	3
	Every three months	7	17.0						
	Other	13	33.3						
Meet Regional Provincial Association	Yes	15	40.5	37	0.661	1.70	2.00	2	2
	No	18	48.6						

	I don't know	4	10.8						
Number on Police Board	< 4	8	28.6	28	4.670	5.96	5.00	5	17
	5-9	15	53.6						
	> 10	5	17.8						

An open-ended question asked participants about the composition of the board membership and their status as full positions (voting members) or non-voting *ex officio* members. The respondents indicated these members played a wide variety of roles from having no specific positions to multiple specified positions (e.g., chair, vice-chair, secretary, complaints manager, treasurer, community representatives, Elders, and chiefs of police, or their designates). The determination of voting and *ex officio* membership varied greatly across the responses.

Table 3 (Descriptive Statistics – Board Appointments) provides information regarding board member status, whether they had previously served as council members, the length of their terms, whether they were elected, and whether terms are staggered. Fifty-five percent of the respondents indicated that members are appointed, 22.2% reported that members are elected, and 22.2% stated they did not know. With respect to council membership, 24.2% stated that board members could also be elected council members, whereas 60.6% indicated their members could not be elected members of council, and 15.2% did not know. As for the length of time these members could serve, 21.9% reported having open terms with no defined length, 56.3% reported having fixed terms, while 21.9% responded “other”. With respect to board appointments coinciding with band elections, 61.5% indicated that band elections coincided with board appointments, while 19.2% do not, and 19.2% responded “other”. Forty-one percent of the respondents reported having staggered terms, while 41.4% did not, and 17.2% did not know.

**Table 3: Descriptive Statistics - Board Appointments**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Elected or Appointed	Appointed	20	55.6	36	0.828	1.67	1.00	1	2

	Elected	8	22.2						
	Other	8	22.2						
Council Member to Board Member	Yes	8	24.2	33	0.754	1.55	1.00	1	2
	No	20	60.6						
	Don't know	5	15.2						
Board Member terms	Open terms (no defined length)	7	21.9	32	0.672	2.0	2.00	2	2
	Fixed term	18	56.3						
	Other	7	21.9						
Appointments coincide with Band Elections	Yes	16	61.5	26	0.632	2.0	2.00	2	2
	No	5	19.2						
	Other	5	19.2						
Staggered terms	Yes	12	41.4	29	0.739	1.76	2.00	1	2
	No	12	41.4						
	Don't know	5	17.2						

An open-ended question asked participants about the origins of board appointments, and their responses included: (1) Where multiple communities were served, there was at least one from each participating community, (2) Chief and council, and (3) Director of public safety. The participants were also asked about how appointments to boards were made and their responses included: (1) Decision of the Chief and council, (2) A pool of potential of potential candidates for interviews were collected, and (3) Some sought specific subject matter experts. Participants were also asked whether any criteria were considered when appointing or electing these members and the responses included: (1) Criminal record check, (2) An oath of confidentiality, (3) Community residency, (4) No criminal investigation underway at the time of the process, (5) In good standing in the community, (5) Integrity with no evidence of soliciting a position (e.g., providing favours or gifts), and (6) A history of volunteering in the community.

Table 4 (Descriptive Statistics – Board Member Compensation) provides information about the compensation of board members. Eighty-two percent (81.5%) were compensated whereas 18.5% were not.

**Table 4: Descriptive Statistics - Board Member Compensation**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Board Member compensation	Yes	22	81.5	27	0.396	1.19	1.00	1	1
	No	5	18.5						

An open-ended question asked participants about the kinds of compensation members received and their responses included: (1) Honoraria, (2) Travel allowances for board business, and (3) Compensation for attending board meetings and training. One participant reported the specific amount of compensation their members received: \$200 for attendance at regular meetings and \$100 for other meetings and training.

Table 5 (Descriptive Statistics – Orientation Process and Professional Development) shows whether there is an orientation process for board members, and if there are opportunities for professional development. With respect to providing new members with a formal orientation, 46.4% stated that there is a formal orientation process and 53.6% reported they lacked an orientation. As for professional development, 75% reported there were opportunities available and the remainder did not.

**Table 5: Descriptive Statistics for Orientation Process and Professional Development**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Orientation Process	Yes	13	46.4	28	0.508	1.54	2.00	2	1
	No	15	53.6						
Professional Development	Yes	21	75.0	28	0.441	1.25	1.00	1	1
	No	7	25.0						



Table 6 provides a summary of the responses to the survey questions regarding board member's knowledge regarding policy, compliance with legislation, and familiarity with their provincial police acts. The survey also solicited the respondent's perceptions of how information is shared with the community, and the degree to which these boards receive community feedback. By contrast, the section on board operations and involvement solicited information about how they oversee the development of operational policies and procedures, the strategic planning process, assist in developing police priorities, budget development and approval, and the processes for recruitment, selection, and evaluation of chief of police positions, as well as board interactions with the community (e.g., explaining policing issues, providing counsel, and buffering police from politics). Several survey items also solicited responses about bylaw enforcement.

The section entitled board resources shows information regarding how well the community understands the police board's role, whether administrative support is adequate, the board's capacity for outreach, whether police funding is sufficient, and how well local leaders and the federal government understand the needs of these boards. Last, a series of survey items solicited perceptions regarding the First Nation communities' control over policing, as well as the need for these places to access adjudication and whether independent sanctioning is needed to achieve culturally relevant justice processes. The descriptive statistics for these survey items, including their means and standard deviations are presented in Appendix B.

<b>Table 6: Summary Statistics - Survey Responses to Key Board Issues (Overall n= 42)</b>							
	<b>Percentage Of Respondents Who:</b>						
Topic	Strongly Disagree	Somewhat Disagree	Disagree	Neutral <sup>1</sup>	Somewhat Agree	Agree	Strongly Agree
<b>Member Knowledge</b>							
Members are knowledgeable of policy framework	10.3	10.3	0.0	20.7	20.7	31.0	6.9
Members are in compliance with legislation	10.3	0.0	3.4	24.1	17.2	37.9	6.9
Members are familiar with the provincial police act	10.7	10.7	17.9	17.9	25.0	14.3	3.6
<b>Board Processes</b>							
Board has effective community engagement processes	14.3	10.3	7.1	14.3	21.4	25.0	7.1
Board has effective processes to get feedback from community	14.3	10.7	7.1	14.3	25.0	25.0	3.6
<b>Board Operations and Involvement</b>							
Board oversees the development of operational policy/procedure	11.1	14.8	11.1	11.1	14.8	14.8	22.2
Board oversees the strategic planning process	7.4	18.5	3.7	14.8	11.1	25.9	18.5

Board assists in developing police priorities	3.7	11.1	3.7	11.1	25.9	29.6	14.8
Board assists in developing the budget	11.1	22.2	7.4	22.2	7.4	18.5	11.1
Board approves budget	11.1	0.0	11.1	18.5	7.4	25.9	25.9
Board has process for recruit/select the chief of police	7.7	0.0	15.4	19.2	11.5	26.9	19.2
Board has process to evaluate the chief of police	7.7	11.5	7.7	15.4	11.5	26.9	19.2
Board explains policing issues to the community	7.4	11.1	3.7	18.5	37.0	22.0	0.0
Board provides wise counsel to the police service	3.7	11.1	3.7	25.9	11.1	37.0	7.4
Board buffers police from politics	3.7	14.8	7.4	25.9	18.5	22.2	7.4
<b>Bylaw Enforcement</b>							
Board directs police to enforce bylaws	18.5	14.8	0.0	33.3	14.8	11.1	7.4
Police service enforces bylaws	11.1	22.2	0.0	18.5	3.7	29.6	14.8
<b>Board Resources</b>							
Community understands the police board's role	3.7	11.1	25.9	22.2	22.2	14.8	0.0
Board has adequate administrative support	11.1	18.5	11.1	18.5	7.4	22.2	11.1
Capacity for research and policy analysis	14.8	3.7	14.8	29.6	11.1	25.9	0.0
Enough funding to support operations	29.6	11.1	22.2	22.2	3.7	11.1	0.0
Local leaders understand needs	7.4	14.8	18.5	18.5	25.9	14.8	0.0
Federal government understand needs	22.2	22.2	14.8	7.4	11.1	14.8	7.4
<b>General Justice Questions</b>							
Control over policing is sufficient to address culturally relevant processes	7.1	7.1	3.6	10.7	28.6	25.0	17.9
FN need access to culturally relevant adjudication processes	3.4	0.0	0.0	10.3	13.8	31.0	41.1
FN need independent, culturally-relevant sanctioning processes	0.0	0.0	3.4	20.7	27.6	24.1	20.7
1. Neutral: Respondent neither agreed nor disagreed with the statement							
Note: Values may not sum to 100% due to rounding							

With respect to member knowledge, about three-fifths of the respondents agreed (strongly agreed, agreed, or somewhat agreed) that board members had knowledge of the policy framework about police boards, and they were compliant with legislation although only 42% agreed that board members were familiar with their provincial police acts. When asked about the relationships with their communities, about one-half the respondents agreed their boards had developed ways to effectively engage with their communities (53.5% and 53.6% respectively). There is some variation when it comes to the involvement of these boards with their police services and the roles they play. About one-half of the respondents agreed (strongly, agreed or somewhat agreed) that their boards oversaw the development of operational policies and procedures and participated in the strategic planning in their

respective agencies. By contrast, 70.3% of the board members agreed they played a role in developing police priorities.

When it came to the issue of budgets, only slightly more than one third (37.1%) of respondents agreed that their boards played a role in the budget development of their police services, although 59.2% agreed that their boards were authorized to approve the budgets for those agencies. These boards also play a role in human resources, and 57.6% of the respondents agreed they were involved in the recruitment and selection of their chiefs of police. Less than one-half of the board members agreed that their boards had a process to evaluate their chiefs of police. Last, 55.5% of the respondents agreed their boards provided wise counsel to their police services.

Police board members interact with the communities they represent—including their political representatives—and again there is some variation in these efforts. Fifty-nine percent of the respondents agreed (strongly agreed, agreed, or somewhat agreed) that they explained policing issues to the community. Slightly less than one-half the respondents (48.1%) agreed their boards acted as a buffer to their police services from local politics. However, only 37% of them agreed their communities understood the police board's role. The literature review revealed that bylaw enforcement on First Nations is a contentious issue and bands have few mechanisms to enforce these regulations. Only one third (33.1%) of the respondents agreed (strongly agreed, agreed, or somewhat agreed) that they provided direction to the police with respect to enforcing bylaws. Almost one-half of these board members (48.1%) agreed their police services enforced bylaws.

It has long been recognized that SA police services have received inadequate and short-term funding that has made it very difficult for the personnel working within these agencies to deliver high levels of community well-being and public safety. When the respondents were asked for their input about issues related to funding, only 14% agreed (strongly agreed, somewhat agreed, or agreed) they received enough funding to support their operations. With respect to specific budget allocations, 40.7% agreed they received adequate administrative support, and slightly more than one-third (37%) agreed they had the capacity for policy analysis and research. When asked about how other stakeholders perceived them, only one-third (33.3%) agreed the federal government understood their needs while 40.7% agreed that local leaders understood their needs.

Three questions relating to justice in First Nations were also asked in the survey. One of the original goals of the FNPP was that it would be culturally relevant. When asked whether control over policing is sufficient to address culturally relevant processes, 71.5% of the respondents agreed (strongly agreed, somewhat agreed, or agreed) with that statement. The respondents expressed higher

levels of agreement when asked whether First Nations needed access to culturally relevant adjudication processes (85.9%) and independent, culturally relevant sanctioning (72.4%).

**Table 7: Descriptive Statistics - Board Equity, Diversity, and Inclusion**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Disability	Yes	4	14.8	27	-	-	3.00	3	3
	No	9	33.3						
	I don't know	14	51.9						
Women/ Female	Yes	23	88.5	26	-	-	1.00	1	2
	No	2	7.7						
	I don't know	1	3.8						
Men/ Male	6	2	4.8	24	-	-	1.00	1	2
	Yes	21	87.5						
	No	1	4.2						
Trans	I don't know	2	8.3	24	-	-	2.00	2	1
	No	16	66.7						
	I don't know	8	33.3						
Two Spirit	Yes	4	15.4	26	-	-	2.00	2	2
	No	11	42.3						
	I don't know	11	42.3						
Other gender categories	Yes	1	3.8	26	-	-	2.00	2	2
	No	14	53.8						
	I don't know	11	42.3						

Table 7 provides the results regarding the participation of individuals with physical, mental, sensory, psychiatric, or learning impairment disabilities, and sexual and gender identities (e.g., women/females, men/males, transgendered individuals, two spirit, or “other”) on these boards. As for whether an individual with a disability participated on their board, one-third (33.3%) reported there was no representation, while most (51.9%) did not know while 14.8% responded there was. When asked if women/females were on their board, 88.5% responded affirmatively and their numbers ranged from one to six members. Eighty-seven percent of the respondents indicated having men/males on their boards, and their numbers also ranged from one to six members. In terms of how many transgendered individuals participated on these boards, 66.7% reported there were none while one-third (33%) did not know. As for two spirited individuals, respondents from four boards (15.4%) indicated that these individuals participated. Regarding “other” gender categories, only 3.8% reported having one individual who was a board member, while 53.8% did not, and 43.2% did not know.

