

First Nations Police Governance

Canadian Association of Police Governance



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First Nations Police Governance

Knowledge and Insights for Commission and Board Members¹

This training material for First Nations Police commissioners and Board members was prepared under the direction of the First Nations Police Governance Council of the Canadian Association of Police Governance, with research and editorial assistance from Jacob Pete and Andrew Graham of Queen's University. Funding was provided by Public Safety and Emergency Preparedness Canada.

Module 1: What is Governance?

This is the opening section of a series of talks on police governance in First Nations. The main focus is on First Nations that have Self-Administered police over which the board provides oversight. For the many First Nations that use provincial police or the RCMP, the oversight role is different but the community consultative committee role is important.

This section looks at different ways that police agencies, be they First Nation, national, provincial or municipal, are governed in Canada. It's quite a mix and there is no explanation for the variation, except perhaps specific history in each situation.

Keep in mind when reading this material, the comment of Chief Frank Halcrow (40 years Hereditary Chief) and Sidney Halcrow, a member of Council (18 years) of the Lakeshore Regional Police Commission: "The skill and knowledge needed to govern police must be inculcated in all police commission members, regardless of background. This implies that, in addition to information, police commission members require experiential training, feedback and coaching. The task of being on the Police Commission is challenging for our members."

In this module, we look at:

- What we mean by governance and oversight.
- Different models of policy governance in the land.
- Roles and responsibilities of First Nations police governance bodies.

¹ There is no standard for how to name the oversight body for First Nations police services, or for other ones in Canada. The most common usage is either Board or Commission. For simplicity, we are using commissions and commissioners in these modules.

Governance and Oversight

In describing what value it adds to policing among the First Nations that it serves, the Police Commission of the Dakota Ojibway Police Service (DOPS), serving six communities, states: *“Police Commission members ensure that DOPS is responsive to the culture, priorities and needs of the Participating Communities and it guides DOPS to ensure that a proper level of policing services is delivered. The members also ensure that the police service is free from inappropriate political influence. This ensures the participating communities’ priorities, issues and concerns of the participating communities, related to public safety and policing are identified and progress is monitored.”* That’s a pretty good description of governance.

- What is governance?
 - A governance board is a special type of body to direct and control an agency or organization. It does not involve running the organization, but setting its direction, monitoring how it is performing, hiring and evaluating its manager(s) and setting policy. It also involves engaging with stakeholders, funding agencies and governments to both ensure the agency is doing what it is supposed to do and is sustainable.
 - Not just government, but a set of rules, actions, policies and values – a real mix. The word governance is a set of different activities, not just making policy or representing the community. There are many actions that make up governance, all intended to ensure that the organization or agency does what it is supposed to do in the way it is supposed to do it.
 - Continuing and not just event driven: those involved in governance have to take the long view. They have to set the long-term (strategic) direction for the police organization, deal constantly with ensuring it has the resources, support and policies it needs and that it performs up to expectations. Of course, when major events happen in the community that affect peacekeeping, those in governance, on boards or commissions, have to react and ensure that the polices did their job or that the community understands and accepts the nature of the response.
 - Stewardship: This is another value that takes the long view. Stewardship for First Nations people comes naturally, as part of their inherent values and the special relationship that they have with the earth and all living things. Governance for polices means being concerned with the long-term term health of the agency and the values of services within the First Nation. Governance then means that members of boards or commissions will look at policies, plans, budgets and organizational performance from the perspective of how these will sustain the First Nation, its commitments to the health of the community and the viability of the police agency.
 - Connection to the community, the guiding spirit of the Nation and the land: A very special job of a governance board is to represent the community, its broader interests and be a bridge between the community and the police agency. This is a two-way street and governance often involves those involved in

it being in the middle, trying to build bridges and get all parties to see and respect the views of others. This is not just about concern about a particular incident, although that too is part of the work. It is also about making sure that the underlying spirit of the community and its values are reflected not just in policies but also in the actions of police officers.

- Unique type of accountability for a special purpose: Above all, governance over police organizations is a unique responsibility. These forms of governance are put in place for a number of reasons that at times can be forgotten. It is possible to have police services without special forms of governance. Why then does it happen at all? Here are some of the reasons:
 - To shield the polices from undue political interference in the carrying out of their police duties.
 - To provide a focused community lens of a very important agency that exercises a lot of power through its powers to arrest, detain and control community members.
 - To build a bridge between the polices and the government of the First Nation, to the underlying spirit and values and to the members.
 - To provide dedicated oversight on police's individual and organizational performance by holding the Chief Police to account, setting out policies to be followed and assessing how well they were carried out.
- How is it different from oversight, or is it? – Oversight and governance are sometimes used interchangeably. But they are different and for those involved in police governance, it is important to keep this in mind. Governance is not just oversight. Governance is a form of oversight that involves active leading of the agency, setting its strategic direction, holding it to account, supporting and communicating with the community and the First Nation government on important matters. Oversight involves two activities that are part of the whole governance process:
 - Assessing overall performance of the police service by regularly assessing the performance of the Chief of Police, evaluating the performance of the service in relation to its plans and how it manages important elements such as budgets, maintenance of policing standards and its staff, and
 - Responding, where necessary to complaints from the community and concerns for public safety or major incidents that become a serious concern to the members of the First Nation.
- Governance is not management. Those on governance boards do not manage or run the organization that they oversee. Rather, their job is to put in place the tools that managers need to carry out their work and hold them to account for their performance. Therefore, a governance board fails when it gets into micromanaging or interfering with individual decisions on a regular basis. Of course, the opposite is true at times. A governance board that is so hands-off that it does not know what is going on, fails to hold management to account on a regular basis, and for significant individual incidents, also is not governing. Governance here then refers to the oversight roles outlined above and the strategic work of setting direction, financial planning, a set of core policies that

outline the services purpose, values and structure along with policies on both managerial issues and police actions that require a guiding policy. Management, most often defined as the Chief of Police and possibly the deputy, are responsible for achieving the direction set. Management must establish the work routine, assign staff, and manage the resources to get the job done on a daily basis. This will involve having administrative and operational policies to guide the work of the service. Governance and management are not isolated from each other. Management has to carry out the direction set by the governing body. If they fail to do so, they should be held to account through specific dialogue, formal evaluation or removal from position in extreme cases.

