

A Framework for Police Preparedness for Aboriginal Critical Incidents Chiefs of Ontario Critical Response

Issue

The mandate of the Ipperwash Inquiry, particularly in part two of the Inquiry is to make recommendations directed to the avoidance of violence should a similar situation arise. Throughout part two of the Inquiry a number of research papers have been presented and parties who have standing provide their insight into the material presented to the Inquiry.

As a result, the Ontario Provincial Police (OPP) hosted a two day session and presented the Inquiry with its relationship with Aboriginal people through a document called "Aboriginal Initiatives Building Respectful Relationships." On the second day of the OPPs presentation the OPP Commissioner unveiled a framework document entitled "A Framework for Police Preparedness for Aboriginal Critical Incidents." (Framework)

In an effort to respond to this framework the Chiefs of Ontario (COO) will provide an overview of the framework, open discussions on what First Nation should be considering and provide recommendations to constructively enhance the document from a First Nation perspective. The Chiefs of Ontario will be hosting a two day forum on March 8-9, 2006 and delegates will have an opportunity to respond to the OPP's framework as an agenda item.

The Chiefs of Ontario do not endorse the framework rather; it is our intent to provide constructive suggestions.

Overview of Background, Purpose, Applicability and Resources

Background

The OPP states it is committed to safeguarding the individual right within the Federal and Provincial laws. This includes Aboriginal and Treaty rights enshrined in the Canadian Constitution, section 35. Aboriginal communities and various levels of government have encountered areas of conflict while attempting to resolve outstanding issues. Understanding the issues and protecting individual rights of all parties involved is the role of the OPP and all of its employees.

Purpose

The purpose of the framework is as follows:

- Promote an operationally sound, informed and flexible approach to resolving conflict and managing crisis in a consistent manner;

- Offer a framework that demonstrates accommodation and mutual respect of differences, positions and interests of the involved Aboriginal community and the OPP; and
- Promoting and developing strategies that minimize the use of force to the fullest extent possible.

Applicability

The OPP can apply this framework before; during and after any Aboriginal related critical incident where conflicts arise, which derive from assertions associated with Aboriginal and Treaty rights. (The OPP cites areas of conflict however; further First Nation input must be incorporated.) When drafting this framework the OPP recognized that disputes may, and often do, originate with government agencies other than the police. As a result the framework is limited to the negotiation and mediation of police-related issues surrounding a dispute.

Resources

The OPP created a position called the Aboriginal Liaison Officer, Operations Officer who is a member of the OPP and reports to the Office of the Commissioner and as a provincial resource will:

- Foster trusting relationships between the OPP and Aboriginal communities;
- Maintain contacts within Aboriginal communities throughout the province;
- Remain current on Aboriginal issues;
- Assist in facilitating communications during and Aboriginal related dispute, conflict or critical incident; and
- Provide informed advice to OPP Executive and incident commanders regarding Aboriginal issues.

Overview of Critical Incident Procedures

This section of the framework is an operational guide for how the newly created Aboriginal Liaison Officer (ALO), Aboriginal Relations Team (ART) and the Incident Commander are to work in collaboration. The OPP has recognized stages for conflicts to cycle through, i.e. pre-critical incident, critical incident and post-critical incident. However, the framework only reflects collaboration between the Aboriginal Liaison Officer, ART and the Incident Commander at the critical incident level.

Pre-Critical Incident

The OPP has expressed the importance for its employees to develop effective working relationships with Aboriginal communities. ART will be actively engaged to lay the foundation of respect and understanding to achieve the working relationship with First Nations, disputes and the OPP. Local First Nation police service must play a lead role pre-critical as they will be in the best position to prevent conflicts from arising. What to look for and what can be done are further articulate with the framework document.

Critical Incident

At this stage the level of frustration by involved persons will be heightened as their issues are not being addressed appropriately. A critical incident may evolve from a range of possibilities from a passive demonstration to one that affects the general public significantly. All parties within the critical incident must have input into the strategy for resolution. Transparency is important by the OPP to the parties in conflict to promote a positive resolution. All parties need to be clear on their intentions which may lead to potentially defuse the situation. What to look for and what can be done are further articulate with the framework document.

