

OPP RESPONSES TO COMMISSION QUESTIONS: ABORIGINAL INITIATIVES

Multiyear Strategy and Planning

1. *Does the OPP have a multiyear strategy, plan or “vision” for First Nations policing or the OPP’s relationship with First Nations communities? If so, what is it and how was it developed?*

At the core of the OPP’s multiyear strategy, plan or vision is The OPP Promise. It refreshed the OPP’s definition of values and ethical standards that would best characterize the future of the organization. It was developed through focus groups conducted in 2002 with hundreds of officers, civilians and members of the public. It affirmed that policing is about respectful relationships, fairness, courage and caring, accountability, valuing diversity and continuous learning.

The OPP Promise became the cornerstone for the OPP’s core strategy known as Focus on Professionalism. Drawing in part upon the OPP Promise, the Focus on Professionalism strategy identifies, through the Executive Council, the mission critical issues which support the core business of the OPP. These mission critical issues include: Relationship Building with Aboriginal Communities, Meeting the Needs of Diverse Communities and Professionalism. The strategy is then to “operationalize” the OPP’s values, ethics and mission critical issues, by embedding them into all facets of OPP operations.

To move this from the theoretical to the practical is done through a three year business planning cycle. This means that at the corporate level, the OPP must articulate initiatives to advance its mission critical issues. Many of the continuing corporate initiatives that form part of the OPP strategy to build respectful relationships with Aboriginal communities were outlined in the OPP Forum or during Commissioner Boniface’s testimony at the Inquiry. They are briefly summarized below, and are more fully outlined in the OPP Part II materials on Aboriginal Initiatives -- Building Respectful Relationships:

- **The Commissioners’ Select Liaison Council on Aboriginal Affairs** – This Council brings together respected First Nations people to advise on sensitive Aboriginal issues. The Council has been instrumental in developing or refining many of the OPP initiatives now in place.
- **The OPP Youth Summer Camp** – Over 400 children have attended this annual camp run by sworn OPP officers. The camp’s goals are to create positive youth-police relations in the communities served. Many of these campers have been Aboriginal children from across Ontario.
- **The Police Ethnic and Cultural Exchange (PEACE)** – This program provides temporary employment, in partnership with the community, to youth from diverse ethnic and religious

backgrounds. Band Councils fund participation in the program for Aboriginal youth. It provides youth and OPP officers with the opportunity to work with, and relate to, each other.

- **Aboriginal Outreach Initiatives, including OPPBound, and OPP Northern Experience --** OPPBound is an award-winning outreach recruitment program designed to attract people interested in a policing career from identified groups such as women, Aboriginal people and visible minorities. Candidates experience a week in the life of an OPP recruit, in an atmosphere in which their culture and diversity are supported. Other strategies of Aboriginal outreach were described in Commissioner Boniface's testimony and are now summarized in the OPP Part II materials on Aboriginal Initiatives.
- **Aboriginal Inreach Initiatives, including Emergency Services Bound --** Commissioner Boniface also described existing Aboriginal inreach strategies for internal recruitment of Aboriginal officers for specialties, including integrated or emergency response units. Emergency Services Bound is a one-week program designed to provide Aboriginal OPP officers with the necessary information to make informed decisions about becoming emergency response officers. Similarly, five workshops were held throughout Ontario in 1995 to encourage Aboriginal officers to become crisis negotiators. Other Aboriginal inreach initiatives are now summarized in the OPP Part II materials on Aboriginal Initiatives.
- **Support of First Nations police services coordinated by First Nations Programs –** The OPP has consistently and repeatedly stated and demonstrated its support for the development of self-directed First Nations policing. As well, First Nations and Contract Policing staff members have acted as technical advisors in every transition to a new police service. Five of the last seven provincial negotiators for First Nations policing issues have been OPP officers on loan to Ministry staff. Five of nine First Nations Chiefs of Police in Ontario are former OPP officers. The NAPS Investigative Support Unit, the Integrated Support Services Unit represent two of a number of supports provided in participation with First Nations police services. As well, (Also see responses to question 9 in that regard)
- **The Nishnawbe-Aski Police Service (NAPS) Investigative Support Unit –** This unique integrated initiative brings OPP and NAPS officers together to work on significant policing issues within the Nishnawbe-Aski Nation.
- **The Integrated Support Services Unit (ISSU) –** This concept was developed with Ontario's First Nations Chiefs of Police to enable the OPP, RCMP and First Nations police services in Ontario to develop crime prevention initiatives that target suicide prevention, youth empowerment and community wellness.
- **Native Awareness Training –** Based on consultation with Elders, Aboriginal leaders, and Aboriginal officers, the OPP offers extensive training on First Nations issues, ranging from training for all recruits and probationary officers, including job shadowing with a First Nations police officer to an intensive, one week award winning course already taken by over 2000 officers. Unique to the OPP, this course training is now mandated for all Incident Commanders (Level 2 and includes Public Order Commanders), TRU, ERT members and crisis negotiators. It is also mandatory for OPP recruiters, in-service trainers, and Human Resources Bureau

advisors. The screening and training of officers – from application for constable to Level 2 Incident Commander – was outlined in Commissioner Boniface’s testimony, and summarized in Exhibit 1709. A fulsome description of the various Native Awareness programs is now contained in the OPP Part II materials on Aboriginal Initiatives.

- **Promotion Criteria** – Criteria for the selection of Promotional Board members includes the diversity/demographic profile of the OPP. Officers are required to address Aboriginal issues, including where applicable, the Framework for Police Preparedness for Aboriginal Critical Incidents (discussed below).
- **Aboriginal Liaison – Operations** – This office was created in 1996 to provide operational support to senior members of the OPP, by enhancing relationships with the Aboriginal community and ensuring an understanding of Aboriginal issues impacting upon policing decisions.
- **Regional Aboriginal Strategy Committees** – These Committees, established in OPP regions across the province, assess the status of OPP relationships with Aboriginal communities and make ongoing recommendations as to how to improve relationships and service delivery.
- **Aboriginal Relations Team (ART)** – Selected police officers, largely Aboriginal, are trained in mediation and conflict resolution in support of an appropriate OPP emergency response. These officers also build relationships and trust proactively to prevent the escalation of issues.
- **Major Events Liaison Team (MELT)** – This new team is designed to specifically address major events or critical incidents, to support their successful resolution.
- **Framework for Police Preparedness for Aboriginal Critical Incidents** – This framework, which is now incorporated into Police Orders and articulates best practices, governs the OPP response to critical incidents. Its purposes are threefold:
 - a) Promote an operationally sound, informed and flexible approach to resolving conflict and managing crisis in a consistent manner;
 - b) Offer a framework that demonstrates accommodation and mutual respect of differences, positions and interest of the involved Aboriginal community and the OPP; and
 - c) Promoting and developing strategies that minimize the use of force to the fullest extent possible.