### **Survey Results: Summary**

The first components of the survey focused on the police service and the boards represented by the respondents. General information was collected regarding the characteristics of these agencies. Consistent with our expectations, the results demonstrate there is no single model of SA policing. Just under one-half of the SA agencies serve a single community, another one-third serve multiple communities, and a small percentage (4.8%) were regional services. SA policing is a distinctively rural undertaking and over three-quarters (78.6%) did not provide services to an urban area. With the high percentage of these agencies policing the countryside it is not surprising that the average distance from the police headquarters to the furthest border of their jurisdiction was 130.6 kilometres.

The survey results reveal that most boards are comprised of five to nine members and slightly less than one-half of the respondents indicated their boards met monthly while 17.9% met quarterly. Fifty-six percent of the respondents indicated their actions were guided by terms of reference documents whereas 38.5% of these boards did not have a term of reference. With respect to the make-up of these boards slightly more than one-half (55%) of the respondents were appointed and 22% were elected to their positions. Once assuming their positions slightly less than one-half received an orientation while three-quarters reported receiving ongoing training or opportunities for professional development. Eighty-one percent of the respondents indicated they received some form of compensation for their work.

Board members develop an understanding of policy and provincial legislation, and they play a role in the development of operational policies and procedures as well as participating in strategic

planning and developing police priorities. Members also provide direction to the police with respect to enforcing bylaws. About one-third of the respondents reported participating in developing the budgets of their police services although only 14% agreed they received enough funding to support their operations. A greater proportion of the respondents were involved in human resource matters including the recruitment, selection, and evaluation of their chiefs of police.

When asked how other stakeholders perceived their police services only one-third agreed the federal government understood their needs and 40.7% agreed that local leaders understood their needs. Moreover, even though board members play an educative role in explaining police-related issues to the community only about one-third of them agreed that their communities understood the role of their police board.

Altogether, the survey responses indicate that police board members must overcome both external barriers—such as inadequate funding—and internal challenges, such as lacking access to an orientation before starting their work. Despite these challenges, the respondents expressed optimism about working toward more just communities and almost three-quarters agreed that having local control over policing is important in achieving culturally relevant policing. Looking toward the future over three-quarters of the respondents agreed that First Nations needed access to culturally relevant adjudication processes and independent, culturally relevant sanctioning.

### **Focus Group**

A focus group was undertaken following the analyses of the survey results. The results of the survey assisted in generating the list of questions posed to the focus group participants to gain a deeper insight and understanding of the survey findings, and place that insight into a broader context. The sampling frame for the focus group was generated based on two criteria. First, it was preferred that participants would be invited from across Canada to bring different regional perspectives and experiences into the conversation. Second, it was decided to invite representatives from boards as well as chiefs of the police services to get differing perspectives on the topics of interest.

A list of potential participants—that met the criteria—was created from lists obtained from the CAPG. Email invitations were sent to the participants on these lists, and the invitations included an overview of the study including the general topics of interest as well as the informed consent form. A second email reminder was sent several days after the first email. Eleven respondents volunteered and these participants represented five provinces (AB, BC, ON, QC and SK) and the group was comprised of two chiefs of police and nine board representatives. The focus group was conducted on zoom and the session recorded and subsequently transcribed.

The focus group, held on September 09, 2021 via a zoom call, began with an overview of the research and the process as well as receiving verbal confirmation of informed consent (for participation and recording) from all the participants. In terms of confidentiality, few respondents wanted to be anonymous and most wanted their observations to be attributed to them; and the wishes of both groups were respected. The moderator of the focus group then solicited responses to the questions defined prior to the focus group as a starting point, but also explored new avenues of inquiry as they arose. The focus group took approximately 75 minutes to complete.

The researchers used Attride-Stirling's (2001) thematic network analysis process to analyze the 32-page transcript of the focus group proceedings. Transparency in qualitative research requires a clear and identifiable process that can also be "seen" in the analysis which is suggested to be an iterative process (Taylor-Powell & Renner, 2003). Attride-Stirling (2001) provides such a detailed process that begins with the development of a coding framework which allows for unanticipated codes to emerge while recognizing *a priori* codes developed from the literature, theory, or other sources: in this case, the survey results. The process continues with the coding—deconstructing the transcribed materials into meaningful segments and developing groups of codes into categories that reflect the codes—basic themes, that is, a general concept that reflects all the codes. The evidence is provided in the quotes of the participants, and their comments clearly show how the concept and its definition has come together.

In the next step of the analyses, the interaction and relationship of the basic themes to each is examined and they are then organized, categorized, and grouped together into a broader concept that is called an organizing theme. An organizing theme provides a higher-level abstraction of the relationships between the basic themes and their contribution to a greater understanding of the organizing theme. The same process is then undertaken between the organizing themes, providing the final level of understanding, the global theme. The global theme provides an overarching summary of what was provided by the participants with respect to the questions asked of them, representing an understanding of the research question(s). The process is visually depicted in a thematic map demonstrating the interconnections between the various levels of the analyses. The final stage of the process involves the researcher describing and exploring the thematic network to provide an interpretation of what these relationships reveal and how they come together to create the global theme. The description and explanation of the global theme then provides the overarching understanding of the network that brings the research to its conclusions as they relate to the research questions and objectives. This process can also assist in identifying any evident gaps in the research that lends itself to further inquiry.

## Results

This component of the report describes the findings that emerged from the analysis of the transcript of the proceedings of the focus group. Following Attride-Stirling's (2001) methodology the findings are organized by presenting the step-by-step process leading to the creation of the thematic map and the global theme. It presents the issues discussed—based on the codes—to uncover the basic themes and their contribution to the formation and understanding of the organizing themes. Inserting the direct quotes from the participants provides the supporting evidence. Finally, the thematic map is presented along with the discussion of the global theme.

### Organizing Theme #1: Relationships

This theme explores the relationships that were revealed in the discussions as being important to the goals of the boards and the First Nation policing services they oversee/govern.

Table 8: Organizing Theme 1 – Relationships		
Issues Discussed	Basic Themes	Organizing Theme
Recruitment and succession planning	Relationship with the Chief of Police	Relationships
Assessment		
Reporting and accountability to the board		
Formal and informal involvement of chiefs and councils	Relationship with First Nation Leadership	
Shaping board roles		
Representation on boards		
Influences of provincial police acts	Relationship with Provincial Authorities	
The state of the relationship with the boards		
Negotiating with the provinces		
The constitutional authority of provinces		
Need for a more bilateral relationship		
Influence of the FNPP	Relationship with Federal Authorities	
Negotiating with federal authorities		
Inflexible government positions		
Slow pace of change		
Basic questions around self-determination for Indigenous communities		
Lack of First Nations participation in discussions		
Activities involving the board		



Activities involving the police service	Community Engagement	
Connection to community oriented policing		
Capacity for boards and police services to proactively engage communities.		
Geographic and technological challenges		

### ***Basic Theme #1: Relationship with Chief of Police***

Discussions included in this theme covered topics such as the recruitment and selection process for the chief of police, the annual assessment process, succession planning for these positions and their reporting and accountability responsibilities to the board.

Participants described the administrative processes in place for selecting the chief of police. The importance to the community of recruiting their chief from within the ranks of their police service was also emphasized as a priority.

The chief of police process is quite well done. We have a formal process that we use for that ... We really like to recruit from within, which is not always possible. (Fabian Batise)

He came to us as a recruit and went through ... this has always been the dream of our Nation, was to have our own Stl'atl'imx chief officer. (Rebecca Barley)

The relationship between the board and the chief of police was generally described as a positive one with effective lines of communication. Participants also discussed both formal and informal processes for assessing the performance of the chief of police on an ongoing basis.

The chief and the board, and in particular with the chair, being myself, have worked through ... our relationship and I think we work well together. We have an open line of communications and always have each other's back when need be. We don't always agree, but that's okay as well ... we work through it. And we do have a formal assessment process as well for assessing our chief officer... identifying some strengths and gaps and what we can do to move forward, what the board can do to support her. (Rebecca Barley)

We do have a formal assessment process for the chief of police ... they kind of do a six-month evaluation when they first come on, and then they do another yearly evaluation ... We also do have a formal recruitment and selection process for the chief of police. (Taylor Sayers)

We do have a kind of rolling performance appraisal, if you will, through the monthly written and verbal operations report that the chief provides to the board and we do have the formal performance assessment every year. We've used that performance assessment form to set standards in areas of operations, financial management, personnel management, cultural competency, community engagement, strategic planning and risk assessment. (Dan Bellegarde)

Challenges associated with succession planning for the chief of police position were identified and explored. Participants discussed short versus longer term succession planning, competency-based approaches to succession planning as well as issues associated with succession planning in small police services. It was again emphasized that the chief's position should be developed and promoted from within their existing ranks.

We do have a short-term succession plan, but we don't necessarily have a long-term succession plan for the organization. We do identify the competencies that the chief of police does need to have. We're going through that process right now, ... building up a formal succession plan and then identifying ... opportunities for training and development for the officers when it comes to becoming the chief of police of the organization. (Taylor Sayers)

Succession planning is difficult for a small police service like ours, but we do have provision for someone to be an acting police chief until such time as we get a full recruitment process completed for a chief of police. This is part of our risk management framework. (Dan Bellegarde)

While not extensive, there was discussion about the accountability of the chief of police to the board. One participant described how their strategic plan is leveraged as a reporting and assessment instrument to keep the board informed on the activities of the chief of police as well as how the chief is progressing against the goals and objectives laid out in the strategic plan.

[...] as far as the clear reporting and accountability guidelines for the chief of police, they do have to provide an operations report to the board and ... give... what they've done throughout the year. It also does follow the strategic plan to identify the goals and objectives, and that's done on a quarterly basis. They are also encouraged to meet with the chiefs and councils of the six First Nations and to visit them as well to report on different statistics of the First Nations, and then they do also go and meet with the tribal council. (Taylor Sayers)

### ***Basic Theme #2: Relationship with First Nation Leadership***

In this theme, the board's relationship with local First Nation leadership is explored including the degree to which those leaders influence the boards. Analysis of this discussion revealed that First Nation leaders appear to have a growing interest in SA policing in its various iterations.

We have more and more communities interested in self-administered policing, tiered policing in the form of community safety officers and peacekeepers in our territories here in Saskatchewan. (Dan Bellegarde)

In at least some cases the Chiefs and councils sign off on the terms of references for their police boards and are aware of the inherent risk in delegating important decision making to these bodies.

Each of the Chiefs of our five First Nations have signed off on the terms of reference that govern our Board of Police Commissioners. (Dan Bellegarde)

It's not easy to get up and delegate that authority for decision making to someone else, so that is one of the risks. I feel we need to really be clear on all that's going to take shape. Board size and you know, I think the evolution of ongoing development is always going to be a challenge, and that's just what we're faced with today. (Alexander Zygiannik)

One way to ameliorate these inherent risks is for the Chiefs and councils to have ready access to the chief of police.

Our chief of police is always there if any of the five Chiefs or councils call for a meeting, and he responds immediately, so there's accountability and responsiveness at that level. (Dan Bellegarde)

### ***Basic Theme #3: Relationship with Provincial Authorities***

Within this discussion the various board's relationships and experiences with provincial authorities is explored including the effects of provincial legislation on the board's mandate and aspirations. There was general recognition among the participants that much of their authority as a policing service comes from provincial police acts.

We have to do things like change our charter because we're given our authority under the provincial police act, and so that takes some issues, some time as well. (Rebecca Barley)

Generally speaking, the participants reported good working relationships with their provincial authorities.

We have a very good relationship with the individuals from Sask. Policing and Corrections. (Dan Bellegarde)

I think our senior management and our board has a good working relationship and understanding of the province's role and some of the things that we ... can leverage from them. (Jeff Jacobs)

While that relationship is largely a positive one, the participants expressed concern that the provincial authorities were inflexible at times, especially regarding the issue of funding.

As far as the relationship with the federal and provincial government, it's interesting, I guess you could say. We essentially kind of go to them if we need additional funding, try and keep the door open, but there really isn't much give and take. It's more along the lines of them telling us this is what we have and that's it. (Taylor Sayers)

As a backdrop to the relationship with provincial authorities there is a certain amount of uncertainty over which level of government (federal or provincial) is responsible for funding and developing legislation for SA police services. One participant expressed the view that policing is neither federal nor provincial, but rather falls within the authority of First Nations people alone.

I realize that there's other issues there. And I think that ... here in Ontario, and for our service, our leaders are very reluctant to buy into a provincial process, knowing that ... this is a federal responsibility, and the provinces and the territories and the feds play this game of whose responsibility is policing, right? Who's to fund it? Who's supposed to be ... co-developing this legislation? (Jeff Jacobs)

Our past relationship has not been the best, but we've always taken the steps forward to establish the jurisdiction, and that jurisdiction is ours alone. (Alexander Zygniuk)

Concerns were expressed that as legislation is developed, there is a notable absence of First Nations voices in the discussions.

This legislation is going to be developed, and yet we're not at the table when we're talking about federal-provincial/territorial agreements and policies. So, we have to find a way to get First Nations involved in these policy forums. The AFN has to find a way to do that collaborative decision-making. (Dan Bellegarde)

We hope that the province takes that to heart and brings it into the mainstream forum so that as others see the legislative police service act as being a fair game thing that we get that proper consultation in. So that's huge. That's something that the community's always looking for. (Fabian Batise)

Within the federal/provincial/territorial policy group, there is a working group on governance of self-administered police services and community tri-partite agreements within the FNPP. There is also a working group on expansion of the First Nations Policing Program. These groups are working in the absence, I think, of First Nations involvement. (Dan Bellegarde)

#### ***Basic Theme #4: Relationship with Federal Authorities***

The relationship between the boards and federal authorities is described within this theme. Legislation, policy (and its application) and the relationships that were established have impacted the ability of the boards to achieve their objectives.

