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Loi sur la police

TEXTE ANGLAIS

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BILL 54

AN ACT AMENDING THE POLICE ACT AND OTHER LEGISLATIVE PROVISIONS

DOCUMENT PRESENTED by
THE ASSEMBLY OF THE FIRST NATIONS OF QUEBEC AND LABRADOR
to the
COMMISSION DES INSTITUTIONS

January 31, 2008

Ladies and gentlemen, Members of the Commission,

Once again, the Assembly of the First Nations of Quebec and Labrador (AFNQL) finds itself in a situation which unfortunately is becoming too familiar. It has to explain, one more time, its reality: a political, social and economic reality which differs from that of Quebecers. It is a reality that can't be ignored, but which is constantly disregarded. It is a reality that will not go away, even if people turn a blind eye. A portion of this reality is that, in Quebec, there are two groups of First Nations: those who are regulated by a government agreement and the others. This situation has significant impacts, among other things, on the services which are available to our populations.

The Assembly of First Nation of Quebec and Labrador submit to the Parliamentary Commission on Bill 54 our brief assessment of the impacts of *Bill 54* and our view of the responsibility it emphasizes for the Government of Quebec.

Bill 54 contains elements which will authorize the "Government to enter into an agreement with two or more Native communities in order to establish a joint police force to serve those communities".

Section 3 of Bill 54, although brief in content, has the potential to be far reaching in its implementation. The AFNQL anticipates *Bill 54* to be a positive step forward. It is our understanding that the proposed amendments to *Section 90 of the Police Act* will permit the Minister to address the long standing grievances expressed by several First Nations who wish to merge or group their police services in a manner they feel will best serve their communities. Further to that, it will allow First Nations who have not previously express a desire to group their forces to explore the possibilities in a meaningful manner. It is with caution that we must state that communities, who wish to maintain or create a police force that is exclusively for their community, must not be forced, by any means to group services.

Without prejudice to First Nations jurisdiction, according to the Federal and Provincial Governments, the responsibility for policing lies principally with the province; therefore, the proposed amendments to *Section 90 of the Police Act* and its implementation must reflect the reality and needs of First Nations. Through the respect of our policing principles and the adequate resourcing of our police forces, *section 3 of Bill 54* has the potential of acting as an example of Government cooperation and respect for First Nations.

Many of our communities have outstanding problems regarding their police forces as a result of Government policy or bureaucracy, the Minister must seize this opportunity to create open dialogue to address issues arising directly from *Bill 54*, we also call upon Minister Pelletier to take the leadership and coordinate a meeting with Federal Minister of Public Safety, Mr. Stockwell Day and the AFNQL to discuss, in a respectful manner all outstanding issues and create a timetable for future discussion.

Bill 54, was primarily created with the purpose of implementing an agreement between the James Bay Cree and the Government of Quebec, the AFNQL is no position to comment on the political or technical aspect of this agreement. We wish all the best to our brothers the Cree. It is through this brief statement, that the AFNQL has no objection to *Bill 54*.

Thank you.

ASSEMBLY OF FIRST NATION OF QUEBEC AND LABRADOR POLICING PRINCIPLES

Despite the diversity of the First Nations of Quebec and Labrador, there are political principles that are common amongst us. Policing is a fundamental necessity to all of us. The following principles are supported by the Chiefs. It serves as a means to support each other in our efforts to secure long lasting, effective policing in our communities and act as a guide in the negotiation of agreements.

FUNDAMENTALLY, RESPECT MUST BE SHOWN FOR FIRST NATIONS GOVERNMENTS

Without respect, there could be no good faith negotiations.

THE ENJOYMENT OF HUMAN RIGHTS INCLUDES THE RIGHT TO HAVE PEACE AND SECURITY

Without prejudice to any Aboriginal Rights, basis human rights afforded to every person in Canada must be respected.

FIRST NATIONS HAVE THE RIGHT TO POLICE LAND, WATERS, COASTAL SEAS AND OTHER RESOURCES OWNED OR CONTROLLED BY THEM

Preservation and protection of our resources has been our responsibility since time immemorial, we cannot relinquish our responsibility.

FIRST NATIONS COMMUNITIES ARE TO BE POLICED BY A FIRST NATIONS POLICE FORCE

Taking care of our own people is our responsibility; First Nations officers understand the unique situation of our communities.

POLICING IS FUNDAMENTAL IN THE DEVELOPMENT OF SELF- DETERMINATION

A cornerstone in self determination is to govern justice. This includes, law development and enactment, policing and adjudication. First Nation laws will apply to their fullest extent within our jurisdictions.

POLICING IS ESSENTIAL IN THE SOCIAL WELL-BEING OF COMMUNITIES

The sense of peace and security supports the social structures of communities. Keeping the peace in social situations decreases conflict and minimizes the need for additional resources being needed.

POLICE SERVICES WILL BE PROVIDED TO FIRST NATIONS IN AN AGREED UPON MANNER

Police services cannot be imposed by anyone; our culture, customs and traditions must be reflected in policing services. Any association(s) or collaborations must be done with a true partnership arrangement.

POLICE PRIMARY EXISTENCE IS TO PREVENT CRIME

Police services function in different roles, but we always keep in mind their primary goal is to prevent crime. Through this prevention, the safety and security of our people is the priority. Operating with the highest professionalism and being properly resourced, the benefits will not only be limited to First Nations.

POLICE MUST OPERATE IN A MANNER THAT WILL HAVE THE SUPPORT FROM THEIR COMMUNITY

As a universal principle in order to be effective, all police forces must have support and respect from the populations they serve. Officers must understand and respect the uniqueness of the area they serve.

FIRST NATION GOVERNMENTS WILL ENSURE THAT POLICING AND LAW ENFORCEMENT OPERATES WITHOUT POLITICAL INTERFERENCE

Governments have the global responsibility for public security; police forces are the primary agents in public security; structures and policies to ensure police operate independently on a day to day basis are essential in quality policing.

FINANCIAL AGREEMENTS MUST SUPPORT THE ABILITY TO CONTINUE OR DEVELOP AN EFFECTIVE POLICE FORCE

Financial arrangements must reflex the current needs of First Nations and provide for the continued professional development of officers and the police force.

POLICE AGREEMENTS ARE NOT TO BE USED AS POLITICAL INSTRUMENTS OR PRESSURE TACTICS

Policing is essential to every community, crime prevention, safety and security of our people are rights afforded to all people. Therefore, despite any other political disagreement(s) it is unethical to withhold funding for policing or not signing an agreement due to an unrelated issue. Further to that, policing agreements are to be signed independently of any other agreement.