Applicants for Level 2 Incident Command positions must successfully complete seven mandatory fields, including managing Aboriginal issues. Their assessment includes one scenario involving an Aboriginal subject and/or location.

- **Crisis Negotiator Program Enhancements** – The program has been enhanced to ensure that all crisis negotiators received full Native Awareness training. As well, there are six OPP Aboriginal officers trained and assigned as crisis negotiators. With their involvement comes significantly increased language capacity.
- **Aboriginal Officers Leadership Forum and other institutional support and development of Aboriginal members** – This annual forum enables OPP Aboriginal officers to share experiences, and generate recommendations to the OPP Commissioner on issues of importance.
- **Zhowski Miingan – Traditional Aboriginal Drum** – In 2002, a traditional Aboriginal Drum was gifted to the OPP Aboriginal officers. There are 11 officers who sit at the Drum. It is a rare honour for officers of a police service to be given the care of a traditional Drum. Zhowski Miingan (Blue Wolf) has drummed at over 110 events and has received six eagle feathers.

Some of these initiatives were developed with the assistance of the Commissioners' Select Liaison Council on Aboriginal Affairs. Others were developed in consultation with Aboriginal leaders, Elders, First Nations police services or OPP Aboriginal officers. As well, as reflected above, Regional Strategy Committees, composed of Aboriginal members, senior Regional staff and community members, assist in identifying and implementing relevant strategies. These Committees exist in every Region, and for every Division, except Highway Safety.

As part of the business planning cycle, each Bureau, Region and Detachment is required not only to support the corporate initiatives that contribute to relationship building, but also to identify and participate in locally relevant activities. (Examples of local initiatives are provided in response to question 3) As part of the performance management process, senior managers are held accountable and measured on these activities. As well, accountabilities around the Promise and the Professionalism policy have been written into all staff performance and learning and development plans.

In 2004 and 2005, focus groups were again held across the province, this time around the core value of diversity. The objective was to identify skills, knowledge, attitudes and actions required to be effective in serving a highly diversified public. Again, this has resulted in a strategy to integrate valuing diversity into all facets of the OPP operations, including recruitment, staffing and continuous learning. Ontario Provincial Police Orders also specifically addresses these issues, including discrimination, harassment, illegal profiling and accountability of employees and manager/supervisors.

2. *What additional or new projects or activities would the OPP support to enhance its efforts to build relationships with the Aboriginal community?*

Regional Liaison Councils -- Building upon the success of the Commissioners' Select Liaison Council on Aboriginal Affairs, the OPP is working towards the establishment of Regional Liaison Councils. Selection of members has commenced in North West Region,

and an annual meeting has taken place in the Eastern Region with Elders and Chiefs from Akwesasne, Tyendinaga and Golden Lake since 2002.

Executive Development Program -- The Canadian Police College in Ottawa currently has a Senior Police Administration Course offered to senior officers in Canada and elsewhere. The OPP, in partnership with the RCMP and First Nations Chiefs of Police supports a similar Executive Development Program to be offered through the Canadian Police College in which Aboriginal issues figure prominently. Its development is underway, and is expected to be available by the spring of 2007.

Additional Aboriginal Liaison Operations Officers-- The OPP recognizes the need to ensure continuity of the Aboriginal Liaison Operations Officer position, and additional personnel supporting that position. Recent events have underscored these needs. The current Aboriginal Liaison Operations Officer is now mentoring four officers.

Additional ART members – The OPP has also identified the need for additional ART members. Indeed, the entire complement of 40 current ART officers has been fully engaged. As a result, the OPP intends to expand the number and regional representation of ART members. Although not all ART members are necessarily Aboriginal, the OPP outreach strategy concerning ART is designed to familiarize all potentially eligible Aboriginal officers with the role of ART and encourage applications to this speciality function. The OPP will strive to double the number of ART members.

Enhanced Mentoring for Aboriginal members -- At present, candidates applying to the OPP who self-identify as Aboriginal are tracked to ensure that their file is dealt with expeditiously. If unsuccessful at a stage in the recruitment process, Aboriginal candidates are also mentored by OPP officers where appropriate. As well, mentoring of Aboriginal officers by more senior Aboriginal officers is facilitated through the Aboriginal Officers Leadership Forum. The OPP's strategy is to provide additional means of mentoring Aboriginal officers, and supporting their advancement. Commencing in 2005, Aboriginal Sergeants began to job shadow the Manager of First Nations Programs. As well, developmental secondments are being offered to Aboriginal officers (that is, secondments designed to develop or enhance the officers' abilities and qualifications) For example, Aboriginal officers have recently served or are currently serving in the following capacities: Acting Commander of the Human Resources Bureau, lead for the revamped TRU selection process, acting Chief of Walpole Island Police, acting Supervisor of Oneida Police, acting Supervisor of Gull Bay Police, acting Supervisor of Pikangikum Police, Acting Chief of Mnjikaning Police. Additional secondments are referred to in response to question 9.

This fall, the "coaching triangle" concept will be introduced at the Aboriginal Officers Leadership Forum. The triangle links senior, middle level and junior officers in three-person mentoring partnerships.

Localized Native Awareness Training – The OPP has recognized that the Native Awareness Training course should not be confined to any single culture. One day of the

current course is devoted to familiarizing participants with varied cultures. As well, the course has been adopted, with local input from Elders and community leaders, to emphasize locally relevant cultures. For example, in the last two years, courses have been offered at Six Nations and Akwesasne devoted to the Haudenosaunee culture. As well, officers are provided information about local cultural practices and history at various stages in their training. That being said, in November 2006, there will be a Native Awareness “Train the Trainers” program designed to increase the number of available trainers, and enhance their own cultural and practical knowledge. Twelve to sixteen OPP officers, and eight to ten officers from First Nations police services will attend. They will be provided with teaching points, basic presentation packages, principles of adult education, and will be taught how to tailor their training to address local needs. The OPP will also invite greater participation by local Elders and organizations to enhance the program.