- For policing, governance is **not** directing and controlling individual police actions which are governed by criminal law and overseen by the courts, but the broader direction of the agency.

Different Models of Police Governance in the Land

With so much variation in the country, it is clear that there is no one-way to provide effective police governance that all accept. That being said, overall, Canada has more active police governance than most countries in the world.

This statement from Public Safety Canada summarizes the difference ways that First Nations can get their policing services. “Through the First Nations Policing Program (FNPP), Public Safety Canada provides funding to support policing services that are professional, dedicated and responsive to the First Nation and Inuit communities they serve. The Program operates in accordance with the First Nations Policing Policy, a national framework for the provision of policing services in First Nation and Inuit communities. Policing services are supported through tripartite policing agreements among the federal government, provincial or territorial governments, and First Nation or Inuit communities. The federal and provincial/territorial governments each provide funding for these agreements.

There are two main types of policing agreements under the FNPP:

- Self-administered Agreements, where a First Nation or Inuit community manages its own police service under provincial policing legislation and regulations; and
- Community Tripartite Agreements, where a dedicated contingent of officers from the Royal Canadian Mounted Police provides policing services to a First Nation or Inuit community.

In 2014-2015, the FNPP provided over \$120 million in funding for:

- 186 policing agreements, policing a population of approximately 416,000 people; and

- 1299 police officers in 455 First Nation and Inuit communities. ²

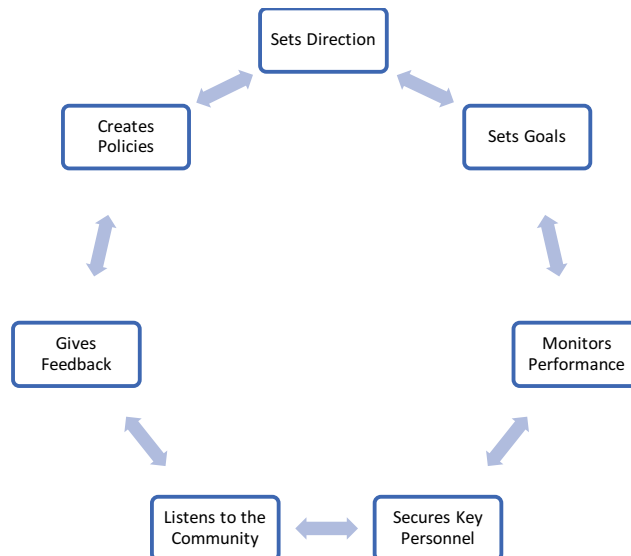
A number of the Stand Alone FN police services agreements serve a number of different First Nations with a single police service and, therefore, a single commission.

Depending on which form of policing arrangement, there will a different form of governance:

1. For Self-Administered Agreements, a board or commission must be created, per the agreement, by the Chief & Council. Or
2. For Community Tripartite Agreements, a Community Consultative Committee will be created to work with the RCMP.

Roles and Responsibilities of Police Governance Boards

Oversight and governing bodies need to strike this balance between police independence to conduct investigations and maintain order without undue political or other influence, with the need for accountability to the public. Police independence is important, but it does not give police freedom from special accountability given the serious powers they exercise and important legal responsibilities they have. That is one of the reasons that special police commissions were created in the first place. While the main job of a police board or commission is to ensure the effective and efficient peacekeeping within their jurisdiction, it must continually strike this balance, all the while keeping in mind the traditions and values that guide the unique challenges of First Nations. The chart below gives an eagle’s view of these roles.



² Accessed at <https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/brgnl-plcng/index-en.aspx>

The following is a list of some of the roles that effective governance needs to focus upon:

- Establish a strategic planning process that engages the community and determines the overall direction of the Department.
- After consultation with the community, Chief and Council and the Chief Police, determine objectives and priorities with respect to police services in the community. This can take many forms, depending on the degree of formality wanted and how the board sees the best way to give and then communicate the direction. In cases where there a number of First Nations involved in the police service, this consultation becomes more complicated and reaching an agreement can take more time, but the principle is the same. Some of the key tools are:
 - A strategic plan, covering goals for a number of years,
 - A set of objectives for the Chief Police, generally for one year, but with the future years in mind, and
 - A communications document for the community.
- Based on advice and information from the Chief Police and guidelines set by the First Nation, establish a long-term and annual budget for the Department. The board in this activity plays a number of roles, some of which put it in a position to reconcile legitimate needs with scarce resources:
 - Ensuring that current funds are properly and effectively spent,
 - Critically assessing the funding needs of the service based on the Chief Police's advice, but challenging that advice where needed,
 - Understanding the fiscal plans for the First Nation and what flexibility exists for the service,
 - Assessing the condition of the First Nation-federal-provincial agreement and what opportunities exist to gain more resources,
 - Bridge to the Chief and Council to obtain their feedback, represent the needs of the service that the board supports and seek community support, and
 - Ensure that, in the end, the service plans and works within the fiscal constraints that any budget creates.
- After consultation with the Chief of Police, establish policies for the effective management of the Police Department. Other modules will deal with policies, but it is important that the board create general policies for the Chief of Police in certain key areas. It is also important that the board hold the Chief Policeto account for the execution of those policies and have enough information about how he or she carried them out to be satisfied that the intent of the policy has been realized. Examples of the kinds of policies that the board would normally want to have are:
 - Administrative Policies
 - Policy on Workplace Safety
 - Policy on Travel and Expenses
 - Policy on Off-duty Activities