Some participants expressed the view that the federal government seemed unconcerned and unresponsive to the real-world issues First Nations policing services confront.

I've given the provinces and the federal government a solution to my problem, and it's not that big of one. Give me four more officers, let me fill them all, and people will get their days off, we will be able to meet the requirements, and we will have a healthy workplace for our people to work. And so far, we don't get any response to that. We get a lot of sympathy, but we don't get any response. (Dale Cox)

Related to this unresponsiveness, participants also contend that the federal authorities are inflexible in their dealings with First Nations police services in a manner similar to their provincial counterparts.

When you go to the table and you provide all the statistics, you provide all the information, you provide the backing; there really isn't any negotiations. There really isn't anything from them to sort of say that yeah, this is what you need to provide to us, this is the case that you need to make in order to get that additional funding. It's, this is all we have and well, that's all we can offer you, and that's it. (Taylor Sayers)

While hopeful, there was skepticism that proposed federal legislation will address these issues.

I'm flat out disappointed with Minister Blair, and I'm flat out disappointed with any details on how this is going to move along. I am cautiously optimistic that national organizations such as the AFN will ... help move this along. (Jeff Jacobs)

### ***Basic Theme #5: Community Engagement***

This theme is an exploration of the methods by which the board and the police service engage with the community and the level of success of these engagements. Community engagement was clearly recognized as an important component of the relationship between the boards, the police service, and the community. This engagement appears to be a joint effort and was accomplished in several different ways.

We do a lot of community engagement though, and surveying the community to ensure that they feel the board [or the police force] is doing a good job. (Anonymous Participant)

A common goal of these community engagement efforts was to gain an understanding of what the community wants to see in their police service, and to get a sense of their level of satisfaction.

We negotiated the ability to go out and conduct community consultations with each community as a board. In other words, it would be myself, possibly the chair, and the director who's directly affiliated with those communities, travelling to the communities to garner information from the communities about what they want to see with their police service. (Fabian Batise)

We asked each of the communities to provide their input on their satisfaction of the services provided by the Anishinabek police service. And we think this is a great thing because it's a starting point to get to understand ... how our community feels, what their expectations are, and that will help us provide evidence-based changes to improve our service throughout various communities and to bring information and awareness and education about the service forth to communities. (Jeff Jacobs)

Community engagement can also take the form of consultations with partners in community safety as well as the populations served by the police.

We do have a social navigator within our organization, so she actually is able to conduct the high-risk situation tables and to reach out to all of our service providers that we do work in partnership with. They do definitely hold a lot of events. We also actually have a ... working group, which is all of the executive directors of the different service providers that service the six First Nations, so they all come to gather to identify ways in which they can actually continue to work together and not work in siloes, for the benefit of the communities. We have also the

Lighting the Fire Within project, which right now is allowing us to create a very tailored curriculum to go within our schools and to create that positive relationship with the police officers. (Taylor Sayers)

Community meetings were discussed as a mechanism for facilitating engagement.

The boards do hold their meetings within the communities and they are open to community members to attend. We definitely have to improve some communication around that as well. (Taylor Sayers)

We also negotiate the ability to have an annual general meeting of our communities. That's huge. It's never happened before. (Fabian Batise)

We host our AGMs within the different First Nations. All of the communities are able to attend, community members, and then they also ... engage in discussions with the police officers, chiefs of police, to just really look at the different concerns that the community members may have. (Taylor Sayers)

Elders can be important participants in the community engagement process, and as a result they are sometimes more directly engaged in these activities.

The other thing we've done at File Hills is started the Elders Council with Elders from each of the communities, a man and a woman to come together and discuss issues of community safety with the police service, but also with the board. (Dan Bellegarde)

One community discussed the use of social media as a community engagement tool.

We're also working on a social media strategy to kind of get ... more of that engagement online and more of that online presence as well. (Taylor Sayers)

It was also pointed out that some locations do not have access to even basic technology and engaging these communities can present challenges.

We are challenged with the resourcing aspect of things ... and geographically as well, because ... we have one community that doesn't have telephone service, so it's extremely challenging. (Deborah Doss-Cody)

Some participants expressed the view that community engagement could be improved and that a more formal process might be advantageous.

Yeah, this is definitely a piece that I think that we come up short. ... Our representatives are supposed to be reporting back to their communities and then getting the needs from their individual communities and bringing it to the board table, and that is where we really struggle because that isn't happening. (Rebecca Barley)

Yeah, I would characterize the relationship, distanced at best. You know, we have 16 different First Nations that we police, and it's really hard to keep connected and keep the messaging consistent. (Jeff Jacobs)

It's hard when you talk to the communities about their priorities and then you can't deliver. And that's, you know, only because we have such limited resources. (Rebecca Barley)

But I do think we need a formal community engagement process to overcome a perceived disconnect between our Board members and the community. So we need, every two or three years, a formal, in-depth community engagement process. (Dan Bellegarde)

Participants pointed out that communities can identify different priorities for their police service.

These priorities sometimes focus on *community-based* policing approaches.

In addition to having metrics and crime stats, we need the input from our communities to create ... community-based policing plans because what might be ... a high priority in one community in the north might not be a priority of a community in the south. (Jeff Jacobs)

Community capacity can be an issue with respect to community engagement and by extension, *community-based* policing. Without this capacity *community-based* policing and community engagement in general will continue to struggle.

People are calling for community policing, but our police service really can't provide community policing unless there's capacity at the community level to really be involved in community policing. It's really up to the community to do that kind of work through their community justice committees ... community justice committees are so important, and yet don't seem to get the kind of support or profile that they need in order to be really effective in their communities, so we're trying to develop those in cooperation with the council members who hold the Justice portfolio. (Dan Bellegarde)

While community engagement efforts appear to sometimes be a joint effort between the board and the police service, the participants clearly articulated that their police services also engage directly with the community.

Before ... COVID, we stayed engaged in the community, probably every four months in the community. And engagements are based on my incident reports or investigations. We talk about domestic violence, talk about addictions with alcohol, drugs, bullying. I was kind of worried at first, but it became very constructive, and with these community forums, it leads a path, what the community wants. (William Moffat)

We don't come and tell them 'Here's what we're bringing you.' We go and ask them, 'What do you need?' And that has opened a lot of doors... We put on community and commission barbecues in each of the communities for an informal meeting to sit down and talk with people. And I bring my officers, I bring our commission, and we have a mandate to get out and talk to as many people as we can, and the question we ask is, 'How are we doing? What are we doing [well]? What are we doing [poorly]? How do we do it better?' the other things we put on was in the fall or the winter, a community justice forum where we did sort of the same thing, but we also made it more open, and we tried to make leadership come to those as well, so we would sit with leadership to answer the questions at the same time... We also put out a monthly newsletter to all of our communities, and within that newsletter, we find topical issues, whether it be with cybercrime, bullying, drugs, the new laws that come out with regard to Highway

Traffic Act, things like that, and it's really getting a good response from our communities. And the other thing we're using it for is our recruiting. (Dale Cox)

What we've done is implemented a liaison officer for each community, so it is their job to engage with the council or make contact in their respective community that they've been designated, to find out what's going on in the community, what events are occurring, and to ensure that ... either we're participating or we're aware of. (Deborah Doss-Cody)

The mechanisms and objectives of community engagement efforts are sometimes modeled on other police services.

The engagements were always productive, never negative. If there was something to be said negative, well, let's all get back to you. And I kind of learned this process from Jim Chu from the Vancouver Police, especially dealing with East Vancouver. (William Moffat)

### **Summary of Organizing Theme #1: Relationships**

The key relationships discussed by the participants were between the board and the chief of police, First Nations leadership, provincial and federal authorities, and the communities they serve. The importance of these relationships clearly emerged from these discussions as a high priority for the boards and for the police services. Managing these relationships given these legislative and political barriers presents challenges for the boards.

Relationships between the boards and their respective chiefs of police were generally considered strong. Methods for recruiting, developing, and assessing the performance of their chiefs of police were varied with some following very formal processes, and others less formal, however the need for a strong relationship was emphasized by the participants.

The relationships with First Nation leaders was less clear. In some places First Nation leaders seem to be embedded in the boards through both formal and informal processes, in other cases the relationship seems more arms-length in order to minimize the impact of politics on board deliberations.

It is notable that while the participants generally reported good working relationships with provincial authorities, their relationships with federal authorities emerged as more distant and less collegial. Both provincial and federal authorities were viewed as inflexible in that police services often had to adapt to "one-size-fits-all" parameters laid out in budgets and policy statements, rather than these governments adapting budgets and policies to the distinctive needs of these communities.

Community relationships were discussed extensively in the focus group and a number of different approaches are being employed to build and improve the connections with, and the service to various communities. The discussions revealed that each community has different capacities and priorities; notwithstanding this diversity there was a general acceptance that it is the responsibility of



the boards and police services to reach out and engage different constituents and stakeholder groups within their communities.

In the next organizing theme issues that impact the *efficacy* of boards, and to a lesser extent, police services, are discussed.

## **Organizing Theme #2: Efficacy**

This theme focuses on the membership of these boards, developing the knowledge and skills of these members, and the internal factors and relationships that are important to the board's operations. These are components of the framework that provides support to its members and gives the board a foundation for its responsibilities.

Table 9: Organizing Theme 2 – Efficacy		
Issues Discussed	Basic Themes	Organizing Theme
Membership selection processes	Board Membership	Efficacy
Duration and continuity of appointments		
Qualifications and standards for board appointments		
Formal training for new board members	Professional Development and Training	
Mentorship		
Lessons from other police services		
Self-assessments	Board Assessment	
Requirements for board assessments		
De-politicizing the boards	Governance Structure	
Oversight structure including governing boards		
Representation of First Nation leadership		

### ***Basic Theme #1: Board Membership***

This theme discusses the criteria and processes for selecting and appointing board members. It also explores some of the challenges boards face in maintaining an effective and engaged board. A critical feature of any board is how its members are screened and selected. In some cases, the discussions revealed that process was based on elections.

It's a voting process. They elect four members, general election that's going to be held probably a month from now. It's a post that's held onto every three years ... there's four elected members. (William Moffat)

In other locales, the board members are appointed by Chief and council.

Each community or each Chief and council appoints their representative. (Rebecca Barley)

File Hills has a commission of five members appointed by the councils of the five First Nations. We're in compliance with the Saskatchewan Police Act which has the broad authority levels and standards of board members. We're also compliant with the First Nations terms of reference, so we have a dual accountability for compliance. (Dan Bellegarde)

We have our member First Nations and those would be the six Chiefs of the First Nations that we do serve. Then from there, they actually appoint their board members through a band council resolution, but we also have one Elder who also sits on the board as well, and they do have a vote. The term is for four years. (Taylor Sayers)

There's six tribal councils and a group of independent First Nations, so they make up seven board members ... a lot of them do a written submission process to apply to get the positions, but however the tribal councils want to appoint, we get that. (Fabian Batise)

An interview/selection process is also sometimes employed for the selection of board members.

Board members are selected ... the board puts out a call for members, and members apply to the board, and then they do an interview, and the successful candidate becomes a board member. I believe our term is three years. (Anonymous Participant)

Where a police service serves more than one community, efforts can be made to ensure equitable representation from each community using a mixture of appointed and elected board members.

We were allowed two elected officials from amongst the five First Nations. Two of the Board members can be elected officials, and a couple of First Nations have put their Justice Portfolio Holder onto the board, which has pros and cons, but more pros than cons in our case. (Dan Bellegarde)

Which is comprised of appointed individuals from ... each of the 16 First Nation communities. (Jeff Jacobs)

Specific qualifications are sometimes required for board appointments. For example, the appointee must be in good standing in the community and have a history of supporting community initiatives.

Each Nation will appoint a police commission member, and that person has to be somebody of good standing and somebody who has an interest in the community and has shown community support in the past. (Dale Cox)

There's 11 set criteria that they do have to meet. Nothing with respect to the competencies that they need to understand, but a lot has to do with, you know, they can't be a judge, you know, that type of thing. (Taylor Sayers)

In other cases specific qualifications or characteristics for board members have yet to be defined.

It's not competency-based. We haven't really defined for ourselves ... who the ideal candidate to serve on our board [is], so we're going through that work now. (Jeff Jacobs)

Among the desirable qualifications and characteristics of a potential board member, understanding the values and culture of a community are worthy of consideration.

And ... we do have a culturally informed board, steps to ... community-based policing, is what I'm hearing, across Canada in every community, and the people that I know in some circles. Community-based policing is how it all started. We were supposed to be peacekeepers, not jailers. (Alexander Zyganiuk)

### ***Basic Theme#2: Professional Development and Training***

This theme discusses the importance of orienting new board members to their roles and responsibilities. It also identifies the challenges with professional development in both board and police service contexts.

One mechanism for board development is through training provided by the province.

The province of Alberta did provide in person training for our police commission. (Dale Cox)

Another mechanism is mentorship of new board members by other more experienced board members.

Now when we do get a new commission member from one of the communities, the existing commission members are very good at bringing them up to speed, and they've also created not a very in-depth but a brief handbook of what to expect. But most of it is in person training. (Dale Cox)

For new members, I believe there is a binder full of materials, and we're lucky we have an amazing chair who's been the chair for a number of years who is available at all times, and ... we're kind of informal because our meetings and anything we do together as a board is very open and it's very casual in terms of our discussions, and information is unlimited to anybody who asks questions. (Anonymous Participant)

Training is sometimes provided on an as needed basis, reinforced by technology to provide ongoing support.

