

AFN Position Paper: Community Safety and First Nations Policing

Prepared for the First Nations-First Ministers Meeting (FN-FMM)

For the consideration by First Nation Chiefs

At a Glance

First Nations seek three immediate political commitments from First Ministers to address persistent inequities in policing and community safety. First Nations policing and community safety are not solely federal program issues. They require coordinated action among First Nations and federal, provincial and territorial governments, supported by clear responsibilities, accountability and sustainable, equitable, and needs-based funding.

1. Establish permanent First Nations participation at relevant Federal-Provincial-Territorial (FPT) Ministers' tables for Public Safety and Justice.
2. Launch a First Nations-FPT process to address the broader structural challenges facing First Nations policing and community safety, including upholding First Nations jurisdiction over policing, community safety and justice, and secure enforcement for all First Nations laws.
3. Develop a comprehensive First Nations policing framework within 12 months, with recommendations for long-term First Nations-led governance, funding, accountability, and service delivery reforms.

1. Position Statement

The First Nations–First Ministers Meeting (FN–FMM) provides a critical opportunity to address structural barriers that contribute to fragmented services, jurisdictional disputes, inadequate funding, and persistent inequities in community safety and First Nations policing. Advancing First Nations-led, adequately resourced, and culturally grounded policing and community safety systems is essential to public safety, reconciliation, self-determination, and the exercise of First Nations jurisdiction.

Insufficient support for First Nations policing continues to have real and immediate consequences for First Nations. Delayed emergency responses, unsafe facilities, preventable crises, and inadequate protection for community members have resulted in injury and the loss of life among First Nations.

The consequences extend beyond policing and community safety. The inadequacies can affect health and wellness, economic development, the justice system, and the overall

well-being of First Nations communities. Addressing these impacts requires a coordinated approach that recognizes community safety as broader than policing and supports First Nations-led prevention, wellness, and justice approaches. For many First Nations, community safety is informed by their laws, legal traditions, and understandings of accountability, healing and social responsibility, which can be reflected through restorative practices and community-based policing approaches.

The AFN has consistently called for transformative change in community safety, First Nations policing, and justice. Reform must move beyond the current discretionary-program model and establish a rights-based framework that recognizes First Nations jurisdiction, supports First Nations-led governance and ensures sustainable and equitable funding. This requires coordinated action among First Nations and FPT governments rather than a federal-only approach.

The issue is not solely one of discretionary funding. The structures, governance models, and jurisdictional arrangements through which policing services are designed, delivered, and held accountable were not established with First Nations jurisdiction, laws, governance systems, or community priorities at their foundation. As a result, many First Nations communities remain dependent on mainstream police services that may not reflect First Nations laws, cultures, languages, governance systems, or community priorities.

The current FPT funding and service-delivery arrangements leave First Nations caught between governments when seeking adequate policing services and funding. Under the current First Nations and Inuit Policing Program (FNIPP) model, federal and provincial/territorial contributions are discretionary, and gaps in investment and administration can result in underspending and uncertainty about responsibility for eligible policing costs. This creates a need for clearer FPT responsibilities, accountability, and funding arrangements.

Notably, essential service legislation and recognition of First Nations jurisdiction are distinct but complementary priorities. Essential service status is immediately pressing and must establish a stable, equitable funding and service floor without limiting or replacing the recognition of First Nations jurisdiction, self-determination, and authority over policing and public safety as an essential element of reconciliation.

The AFN continues to work closely with the First Nations Policing Task Force to ensure that the experience and priorities of those working directly in First Nations policing inform this work. Strengthened engagement with retired First Nations police officers, whose extensive operational knowledge and experience can provide valuable insight into First Nations policing and community safety, would significantly benefit advancing this work.

2. Structural Problem and Rights Foundation

First Nations are rights-holders with inherent, Treaty, constitutional, and human rights that must be reflected in the governance, planning, delivery, and funding of policing and public safety services. Federal, provincial, and territorial policing systems directly affect the safety, well-being, and justice outcomes of First Nations communities. Yet First Nations are too often excluded from decisions about priorities, resources, and accountability. As a result, many communities continue to rely on policing systems over which they have limited authority or control.

First Nations policing, public safety, and justice are intrinsically connected to First Nations' inherent, Treaty, and constitutional rights, including rights affirmed and protected under section 35 of the *Constitution Act*, 1982. A rights-based approach must therefore go beyond modernizing existing police programs or service-delivery models.

Recent jurisprudence provides useful guidance for this work. In *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families* (2024 SCC 5), the Supreme Court of Canada upheld a legislative framework that recognizes and gives effect to the exercise of First Nations jurisdiction through cooperative federal arrangements. While the case addressed child and family services, it confirms that constitutionally valid mechanisms exist for implementing First Nations jurisdiction in areas of shared responsibility. This precedent may help inform the development of First Nations-led policing, community safety, and justice frameworks.

Any federal legislation respecting First Nations policing must be grounded in the United Nations Declaration on the Rights of Indigenous Peoples, including Articles 7, 19, 23, and 34. These provisions affirm the rights related to security and protection; meaningful consultation and cooperation; the development and administration of institutions, programs, and services; and the maintenance and strengthening of distinct legal systems, customs, and governance structures. Recognition of First Nations jurisdiction in policing and community safety should also support the application of First Nations laws, legal traditions, and restorative practices determined by First Nations. This includes community-based approaches that emphasizes accountability, repair of harm, prevention, and community well-being alongside public safety objectives.