- Code of Ethics
- Conflict of Interest
- Policy on Complaints
- Reporting Protocols
- Policy on Board Procedures
- Policy on Open and Closed Meetings
- Recruit and appoint the Chief Police, determining their working conditions, and their annual remuneration is determined in accordance with established policies and procedures within the government of the First Nation. This role may be varied depending on the direction set by Chief and Council.
- Review and assess the Chief of Police's performance. This is a formal and necessary process as the Chief Police is in place to carry out the direction of the board, at a strategic and policy level.
- After consultation with the Chief of Police, establish the policies and procedures for the recruitment and training of the police.
- Give general direction to the Chief Police by setting organizational and personal performance goals, monitoring his or her performance, assessing that performance on a regular basis and providing feedback and guidance to the Chief of Police.
- Establish guidelines with respect to the indemnification of members of the police for costs, charges and expenses that arise from legal proceedings (Civil and or Criminal) resulting from actions taken by a police in the course of his/her duties.
- Regularly engage the community through consultations and seeking input. Ideally, the board will avoid only having consultations when there is a problem or incident. Effective consultations should be regular and effective in that the community needs to know that it is being respected and listened to.
- Establish guidelines for dealing with complaints consistent with the laws and directions of Chief and Council. Practice here varies across the country, both for First Nations and others. Very few First Nations have a separate police complaints body. The first principle is that complaints against individual police should be dealt with by the Chief of Police. Only after that is exhausted should the board review the matter. Complaints of a general nature (level of service, poor communications, etc.) or against the Chief of Police are generally referred to the board. The board may want to create a policy on complaints.
- Review the Chief of Police's administration of the complaints system and receive regular reports from the Chief of Police on his or her administration of the complaints system.

Governance Needs to be Supported

The governance model within a First Nation must take into account the cultural and spiritual traditions that govern it overall. Further, while it would seem that a police commission is primarily responsible for overseeing the police, the real goal is community safety. Therefore,

the commission will need to seek out traditional means of resolving issues, taking guidance from elders as well as Chief and Council. The following short description of what the Louis Bull Tribe and Council have done to build good governance, as told by Henry Raines, really has all the elements needed for good governance:

“The Police Commission had real independence, the Chief and Council provided the terms for the establishment, of an independent police commission and police services budget and gave the Police Commission ownership of the police services. The Chief and Council provided sufficient financial resources for the Police Commission and Police services to perform our mandate. This enabled us, the Police Commission, to meet the high expectations within the community. The Chief and Council were transparent in the process and were fair to every one including the police. The Police Commission required the Police to maintain integrity of any inquiry/investigative process but at the conclusion all possible information was made available to all concerned, both complainant and the police officer who may be subject of the complaint. Our traditional form of conflict resolution was used to mediate conflict and misunderstanding in the community.

We are fortunate in that our leaders at that time maintained strong spiritual, cultural, traditional practices and knowledge. Our elders were from within our tribe and who spoke our Cree Language. All our Council members had minimal formal education experience and we did not aspire to follow mainstream western leadership and governance structures. We did hire the best professional people Lawyers, accountants, business management, architects and others to advise our Council. All decisions were arrived at by consensus of the Council. Training was continually provided to all our employees. Chief and Council, and the Police Commission were provided with specific specialized training. Training is every important for our Tribe.

Our community concluded you need four aspects to be present for a police accountability system to be effective. A system in which the community people, Band Council, Police Commission and the Police are represented, a monitoring system before, during and after policed operations and actions, some form of corrective action (Restorative Justice), and a need to look at the Police structure, the Police Supervision as a whole. The development of this institution is one of the key challenges for First Nations governance as it ensures the police can be scrutinized and criticized which we believe is key to maintaining integrity.”

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Module 2: Relationship of Police Governance to Police Executives

This module will look at how members of First Nations Commissions or Commissioners fulfill their duties in overseeing the Chief of Police. This is not an easy thing and the experiences of First Nations in this area will be brought out in this module.

As Henry Raines of the Louis Bull Tribe points out, each party in the relationship has a role to play: *"The Police Commission was delegated as the responsible body for the operation of the Police Services. The Police Commission was the buffer between the Chief and Council and the Chief of Police. The Chief of Police to be totally responsible for the day to day operations of the Police Services."*

The Oversight Role of the Commission

This relationship is important, but must be seen in the context of the governance role overall. As Diane Halcrow, Chairperson, Lakeshore Regional Police Commission says, *"As a Police Commission we have developed an extensive policy and procedures manual as we are responsible for the provision of police services in our First Nations, in accordance with Alberta Police Act standards and the needs, values and expectations of our First Nations. We determine the public safety needs, values and expectations of our First Nations, as the collective owners of the Lakeshore Regional Police Services, through direct connection to our First Nations as a whole, we have established policies to achieve certain public safety outcomes, within prescribed*

³ There is no standard for how to name the oversight body for First Nations police services, or for other ones in Canada. The most common usage is Board in the east and Commission in the west. As much of our research has been done in the west and as many more First Nations police commissions exist than boards, we are using commissions and commissioners in these modules. We will move back and forth and that reflect the varied background in First Nation and settler police governance.

limitations including financial constraints as the Tripartite Agreement does not cover all costs needed. We ensure police services performance is congruent with both Alberta Police Act standards and the Police Commission Policy and Procedures Manual. Our Police Commission is responsible for selecting and hiring the Chief of Police.”

With her experience and working with others on the Commission, Ms. Halcrow outlines very clearly some of the tools a Commission will use to make sure that the Chief of Police is suited to the task and is carrying it out:

- **Determine the public safety needs, values and expectations of the First Nation.** More than anything else a good Commission does, this is key. This is really strategic planning, something that Module 3 will cover in detail. However, the Chief cannot function without knowing where the overall direction is going. He or she has to be certain that the decisions being made, using limited resources, speak to what the community wants and needs. The Commission has to deliver that to the Chief. It does so through practices like strategic planning, engaging Chief and Council on key issues, involving the community, and setting individual goals for the Chief in this area through the Chief’s appraisal process.
- **The Commission selects the Chief of Police.** This is probably one of the most important tasks a Commission will undertake. In some instances, Chief and Council do this with the advice of the Commission. To do this right, the Commission has to set up certain key processes:
 - Determine qualifications for the position,
 - Develop a competency profile and match the search process to it,
 - Ensure the current Chief has an internal succession plan to develop local talent if possible,
 - Carry out the search process through advertisements and other means,
 - Conduct interviews and check references,
 - Decide on the successful candidate, and
 - Negotiate terms of employment.
- **Develop policies and procedures.** This is much more than just having a manual. The Commission will want to provide direction to the Chief on key policy areas that cover many elements of police work within the community. This can include policies on key police operations that have an impact on the community without interfering with individual police operational matters, general administrative policies, personnel and financial policies, policies on such matters as conflicts of interest, public complaints and appeal procedures. These are essential to giving the Chief direction at the level that he or she needs it, not on the implementation side, but on the policy side.
- **Set performance goals for the Chief.** The simple reality is that you cannot know how well the Chief is performing if you do not set goals for that person. On the other side, the Chief does not feel supported when there are no markers of good performance or indicators of problems. Therefore, the Commission does not simply hire a Chief and leave that person to do the job. The Commission has to ensure that the Chief is acting as the community would expect. This will include an evaluation process that the

Commission will have to create. This does not have to be a complex paper process, but there should be a confidential and respectful discussion of the Chief's overall performance on a regular basis – once a year as a minimum. Such evaluations are not popularity contests or dealing with specific matters. If they are, this is unfair to the Chief. That is why having the goals set is so important.