We do have the entire *policy and procedures* manual on a memory stick that we give to each Board member. We make sure they read the first part about the Charter of Rights and Freedoms and things like that which protect the individuals on the First Nation. The provincial government puts on a one-day orientation to the Saskatchewan Police Act. All of our board members are to attend. (Dan Bellegarde)

We have sessions if there's more than one, or else I'll bring the director in and give them two days of orientation. [W]e have an entire library of materials that we go through on the Google

drive. We use iPad technology. Each board member has their own iPad [with] the library of the police services on there, so it's a great tool and it helps us to orient. (Fabian Batise)

In one case participants discussed adopting best practices from other police boards such as Vancouver.

We borrowed some ideas from the Vancouver Police Board's orientation program, which is five days in length. (Dan Bellegarde)

Training is provided on the importance of understanding their roles in areas such as human resources, finances, operations, and responding to complaints.

We just bring the board in for a one-day orientation session, go through the financials of the organization, kind of give them an idea as to some of the questions that they could be asking. We also go through the policies and procedures, how the relationship works between themselves and the chief of police and operations. We also do some training sessions throughout the year for them, so right now we're actually working with our lawyer and going through a detailed training sessions with them with respect to understanding their role regarding financials, HR, operations and ... systemic complaints, and yeah, their role in reporting that they should be doing to their Chiefs and then also to their communities. (Taylor Sayers)

In some cases, it was acknowledged that while formal processes have been developed, the orientation and ongoing training must be improved.

We have a formal orientation process, but we don't follow it as diligently as we should, quite frankly, and that's my responsibility as chair, and I'm a little lax in that area. (Dan Bellegarde)

We have struggled with the board training piece for quite a few years, ... annually the police services provincially would host orientations. But we found it was really difficult because a lot of the content didn't apply to us... We have actually spent the last six months ... developing a whole new board manual that will cover off on all the content, you know, our roles and responsibilities and all those pieces that go with it. (Rebecca Barley)

We've been into a similar situation as Rebecca described in that training that is available doesn't necessarily fit the type of information or training that we need. (Anonymous Participant)

### ***Basic Theme #3 Board Assessment***

This theme touches on the importance of objectively assessing board performance.

There is recognition that assessment of the board is an important part of its mandate.

We do have a formal instrument that we can use. We used it once, and it was a self-evaluation of the board members, and we didn't use it as effectively as we could have in a formal evaluation. It's something that we're going to have to pay a lot more attention to. It's within our terms of reference, actually, that the board efficiency and effectiveness would be evaluated every year, but we have not done that. (Dan Bellegarde)

The discussions of the focus group participants indicated that while boards remain aware of the need for an assessment process, it is not a common practice.

We do not, as far as I'm aware, have a way to measure board performance. (Anonymous Participant)

Our board evaluation, self-evaluation, is not an ongoing thing. (Fabian Batise)

#### ***Basic Theme #4: Governance Structure***

The various oversight structures that exist to support First Nation policing and the reasons for them are explored in this discussion. Some boards have taken the position that elected officials should not play a direct role in boards, with the aim of establishing a non-political environment. Others have adopted a role more suited for elected officials.

The other thing that the board of Chiefs decided on was that there would not be any elected officials to sit on the police commission. They wanted to keep it as much depoliticized as possible. (Dale Cox)

... to each of the tribal councils to let them know that we do not want to have leadership on the board, although if there's a council member who ... does approach the board, the tribal council can get on, that's fine. We just think that the leaders need to have the political hat on because sometimes there's a challenge, and wearing both hats is almost impossible. (Fabian Batise)

So for our police board, we have five members, with one of those being a chair. We have Chief and council, the portfolio holders attend our meetings. (Anonymous Participant)

The discussions in the focus group revealed that in some cases the board's function as the primary oversight mechanism for the policing service was at arm's length from both the police service itself and Chiefs and council. In other cases, there is a more complex tiered governance structure including aspects of delegated decision making.

We have two set out structures. One is the Anishinabek police council... this group is comprised of all Chiefs of all 16 communities. Their purpose is to provide oversight, advocacy, negotiation support and political muscle as needed, and help and be a part of setting the vision and direction. And then we have the governing board, which is the police governing authority... We have an executive committee that's made up of our chairs and vice-chairs from each group, as well as senior management, which meets weekly to ensure that we stay on top of action items between meetings and make sure that the business ... is conducted to improve. (Jeff Jacobs)

We do have an executive committee, which is comprised of the chairperson, vice-chair and the secretary. They do have authorities and decision to make as appointed by the board. (Taylor Sayers)

## Summary of Organizing Theme #2: Efficacy

The discussions began with exploration of the pathways to police board membership: in some cases board members are elected, in other locales they are more directly appointed by Chief and council.

Potential board members are sometimes interviewed in order to seek certain qualifications. These qualifications can include characteristics such as understanding the local culture, being a person in good standing in the community and demonstrating a previous interest in public safety issues. While not a qualification strictly speaking, boards also look for equitable representation from all the communities served by their SA police agency.

Discussions on the training of new members of policing boards revealed a variety of approaches. In some places training is provided by external stakeholders such as the provincial government. In other cases, boards use a mentorship approach with more experienced board members providing guidance to newer board members. Ad hoc training processes were also employed and supported, where possible, using technology. Some participants pointed out that even where mechanisms for training were in place, they were sometimes under-utilized.

While recognizing that it is important to evaluate the efficacy of these police boards with respect to achieving their mandates, no consistent and ongoing use of formal assessment tools or processes were revealed in the discussions. That said, in some cases tools were available to boards and they were used intermittently.

Lastly the issue of governance structure of policing boards was explored by the participants, and the key finding was the lack of a standardized structure. In some places, the boards exist and function as the primary oversight structure for the police service, while in other locations they are part of a more complex oversight structure. Perhaps the most important feature of these governance structures is that they reflect the geographic, political, and economic realities of the communities they serve.

Having explored some of the fundamental underlying structures of policing boards, the participants described some of the important activities their boards undertake.

## Organizing Theme #3: Board Activities

This theme discusses the board activities the participants identified as important to delivering a successful policing service.

Table 10: Organizing Theme 3 - Board Activities		
Issues Discussed	Basic Themes	Organizing Theme
Provincial requirements		

Reporting and updating	Strategic Planning	Activities
Goals and objectives		
Stakeholder consultations		
Pre-existing policy as a template	Policy Development	
Getting external assistance		
Culturally appropriate policy		
External influences and drivers of policy		
Degrees to which the boards and police chiefs understand and can leverage legislative and regulatory frameworks	Knowledge of Relevant Legislation	
Understanding of emerging legislation		
Relationship to essential services status discussions	Budgets and Funding	
Need for longer term funding agreements		
Provincial police acts versus FNPP approaches to funding		
Adequacy of funding		
Impacts on succession planning including revenue sharing		
Other potential funding sources		
Culture as a funding consideration		

### ***Basic Theme #1: Strategic Planning***

The degree to which the boards undertake and support strategic planning is discussed in this theme. In addition, the relationships between operational policing and strategic planning are explored. Notwithstanding its utility in achieving police board mandates, strategic planning is sometimes a requirement of provincial legislation.

Our police service under the police act and the Alberta policing standards is required to have a business plan, so we form a three-year business plan. (Dale Cox)

Now in the new legislation, the strategic plan is the responsibility of the board primarily. (Fabian Batise)

The board's strategic plans are not completed in isolation. Both policing boards and the police service take part in the planning process.

The commission fully partakes in building the business plan, but they also have taken the steps now that when they know the business planning process will be coming up, they set dates to meet with their communities and their Chief and councils to pick out the areas that they want to make sure are in the business plan. (Dale Cox)

Our board over the last decade or so had done a cooperative approach with the management on developing strategic plans, three-year plans, and it's worked. It's worked really well. (Fabian Batise)

In addition to the board and the police service, communities also have input into the strategic planning process, and they can hold boards and police services accountable by measuring progress against the goals and objectives they established.

We also meet with the communities and then key staff within the organization as well to identify the goals and objectives for the strategic plan, and then from there, it's developed into an operational plan as to what the chief of police and senior leadership will be doing throughout the various years. Then it comes down to a yearly meeting in which those people, like the chief of police and senior leadership team, have to identify what they did throughout the year. Did they meet the goals and objectives, and if they didn't, why not? Does something need to be amended with respect to the timelines or anything like that? (Taylor Sayers)

Our board does have a strategic planning session. As a matter of note, we'll be going over in the next ... month and reviewing where we're at, what we've accomplished, some of the things that we maybe need to revisit as pertaining to timelines and implementing how we're going to consult with the community, what that will look like, and then going forward, having another session to implement a new strategic plan and developing it with the operations. (Deborah Doss-Cody)

We will be directing—getting some information from community outreach. We have the permission to go out there and visit 20 of the 34 communities, actually all of the communities, with using 20 visits, so some communities two in a day. And we'll be going out, getting the information there, and then we'll take that back to management and ask management to come up with a plan that fits with that and work together. (Fabian Batise)

In some cases, these business plans are part of the reporting and accountability processes provided to funding partners.

Then we use that business plan to submit our required annual report to the funding partners as to where we're at, so we have a document that we can refer to that give us a bit of a measuring stick of how we're doing and what the commission and the communities have set up for that business planning period and how well we're moving through it. (Dale Cox)

### ***Basic Theme #2: Policy Development***

How operational policing and governance policies are developed and monitored by boards are discussed in this theme. The discussions revealed that these policies extend beyond a management mechanism and also have an impact on framing the identity and philosophy of the policing service.



We do feel a responsibility that we need to provide those policies and be the champion of those policies with our uniformed and civilian staff to ensure that ... we have an organization that works for us and is a part of who we are as a peacekeeping service as well. (Jeff Jacobs)

We really want to focus on transitioning our policy and procedures manual from what it is now, which is primarily reactive enforcement, to more of a community policing model. That's going to require some significant changes to the relationship with the communities, which should be contained in our manual. We have to make room for such things as alternatives to charging, for instance, and how do you connect with the agencies in the communities when you have a situation? (Dan Bellegarde)

Boards have sometimes adopted policies developed by other police services and adapted it for their own agencies.

Took another agency that was similar to our size within a municipal department, and then we removed the ones that ... didn't adhere to us, like a marine policy, we removed it. Any of the other policies, we basically adopted, so we were covered that way. However, we're currently in a process of updating our policies, administrative and operational, so we're in that process. We did outsource with a contractor to assist with updating our policies and prioritizing them as required. (Deborah Doss-Cody)

The focus group discussions also revealed that maintaining relevant and up to date policy is an ongoing process.

Yeah, our organization is just going through a comprehensive policy rewrite, not only from the operations perspective but the governance perspective as well... what we have is a hodgepodge of various policies, some that work ... some that ... are borrowed, and some that are actually OPP orders. So, what we've done is we've identified the need to customize the policies for our organization first, and we've commissioned the work via a third party. (Jeff Jacobs)

The board has its own policy and procedures set out in the terms of reference, and they're always being changed and augmented as we move forward, so it's really a continual work in progress. (Dan Bellegarde)

As was the case with strategic planning, drafting and maintaining policy tends to be a cooperative effort between the board and the police service.

I wrote our policy manual when we started 13 years ago, and we've been adding and deleting as either statutes change or our policing service changed, so it's turned into a bit of a hodgepodge. (Dale Cox)

By and large our board depends on our chief of police for policy initiatives, and if they get something from the Saskatchewan Police Commission, for instance, on new policy frameworks coming out of the province, the chief alerts us, and we review them. We also react to individual communities coming forward and saying we need to change this, and we take look at the existing policy. (Dan Bellegarde)

Outside assistance is sometimes beneficial in areas such as human resources, technology, and governance. Awareness of the local culture is also an important consideration in developing policy and issues such as human resources management, technology, and governance must be viewed within that context.

We're just kind of going through a comprehensive review right now of our policies. We actually, like everyone else, hired an outside contractor who is experienced in policy development for police services, so she's kind of going through all of the policies and procedures on the operations side. We're also working with a lawyer as well. We'll be going through, like, everything, finance, administration, HR, IT, governance. One of the big things though that we do want to highlight within the policies is the need for them to be culturally informed, so essentially looking at the policies and procedures and, you know, making them really applicable to our First Nation communities so that when we go in for operations, how are people reacting to individuals, how are they handling sacred items, things like that. (Taylor Sayers)

Have presentations from digital policy manual companies to give us what they had, and from that, we selected one and were able to get a little better pricing on a three-year deal that gives us regular updates and training as well. (Dale Cox)

The process of developing policy and reviewing existing practices can be an important educational experience for board members as a wide variety of issues are considered in policy drafts.

The board at the end of the day has the responsibility of approving these policy and procedures manuals. And it was very interesting. Some of us weren't aware of the Charter of Rights that was part of the policy. We weren't aware of the use of force policies, national *use of force framework* and so on. And then there was other things that came up, for instance, how do we deal with the recommendations from the *Missing and Murdered Indigenous Women's* inquiry regarding policing and in interactions with the community? It was a very enlightening experience. (Dan Bellegarde)

### ***Basic Theme #3: Knowledge of Relevant Legislation***

This theme explores whether board members have adequate knowledge of relevant legislation such as the applicable provincial police act and other related federal and provincial laws, and community bylaws. Board members sometimes struggle to attain a strong working knowledge of important legislation and policy pertinent to their role.

Yeah. When it comes to the relationship with the board and understanding the FNPP program and Provincial legislation, definitely there's some work to be done there. (Taylor Sayers)

In some cases, maintaining an up to date understanding legislation and policy is undertaken by the chief of police.

