



# Manitoba Keewatinowí Okimakanak, Inc.

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**OFFICE OF GRAND CHIEF DAVID HARPER**

**To: MKO First Nations**

**From: Michael Anderson, Research Director, Natural Resources Secretariat**

**Date: May 11, 2015**

**SUBJECT: MKO POLICING SURVEY NO. 2 – STATUS OF BAND CONSTABLES**

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Public Safety Canada terminated the Band Constable Program (BCP) effective April 1, 2015. The \$1.5 million in federal funding for the former BCP agreements between Public Safety Canada and 31 Manitoba First Nations is to be transferred to Manitoba as a “lump sum”. During a meeting on March 24, 2015 and in a notice dated April 17, 2015 (attached), Manitoba advised that, “(t)o ensure continuity of services” (...) “Manitoba will be allocating funding to (...) participating First Nations as per the terms of the BCP”. At least one MKO First Nation has received an agreement from Manitoba to fund a First Nation Safety Officer Program with the amount of the former BCP funding dedicated entirely to salaries and representing the “Manitoba Contribution”.

The funding agreement expressly prohibits a First Nation Safety Officer (FNSO) from serving in a first response role pending the arrival of the RCMP and from detaining any person (these are the same restrictions as in the former funding agreements with Public Safety Canada). There is no reference in the agreement to any “peace officer” status of a First Nation Safety Officer.

### Survey Questions:

1. Did your First Nation receive a funding agreement from Manitoba Justice for the transition from the Band Constable Program to the First Nations Safety Office Program (yes\_\_\_/no\_\_\_)?
2. Did your First Nation sign the First Nation Safety Officer Program agreement ((a) yes\_\_\_/no\_\_\_), and if yes, when was it signed ((b) \_\_\_\_\_, 2015)?
3. What is the amount of the “Manitoba Contribution” ((a) \_\_\_\_\_) and the amount of the “Income from Other Sources” ((b) \_\_\_\_\_) identified in the Budget for Eligible Costs at Schedule “A” to the First Nation Safety Officer Agreement? What is the source of the the “Income from Other Sources”, i.e. Band funds, Canada, other, etc. ((c) \_\_\_\_\_)?
4. How many Band Constables ((a) \_\_\_\_\_) or Special Constables ((b) \_\_\_\_\_) were employed as of March 2015, before the termination of the BCP?
5. How many Band Constables ((a) \_\_\_\_\_) or Special Constables ((b) \_\_\_\_\_) are employed after March 2015, following the termination of the BCP?
6. Has your First Nations Community laid off any Band Constables or Special Constables after the termination of the Band Constables Program ((a)yes\_\_\_/no\_\_\_), and if yes, how many Band Constables or Special Constables have been laid off ((b)\_\_\_\_\_)?

**Justice**

Aboriginal and Community Law Enforcement  
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April 17, 2015

Dear Chief and Council:

Further to our discussions with your staff, I am writing to provide you with additional updates on the transition to a new program that will replace the Band Constable Program (BCP).

In response to the federal government's decision to terminate the BCP, Manitoba tabled Bill 5, *The Police Services Amendment Act (First Nation Safety Officers)* on November 26, 2014 which will enable First Nations communities to partner with Manitoba to create a successor First Nation Safety Officer Program (FNSOP).

Manitoba has developed a comprehensive plan with significant improvements on the federal BCP through a focus on the following guiding principles: a clear funding agreement between Canada and Manitoba as per the federal First Nations Policing Program (FNPP); a clear funding formula, which will include a defined salary and benefits package; a clear legislative foundation including defined qualifications, training requirements, uniform and equipment standards, and program parameters; and, a formal agreement between Manitoba and First Nations outlining the FNSOP and the duties and responsibilities of the FNSOs, individual First Nations and Manitoba.

The Legislature reconvenes on April 30<sup>th</sup>, after which time the normal legislative processing of the Bill will take place. To ensure continuity of services as the BCP is transitioned to the FNSOP, Manitoba will be allocating funding to participating First Nations communities as per the terms of the BCP agreement between the federal government and your First Nation. This provincial support will ensure the continued operation of the BCP in your community until the new program is established.

To facilitate this new funding arrangement, Manitoba has drafted the attached agreement for your review and signature.

In the coming months, Manitoba Justice officials will be contacting you to discuss further transition details.

Sincerely,

Glen Lewis  
Executive Director  
Policing and Public Safety

Attachment

**AGREEMENT**  
for the operation of a First Nation Safety Officer Program

Date: Effective April 1, 2015

Between:

**HER MAJESTY THE QUEEN IN RIGHT OF MANITOBA**

as represented by the Minister of Justice  
(hereinafter referred to as "Manitoba")

and

as represented by the Chief and Council  
(hereinafter referred to as "the First Nation")

**WHEREAS**

- A. Canada has managed a legacy program known as the "Band Constable Program" under the umbrella of the First Nations Policing Program since 1991. Under the Band Constable Program, Canada provided funding directly to First Nations to hire and supervise constables to enforce band bylaws and provide support for the local policing authority.
- B. Canada has announced that the Band Constable Program will end on March 31, 2015 and that no further funding will be provided to First Nations in Manitoba under the Band Constable Program.
- C. Recognizing the value of a program to enhance public safety in First Nation communities, on November 26, 2014 Manitoba introduced into the Legislative Assembly of Manitoba Bill No. 5 being *The Police Services Amendment Act (First Nations Safety Officers)*.
- D. If *The Police Services Amendment Act (First Nations Safety Officers)* is passed, *The Police Services Act* would provide that a First Nation, or an entity that represents a group of First Nations, could enter into an agreement with Manitoba to establish a First Nation Safety Officer Program in their community.