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**FIRST NATIONS CHIEFS
OF POLICE ASSOCIATION**

**FIRST NATIONS
POLICING SECTOR STUDY**

MODULE 2 & 3 SUMMARY REPORT

SIXDION INC.

AUGUST 22, 2000

*** CONFIDENTIALITY CAUTION ***

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PREAMBLE

The First Nations Chiefs of Police Association believes that the fiduciary responsibility for First Nations Policing in Canada lies with the federal government and has indicated that in their opinion, this responsibility is inherent in s. 35 (1) of the Constitution Act of Canada and the Indian Act as amended from time to time.

FOREWORD

The enclosed Module 2&3 summary report was written by Sixdion based on research undertaken by previous consultants in 1999/2000 for the First Nations Chiefs of Police Association (FNCPA).

In preparing this report Sixdion reviewed the research files provided by the FNCPA to Sixdion. Sixdion accepted the research data at face value and did not communicate directly with any Self-Administered police services or the previous consultants to verify or expand on the base research. However, additional information was requested and received from the FNCPA to help clarify certain aspects of the data.

Sixdion reviewed the files looking for themes and comparative data that could be used in this summary report.

Generally speaking, there was sufficient data in the research to draw out a comparative analysis. Sixdion believes the information presented in this report fairly represents the current First Nations Policing Environment.

The conclusions expressed in this report are those of the authors based on their analysis of research and may not necessarily reflect the opinions or position of any specific party or stakeholder. This report is presented in the spirit of fostering new thinking on the subject of First Nations Policing, without prejudice.

Sixdion wishes to express its gratitude to **Dale Davis** and **Wendy Porter** of the FNCPA for their support in the development of this report.

Sixdion Inc.
May 2000

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EXECUTIVE SUMMARY

During the last thirty years First Nations policing has moved from being a Federal (RCMP) responsibility, to the provinces becoming more responsible, to the inception of the First Nations Policing Policy in 1991. Today there are currently 49 Self-Administered Police Services serving 165 communities with service sizes ranging from a one-person operation to large regional services with over 90 officers. Since 1991, it has been a decade of learning and growing for the police services. They have grown while facing many social, operational and legal challenges:

- extensive youth crime from a population where 42% are under the age of 25 and wrestling with high unemployment, boredom, isolation and dysfunctional families;
- growing domestic problems related to the lack of employment opportunities and a dependency on social programs;
- increasing community populations as individuals and families return to the community as a result of Bill C-31;
- inadequate funding to deliver law enforcement and no funds for capital and growing operating and maintenance costs (less than 2% of the negotiated budget is available for non-officer costs);
- understaffing, insufficient training & tools and high staff turnover;
- tripartite (versus the need for bilateral) agreements that provide no stability for planning and development; and finally
- Governance Authorities that are still evolving.

Facing the above challenges, the services are barely able to provide the “basic necessities”. Additional funds are/will be required to raise the level of infrastructure to be on par with non-Aboriginal police services: \$32 Million in capital investments, \$13.6 Million for Operations and Maintenance and \$10 Million for other costs. The First Nations Police Services require new funds to effectively serve a very diverse community. But money will not solve everything. The police services, along with their governance boards, face many non-financial issues ranging from the need for a more open and accountable relationship with the community to having the Crown honour its fiduciary obligations.

In many ways Self-Administered First Nations Policing is another example of the First Nations’ struggle to take control of their own future. That is to say, the implementation of First Nations policing may be more politically motivated than a logical next step in the First Nations assuming more control of their own destiny and providing service to the community. The motivation is not wrong—just a reality.

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1 INTRODUCTION

Self-Administered Policing of First Nations is a relatively young concept. Up until approximately 30 years ago the RCMP was responsible for policing Indian Reserve's as they were Crown lands under Federal government responsibility. In the last 30 years agreements were made in some provinces that resulted in the authority to police First Nations becoming less of a federal responsibility and more of a provincial one. In the last 20 years First Nations policing began to develop in some First Nations. However, it was not until the 1990's that the thrust towards First Nations Self-Administered Police Services was fully realized with the First Nations Policing Policy in 1991.

1.1 THE FIRST DECADE: LEARNING AND GROWING

The first decade of fully functioning First Nations Self-Administered Police Services has definitely been a learning experience and political experience as well. The current tripartite arrangements make politics very much a factor in the negotiations. The First Nations feel that the responsibility should continue to be that of the Crown and therefore the negotiations should be bilateral (i.e. Federal Government and First Nations) only. However, this is not the case and the provincial governments are very much a player in the continuing evolution of First Nations policing in Canada.

There are currently 49 First Nations Self-Administered Police Services in Canada providing police services to over 165 communities across the country. These services range in size from one-person operations to very large regional multi-community police services with over 90 officers and a wide geographic area to cover.

Generally, First Nations Self-Administered Police Services are critically under resourced, understaffed and delivering a community based police service to the "best of their ability". First Nations policing was started to provide "community" based policing. That is to say, policing that extends beyond basic law enforcement and encompasses prevention. Unfortunately, today's First Nations Police Services are only community based "physically". They struggle to develop a community based approach to policing with budgets that are barely adequate to provide a "bare bones" delivery of law enforcement to the First Nations. This report looks at First Nations Policing in the context of where they are, the trends that are developing in First Nations and what a Self-Administered Police Service will have to look like to meet the future needs of the communities they serve.

1.2 FNCPA

The First Nations Chiefs of Police Association (FNCPA) is also a very new entity and continues to develop and grow along with the First Nations Police Services. The fact that this study has been undertaken shows that there is a genuine interest by all stakeholders to see First Nations Self-Administered Policing continue to grow and evolve. It is also quite apparent that after approximately a decade of First Nation policing there is a critical need to take an assessment of the present situation. Knowing where First Nations policing has come from, where they presently stand in Canada and what the future has in store for them can be of great value. The FNCPA can assist the police services to ensure sound decisions are made and strategic positions are taken during the ensuing rounds of negotiations. Reports such as this, spawned by the FNCPA, can become a tool to assist other First Nation Police Services in becoming Self-Administered.

1.3 METHODOLOGY AND SCOPE

Modules 2&3 of the First Nations Policing Sector Study examines the current status of First Nations Police Services, the trends they see as they continue to evolve and grow and what they expect the future of First Nations Policing to be.

Sixdion's approach to the review of the questionnaires was as per the agreed upon framework. Sixdion reviewed questionnaires to determine influence factors in five areas: *social, legal, political, economics and technology*.

On a regional comparative basis, *budgets, resources, equipment, levels of service, reporting, policies and procedures, audit and evaluation and 3rd party relationships* were examined. Further discussions with FNCPA had Sixdion refine its approach to look at the national scene with a focus in three areas: *current situation, identified trends and future directions*. The comparative analysis is summarized in a matrix with regional comparisons.

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2 MODULE TWO: CURRENT AND FUTURE DIRECTIONS

This section of the report looks at the current situation these Police Services find themselves in, and what the future holds in store.