E-Learning – The OPP is working to enhance training for officers posted in more remote locations. The OPP Academy has designed an interactive DVD program that addresses the unique issues for the Nishnawbe-Aski Police in investigating sexual assault allegations. It is now available. It is complemented by “chat room tutors” who are being trained in June 2006. This program is being used for the development of similar programs.

The OPP is also developing an e-learning tool to be used at the OPP Academy. It will utilize extracts from the OPP Forum at the Ipperwash Inquiry on DVD (together with multiple choice questions) to teach all recruits about First Nation policing.

OPP Accolade Awards – Jim Potts Award – The OPP has instituted an award honouring Jim Potts, which recognizes the uniformed or civilian individual or team best achieving the OPP’s Vision, Mission and The Promise by their significant contributions to policing in First Nations communities. This can include work such as innovative programming, prevention initiatives, community involvement, investigations, enforcement, promotion of cultural awareness, or building partnerships and relationships in First Nations communities. We have enclosed several synopses of the work done by recipients of this award.

Women Behind The Badge – Six OPP officers were featured in three one-hour documentaries, produced by a Canadian TV production company in 2004/2005. The series has aired several times on TVO, Court TV and other cable television channels. The making of the documentary was supported by the OPP Uniform Recruiting Unit as a method of encouraging women from all communities to consider becoming OPP officers. The series candidly looked at the lives of the six women, both on the job and at home. One of the six women was an Aboriginal officer, who spoke from the heart about the challenges she has faced as both a police officer and a First Nation woman. The OPP would like to support similar projects in the future.

LEAD -- The OPP has worked in partnership with the Law Enforcement Aboriginal and Diversity Network (LEAD) Executive Committee of the Canadian Association of Chiefs

of Police (CACP). This year, the 2006 Aboriginal and Diversity Policing Conference was sponsored in Toronto. Fittingly, the theme was building trust. The OPP will continue to support programs developed in partnership with LEAD.

Business Planning

3. *The OPP's 2005 Business Plan identifies relationship building with Aboriginal communities as a mission critical issue. It then identifies specific goals, including strengthening relationships with Aboriginal leaders, support for First Nations police services, and enhancing awareness of Aboriginal awareness and training. What specific activities has the OPP established to fulfill each of these goals? The OPP identified several at the January 26/27 forum. Is there anything else? What performance measures, if any, have been adopted to evaluate these activities?*

The corporate initiatives designed to fulfill the goals identified in the 2005 Business Plan are largely set out in response to questions one and two. Many of these initiatives are also more fully outlined in the OPP Part II materials on Aboriginal Initiatives: Building Respectful Relationships.

In addition, as earlier noted, every Bureau, Region and Detachment must not only support these corporate initiatives, but articulate in writing what activities and initiatives will be undertaken within their Bureaus, Regions and Detachments to build relationships. The individualized business plans are submitted to the Business Planning Unit through the chain of command. These business plans set measurable goals. Quarterly written reports outline what has been done in furtherance of the business plans. Senior managers are held accountable by the Commissioner's Committee in that deviations from projected goals must be explained.

Several examples of local activities or initiatives are:

- a) Regularized meetings between detachment commanders and local elected Chiefs
- b) All Terrain Vehicle safety workshops for youth
- c) Coordinated use of detachment facilities along the Trans-Canada Highway for a group of Aboriginal women walking across Ontario to raise diabetes awareness
- d) Suicide prevention workshops
- e) Measurable goals for Native Awareness Training for local officers (eg x number of officers to take the course by x date)
- f) Participation in Flotilla for Friendship, an Aboriginal-focused police and youth event
- g) Local recruiting initiatives

4. *The OPP's 2004 Business Plan states that the OPP will increase its "capacity to conduct ... public order analysis." (page 8) Can you describe the project and what the OPP has learned?*

The reference to “public order analysis” is unrelated to Crowd Management or Public Order units. This was a crime prevention initiative that generated a report on crime analysis.

Independent Evaluation

5. *Has the OPP commissioned or participated in independent evaluations of any of the programs discussed at the January forum? If so, what do these evaluations say?*

a) Report on First Nations Police Training – Scott Campbell – 1992

This report was commissioned by federal and provincial funders. It identified gaps in the training of First Nations officers, including the need for more training in sexual and domestic violence, and for supervisor training. It also recommended more support for recruits while at the Ontario Police College.

These issues have been addressed in a variety of ways. A full-time First Nations liaison officer (an OPP officer) was assigned to the Ontario Police College. That position continues to exist today. The liaison officer deals with OPP Aboriginal officers, as well as officers of OPP administered and self-directed First Nations police services. Officers regularly “check-in” with the liaison officer, who also provides remedial help or facilitates access to such help, if needed.

The OPP Academy and First Nations and Contract Policing Bureau developed a First Nations Investigators Course in 1998, and a First Nations Family Violence course in partnership with the First Nations Chiefs of Police Association in 2000. These courses were offered to First Nations officers, whether or not they were OPP members. At present, the mode of delivery is to grant priority access at the OPP Academy to officers of First Nations police services for Sexual Assault, Criminal Investigators and Supervisors courses.

The Campbell Report also identified the impact of federal “front line only” funding policies upon the ability of First Nations police services to address their needs. This remains a problem.

b) Analysis of the First Nations Policing Program – Coopers Lybrand – 1995

This analysis was again done at the instance of funders pursuant to a clause in the relevant funding agreement.

Coopers Lybrand noted the confusion in determining whether the community or the OPP constitute the employer for OPP administered services. It also noted the problem associated with the appointment of officers of First Nations police services by the OPP Commissioner. These issues remain problematic.

The analysis also noted that a number of serving First Nations officers did not successfully obtain their Ontario Police College Basic Constable Diploma. The difficulties for such officers at the Ontario Police College were recognized. This issue has since been addressed, as noted below.

c) First Nations Service Delivery Project – 1997

This report was commissioned by then Commissioner Thomas O’Grady. It was prepared by Ron George, then a consultant. He surveyed OPP Aboriginal members, officers of First Nations police services, community leaders and Elders, largely in Western Ontario. He identified issues for First Nations officers including lack of mentoring, lack of advancement opportunities, succession planning, inner conflictedness, and relationships with employers. Within the OPP, these issues have been addressed in a variety of ways, such as the Aboriginal outreach and inreach programs, the Aboriginal Officers Leadership Forum, and more recently, steps to enhance mentoring of Aboriginal members discussed in response to question two.

d) Audit of the *Ontario First Nations Policing Agreement*, Consulting and Audit Canada – 2002

This audit addressed the OPP First Nations Policing Section, most particularly OPP administered police services. It, too, identified as problematic the number of officers working with no Ontario Police College Basic Constable Diploma. It also recommended more rigorous budget projections and procurement processes, and adherence to minimum educational standards for recruits.

