British Columbia Assembly of First Nations

First Nations Summit

Union of British Columbia Indian Chiefs

Royal Canadian Mounted Police

PUBLIC SAFETY COOPERATION PROTOCOL

This Protocol is effective from the 18th day of October, 2005

BETWEEN

The First Nations Summit

- AND -

The Union of British Columbia Indian Chiefs

- AND -

The BC Assembly of First Nations

- AND -

The Royal Canadian Mounted Police

WHEREAS Aboriginal and Treaty Rights are specifically enshrined in section 35(1) of the *Constitution Act, 1982* and the Supreme Court of Canada has provided guidance for the recognition and affirmation of those rights;

WHEREAS the enhancement of public safety in Canada must include Aboriginal Peoples;

WHEREAS the history of the relationship between the ABORIGINAL PEOPLES OF CANADA and the ROYAL CANADIAN MOUNTED POLICE (RCMP), though sometimes adversarial, reflects mutual assistance and respect;

WHEREAS the future of our Children, Youth, Women, Men and Elders requires safe, secure and stable communities;

WHEREAS the Assembly of First Nations and the Royal Canadian Mounted Police signed a National Public Safety Cooperation Protocol Agreement on May 18, 2004 to transform and develop the Assembly of First Nations' relationship with the RCMP through mutual respect and trust, with the goal of preventing situations involving conflict and resolving disputes at the earliest opportunity;

AND FURTHER, the Royal Canadian Mounted Police and the First Nations of British Columbia (FNBC), as represented by the First Nations Summit, Union of British Columbia Indian Chiefs and the BC Assembly of First Nations representatives desire to develop a Protocol which will outline strategies for addressing community safety issues in communities.

Therefore the Parties agree as follows:

1.0 PURPOSE OF THE PROTOCOL

The purpose of this Protocol is to establish trusting and reciprocal relationships among the Parties with the goal of either preventing situations involving conflict situations and community crisis, alternatively, resolving disputes which do develop at the earliest possible opportunity.

This will be achieved by subscribing to the following principles:

1.1 the enhancement of public, First Nation community, and police officers' safety and security;

1.2 the acknowledgement, and understanding of each organization and its roles and accountability;

1.3 the participation in a conflict and crisis management process on a voluntary basis;

1.4 the establishment of ongoing communications between the Parties so as to strengthen local, regional, policing, agencies, and organizations;

1.5 ensuring that each of the Parties possess timely and accurate information; and

2.0 THE ROLE OF THE FIRST NATIONS OF BRITISH COLUMBIA (FNBC)

2.1 The role of the FNBC will be to strengthen the shared partnership at a regional and local level of ongoing communication with the RCMP, in particular:

a) to identify, at a local, and regional level, point persons to liaise with the RCMP, where appropriate, in an effort to avert or help resolve conflict or crisis in First Nation communities;

i) to provide information and suggestions to the RCMP, where appropriate, on conflict prevention, crisis management and resolution; and

ii) to assist in the identification of mutually beneficial solutions for consideration by all involved, where appropriate.

b) to establish a Working Group comprised of FNBC representatives to facilitate a conflict or crisis management process, cross-cultural training and awareness, and communication.

In any particular situation, a representative of the FNBC will participate under this Protocol only at the request and as chosen by the First Nation Government(s) directly involved.

For greater certainty, it is expressly acknowledged that the FNBC has no role in a conflict or crisis management situation, if the First Nation Government involved in the situation does not consent to its participation.

3.0 THE ROLE OF THE RCMP

3.1 The role of the RCMP will be to strengthen the shared partnership at a regional, divisional, and local level of ongoing communication with the FNBC, in particular:

a) identify at the relevant regional, divisional and local level point persons for the FNBC in relation to this Protocol;

b) where the RCMP's duties require involvement in a First Nation community, the RCMP will, where appropriate, and subject to applicable laws, regulations, policies and operational requirements, endeavour to liaise with the FNBC in order to seek their assistance in averting or resolving a particular conflict or crisis and maintaining peace;

c) ensure that Detachment Commanders in the province of British Columbia work with the Aboriginal Communities within their areas to develop Community Plans with key results areas during the period of this Protocol; and

d) participate in the cross-cultural training and awareness program referred to in section 2.1(b).

