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FIRST NATIONS SELF-
ADMINISTRATED POLICE
SERVICES: RELATED
GOVERNANCE CONCEPTS AND
FIELD OBSERVATIONS

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GOOD AFTERNOON!

THANK YOU CHIEF PHILLIPS...AND THANK YOU TO THE ORGANIZING COMMITTEE FOR GIVING ME THE OPPORTUNITY TO PARTICIPATE ON THIS PANEL. I AM APPRECIATIVE ALSO FOR THE FACT THAT I WAS ABLE TO RECONNECT WITH HYACINTHE MILLER, AN OLD FRIEND FROM OUR DAYS OF TEACHING AUDIT COURSES AT THE CANADIAN POLICE COLLEGE IN OTTAWA.

BEFORE I BEGIN, I WOULD LIKE TO ACKNOWLEDGE YOUR TREASURER Mr. GARRY MUMFORD, WITH WHOM I HAVE WORKED IN THE PAST IN NOVA SCOTIA. I HAVE ALWAYS RESPECTED GARRY'S PROFESSIONALISM AND HIS SENSE OF FAIRNESS. I WOULD ALSO LIKE TO ACKNOWLEDGE THE 3 MOHAWK COMMUNITIES SURROUNDING MONTREAL, BEING KAHNAWAKE, KANEHSATAKE AND AKWESASNE.

WITH THE LIMITED TIME I HAVE, I WOULD LIKE TO BRIEFLY SHARE WITH YOU SOME OF MY FIELD OBSERVATIONS WITH RESPECT TO FIRST NATIONS SELF-ADMINISTRATED POLICE SERVICES AND RELATED GOVERNANCE CONCEPTS. MY OBSERVATIONS ARE BASED ON MY PERSONAL INVOLVEMENT IN ASSISTING FIRST NATIONS COMMUNITIES IN THE DEVELOPMENT OF THEIR SELF-ADMINISTRATED POLICE SERVICES, THROUGH EITHER CONTRACT NEGOTIATIONS OR GOVERNANCE TRAINING.

IT IS TO BE UNDERSTOOD THAT I DO NOT SPEAK ON BEHALF OF FIRST NATIONS COMMUNITIES, BUT RATHER AS SOMEONE WHO HAS BEEN INVOLVED IN THIS FIELD.

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AT PRESENT, THERE ARE OVER 50 FIRST NATIONS SELF-ADMINISTRATED POLICE SERVICES ACROSS THE COUNTRY, SERVING FIRST NATIONS COMMUNITIES AND THE CONCEPT OF GOVERNANCE APPEARS TO HAVE BEEN WELL INTEGRATED WITHIN THEIR POLICE SERVICES, WHILE AT THE SAME TIME SUPPORTING FIRST NATIONS CAPACITY BUILDING AND SELF-GOVERNMENT INITIATIVES.

GOVERNANCE AND POLICING GO HAND IN HAND WITH ECONOMIC DEVELOPMENT. I CAN SAFELY SAY THAT THE FIRST NATIONS LEADERSHIP UNDERSTANDS THAT SAFE COMMUNITIES AND PUBLIC SAFETY OUGHT TO BE IN PLACE BEFORE ECONOMIC DEVELOPMENT CAN OCCUR.

GOVERNANCE, IS A MANAGEMENT TOOL. UNFORTUNATELY, IT IS OFTEN PERCEIVED AS ANOTHER CONTROL MECHANISM AND IS PERHAPS NOT ALWAYS APPRECIATED AS AN EFFECTIVE WAY TO BE ACCOUNTABLE TO THE COMMUNITIES. TO WORK IN THE FIRST NATIONS COMMUNITY CONTEXT, GOVERNANCE IN POLICING HAS TO ANSWER TO THE COMMUNITIES FIRST.

WHEN GOVERNANCE IS UNDERSTOOD AS A WAY TO GIVE A REPORT CARD TO THE COMMUNITIES FOR MEETING PEOPLES' NEEDS AND EXPECTATIONS, ALONG WITH FISCAL, ADMINISTRATIVE AND OPERATIONAL ACCOUNTABILITY COMPONENTS ATTACHED TO IT, THEN THE STAKEHOLDERS ARE ABLE TO RELATE TO IT IN A MORE POSITIVE WAY.

GOVERNANCE IS COMMONLY DEFINED AS "THE EXERCISE OF AUTHORITY, DIRECTION AND CONTROL OF AN ORGANIZATION TO ENSURE ITS PURPOSE IS ACHIEVED". YET, EVEN IN THE PRAGMATIC WORLD OF FIRST NATIONS POLICING, WE OFTEN SPEAK DIFFERENT LANGUAGES WHEN WE DISCUSS GOVERNANCE, CAPACITY BUILDING AND SELF-GOVERNMENT.

LET ME STRESS THAT BOTH THE CONCEPT AND THE APPLICATION OF GOVERNANCE HAVE BEEN IN PLACE FOR A LONG TIME IN FIRST NATIONS COMMUNITIES. THIS SYSTEM OF CHECKS AND BALANCES HAS BEEN, AND IS STILL VERY MUCH TODAY, PART OF THE FIRST NATIONS' CULTURE. THIS WAY OF THINKING IS REFLECTED THROUGH THE DAILY APPLICATION OF THE DELIVERY OF POLICING ON FIRST NATIONS TERRITORIES AND ITS MANAGEMENT, INCLUDING THE EXERCISE OF GOVERNANCE.

