

Refinements to the Framework

Discussed at forum -- The OPP will add to the Framework a definition of “critical incident”

Consideration 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.

We will expand Introductory language respecting Aboriginal rights to reflect the point made by COO that definition of rights is too limited.

Consideration 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 consistency as the ART turns over its membership.

The criteria for ART membership would not normally be contained in this Police Order, but the criteria for ART membership and selection is in process of being documented, and we would be pleased to discuss this with the First Nations community.

Recommendation 1: 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.

The OPP agrees. Training on the Framework will be provided to all detachment commanders by the end of this year. After that, the detachment commanders will be in a position to discuss this policy with all First Nations self-directed police services, First Nations OPP administered police services and communities that receive police services directly from the OPP.

Recommendation 2: Define 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)

The OPP would support a recommendation that other government agencies or arms of government (such as CAS and MNR) draw upon the Framework to formulate analogous policies)

Recommendation 3: Enhanced resources for First Nation police services to respond to these incidents. (i.e. mediator training, ERT training...)

The OPP would support a recommendation that First Nations police services receive enhanced resources, particularly funding generally. As well, the OPP presently offers Crisis Negotiator training to First Nations police services, and the OPP utilizes the trained First Nations police services negotiators where appropriate, the OPP has an operational agreement in place with Mnjikaning Police Service, and has trained one of its officers as a fully trained ERT officer who regularly responds to calls both in the territory and in OPP Central Region, OPP will be delivering ERT containment training to 12 Treaty 3 officers before the end of March 2007. This will assist in obtaining interoperability between the two police services.

Recommendation 4: Advocate for additional Aboriginal Liaison Officers and stronger institution support for ALO and Incident Commanders within the OPP process.

The OPP supports additional ART officers and Aboriginal Liaison Officers. There are challenges respecting this issue, including funding.

Recommendation 5: Ontario First Nations and the OPP require a process within the framework to jointly select the appropriate personnel to fill ART.

The OPP would welcome involvement by First Nations community in ART-related issues, particularly training.

Recommendation 6: 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

The OPP agrees that discussions must be ongoing in defining the role for local First Nations police services at all stages of an incident, and in relation to incidents on and off First Nations territories.

Recommendation 7: 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.

The OPP agrees that input and guidance from the First Nations leadership on developing assessment tools would be welcome.

Recommendation 8: At the pre-critical stage a process of communication for having the OPP or local police service assist with peacekeepers 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.

The OPP agrees. This was the strategy used in 2001 by the OPP and Akwasasne Police when activists enroute to the Quebec summit intended to enter Canada at the International Bridge in Cornwall. The OPP proposes to address this specifically in an amended Framework.