



BC ASSEMBLY OF FIRST NATIONS

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BCAFN 20th ANNUAL GENERAL MEETING
September 19, 20 & 21, 2023
Hybrid - In person & online via Zoom

Resolution 26/2023

SUBJECT: PROVINCIAL PUBLIC SAFETY AND POLICING AND MODERNIZATION

Moved BY: CHIEF DANIEL MANUEL, UPPER NICOLA INDIAN BAND

SECONDED BY: CHIEF JERRY JACK, MOWACHAHT/MUCHALAHT FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implementing, affirms:

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions;

Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State;

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;

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Article 18: Indigenous peoples have the right to participate in decision - making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

Article 22: 1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration. 2. States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination;

Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions;

Article 37: 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;

- B. The Truth and Reconciliation Commission of Canada has called upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems and the integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
- C. The National Inquiry into Missing and Murdered Indigenous Women recognized that, “colonial structures and policies are persistent in Canada and constitute a root cause of the violence experienced by Indigenous women, girls, and 2SLGBTQQIA people”, which amounts to genocide. The Calls for Justice included a number of imperatives directed at governments and police services focused on reform and transformation of justice and policing;
- D. The historical and ongoing systemic discrimination perpetrated through Canada’s justice system targets and disproportionately impacts Indigenous peoples. First Nation communities and citizens have been subject to decades of discrimination, violence, racism, and bias within Canada’s justice system, and there continues to be denial and suppression of First Nations jurisdiction in the areas of justice, community safety, and policing. This context has contributed to negative impacts on the safety, health, and well-being of First Nations individuals and communities;
- F. Through BCAFN Resolution 16/2020, “Support for the Development of a National First Nations Justice Strategy,” BCAFN Chiefs-in-Assembly called for a national strategy to transform Canada’s justice system, and through BCAFN Resolution 12/2020, “Endorsement of the First Nations

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Justice Strategy” supported the BC First Nations Justice Strategy, which aims to 1) reform the current justice system; and 2) support restoration of First Nation legal traditions and structures;

- G. Through BCAFN Resolution 09/2021, “Need for Immediate Policing Reform and Support for First Nations Jurisdiction of Policing,” BCAFN Chiefs-in-Assembly called for the recognition of First Nations jurisdiction with respect to justice and policing, including the implementation of culturally relevant justice systems; and urged the provincial and federal governments to provide financial and technical assistance to all First Nations in support of their respective administration of justice. BCAFN Chiefs-in-Assembly also called on these governments to reform policing to end police violence against Indigenous Peoples and transform their relationship with Indigenous Peoples so that it is in alignment with the UN Declaration;
- H. On May 25th and 26th, 2022, the BCAFN and BC First Nations Justice Council held the Policing as an Essential Service Forum for First Nations chiefs, leadership, experts, technicians, and community members to discuss their vision for transformative change in First Nations policing and community safety, and to inform federal and provincial legislative commitments for reforming existing policing and justice systems. The results and recommendations of this forum were consolidated in the What We Heard report and were supported via BCAFN Resolution 22/2022 “Support for the Findings and Recommendations from the “What We Heard” Report on Police Reform and Policing as an Essential Service”;
- I. In April 2022, the provincial government released the ‘Special Committee on Reforming the Police Act’ (SCORPA) report with 11 recommendations for reforming policing in BC, including ending BC’s contract with the RCMP and potentially moving towards a provincial policing model similar to Ontario and Quebec;
- J. Through the Declaration Act Action Plan, BC has committed to implementing comprehensive policing reform to address systemic biases and racism through measures that include: updating the *Police Act*, BC Provincial Policing Standards, and mandatory training requirements; enhancing independent oversight and complaints processes; clarifying the roles and responsibilities of police officers in the context of complex social issues such as mental health, addiction and homelessness; contributing to the modernization of the federal First Nations Policing Program; and prioritizing implementation of the BC First Nations Justice Strategy;
- K. This work must be undertaken in consultation and cooperation with Indigenous Peoples in BC as required by the *Declaration on the Rights of Indigenous Peoples Act*; and
- L. The provincial government has proposed the establishment of a working group which includes the FNLC, FNJC, and BC Government to support these initiatives;

THEREFORE BE IT RESOLVED THAT:

- 1. The BCAFN Chiefs-in-Assembly support the BCAFN, working together with the FNLC and FNJC, to establish a working group with the province of BC to advance commitments related to policing

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and public safety modernization in alignment with the UN Declaration and the Interim Approach;

2. The BCAFN Chiefs-in-Assembly call for the province to engage directly with First Nations title and rights holders on provincial policing and public safety modernization as required by the UN Declaration; and
3. The BCAFN Chiefs-in-Assembly call for the province to recognize First Nations jurisdiction and right to self-determination with respect to policing, community safety, and justice, and to establish coordination and enforcement mechanisms, and fiscal relationships which reflect First Nations inherent title, rights, laws, jurisdiction, and legal orders.

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