

# The Promise and Failure of First Nation Policing in Ontario

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**THIS BRIEF STARTED AS A TWEET VENTING** frustration at the end of long day in a meeting room at Casino Rama this past Fall. The discussion revolved around how we enforce our laws as we develop First Nation constitutions and land codes according to our own norms and values. Yet that meeting revealed to me that, despite having our own police forces in communities for close to twenty-five years, the jurisdiction we are rapidly (re)assuming lacks authority.

**This is a discussion of the promise, and ultimate failure, of First Nation policing in Ontario.**

Over fifteen years ago, before becoming CEO at Nipissing First Nation, I worked as the Director of Intergovernmental Affairs at the Anishinabek Nation. One of the files I worked on was First Nation policing. I studied the development of the Anishinaabek Police Services (APS) as it emerged from negotiations at the Indian Commission of Ontario and became a regional police service, separate from the Ontario First Nations Policing Program.

**The original intent of the APS was to deliver peacekeeping in a more traditional sense to our communities. It was supposed to reflect the culture of our nations in the services it provided.**

Since 1994 and the creation of the APS after tripartite negotiations with Canada and Ontario, the Service has grown to include twelve stations and nearly one hundred officers. Many point to the model as a success story. Unfortunately, the traditional Indigenous peacekeeping elements have been left behind.

## "FIRST NATION" POLICING

There are many reasons for exclusion, some straightforward, others complex.

First Nation policing has never had the same recognition as a full service that other police services across Canada receive. It has been viewed as a program by both the Ontario and Canadian governments.

**This lack of recognition has resulted in a lack of support, meaning budget delays, extended periods of inactivity from government partners, and serious inequities in wages and equipment between APS and mainstream services.**

Not only has this prevented the First Nation policing from realizing its original vision, in some cases, this underfunding has actually resulted in **deaths**.

Related, as the lack of support became chronic, the relationship between police leadership and frontline officers deteriorated. This was manifested in high rates of stress and sick leave, a general lack of morale, and general resistance to the original philosophy of the initiative.

**Any hope of building a service based on a model of peacekeeping or traditional values could not be entertained while basic needs of officers were being disregarded.**

These challenges were amplified by a lack of sensitivity to community relations in their training. APS officers receive the same training at Ontario Police College (OPC) as the OPP, with little or no learning about the issues and challenges that exist in the communities where they are stationed, nor alternative philosophies of First Nation peace-keeping. Some officers have that understanding from being raised in a First Nation community, it's true. But many others lack that experience. Effectively, the education system produces First Nation OPP officers, preparing them poorly for First Nation contexts and neglecting First Nation values altogether.

## **ENFORCING THE BIG LAW**

In 2005, Nipissing First Nation developed its own Fisheries Law based on its inherent rights, which are further articulated in the First Nation's Chi-Naaknigewin ("Big Law" or constitution). Since then, we have experienced a number of challenges with the enforcement and adjudication of our law. A crux of the challenge has been a clash in philosophy.

**As we strive to move towards peacekeeping and restorative justice—away from Canada's adversarial and carceral approach—it is the police services originally created to realize our vision who are pushing back.**

This is what that frustrating meeting last Fall was about. Frustrating because in response to our goals, the Deputy Chief of the Anishinaabek Police Service, Dave Whitlow, effectively dismissed efforts Nipissing First Nation (NFN) has made in enforcing our own laws. The Deputy Chief made it clear that he didn't see any system as legitimate other than the jurisdiction of provincial or federal governments. In his eyes, First Nation laws aren't real laws unless they are blessed by the Crown.

So the two officers that NFN has sent to be trained through the Ontario Police College with the hopes, underwritten by negotiations, to enforce NFN's jurisdiction have been a waste? Indeed, the Deputy Chief stated that the two officers would be at risk if they were ultimately appointed and served the NFN. That unless they were appointed by the Crown, they would lack legitimacy, making their jobs difficult, even dangerous.

The lack of willingness to even consider the possibility of First Nations restoring the jurisdiction to ensure public safety in our own ways is particularly galling. The leadership of the police service, supposedly serving our nation, is not willing to support our self-determination.

**Despite close to twenty-five years of First Nation policing in Ontario, I feel the police services working in our nations are probably more disconnected from our aspirations to become self-governing than it ever has been.**

I can't speak to First Nations experiences with tripartite agreements and some degree of "jurisdiction" over policing. But I can say that the APS in Ontario now clearly enforces the province's laws exclusively, is trained without attention to First Nation policing philosophy, and has come to reproduce the very same challenges we sought to get away from in the first

place. As we collectively move towards asserting jurisdiction, First Nations require a new conversation on how we'll enforce our laws, in our own ways.