Think about How Corporate Commissions Work

On an ongoing basis, it is critical that candid discussion occur between the Commission and the Chief with respect to the community's, Commission's and Chief's philosophies of policing. This ongoing exchange is important and essential for both the Commission and the Chief. If either the Commission or the Chief is out of sync with acceptance levels in the community, friction will result. The Chief understands that law enforcement is an area in which Commission members are not experts, and he/she expects you will rely upon him/her for advice, explanations and recommendations on a wide range of policing issues. The establishment of trust is an essential component of the Commission/Chief relationship - without it, every issue can become a conflict of having to prove what each asserts. A trusting relationship assures the ability to act quickly and decisively. The relationship between a Police Service Commission and its Chief, if truly effective, can best be described as a partnership - not a partnership of equals, but a partnership where each partner knows its own role and does not attempt to do the work of the other. In an effective Commission/Chief relationship, each understands and accepts their respective power and authority and enjoys a great deal of comfort, with neither feeling threatened by the other's authority.

The position of a Police Service Commission to its Chief could be related to that of a Commission of Directors of a large corporation. The Commission is answerable, in a very real sense, for the sins of omission and commission of the police service, and therefore must be much more than a passive agency. The Chief then, in the business corporation model, is the operations manager, responsible for giving efficient day-to-day effect to the policies adopted by the Commission.

The following is a set of activities that the Commission must do to ensure that it provides the Chief with the support, guidance and direction needed. It is based on policies in place in the Mohawk Council of Kahnawá:ke (MCK):

“The following are general principles to define the Commission's relationship to the Chief of Police and its expectations of him or her:

- 1. The Chief of Police is accountable to the Commission acting as a body. The Commission will instruct the Chief primarily, but not solely, through written policies, minutes of meetings with specific follow-ups or other instruments as determined. Interpretation, implementation and detailed operational policy development are the responsibility of the Chief.*

2. *As such, the Commission will focus on articulating the expected outcomes of a policy or direction and the Chief will focus on how to achieve these outcomes.*
3. *The Chief of Police shall ensure that all practices, activities, decisions and organizational circumstances are consistent with the Police Law, the related laws and administrative requirements of the MCK and the Standards set out in CALEA – the Commission for the Accreditation of Law Enforcement Agencies.*
4. *Only decisions of the Commission acting as a body are binding upon the Chief.*
 - a. *Decisions or instructions of individual Commission members, officers, or committees are not binding on the Chief except in those instances when the Commission has specifically authorized such exercise of authority and has advised the Chief of such authority.*
 - b. *In the case of Commission members or committees requesting information or assistance without Commission authorization, the Chief can refuse such requests that require, in the Chief's judgment, a material amount of staff time or funds or are disruptive. The Chief will refer such requests to the Chair of the Commission.*
5. *The Commission may set direction and policy through a number of instruments:*
 - a. *Annual Business Plan.*
 - b. *Annual budget.*
 - c. *Annual objectives for the Chief for evaluation purpose.,*
 - d. *General policies, such as this Policy Manual and*
 - e. *Specific policy direction of matter of material operational concern that either direct the Chief to take certain actions or require the Chief to establish procedures, instructions, control and reports to achieve the goal of the policy direction.*
6. *The Chief of Police will establish operational instructions and procedures as are required to carry out the policies of the Police as determined by the Commission, to comply with the administrative requirements of the MCK, to comply with policing standards required for accreditation by CALEA or to comply with other legal requirements of the laws of the MCK.*
7. *In executing policy direction from the Commission, the Chief is obliged to provide evidence of his obligations through the provision of sufficient detailed information so that the Commission can satisfy itself that its objectives have been met. A simple statement of completion is not sufficient unless deemed to be so by the Commission. “*

Policy and Operations

It is often said that a Commission should concern itself with policy setting and the Chief is responsible for operations and the two should not mix. There is no question that the Commission should not interfere in the operational work of the police service, most specifically with individual investigations. Further, Commission members should never use their position to advocate for and interfere with police matters that affect them, their business or their family. This is a clear conflict of interest. That aside, there is no clear line between policy and operations. Policy is meant to direct how many operations are undertaken. It cannot be put in

place without a consideration of how it will affect operations. Here is a good example of the confusion that might arise. This is a story told by a member of a First Nation Police Commission in Alberta:

“Chief and Council have an abiding interest in “policy” through the police Commission and no interest in “operational” matters. This distinction is clear and compelling in some cases. Chief and Council may want a “crack down” on drunken driving as an example and the police become the means by which this policy is achieved. How we the police execute this policy, however, is properly the concern of the police (within the budgetary, legal and other constraints) which shape the operational decision.

As a Police Commission, we act as a buffer between political direction from the Chief and Council on one hand and the operational control of police investigations by the Chief of Police on the other hand.

The Police Commission is responsible for effective management of the police and can direct and monitor the performance of the Chief of Police, although not with respect to “specific operational decisions” or with respect to “the day to day operations of the force.”