[The] chief of police definitely understands the provincial legislation. (Taylor Sayers)

In some places boards have a good working knowledge of legislation and policy which can place them in a strong position to leverage that understanding to benefit their mandate and to critically assess the impacts of policy and legislative changes.

I think our senior management and our board has a good working relationship and understanding of the province's role and some of the things that we ... can leverage from them. (Jeff Jacobs)

While you know, there is the new act that's been developed here in the province and has been in development since 2014, there's really ... nothing tangible or anything to consider right now and probably till 2022, 2023... Right now, our board is focusing on trying to understand what the opt in option would look like, and the nine self-administered police services in Ontario are engaged in a technical table to contemplate, consider and provide recommendations in the development of the regulations of the new act. (Jeff Jacobs)

#### ***Basic Theme #4 Budgets and Funding***

In this discussion the adequacy of current police service and board funding arrangements and budget allocations are explored including how they relate to delivering a high-quality policing service and the future of SA police services. The issues of budgets and funding are strongly tied to the discussion around First Nations policing as an essential service. While the announcement in the 2021 federal budget that FN police services would be designated as essential services there is no timetable for this proposed change nor has the process of achieving this goal been publicly defined.

The transition of the FNPP from a program to an essential service that is legislated by Canada will have significant and positive impacts for robust and sustainable funding over time. (Dan Bellegarde)

The focus group participants perceived that funding challenges faced by First Nations police services are linked to disagreements whether funding First Nations policing should be a federal or a provincial responsibility.

Policing is a provincial jurisdiction, yet our funding and we fall under federal, so that has caused some issues. (Dale Cox)

Regardless of the federal and provincial disagreements over funding, First Nation police services struggle to achieve the reliable long term funding arrangements necessary to maintaining high quality policing services.

This is a timely meeting as yesterday I met with the negotiating committee that the board of Chiefs has put together that I sit on to negotiate a long-term agreement with the federal and provincial government. We have been in eight years of one-year amendments, and when that happened last year, the commission, the board of Chiefs and the police service said, 'We will sign one more, but only with the caveat that you must meet with us, as you promised since the beginning, to negotiate a real agreement... Under the Alberta Police Act, it says the police

commission is responsible to ensure the police service has adequate resources, whereas in the funding agreement, it says here's how many people you will get, and there's no reasoning how that was arrived at. (Dale Cox)

It is really hard to recruit when you have an agreement that is three years long or is extended for another year. Currently, we do have a 10-year agreement, and it does have a 2.75 percent increase, but we are still well below what the RCMP is going to be getting. (Deborah Doss-Cody)

Many First Nations police services do not have the resources to maintain stable and responsive policing services. These budget shortfalls undermine the efforts and sometimes threaten the very existence of these agencies.

We don't have the resources, we're not funded to do what we should do, and it has the potential, and we are at that stage right now that our police service could die. We're not funded or resourced to police 24/7, yet our officers are working 24/7, and it's affected the quality of life... I've given the provinces and the federal government a solution to my problem, and it's not that big of one. Give me four more officers, let me fill them all, and people will get their days off, we will be able to meet the requirements, and we will have a healthy workplace for our people to work. And so far, we don't get any response to that. We get a lot of sympathy, but we don't get any response. (Dale Cox)

What you got, it becomes a feeding ground because we're stuck in a three- or five-year agreements, it's like Dale was saying, it's a feeding ground for the RCMP, the OPP, the Québec Provincial Police, and the city police around us. (William Moffat)

Funding shortfalls also impact the ability of a police service to develop and maintain adequate support systems in areas such as human resources management, planning and technology as well as the critical issue of ensuring these agencies deliver services that reflect the culture of the communities they serve.

I mean, our training budget is not that large, so how are we supposed to create a succession plan and allow individuals to be trained in financial, HR, strategic planning, management if you don't have the actual resources in order to put them through that training and development that is needed for them to become a chief of police? (Taylor Sayers)

I think there's a lot of areas that are lacking; infrastructure, governance, cultural resources ...to infuse our culture in the operation of our services, the planning pieces, the organizational health pieces, the pieces required to have enough civilian staff, parity pieces, pension pieces, as well as ... mental health. (Jeff Jacobs)

The results of these budget shortfalls can be painfully obvious to officers within these SA agencies when they compare their status to officers from other police services.

Our cars got to run more, our equipment gets run out more. I mean, ... our officers who are going to training and they're being trained at the same training facilities as OPP and municipal counterparts [who] have everything that they need, and ... [our officers] don't have the same

benefits ... that their counterparts have, it can actually be pretty demeaning to go in those scenarios and to be proud. (Taylor Sayers)

While certainly not ideal, this funding disparity can create a resiliency in First Nations police services.

I do want to acknowledge the great work that's done with the limited resources that we get, and sort of highlight the creativity and resiliency of our ... directors of corporate services, our finance people and our chiefs of police, because they really do make the resources that we receive last. (Jeff Jacobs)

Some boards have begun looking at other sources of funding to augment what they receive from federal and provincial governments.

We're looking at the different funding that's available to us as a not-for-profit organization out there. That's how we got our Lighting the Fire Within funding, that's how we were able to introduce the social navigator within the organization, and then also, too, looking at the provincial funding as well. (Taylor Sayers)

Since 2018, the federal government has made it possible to guarantee funding up to ten years. In a few places longer term agreements have been achieved creating more stable funding although funding levels can be problematic.

We have a 10-year funding agreement up to 2028 with the yearly increase of 2.75 percent. And so far, we're able to manage our service. (Dan Bellegarde)

These longer-term agreements can be beneficial although in the event of unforeseen challenges, it has yet to be determined whether these agreements provide SA police services with the flexibility they need to meet existing and emerging challenges.

So the long-term funding agreement is in place, but it has its pros and cons, and we don't know how flexible it might be. There is a clause in there that says we can go back to the table to negotiate additional funding, and there's also an amendment clause in the agreement. (Dan Bellegarde)

A federal legislative framework would assist in providing for more equity and stability in funding First Nation policing services.

I'm hoping that this legislative framework that Canada is talking about will ensure that police services across the country have a comparable level of funding to meet the needs of the people because First Nation police services don't have comparable infrastructure and equipment, let alone manpower, of similar services, and that is discriminatory. (Dan Bellegarde)

These funding questions are linked to broader issues of inherent rights to taking steps toward self-reliance and self-determination for First Nation communities.

So our way forward is not through funding, right? We need to find that, and this is where our leaders come in, we need to find that source through our rights to those sources because they're

going to our way forward. We're not coming to you and asking you for funding anymore, right? We need to tell them we need to get access to our revenues that we're entitled to. (Alexander Zygniuk)

### **Summary of Organizing Theme #3: Activities**

Discussions within this organizing theme began with an exploration of the strategic planning processes in place. In some jurisdictions strategic planning is mandated by legislation while in others it is an integral part of the board's accountability to the Chief and council as well as federal and provincial governments. These strategic plans are typically developed jointly by the board and the police service and involve extensive consultations with the communities they serve.

Policy development was explored and acknowledged as an important activity of the boards. It was seen as a management tool and served to educate board members on the many nuances of delivering policing services. As was the case with strategic planning, policy development is frequently a joint effort that includes the policing service, and in consultation with the communities.

Board knowledge and understanding of relevant legislation and policies was revealed as an important means to leverage existing legislation and policy, as well as to understand the potential impacts of those changes. Varying degrees of knowledge and understanding of relevant legislation and policy were reported by the participants: some indicating their members were strong in the area while others suggesting those topics needed attention. Some participants suggested they relied upon their chiefs of police to remain current in this area.

The issue of police funding was significant for the participants and was directly associated with the question of *essential services* status that is discussed in the next organizing theme. Many boards currently operate with short term funding arrangements which make it difficult to manage agencies that must plan well into the future. Participants reported it affects almost all aspects of the management of their police services including human resources, technology, morale, and even their ability to incorporate local cultural values into their policing philosophies. Even where longer term arrangements were in place, the participants expressed concern that the agreements may not be able to accommodate *black swan* types of events, such as the Covid-19 pandemic that may result in demands for increased funding. A potential federal legislative framework was discussed as one possible solution to this issue, as was the assertion of inherent rights for First Nations to receive revenue directly rather than through federal and provincial governments.

In the final organizing theme issues related to "what must happen next" are described by the participants, as well as identifying potential challenges to moving forward.

## Organizing Theme #4: Moving Forward

This theme emphasizes a common desire to move forward in resolving the issues that are currently hindering the advancement of First Nations policing, while at the same time taking full advantage of opportunities already available.

Table 11: Organizing Theme 4 - Moving Forward		
Issues Discussed	Basic Themes	Organizing Theme
Moving from program status to essential services status	First Nation Policing as an Essential Service	Moving Forward
FNPP influences		
Disparities in how First Nations policing is viewed		
Lack of First Nations voice in discussions		
Influence on funding and budgets		
Board members understanding and accepting their roles and limitations	Emergent Challenges	
Honorariums		
Keeping boards engaged		
Term lengths		
Workloads		
Insurance		
Inequities and morale issues		
Competency based approaches for board member appointments	Potential Opportunities	
Board compensation		

### *Basic Theme #1: First Nation Policing as an Essential Service*

This discussion reveals thoughts on the importance of, and the path to recognition of First Nations policing as an essential service, versus its status as a program under the FNPP. The discussions centered on the premise that SA policing should not be treated as a program, but rather as a service essential to the wellbeing of First Nations communities. A more comprehensive understanding and acceptance of that premise may push governments to acknowledge and resolve current inequities.

The intent of the project is to provide some direction and input into the drafting of federal legislation that would transition the First Nations Policing Program from a program status into a[n] essential service status... having a much more authoritative point of view vis à vis the provincial authorities over policing. (Dan Bellegarde)

As a young man, when I got my uniform, got to drive in a police car, I was essential service. To my community I worked in and the department, we were essential service ... If I would talk to the Sûreté du Québec or the RCMP, we had coffee breaks, and we had the same complaints, we had the same dangers, we had the same risks... but when you start getting to the higher ranks as a deputy chief or assistant to a chief of police, you get to realize, negotiate with ... our partners,

Public Safety Canada, and our provincial counterparts, we were looked down upon as a program, never looked upon as eye to eye. It's been a struggle since 1998 till today. What I think about essential service? It's going to create stability. It's going to create a career. It's going to give us benefits. At the end of the day, what the Naskapi Nation is doing is making the amendment for today and for tomorrow, and that's going to include essential service, getting away from the FNPP program to essential services... I see hope, maybe not this year or next year, maybe two, three years from now. And when I see this hope, there's a future for our First Nation kids. You know, it's not for me, but if we could set up the game plan for today and make something concrete for our younger officers. (William Moffat)

Maybe there's time there needs to be a First Nation police act, something along there that can help mould those two together so we're not always in conflict. (Dale Cox)

Being treated as an essential service rather than a program may help stabilize the challenges of inconsistent, inadequate, and unstable funding.

I know we have the longer funding agreements in place now, but you know, that is definitely helpful, but I think to provide us with some stability ... creating an essential service is necessary for that. It has been a factor with us when we were given one-year extensions on our funding agreement in recruitment and retention because some felt like, you know, it was a little too unstable ... for our officers, so they were leaving or choosing not to join us. (Rebecca Barley)

So if becoming essential doesn't change our resourcing situation and the way that we're perceived as a police agency, because we are providing the same services, and if we're not recognized as such, it doesn't change our oppressive service agreements... Far too long, standalone police services have been providing essential police service, core police service, and program police service on a program budget. (Deborah Doss-Cody)

The participants expressed impatience with the slow pace of federal legislation which is viewed as important to resolving this issue.

I'm flat out disappointed with Minister Blair, and I'm flat out disappointed with any details on how this is going to move along. I am cautiously optimistic that national organizations such as the AFN will ... help move this along. (Jeff Jacobs)

This discussion is also linked to the constitutional ambiguity around federal versus provincial jurisdiction of First Nation policing.

I realize that there's other issues there. And I think that ... here in Ontario, and for our service, our leaders are very reluctant to buy into a provincial process, knowing that ... this is a federal responsibility, and the provinces and the territories and the feds play this game of, whose responsibility is policing, right? Who's to fund it? Who's supposed to be, you know, co-developing this legislation? (Jeff Jacobs)

There are a lot of questions in relation to where we fit and being deemed essential is necessary because it'll answer some of those questions. And so we provide provincial policing in federal



jurisdiction, so you know, those are the questions, I think, that need to be answered. (Deborah Doss-Cody)

### ***Basic Theme #2: Emergent Challenges***

Challenges that were revealed as common to many police boards and First Nation police services that inhibited meeting their objectives, including their sustainability were discussed in this theme. It has proven difficult to build and nurture fully engaged boards. Participation rates can be low resulting in much of the work being done by a few people on these boards. Lengthening board member terms has been considered as possibly mitigating this issue, as has screening of potential board members.

We struggle with ... participation in both ways, at the table or even coming to the table to achieve quorum. And then we have some varied skillsets that are there as well, so there seems to be a few that do most of the work, and then some of this causes delays for us as well. (Rebecca Barley)

... A challenge is we have [is] a limitation on how many terms a board member can serve, and we're having a hard time finding, I guess, board members who want to be a part of the board, so we've looked at and discussed the possibility of lengthening the number of terms served, just so that we can have more board members who have been interested and have been involved for a while who want to stay ... a bit longer. (Anonymous Participant)

One of the challenges I would definitely say, though, is when it comes to conducting the background checks during the hiring process, so making sure that that is done in a formal way and it's done in a thorough way as well to ensure that the selection, you know, is done right and properly. (Taylor Sayers)

Boards that are not able to perform critical activities such as providing effective oversight and guidance can be a detriment to the survival of the police service.