2.1 SOCIAL

The present situation as described by First Nations Police Services is very similar across the country. Generally speaking, First Nations are generally compared to a “third world country” when the public tries to categorize the communities and the conditions that are found there. In a real sense this is not true, but from a comparative sense to the rest of Canada it is probably a fair statement to make and a fair assessment of the present situation. The social climate and the social conditions that are found in most First Nation communities are generally poor when compared to the conditions of neighbouring communities.

Youth is identified as the number one factor that effects First Nations Police Service’s today. And, youth crime today turns into more sophisticated crime in the future.

While geography and isolation play a role in the current state of First Nations; the social make-up of the communities themselves is very similar across all the First Nations in Canada. All of the services share a number of similar challenges.

2.1.1 CHALLENGE ONE: A RESTLESS AND GROWING YOUNG POPULATION

First Nations have a very young population when compared to the rest of Canada. Estimates suggest that over 42% of the First Nation population are less than 25 years old; and the numbers of youth under the age of 18 years makes up a significant portion of that number. Youth is identified as the number one factor that effects First Nations Police Service’s today. Trends suggest that it is a growing issue and is a major factor in the future of First Nations Policing.

Youth crime is one of the key statistics that shows up on police service reports in First Nation communities. Boredom, isolation and dysfunctional families are some of the drivers behind the problems in this segment of the population. A lack of resources does not allow the present police services to concentrate on youth awareness from a preventative perspective. Consequently, First Nation Police are arresting youths as opposed to educating them.

Youth crime is a continuing trend that First Nations Police Services will have to contend with in the foreseeable future. The fact that such a large percentage of the Aboriginal population is younger means that this is a trend that will be impacting policing for at least the next 20 or 30 years. The first wave has been in the increase in drug and alcohol abuse by the teenage segment. The social implications of these problems are further magnified by the First Nations Police Services having no resources to commit to prevention services targeted at youth. An inability to address the youth issue will mean that the trend of youth crime will continue to increase. And, youth crime today turns into more sophisticated crime in the future.

2.1.2 CHALLENGE TWO: DOMESTIC PROBLEMS

The next social issue highlighted in the research was the increase in domestic problems and related issues that the First Nations Police Services have to deal with. There is a correlation between this type of police activity and the isolation factor for many remote and special access communities. With a lack of opportunities for employment and other factors there is a dependency on welfare and social programs. This leads to various social problems and this in turn leads to more work for police services. Most of the police services surveyed noted that there was a continuing increase in the number of family related calls that they were attending to.

While isolation and remoteness appear to magnify these types of cases, there is also a continued increase in these types of police calls on First Nations in general. Even “urban” First Nations that have access and mobility to major centres are still experiencing an increase in domestic problems. The fact that most First Nations continue to experience very high rates of unemployment and no economic development means that social programs and social assistance continue to be the way of life for many of the community’s population.

Family problems and family violence are directly related to the social conditions of an area. This is why urban areas classified as “slums” have such a high incidence of crime. The social conditions play a significant factor on the people who live in these areas. There is no reason to believe that these social trends will be reversed in the foreseeable future.

The First Nations continue to struggle to have their inherent rights and treaty rights honoured by the other governments in Canada. This on-going struggle means that there is a social “status quo” that in turn means First Nations Police Services can expect a continued increase in family related calls for the next 20 or 30 years.

2.1.3 CHALLENGE THREE: BILL C-31

Another issue that has played a role in the make up of First Nation communities is the impact of Bill C-31: An Act to amend the Indian Act. As a result of this amendment some First Nation communities have had a significant increase in their total population. In some communities people moving back to the reserve have placed an increased demand in policing services. As well the demand for social programs and a changing environment has had an impact on the delivery of services.

In some communities where there has been an increase in population as a result of Bill C-31, certain “types” of crime have emerged. Some Police Services attribute this to the fact those individuals who have lived in the city all of their life are now moving to the First Nations communities and bring with them a more “experienced” urban perspective on crime. In some cases this has resulted in an increase in sophisticated criminal activities.

This has led to a challenge to the First Nations Self-Administered Police Services to address this type of criminal activity with the limited resources they have at their disposal.

2.1.4 CHALLENGE FOUR: OVERCOMING A BLEAK FUTURE

The immediate future of First Nations Police Services is bleak. There is an across the board acknowledgement that the resources negotiated under the tripartite agreements are insufficient to provide an “adequate” level of service to the communities served. Most of the First Nation Police Services can be classified as the “poor sister” to their non-Aboriginal counterparts. Most of the Police Services are struggling just to provide basic law enforcement to the communities they serve. There is little time—and even scarcer resources—to consider and deliver crime prevention services targeted at youth and domestic family problems.

The social conditions described above will continue on their present course regardless of policing or any other community services as they are the “natural” course at present with First Nation communities. The population of First Nations will continue to age and as it does the result will inevitably be an increase in youth crime directly related to social conditions and this in turn leads to continued strain on Police Services.

In order to become a community based police service the future must change in terms of resources and community presence. With barely enough funds to deliver law enforcement and no money for capital and growing O&M costs, there is little chance that the First Nations Police Services will evolve. Lack of funds and no long-term commitment makes planning very difficult, if not impossible. It is only through a solid base of resources and an ability to allocate resources to what a First Nations Police Service needs to serve the

community, that we can expect a change for the better at the community level.

2.2 LEGAL: TRIPARTITE AGREEMENTS AND STRUCTURE

First Nations policing functions within the framework of a tripartite agreement. The three governments involved are the federal government (represented by the Solicitor-General of Canada), the provincial government (represented by the provincial Solicitor-General Office) and the First Nation government (represented by a Police Governance Authority or the Chief and Council). For the most part the tripartite process appears to be working. There is, however, strong opinions expressed that the fiduciary responsibility of the Crown for First Nations implies that the process should be bilateral as opposed to tripartite. This view that the process should be bilateral was expressed in varying degrees with many services being adamant that this should be the case.

With most First Nation Self-Administered Police Services being very young (i.e. less than 5 years old), and the oldest ones less than ten years, there are many deficiencies pointed to in the first agreements negotiated. The complete lack of resources allocated to capital and no way to increase budgets on an annual basis is a significant problem. The lack of funds budgeted for capital renders the ability to provide adequate facilities and equipment a near impossibility. This has led to the present situation of less than adequate buildings and cells along with not enough equipment to allow the officers to do all that should be done.

The high turnover in constables in First Nations Police Services is seen as a definite problem caused by the present makeup of the tripartite agreement.

2.2.1 TERM OF AGREEMENT (SUNSET CLAUSE)

All of the tripartite agreements have a “term of agreement (‘sunset’)” clause in them with the average term of the agreement being between 2 – 5 years depending on the province and the skill of the First Nation’s negotiator at the table. The surveys questioned whether or not the term clause had a serious impact on attrition and the ability to plan for the future. The general consensus was that it did indeed have an impact on attrition. There was however some positive impacts described as well, including having an ability to negotiate for more resources within a 3 – 5 year timeframe.