First Nations policing is an FPT issue because First Nations communities interact with multiple policing jurisdictions and because current funding, governance, and service-delivery arrangements divide responsibilities among governments. The FN-FMM provides an opportunity to address these gaps collectively and establish a clearer framework in which First Nations are rights-holders and decision-makers.

Federal government

The federal government must work with First Nations to co-develop legislation recognizing First Nations as an essential service and establish a framework that supports First Nations jurisdiction, governance, accountability and sustainable funding. Federal action should also ensure that Canada's responsibilities to First Nations are not transferred to provinces or territories through changes to policing arrangements.

Provincial and territorial governments

Provincial and territorial governments have a vital role where policing services are delivered through provincial, territorial and municipal or RCMP arrangements, and where they participate in tripartite policing agreements and FNIPP funding. They must work with First Nations to address service gaps, ensure culturally safe and accountable policing, contribute appropriately to sustainable funding arrangements, and establish clear accountability for police services operating within their jurisdictions.

Shared FPT responsibilities

Federal, provincial and territorial governments must work together with First Nations to resolve jurisdictional and funding gaps rather than leaving First Nations to navigate competing government responsibilities. The objective should be a coordinated framework that clearly identifies who is responsible for legislation, funding, service delivery, oversight and accountability, while supporting First Nations to exercise greater jurisdiction over policing, community safety and justice.

The current FNIPP funding model, including its federal and provincial/territorial contributions, does not adequately address community needs. The current arrangement can create uncertainty and gaps where governments disagree about responsibility for costs and services. A reformed approach should be transparent, needs-based, and sustainable, with clear government responsibilities and mechanisms to prevent gaps in service or funding.

3. Strategic Considerations

Remote and northern First Nations face distinct and intensified challenges arising from inconsistent programs, short-term funding, limited local capacity, high service-delivery costs, and gaps caused by geography and infrastructure gaps. These remote First Nations must often navigate overlapping federal, provincial or territorial, municipal, First Nations, and policing systems whose mandates, eligibility rules, and accountability mechanisms are not aligned, leaving families and service providers uncertain about where responsibility lies and allowing urgent needs to fall between jurisdictions. There isn't a singular solution and interventions must reflect the unique culture and histories of the First Nations being served. For example, some First Nations are calling for clearer

coordination and accountability, including a stronger and more proactive RCMP role; where the RCMP is the police service of jurisdiction working with First Nations in disrupting the recruitment of youth into gangs and drug-related activity, working in partnership with First Nations leadership and community-based prevention, cultural, wellness, youth supports, and restorative initiatives. In many communities, these efforts may include community policing approaches that strengthen relationships with residents, support early intervention, and reinforce community responsibilities grounded in local laws and traditions. While other First Nations continue to advocate for local control of police services and the creation of new stand alone First Nations police services.

For meaningful change to the relationship between First Nations and Federal, Provincial and Territorial governments, First Nations must participate in discussions as rights-holders and decision makers. A political commitment and mandate is essential to support a First Nations-FPT process to examine options for advancing recognition and implementation of First Nations jurisdiction, recognition of First Nations policing as an essential service, sustainable, equitable and needs-based funding, governance and accountability mechanisms, and First Nations-led approaches to community safety and wellness, including community policing, prevention, and restorative practices where identified by First Nations as consistent with their laws, legal traditions, and governance systems.

4. Strategic Policy Recommendations

Addressing persistent inequities requires structural reform rather than incremental program improvements. The FN-FMM should focus on securing political agreement on the following recommendations to advance First Nations-led policing and community safety:

- 1. First Nations participation in FPT decision-making:** Establish permanent First Nations participation at relevant FPT public safety, policing, and justice tables to ensure First Nations are involved as rights-holders and decision-makers in matters affecting their communities.
- 2. A First Nations-FPT process on policing and community safety:** Launch a dedicated First Nations-FPT process to address the broader structural challenges affecting First Nations policing and community safety, including jurisdiction, governance, legislation, funding, service delivery, accountability, and oversight.
- 3. Commit to the development of a comprehensive First Nations policing and community safety framework within 12 months, with recommendations addressing jurisdiction, legislation, funding, service delivery and accountability:** Develop a comprehensive First Nations policing and community safety framework, co-developed by First Nations and governments, with recommendations for long-term governance, funding, accountability, and service-

delivery reforms. Recognize and uphold First Nations jurisdiction over policing, community safety and justice, including respect for First Nations laws, legal traditions and governance systems. Self-determination should be a foundational principle across all reforms. The framework should support First Nations' authority to develop community-defined approaches to safety, including community policing, prevention, and restorative practices that align with First Nations laws, legal traditions, and community priorities. Enforcement of First Nations laws must be secured immediately through program reforms and maintained through longer-term structural reforms such as legislation.

5. Conclusion

The FN-FMM provides a timely opportunity to address longstanding inequities in policing and community safety through structural reform. Recognition of First Nations policing as an essential service must be accompanied by recognition of First Nations jurisdiction, First Nations-led governance, sustainable and needs-based funding, community-defined approaches to safety, including policing models and restorative practices grounded in First Nations laws, legal traditions, and community priorities.

First Nations should seek a commitment from First Ministers to establish a coordinated First Nations-FPT process to resolve existing jurisdictional, funding, governance, and accountability gaps and to co-develop a legislative and policy framework for safe, culturally grounded, and First Nations-led policing and community safety.