The Chief of Police Must be Independent to Act but Must be Accountable

Much is made about the need for the Chief to be free of operational interference. Commissions play an important role in protecting the Chief to get on with the job of crime prevention and law enforcement without interference. Often Commission members will be approached by members of the community about individual matters, some of them under investigation, often with a complaint or something that might develop into a complaint. At times, a member of the band council will complain about a specific police matter to a Commission member. It takes hard listening to distinguish between interfering in operational matters and ongoing investigations and legitimate concerns for possible misconduct, abuse of power or having policing priorities wrong. The first are matters that Commission members should refer back to the Chief. Here are a couple of examples: *“My son got arrested and charged. Can you do something about this?”* or *“I want a traffic cop on my street all the time.”* The second are ones that the Commissioners should discuss to determine if they are legitimate and worthy to bring up with the Chief. Here are a couple of examples of this sort of issue: *“Are we doing enough about gang activity in my neighbourhood?”* or *“We are worried about the high cost of that new equipment the chief bought.”*

In all of this, the Chief is the primary source of advice and accountability. The core principle is that operational responsibility means that it is the Chief’s right and duty to take operational decisions. Neither the Commission nor the Chief and Council should direct the Chief as to how to conduct an operation. It does not mean, however, that the Chief’s conduct of an operational matter should be exempted from inquiry or review after the event by anyone. Therefore, if a Chief makes a bad and damaging operational decision that saw people hurt, staff and the public

endangered or money spent inappropriately, it is up to the Commission to hold the chief to account.

Making the Relationship between the Chief and Commission Work

Here are some of the realities of how a Commission and a Chief need to work together:

- Policy cannot be formulated without operational input: otherwise, it is just wind.
- Chiefs have a significant role in advising Commissions on policy.
- Commissions fail when they see policy as an approved document: their responsibility is to ensure that the policy intention is met, that it is achieving the intended consequences and that it be adapted to circumstances as they change.
- They cannot do this without information on how the policy is operating.
- This information must be evidence-based. Commissions that simply let their Chief say “I am doing this.” and leave it at that are neglecting their full policy role.
- This means having performance and operational information enough to form their own views.
- This means creating policies that have some form of performance metrics and reporting requirements built into them.

What are the Best Ways to Make the Relationship between the Commission and the Chief Work?

Nothing works without respect and a mutual understanding about goals, anticipated values and the ability to work together. It is important for both parties to work at this. Working as a Commission and not a group of individuals, the Commission has to build up a relationship based on these and other community values. It can do so in a variety of ways, but the following are a really good start:

- **Regular Formal and Informal Contact with the Chief:** Nothing helps getting to know someone by getting to know them. In a complex relationship such as that between the chief and Commission, no one should assume that they know that other and need no contact. Community safety is a fluid issue, one in which there are many twists and turns. A bond of trust can go a long way, but trust can dissolve when issues arise and parties fail to take them into account. The following are some of the important steps that need to be taken to build positive Commission/Chief relations:
 - **Regular informal contact between the Chair and the Chief:** The Chair has a unique responsibility for making sure the governance process works. She or he has to make sure all parties are informed, that the Chief is aware of Commission concerns and that the Chief is involved in advising the Commission on policy matters.

- **Regular reports to the Commission:** The Chief should be expected to report to each formal Commission meeting on major developments, progress on plans and the implementation of new policies that the Commission has put in place.
- **Commission Members Involved in Police Service Activities:** Many Commission members regularly attend staff recognition events, public meetings and other ceremonies to support the service.
- **Setting Priorities and Goals for the Chief through Strategic Planning:** More will be said about this in the next module but strategic planning – setting a multi-year direction and budgeting and business planning – setting the plan and approving the resources for the coming year – are vital ways to provide the Chief with a framework within which to work. Given that these involve key elements of effective community public safety, the Chief needs to be fully engaged in the exercise.
- **Creating Policies:** The Commission will have to set many policies for the police service. The Chief of Police will play an important role in its drafting and in making sure that whatever policy is put in place can actually be implemented. The Commission will be very dependent on the Chief's advice on these matters.
- **Regular and Formal Evaluation of the Chief:** The Commission needs to provide regular – annually is the norm – performance assessments of the Chief. The Chief is a professional leader who deserves and benefits from such feedback. It should establish a procedure that is fair to the Chief, involves him or her in the process, and is, above all else, based on evidence, not hearsay, gossip or unfounded opinion. It should be consistent in the goals set out in the plans. The Commission may want to set personal goals for the Chief in terms of development, improvement in certain areas or personal skills that need to be developed. These should always be set before the assessment period so that the Chief knows what the Commission thinks it important for the chief to do.

Evaluating the Chief's Performance

To evaluate the Chief's performance, you must first have a detailed job description that clearly spells out his/her responsibilities and duties. If there is no written understanding with respect to the duties of the Chief, an objective measurement of performance cannot take place.

Consequently, and following from above, the Chief's job evaluations are based on performance measured against the following:

1. The Chief's job description and annual goals and objectives agreed to by the Commission and the Chief at the beginning of each review period,
2. Organizational accomplishment of the goals and objectives of the organization's business plan, and
3. Compliance with the Commission's policies contained in the Commission Policy Manual and achievement of the performance standards such as the CALEA accreditation process if they have been adapted by the Commission.

Mistakes that Happen in the Commission/Chief Relationship

Here are some of the most common errors that can sour the relationship between the Commission and the Chief:

- Commission members do not spend enough time learning about the service, the laws and customs governing it and familiarizing themselves with the working of the police service.
- Commission members interfere in operational matters in ways that clearly are meant to serve their personal goals, undermine the Chief and pursue a personal political agenda.
- Commission members fail to engage the Chief fully in all discussions and seek his advice as a primary source of such advice when they create policy.
- The Commission does not set strategic goals, does not provide the Chief with adequate direction on business plans and budgets. A variation on this is that it lets the Chief do it all on his or her own. This is not delegation; this is abnegation of duties.
- The Chief does not keep the Commission up to date on his or her performance, on issues of importance to the Commission, or on emerging policing risks that will affect the performance of the service.

First Nations Police Governance

Knowledge and Insights for Commission and Board Members⁴

This training material for First Nations Police commissioners and Board members was prepared under the direction of the First Nations Police Governance Council of the Canadian Association of Police Governance, with research and editorial assistance from Jacob Pete and Andrew Graham of Queen's University. Funding was provided by Public Safety and Emergency Preparedness Canada.