The majority of the First Nations Police Services feel that their officers are very much impacted by the term clause. Without a longer-term commitment and proper funding to fully develop a Police Service, many Services find themselves constantly operating with a large number of recruits in their staff

because they cannot compete with outside Police Services. As the officers gain experience and skills they often look for “greener pastures” in the provincial and municipal police services where they realize more money, job security and opportunities for advancement. The high turnover in constables in First Nations Police Services is seen as a definite problem caused by the present makeup of the tripartite agreement.

A less obvious, but equally critical, problem resulting from the same lack of long-term commitment and funding is the shifting of salary dollars to fund equipment and facilities. At times, the lack of capital dollars leaves the Police Service no choice but to maintain a roster of less senior officers to reduce salary costs so essential capital acquisitions can be made—“robbing Peter to pay Paul”, so to speak. For example, it may be deemed a good management decision to let a senior officer move along, hire a recruit at less pay and use the funds saved (i.e. the difference in annual pay between a recruit and senior officer) to buy a police cruiser. This is a definite possibility given that the legal agreement does not have any forms of annual increases built into it.

The present tripartite agreements are the first ones negotiated under the First Nations Policing Policy. The fact that most of the First Nations Police Services now know that they cannot operate effectively under the terms and conditions of these first agreements makes the next round of negotiations very important. All of the agreements at present are funded on a per officer basis with the amount varying across the country and even within the same province. The one common fact is that the agreement and the resources identified within the agreement are inadequate from the First Nation’s perspective.

Ironically, some of the Self-Administered Police Services view the termination clause as a benefit in spite of knowing the other detrimental effects of short-term agreements. The rationale behind this perspective is that it presents the opportunity to re-negotiate for an increase in funding to solve resourcing problems. New agreements would hopefully lead to better funding models.

Although it is fully understandable how this perspective can be arrived at, it is a risky perspective. In order to achieve a better agreement, in particular as it relates to funding, the negotiating Police Service needs to be well prepared with the tools it needs to present and support its requirements. All indications are that the services are inadequately prepared and skilled to negotiate better agreements. Perhaps the FNCPA could play a larger support role?

2.2.2 TRIPARTITE AGREEMENTS: WHERE TO FROM HERE?

Many of the First Nations Police Services see the present tripartite agreement situation as “OK”. However, they would like to see changes to a bilateral process but are resigned to the fact that this is presently not the case and

that the fight for it is a long one. Consequently, the present situation is OK or better than nothing.

A major factor behind the OK status is that many of these Self-Administered Police Services have non-Aboriginal Police Chiefs who are not in any way involved in the tripartite process. It is put forward that it is not OK and a bilateral process must inevitably be pursued to secure real change.

The structure of tripartite agreements will not change in the next few years. The process is too new and there will probably be more new Self-Administered agreements negotiated before there will be any significant changes. The fact that these First Nations Police Services are less than ten years old and have identified many deficiencies in the current tripartite process will not stop the process from being used for the foreseeable future. On the positive side, the services currently in re-negotiations will have at least 3–5 years of experience to build from, so there is a possibility that their next agreements will be “better” for the community¹.

The future of the First Nations Police Services will be both a political process (discussed later) as well as a legal process. It is a consensus among stakeholders that the primary fiduciary responsibility for First Nations rests squarely with the federal government. However, the present legal structure has the fiduciary responsibility shared by the federal and provincial governments as they provide an almost equal share of funds to these tripartite agreements. Many First Nations Police Services are adamant that the Crown should fulfil its responsibility and that all these agreements should be bilateral with the province not involved in any manner.

The foreseeable future for First Nations Police Services is far from a rosy picture. The resources that are provided by these agreements do not allow a First Nations Police Service to grow and plan to meet the needs of the communities that they serve. With inadequate resources, inadequate facilities and sub-par equipment there is little hope that the level of service they provide to an ever-expanding population base can hope to keep up.

There does however appear to be a growing awareness of First Nations Police Services problems and challenges. We have seen a few cases recently where the glaring deficiencies in the tripartite agreements have been demonstrated through the media².

¹ In order to develop better agreements all stakeholders must gather local qualitative data that describes the status quo, trends and needs. This study is just the beginning.

² The Chronicle Journal, Thunder Bay - April 9/00-13/00

It is only with continued pressure and a build-up of support that First Nations Police Services can hope to get some very real changes within these legal agreements they operate under.

2.2.3 POLITICAL REALITIES

The politics of First Nations are very complicated and centuries old. The Indian Act and many other pieces of legislation have an on-going impact and continue to be at the heart of many of the discussions and negotiations that take place whenever First Nations begin to assume even small pieces of authority. First Nations Policing is no exception to this rule.

There are two levels of politics involved in First Nation policing. There is the *Chief and Council* level of politics dealing with the federal and provincial governments and there is the *local level politics* dealing with the operation of the First Nations Police Service itself. There are interesting circumstances in both of these arenas that impact on the delivery of Police Services in the First Nation communities.

The Police Governance Authorities and the Aboriginal Police Chiefs along with the Chiefs and Councils all agree that they should only be dealing with the Federal government. This is the main area of concern in terms of the existing tripartite agreements and where the First Nations feel that the bilateral process is the correct arrangement.

It is very clear that most of the Aboriginal Police Chiefs and the Governance Authority bodies feel very strongly that the existing tripartite agreement structure while tolerated, is not acceptable. The First Nations believe very strongly that all negotiations and all the funding required to have a fully functioning Self-Administered Police Service should come from the federal government. This is expressed by nearly all the individuals surveyed and many felt that they wanted their Chief and Council to lobby strongly for this to happen. However, given the present situation it is doubtful that this very major political hurdle will be cleared in the near future.

Politics will play a larger and larger role as First Nations Police Services evolve. The fact that so many services are adamant that the agreements should be bilateral means that this will “come to a head” at some point in the future. The impact could either be very positive or very negative depending on the circumstances at that particular point in time.

Chiefs and Council continue to fight for their inherent rights and to have fiduciary responsibilities and obligations lived up to by the Crown. The fact that the tripartite process defers/transfers some of this obligation and power to the province is a major stumbling block. The existing Self-Administered Police Services will continue to operate under the tripartite agreements and

struggle to gain sufficient “resources and tools” to deliver a quality police service to the communities served.

2.2.4 GOVERNANCE AUTHORITIES

With the exception of a few Police Services in Quebec, there is a very well defined structure for the Self-Administered Governance Authorities. The Governance Authorities are set-up to operate at “arms length” from the Chief and Council and almost all of them have a very well defined organizational structure on paper.

This structure presents the appearance that the Governance Authorities are all very well developed and managed Boards or Commissions. However, it is very evident in the responses from many of the surveyed Board/Commission members that the Governance bodies are still evolving and growing into their role. The Governance Authorities have been put in place as a result of the tripartite agreement and most have no qualifications or experience for their membership—nor well defined roles. It appears that many of the initial board/commission members are appointed by the Chief and Council with no real emphasis on their abilities to be effective members of a Police Board/Commission. Although training is provided within some Police Services, perhaps like the Police Services themselves, those that take commission seats are doing their “best with what they have”.

