



# BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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## BCAFN ANNUAL GENERAL MEETING

Musqueam Community Centre, X<sup>w</sup>məθk<sup>w</sup>əyəm, Vancouver, BC  
September 18-20, 2019

## Resolution 28/2019

**SUBJECT: SUPPORT FOR FIRST NATIONS POLICING PROGRAM AS AN ESSENTIAL SERVICE**

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**MOVED BY: CHIEF HARVEY MCLEOD, UPPER NICOLA INDIAN BAND**

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**SECONDED BY: CHIEF AARON SUMEXHELTZA, LOWER NICOLA INDIAN BAND**

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**DECISION: CARRIED**

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### WHEREAS:

- A. First Nations communities continue to experience higher crime rates than the rest of Canada, and are faced with disproportional rates of violence, in particular against Indigenous women, girls, two-spirit, lesbian, gay, bisexual, trans, queer, questioning, intersex and asexual (2SLGBTQQIA) people. A lack of appropriate, community-based policing has contributed toward these issues;
- B. the *UN Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

**Article 7 (1)** Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person. (2) Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

**Article 37 (1)** Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements. (2)

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**Certified copy of a resolution adopted on the 19<sup>th</sup> day of September, 2019, at the Musqueam Community Centre, X<sup>w</sup>məθk<sup>w</sup>əyəm, Vancouver, BC**

A handwritten signature in blue ink, appearing to read "Terry Teegee".

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**Terry Teegee, BC Regional Chief**

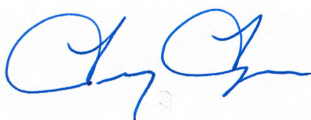
Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

**Article 39 (1)** Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration;

- C. the First Nations Policing Program (FNPP) was introduced in 1991 to provide professional and dedicated policing services to enhance public safety and personal security in First Nations communities. The FNPP is intended to provide policing services over and above the level of policing services provided under the Provincial Police Services Agreement;
- D. Public Safety Canada (PSC) is the lead agency for the program. In British Columbia the program is cost shared between Canada at 52% and the Province at 48%;
- E. BC has the second highest Indigenous population in the country. 132 First Nations communities, representing approximately 70% of First Nations in BC receive enhanced police services through 55 Community Tripartite Agreements (CTA) by an authorized force of 108.5 RCMP members;
- F. for the past few years, the RCMP in BC has been operating with vacancies under the FNPP in order to stay within budget as funding under the current Framework Agreement has failed to cover rising policing costs;
- G. currently, the FNPP is classified as a discretionary program which permits its underfunding in comparison to municipal and provincial police forces. The program's inefficient funding structure and "cookie-cutter" approach has led to chronic underfunding of essentials for First Nations to operate a sufficient police service, such as underfunding for infrastructure, salaries, equipment and training;
- H. on September 8th, 2016, Minister Goodale launched a national stakeholder engagement process, which confirmed the following:
  - 1. Funding was consistently characterized as inadequate and communities felt restricted by insufficient funding. While policing needs have risen in many Indigenous communities in recent years, there has not been an increase in funding. All participants agreed that Indigenous police forces are operating with inadequate budgets and resources.
  - 2. Many participants criticized the approach to Indigenous policing as merely a federal contribution program. It has no formal legal basis, which leaves Indigenous communities without essential rights or recourse. Without a clear statutory basis, policing is arbitrary and subject to a "contribution program" approach which tends to see services as discretionary;
- I. On June 12th, 2017, the Government of Canada and the Assembly of First Nations signed a Memorandum of Understanding on Joint Priorities. Policing and community safety issues for First Nations were identified as one these joint priorities;
- J. the National Inquiry into Missing and Murdered Indigenous Women and Girls recognized that, "colonial structures and policies are persistent in Canada and constitute a root cause of the violence experienced by

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**Terry Teegee, BC Regional Chief**

Indigenous women, girls, and 2SLGBTQQIA people” (Supplementary Report – Genocide, p 1), and made the following Call for Justice:

5.4 We call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing. To do this, the federal government’s First Nations Policing Program must be replaced with a new legislative and funding framework, consistent with international and domestic policing best practices and standards, that must be developed by the federal, provincial, and territorial governments in partnership with Indigenous Peoples. This legislative and funding framework must, at a minimum, meet the following considerations:

i Indigenous police services must be funded to a level that is equitable with all other non-Indigenous police services in this country. Substantive equality requires that more resources or funding be provided to close the gap in existing resources, and that required staffing, training, and equipment are in place to ensure that Indigenous police services are culturally appropriate and effective police services.

ii There must be civilian oversight bodies with jurisdiction to audit Indigenous police services and to investigate claims of police misconduct, including incidents of rape and other sexual assaults, within those services. These oversight bodies must report publicly at least annually.

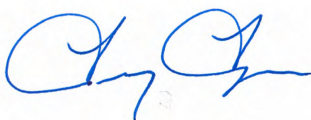
5.5 We call upon all governments to fund the provision of policing services within Indigenous communities in northern and remote areas in a manner that ensures that those services meet the safety and justice needs of the communities and that the quality of policing services is equitable to that provided to non-Indigenous Canadians ...

- K. The AFN passed resolutions 45/2017, 107/2017, 44/2018 affirming that First Nations police services are essential services similar to any other provincial or municipal police force. As such, First Nations police services shall be recognized and entrenched as essential services and should be funded adequately and equitably in order to serve their full purpose;
- L. In January 2018, PSC announced \$291.2 million in renewed national funding for the FNPP over five years, starting in 2018/19. It was intended to begin to bridge the gap that had developed between the actual cost of policing and the amount of funding provided under FNPP. However, these funds are not sufficient to bridge this gap; and
- M. The current Framework Agreement provides funding for 92.5 full time equivalent (FTE) positions, leaving 16 FTE vacancies. This means First Nations communities will continue to experience underfunded and inadequate policing.

**THEREFORE BE IT RESOLVED THAT:**

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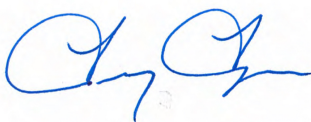
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**Terry Teegee, BC Regional Chief**

1. The BCAFN Chiefs-in-Assembly direct the Regional Chief to call upon the government of Canada to classify the First Nations Policing Program (FNPP) as an essential service, to co-develop a legislative basis for the FNPP with First Nations, and fund Indigenous policing services at a level that achieves substantive equality with non-Indigenous police services in this country, including the provision of funds to close the gap; and
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief to call upon the government of British Columbia to meet its commitments to fund the FNPP as outlined in Community Tripartite Agreements.

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**Terry Teegee, BC Regional Chief**