Module 3: Strategic Planning, Budgeting and Goal Setting

The issue of how police Commissions plan and budget is complicated by the many different arrangements and authorities in First Nations across the country. In general, the ultimate budgeting authority is the Chief and Council. However, as the funding arrangements are covered by tripartite agreements involving federal and provincial funds, the levels are generally set by those agreements. Further, how the planning and budgeting process works will depend from First Nation to First Nation. Often Chief and Council will want to be involved in the process for police. In other cases, and here is the most desirable, they will receive the recommendations from the Commission and determine if they can be accommodated. In all of these different ways of doing things, it all depends on effective communications among the parties for this to work.

Good governance is about:

- Vision (Planning for the future)
- Destination (setting goals and providing a general road map)
- Resources (securing the resources necessary to achieve the goals)
- Monitoring (periodically ensuring that the organizational vehicle is well maintained and progressing toward the goal)

⁴ There is no standard for how to name the oversight body for First Nations police services, or for other ones in Canada. The most common usage is Board in the east and Commission in the west. As much of our research has been done in the west and as many more First Nations police commissions exist than boards, we are using commissions and commissioners in these modules. We will move back and forth and that reflect the varied background in First Nation and settler police governance.

- Accountability (ensuring efficient use of resources; reporting progress and detours to stakeholders).

Why do strategic planning?

- Strategic planning provides directions as to where limited resources should be focused.
- It helps to define success and share that definition with the police service and the community.
- It encourages police Commissions to set goals and objectives.
- It provides opportunities to consult with and give direction to the Police Chief.
- It identifies high-level strategies that outline key approaches for achieving goals.
- The strategic plan becomes a communication tool that allows the public to hold police Commissions and police services accountable .

These are the key elements of effective strategic planning.

The work of setting a direction for policing in a First Nation is a complex one. It involves the whole community and must be done with sensitivity not just to the short-term requirements of the police service, but rather to the goals of public safety. The Police Commission therefore has some specific roles to play, but must play with others to achieve this goal. That being said, the Commission's work must add worth and have integrity on its own. As Diane Halcrow, Chairperson of the Lakeshore Regional Police Commission says "Our Police Commission should not be reliant on the police or First Nation governance for planning, developing Commission policies, evaluating organizational performance, decision making or communication, if the Police Commission relies on others to do its work for it, then it is dependent not independent. "

Setting Direction is a Journey but One that Has an End

The Commission has to be engaged in discussions about the overall meaning of policing in a First Nation and push policing towards meeting the community's needs. Chief Frank Halcrow of the Kapawe'no First Nation offers some real insight here, advice that any Commission will want to take into account: *"The purpose of the police is to ensure coexistence and public order. This should support a more balanced approach from reactive or repressive policing of crime to a greater focus on crime prevention and the causes of crime. The presence of a police car in the community deters criminal acts from occurring. We need a theoretical shift on how we perceive crime and the effectiveness of our strategies to combat it. Our police rely on statistics such as the number of arrests, the amount of drugs seized, traffic stops...these indicators encourage a focus on reaction rather than prevention. We need to shift our thinking towards those that measure not what happened but what did not happen due to effective police work. Our crime statistics are also very deceptive for as we strive for a more trusted police services the more confidence we have on the police more crime will be reported. We need to understand this. We*

need to look at more crime prevention as a cost effective approach to addressing crime and violence as it reduces both justice system costs, in terms of policing, court systems and prisons, as well as the economic and social costs of crime, as an example, the loss of productivity and increased reliance on welfare systems by families resulting from the primary wage earner going to jail. Just look at the statistics of our people in jail we are a big industry We studied the Navaho System of the Administration of Justice with its Police, Crime Prevention, Courts and their Restorative Justice approach. We have a long way to go.”

Further, the Commission has to work closely with the values of the First Nation as they are lived out in the community. As Henry Raine of Louis Bull Police Commission points out in describing how that Commission made sure that the goals of the police were also those of the community: “The Police Commission went through a process to develop more community understanding and a voice from our people. It became clear to them they had a community voice. Community concluded that it was their own police services. It became clear that the Police Commission had the final say on how the police services operated. It was the Tribes own Police Force. The Police Commission was a means to ensure more direct oversight of the police. We however needed a properly staffed Commission to be able to spend much more time on policing than as also members of Council with multiple responsibilities.”

Risk is Part of Assessing Plans and Moving Forward

Risk management forms part of good governance leading practice. Risk management refers to the identification, assessment, and prioritization of risks followed by co-ordinated application of resources to mitigate them. Risk management can help minimize the effects of unfortunate events or maximize the realization of opportunities. The Commission has an important role in assessing public safety risks in the community, risks to the achievement of the police service’s goals and emerging trends that may, in the future, become risks.

As part of its business planning, the Commission should engage in an annual risk management audit, based on a scan of community issues that can involve:

1. Advice from the Chief.
2. Public and/or stakeholder input through open meetings, focus groups or other means.
3. Input from Chief and Council and staff and
4. A review of previous performance, current financial and operational issues and input from other police services.

The Commission should include a section on risks and risk mitigation in its annual business planning. The Commission will, at least once a year, review its risk profile to determine the effectiveness of mitigation, new risks or the need to increase effort. A risk is not just a danger of something bad happening. It can also be an opportunity to address community issues.

The Chief, as part of his or her regular reporting to the Commission, should address risk mitigation. What this means is that, as the Commission is concerned with some key risk areas,

for example, youth drug use, it will expect the Chief to pursue goals to reduce this risk. The Commission, from its unique perspective on community safety, may also want to reach out to elders, other community health and education resources and community members, to discuss this risk and what might be done collectively.

A real danger for risks of this kind is if the Commission takes on the risk as if it were the only player involved. It cannot do that. The Commission must exercise a leadership role to bring others together to work effectively on it. This is known as the power to convene, an important role that police services play in all communities, as they are often the only 7/24 operation around.

Business Planning

The Commission, in partnership with the Chief, should prepare a strategy for the development of the business plan, consistent with its policies, the direction of the Chief and Council and advice from the Administration of.

This plan should be based on:

1. An environmental scan of the community that highlights crime, calls for service and emerging trends within the community;
2. An assessment of the risks that the Commission and Chief have identified for mitigation;
3. The results achieved by the Service in relation to the business plan currently in effect;
4. A summary of the workload assessments and service delivery evaluations undertaken during the existing business plan cycle;
5. The Commission's proposals with respect to the Service's objectives, core business and functions, and performance objectives;
6. Changes to the laws of the First Nation and external governments; and
7. A clear understanding of the financial and personnel challenges being faced.

