



NIAGARA REGIONAL POLICE SERVICE Police Services Board Report

PUBLIC AGENDA

Subject: Annual Report – Policing Aboriginal Occupations and Protests
January 1, 2020 – December 31, 2020

Report To: Chair and Members, Niagara Police Services Board

Report Date: 2021-03-10

Recommendation(s)

That the Niagara Police Services Board receives this report for information.

Key Facts

- The purpose of this report is to advise the Board that the Service is in compliance with By-law 324-2012 as it relates to policing Aboriginal occupations and protests.
- The Chief is required to make a written annual report to the Board with respect to policing Aboriginal occupations and protests.
- This report is submitted to provide the Board with the necessary and required information relating to the Service's written procedures and response to Aboriginal occupations and protests.

Financial Considerations

Not applicable.

Analysis

The Niagara Regional Police Service (the Service) has written policies that establish procedures and responsibilities for all members in the policing and management of Aboriginal occupations and protests within the Region of Niagara. These policies appear in General Order 230.03, entitled *Policing Aboriginal Occupations & Protests*. It is the policy of the Service to protect the individual rights guaranteed within federal and provincial laws, inclusive of those specifically respecting the rights of Aboriginal persons of Canada as set out in the Canadian Charter of Rights and Freedoms.

The Service recognizes that conflicts may arise as Aboriginal communities and various levels of government work to resolve outstanding issues associated with matters such as land claims, self-determination and Aboriginal or treaty rights. It is the role of the Service to make every effort prior to an event to understand the issues and to protect the rights of all involved parties throughout the incident.

Aboriginal occupation means: the seizure and control of an area of land arising from assertions of Aboriginal or treaty rights by members of an Aboriginal group (General Order 230.03)

Aboriginal trust means: a physical demonstration related to assertions of Aboriginal or treaty rights by members of an Aboriginal group. (General Order 230.03)

In accordance with By-law No. 324-2012, the Chief shall make a written report to the Board each year in respect to Policing Aboriginal Occupations and Protests, and that report shall include the following:

- a) a summary of the procedures as required by this By-law;**
- b) the status of Service compliance with the said procedures;**
- c) a summary of the training given to members with respect to policing Aboriginal occupations and protests;**
- d) a summary of any incidents of police response to Aboriginal occupations and protests; and**
- e) a summary of the steps taken by the Service to monitor and evaluate response to Aboriginal occupations and protests.**

The following is a detailed response to each of the above noted requirements.

- a) "... a summary of the procedures as required by the By-law..."**

General Order 230.03, entitled *Policing Aboriginal Occupations and Protests*, provides guidelines and procedures regarding the Service's response to Aboriginal occupations and protests. This Order came into effect on January 28, 2014 and was updated in May 2018.

General Order 230.03 includes the following information:

- 1. Policy (Section 1.0)
- 2. Definitions (Section 2.0)
- 3. Procedures (Section 3.0)
 - Role of Service members

The Order places emphasis on officers to remain neutral, build trust, and use communication skills through negotiation, mediation, and dispute resolution.

With regard to Aboriginal communities, the Aboriginal Liaison Officer will: build trust, maintain contacts, remain current on issues, facilitate communications, and provide advice to the Service Executive and Incident Commanders.

The Order provides direction for Incident Commanders in the event of an Aboriginal occupation or protest, including multiple aspects of communication, mediation and arrangement of appropriate resources.

b) "... status of Service compliance with the said procedures ..."

The Service maintains two Aboriginal Liaison Officers and two Provincial Liaison Team Officers. These officers fulfill the requirements of and maintain compliance with the Order.

The Ontario Provincial Police (OPP) developed and maintains a Provincial Liaison Team (PLT). The Service currently has two members involved as part of this team, to ensure police respond effectively and efficiently to major events involving First Nations. PLT members work with all involved parties leading up to and during these events to facilitate safe and lawful environments for the exercise of the rights to freedom of speech and peaceful assembly.

c) "... summary of training given to members ..."

Aboriginal Liaison Officers receive training in Aboriginal awareness (facilitated through the OPP), diversity and diversity related issues (facilitated through the Ontario Police College), and they attend the Fort Erie Native Centre for Aboriginal sensitization workshops. Training is periodically updated through courses, conferences, or workshops.

PLT officers receive training through the OPP on Aboriginal issues, diversity, culture, and effective management of disputes and protests. Training is periodically updated through courses, conferences, or workshops.

d) "... summary of any incidents of police response to Aboriginal occupations and protests ..."

In 2020 there were no Aboriginal protests within Niagara. On November 3, 4, 26 and 27, 2020, and December 10, 11, 17 and 18, 2020, the Ontario Government honoured the treaty rights of local Aboriginal communities (Haudenosaunee First Nations) by authorizing a traditional Aboriginal deer harvest at Short Hills Provincial Park in St. Catharines. As this location is a Provincial Park, the OPP retained primary jurisdiction over the event, assisted by the Ministry of Natural Resources (MNR). A separate report, entitled *Short Hills Provincial Park – 2020-2021 Deer Harvest and Associated Policing Costs* has also been submitted for the March 2021 Police Services Board meeting.

e) "... summary of steps taken to monitor and evaluate police response..."

To ensure the Service continues to monitor and evaluate responses:

General Order 230.03, entitled *Policing Aboriginal Occupations and Protests*, is readily available and is the responsibility of all members to be cognizant of, and to comply with.

It is the responsibility of Aboriginal Liaison Officers, to monitor and evaluate police response and identify incidents and issues which will be reported through the Chain of Command. Each incident or issue will be assessed, and the appropriate resources applied.

Alternatives Reviewed

Not applicable

Relationship to Police Service/Board Strategic Priorities

Not applicable.

Relevant Policy Considerations

Police Services Board By-law 324-2012

General Order 230.03 Policing Aboriginal Occupations and Protests

Other Pertinent Reports

143.2020 Annual Report – Policing Aboriginal Occupations and Protests – January 1, 2019 to December 31, 2019.

Police Service Board Report - Short Hills Provincial Park – 2020-2021 Deer Harvest and Associated Policing Costs (Item 7.16, March 25, 2021, Regular Public Board Meeting)

This report was prepared by Staff Sergeant Eric Ellwood, 5 District Commander, reviewed by Inspector James McCaffery, 2 District, Commander, and Superintendent Marco Giannico, District Operations and recommended by Brett Flynn, Deputy Chief of Police, Operational Services.



Submitted by:

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Chief of Police

Appendices

Not applicable