



NIAGARA REGIONAL POLICE SERVICE

Police Service Board Report

PUBLIC AGENDA

Subject: Annual Report – Policing First Nations Occupations and Protests - January 1 – December 31, 2023

Report To: Chair and Members, Niagara Police Service Board

Report Date: 2024-06-25

Recommendation(s)

That the Niagara Police Service Board (Board) receives this report for information.

Key Facts

- The purpose of this report is to advise the Board that the Niagara Regional Police Service (Service) is in compliance with By-Law 491-2024 as it relates to Policing First Nations Occupations and Protests.
- The Chief is required to make a written annual report to the Board with respect to Policing First Nations 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 Policing First Nations Occupations and Protests.

Financial Considerations

There are no financial implications relating to the recommendation contained within this report.

Analysis

The Service has written policies that establish procedures and responsibilities for all members in the policing and management of Indigenous occupations and protests within the Region of Niagara. These policies appear in General Order (GO) 230.03, entitled Policing Aboriginal Occupations and 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 Indigenous persons of Canada, as set out in the Canadian Charter of Rights and Freedoms.

The Service recognizes that conflicts may arise as Indigenous communities and various levels of government work to resolve outstanding issues associated with matters such as land claims, self-determination and Indigenous 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.

Indigenous occupation means: the seizure and control of an area of land arising from assertions of Indigenous or treaty rights by members of an Indigenous group (GO 230.03).

Indigenous trust means: a physical demonstration related to assertions of Indigenous or treaty rights by members of an Indigenous group (GO 230.03)

In accordance with By-Law 491-2024, the Chief shall make a written report to the Board on or before August 30 of each year in respect of Policing First Nations 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 First Nations occupations and protests;
- d) a summary of any incidents of police response to First Nations occupations and protests; and
- e) a summary of the steps taken by the Service to monitor and evaluate response to First Nations 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 this By-Law..."*

GO 230.03 provides guidelines and procedures regarding the Service's response to Indigenous occupations and protests.

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

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

The GO provides direction for Incident Commanders in the event of an Indigenous 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 Indigenous Liaison Officers (ILO) and four Provincial Liaison Team (PLT) Officers. These officers fulfill the requirements of, and maintain compliance with, the GO.

The Ontario Provincial Police (OPP) developed and maintains a PLT. The Service currently has four 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 with respect to policing First Nations occupations and protests ..."*

Indigenous Liaison Officers receive training in Indigenous awareness (facilitated through the University of Alberta, Indigenous Canada Course and/or through the OPP), diversity and diversity related issues (facilitated through the Ontario Police College), and they attend the Fort Erie Native Centre for Indigenous sensitization workshops. Training is updated through courses, conferences, or workshops provided throughout the province and across Canada.

PLT officers receive training through the OPP on Indigenous 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 First Nations occupations and protests..."*

The Service was made aware of a planned demonstration that would take place on August 11, 2023. This planned demonstration was in support of a national movement for 'Search the Landfill.' This was in connection with concerns that Indigenous remains had been buried in a landfill in Winnipeg, Manitoba. The intention of this demonstration was to occupy the intersection of Stanley Avenue and Highway 420 in the City of Niagara Falls for a length of time.

Utilizing an identified ILO and through mediation, the Service was able to negate any lengthy disruption to traffic and pedestrians at this intersection. The demonstration was relatively peaceful, however throughout the demonstration, an individual or individuals did spray paint markings in support of several Indigenous issues on the pavement and all four traffic light posts surrounding this intersection. Those acts were investigated later that same day, however efforts to identify the individual(s) responsible were not successful and the incident was closed with insufficient evidence to proceed.

The second event was the now annual planned march in the Town of Fort Erie (TOFE) in recognition of Reconciliation Day that took place on September 29, 2023. This march was coordinated through the efforts of the TOFE, the Service's ILOs, and Fort Erie Native Friendship Centre personnel. The march in the TOFE has gained support from local schools, community groups and political figures, and is growing. This march requires resources to be utilized from both the TOFE and the Service, to conduct if

safety. Additionally, other communities in the Niagara Region are participating in Reconciliation marches and ceremonies, which require Service resources.

Only during the demonstration on August 11, 2023, were overtime expenditures incurred, and was done to have adequate resources in place for any lengthy occupation. On-duty frontline personnel and members from various District Community Oriented and Engagement (CORE) units were used when managing the Reconciliation march.

e) *"... summary of steps taken by the Service to monitor and evaluate response to First Nations occupations and protests..."*

To ensure the Service continues to monitor and evaluate responses, GO 230.03 is readily available and it is the responsibility of all members to be cognizant of, and to comply with.

It is the responsibility of ILOs, to monitor and evaluate police response and identify incidents and issues that are to be reported through the chain of command. Each incident or issue will be assessed, and the appropriate resources applied, while lines of communication remain open with our Indigenous community partners to build trust and ensure public safety.

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

To comply with the provisions of Board By-Laws and to maintain compliance with Adequacy and Effective Policing.

Relevant Policy Considerations

Police Services Board By-Law 491-2024
GO 230.03 Policing Aboriginal Occupations and Protests

Other Pertinent Reports

8.9 - 2023.07.27 - Annual Report – Policing Aboriginal Occupations and Protests – January 1, 2022 to December 31, 2022.

8.5 - 2024.03.28 - Short Hills Provincial Park – 2023 First Nations Deer Harvest and Associated Costs

This report was prepared by Eric Ellwood, Inspector, Duty Office, in consultation with Shaun Parrent, Inspector, 2 District Commander and reviewed by Mario Lagrotteria, Superintendent, District Operations. Recommended by David Masotti, Acting Deputy Chief, Operational Services.

T. WASELOVICH

Submitted by:

Todd Waselovich #9660
Acting Chief of Police

Appendices

Not applicable.

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