... it is very evident in the responses from many of the surveyed Board / Commission members that the Governance bodies are still evolving ...

As soon as the Board is struck and the police officers are hired, the officers are immediately sent for training that includes at least some administration training. When the officers return from training they are “fully” trained First Nations Police Officers compared to a Board that most likely has had only a few meetings and no training whatsoever. This scenario places the Board members at a clear disadvantage. This makes the Board members begin to follow the lead of the “employees” and consequently making their role as the “Board” ineffective.

The responses in the surveys where the Governance Authorities should have the most knowledge are, in fact, the areas where they have the least knowledge. They have little or no knowledge of various components of what the tripartite agreement is about, including the negotiation process, the legal aspects of the agreement and the funding formulas, to name a few. This leads to the conclusion that the Governance Authority, while shown on paper as a fully functioning and “arms length” body, is in fact still evolving into their

role as a community Board. The net result of this “experience/skills gap” is that most often the Police Chief “governs” the Police Service, as opposed to the board. Depending on your perspective, this may or may not be problem. Some might argue that the Police Chiefs wields too much power or influence over the Board, others might argue that the Police Chiefs are providing the needed leadership—the laws of common senses dictate that it most likely falls somewhere in the middle. Either way, more resources and training will help resolve this major concern and help avoid problems down the road.

Accountability and Perceptions

The role local politics plays is a point of concern as the First Nations Police Services evolve and grow. If the Chiefs of Police are the only person that the community ever sees or hears from whenever questions are asked, the community will to wonder “who governs the police?” as is sometimes the case. Steps need to be taken to improve communications with the community to demonstrate that the Police Governance Authority represents the community.

If accountability to the community is not at the forefront the Boards objectives, issues concerning governance will continue to “hound” the First Nation Police Services. It is critical that strong and effective Boards are implemented to be accountable to the community in a positive and proactive sense. Not doing so is a recipe for ongoing trouble. That is to say, the “community” is the client and the Police are there to provide a service to them.

Notwithstanding the need for a “customer service” focus, all communities have different interest groups and these groups have different agendas. A fully functioning community Police Service, at all levels including the governance authority, would be able to proactively handle these adversities.

2.3 ECONOMICS

All of the current First Nation Police services are drastically under funded. There is simply not enough funding in place within the existing agreements to provide anything other than the “bare necessities” in policing First Nation communities. The identified need (nationally) for resources is based on an estimate derived from the research:

- A one time injection of thirty two million (\$32M) dollars for capital;

The federal and provincial representatives point to the other agreements and re-enforce their position of only applying a per officer funding formula in the agreement without the recognition that the non-Aboriginal services obtain additional funding in addition to the per-officer budget.

- \$3.6M annually for Operation and Maintenance (O&M); and
- \$10M annually for salaries and other costs.

All of these funding requirements were identified from a “wish list” question that each First Nations Police Service completed as part of their contribution to this study.

There is a disparity across the regions in the allocations per constable in the agreements (discussed in detail in Section 3). It varies from province to province with certain Police Services wanting to be on par with their more wealthy ones (i.e. BC wants to be on par with Ontario). But the reality is that even the best agreement in place right now is substantially less than its non-Aboriginal provincial counterpart. In all cases the demonstrated and documented cost per constable within First Nations Police Services is higher than the amounts approved in existing agreements (i.e. if the budget per constable is \$90,000 and the actual cost is \$100,000).

The federal and provincial governments are very reluctant to allow any other budget items to appear in the negotiated agreement except for a cost per officer. This is the norm in the other non-Aboriginal Police Services and is deemed as a good comparative baseline. However, it fails to address the issues that non-Aboriginal communities /regions/provinces supply additional infrastructure resources to the Police Services in their jurisdiction. The fact that these other resources (buildings, equipment etc.) are provided by the non-Aboriginal 3rd party at the negotiation table, places the First Nations in an unenviable position. The federal and provincial representatives point to the other agreements and reinforce their position of only applying a per-officer funding formula. However, they do not table that the non-Aboriginal services obtain additional funding in to the per-officer budget.

The present First Nations Self-Administered Police Services tripartite agreements are all facing this problem.

2.3.1 POLICE BOARD ECONOMICS

Another key issue/deficiency noted by the interviewers was in the area of funding for the Police Governance Authorities. Without a separate infrastructure and O&M budget the Police Boards find themselves in the unenviable position of having to fund itself out of the Police Service budget. In order to provide resources that are needed to operate a well functioning Police Board, the Board has to take money away from the funds allocated for officers to pay for its own Board operations. This causes internal conflict as the officers and civilian staff sees the Board as a drain on their already scant resources.

Unless this situation is addressed in any new tripartite agreements negotiated, or in the next round of re-negotiation, the First Nations will continue to struggle with ineffective governance structures.

2.4 BY-LAW ENFORCEMENT

Being a community based police service places the First Nations Self-Administered Police Services in the position to have to enforce community laws. In the case of most First Nations in Canada this means enforcement of local by-laws. And, in what should be no surprise, the legal status of most First Nation Council by-laws is governed by the Indian Act. As it stands the Indian Act and federal government are intertwined in the various aspects of law enforcement in First Nation communities. The reality of this is driven home by the Indian Act reference to a First Nation being “sophisticated” before the Minister of Indian Affairs will pass any by-laws they want enacted.

Given these political realities the types of by-laws that most First Nations have in place today are what could be called “nuisance by-laws”. The by-laws most commonly referred to in the surveys of Police Chiefs and Officers were noise by-laws, dog by-laws and local curfew for youth. These forms of by-laws by their very nature are not what would be considered “priority” matters for the local police services to handle. At present this is the case, and thus local By-law enforcement is not having a serious impact on the First Nations Self-Administered Police Services.

The situation as it is unfolding is suggesting that this will not be the case in the near future. As First Nation Councils assume more and more responsibility and lobby for more and more local authority, it is a given that the need for local law enforcement will increase. Bill C-31 has led many First Nation communities to enact “residency by-laws” that have serious impacts on family units in these small close-knit communities. Being responsible to enforce these types of local by-laws begins to increase the workload for the police service. And, being community based as they are, it unfortunately paints an unpleasant picture of the local police as they are seen as Council’s strong-arm. The strong-arm that is tearing apart family units and removing people from the territory.

First Nation by-law enforcement will play a much larger role in the near future.

2.5 TECHNOLOGY

Presently, the use of technology is low. There are approximately 80 personal computers, 60 facsimile machines and 12 of the services use the Internet for email. It is assumed the primary reason for the low level of technology is lack of funds for equipment and training. This part of the survey was also not a scientific approach to develop a needs analysis in the area of technology.