There was a Saskatchewan Police Commission inquiry into the operations of the File Hills Police Service in 2012. It is a matter of public record that the operations themselves were not serving the people well and that the leadership, including management and governance, was of a nature that we almost lost the police service. The police service has stabilized and is in a period of growth. (Dan Bellegarde)

Board members have significant responsibilities and are expected to manage very high workloads similar to those expected by an employer, although for the most part these positions remain voluntary roles.

I would see it as a board member coming on now, as a job. There's a tonne of work to be done... the policy development that's required and what's needed to know from each of the ... people who are on the board is incredible. (Fabian Batise)

Obtaining liability insurance for board members is becoming challenging due to changes in the insurance industry and their perceptions of risk.

We've come up against a brick wall with insurance, directors and operations insurance for the board. A lot of the insurance companies are really running away from it, and I don't know if that's just Ontario, but we've been farming out ... insurance for 12 years now without any problems, and all of a sudden, boom, we've got response from about 15 agencies saying ... it's too risky. (Fabian Batise)

The liabilities attached to a police board is really very high, if you think about it. Right now, we have a Police Commission hearing brought forward by a member who was released and we've just gone through a Human Rights Commission hearing as well, by another member who was released. We do have board liability insurance, fortunately, that covers much of the cost of those actions, but now it's going to be increasing. It can be a complex and challenging position. (Dan Bellegarde)

The role of police boards under current FNPP funding arrangements can be confusing, contradict provincial legislation, and have a direct impact on policing services.

Under the Alberta Police Act, it says the police commission is responsible to ensure the police service has adequate resources, whereas in the funding agreement, it says here's how many people you will get, and there's no reasoning how that was arrived at. (Dale Cox)

External variables such as competing with the salaries, benefits, and working conditions of federal, provincial, and large municipal police services have an impact on SA agencies.

I've lost three members, and in the last three years, the RCMP has taken over half of our police officers because they're going into a police service that does have adequate resources, their days off are their days off, they're not on call all the time. (Dale Cox)

These inequities can make the management of First Nation police services and working within these agencies very challenging.

The atmosphere and the environment and the inequities that we're having to operate within are breaking and have broken our service, some service men and women. (Jeff Jacobs)

Our officers are—we're not funded or resourced to police 24/7, yet our officers are working 24/7, and it's affected the quality of life. (Dale Cox)

### ***Basic Theme #3: Potential Opportunities***

Practices that enhanced board effectiveness were explored in this theme. These practices might be viewed as best practices and may be beneficial to other boards.

Just as underperforming boards can be a detriment to the police service, a strong well-functioning board can be a significant asset.

We're running a very effective police service now, but it's been tough sledding for a while, but I think we're back on track now with good governance and solid operations. (Dan Bellegarde)

Encouraging a competency-based approach in the placement of board members may help boards improve their responsiveness.

We have been talking for years with our Stl'atl'imx Chiefs, council to maybe amend it and go to a more of a competency based so that we can build a strong team. (Rebecca Barley)

Honorariums – as a means of board compensation - help attract good people to the boards and help retain and develop them. These payments also compensate them for their efforts in a high-risk, high workload environment.

We also provide 200 dollars per meeting for an honorarium... and we also provide 1,000 dollars per annum for professional development of the board member's choice. If they want to go into a leadership seminar, whatever, it's up to them, as long as it fits within the terms of reference of the board. (Dan Bellegarde)

... Raised honorariums to \$200. Feels board members make many underappreciated contributions. (Rebecca Barley)

Honorariums have increased to \$500 to reflect the responsibilities workloads of board members. (Taken from offline chat during focus group discussions). (Fabian Batise)

#### **Summary of Organizing Theme #4: Moving Forward**

The discussions in this organizing theme began with an exploration of the need for First Nations police services to be viewed and treated as an essential service. Challenges such as inconsistent and inadequate funding arrangements and other inequities must be addressed by funding partners in the context of recognizing First Nations policing as an essential service. Federal legislation is seen as one potential avenue to resolve this, however the slow pace of this process is frustrating according to the participants.

Some emergent challenges affecting a board's ability to manage and deliver First Nations policing services were identified. The focus group participants discussed the difficulties they experienced in constructing and maintaining well-functioning and responsive boards. The workload expectations on these members are high and the consequences of failure are significant. Better screening of board members through competency-based appointments, as well as lengthening their terms were raised as factors that could mitigate these challenges. The ability of boards to obtain liability insurance is another emerging challenge. A lack of insurance places boards and their police services at risk in the event of civil actions against them.

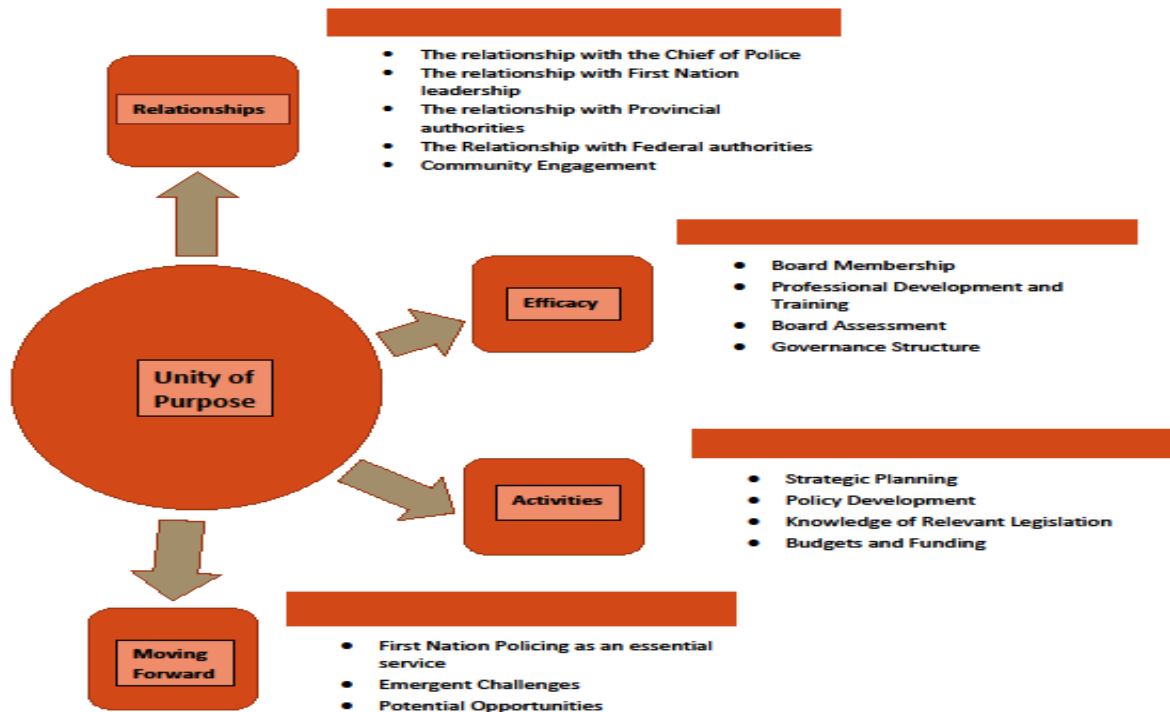
The last basic theme that emerged from these discussions was to highlight potential opportunities. The participants pointed out that a poorly functioning board can be a detriment to a SA agency whereas a well-functioning board is essential to an agency's sustainability. Competency based screening and training may help to build more robust and high functioning boards.

In recognition of the workloads and responsibilities associated with their membership, many boards are introducing and increasing the honorariums paid to board members in order to attract and retain qualified members and to reflect the responsibilities and workloads they experience.

This concludes the descriptions of the four organizing themes. In the following section, the process of uniting these organizing themes into a single global theme is described.

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Figure 1: Thematic Map



### Global Theme: Unit of Purpose

This discussion explores the relationships between the four organizing themes and how this interconnectedness gives rise to the global theme of *Unity of Purpose*.

It is important to acknowledge that the format of the discussions in the focus group tended to move the participants toward commonly experienced challenges. The discussions were organized around a framework that emphasized shared issues faced by each policing board that was represented. This led to an emphasis on the similarities of the boards and their experiences, rather than their distinctiveness or individuality. Nevertheless, buried within the nuances of these discussions are the clear distinctions that exist between each of the communities and the police governance boards that represent them. This is an important distinction because commonly encountered obstacles to board efficacy do not necessarily imply there is a single common solution.

One of the challenges of conducting this analysis is to recognize the community and cultural variances expressed by the focus group participants while at the same time finding the common ground that will enable these distinct boards to take advantage of their current strengths and create new opportunities in the future.

Within the first organizing theme of *relationships*, the board's relationships with the chief of police, the First Nation's leadership, provincial and federal authorities, and their community(s) were discussed. This organizing theme is an inextricable component of the other three organizing themes. In other words, these critically important relationships impact all the board's activities and their efficacy and will shape the future of First Nations policing. For example, it seems clear that less than ideal relationships with federal authorities is one of the drivers reinforcing the *take it or leave it* attitudes to funding revealed in the discussions, and perhaps underpins the sense that First Nations policing is treated as a lower status and non-essential undertaking by some government authorities.

The second organizing theme of *efficacy* was comprised of discussions on board membership, development, training, assessing board performance, and overall governance structures. These discussions define the foundation and the underlying structure of police governance. These factors are the base upon which board activities and progress towards broad objectives depend. For example, activities such as policy development cannot advance without solid and progressive board membership strategies. Furthermore, these structures depend on long-term relationships with governing authorities, the board members themselves and the communities they serve.

The third organizing theme focused on the nature of board activities. Strategic planning, policy development, stimulating knowledge of relevant legislation and budget/financial management were the issues discussed by the focus group participants. They observed that the success of these activities depends on a strong board foundation and are made more effective through robust relationships within the board, with First Nations leadership, provincial and federal authorities, and with the communities themselves.

The last theme focused on moving First Nation policing from a program to an essential service, emergent challenges, and potential opportunities for First Nations policing. The focus group participants were united on the importance of First Nations policing being recognized as an essential service. They identified the importance of building relationships that have a common understanding of the characteristics of an essential service and how that shared vision impacts foundational considerations such as board membership, activities such as policy development and achieving broader objectives including public safety, self-determination, and self-governance.

What emerges from our analyses of the interactions of these organizing themes is a sense that the participants can see the strengths in their respective Nations, and be proud of this distinctiveness, yet also see a common set of desirable goals. They have a *unity of purpose*, which highlights the certainty that board members are united on the broad objectives even if the application within each Nation or each community varies. This unity of purpose provides strength in overcoming emergent and ongoing challenges and enables them to take advantage of potential opportunities while pursuing common goals including culturally appropriate policing, realistic and equitable funding, and most of all, recognition of First Nation policing as an essential service. Differences across individual Nations and communities may affect how their respective police services are deployed and operate. But ultimately local leaders will make decisions on governance and how economic, political, historical, and geographic factors affect agency priorities and community engagement strategies. Policing services and their respective governance structures will never be, and should never be, identical; however, yet by uniting on common objectives each of these communities will be a step closer to achieving their own community safety goals.

We have a broad spectrum here to deal with things. But everything in an Indigenous world is related. We're all connected together. Everything that goes on here is connected to us, and that's just who we are. That's our way of life, and this is how we overcome things. (Alexander Zygyaniuk)

## **Recommendations**

Taken together, the results of the various analytical components of this research suggest a number of potential areas for consideration regarding strategic opportunities for governance development for First Nation police boards. The recommendations are organized into three broad categories: (1) Board capacity-building, (2) Board governance organization, and (3) Engagement and inclusion.

The results of the research suggest that board members for self-administered First Nations police services could be better prepared for their role. One potential means to enhance board capacity and effectiveness is to develop a framework for competency-based criteria for selecting board members. Another potential solution to address board effectiveness and building capacity is the development of training opportunities for newly appointed and established board members. . With respect to orientation training, a number of specific areas were identified, including: (1) Policing history (general policing as well as First Nation policing, (2) Police board terms of reference, (3) Compliance frameworks, and (4) Board governance policies. Ongoing professional development needs

include the following: (1) Running effective meetings (e.g., ceremony, participant roles, rules of order), (2) Relationship building (e.g., with chief of police, other SA boards, funding agencies, and community engagement), (3) Media relations, (4) Human resource practices including recruiting (e.g., chief of police, officers, civilian personnel, EDI – equity, diversity, and inclusion), staff retention, personnel evaluation, and (5) Program valuation practices for police services and self assessments of board effectiveness .

There is also variation in the sophistication of these bodies, and some are well-established while others are struggling and require more supports. Some of this variation in board efficacy may be an outcome of the size and connectedness of the police services they oversee. There are significant regional differences in SA policing throughout the country. For example, the nine SA services in Ontario are overseen by the largest and most sophisticated boards. The fact that policing legislation in Ontario directs board operations may provide supports that facilitate their success. The 21 SA agencies in Quebec, by contrast, are primarily single-community police services or regional agencies serving relatively small populations. The six SA services in the Prairie Provinces and BC also tend to serve smaller geographical jurisdictions and there are no SAs in Atlantic Canada or the North.

Throughout the process of conducting the research it became apparent there is a degree of disconnection between these police boards on a national level and their members carry out their work in relative isolation. One focus group participant, for example, told us that the board members from the three Alberta SA services had never met. An additional barrier to communication may be a consequence of language given that 21 SA agencies are located in Quebec, and their board members may not speak English.