TO BE MORE TO THE POINT, WHEN I AM IN SASKATCHEWAN, THE MEMBERS OF THE INDIAN JUSTICE COMMISSION UNDERSTAND GOVERNANCE IN THE FOLLOWING TERMS:

"GOVERNANCE" MEANS THOSE INTERACTIONS AMONG FIRST NATIONS STRUCTURES, PROCESSES AND TRADITIONS THAT DETERMINE HOW POWER IS EXERCISED, HOW DECISIONS ARE MADE, AND HOW CITIZENS OR OTHER STAKEHOLDERS HAVE THEIR SAY.

THESE GOVERNANCE PROCESSES ARE BASED ON FIRST NATIONS' GOVERNMENT PRINCIPLES THAT INCLUDE MUTUAL RECOGNITION, RECIPROCITY, RESPECT, SHARING AND ACCOUNTABILITY.

IT IS INTERESTING TO NOTE THAT THIS DEFINITION LEADS US TO UNDERSTAND THAT IT IS MAINLY ABOUT PROCESS AND RESPECT, NOT ABOUT OUTCOME.

LOOKING AT THE LARGER CONTEXT, FOR THOSE WHO HAVE BEEN FOLLOWING OVER THE LAST DECADES THE REPORTS, INQUIRIES AND STUDIES WITH RESPECT TO THE RAPPORT OF FIRST NATIONS AND THE JUSTICE SYSTEM, IT IS EASY TO CONCLUDE THAT THE EXPERIENCE OF FIRST NATIONS AND METIS PEOPLES AT THE HANDS OF THE JUSTICE SYSTEM REMAINS AN URGENT CONCERN.

THIS BROUGHT THE ROYAL COMMISSION ON ABORIGINAL PEOPLES IN 1996 TO STATE “THAT ABORIGINAL PEOPLE HAVE BEEN LEGALLY AND POLITICALLY SURROUNDED IN CANADA— THEY ARE FENCED IN BY GOVERNANCE THEY DID NOT DISCUSS, DESIGN OR DESIRE.”

AS REPORTED BY THE ABORIGINAL JUSTICE INQUIRY OF MANITOBA (1991), JUSTICE FOR ABORIGINAL PEOPLE IS NOT A MATTER OF ENFORCEMENT AND PUNISHMENT BUT A MATTER OF RESTORING “THE PEACE AND EQUILIBRIUM WITHIN THE COMMUNITY” AS WELL AS RECONCILING “THE ACCUSED WITH HIS OR HER OWN CONSCIENCE AND WITH THE INDIVIDUAL OR FAMILY WHO HAS BEEN WRONGED”.

FOURTEEN YEARS AGO (1991), IN ITS REPORT, THE LAW REFORM COMMISSION OF CANADA DEFENDED ITS DEPARTURE FROM THE GENERAL PRINCIPLE THAT “CRIMINAL LAW AND PROCEDURE SHOULD IMPOSE THE SAME REQUIREMENTS ON ALL MEMBERS OF SOCIETY NOT ON POLITICAL GROUNDS BUT BY VIRTUE OF “THE DISTINCT HISTORICAL POSITION OF ABORIGINAL PERSONS” THAT ENTAILS A “DIFFERENT CONSTITUTIONAL STATUS”.

WITH THIS IN MIND, ONE CAN APPRECIATE THE UNIQUE CONTEXT WITHIN WHICH GOVERNANCE IS APPLIED WHEN FIRST NATIONS GOVERNMENTS MANAGE THEIR SELF-ADMINISTRATED POLICE SERVICES.

IT IS THEREFORE CRITICAL THAT GOVERNANCE MODELS IN POLICING BE DESIGNED BY THE PEOPLE BEING AFFECTED BY POLICING AND NOT DESIGNED BY OUTSIDE AGENCIES, CONSULTANTS OR ACADEMICS.

RELATING THIS LEGAL AND POLITICAL ENVIRONMENT TO POLICING, IT HAS BEEN MY EXPERIENCE THAT IN ORDER TO WORK ON FIRST NATIONS TERRITORIES, FIRST NATIONS GOVERNMENTS HAVE TO BE ABLE TO DEFINE THE TERMS OF REFERENCE FOR GOVERNANCE THEMSELVES, BASED ON CULTURE AND COMMUNITY VALUES. THIS INCLUDES THEIR POLICE SERVICES. IT MAY MEAN AN ALLOWANCE FOR US OUTSIDERS, TO BE COMFORTABLE WITH SOME SLIGHTLY DIFFERENT DEFINITIONS AND FIELD APPLICATIONS ACROSS CANADA. I BELIEVE WE ARE SLOWLY REALIZING THAT THERE ARE MANY PATHS TO FOLLOW TO ARRIVE AT A JUST SOCIETY.

AGAIN, WHAT I HAVE WITNESSED, IS THAT THE MORE THE TRADITIONAL VALUES ARE RESPECTED, THE EASIER GOOD GOVERNANCE CAN BE ESTABLISHED, DEVELOPED, NURTURED AND SUSTAINED.

AS MENTIONED BEFORE, WITH OVER 50 WORKING POLICING EXAMPLES IN PLACE, THE EVIDENCE SUPPORTS THIS VIEW. AS WE WALK IN PARTNERSHIP INTO THE FUTURE, THE CHALLENGE FOR US IS TO RESIST THE ONE-FITS-ALL MODEL OF GOVERNANCE AND TO BE INTELLECTUALLY FLEXIBLE AND ACCOMMODATING.

AFTER ALL, THIS WOULD BE THE CANADIAN WAY OF DOING THINGS.

THANK YOU!

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- www.Justicereformcomm.SK.CA**

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