Once again, the surveys were in the form of “wish list” that not unexpectedly had all the Police Services “wanting” everything and needing training to use the new technologies identified.

2.5.1 POLICE OFFICERS NEEDS

Many of the requirements at a very practical level are, in fact, day to day tools that non-Aboriginal Police Services take for granted. The top three (3) identified requirements in the technology area were:

- Mobile data terminals – in car
- Video cameras with audio – in car
- Video cameras/sound in the interview rooms.

2.5.2 CIVILIAN STAFF NEEDS

The next phase of technology to be identified (again not surprisingly) was the use of the Internet. This was one of the top priorities identified by the civilian staff along with a computerized and local dispatch system. Most of the First Nations Police Services use either the RCMP or the Provincial Police for their dispatch services. It was a strong opinion that this “technology” was needed in the First Nations Police Services to allow for a much more effective and efficient delivery of services to the community.

2.6 MEDIA

It was unanimous that the media portrays Aboriginal issues from a sensationalistic point of view (not surprising since they are in the business of selling newspapers or gaining radio listeners or TV viewers). The trend is more focused on the negative side of First Nations events and happenings. A concerted (perhaps led by the FNCPA) strategy to begin to use the media as a “marketing” tool to position First Nations policing in a proper positive light is required.

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3 MODULE THREE – CURRENT RESOURCES

Module 3 of the Human Resources Sectors Study is focused on a comparative analysis of the current resources available to First Nations Policing. This section of the report compares First Nations policing on a province by province basis. A national total is also provided.

This section of the report presents a summary of the findings in context of the Terms of Reference, which called for an extraction of a provincial comparative analysis. Although feasible and included in this report, it is not an accurate representation of the numbers on First Nations Police Services. The numbers within each province can vary widely and throw off the value of averages. To address this issue the data includes additional breakdowns beyond provincial totals and averages. Median and Quartile breakdowns are included for provinces with more than one service. As well, the percentage of respondents is provided.

3.1 FIRST NATIONS POLICING DEMOGRAPHICS

The tables that are used in this section of the report have the information broken into medians and quartiles. In order to facilitate use and understanding of the tables the following definitions are offered:

Median – the median of a set of numbers is the middle number when the numbers are ranked or arranged in order of magnitude. Because the median is a positional value, it is less affected by extreme values within the group than the mean (i.e. average)

Quartile - In a manner similar to that of the median, which divides a set of observations so that 50 percent of them fall above and 50 percent below the median, other points, which divide the observations into a number of equal parts, known as quantiles is also useful. An example of commonly used quantiles are quartiles which divide the set into four equal parts; e.g the upper quartile is the value above which 25 percent of the set falls. The interquartile range contains the middle 50 percent of the set, with 25 percent falling above and 25 percent below the range.

When looking at the issues of Police Services in First Nations it should be recognized that the services are policing a vast territory with unique social and legal conditions as discussed earlier in Section 2 of the report. Table 1 on the next page is an overview of the policing demographics on a province-by-province basis. The table is described below.

The following policing community characteristics are broken down by province and summarized nationally in the table:

- No. of Police Services in Survey;
- Total Population Served;
- Number of Communities Served;
- Average Population of Community Served;
- Square KM Policed; and
- Population/Sq. KM.

COMMUNITY PROFILE						
POLICE SERVICE	No. of Police Services in Survey	Total Population Served	Number of Communities Served	Average Population Community Served	Square KM	Average Population per Sq KM
BRITISH COLUMBIA	3	6,424	15	429	1,405	129.8
% Reporting	100%		100%	100%	100%	100%
Average Per Police Service		2,141	5	429	468	129.8
Median		2,500	4	362	100	25.0
1st Quartile		1,400	3	331	55	13
2nd Quartile		2,500	4	362	100	25
3rd Quartile		3,062	7	494	698	195
4th Quartile		3,624	10	625	1,295	364
ALBERTA	9	34,398	22	2,492	237,685	33
% Reporting	100%		100%	100%	100%	100%
Average Per Police Service		3,822	2	2,492	26,409	33.4
Median		3,000	1	1,374	392	16.7
1st Quartile		2,000	1	903	120	0.2
2nd Quartile		3,000	1	1,374	392	17
3rd Quartile		8,500	2	2,400	28,500	34
4th Quartile		4,500	2	2,400	28,500	34
MANITOBA	1	2,812	4	703	-	-
ONTARIO	7	86,645	75	4,396	1,024,360	60
% Reporting	100%		100%	100%	100%	100%
Average Per Police Service		12,378	11	4,396	146,337	60
Median		10,000	3	1,250	825	4.2
1st Quartile		4,268	1	557	225	0.1
2nd Quartile		10,000	3	1,250	825	4.2
3rd Quartile		18,500	13	8,018	156,695	43
4th Quartile		30,000	43	12,000	709,660	329
QUEBEC	27	45,652	43	1,363	1,691,698	282
% Reporting	96%		100%	96%	56%	37%
Average Per Police Service		1,756	2	1,363	112,780	282
Median		850	1	757	8	86
1st Quartile		500	1	359	3	12
2nd Quartile		850	1	757	8	86
3rd Quartile		1,775	1	1,588	40	417
4th Quartile		10,000	14	7,500	1,683,500	993
NOVA SCOTIA	1	5,347	5	1,069	-	-
NEWFOUNDLAND	1	750	1	750	8	94
NATIONAL	49	182,028	165	1,926	2,955,156	134
% Reporting	98%		100%	98%	71%	61%
Average Per Police Service		3,792	3	1,926	84,433	134
Median		1,750	1	900	100	22
1st Quartile		765	1	479	8	0.2
2nd Quartile		1,750	1	900	100	22
3rd Quartile		4,125	2	1,913	1,295	98
4th Quartile		30,000	43	12,000	1,683,500	993

Table 1: First Nations Policing Demographics

3.1.1 A DIVERSE COMMUNITY

What Table 1 confirms is that the First Nations Police Services are policing a vast, and often, sparsely populated area. Over 180,000 persons are being served in nearly 3,000,000 square kilometres. The table also shows that each province is unique in terms of total geography and total population served.

For example:

- Quebec has 3.8 times more police services as Ontario while serving a little more than half the population of Ontario.
- Ontario polices twice the population as Alberta with 7 services. Alberta on the other hand has 9 services.
- While Ontario and Alberta have approximately the same number of services (7 and 9 respectively), Ontario polices over 17 times the square kilometres as Alberta.

Regardless of what causes the variances between the provinces, one common factor remains - First Nations are generally policing communities that are unique, huge and challenging territories.

3.2 LEVEL OF SERVICE

Overall the research and interviews of all the stakeholders, both within the Police Service and the community, boiled level of service down to one simple perspective: ***“they do the best with what they have”***. There appears to be general consensus—or resignation—that the level-of-service is not what it should be, but given the circumstances, everyone is doing their best.

