

2020

FNLMRC

Training, Mentorship and
Professional Development

National Law Enforcement Workshop

March 11 & 12, 2020

Delta Hotel Ottawa City Centre

Ottawa, ON

Workshop
Program



**FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE**

National Law Enforcement Workshop

Workshop Overview

This learning workshop is presented nationally as part of our Training, Mentorship & Professional Development (TMPD) Strategy. This workshop aims to develop a foundational knowledge of Law Enforcement within the context of the Framework Agreement on First Nations Land Management. Participants will gain a better understanding of law-making authorities, processes, and enforcement systems under their Land Code.

- ◇ Learn about the current scope of law-making powers under the Framework Agreement and gain an understanding of enforcement options, including dispute resolution
- ◇ Hear from other First Nations about the enforcement systems they are establishing, including partnerships with prosecutors and mainstream courts
- ◇ Obtain information on the support services available from the Resource Centre when implementing your enforcement processes
- ◇ Gain practical insights on the role of enforcement personnel and Lands Managers in enforcement
- ◇ Recognize the fundamental sections and requirements in the development and enforcement of First Nation laws



WORKSHOP AGENDA

DAY ONE - WEDNESDAY, MARCH 11, 2020



1

8:00 AM Breakfast - *Provided*

9:00 AM Opening Prayer - TBD
Welcome & Overview (Angie Derrickson, RC)

9:20 AM 1.1 Presentation: Enforcement under the Framework Agreement

9:45 AM 1.2 Panel Discussion: Considerations in Designing First Nation Laws

10:30 AM Health Break

10:45 AM 1.3 Presentation: Understanding the Components of Enforcement Systems under the Framework Agreement

12:00 PM Lunch Break - *Provided*

1:00 PM 1.4 Presentation: Fraser Valley Pilot Project - Adjudication & Enforcement of First Nation Laws

2:30 PM Health Break

2:45 PM 1.5 Interactive Discussion - Partnerships & Cooperation with First Nation, Provincial, Federal Government & Agencies

4:30 PM Close of Day 1

DAY TWO - THURSDAY, MARCH 12, 2020



2

8:00 AM Breakfast - *Provided*

9:00 AM 2.1 Community Perspectives

10:30 AM Health Break

10:45 AM 2.2 Presentation: Other Considerations when designing FN Laws - Procedural Fairness in Council Decision Making

11:15 AM 2.3 Presentation: Initial Stages of Enforcement Prior to Prosecution - Step by Step Procedures

12:00 PM Lunch Break - *Provided*

1:00 PM 2.4 First Nation Environment Laws

2:30 PM Health Break

2:45 PM 2.5 RC Support & Next Steps

4:15 PM 2.6 TMPD Strategy & Wrap-up

4:30pm Close of Session

Presentation Summary

“Enforcement under the Framework Agreement”

