

MEMORANDUM NOTE DE SERVICE

TO / À

ASSISTANT DEPUTY SOLICITOR GENERAL
CORRECTIONS AND
ABORIGINAL POLICING

FROM / DE

DIRECTOR GENERAL
ABORIGINAL POLICING DIRECTORATE

SUBJECT / OBJET

POLICE INFRASTRUCTURE CHALLENGES IN NORTHERN ONTARIO

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Issue

The Nishnawbe-Aski Nation Police Service (NAPS) and the Nishnawbe-Aski Nation (NAN) Chiefs, supported by various stakeholders, continue to apply pressure on the Solicitor General, DIAND and the province of Ontario to allocate funding (capital) to address police infrastructure issues in their communities.

Purpose

The purpose of this memorandum is to make you aware of the challenges associated to this issue and the current status of our discussions with NAN. I will also provide you with strategic information to assist with deciding on the most appropriate strategy for dealing with NAPS and NAN at this time.

Background

The Nishnawbe-Aski Police Service (NAPS) provides community based policing services to 44 permanent aboriginal settlements in Northern Ontario between the Manitoba and Quebec Borders. As you know, policing is particularly challenging in the NAN territory, which is roughly the size of France, because many of the communities are small, remote, (33 are "fly-ins) and have significant social problems.

When the first NAPS agreement was first signed in 1994, all parties agreed to undertake a study of the capital requirements for the Police Service throughout the NAN area and examine methods for meeting those requirements. At that time, Canada and Ontario also agreed to providing capital assistance for the construction and renovation of police offices and cells in division A. A total of \$100,00 was transferred at that time to deal with some of the infrastructure issues.

Further to the commitment made under section 18.2 of the agreement,¹ NAN hired Keewatin-Aski Ltd., Consulting Engineers, Architect and Planners, and had them complete a capital needs study. In 1995, Keewatin-Aski reported that the standard of existing office and residential facilities in general was low and fell well short of the needs for acceptable policing services. This study reported that \$23,687,029 would be required over 10 years to address the shortcomings of the NAPS infrastructure. No action was taken as a result of this study's findings.

In 1996, an evaluation of NAPS was undertaken by Smith & Associates, Campbell Research Associates and Kelly & Associates at the request of the Operational Transfer Committee. It was also concluded by the research firm and further supported by NAPS staff and officers that most detachment facilities were not adequate for staff to carry out their duties.

In August, 2001, the Aboriginal Policing Directorate engaged the Real Property Consulting Group of PWGSC, to undertake a preliminary building condition analysis of buildings currently used by NAPS in 33 remote communities. Specifically the study provided us with information regarding the current conditions of the existing buildings, the potential for restoration and describes what improvements would be required to renovate the buildings to an acceptable standard.

The minimum standard used by PWGSC for comparative purposes was the National Building Code and the standards established by the RCMP for their police detachments. These were the standards used by DIAND when they had responsibility for Policing and have been updated to meet today's realities.

Three multi-disciplinary Maintenance Management Service teams, in conjunction with an APD representative conducted the study from August 9 to August 16, 2001. They conducted on-site inspections of the 26 of the 33 NAPS communities identified for building condition assessments. The remaining 7 detachments were not inspected either because APD regarded them as suitable or there were no buildings to inspect.

The needs analysis provided to the department dated August 20, 2001, concluded that the majority of existing NAPS police detachments are significantly below acceptable standards, both with reference to the National Building Code and compared with recommended configurations for equivalent RCMP detachments.

¹ *Canada and Ontario shall provide capital assistance for the construction and renovation of police offices and cells in Division A, in accordance with schedule "L".*

The report recommends that most of the existing facilities should be replaced with new facilities immediately or in the short term. Many are deemed to be beyond repair and close to being condemned due to health, safety and liability concerns. Of the 26 sites inspected only 6 or 7 detachments could potentially be restored. No costing information was provided for the upgrade or construction of appropriate facilities.

Current Status

NAPS continues to raise the issue of inadequate and unsafe infrastructure as a rationale to adjust or amend the current terms and conditions of their FNPP agreement which became effective on October 1, 1998 and is set to expire on March 31, 2003.