This sentiment was echoed throughout the research in qualitative and quantitative ways:

Chiefs and Councils

- 31% have indicated that the level of service was good;
- 31% have indicated that service could be improved; and
- 17% have indicated that service was adequate, considering the resources available.

Police Officers

- 29% indicated they need to have an increased presence in the community;
- 24% indicated that they do their best; and

- 15% felt there was room for improvement.

Asked what they would do to improve service? Increased manpower and training and resources were the responses.

Civilian Employees

- 69% indicated that service to the community was good; and
- 31% indicated that the service was very good to excellent.

3.3 BUDGETS

As stated in section 2.3, First Nations Police Services are drastically under funded. The budget allocated under the tripartite agreements does not provide sufficient funds to properly operate a Police Service.

At present the budget provides for officers and not much more. The police service is expected to “get by” without proper funds for infrastructure, civilian employees, training and prevention, among other things.

As discussed briefly in Section 2, Police Chiefs are expected to deliver a quality level of service without the means to do so. Consequently, Police Chiefs are forced to find “band-aid” ways to deliver service at the expense of a “longer-term development” which is essential for developing a quality service.

As previously discussed, an example of such creativity is where a service has no choice but maintain a staff of junior officers as a trade-off to cover basic operating costs.

Perhaps the most startling statistic is the fact that on average less than 2% of the total budget is available for capital investments and general operating.

Table 2 on the next page is an overview of the budgets and caseloads First Nations Police services are now working with. Perhaps the most startling statistic is the fact that on average less than 2% of the total budget is available for capital investments and general operating. This is a pivotal point in the development of First Nations Police services. Again, they are funded on a per-officer basis that is supposed to be an “apples-to-apple” approach when compared to non-Aboriginal services. But in fact it is an “apples-to-watermelon” approach because non-Aboriginal services do not include infrastructure in the allocation, which is funded from different sources.

The problem with the funding levels for First Nations Police services are clearly shown in Table 2. Table 2 presents the services in terms of:

- Total Budget 1998/1999;
- Average Budget Per Officer;
- Total Officer Budget (Extrapolated);
- Other Operating Budget;
- Other Operating As % Of Total;
- Average Budget Per Population; and
- Average Budget Per Sq. Km.

BUDGETS								
POLICE SERVICE	Total Budget 1998/1999	Average Budget per Officer	Total Officer Budget (Extrapolated)	Other Operating Budget	Other Operating as % of Total	Average Budget per Population	Average Budget per Sq KM	
BRITISH COLUMBIA	\$ 1,451,500	\$ 90,219	\$ 1,478,060	-\$ 26,560	-1.8%	\$ 237	\$ 33,076	
% Reporting	100%	100%	100%	100%	100.0%	100%	100%	
Average Per Police Service	\$ 483,833	\$ 90,219	\$ 492,687	-\$ 8,853	-3%	\$ 237	\$ 33,076	
Median	\$ 422,500	\$ 92,156	\$ 472,500	\$ -	0%	\$ 261	\$ 4,225	
1st Quartile	\$ 253,250	\$ 88,078	\$ 278,250	-\$ 25,000	-6%	\$ 215	\$ 2,145	
2nd Quartile	\$ 422,500	\$ 92,156	\$ 472,500	\$ -	0%	\$ 261	\$ 4,225	
3rd Quartile	\$ 683,750	\$ 93,328	\$ 697,030	\$ 11,720	1%	\$ 270	\$ 49,581	
4th Quartile	\$ 945,000	\$ 94,500	\$ 921,560	\$ 23,440	2%	\$ 280	\$ 94,937	
ALBERTA	\$ 5,595,250	\$ 76,875	\$ 5,594,000	\$ 1,250	0.0%	\$ 185	\$ 8,217	
% Reporting	100%	89%	89%	89%	88.9%	100%	100%	
Average Per Police Service	\$ 621,694	\$ 76,875	\$ 699,250	-\$ 29,469	-27%	\$ 185	\$ 8,217	
Median	\$ 527,000	\$ 77,000	\$ 592,500	\$ -	0%	\$ 176	\$ 1,317	
1st Quartile	\$ 375,000	\$ 74,750	\$ 449,250	\$ -	0%	\$ 125	\$ 29	
2nd Quartile	\$ 527,000	\$ 77,000	\$ 592,500	\$ -	0%	\$ 176	\$ 1,317	
3rd Quartile	\$ 820,000	\$ 79,000	\$ 840,000	\$ 25,438	3%	\$ 188	\$ 4,785	
4th Quartile	\$ 1,496,250	\$ 82,000	\$ 1,480,000	\$ 90,000	20%	\$ 384	\$ 47,400	
MANITOBA	\$ 1,778,858	\$ 95,000	\$ 1,425,000	\$ 353,858	19.9%	\$ 633		
ONTARIO	\$ 21,355,128	\$ 92,155	\$ 20,952,028	\$ 403,100	1.9%	\$ 287	\$ 12,207	
% Reporting	100%	100%	100%	100%	100.0%	100%	100%	
Average Per Police Service	\$ 3,050,733	\$ 92,155	\$ 2,993,147	\$ 57,586	2%	\$ 287	\$ 12,207	
Median	\$ 1,850,000	\$ 91,500	\$ 1,850,000	\$ -	0%	\$ 241	\$ 2,114	
1st Quartile	\$ 1,040,250	\$ 91,250	\$ 1,037,500	\$ -	0%	\$ 193	\$ 40	
2nd Quartile	\$ 1,850,000	\$ 91,500	\$ 1,850,000	\$ -	0%	\$ 241	\$ 2,114	
3rd Quartile	\$ 4,218,270	\$ 93,294	\$ 3,839,250	\$ 62,750	3%	\$ 355	\$ 8,739	
4th Quartile	\$ 8,423,560	\$ 95,000	\$ 8,784,000	\$ 638,040	11%	\$ 509	\$ 65,775	
QUEBEC	\$ 16,004,677	\$ 83,750	\$ 16,785,866	-\$ 65,573	-0.4%	\$ 402	\$ 96,968	
% Reporting	81%	93%	93%	74%	74%	78%	52%	
Average Per Police Service	\$ 727,485	\$ 83,750	\$ 671,435	-\$ 3,279	-29%	\$ 402	\$ 96,968	
Median	\$ 280,000	\$ 80,000	\$ 442,800	-\$ 23,750	-13%	\$ 351	\$ 37,270	
1st Quartile	\$ 186,097	\$ 75,000	\$ 225,000	-\$ 112,500	-61%	\$ 229	\$ 7,877	
2nd Quartile	\$ 280,000	\$ 80,000	\$ 442,800	-\$ 23,750	-13%	\$ 351	\$ 37,270	
3rd Quartile	\$ 622,040	\$ 90,000	\$ 684,000	\$ 141	0%	\$ 509	\$ 63,542	
4th Quartile	\$ 8,423,560	\$ 95,000	\$ 8,784,000	\$ 638,040	11%	\$ 509	\$ 65,775	
NOVA SCOTIA	\$ 1,181,000	\$ 73,812	\$ 1,328,616	-\$ 147,616	-12.5%	\$ 221		
NEWFOUNDLAND	\$ 180,000	\$ 36,000	\$ 180,000	\$ -	0.0%	\$ 240	\$ 22,500	
NATIONAL	47,546,413	\$ 83,246	47,743,570	518,459	1.1%	324	48,196	
% Reporting	90%	94%				84%		
Average Per Police Service	\$ 1,080,600	\$ 83,246	\$ 1,037,904	\$ 6,865	-19.4%	\$ 324	\$ 48,196	
Median	\$ 503,500	\$ 81,000	\$ 558,764	\$ -	0.0%	\$ 261	\$ 7,285	
1st Quartile	\$ 246,750	\$ 75,000	\$ 275,000	-\$ 89,600	-25.0%	\$ 184	\$ 410	
2nd Quartile	\$ 503,500	\$ 81,000	\$ 558,764	\$ -	0.0%	\$ 261	\$ 7,285	
3rd Quartile	\$ 1,023,375	\$ 91,375	\$ 1,037,750	\$ 5,500	0.6%	\$ 415	\$ 45,685	
4th Quartile	\$ 8,423,560	\$ 127,000	\$ 8,784,000	\$ 1,868,877	50.0%	\$ 1,042	\$ 796,253	