Unlike the First Nations Chiefs of Police Association, police boards don't have a formal mechanism of coming together to exchange information, problem-solve, provide support, and address common issues. This lack of meaningful exchanges could be overcome by developing a means of building local, regional, provincial and national communication opportunities to establish ongoing communication wherein: (1) Board roles and responsibilities can be clarified and developed, (2) Training and professional development recommendations can be developed and operationalized, (3) Best practices can be shared (4) Facilitate opportunities for ongoing discussions of First Nation policing developments (e.g., the transition of the FNPP to an essential service) and (5) Work toward a unified approach to the governance of First Nations policing that acknowledges community differences.



One mechanism for achieving these goals to fund national conferences for representatives from SA boards. Alternatively, three regional conferences could be held for boards in the Ontario, Quebec, and Western regions. In order to leverage the impact of these initiatives, it might be feasible to invite the chairs of community consultative groups—the groups with which police operating under community tripartite agreements consult—as these individuals have similar interests. Federal, provincial and other stakeholders could also participate in these endeavours. Another possibility would be to co-hold a national conference with the First Nations Chiefs of Police and the SA boards. There could be separate as well as joint sessions to get everyone working together towards the shared goals.

As a national organization with a justice orientation and history of partnerships with First Nations, the First Nations Police Governance Council (FNPGC) is well-positioned to be the central repository and organizer of the meetings as well as developing and delivering orientation and training. With additional supports, it could be established as a non-profit corporation under federal legislation potentially funded by federal grants and membership dues. This process and funding would establish the institutional base that would provide stability and the ability to mobilize and support communities and boards toward good governance of self-administered or contracted police services. The FNPGC would be able to focus research and development efforts in cooperation with other agencies, including First Nations education, advocacy organizations and training institutions, universities, police colleges, the Canadian Police Knowledge Network, and the RCMP's National Police Training Unit to assist with meeting the needs of the communities and boards on the path to good governance. One potential method of adding value to developing training materials for board members—especially if developed on an online or video-based platform—is the ability to share those materials with municipal and provincial police academies to increase their awareness of First Nations policing with their new recruits.

Engagement and inclusion is the final recommendation. One of the goals of the FNPP is to support self-government. Perhaps most importantly then, the federal and the provincial governments need to make space for First Nations representation on the various policy forums and groups that are considering changes of the FNPP and other provincial policing matters.

## **Conclusion**

The first uniformed Indigenous officers were employed as constables in the 1800s by the Dominion Police and since that time thousands of Indigenous officers, band constables, peacekeepers and other civilian personnel have worked with federal, provincial, regional, municipal, and self-administered agencies throughout Canada. These individuals made great sacrifices in carrying out their

duties and were often marginalized in the process. In 2021, officers in self-administered police services perform the same duties as their counterparts in municipal policing and confront the same risks yet are considered a non-essential service. We owe it to these individuals to move forward to a time when First Nations policing is treated as an essential service and receives the funding and other non-monetary supports to enable them to deliver the same quality of policing that other Canadians receive. Police boards can play an important part in this process and this research has identified some pathways to achieving the goal of equitable policing.

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## **Appendix A: Review of Provincial Legislation in Canada Related to First Nations Policing**

**TABLE 12: REVIEW OF PROVINCIAL LEGISLATION IN CANADA RELATED**

<b>PROVINCE</b>	<b>Legislation</b>	<b>Comments/provisions</b>	
<b>ALBERTA</b>	<i>Police Act</i>	No provisions related to First Nations policing specifically. SAs are recognized as municipal police services under the Act.	
<b>BRITISH COLUMBIA</b>	<i>Police Act</i>	No provisions related to First Nations policing specifically, aside from matters related to policing levies. SAs are recognized as municipal police services under the Act.	<a href="https://www.bclaws.gov.bc.ca/">https://www.bclaws.gov.bc.ca/</a>
<b>MANITOBA</b>	<i>The Police Services Act</i>	First Nations policing, specifically, First Nations self-administered policing services, are distinguished by Part 5 of the Act. Additionally, the passing of <i>The Police Services Amendment Act (First Nation Safety Officers)</i> enabled the addition of Part 7.2, which grants specific authority for the deployment of First Nations Safety Officers.	<a href="https://web2.gov.mb.ca/laws/s/">https://web2.gov.mb.ca/laws/s/</a>
<b>NEW BRUNSWICK</b>	<i>Police Act</i>	No provisions related to First Nations policing specifically.	
<b>NEWFOUNDLAND</b>	<i>Royal Newfoundland Constabulary Act, 1992</i>	No provisions related to First Nations policing specifically.	<a href="https://www.assembly.nl.ca/L">https://www.assembly.nl.ca/L</a>
<b>NOVA SCOTIA</b>	<i>Police Act</i>	Section 87 speaks to the appointment, powers and duties of Aboriginal police officers specifically.	
<b>ONTARIO</b>	<i>Police Services Act – to be</i>	Presently, the <i>Police Services Act</i> is pending repeal on a date to be	Police Services Act: <a href="https://www.ontario.ca/laws/st">https://www.ontario.ca/laws/st</a>



*repealed and replaced by the Community Safety and Policing Act (come into force date not yet announced)*

announced by the Lieutenant Governor. The current Police Services Act makes specific reference to First Nations constables, which are different from “police officers”.

Community Safety and Policing  
<https://www.ontario.ca/laws/st>

On March 26, 2019, Ontario passed the Comprehensive Ontario Police Services Act, 2019 (Bill 68) and established the Community Safety and Policing Act, 2019 (CSPA, 2019). Once in-force, the CSPA, 2019 will replace the Police Services Act (1990). The ministry is targeting bringing the CSPA, 2019 into force in 2021.

Under the new act, the following new provisions related to First Nations policing will become law:

Section 27 – a First Nation may enter into an agreement with a municipality for the purposes of receiving police services from the municipality. A First Nation may also provide policing services to a municipality (Section 22 (1)(5)).

Section 32 – A First Nation(s) may create a First Nation(s) Board, constituting jurisdictional responsibility for policing in a First Nation community, and providing authority to create and maintain a police service.

Section 51 – establishes a process for reviewing and arbitrating funding of a First Nation Board/their police service.

Sections 76-78 – a First Nation may enter into an agreement with the OPP for the provision of OPP policing services; may develop an O.P.P Board; and that it operates in the same manner /has all of the powers, duties and functions of an O.P.P. detachment board set out in sections 68 and 69.

Section 101 – replaces “First Nations Constables” in the Police Act with “First Nation Officers” and specifically recognizes First Nation Officers as peace officers with all of the same powers as a police officer. However, is still separate and apart from the definition of a “police officer”.

Additionally, the Act makes clear the following aspirations for the delivery of policing:

The need to be responsive to the unique histories and cultures of First Nation, Inuit and Métis communities.

The need to ensure that police services and police service boards are representative of the communities they serve.

The need to ensure that all parts of Ontario, including First Nation reserves, receive equitable levels of policing.

<b>PRINCE EDWARD ISLAND</b>	<i>Police Act</i>	No provisions related to First Nations policing specifically.
<b>QUEBEC</b>	<i>Police Act</i>	There are provisions that speak to First Nations policing under the Act. Specifically, sections 90 to 102 of the Act. Indigenous special constables, though not specifically referenced, can be appointed under section 107.
<b>SASKATCHEWAN</b>	<i>The Police Act, 1990</i>	No provisions related to First Nations policing specifically. SAs are recognized as municipal police services under the Act.

## **Appendix B: Descriptive Statistics for the Results Summarized in Table 6**

Table13 (Descriptive Statistics – Member Knowledge) provides information regarding police board members’ knowledge of policy, compliance with legislation, and familiarity with their provincial police acts. In terms of members’ knowledge of the relevant policy framework in their jurisdiction 58.6% agreed (includes strongly, somewhat and agree), while 20.7% were neutral, and the remaining 20.7% disagreed (includes strongly and somewhat disagree) ( $M = 4.62$ ,  $SD = 1.678$ ). As for compliance with legislation, 55% agreed, 24.1% were neutral and 13.4% disagreed that members were compliant ( $M = 4.76$ ,  $SD = 1.704$ ). With respect to familiarity with their provinces’ police act, 42.9% agreed, 17.0% were neutral, and 39.3 disagreed ( $M = 3.93$ ,  $SD = 1.676$ ).

**Table 13: Descriptive Statistics - Member Knowledge**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Members are knowledgeable of policy framework	Strongly disagree	3	10.3	29	1.678	4.62	5.00	6	6
	Somewhat disagree	3	10.3						
	Neither agree nor disagree	6	20.7						
	Somewhat agree	6	20.7						
	Agree	9	31.0						
	Strongly agree	2	6.9						
Members are in compliance with legislation	Strongly disagree	3	10.3	29	1.704	4.76	5.00	6	6
	Disagree	1	3.4						
	Neither agree nor disagree	7	24.1						
	Somewhat agree	5	17.2						
	Agree	11	37.9						

Members are familiar with Provincial Police Act	Strongly agree	2	6.9	28	1.676	3.93	4.00	5	6
	Strongly disagree	3	10.7						
	Disagree	3	10.7						
	Somewhat disagree	5	17.9						
	Neither agree nor disagree	5	17.9						
	Somewhat agree	7	25.0						
	Agree	4	14.3						
	Strongly agree	1	3.6						

Table 14 (Descriptive Statistics – Board Processes) reveals the respondent’s perceptions on how effectively board information is shared with the community, and the degree to which these boards receive community feedback. With respect to sharing information with the community 53.5% agreed, 14.3% were neutral, and 32.1% disagreed ( $M = 4.21$ ,  $SD = 1.931$ ). Responses were similar when it came to how these boards were seen as engaging community feedback 53.6% agreed, 14.3% were neutral, and 32.1% disagreed ( $M = 4.14$ ,  $SD = 1.86$ ).

**Table 14: Descriptive Statistics - Board Processes**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Board has effective community engagement processes	Strongly disagree	4	14.3	28	1.931	4.21	5.00	6	6
	Disagree	3	10.7						
	Somewhat disagree	2	7.1						
	Neither agree nor disagree	4	14.3						

	Somewhat agree	6	21.4						
	Agree	7	25.0						
	Strongly agree	2	7.1						
Board has effective processes to get feedback from community	Strongly disagree	4	14.3	28	1.860	4.14	5.00	5	6
	Disagree	3	10.7						
	Somewhat disagree	2	7.1						
	Neither agree nor disagree	4	14.3						
	Somewhat agree	7	25.0						
	Agree	7	25.0						
	Strongly agree	1	3.6						

Table 15 (Descriptive Statistics – Board Operations and Involvement) provides information about how these boards oversee the development of operational policies and procedures, the strategic planning process, assist in developing police priorities, budget development and approval, , has a process for recruitment selection, and evaluation of the chief of Police, as well as their interactions with the community (e.g. explaining policing issues, providing wise counsel, and buffering police from politics). Twenty-two percent strongly agreed that the Board the development of operational policies and procedures ( $M = 4.37$ ,  $SD = 2.115$ ), 14.8% agreed, 14.8% somewhat agreed, 11.1% neither agreed nor disagreed, 11.1% somewhat disagree, 14.8% disagreed, and 11.1% strongly disagreed. As for overseeing the strategic planning process ( $M = 4.56$ ,  $SD = 2.025$ ), 18.5% strongly agreed, 25.9% agreed, 11.1% somewhat agreed, while 14.8% neither agreed nor disagreed, 3.7% somewhat disagreed, 18.5% disagreed, and 7.4% strongly disagreed. In terms of the Board developing police priorities ( $M = 4.93$ ,  $SD = 1.685$ ), 11.1% reported they strongly agree, with the majority stating they agree (29.6%) or somewhat agree (25.9%). Eleven percent stated they neither agree nor disagree, 3.7% disagreed, 11.1% somewhat disagreed, and 3.7% strongly disagreed. In terms of the Board developing the policing

budget ( $M = 3.93$ ,  $SD = 1.979$ ), 11.1% strongly agreed, 18.5% agreed, 7.4% somewhat agreed, 22.2% neither agreed nor disagreed, while 7.4% somewhat disagreed, 22.2% disagreed, and 11.1% strongly disagreed. As for approving the budget ( $M = 4.81$ ,  $SD = 2.095$ ), 25.9% strongly agreed, 25.9% agreed, 7.4% somewhat agreed, 18.5% neither agreed nor disagreed, 11.1% disagreed, and 11.1% strongly disagreed. With respect to recruitment ( $M = 4.69$ ,  $SD = 1.957$ ), 19.2% strongly agreed that the Board has a recruiting and selection process for the chief of Police, 26.9% agreed, 11.5% somewhat agreed, 15.4% neither agreed nor disagreed, while 11.5% disagreed, and 7.7% strongly disagreed. When asked if the Board has an evaluation process for the chief of Police ( $M = 4.69$ ,  $SD = 1.955$ ), 19.2% strongly agreed, 26.9% agreed, 11.5% somewhat agreed, and 15.4% neither agreed nor disagreed. A few stated they somewhat disagreed (7.7%), disagreed (11.5%), or strongly disagreed (7.4%).