Post Critical Incident

At this stage it is important to reflect on what has just occurred and promote discussion among all parties involved regarding the lessons learned and identify peace-building actions. Attention must be given to those who require action in terms of emotional and physical exhaustion. What to look for and what can be done are further articulate with the framework document.

Aboriginal Relations Team

According to the framework the following defines the role of the ART as providing support and assistance in the spirit of partnership in building respectful relations between police services and Aboriginal peoples and communities while honouring each one's uniqueness and the Creators gifts with dignity and respect, including:

- Fostering trusting relationships between the OPP and Aboriginal communities;
- Maintaining contacts within local and regional Aboriginal communities;
- Remaining current on issues related to local Aboriginal communities;
- Sharing information with each other;
- Assisting in facilitating communications during any Aboriginal related dispute, conflict or critical incident; and
- Providing informed advice to the Aboriginal Liaison, Operations Officer, OPP regional command staff and incident commanders regarding Aboriginal issues.

Critical Incident Mediator

According to the framework the Critical Incident Mediator is a member who during an Aboriginal related critical incident:

- Meets with Aboriginal representatives and communicates police interest;

- Listens for and identifies key issues and interests of the Aboriginal representatives;
- Communicates these issues and interests to the incident commander; and
- Develop in concert with the incident commander a mutually acceptable and lasting resolution strategy.

Considerations

1. At what point does the interpretation of Ontario law become problematic, considering an incident is occurring with a First Nation territory. Furthermore, First Nations governments and the government of Ontario have different perspectives in terms of Ontario law. The OPP must consider both provincial law and Aboriginal and Treaty rights, and the conflict that stems from this interpretation.
2. What is the role and working relationships with First Nation police services and further has OPP enhanced the ability of FN police services to respond to these incidents.
3. How were First Nation communities consulted within the development of this framework? What were the methods used and how much was their input incorporated into this framework?
4. What types of reference material was used in the development of this framework and how was it cited.
5. The document requires a more defined explanation of aboriginal and treaty rights from an Aboriginal perspective. The document needs to reflect that our rights do not stem from section 35 of the constitution but are inherent to First Nations as peoples.
6. The framework requires more clarity in terms of the membership of the ART. It would be helpful to see criteria within the framework to ensure consistence as the ART turns over its membership.

Chiefs of Ontario Recommended Suggestions

The OPP Commissioners office will be required to create a direct dialogue process with the Chiefs of Ontario as a starting point in the relationship between the OPP Commissioners office and Ontario First Nations. Within this direct dialogue the Chiefs of Ontario will be in a position to facilitate a common voice in responding to a number of concerns Ontario First Nations have with OPP initiatives including the Framework for Police Preparedness for Aboriginal Critical Incidents. The purpose of the direct dialogue will be to continue to build on the

options below with input directly from each Provincial Territorial Organizations (PTO).

- The dissemination of this policy to all First Nation self-directed police services, First Nations OPP administrated police services and communities who receive police services directly from the OPP. This is paramount and must be acted on immediately given the freshness of the policy.
- Defined a process to respond to potential conflicts that may arise between First Nations and agencies that are arms length from the Ontario government. (MNR, CAS)

Resource Recommendations

- Enhanced resources for First Nation police services to respond to these incidents. (i.e. mediator training, ERT training...)
- Advocate for additional Aboriginal Liaison Officers and stronger institution support for ALO and Incident Commanders within the OPP process.
- Ontario First Nations and the OPP require a process within the framework to jointly select the appropriate personnel to fill ART.

Operational Recommendations

- Local First Nation police services must play a lead role in all three stages of the incident and not be limited to only critical incident stage and currently defined.
- At the post-critical incident stage a method to evaluate the operations of this policy is necessary and must include the OPP, the disputes and First Nation leadership to ensure ongoing success.
- At the pre-critical stage a process of communication for having the OPP or local police service assist with peace keepers at activism events. This will be strictly for the benefit of event organizers to ensure all the steps are taken to prevent a critical incident from happening.