3.2 Where appropriate, the RCMP participation under this Protocol will be invoked at the request of the affected RCMP detachment of jurisdiction.

4.0 OPERATIONAL OBJECTIVES FOR CRISIS SITUATIONS

Prevention for Personal Harm/Community Safety

4.1 Identify situations that could lead to crisis.

4.2 Exchange information and advice on how to prevent crisis from occurring.

4.3 Enhance understanding among the Parties of their respective roles and responsibilities in a crisis situation.

Management

4.4 Identify mutually beneficial solutions for consideration by the Parties and their Principals.

4.5 Provide advice and timely recommendations to senior officials or political leaders that is based on the best information available.

4.6 Provide timely responses to the other Parties when developing options to address a crisis.

Intervention

4.7 Conduct a debriefing with affected Parties, during or after a conflict or crisis, to determine solutions and effective ways of addressing the situation or a similar situation in the future.

4.8 Develop a joint training program that enables the Parties to acquire skills and knowledge to address lessons learned from past incidents, as well as, to manage crisis more effectively.

5.0 OPERATIONAL ARRANGEMENTS

5.1 The Parties will establish and maintain a network of contact/resource people who are able to act promptly when a crisis arises.

5.2 The Parties will develop such tools as will effectively address issues related to public and community safety such as:

a) the development of collaborative and working relationships;

b) the sharing of lessons learned/best practices of dispute resolutions; and

c) the integration of alternative justice protocols and processes.

5.3 The Parties will enhance communications between First Nation Governments, local, and regional community policing agencies and organizations to strengthen shared partnerships.

6.0 GENERAL PROVISIONS

6.1 The effectiveness of the Protocol is dependent on the intentions and best efforts of the Parties to prevent threats to community safety, and security and to resolve crisis situations.

6.2 This Protocol shall not be used by a Party in the interpretation of any other agreement.

6.3 The Parties agree to work together throughout the duration of this Protocol in a respectful, professional and co-operative manner.

6.4 The Parties, subject to any applicable federal and provincial legislation, including access to information and privacy legislation may share information, observations and reports that relate to the maintenance of social order, personal safety and public safety.

6.5 This Protocol is a statement of intent and does not create legally binding obligations on any Party. This Protocol does not define, create, recognize, deny or amend any of the rights or authorities of the Parties.

6.6 This Protocol is without prejudice to any legal positions which have been or may be taken by any Party, and should not be construed as admissions of fact or liability in any proceeding or process.

6.7 Where a dispute arises between the Parties respecting the interpretation, application, implementation or operation of this Protocol, the Parties will attempt to resolve the dispute by consensus through representatives of the FNBC or RCMP.

7.0 DURATION

7.1 This Protocol shall take effect from the date that it is signed by the Parties and shall remain in effect for two years, unless terminated in accordance with section 7.3.

7.2 This Protocol may be amended by written agreement of the Parties.

7.3 Any Party may terminate their involvement in this Protocol by providing (10) days written notice to the other Parties.

One year from when the Protocol takes effect, the Parties will review the effectiveness of the Protocol and identify opportunities to improve the Protocol.

IN WITNESS WHEREOF THE PARTIES HAVE SIGNED THIS PROTOCOL THIS 18th DAY OF OCTOBER, 2005 IN THE PROVINCE OF BRITISH COLUMBIA.

on behalf of the First Nations Summit:

Grand Chief Edward John
Task Group Member

Grand Chief Doug Kelly
Task Group Member

Dave Porter
Task Group Member

on behalf of the Union of BC Indian Chiefs:

Chief Stewart Phillip
President

Chief Robert Shintah
Vice-President

Chief Mike Retasket
Secretary-Treasurer

on behalf of the BC Assembly of First Nations:

A-in-chut (Shawn Atleo)
Regional Chief

on behalf of the Royal Canadian Mounted Police:

Deputy Commissioner Beverley Busson
Deputy Commissioner – Pacific Region & Commanding Officer "E" Division