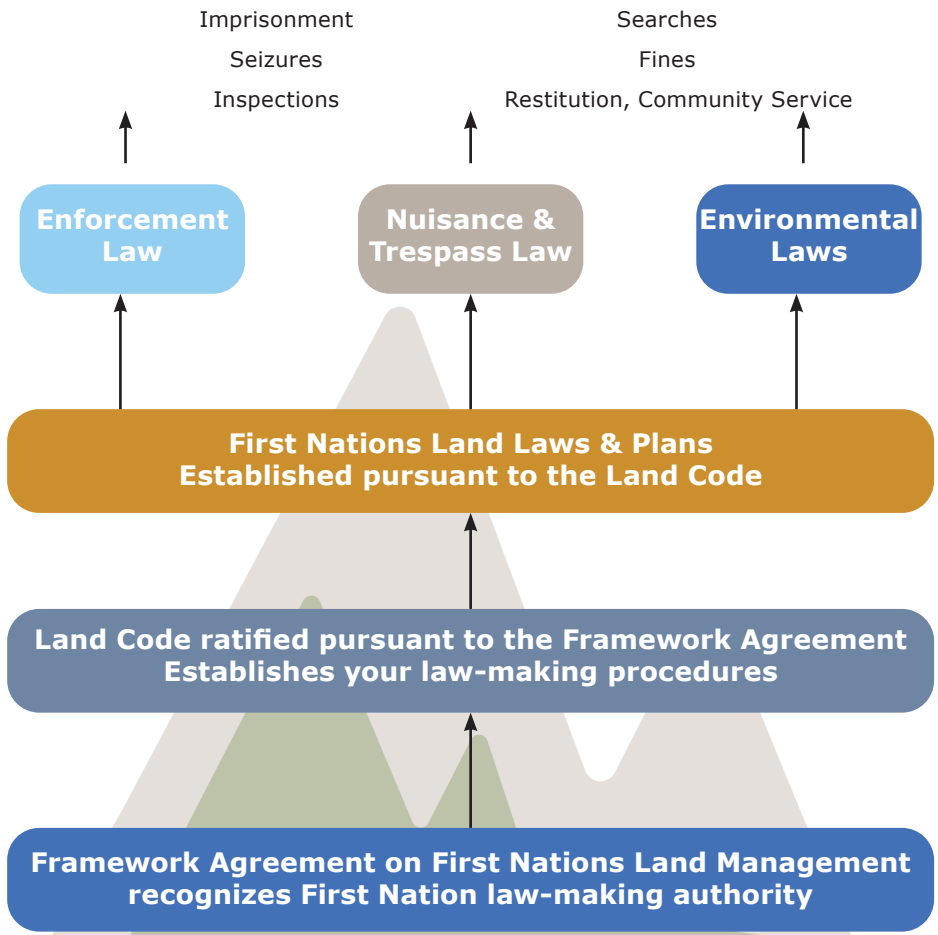
Panel Discussion & Questions

Day 1, 9:20 AM



The Framework Agreement recognizes that a First Nation has the full power to enforce its Land Code, and subsequent land and environmental laws. A First Nation has the power to establish comprehensive enforcement procedures, including establishing offences that are punishable on summary conviction, and providing for inspections, searches, seizures, fines, imprisonment, restitution, community service and alternative means for achieving compliance with its laws.

With proper planning, you can use your Land Code authority to determine what Laws you need, what Laws you have the capacity to implement, how to develop and adopt your Laws, establishing offences under each Law (e.g. environmental offences), and the rules and procedures for:



Presentation Summary

“Understanding the Components of Enforcement Systems under the Framework Agreement.”