The Commission, in partnership with the Chief, should consider when developing the performance objectives, taking into account factors such as:

1. The services' existing and/or previous performance measures;
2. Overall incident and crime statistics, calls for service and public disorder analysis and trends;
3. Other social, demographic and economic factors that may impact the community;
4. Other areas of emphasis as determined through audits, evaluations, direction as provided by Chief and Council;
5. The type of performance objectives, indicators and results being used/achieved in other similar/comparable jurisdictions;
6. The availability of measurements for assessing the success in achieving the performance objectives; and

7. Community expectations, derived from the consultation process, community satisfaction surveys, and victimization surveys.

The business plan will include the estimated cost projections for implementing the business plan for each year that the plan covers.

This Commission, in partnership with the Chief, will include in the business plan an information technology plan that:

1. Is based on an evaluation of the Service's information technology needs, including its capacity to electronically share information with other agencies, organizations and community groups;
2. Requires the periodic review of key business processes, practices and related technology to identify possible changes that may reduce the administrative workload of front-line officers; and
3. Addresses information technology acquisition, updating, replacement and training.

The Commission, in partnership with the Chief of Police, will include in the business plan a police service facilities plan that, at minimum, ensures that the Service maintains police facilities that are accessible to the public during normal working hours, and that during all other hours there is public telecommunications access to a communications centre.

What a Strategic Plan Should Look Like

First Nations in Canada are already working hard to make strategic plans work for them. A good example is the short version of the Nishnawbe Aski Police Service, one of the largest First Nations Police Services in Canada. It provides an effective overview of the plans for the service, combining words with graphics, but covering all the bases. The subjects that it addresses in summary form are:

- Executive Summary – this provides the reader with a good overview and core message that the Commission and service will want to send out
- Corporate Governance – a summary of how the service is governed
- Strategic Focus – Mission, vision, big ticket items in the plan
- The Service – background, geography, First Nations scope
- Organizational and Management - snapshot of the current organization
- Financials – in very good graphics
- Environmental and Social Impacts – all-important scan of risks
- The Strategic Action Plan – key elements of the plan
- Statistics – basic data to understand the service
- The Future – Our Vision – forward vision beyond this plan

You can find this plan at

http://www.naps.ca/index.php?option=com_content&view=article&id=249&Itemid=87

Budget Planning

Budget levels are set through the Tripartite Agreement process, with the federal and provincial governments providing the funds. It is the role of the Commission to prepare an annual budget and to oversee its management. ,

The Chief of Police is responsible for preparing budget material for the Commission to consider and recommend to the Chief and Council. This has to take into account the planning process that has already been undertaken. Here again, the first rule of good governance applies: no surprises.

The Commission has to review the budget as proposed by the Chief actively. His or her expertise is essential, especially for continuing costs and capital requirements. The Commission will be aware of the overall limitations from Chief and Council. Given the long-standing issue of the underfunding of policing tripartite agreements, there is often a strong tension between trying to give the best service and giving the one that can be afforded.

The personnel budget comprises approximately 80% of the police services budget. While it accounts for the largest portion of funds it is the easiest to project. The first step is to ensure the police service manpower allocation is accurate. If the police service does not have enough officers and support staff it will not be able to achieve its mission. At the same time, having too many officers will severely impact the overall budget. This may lead to the community to question the need for the officers and lose faith in the Chief's ability to lead.

Many factors affect the staffing levels including community conditions and service requirements, operational philosophy and budget conditions. An analysis should be completed of staffing allocations based on local community conditions vs staffing allocations imposed by Funding Agencies. It is important to provide accurate estimates of service.

The Chief will need to compare salary and benefits packages to other police agencies in the area. Services need to keep pace with the pay schedule for other police services. If it is losing members to other police services it needs to determine the real cost of staff turnover. In the past staff turnovers have been considered as part of the cost of doing business. We give little attention to the cost of losing an experienced employee. The development of the knowledge, skills, and abilities to be an officer occurs at substantial cost to the police services. These skills make attractive candidates for other police forces, government and the private sector. Smaller First Nation police services become training grounds for larger agencies. Compare the cost of turnover with the cost to retain seasoned police officers and project the cost savings by reducing turnover. Use this information to provide significant justification for adjustments in salary and benefits costs.

Capital budgets are prepared to make long term plans regarding the purchase of expensive items. Renovations to buildings do not occur every year but must be planned as the risk of error

is greater for this decision. The capital improvement program provides a plan for the addition, replacement or improvement of assets. It includes the cost to support these purchases and a schedule of replacement in the next three to five years. As an example, the service may have 10 cars, so instead of purchasing all 10 cars in one year, the replacements can be spread over 5 years. This provides an orderly replacement of two cars a year and the budget is easier to balance. The capital improvement program includes the following areas:

1. Buildings and improvements to systems
2. Motor Vehicles
3. Office equipment
4. Computer equipment (including software and supplies)

Services develop their capital improvement program by:

1. Doing an inventory of all equipment that meet the guidelines for inclusion
2. Identifying the life expectancy of each item. This can be determined by contacting the manufacturer and internal staffing
3. Establishing a replacement cost for each item
4. Placing the items that will need to be replaced in the next five years on the schedule with their associated costs
5. Including additional equipment or enhancements on the schedule.

The last item is the operating budget, which funds the day-to-day supplies (fuel and oil, paper, etc.), services (vehicles, repairs, telephones, staff training, maintenance contracts and equipment (uniforms, armaments, ammunition), and insurance necessary for the police service to function. The first step in developing an operating budget is to identify the current fiscal year's budget as a baseline for each area. Then determine if the police service is going to initiate any new programs, make major adjustments to current services or reduce levels of service delivery. Then determine how much it is going to costs to provide these services. Adjustments are made to reflect real costs such as the cost of fuel changes. The uncontrollable increases will require budget adjustments.

After the Budget is Approved

The Chief is also responsible for the effective management of the budget once it has been approved. As such, he or she will put in place a system of financial controls consistent with the administrative policies of the First Nation, sufficient to mitigate risks of theft or fraud and consistent with the direction of the Commission. The Chief will closely monitor expenditures to ensure there are no dangers of budgets being exceeded or that planned spending does take place in accordance with the business plan.

