



## ANISHINABEK POLICE SERVICE

### REQUEST FOR PROPOSAL – ORGANIZATIONAL REVIEW SERVICES

Services to be provided include:

- A comprehensive organizational review of policing services provided to the member Nations to determine structure, efficiency, operational readiness and cultural competency.
- Preparation and presentation of final report complete with analysis and recommendations.

Detailed proposal specifications are attached.

Proposals should be clearly marked “*Proposal for Organization Review Services*” and addressed to:

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Director of Corporate Services  
Anishinabek Police Service  
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Closing date for proposals is December, 14, 2018, at 12:00 p.m. (noon).

# **ANISHINABEK POLICE SERVICE**

## **REQUEST FOR PROPOSAL FOR ORGANIZATIONAL REVIEW**



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# ANISHINABEK POLICE SERVICE

## REQUEST FOR PROPOSAL – ORGANIZATIONAL REVIEW

### 1. BACKGROUND INFORMATION

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*"Anishinabek Police Service provides effective, efficient, proud, trustworthy and accountable service to ensure Anishinabek residents and visitors are safe and healthy while respecting traditional cultural values including the protection of inherent rights and freedoms on our traditional territories."*<sup>1</sup>

The Anishinabek Police Service was established pursuant to a First Nations Policing Policy introduced by the Government of Canada in 1991. Under its auspices, tripartite agreements between federal, provincial or territorial & First Nations authorities have been negotiated across Canada. The objective is to ***"improve the administration of justice for First Nation through the establishment of First Nation police services that are professional, effective and responsive to the particular needs of the community"***. (First Nations Policing Policy (1996), at p. 2).<sup>2</sup>

These agreements are meant to afford First Nations communities with professional, well-trained and culturally sensitive police officers with ***"the same responsibilities....as other police officers in Canada...[and] the authority to enforce applicable provincial and federal laws (including the Criminal Code), as well as Band by-laws"*** (*id.*, at p. 4).

In 2014, the Auditor General released a performance audit of the First Nation's Policing Program which is under Public Safety Canada. The audit examined the program's performance as provided under the principles of the FNPP policy. The recommendations identify the need to update the program's objectives and delivery while also working with the Province to address a variety of issues but in particular consultation and infrastructure. This report will no doubt have an impact on tripartite negotiations.

The Anishinabek Police Service Ltd. was originally organized as a for profit entity with share capital under the Business Corporations Act, on November 16, 1994. By February 2010, the organization resolved their corporate structure by applying for a continuation as a non-profit entity effective February 2010.

The services for which Anishinabek Police Service is responsible for is to provide community based policing to sixteen (16) First Nation communities which are located throughout the Province of Ontario.

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<sup>1</sup> Revised APS Mission Statement, approved by PGA in 2016

<sup>2</sup> Citation: R. v. Decorts, [2005] 1 S.C.R. 133, 2005 SCC9

By way of background, on March 30, 1992, a five (5) year Ontario First Nations Policing Agreement was signed by Grand Council Treaty #3, Nishnawbe-Aski Nation, AIAI, Anishinabek Nation, Six Nations and the Provincial & Federal governments.

In 1994, Garden River, Curve Lake, Sagamok and Saugeen First Nations stepped away from the Ontario Provincial Police to form the Anishinabek Police Service. At this time, it was also decided that Garden River would become the home base for Headquarters because it is situated geographically in the center of the Province. Keeping the future in mind and projecting that the police service would expand to incorporate the addition of more First Nations, Garden River was the logical location for the organization's headquarters.

In 1996, a new three (3) year agreement was endorsed to include the addition of thirteen (13) more First Nations under the administration of Anishinabek Police Service. In 1997, two (2) more First Nations joined the service, bringing the total to nineteen (19). Within the last couple a few communities have withdrawn from the administration the organization, reducing the number currently serviced by the APS to sixteen (16). Currently, there are fourteen (14) detachments operating and servicing these communities.

The organization saw a major transition in July 2004 when the previous Police Chief was terminated due to the organization's financial state. The Police Governing Authority immediately appointed a Senior Management Team that developed successful debt recovery initiatives. In August 2005, the organization underwent an external financial audit which reviewed the financial activities, controls, mechanisms and systems related to the management of financial services covering the period of April 1, 2000, to March 31, 2005.

This review also assessed the complete financial cycle, covering budget, material & asset management and expenditures. Most observations contained within this report related to the management of the previous Police Chief as subsequent changes have addressed all of the issues raised.<sup>3</sup> APS would undergo an additional two federal audits commensurate with funding cycles that confirmed financial transparency and accountability.

Funding is provided by way of a tripartite agreement with Canada at 52% and the Province of Ontario at 48% contribution levels. The APS is currently operating within a one year agreement which will be renegotiated for a further four (4) year term.

The organizational review will assist the service in determining if it is fulfilling its mandate, examine structure and determine whether it has sufficient human and financial resources to operate. In addition, the review will also consider the opportunity for the development of a culturally appropriate dispute resolution process.

A previous Efficiency Review was conducted in 2008 which provided for a variety of recommendations which also included the current organizational structure.