These issues have all been addressed. All officers now have diplomas through mentoring and reattendance at the Ontario Police College. As well, four officers were assisting in obtaining Grade 12 equivalency. Adherence to Management Board financial guidelines was implemented.

e) Native Awareness Training Course-- Canadian Race Relations Foundation – 2004

Dr Karen Mock and three staff members of the Canadian Race Relations Foundation attended the one-week Native Awareness Training course in 2004. Although no written report was generated by the Foundation, it is fair to say that the feedback was very positive. Dr. Mock and her staff reviewed adult learning principles, facilitation techniques and environmental considerations. Most important, it was recommended that a more rigorous evaluation process take place after participants have an opportunity to distill what transpired, particularly given the intensity of the experience. As a result, in addition to oral and written evaluations sought from participants at the end of the course, there is a survey sent to all participants one year later. Participants are asked, for example, what they remember, what was most important and how have they applied what they learned.

f) Development of OPP Promise – Weiss and Associates

As reflected in response to question one, and in the OPP Part II materials on Aboriginal Initiatives: Building Respectful Relationships, the corporate initiatives to redefine the OPP's vision, mission, strategic objectives, priorities and values were supported by an independent consulting firm, David Weiss and Associates, which facilitated the focus groups, and the Executive Council business planning process that led to the OPP Promise. The same consulting firm facilitated the development of the OPP's strategies, plan or vision on valuing diversity, and how diversity training is now delivered to officers.

g) OPP Longitudinal Study of New Recruits (Nipissing University)

This study is addressed in response to question six.

h) Recognition or Awards

OPP programs (or individuals participating in them) have been recognized or the subject of awards. Although such recognition or awards do not involve formal evaluations, they do speak to the success of such work:

Commissioner Boniface – Order of Ontario – 2001 (primarily for work in First Nations policing)

Paul Trivett and the Native Awareness Program – Ontario Public Service Amethyst Award – 2000

Glenn Trivett – Governor General's Order of Merit – 2002 (for Suicide Intervention and Native Awareness Programs)

Presentations of Eagle Feathers to Zhouwski Miingan and the OPP drummers – eight separate communities

Commissioner Boniface and Glenn Trivett – First Nations Chiefs of Police Partnership Award – 2005

Commissioner Boniface – Ontario Public Service Amethyst –2004 (for the Focus on Professionalism.)

OPP --International Association of Chiefs of Police Civil Rights Award (two) – 2005 (for The Focus on Professionalism and The Promise as well as for OPPBound 2004)

Inspectors Robin Jones and Bob Bruce – Ministry of Community, Safety and Correctional Services Ovation Awards – Creativity and Innovation – 2002-2003 (for OPPBound)

6. *Please provide more details about the OPP's longitudinal recruit study.*

The first of its kind in Canada, the OPP Longitudinal Study of New Recruits was launched in 2004 in partnership with a Nipissing University research team, led by Dr. Greg Brown of the Criminal Justice Program.

The goal of the Longitudinal Study is to evaluate the impact of selected OPP policies and practices on the performance and job satisfaction of individuals in three consecutive OPP recruit classes over a five-year period. The study also provides an opportunity to identify trends, patterns and systemic issues based on such factors as age, family status, race, gender, type of work, region/bureau, career mobility, advanced training, promotion, employment history and educational background. Recruits are asked, amongst other things, to describe their cultural, ethnic or racial background (checking as many categories listed as apply.)

The study is being carried out over a five-year period by administering a series of surveys to three consecutive OPP Recruit Classes at various stages during that time frame. In 2004, Dr. Brown and research team members Dr. Jane Barker and Ms. Krista Mathias began working regularly with the OPP Project Advisory Committee that was tasked with bringing this study to fruition. Together they designed an appropriate research methodology.

The methodology was designed to compare initial expectations of new recruits with their subsequent experiences at specific time periods during their training and on-the-job experience.

The first survey for each of the three classes is administered before Basic Constable (BCT) Training at the Ontario Police College (OPC). The second survey follows completion of BCT training at OPC and OPP in-service training. The third survey is administered once recruits complete their probationary periods, and the fourth and last survey is completed once recruits have completed three years of regular service.

To date, seven surveys have been administered: three for the first class; two for the second class, and two for the third class. There are 12 surveys to be administered in total.

The survey questionnaires are designed for comprehensive data collection relating to a wide range of factors that include demographics, job attraction factors, selection, recruitment and orientation processes, worries or reservations about the job, perceptions of self and work, and attitudes and opinions about a range of factors.

At the outset, recruits are advised that participation is entirely voluntary and anonymous from start to finish, and recruits are free to withdraw from the study at any time and without any consequences.

The Longitudinal Study will provide an opportunity for the OPP to improve those programs, practices and/or policies that are identified as making a difference in employee job satisfaction.

Each survey repeats a number of questions to assess change over time, and asks questions about those policies, programs or practices unique to each phase (ie that the participants will have encountered and potentially been impacted by, such as the Promise, Native Awareness Training etc.).

Dr. Brown and his team will provide a report to the Project Advisory Committee after the analysis of each survey has been completed. Through this regular dialogue, Dr. Brown and his team are able to ensure that any new and relevant policies, programs or practices may be implemented during the currency of the study, rather than await its completion.

The OPP Longitudinal Study of New Recruits is scheduled for completion in the summer of 2009.

7. In the absence of independent program evaluation, how does the OPP assess whether or not these programs are achieving their objectives?

The OPP, through a rigorous business planning cycle, described elsewhere, has the means to assess whether the organization, and its Bureaus, Regions and Detachments have met certain projected and measurable goals (eg establishing regularized meetings with elected Chiefs, or ensuring “x” number of officers have attended Native Awareness Training courses within “x” period of time.)

However, it is more difficult to assess whether OPP programs are successfully achieving objectives such as “building relationships with Aboriginal communities” since relationship building is not quantifiable.