Regarding whether the Board explains policing issues ( $M = 4.33$ ,  $SD = 1.544$ ), the majority responded they agreed (22.2%), somewhat agreed (37.0%), or neither agreed nor disagreed (18.5%). A few responded they somewhat disagreed (3.7%), disagreed (11.1%), or strongly disagreed (7.4%). As for if the Board provides wise council to police ( $M = 4.70$ ,  $SD = 1.636$ ), 7.4% strongly agreed, 37.0% agreed, 11.1% somewhat agreed, 25.9% neither agreed nor disagreed, while 3.7% somewhat disagreed, 11.1% disagreed, and 3.7% strongly disagreed. In response to whether the Board buffers police from community politics ( $M = 4.37$ ,  $SD = 1.644$ ), 7.4% strongly agreed, 22.2% agreed, 18.5% somewhat agreed, and 25.9% neither agreed nor disagreed. Seven and a half percent somewhat disagreed, 14.8% disagreed, and 3.7% strongly disagreed.

**Table 15: Descriptive Statistics - Board Operations and Involvement**  
(Overall  $n = 42$ )

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Board oversees the development of operational policy/procedure	Strongly disagree	3	11.1	27	2.115	4.37	5.00	7	6
	Disagree	4	14.8						
	Somewhat disagree	3	11.1						
	Neither agree nor disagree	3	11.1						

	Somewhat agree	4	14.8						
	Agree	4	14.8						
	Strongly agree	6	22.2						
Board oversees strategic planning process	Strongly disagree	2	7.4	27	2.025	4.56	5.00	6	6
	Disagree	5	18.5						
	Somewhat disagree	1	3.7						
	Neither agree nor disagree	4	14.8						
	Somewhat agree	3	11.1						
	Agree	7	25.9						
	Strongly agree	5	18.5						
Board assists in developing police priorities	Strongly disagree	1	3.7	27	1.685	4.93	5.00	6	6
	Disagree	3	11.1						
	Somewhat disagree	1	3.7						
	Neither agree nor disagree	3	11.1						
	Somewhat agree	7	25.9						
	Agree	8	29.6						
	Strongly agree	4	14.8						
Board assists in developing the budget	Strongly disagree	3	11.1	27	1.979	3.93	4.00	2	6
	Disagree	6	22.2						
	Somewhat disagree	2	7.4						



	Neither agree nor disagree	6	22.2						
	Somewhat agree	2	7.4						
	Agree	5	18.5						
	Strongly agree	3	11.1						
Board approves budget	Strongly disagree	3	11.1	27	2.095	4.81	6.00	6	6
	Disagree	3	11.1						
	Neither agree nor disagree	5	18.5						
	Somewhat agree	2	7.4						
	Agree	7	25.9						
	Strongly agree	7	25.9						
Board has process for recruit/select the chief of police	Strongly disagree	2	7.7	26	1.975	4.69	5.00	6	6
	Disagree	4	15.4						
	Neither agree nor disagree	5	19.2						
	Somewhat agree	3	11.5						
	Agree	7	26.9						
	Strongly agree	5	19.2						
Board has process to evaluate the chief of police	Strongly disagree	2	7.7	26	1.955	4.69	5.00	6	6
	Disagree	3	11.5						
	Somewhat disagree	2	7.7						
	Neither agree nor disagree	4	15.4						
	Somewhat agree	3	11.5						

	Agree	7	26.9						
	Strongly agree	5	19.2						
Board explains policing issues to the community	Strongly disagree	2	7.4	27	1.544	4.33	5.00	5	6
	Disagree	3	11.1						
	Somewhat disagree	1	3.7						
	Neither agree nor disagree	5	18.5						
	Somewhat agree	10	37.0						
	Agree	6	22.2						
Board provides wise counsel to the police service	Strongly disagree	1	3.7	27	1.636	4.70	5.00	6	6
	Disagree	3	11.1						
	Somewhat disagree	1	3.7						
	Neither agree nor disagree	7	25.9						
	Somewhat agree	3	11.1						
	Agree	10	37.0						
	Strongly agree	2	7.4						
Board buffers police from politics	Strongly disagree	1	3.7	27	1.644	4.37	4.00	4	6
	Disagree	4	14.8						
	Somewhat disagree	2	7.4						
	Neither agree nor disagree	7	25.9						
	Somewhat agree	5	18.5						
	Agree	6	22.2						

Strongly agree      2      7.4

Table 16 (Descriptive Statistics – Enforcing Bylaws) reports if the Board directs police to enforce bylaws ( $M = 3.74$ ,  $SD = 1.893$ ), 7.4% strongly agreed, 11.1% agreed, 14.8% somewhat agreed, while 33.3% neither agreed nor disagreed, 14.8% disagreed, and 18.5% strongly disagreed. With regard to whether or not the police service enforces bylaws ( $M = 4.3$ ,  $SD = 2.127$ ). Respondents stated they strongly agreed (14.8%), agreed (29.6%), somewhat agreed (3.7%), neither agreed nor disagreed (18.5%), disagreed (22.2%), or strongly disagreed (11.1%).

**Table 16: Descriptive Statistics - Enforcing Bylaws**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Board directs police to enforce bylaws	Strongly disagree	5	18.5	27	1.893	3.74	4.00	4	6
	Disagree	4	14.8						
	Neither agree nor disagree	9	33.3						
	Somewhat agree	4	14.8						
	Agree	3	11.1						
	Strongly agree	2	7.4						
Police service enforces bylaws	Strongly disagree	3	11.1	27	2.127	4.30	4.00	6	6
	Disagree	6	22.2						

Neither agree nor disagree	5	18.5
Somewhat agree	1	3.7
Agree	8	29.6
Strongly agree	4	14.8

Table 17 (Descriptive Statistics – Board Resources) provides information regarding how well the community understands the police Board’s role, whether administrative support is adequate, the Board’s capacity for outreach, whether or not funding is sufficient, and how well local leaders and the federal government understand the Board’s needs. When asked if the community understands the Board’s role ( $M = 3.93$ ,  $SD = 1.385$ ), 14.8% agreed, 22.2% somewhat agreed, 22.2% neither agreed nor disagreed, while 25.9% somewhat disagreed, 11.1% disagreed, and 3.7% strongly disagreed. In response to if there is adequate administrative support ( $M = 4.04$ ,  $SD = 1.99$ ), 11.1% strongly agreed, 22.2% agreed, 7.4% somewhat agreed, 18.5% neither agreed nor disagreed, 11.1% somewhat disagreed, 18.5% disagreed, and 11.1% strongly disagreed. As for research ( $M = 3.96$ ,  $SD = 1.698$ ), 25.9% agreed the Board has the capacity for research and policy analysis to stay abreast of policing and governance, 11.1% somewhat agreed, 29.6% neither agreed nor disagreed, 14.8% somewhat disagreed, 3.7% disagreed, and 14.8% strongly disagreed. When asked if the Board has sufficient funding for Board operations ( $M = 2.93$ ,  $SD = 1.662$ ), a few stated they agreed (11.1%) or somewhat agreed (3.7%), while the majority reported they neither agreed nor disagreed (22.2%), somewhat disagreed (22.2%), disagreed (11.1%), or strongly disagreed (29.6%). With respect to whether local leaders understand the Board’s needs ( $M = 3.85$ ,  $SD = 1.537$ ), 14.8% stated they agreed, 25.9% somewhat agreed, while 18.5% neither agreed nor disagreed, 18.5% somewhat disagreed, 14.8% disagreed, and 7.4% strongly disagreed. In terms of whether the federal government understands the Board’s needs ( $M = 3.37$ ,  $SD = 2.041$ ), 7.4% reported they strongly agree, 14.8% agreed, 11.1% somewhat agree, 7.4% neither agreed nor disagreed, while 14.8% somewhat disagreed, 22.2% disagreed, and 22.2% strongly disagreed.

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**Table 17: Descriptive Statistics - Board Resources**  
(Overall n= 42)

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Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Community understands the Police Board's role	Strongly disagree	1	3.7	27	1.385	3.93	4.00	3	5
	Disagree	3	11.1						
	Somewhat disagree	7	25.9						
	Neither agree nor disagree	6	22.2						
	Somewhat agree	6	22.2						
	Agree	4	14.8						
The Board has Adequate admin support	Strongly disagree	3	11.1	27	1.990	4.04	4.00	6	6
	Disagree	5	18.5						
	Somewhat disagree	3	11.1						
	Neither agree nor disagree	5	18.5						
	Somewhat agree	2	7.4						
	Agree	6	22.2						
Capacity for research & policy analysis	Strongly agree	3	11.1						
	Strongly disagree	4	14.8	27	1.698	3.96	4.00	4	5
	Disagree	1	3.7						
	Somewhat disagree	4	14.8						
	Neither agree nor disagree	8	29.6						
	Somewhat agree	3	11.1						
	Agree	7	25.9						

Enough funding to support operations	Strongly disagree	8	29.6	27	1.662	2.93	3.00	1	5
	Disagree	3	11.1						
	Somewhat disagree	6	22.2						
	Neither agree nor disagree	6	22.2						
	Somewhat agree	1	3.7						
	Agree	3	11.1						
Local Leaders understand needs	Strongly disagree	2	7.4	27	1.537	3.85	4.00	5	5
	Disagree	4	14.8						
	Somewhat disagree	5	18.5						
	Neither agree nor disagree	5	18.5						
	Somewhat agree	7	25.9						
	Agree	4	14.8						
Federal Government understands needs	Strongly disagree	6	22.2	27	2.041	3.37	3.00	1	6
	Disagree	6	22.2						
	Somewhat disagree	4	14.8						
	Neither agree nor disagree	2	7.4						
	Somewhat agree	3	11.1						
	Agree	4	14.8						
	Strongly agree	2	7.4						

Table 18 (Descriptive Statistics – General Justice Questions) provides information regarding how First Nation communities control over policing, as well as the need for First Nation communities to access adjudication and independent sanctioning is needed to sufficiently provide culturally-relevant

justice processes. Regarding control over policing ( $M = 4.93$ ,  $SD = 1.762$ ), the majority of respondents stated that control is sufficient to with 11.9% strongly agreeing, 16.7% agreeing, and 19% somewhat agreeing. Seven percent neither agreed nor disagreed, 2.4% somewhat disagreed, 4.8% disagreed, and 4.8% strongly disagreed. Responses were similar in terms of the need to access culturally-relevant adjudication ( $M = 5.9$ ,  $SD = 1.372$ ), with 41.4% stating they strongly agreed, 31.0% agreeing, and 13.8% reporting they somewhat agree. A few stated they neither agreed nor disagreed (10.3%), or they strongly disagreed (3.4%). With respect to the need for independent culturally-relevant sanctioning processes ( $M = 5.24$ ,  $SD = 1.405$ ), 20.7% strongly agreed, 24.1% agreed, and 27.6% somewhat agreed. Fourteen percent reported that they neither agreed nor disagreed, while only 3.4% disagreed and 3.4% strongly disagreed.

**Table 18: Descriptive Statistics - General Justice Questions**  
(Overall n= 42)

Variable	Values	Count	Valid %	N Valid	Std. Deviation	Mean	Median	Mode	Range
Control over policing is sufficient to address culturally-relevant processes	Strongly disagree	2	7.1	28	1.762	4.93	5.00	5	6
	Disagree	2	7.1						
	Somewhat disagree	1	3.6						
	Neither agree nor disagree	3	10.7						
	Somewhat agree	8	28.6						
	Agree	7	25.0						
	Strongly agree	5	17.9						
FN need access to culturally-relevant adjudication processes	Strongly disagree	1	3.4	29	1.372	5.90	6.00	7	6

FN need  
independent,  
culturally-relevant  
sanctioning  
processes

Neither agree nor disagree	3	10.3							
Somewhat agree	4	13.8							
Agree	9	31.0							
Strongly agree	12	41.4							
Strongly disagree	1	3.4	29	1.405	5.24	5.00	5	6	
Somewhat disagree	1	3.4							
Neither agree nor disagree	6	20.7							
Somewhat agree	8	27.6							
Agree	7	24.1							
Strongly agree	6	20.7							



## Appendix C: University of Regina Research Ethics Approval



### *Research Ethics Board Certificate of Approval*

PRINCIPAL INVESTIGATOR  
Nick Jones

DEPARTMENT  
Justice Studies / CIPSRT

REB#  
2021-041

TITLE

Engagement in First Nations' Police Governance

APPROVED ON  
May 3, 2021

RENEWAL DATE  
May 3, 2022

APPROVAL OF

Application for Behavioural Research Ethics Review  
Participant Consent Form  
Governance Questionnaire  
Survey Invitation Letter

Full Board Meeting ☐

Delegated Review ☒

The University of Regina Research Ethics Board has reviewed the above-named research project. The proposal was found to be acceptable on ethical grounds. The principal investigator has the responsibility for any other administrative or regulatory approvals that may pertain to this research project, and for ensuring that the authorized research is carried out according to the conditions outlined in the original protocol submitted for ethics review. This Certificate of Approval is valid for the above time period provided there is no change in experimental protocol, or related documents.

Any significant changes to your proposed method, procedures or related documents should be reported to the Chair for Research Ethics Board consideration in advance of implementation.

ONGOING REVIEW REQUIREMENTS

In order to receive annual renewal, a status report must be submitted to the REB Chair for Board consideration one month in advance of the current expiry date each year the study remains open, and upon study completion. Please refer to the following website for the renewal and closure forms:

<https://www.uregina.ca/research/for-faculty-staff/ethics-compliance/human/ethicsforms.html>

Kim Dorsch PhD  
REB Chair  
University of Regina

Please send all correspondence to:

Research Office  
University of Regina  
Research and Innovation Centre 109  
Regina, SK S4S 0A2  
Telephone: (306) 585-4775 Fax: (306) 585-4893  
research.ethics@uregina.ca