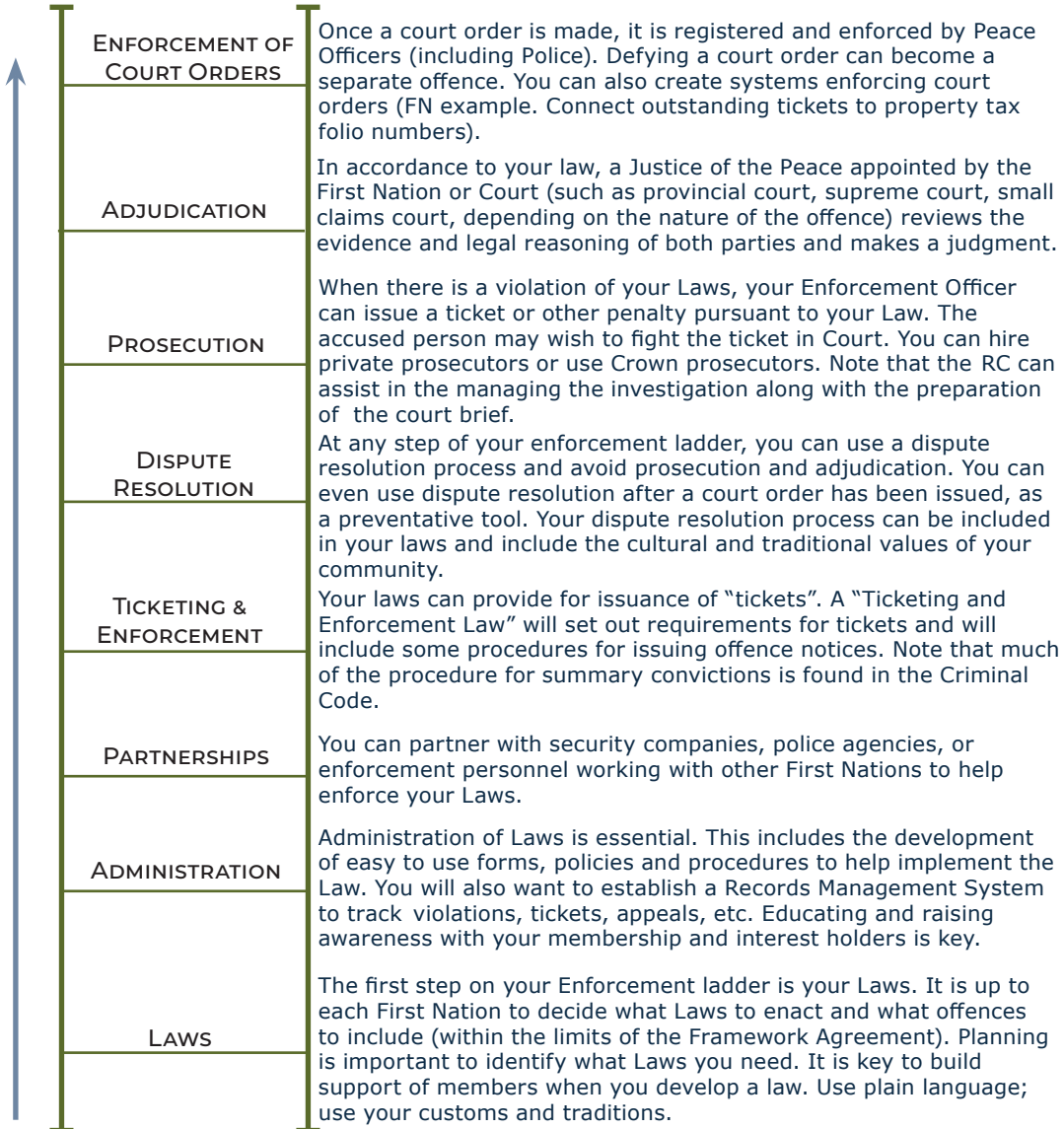
Presentation by RC Staff

Day 1, 9:45 AM



Enforcement is complex and includes many different aspects. Building an enforcement system takes time, resources and planning. Think of enforcement like a ladder; if one step on the ladder is weak, this can prevent enforcement from working in your community. This presentation will review the different aspects of Enforcement and allow participants to better understand and explain how to approach Enforcement.

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Presentation Summary

“Initial Stages of Enforcement Prior to Prosecution”

Presented by RC staff

Day 2, 11:15 AM



Conducting a thorough investigation and maintaining an accurate record is vital for Enforcement, particularly if an offence is challenged in Court. Your community's Land Code Laws should provide for regulations, policies and procedures that direct Enforcement Officers in terms of their investigations and records management. This presentation will provide participants with some important considerations when conducting an investigation for Enforcement purposes.

Complaint

When you receive a complaint or a tip that there may be a violation of one of your Land Code Laws, it is important to follow a strict procedure of inquiry. It is important to create policy and procedures on how you gather and record information pertaining to complaints.

Some questions to ask when you receive a complaint:

- What is the nature of the allegation?
- Is there a law dealing with the situation?
- Do you have the personnel or expertise to deal with the allegation?

Jurisdiction

Your Enforcement team needs to determine if the matter should be handled by the Police (e.g. criminal matters) or if the complaint can be handled within your authorities under Land Code.

Authorities & Remedies

When creating enforcement mechanisms, it is important to identify who has the authority under the Law (e.g. Council, Lands Governance Director, Enforcement Officer, etc.) and consideration for any emergency remedies that may be required.

Investigate

Where determined, complaints may require further investigation. Be sure to follow your policy and procedures on how to gather and record information.

Review

Results from the investigation should be reviewed, carefully organized, maintaining all of the evidence so that it can be properly documented and assembled into a chronological report. The reports can be compiled into a court brief if required.

Enforce

If a complaint cannot be resolved and may proceed to court, you should be mindful that for every offence, there must be a record of the complaint, interviews of witnesses and what remedy was applied. You should include reporting processes to update the Lands Department, Chief & Council and your Advisory Committee in case a Law needs to be created or amended in order to deal with similar future cases.

Presentation Summary

“RC Assistance in Enforcement”

Presented by RC Staff



In addition to TMPD workshops, webinars, short online courses, Lands Governance Manual, and online resource library, the RC can provide direct community support to assist you in your Enforcement issues.



Planning

Land Use Planning and Environmental Planning are useful ways of identifying what laws your community might benefit from to address certain issues, e.g. trespass laws, community quality laws. The RC can assist you in designing and delivering planning processes to help you identify what Laws you may need.



Law Development

Once you know what Laws you want to enact, the RC can support you in developing the specific policies, as well as forms and regulations associated with each Law. In addition to our Knowledge Repository where you can find example Laws, RC staff can help customize these Laws to fit the unique needs of your community.



Building an Enforcement Regime

Whether you're interested in training your own members, seeking to hire a security company, or seeking a partnership with an outside agency or police force, the RC can help you navigate the unique challenges with each approach and help to secure agreements and contracts that work for your community.



Preparing for Prosecutions

If you're dealing with an Enforcement issue that may be challenged in Court, the RC may be able to assist you in preparing for the Prosecution and ensuring that the Courts understand and recognize the Lands authority within the Framework Agreement on First Nations Land Management.

Guest Speakers

Throughout the workshop, special guest presentations will be made to help you better understand the complexities of Law Enforcement under the Framework Agreement. These guest speakers include:

Throughout

Day 1

Enforcement Under the Framework Agreement

Robert Louie, Chairman of the LAB, and Austin Bear, Chair of the RC, will share the stage with Andrew Beynon from the RC to provide a foundational understanding of the nature of Land Code authorities within the Framework Agreement on First Nations Land Management.

Day 1 & 2

Law Development Considerations Designing First Nations Laws

Bill Henderson (LAB Legal Counsel), Robert Louie (LAB Chairman), Austin Bear (RC Chair) and Andrew Beynon (RC Law Making & Enforcement Advisor) will present on day 1 regarding considerations in designing Laws under your Land Code. John Burns from Donovan & Co. Law will discuss the concept of procedural fairness in Council Decision-making on day 2.