That being said, some obvious means exist to assess whether such programs are achieving significant success:

- a) The OPP Commissioner and executive report a level of networking with Aboriginal communities, organizations and leaders that surpasses (albeit anecdotally) previous levels. That networking has been drawn upon to reduce tensions on a number of occasions.
- b) Recruitment of Aboriginal officers to the OPP or through the OPP to First Nations police services, the promotion of Aboriginal officers within the OPP, and their involvement in specialty units is quantified elsewhere and represents one means of measuring success.
- c) The existence of multiple participations with First Nations police services (through protocols, joint training, joint investigative units, secondments of OPP officers to First Nations police services, the NAPS Investigative Support Unit and

- the Integrated Support Services Unit) must intrinsically be regarded as a measure of success.
- d) The evaluations by OPP attendees of the Native Awareness Training course represent a means of measuring success, as will the results of the OPP Longitudinal Study of New Recruits.
 - e) External recognition or awards (listed in response to question 5)
 - f) Feedback from the First Nations communities (further described in response to question 8) also provides a measure of success.

Consultation with First Nation

8. How does the OPP consult with First Nations in Ontario in addition to the Commissioners' Select Liaison Committee on Aboriginal Affairs?

The OPP consults with First Nations in a variety of ways and at different levels:

The Commissioner obtains advice from the Commissioners' Select Liaison Council on Aboriginal Affairs, as well as through meetings with Aboriginal leaders, elected Chiefs, Chiefs of Ontario and the Provincial Territorial Organizations.

Senior regional command staff also have relationships with leaders of the Provincial Territorial Organizations. Regional Commanders meet with the Grand Chiefs. Detachment commanders are required to meet regularly with local First Nations police services and local elected leaders to discuss issues of mutual interest.

Regional Aboriginal Strategy Committees regularly provide additional community input to the OPP. As previously noted, the OPP is also developing Regional Liaison Councils.

The role of the Aboriginal Liaison Operations Officer is, amongst other things, to consult with the Aboriginal community and its leadership on political and legal issues. (use language from something like framework etc.). As well, many detachments have designated liaison officers who work with the First Nations communities, particularly where the OPP administers the First Nations police services. These liaison officers meet regularly with community members.

Members of the Integrated Support Services Unit and ART consult with First Nations communities on a daily basis as part of their functions.

The Manager, First Nations Programs consults daily with OPP policed communities, self-directed First Nations police services, as well as Elders involved in cultural teachings.

The OPP's senior management participates in the First Nations Chiefs of Police Association, including the Commissioner.

NAPS Investigative Support Unit/ISSU9. *Is the NAPS Investigative Support Unit a potential model for OPP support to other First Nations police forces in Ontario?*

The NAPS Investigative Support Unit is a model that was developed through the vision of the Nishnawbe-Aski Police Service. While it is certainly a potential model for others, there are recent or existing approaches already in place in other services, such as:

- Integrated Support Services Unit – deployed across Ontario
- Joint Anti-Smuggling Task Force – Akwesasne - ongoing
- Integrated Border Enforcement Team – Akwesasne, Six Nations, Walpole Island, Garden River, Thunder Bay, Kenora - ongoing
- Secondment of OPP senior investigator and middle manager – Treaty Three Police - ongoing
- Secondment of senior OPP officer as Chief - Lac Seul Police – 2004
- Secondment of senior OPP officer as Director of Support – Anishinabek Police Service – 2004
- Secondment of OPP officer as operations manager – Mnjikaning Police Service – 2005
- Secondment of OPP officer as Supervisor – Oneida and Walpole Island Police services – ongoing
- Multiple training initiatives (eg officer trained as ERT member with Mnjikaning Police Service; 12 Treaty Three officers to be trained in emergency response containment commencing in October 2006)

Recruitment Initiatives10. *Please provide a profile of Aboriginal people in the OPP by number and rank. Historical detail would be helpful also.*

Commissioner Boniface in her testimony at the Inquiry provided some comparative information. In 1995, there were 49 self-identified Aboriginal officers. At present, there are 125 to 135 self-identified Aboriginal officers.

- 1 Superintendent and 1 Acting Superintendent
- 1 Inspector
- 14 Sergeants
- 115 Constables (approximate)

A number of OPP Aboriginal officers have joined First Nations police services. The OPP supports this process, and indeed regards it as a success story, despite the resulting reduction in the number of OPP Aboriginal officers.

First Nations Programs and Contract Policing Bureau

11. How many people work in the OPP First Nations and Contract Policing Bureau?

The total number of people working in First Nations and Contract Policing Bureau is 28.

- Commander
- First Nations Programs central administration unit – 6
- Integrated Support Services Unit – 12 (6 OPP, 6 RCMP)
- Contract Policing - 9

This does not include the 80 officers and staff under OPP administration pursuant to the *Ontario First Nations Policing Agreement*.

Aboriginal Relations Teams

12. How many ART officers are there? Are there plans to expand?

There are currently 40 ART officers deployed across the province. As earlier indicated, the OPP has identified the need to expand their numbers. Every region has requested seats on the September 2006 ART course and the goal is to offer the training to every OPP Aboriginal officer who demonstrates an interest in being involved in ART and whose performance evaluations support his/her participation.

13. How many times have ART officers been deployed in this capacity?

ART officers have been deployed to assist with 25 separate incidents. All 40 ART officers have rotated through Caledonia alone over the past few months. They have had key roles on the front line during this land dispute and blockade. Four ART officers have been the backbone of building relationships with key individuals from Six Nations of the Grand River during this incident.

14. What kinds of issues have ART officers or teams worked on?

- Land Dispute in Caledonia, Haldimand Township
- Pre critical incident and post critical incident support to other agencies/ specialized units with execution of low-risk warrants
- Providing assistance to First Nation Police Service during a weapons incident
- Assist in Kasheshewan in the aftermath of the police detachment fire
- Pre-critical incident preparation to execute search warrants at residence of subjects deemed to be high-risk for violence
- Railway blockade in the Tyendinaga-Marysville area
- Assist with homicide, missing persons and bomb threat investigations
- Assist First Nation Police Service with front-line policing during mass evacuation of community due to e-coli

FRAMEWORK FOR ABORIGINAL CRITICAL INCIDENTS

Definitions

15. How does the OPP define “critical incident”?

Critical Incident is defined as:

- All incidents assessed to be high-risk on a First Nation’s territory or involving an Aboriginal person, and where the potential for violence requires the activation of the OPP Integrated Response (Level 2 Incident Commander, ERT, TRU and Crisis Negotiators); or
- Any incident where the source of conflict may stem from assertions associated with Aboriginal, inherent or treaty rights.

