

PUBLIC SAFETY COOPERATION PROTOCOL

This Protocol is effective from the \_\_\_ day of \_\_\_\_\_, 2022

BETWEEN

The First Nations Summit

- AND -

The Union of British Columbia Indian Chiefs

- AND -

The British Columbia Assembly of First Nations

- AND -

The British Columbia Association of Municipal Chiefs of Police

- AND -

The Royal Canadian Mounted Police

WHEREAS Indigenous and Treaty Rights are specifically enshrined in section 35(1) of the Constitution Act, 1982;

WHEREAS the United Nations Declaration on the Rights of Indigenous Peoples recognizes the rights of Indigenous peoples and sets out minimum standards for the survival, dignity and well-being of Indigenous peoples;

WHEREAS the Report and the 94 Calls to Action of the Final Report of the Truth and Reconciliation Commission of Canada establish a blueprint for achieving reconciliation;

WHEREAS the enhancement of public safety in British Columbia (B.C.) must include Indigenous Peoples;

WHEREAS the history of the relationship between the Indigenous peoples in B.C. and the law enforcement agencies, including the police and the Royal Canadian Mounted Police (RCMP), though sometimes adversarial, reflects mutual assistance and respect;

WHEREAS the future of Indigenous children, youth, women, men and elders requires safe, secure and stable communities;

WHEREAS representatives of the British Columbia Association of Municipal Chiefs of Police, the RCMP and the First Nations Leadership Council (FNLC), as represented by the First Nations Summit, Union of British Columbia Indian Chiefs and the British Columbia Assembly of First Nations (collectively, the "Participants") signed a Public Safety Cooperation Protocol (the "Protocol") on [date] with the goal of addressing community safety issues, preventing situations involving conflict and resolving disputes at the earliest opportunity;

AND FURTHER, the Participants wish to renew and update the Protocol.

Therefore, the Participants agree as follows:

## 1. GUIDING PRINCIPLE

In the spirit of reconciliation, the Protocol will be guided by the Truth and Reconciliation Commission of Canada Calls to Action and the *United Nations Declaration of the Rights of Indigenous Peoples*.

## 2. PURPOSE OF THE PROTOCOL

The purpose of this Protocol is to establish trusting and reciprocal relationships among the Participants with the goal of either preventing conflict situations and community crisis or resolving any disputes that arise at the earliest possible opportunity. This will be achieved by subscribing to the following principles:

- a) the enhancement of public, Indigenous citizens and community, and police officers' safety and security;
- b) the acknowledgement, and understanding of each organization and its roles and accountability;
- c) the participation of the Participants in conflict and crisis management processes on a voluntary basis;
- d) the establishment of ongoing communications among the Participants so as to strengthen local and regional policing agencies and organizations; and
- e) ensuring that all Participants possess timely and accurate information.

## 3. SCOPE AND LEGAL EFFECT:

- a) Nothing in this protocol has binding legal effect on any of the Participants;
- b) For greater certainty, nothing in this protocol binds any First Nation or First Nation government.

## 4. THE ROLE OF THE FIRST NATIONS LEADERSHIP COUNCIL

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

- a) to identify, at a local, and regional level, point persons to liaise with the RCMP and Municipal Police Departments where appropriate, in an effort to avert or help resolve conflict or crisis in Indigenous communities or conflict or crisis involving Indigenous citizens anywhere in B.C.:
  - i. to provide information and suggestions to the RCMP and B.C. Municipal Chiefs of Police, where appropriate, on conflict prevention, crisis management and resolution;
  - ii. to assist in the identification of mutually beneficial solutions for consideration by all involved, where appropriate; and
  - iii. to identify FNLC representatives to facilitate a conflict or crisis management process, cross-cultural training and awareness, and communication.

- b) In any particular situation, a representative of the FNLC will participate under this Protocol only at the request of and as chosen by the First Nation Government(s) directly involved.
- c) For greater certainty, it is expressly acknowledged that the FNLC 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.

## 5. THE ROLE OF THE RCMP AND B.C. MUNICIPAL CHIEFS OF POLICE

The role of the RCMP and B.C. Municipal Chiefs of Police will be to strengthen the shared partnership, at a regional, divisional, and local level, and ongoing communication with the FNLC, in particular:

- a) identify at the relevant regional, divisional and local level point persons to liaise with the FNLC in relation to this Protocol;
- b) where the duties of the RCMP or Municipal Police Departments require their involvement in an Indigenous community, they will, where appropriate, and subject to applicable laws, regulations, policies and operational requirements, endeavour to liaise with the FNLC in order to seek their assistance in averting or resolving a particular conflict or crisis and maintaining peace;
- c) to avert conflict or resolve conflict or a crisis that has arisen in an Indigenous community or that involves an Indigenous citizen in B.C., the RCMP and Municipal Police Departments, as the case may be, will:
  - i. share information with the FNLC point person at the earliest opportunity;
  - ii. in a crisis situation, where the RCMP or Municipal Police Department, as the case may be, does not receive a response from the FNLC point person within one hour, the RCMP or Municipal Police Department will contact an alternative FNLC point person or any political executive member of the FNLC at the earliest opportunity; and
  - iii. where appropriate, seek input, suggestions and recommendations from the FNLC regarding:
    - conflict prevention, crisis management and resolution; and
    - the identification of mutually beneficial solutions for consideration by all involved, where appropriate;
- d) ensure that Detachment Commanders in the Province of B.C. work in consultation with their Indigenous communities to develop a Community Plan that addresses any potential conflict which includes a process to find resolution through a measured approach during the period of this Protocol; and
- e) participate in the cross-cultural training and awareness program referred to in section 4(a)(iii); and
- f) where appropriate, the RCMP and B.C. Municipal Police Chiefs participation under this Protocol will be invoked at the request of the affected RCMP or B.C. Municipal Police Chiefs detachment of jurisdiction.

## 6. OPERATIONAL OBJECTIVES FOR CRISIS SITUATIONS

- a) Prevention of Personal Harm/Ensure Community Safety
  - i. Identify situations that could lead to crisis;
  - ii. Exchange information and advice on how to prevent crisis from occurring; and
  - iii. Enhance understanding among the Participants of their respective roles and responsibilities in a crisis situation.
- b) Management
  - i. Identify mutually beneficial solutions for consideration by the Participants and their Principals;
  - ii. Provide advice and timely recommendations to senior officials or political leaders that are based on the best information available; and
  - iii. Provide timely responses to the other Participants when developing options to address a crisis.
- c) Intervention
  - i. Conduct a debriefing with affected Participants, during or after a conflict or crisis, to determine solutions and effective ways of addressing the situation or a similar situation in the future; and
  - ii. Develop a joint training program that enables the Participants to acquire skills and knowledge to address lessons learned from past incidents, as well as, to manage crisis more effectively.

## 7. OPERATIONAL ARRANGEMENTS

- a) The Participants will establish and maintain a network of contact/resource people who are able to act promptly when a crisis arises.
- b) The Participants will develop such tools as will effectively address issues related to public and community safety such as the:
  - i. development of collaborative and working relationships;
  - ii. sharing of lessons learned/best practices of dispute resolutions; and
  - iii. integration of alternative justice protocols and processes.
- c) The Participants will enhance communications between First Nation Governments, local, and regional community policing agencies and organizations to strengthen shared partnerships.

## 8. GENERAL PROVISIONS

- a) The effectiveness of the Protocol is dependent on the intentions and best efforts of the Participants to prevent threats to Indigenous community safety, and security and to resolve crisis situations.
- b) This Protocol will not be used by a Participant in the interpretation of any other agreement.
- c) The Participants agree to work together throughout the duration of this Protocol in a respectful, professional and co-operative manner.
- d) The Participant, 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.
- e) This Protocol is a statement of intent and does not create legally binding obligations on any Participant. This Protocol does not define, create, recognize, deny or amend any of the rights or authorities of the Participants.
- f) This Protocol is without prejudice to any legal position which has been or may be taken by any Participant, and should not be construed as admissions of fact or liability in any proceeding or process.
- g) Where a dispute arises between the Participants respecting the interpretation, application, implementation or operation of this Protocol, the Participants will attempt to resolve the dispute by consensus through representatives of the FNLC, RCMP and B.C. Municipal Chiefs of Police.

## 9. DURATION

- a) This Protocol will take effect from the date that it is signed by the Participants and will remain in effect for three (3) years, unless terminated in accordance with section 9(c).
- b) This Protocol may be amended by written agreement of the Participants.
- c) Any Participants may terminate their involvement in this Protocol by providing ten (10) days written notice to the other Participants.
- d) One year from when the Protocol takes effect, the Participants will review the effectiveness of the Protocol and identify opportunities to improve the Protocol.

IN WITNESS WHEREOF THE PARTICIPANTS HAVE SIGNED THIS PROTOCOL  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022 IN THE PROVINCE OF BRITISH  
COLUMBIA

**ON BEHALF OF THE FIRST NATIONS SUMMIT**

\_\_\_\_\_  
Robert Phillips

\_\_\_\_\_  
Cheryl Casimer

\_\_\_\_\_  
Lydia Hwitsum

**ON BEHALF OF THE UNION OF BRITISH COLUMBIA INDIAN CHIEFS**

\_\_\_\_\_  
Grand Chief Stewart Phillip

\_\_\_\_\_  
Chief Don Tom

\_\_\_\_\_  
Chief Judy Wilson

**ON BEHALF OF THE BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS**

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Regional Chief Terry Teegee

**ON BEHALF OF THE BC ASSOCIATION OF MUNICIPAL CHIEFS OF POLICE**

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Adam PALMER  
Chief Constable  
Vancouver Police Department

**ON BEHALF OF THE ROYAL CANADIAN MOUNTED POLICE**

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Dwayne McDonald  
Deputy Commissioner  
and Commanding Officer  
“E” Division (British Columbia)