Table 2: First Nations Policing Budgets

3.3.1 A SINGLE FORMULA FOR UNIQUE SITUATIONS

Table 2 highlights a number of issues with the current funding formulas:

- the overwhelming majority of funding covers only the cost of officers;
- per constable funding ranges from \$36,000 per office in Newfoundland to \$95,000 in Manitoba with a National average of just over \$83,000 per officer;
- there appears to be no correlation between officer funding and population served;
- there appears to be no correlation between funding and geographic area served; and
- with reference to Table 3, there also appears to be no correlation with caseloads.

At best the above serves to support the need for a funding formula that addresses the unique requirements of police services in each area.

In addition to basic budget per officer information, Table 2 also provides an overview of budgets on a per capita basis, both in terms of population served and geography served. This information may prove useful when examining the basis of new funding formulas, new formulas that should address the cost of remote transportation or communications, for example.

3.4 RESOURCES

As has been tabled throughout this report, First Nations Police services are lacking sufficient resources to deliver a quality service that goes beyond “*doing their best with what they have*”. Table 3 presents the data resource and utilization by:

- Total Caseload Per Year;
- Total Number Of Officers;
- Average Caseload/Officer/Year;
- Total Number Of Civilian Employees;
- Average Officer / Civilian Ratio;
- Average Caseload/Officer/Year;
- Square KM Policed Per Officer; And
- Community Members Per Officer.

POLICE SERVICE	Total Caseload Per Year	Total Number of Officers	Average Caseload / Officer / Year	Total Civilian Employees	Average Officer / Civilian Ratio	Average Caseload / Civilian / Year	Average Square KM Policed Per Officer	Average Community Members per Officer
BRITISH COLUMBIA	2,905	16	148	5	3	520	439	387
% Reporting	100%	100%	100%	67%	67%	67%	100%	100%
Average Per Police Service	968	5	148	3	2.9	520	439	387
Median	625	5	125	3	2.9	520	20	362
1st Quartile	363	3	113	2	2.7	416	10	331
2nd Quartile	625	5	125	3	2.9	520	20	362
3rd Quartile	1,403	8	172	3	3.1	623	658	431
4th Quartile	2,180	10	218	3	3.3	727	1,295	500
ALBERTA	17,480	76	190	43	2.2	362.9	4,937	437
% Reporting	100%	100%	100%	89%	89%	78%	100%	100%
Average Per Police Service	1,942	8	190	5	2.2	363	4,937	437
Median	1,152	7	129	5	1.6	263	33	450
1st Quartile	485	5	97	3	1.3	180	17	300
2nd Quartile	1,152	7	129	5	1.6	263	33	450
3rd Quartile	1,290	10	209	7	2.5	511	2,850	563
4th Quartile	7,800	20	478	11	5.0	780	35,742	602
MANITOBA	2,910	15	194	5	3	582		187
ONTARIO	33,148	139	244	39	4	1,017	5,119	383
% Reporting	100%	100%	100%	100%	100%	100%	100%	100%
Average Per Police Service	6,995	33	244	10	4.3	1,017	5,119	383
Median	5,760	20	240	5	4.0	1,200	45	424
1st Quartile	3,158	12	209	2	3.1	542	12	260
2nd Quartile	5,760	20	240	5	4.0	1,200	45	424
3rd Quartile	7,278	42	275	15	5.8	1,350	4,344	500
4th Quartile	20,832	96	356	30	6.0	1,958	27,077	549
QUEBEC	31,341	200	105	44	4.5	602.1	1,928.0	197
% Reporting	85%	100%	85%	74%	74%	59%	96%	96%
Average Per Police Service	1,363	7	105	2	4.5	602	1,928	197
Median	400	5	60	1	4.8	375	0	182
1st Quartile	128	3	27	1	2.9	182	-	113
2nd Quartile	400	5	60	1	4.8	375	0	182
3rd Quartile	850	9	155	2	6.0	925	2	279
4th Quartile	20,832	96	356	30	6.0	1,958	27,077	549
NOVA SCOTIA	540	18	30	6	3	90		297
NEWFOUNDLAND	600	5	120	1	5	600	2	150
NATIONAL	88,924	469	147	143	3.86	617	2863	282
% Reporting	88%	96%	88%	78%	78%	69%	90%	94%
Average Per Police Service	2,328	11	147	4	3.86	617	2,863	282
Median	798	6	125	2	3.48	400	2	272
1st Quartile	300	4	60	1	2.46	204	0	163
2nd Quartile	798	6	125	2	3.48	400	2	272
3rd Quartile	2,180	12	209	6	5.54	840	32	385
4th Quartile	20,832	96	478	30	9.00	1,958	49,515	602

Table 3: Resources

3.4.1 CASELOAD AND POLICING AREA

Of particular importance concerning resources is the caseload carried by each officer. As Table 3 shows:

- the annual caseload per officer per year varies from a low of 30 in Nova Scotia to a high of 244 in Ontario with a national average of 147.
- the number of community members served per officer range from a low of 150 in Newfoundland to a high of 437 in Alberta with a national average 282; and
- the square Km policed per officer ranges from a low of 2 in Newfoundland to a high of 4937 in Alberta with a national average of 2863.

The above caseload information is useful to get a sense of the general workload per officer on a province-by-province basis. However, when examined at a police service level the numbers vary widely within the provinces. A closer look at the Quartile breakdowns provides a more accurate picture.

Additionally, civilian ratios and caseloads have been tabulated. They provide a measurement of the support requirements relative the overall caseload of the service

3.5 INFORMATION AND MANAGEMENT

Clearly a weak area within the Police Services is in the overall management and reporting of information. It is evident from the research that a number of First Nations Police Services do not have formalized or effective Policies & Procedures, Reporting or Audits and Evaluations.