Applicability and Distribution

16. How does the OPP ensure that the Framework is used across the province?

There are 2 separate monitoring processes in place.

- Manager of Emergency Management and Planning, Field Support Bureau chairs the Provincial ART Strategy Committee that teleconferences weekly. This forum is used to share information about ongoing and potential incidents. The Framework is at the center of every discussion and the Chair of the Committee monitors its use.
- Incidents assessed to be high-risk are under the command of a Level 2 Incident Commander. There is a mandatory operational review of every Level 2 Incident by a member of the L2 IC Review Committee, which is made up of four Commissioned Officers including the Field Support Bureau Commander, Incident Command Program Manager, Lead Level 2 Incident Commander Instructor and one Regional Senior Level 2 Incident Commander. If the incident has involved a First Nations Community or Aboriginal subject, the Framework is one of the areas reviewed to ensure that the Incident Commander worked within the policy.

As well, as reflected in the OPP Part II materials on OPP Emergency Response Services: Comparison of 1995 to 2006, officers are now trained on the use of the Framework. Applicants for Level 2 IC must successfully demonstrate an ability to manage Aboriginal issues, and are tested on a scenario that involves application of the Framework. The Framework figures prominently in questioning by Promotional Boards. As well, Exhibit P-1711 contains contemplated refinements to the Framework. One recommendation made by the Chiefs of Ontario and accepted by the OPP is that the Framework be disseminated to self-directed and OPP administered First Nations police services, as well as to

communities which are policed directly by the OPP. The OPP goal is to complete this process by the end of 2006.

17. Is use or consideration of the Framework mandatory in Aboriginal critical incidents?

Yes. That being said, some high-risk incidents occur very quickly and do not permit the Framework's use pre-incident. The Framework remains relevant during the incident and post-incident.

Do ART officers have to be engaged in Aboriginal critical incidents?

Whenever practicable, ART officers will be engaged in Aboriginal critical incidents. This is not always possible. Again, some high-risk incidents occur and are resolved very quickly in locations where ART officers are not ordinarily deployed.

18. Are incident commanders assessed, in part, on their use of the Framework in post-incident evaluations in Aboriginal critical incidents?

This assessment is fully described in response to question 16.

Number and Description of Aboriginal Critical Incidents

The Inquiry would like our report to include basic information on the number and type of Aboriginal critical incidents across Ontario. This is key data that will help us set the context for the Part Two volume.

19. Please provide summary descriptions of Aboriginal critical incidents in the last ten years (1996-2005), including:

- a. A description of type and incidents of Aboriginal critical incidents (blockades, occupations, hostage-takings, etc)?*

Over the above period, there have been in excess of 100 Aboriginal critical incidents. A number are domestic situations that involve firearms. Blockades of roads and other property also represent a number of these incidents. Other examples are internal community disputes over elections, high-risk canine tracks, barricaded subjects, and potential hostage takings.

Here are several examples:

- a) A party on First Nations Territory contacted the police concerning a domestic situation. OPP officers attended and an argument ensued. A shotgun was pointed at the officers. The officers and one of the parties retreated. The shotgun was discharged several times, shooting out the window of an OPP cruiser. An

- integrated response by the OPP followed. The party surrendered after several hours of negotiations. The incident lasted 30 hours.
- b) A barricaded party on First Nations Territory had allegedly caused severe bodily harm to a family member. The party refused to surrender to police. An integrated response by the police followed. The party surrendered after several hours of negotiations. The incident lasted six hours.
 - c) A local Aboriginal group entered a provincial park to assert hunting rights. MNR requested assistance of OPP to attend and provide support to keep the peace. MNR monitored the situation by ground and air and identified several of the individuals as trespassers who had entered the Park to hunt. No direct enforcement action was taken and the parties left on their own. It was a two-day hunt.
 - d) A bridge was blockaded as a show of support for Aboriginal people in Burnt Church. The bridge was initially closed completely, and then one lane was opened to facilitate the movement of traffic. The protest lasted two days. The OPP assisted the First Nations Police Service in negotiating a peaceful resolution.
 - e) A protest involving both First Nation and non First Nation community members against garbage being shipped north culminated in the blockade of a highway and then railway tracks, shutting down certain businesses and closing off the supply network to various communities. POU was on scene to enable the forceful removal of protestors if necessary. However, the OPP negotiated with the protest leaders for seven days and when the decision was made to enforce the court order and remove the protestors, they voluntarily complied with the order. One of the protestors acknowledged publicly the good relationship established with the OPP.
 - f) Community members occupied a Band office, protesting alleged corruption and illegality of the Chief and Band Manager. The issue was resolved as Indian and Northern Affairs assigned a third party manager. OPP and a First Nations police service monitored the situation and investigated occurrences as they were reported. The incident lasted for three months before its peaceful resolution.
 - g) A party armed with a long gun was firing rounds near his house on First Nations Territory. OPP officers provided backup for First Nations Police officers. An integrated response by the OPP followed. The party surrendered after speaking with crisis negotiators. The incident lasted two and a half hours.
 - h) OPP Criminal Investigation Branch investigated an attempted murder incident that occurred off the nearby First Nations Territory. A Level 2 Incident Commander assigned TRU to execute a search warrant for firearms at a residence on the Territory. The warrants were successfully executed without incident.

- i) A party on First Nations Territory allegedly assaulted his common law spouse, pointed a 12 gauge shotgun at her, before leaving the residence on foot with a handful of shells. The party had an extensive history of violence, firearms, resist arrest, assault police. An integrated response by the OPP followed. Communication was established by the ERT team and the suspect surrendered. The incident lasted for just under 16 hours.

b. What issues typically generate critical incidents?

As reflected above, a variety of issues generate critical incidents. However, domestic situations and blockades represent a significant number of the incidents. Examples of the types of assertions that prompt blockades or other protests are contained in the previous response.

c. Where have they occurred?