The Chief should provide the Commission with a regular, usually quarterly, report on the budget and financial situation of the police service. The format of this will follow the budget,

measure year-to-date performance, clearly identify and explain variances from the budget and inform the Commission of what has been done to manage the situation.

The Commission will set in place rules that determine what funds the Chief can reallocate on his or her own authority and what must be approved by the Commission.

Key to Success

First Nation police services budget processes with limited resources are predetermined by Federal and Provincial Governments through Tripartite Policing Agreements. First Nations desire local control of police services to ensure public safety for our communities. Even as crime rates fall nationwide, most police departments continue to be successful in obtaining Federal, Provincial and local funding.

First Nation police services have to gauge their budgetary success in two ways:

- whether they have maintained a harmonious working relationship with Funding Agencies, the local government of Chief and Council, Chief executive and budget staff
- how successful they were in expanding their prior year's budget or, in times of fiscal restraint, how successful they were in defending their base against cuts.

First Nation police services that have been successful stated that they used the following budget strategies:

- As a Commission and Chief, you can never be satisfied with the status quo and you must seek ways to improve yourself and your police services. As one Chief said, *"We realize money is the fuel that runs our organization. To accomplish our goals, we must have sufficient funding. This funding is received through the budgeting process. If our police services fail in the budgeting process, it is likely to fall short of meeting our goals later in the year. It requires you as Chief of Police to step out of our comfort zone of operational procedures and into the administrators and political environment. In small First Nations, the Chief and Council and the CEO of the First Nation are likely to develop the budget with little or no input from the police services but this technique centralizes the operations outside the police services and may not help to address the needs of the community. We need a guide to remove the "mystic" associated with developing a budget. It should be designed to help smaller police services take an active role in obtaining funding for something they know a lot about, running a police services."*
- Maintain a close working relationship with the local government Chief Executive, Chief and Council and Police Commission members
- Plan strategically
- Use crime and workload data judiciously
- Capitalize on sensational crime incidents
- Carefully mobilize interest groups

- Research and participate in Federal, Provincial and private grant projects
- Involve all levels of police services in our efforts.

They identified several aspects of relationship building that they felt were essential in getting budgets approved:

- Very important for the Commission and Chief to develop personal relationships with Chief and Council, Chief Executive (or Administrative) Officer in order to learn how they view their responsibilities in approving budgets.
- Satisfying Chief Executive needs and concerns also help in budget process.
- Make public safety a top priority by shifting the emphasis from crime control to public safety.
- Operate based upon a healthy, mutual respect of what their needs may be, as well as what the community's overall policing needs are.
- Build relationships and meet the particular needs of those communities through various programs by various initiatives.
- Community policing – improves key relationships – changes the community's perception of their police and that impacts Chief and Council.
- Provide information access, as politicians, council members don't like surprises. They like to be on the inside of things, to have inside information.
- Responding quickly and accurately to governing Police Commission members is critical.

Knowing When You Got There and Showing When You Got There

Informal Feedback and Reporting

Planning is great, but if nothing happens or you don't report back on how you are doing, you are not completing the circle of accountability to the community and the Chief and Council. In addition, police budgets take up a lot of money and other resources because public safety is important and many First Nations face big challenges with crime, requiring close attention not just to specific incidents but to crime prevention and healing strategies. Therefore, the Commission should report back to the community and Chief and Council on a regular basis. As one Commission member from a First Nation once commented: *"To keep our political masters from feeling at a disadvantage, we meet monthly with our member First Nations with an open policy on community issues, in part to overcome the historical image of police keeping information secret. We share information through several ways. We provide a local newspaper with a focus on local issues. We put crime information monthly to our First Nation members. People can dial up our website and find out what our police force is all about as well look at crime statistics. We find that providing information directly to the community helps reduce the impacts of media stories."*

These many steps are really important. There is a strong tendency to emphasize the negative or most recent incident and treat that as the normal thing, even with all the work that is being done. Some things are hard to report and maybe that is why it is so hard to get a balanced picture out there. For instance, successful preventive work by police with youth means that nothing happens on the crime scene. That's a success, right? That kind of story needs to get out to the community.

Another important element is that police often gather important insights into what is happening in the community. As one interviewee for this module said, *"We gather information and analysis gives us more accurate information on what is happening in our community than any other government agency. Our officers are out there 24/7 dealing with these issues. We have a better sense of what's going on throughout the community than most other organizations. As a Chief of Police, we scan, forecast and continuously plan so that other local agencies can approach us for information."* The Commission and Chief become valuable observers and advisors on such matters.

Formal Feedback and Reporting

First Nation police services are mandated to comply with Federal, Provincial, Tripartite Policing Agreements, Police Acts, Police Regulations, Police Commission tasks and policies, Police Policy and Procedures, Police Standards and minimum training police service requirements. The Commission Chair, members and Chief should be able to list these requirements and their associated costs. They should also then be able to report on how they have done. In many cases, such reporting is a requirement for further funding.

For that reason, the Commission will want to oversee the creation of formal reports, making sure that they are done well, are accurate and meet the needs of the police service, the Chief and Council and funders. Some of the formal reports are:

- Reporting Requirements Arising from the Tripartite Agreement,
- Annual Financial Statements
- Annual Report
- Auditor's Report

Building the Relationship and Credibility

The Commission and Chief should be ready to justify each proposed expenditure in the budget. One piece of advice heard often from commissioners and chiefs is don't get caught off guard. Know the hot button issues and have a response ready when they surface. As projections are developed, an analysis of the previous expenditures must be completed to determine what needs to be continued, eliminated or improved.

One of the most common reasons some police services fail to receive requested funding for operations is the Chief and Councils do not know or understand the police service problems. Everything done in government falls somewhere on the political spectrum. The Commission, and certainly not the Chief, cannot get involved in political battles. But, they cannot work in a vacuum and must be able to maneuver in the political environment. Oftentimes, the Commission and Chief and Council have different perspectives of the police services. They need to take time to listen to their concerns but at the same time explain the police service's problems and what it needs to serve the community's.