3.5.1 POLICIES AND PROCEDURES

The state of policies and procedures within the services range from none to comprehensive. But overall they are lacking, not well understood and not well communicated to staff. It is evident that the First Nations Police Services have no source from which to develop and implement their own polices and procedures (i.e. policies and procedures that are specific to community or cultural needs). Policies in some cases have been put on the “back burner” due to the lack of personnel to research and develop them. Adopted policies have been the “band-aid” approach in some cases as well.

It was obvious that most services are heavily reliant on external sources for their policies and procedures such as having them written by the “council

lawyer” or getting them from an external police service such as the “Sûreté du Québec”, for example. Other services were unaware of the existence of any standard policies or procedures. As suggested by more than one service, perhaps the FNCPA could play a more pro-active role in developing a policy and procedure “template” that individual services could build on. One service suggested that they be made available via a web-site.

3.5.2 REPORTING

Based on what was collected during the field research the majority of services are collecting basic statistics concerning incidents and services provided. There is a feeling among a number of services that they are collecting data for RCMP statistics and not for themselves. Nor does the current data collecting methods and forms address their specific requirements.

The lack of localized, formalized and comprehensive information concerning First Nations Police Services is a major issue. What appears to be missing from the data collected are standardized service indicators that accurately reflect the state of the “First Nations” policing services.

By “*localized*” we mean that the current reporting environment appears to be based on externally developed requirements. Current forms and methods reflect mainstream indicators needed to serve non-Aboriginal policing.

By “*formalized*” we mean a set of indicators that gauge the organization in terms of level of service, budgets, incidents etc. in a form that can be rolled up into a local, regional or national First Nations policing perspective. Standardized data collection would support better understanding of the status of the First Nations Police Services at the community level, regional level and national level.

By “*comprehensive*” we mean reporting that includes all of the activities the First Nations Police Services are involved in. For example, as we understand it, when a file or case is handed over to an external service such as the RCMP or a provincial service, recognition of the contribution of the First Nations service is lost within the system. From the point in time when the file is handed over and entered into CPIC or CRPQ it becomes a “statistic” of the external service. The external services get credit for the file and the First Nations Police Service loses recognition. This obviously benefits the “numbers” of the external service while at the same time “hurting” the numbers of the First Nations Police Service.

Without the proper tools such as CPIC or CRPQ, and the appropriate recognition of their involvement in these systems, the actual caseload and level of service cannot be accurately measured.

3.5.3 AUDIT AND EVALUATIONS

An evaluation of the Police Service is a requirement of the Tripartite Agreements. As indicated in the research approximately half of the services have had a third party evaluation. Other services have an evaluation on the horizon.

What was surprising in the research is that only two services had any form of policy or procedure dealing with evaluations. There is a sense in the qualitative responses, or lack thereof, that evaluations are viewed as a negative tripartite requirement and not a positive and valuable organizational tool.

3.5.4 3RD PARTY RELATIONSHIPS

Overall relationships with third parties such as the RCMP, OPP and Sûreté du Québec were described as good and working well. Although not always the case, First Nations Police Services and the external services have worked hard at developing working relationships that allow them to co-operate on policing matters—under existing situations. However, it is clear from the research that First Nations Police Services are not viewed as equal partners. There are exceptions, but overall it is not an equal partnership.

The reason for the lack of an equal playing field is not a mystery. Resources are the critical component in most areas. Due to the overall lack of resources First Nations Police Services simply do not have the same level of budgets, training, operational support, physical infrastructure, equipment or access to information that their non-Aboriginal counterparts have. Consequently, the First Nations Police Service is operating at a lower level and cannot provide the same level of service as their non-Aboriginal counterparts.

One regional difference that surfaced in the research was the swearing in of officers in Quebec. A large number of respondents cited the fact that First Nations officers must be sworn in every three years or so, versus sworn in for life as they are in non-Aboriginal services.

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4 CONCLUSION

Interestingly enough, in certain aspects First Nations Policing is no different than First Nations Fire Services, First Nations Economic Development, First Nations Employment, First Nations Education etc., etc., —the issues are the same:

- not enough funds;
- not enough staff;
- not enough facilities;
- not enough authority;
- no long term financial stability;
- no local financial resources; and
- fiduciary responsibility of the Crown not being upheld by the federal government.

Different But the Same

First Nations Self-Administered Police Services are not alone in their current situation as has been described in this report. In fact, given the relatively short time they have been in existence, they are just the next in line on a long list of First Nation initiatives that are under resourced, under staffed and overworked. All of these initiatives having their future dependent on transfer payments from the federal and provincial governments.

In many ways Self-Administered policing is another example of the First Nations struggle to take control of their own future. That is to say, First Nations policing may be more politically motivated than a logical next step in the First Nations assuming more control of their own destiny and servicing the community. The motivation is not wrong—just a reality.

Given the deficiencies in the present tripartite agreements: not enough resources, not enough staff and no long term commitment, there is a sense that long term viability and long term success were not considered when the agreements were negotiated. It appears to be just another grasp by the First Nations at another program/service that they feel they should control. But, ultimately they are still dependent on the federal and provincial government (i.e. no agreement, no more First Nations Police Services).

The current political climate does not allow for any long term planning or hopes for any stability in the near future. With First Nations leaders continuing the age old struggle of having the federal government honour treaty and other inherent rights, the future of First Nations Self-Administered Policing (and most First Nations Governance initiatives for that matter)

remains as merely another pawn in the chess match. And herein lies the “Catch 22”³ scenario.

A Catch 22

In order to be truly self-governing (i.e. having a local First Nation Governance model), the First Nations must have the power and authority to make decisions (i.e. laws) that are recognized both within and outside their territory.

As the leadership continues to lobby for their inherent rights and to have the Crown live up to its fiduciary responsibility, they are also demanding their own First Nations Governance model—so a dilemma presents itself and money is often at the heart of the matter.

Money is the bottom-line when the political rhetoric and posturing is over. What the First Nations want and need is adequate resources to achieve, at a minimum, the standards enjoyed by their non-Aboriginal counter parts. Policing is no different. The dilemma created today is that many First Nation’s do not have the ability to generate sustainable streams of their own revenues. Given this reality they are reluctant to commit their own resources to policing as they know the revenue may be short-lived. Politically they do not want create an opportunity for the Crown to “not” to live up to its fiduciary obligations based on potentially short term solutions.

The Future of First Nations Policing

Given the Aboriginal Catch 22 of the current situation, the immediate future of First Nations Self-Administered Policing will be tenuous at best until the “Catch 22” is resolved. They will continue “*to do the best with what they have.*” That is not to say the Police Services should sit and wait, but rather trudge on to secure the resources to grow First Nations policing services—cognizant of the larger struggle that First Nations Policing operates within.

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³ “Catch-22”: a double-bind situation in which one factor invalidates the other; from the book of the same name by Joseph Heller.