In, or in close proximity to the following Territories:

Dalles First Nation Territory
 Whitesand First Nation Territory
 Aroland First Nation Territory
 Poplar Point First Nation Territory
 Manitou First Nations Territory
 Marten Falls First Nation Territory
 Wabaseemoong (Whitedog) First Nation Territory
 Grassy Narrows First Nation Territory
 Pikangikum First Nation Territory
 Nemeiguasabins Lake-First Nation Territory of Kitchenuhmaykoosib
 Innimuwugs
 Wauzhushk Onigum First Nation Territory
 Fort Hope First Nation
 Seine River First Nation Territory
 Landsdowne House First Nation
 Long Lake #58 First Nation Territory
 Frenchman's Head First Nation Territory
 North West Bay First Nation Territory
 Wunnumin Lake First Nation Territory
 Saugeen First Nation Territory
 Mishkeegogamang First Nation Territory
 Gull Bay First Nation Territory
 Cat Lake First Nation Territory
 Tyendinaga Mohawk Territory
 Akwasasne Mohawk Territory
 Six Nations of the Grand River Territory
 Garden River First Nation Territory

Batchawana First Nation Territory
 Adams Mine (Kirkland Lake) involved people from Matachewan First Nation,
 Wabun Tribal Council and Timiskaming First Nation
 Wikwemikong First Nation Territory
 Constance Lake First Nation Territory
 Taykwa Tagamou First Nation Territory
 Henvey Inlet First Nation Territory
 Shawanaga First Nation Territory
 Mississauga First Nation Territory
 Dokis First Nation Territory
 Sagamok First Nation Territory
 Beausoliel First Nation Territory
 Wahta First Nations Territory
 Moose Deer Point First Nations Territory
 Curve Lake First Nation
 Chippewas of the Thames First Nation Territory
 Walpole Island First Nation Territory
 Chippewas of Kettle and Stoney Point First Nation Territory
 Munsee – Delaware First Nation Territory
 Oneida Nation of the Thames First Nation Territory

d. How long to they typically last

Level 2 incidents (such as barricaded subjects and potential hostage calls) generally last up to 30 hours. Blockades vary in length – some have lasted three months. Of course, the current incident in Caledonia is ongoing.

e. How are they typically resolved?

Typically, though not invariably, Level 2 incidents are resolved through the intervention of OPP crisis negotiators. Again, typically, though not invariably, blockades are resolved through negotiations involving community, government and the police.

f. Are the outcomes peaceful or violent?

There have been over 100 Aboriginal critical incidents since Ipperwash. All but six incidents resolved peacefully. Two resulted in non-fatal shootings. The SIU found in one that “the force used was justifiable in the circumstances” and in the second, that “the officer acted in accordance with approved practice and found no evidence to support criminal charges arising out of the incident.” Four incidents involved fatal shootings. In the first, the SIU found that “the shooting was justified with no evidence of criminal conduct by police;” in the second, “cleared the officers of any criminal liability;” in the third, “found that the officer’s use of lethal force was legally justified pursuant to the provisions of 25(3) of the Criminal Code;” and in the fourth, “found that the officer was justified in his

actions.” One Coroner’s inquest was held. That being said, some parties to this Inquiry have reflected disapproval in Part II presentations of at least two of those findings. Any non-peaceful outcomes can only be regarded as deeply regrettable, regardless of whether officers were justified in their actions. None involved an occupation or blockade.

Other OPP Policies

The Framework describes some, but obviously not all, OPP policies that may apply during an Aboriginal critical incident. The background papers will undoubtedly address other important policy issues. There is also a specific question about injunctions.

20. Does the OPP require or prefer to have an injunction (if relevant) during an Aboriginal critical incident? Why?

The OPP preference is more nuanced than it was in 1995. In 1995, there was a presumption that competing land claims/occupations should necessarily be addressed through the injunctive process. Prior incidents have successfully been resolved through the injunctive or court process, as occupiers respected the court process or the OPP utilized the existence of a court order to negotiate an end to the incident.

It remains the case that the OPP is, as a rule, not prepared to take sides on such disputes, and may require a court order to take certain types of enforcement action. However, there is also a recognition by the OPP that, in some circumstances, applications for injunctive relief, the timing of such applications, or the terms of any injunctive relief, may not ultimately advance public safety and order, but may exacerbate tensions and inhibit the expeditious and peaceful resolution of the issues.

It should be noted that the Framework now recognizes the need for flexibility in this regard. This explains why no specific reference is made to injunctive relief in the Framework itself.

21. Do ART officers have input as to when and how injunctions and warrants are served.

The Aboriginal Liaison Operations Officer does have significant input as to when and how injunctions and warrants are served. The Operations Officer is expected to play an important part of the operational planning in that regard.

ART officers have been and will be involved in developing strategies for critical incidents. However, having input in planning how and when injunctions and warrants are served may compromise their ability to accomplish their own goals as ART officers. Accordingly, ART officers will not generally be involved in such operational planning or execution.

Policing Interests

22. *What are the policing interests referred to in the Framework (pg.7), particularly when the substance of the dispute is arguably political (i.e. a land claim or hunting and fishing dispute)?*

The OPP derives its police interests from *the Police Services Act*. These interests are rooted in public safety and maintaining the peace. Pursuant to this legislation, the OPP is required to provide “adequate and effective services” related to crime prevention, law enforcement, assistance to the victims of crime, public order maintenance and emergency response.

The policing interests relevant to the Framework are stated in the *Purpose* section:

- 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 interest of the involved Aboriginal community and the OPP; and
- Promoting and developing strategies that minimize the use of force to the fullest extent possible.

The Commission’s Discussion Paper on Policing Occupations and Police/Aboriginal Relations dated June 2006 provisionally identifies at page 5 several objectives that police should strive for in policing occupations and protests. The OPP agrees with those articulated objectives, that also find expression in the Framework’s stated purpose.

23. *What is the OPP’s practice or strategy for managing Aboriginal critical incidents with multiple stakeholders?*

In the past, the OPP has frequently consulted with, or engaged, multiple stakeholders to negotiate a resolution of public safety-related issues. A related strategy has been to proactively encourage stakeholders to “come to the table” to negotiate substantive issues, where appropriate. To state the obvious, the ongoing incident in Caledonia involves multiple stakeholders, and is already being examined within the OPP on an ongoing basis to further develop best practices.

The Framework is relevant in this regard as well. It is addressed in response to question 24.