Day 1

Fraser Valley Pilot Project: Adjudication & Enforcement of First Nation Laws

Andrew Beynon (RC Law Making & Enforcement Advisor) and Gail Starr (RC Environment & Enforcement Advisor) will provide an update on the Fraser Valley Pilot Project and offer a chance for participants to ask questions.

Day 2

First Nation Environmental Laws

Jennifer Predie (RC Environment & Enforcement Advisor), Stephanie Recollet (RC Waste Management Specialist) and Kerrie Blaise (Canadian Environmental Law Association) will share some considerations when designing environmental laws within the context of the Framework Agreement on First Nations Land Management.

Community Perspectives

Community representatives from across Canada will present at the workshop to showcase their communities efforts, ambitions, challenges and successes with Law Enforcement under Land Code.

Day 2, 9:00AM



K'ómoks First Nation

Enforcement of Trespassing Law

Presented by:

Chief Nicole Rempel

John Burns (Donovan & Co. Law)



Experience in Designing & Drafting Laws

Presented by:

Tania Solonas, MLIB



Memberton
WELCOMING THE WORLD!

Matrimonial Real Property Enforcement Considerations

Presented by:

Cheryl Knockwood



DOKIS FIRST NATION

Experience in Designing & Drafting Laws

Presented by:

Chief Gerry Duquette

Training, Mentorship & Professional Development Overview of Knowledge Sharing Services

The Resource Centre (RC) is committed to assist operational communities in identifying their priorities, needs, and work planning for successful implementation of their Land Code. Under the Training, Mentorship and Professional Development (TMPD) strategy, the RC continues to develop and deliver fundamental and technical Lands Governance training under the Framework Agreement.



Workshops - RC continues to work towards providing training and Lands Governance capacity development under the Framework Agreement. Audiences will be advised as future workshops and courses become available.

- Information Workshops - these sessions are intended to deliver general information and updates on specific topics that are of interest to our managers, directors and communities.
- Learning Workshops - where knowledge is directly delivered by selected experts in the subject matter field.
- Focus groups - small targeted groups derived from experienced FN participants that provide expertise towards a specific subject matter.



Online Courses - Online Courses are short courses that have been created on topics that are informed by key functions of a Lands Governance Director or a Lands Manager operating under the FA. These courses also have a supporting, downloadable Workbook, presentation and supplemental resources that can be used in webinars and workshops. Courses are reviewed and updated periodically as laws and other content changes come into effect. There are presently over 45 online courses available, with several additional ones in development.



Land Governance Manual (LGM) - The LGM is a resource tool for operational First Nations. It provides extensive documentation, process support and guidance. It is available electronically through an App format for Lands staff to reference as required. It plays a central role in the RC Governance Tools and is regularly updated and refined based on First Nation successes, challenges and needs.



Knowledge Repository - A searchable repository of examples, cases, templates, recorded webinars and other tools is available to support operational First Nations. The ability to host online courses and sub section of the LGM in a searchable, electronic manner is central to the design philosophy of the strategy. Our website is being implemented along with other implementation tools to allow for enhanced access to the repository.



Direct Community Support (1:1) - The RC staff are available to assist communities directly in identifying their priorities, needs, and work planning. If you are interested in this service we encourage you to contact us and we can set a time to discuss your needs and work to design specific workshops to provide capacity training for your community.

For more information, please contact:

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Training, Mentorship & Professional Development

Meet the Team!



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Training, Mentorship and Professional Development Strategy

Workshop Components

Records Management
July, Oct, & Nov 2018

Surveys
Regional Capacity Building
Aug & Oct, 2018

Webinar:
FA Amendments
May 2019

Webinar:
Registry 101
Sept 2019

Law Enforcement Workshop
Dec 2018 & Jan 2019

Climate Change Workshop
Nov-Dec 2019

WEBINAR:
Financial Governance
TBD

FNLRS 201 Registry & Privacy Act
Oct 2019

Land Use Planning Approaches
May 2019

NATIONAL WORKSHOP
Law Enforcement
March 2020

Solid Waste Management
July 2019

WEBINAR:
Cannabis
TBA

First Nations Land Governance Options
Feb 2019

WEBINAR:
Traditional Knowledge
TBA

Unregistered Interests
Sept., Oct, & Nov 2018

GIS/MAPPING WORKSHOP
Feb 2020

NATIONAL WORKSHOP:
Financial Governance
Jan 2020

Webinar:
Property Transfer Tax
Oct 2019

WEBINAR:
TLE/ATR
July 2019

Spousal Property Workshop
2018

Webinar:
Other Topics
TBD

Law Making & Enforcement

Meet the Team!



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Contacts

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For more information, please visit:

www.labrc.com