Since the completion of the most recent building analysis, APD has approached NAN and asked them to identify three facilities requiring the most urgent repair and where trailers could be placed if some were made available. NAPS has yet to be briefed on the results of the Needs Analysis and Building Condition Report and have requested that someone from APD make themselves available to do so. Expectations are high for to provide them with a plan to deal with their infrastructure problems.

On October 23, 2001 NAPS invited Diana Jardine, the Ontario Regional Manager to attend a Police Services Board meeting to be held in Thunder Bay to discuss capital requirement issues and plans for the future. In addition to the invitation we have also been provided with letters from Justices of the Peace, Judges from the south, Health Care Professionals, and from a number of Police Chiefs expressing the urgent need to address the current poor conditions of police facilities.

We have also been advised by NAPS Chief Wes Luloff that they will be approaching the Police Services Board for renovation money to construct temporary cells at the Eabametoong First Nation Police Office. They have been advised that funding provided to them as a result of the FNPP agreement cannot be used for capital.

s.20(1)(b)

s.13(1)

s.14(a)

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Strategic Considerations

Many communities with FNPP police services are requesting financial assistance (capital) for police infrastructure. The need is most urgent in northern remote communities.

The Solicitor General has no mandate or spending authority for real property development, however preliminary discussions are taking place with DIAND, PWGSC, TBS and Health Canada to arrive at a common solution for dealing with infrastructure problems.

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DIAND, as part of their support for the economic and social development of Akwasasne, has agreed to fund the building of Police sub-stations on Cornwall Island and Snye.

Minister Nault, in a meeting with Grand Council Treaty #3 has agreed to commit two staff resources to assist them with the development of an appropriate infrastructure plan that will support their policing initiative. Expectations are high that a solution to infrastructure concerns will be provided by the Federal Government.

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Prior to 1991, when DIAND had responsibility for Aboriginal Policing, police buildings had to meet the National Building Code Standards and meet the requirements of the RCMP. Currently, the majority of the police buildings in NAN, do not meet these standards, nor the minimum standards required by the Ontario Provincial Police.

APD in cooperation with PWGSC conducted a comprehensive assessment of facilities in the NAPS communities creating an expectation that action will be taken by our Department.

NAN is frustrated that APD has not provided them with a de-brief on the content of the Building Analysis Report. In the interim a copy of the summary report was provided to Police Chief, Wes Luloff.

Subsequent to this analysis, NAN was approached by APD and asked to indicate what three locations were in the most need of repair and also indicate where they thought trailers could be used to address facility problems.

Current pressure from NAN is being applied at the regional manager level, however, if no action or response is provided on this issue, we can expect that the matter will escalate to more senior levels.

We have just begun a contracting process in cooperation with NAN Chiefs, and the Province of Ontario to hire an independent contractor to conduct a business case analysis of NAPS, a component of which will be assessing the current infrastructure.

Next Steps

We will continue with the business case analysis for NAPS and await the independent findings. Expected completion date is May 31, 2002. At that time Canada/Ontario and Ontario First Nations Communities will be in a better position to develop a strategy for infrastructure and associated cost-sharing agreements.

In the short term we will examine the advantages and disadvantages of conducting a costing analysis for infrastructure in NAN and also look at the possibility of providing financial assistance for repairs urgently required.

We will meet with NAN and NAPS as requested and provide a de-brief on the Building Assessment Study, also indicating that we are aware of the current infrastructure problems and are currently working with our stakeholders to resolve the funding shortfall.

Conclusion

It is important that we be seen by NAN and NAPS that we are taking their concerns seriously and are pursuing various avenues to address their issues to avoid further escalation of this matter. We will continue work with our partners to resolve the issue of responsibility for Police Infrastructure. We will not be able to attend the December 11th, 2001 meeting due to conflicting commitments, however we will make alternate arrangements to provide them with a de-brief of the capital standards study and an update on our efforts to address their facility issues.

I am available if you would like to discuss further.

Peter Fisher
Director General
Aboriginal Policing Directorate.