Relationship to Enforcement Agencies, Governments and Stakeholders

24. *Does the OPP support a networked approach that engages other interested parties/stakeholders to identify and resolve Aboriginal critical incidents? If so, can the OPP discuss how this approach could or should work? Is this concept implicit in the Framework?*

The Framework contemplates that interested parties/stakeholders will be engaged to identify and resolve Aboriginal critical incidents. This occurs in a variety of ways. Pre-incident, Detachment and Regional personnel, supported by the Aboriginal Liaison Officer Operations and ART members network with interested parties/stakeholders to acquire an understanding of the issues, to build relationships conducive to peaceful resolutions, and to ensure that expectations of all parties are being discussed and shared. Should the matter become a critical incident, the Critical Incident Mediator and Aboriginal Liaison Operations Officer (sometimes in conjunction with other designated officers) represent the OPP at discussions involving interested parties/stakeholders. ART members and MELT members continue to perform their respective roles.

The Framework promotes a flexible approach. What this recognizes, amongst other things, is the inherent flaw in overstructuring how critical incidents will be resolved. In the OPP's experience, each critical incident raises unique issues. Best practices have been developed for integrated response, POU, crisis negotiation etc. These best practices are to be applied within the context of the Framework.

25. Does the OPP have written policies, protocols or practices for dealing with other enforcement agencies (such as First Nations police forces, MNR, DFO, DIAND) local governments, First Nations governments, or the non-Aboriginal community during Aboriginal critical incidents? If so, what are they?

There are operating protocols between the OPP and First Nations police services in Ontario. See, for example, the Operational Policing Service – Protocol Agreement between Nishnawbe-Aski Police Service and the Ontario Provincial Police June 27, 2003 (which forms an attachment to the OPP Part II materials on Aboriginal Initiatives: Building Respectful Relationships.)

There is no existing protocol between the OPP and the MNR. MNR may be acting in an enforcement capacity (analogous to the role of police), or as an interested party in a rights dispute, or both. Where MNR is acting in an enforcement capacity, the OPP supports a recommendation that the MNR consider adoption, in whole or in part, of the principles articulated in the Framework.

The OPP is not a party to protocols with DFO or DIAND. It is a party to protocols with the Chiefs and Councils of First Nations communities such as Oneida, Chippewas of the Thames and Cape Croker whose police services are OPP administered.

The OPP is currently working with the Chiefs of Ontario and Nishnawbe-Aski Nation to develop communication/dialogue protocols.

AFN/RCMP Protocol

26. *Would the OPP consider a protocol similar to the one between the RCMP and the AFN?*

Ontario has a significantly more complex First Nations policing environment than any other province or territory. The ongoing development of nine police services, aligned primarily along the lines of Provincial Territorial Organizations, significantly affects the efficacy of a protocol with operational components that crosses policing jurisdictions. That being said, the OPP would welcome discussion with COO and PTOs on the desirability of operational protocols in Ontario. As indicated above, the OPP is currently working with the Chiefs of Ontario and Nishnawbe-Aski Nation to develop communication/dialogue protocols.

The OPP will further address this issue in its Part II submissions to Commissioner Linden.

Evaluation and Accountability

The Framework discusses post-incident operational reviews.

27. *Does the OPP conduct post-incident evaluations or reviews of all Aboriginal critical incidents? What issues do these reviews consider? How are potential lessons or policy changes distributed?*

In response to question 16, we identified two separate monitoring processes in place.

- Manager of Emergency Management and Planning, Field Support Bureau chairs the Provincial ART Strategy Committee that teleconferences weekly. This forum is used to share information about ongoing and potential incidents. The Framework is at the center of every discussion and the Chair of the Committee monitors its use.
- Incidents assessed to be high-risk are under the command of a Level 2 Incident Commander. There is a mandatory operational review of every Level 2 Incident by a member of the L2 IC Review Committee, which is made up of four Commissioned Officers including the Field Support Bureau Commander, Incident Command Program Manager, Lead Level 2 Incident Commander Instructor and one Regional Senior Level 2 Incident Commander. If the incident has involved a First Nations Community or Aboriginal subject, the Framework is one of the areas reviewed to ensure that the Incident Commander worked within the policy.

All Aboriginal critical incidents are reviewed as part of the first monitoring process. Indeed, the Provincial ART Strategy Committee does not await the completion of a critical incident, but will review the approach taken pre-incident or as a critical incident is occurring. The Committee also communicates lessons learned to affected officers or speciality programs.

A number of critical incidents are also reviewed as part of the second monitoring process, if the incident has been assessed as high-risk. Here, lessons learned are shared with the other Level 2 Incident Commanders. The small number of Level 2 Incident Commanders facilitates the organization's ability to effectively communicate these lessons. If policies need to be changed, the Managers responsible for key programs sit as members of the L2 IC Review Committee and can make the necessary changes and inform those affected.

As well, as earlier indicated, officers are now trained on the use of the Framework. Applicants for Level 2 IC must successfully demonstrate an ability to manage Aboriginal issues, and are tested on a scenario that involves application of the Framework. What this means is that lessons learned can be incorporated into the training regime.

28. More generally, how does the OPP ensure accountability for activities undertaken during an Aboriginal critical incident? Record keeping, debriefings, internal audits?

The monitoring/review process arising out an Aboriginal critical incident has already been described. Front-line officers may also participate in debriefings where issues are discussed.

Where an allegation of misconduct is raised internally or through an external complaint, it is investigated by Professional Standards Branch. This represents another means of accountability. For example, a complaint made by a member of the First Nations community following the conclusion of a Level 2 Incident resulted in an 18 month review of the TRU program, the decision to disband one of the three TRU teams, and disciplinary actions taken against individual officers.

There are now 31 investigators with Professional Standards Branch, including the Commander, a detective inspector, an inspector and sergeant majors for each region. Many of these investigators, including all of the senior officers, have now attended the one-week Native Awareness Training course, and more investigators will be attending when spots are available. Investigators are also trained in major case management. An investigator assigned to a complaint raising First Nations issues will have attended the Native Awareness Training course. The most senior officers, including the Commander, may act as case managers for the most sensitive or complex matters, and where appropriate, may seek input from community leaders.

29. What kinds of records or material are publicly available post-incident?

Records or materials prepared in the course of a critical incident are kept in accordance with the Major Case Management model and filing system. These records may be disclosed as part of a judicial or administrative process (as dictated by statute and/or the common law), with or without restrictions upon their availability to the public. Subject to such disclosures, these records or materials are generally confidential.