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POLICING WITH ABORIGINAL PEOPLES COMMITTEE

Canadian Association of Chiefs of Police

2006/2007 Annual Report

Message from the Chair

I am pleased to present the 2006/2007 Annual Report of the Policing With Aboriginal Peoples Committee (PWAPC). Along with my co-chair, Chief Brian Rupert of the Treaty Three Police Service, we are grateful for the ongoing support of all Committee members.

After an interval of almost two years, the current version of the PWAPC was reconstituted in June 2005 due to the impetus of CACP President Chief Jack Ewatski of the Winnipeg Police Service.

The first priority of this new edition of the PWAPC had been to complete the work started by the previous version of the committee. As a result, the Committee prepared and presented a model policy and investigative environment around lost or missing Aboriginal people.

This year, the Committee has submitted two draft resolutions for CACP member consideration and endorsement. The first submission suggests a common philosophy and approach for Canadian police services involved in Aboriginal protests or occupations. The second involves an advisory for all Canadian police services on potential crime and disorder issues in relation to the impending Residential Schools Settlement Agreement common experience payments.

Committee Mandate

With reference to the mission, objectives and beliefs of the CACP, the aim of the Policing with Aboriginal Peoples Committee is to research and advise the CACP on matters relating to the provision of policing services for Aboriginal people and communities.

Summary of Activities

During the past year, the Committee has met twice and consulted via email. Significant discussion continued about the Committee's strategic direction with priorities and actions relevant to current and future issues. In accordance with the PWAPC mandate, the Committee will remain responsive to CACP demands in relation to Aboriginal policing issues.

Over the course of the meetings, several themes dominated discussion:

- Issue of effectively policing Aboriginal protests and occupations;
- The potential impact of the Residential Schools settlement agreement;
- The need to increase police awareness of Aboriginal culture, interests and issues, and
- The need for relevant, supportive, and consistent committee membership.

As a result, two draft resolutions were prepared for consideration by the CACP membership at the 2007 Conference.

CACP approach to Aboriginal occupations and protests

Most major occupations and protests involve a dispute over a land claim, a burial site, resource development, or harvesting, hunting, and fishing rights, and there are literally many hundreds of outstanding, unresolved land claims. There currently stand several ongoing occupations and protests and no one can predict where more will occur, but the fundamental condition and catalysts sparking such protests continue to exist in Canada. In the context of the centuries-old tension between Aboriginal and non-Aboriginal people over land claims and resource rights, disputes, protests and occupations present unique challenges to policing.

The principal mandate of the police is the safety and security of all persons involved. Prolonged or large-scale protests and occupations require enormous resources and resulting disruptions to public convenience can lead to political or community pressure to resolve the situation swiftly. Hasty and uncompromising actions on the part of the police have provoked sympathetic actions on the part of other Aboriginal communities.

Over the past 15 years, police services across Canada have been working to achieve trusting and enduring relationships with Aboriginal communities, agencies, and institutions. In responding to Aboriginal protests, police face distinct limitations. Even effective conflict negotiation facilitated by the police can be accurately seen as only temporarily restoring order, not yielding a final solution to the underlying conflict factors.

Effective past practices, supported by findings of recent Commissions of Inquiry, highlight the need for patient, professional “measured approaches” that produce lasting resolutions and increased levels of trust. Police members involved in disputes should have the necessary skills and competencies to engage in meaningful and culturally competent communication. Given the current atmosphere of unresolved Aboriginal land claims and resource rights, the police response and resolution of the conflict must leave a positive legacy for other agencies and services.

Some police services have entered into cooperative public safety protocols that establish a framework for engagement, enhance communication, and set an appropriate operational tone. Both the RCMP “D” Division and the Ontario Provincial Police currently provide excellent examples of effective protocols and frameworks.

Potential impact of the Residential Schools Settlement Agreement

The Indian Residential Schools Settlement Agreement is a settlement reached by the Government of Canada, legal counsel of the churches, and the Assembly of First Nations and other Aboriginal organizations, for redress of individuals who were part of the Indian Residential Schools legacy. Approximately 130 schools existed over time, and while most Indian Residential Schools ceased to operate by the mid-1970s, the last federally-run school in Canada closed in 1996. The schools were located in every province and territory except Newfoundland, New Brunswick and Prince Edward Island.

It is estimated that there are 80,000 people alive today who may be included under the settlement agreement. Thousands of claimants age 65 and older have already received payments. Applications for people under 65 are expected to be available toward the end of 2007.

The average age of claimants is 57 years old, and the average settlement is \$28,000. A disbursement of this magnitude has the potential to create significant disruption. Given that a significant proportion of the Aboriginal population in Canada currently lives in areas away from reserve communities and that the distribution of potential claimants is in virtually all provinces and territories in Canada, the potential for related issues could have an impact on virtually every police service.

The issues of Indian Residential Schools and the compensation settlement have garnered significant media attention. The Assembly of First Nations, the Royal Canadian Mounted Police, and individual Aboriginal communities have already posted advisories for residential school survivors to be vigilant for people who would seek to take advantage of them and the situation.

Both police and Aboriginal communities need to be aware of the potential crime or disorder issues that could manifest themselves in frauds, elder abuse, and other corrupt behaviours. Police services across Canada should consider working with their respective Aboriginal communities in disseminating informed crime prevention advisories in order to prevent or otherwise mitigate the potential threats to the wellbeing of the settlement claimants.

Committee Membership

The degree of effectiveness of this Committee is directly proportional to the presence and commitment of technical advisors from Aboriginal stakeholder organizations, RCMP members working with Aboriginal communities, and the ongoing wisdom of Aboriginal elders. The focus in the next year will be in populating the Committee with fresh, relevant perspectives.