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<sup>3</sup> Audit of Contribution Agreements, Anishinabek Police Service, Public Safety & Emergency Preparedness Canada, Final Report, November 10, 2005

## **Annual Reporting**

Our service has produced an annual report during the last four (4) fiscal periods which can be found on our website at [www.apscops.org](http://www.apscops.org)

## **Governance**

The Police Governing Authority (PGA) form the organization's board. Members are appointed by their respective Chiefs & Councils. Their role and responsibilities are identified in policy and tripartite agreement. They meet on a quarterly basis.

The Anishinabek Police Council (APC) is comprised of Chiefs of our member Nations who are the political body that oversee the function of the PGA and advocate, negotiate and represent the collective interests of our members. The APC meets annually and as required. Their roles and responsibilities are also identified in policy and under the tripartite agreement. In some cases, a Chief may also be the PGA representative.

## **Personnel**

The Anishinabek Police Service employs professional staff to manage the affairs of the corporation.

The organization employs approximately sixty-one (61) uniformed members and twenty-one (21) civilian positions, with the administration operating out Headquarters in Garden River and staff operating out of twelve (12) detachments providing coverage to sixteen (16) First Nations.

## **Collective Bargaining History**

In May 2008, the Public Service Alliance of Canada ("PSAC") was *federally* certified as the exclusive bargaining agent for the police officers at the Anishinabek Police Service Police. In 2012, the Police Governing Authority (PGA) made an application arguing that labour relations at First Nations Police Service properly fell under *provincial* legislation.

After approximately four years, and going through many procedures, on April 7, 2016, the Supreme Court of Canada agreed with the PGA that labour relations were *provincial*. The result was PSAC should have never been issued a certificate therefore there is no valid collective agreement in place.

APS continued to operate generally using the conditions from the old agreement. While the jurisdictional issues were going through the challenge above (court), on September 4, 2013, PSAC applied to be *provincially* certified as well as *federally*.

In January 2014, the *Provincial* Board stopped the application waiting for the court's decision. After the PGA won the decision at the Supreme Court in April, 2016, the *Provincial* Labour Board automatically certified PSAC a month later (May 2016) without considering APS' argument that officers should have to vote whether they still wanted their representation.

PSAC applied to the Provincial Labour Board to force the PGA to bargain even though the challenge to the certificate was underway. The Labour Board appointed a mediator to facilitate the bargaining.

PSAC and the PGA have engaged in collective bargaining to negotiate a collective agreement even though the challenge (approving certification) was supposed to go ahead in September 2017. The PGA took the position that at some point in the future we would require an agreement anyway. Bargaining would be helpful to promote order across the service. The new collective agreement was successfully completed in October 2017 and expires on December 31, 2018.

Currently, the APS officer group are represented by Cst. Charles Laronde and Cst. Chantal Larocque of the Nipissing Detachment.

Civilian members withdrew from the being represented by PSAC in 2012 and solely rely on their expired collective agreement.

### ***Police Services Act Amendment***

In the near future, it is expected that amendments to the *Police Services Act* via the *Safer Ontario Act* will be presented to include First Nation officers. This will change the dynamic of external representation and officers will then be compelled to have their own in-house association as the Act precludes representation by a trade union. The opting in/out process has yet to be determined by our Police Governing Authority, although not part of this review process has significant impact.

### **Current Organizational Structure**

A copy of the organizational chart can be found within our annual report which will assist with reference purposes and to identify the key positions within the organization along with reporting structure.

### **Legislative Requirements**

The tripartite agreement with Canada and Ontario defines the activities and services provided by Anishinabek Police Service.

The Ontario Pension Board, Worker's Compensation Act and Employment Standards Act including the Canada Labour Code may have practical impacts on the operations of the organization.

## **2. CLOSING DATE & TIME**

December, 14, 2018, no later than 12:00 p.m. (Noon)

Proposals should be sealed and clearly marked “***Proposal for Organization Review Services***” and addressed to **Leslie Zack-Caraballo, Director of Corporate Services**:

Anishinabek Police Service  
1436 Hwy 17 East  
Garden River, ON  
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### **3. TERMS OF ENGAGEMENT**

The contractor will be appointed temporarily in accordance with the timing of services as listed below.

### **4. SERVICES TO BE PROVIDED**

The contractor will conduct a comprehensive organizational review of Anishinabek Police Service and its policing operations – as part of its ongoing business planning mandate.

As such, the contractor will be required to conduct on-site audits and organize & facilitate community input to help determine the level of efficiency and operational readiness of the individual detachments and Headquarters. This information will determine whether or not the service has appropriate human resource capacity. The analysis will address whether or not the current organizational structure is effective and efficient.

In addition, the contractor will determine the cultural competency of the organization in terms of its overall implementation through practices and approach while also considering the level of interest in a culturally appropriate dispute resolution process.

A final report will be required to be submitted electronically by March 27, 2019, followed by a formal presentation to all stakeholders of the Anishinabek Police Service during the April 2019 quarterly session. Date and time to be confirmed.

#### **Oversight and Guidance**

The conduct of an organizational review shall be undertaken by a designated committee and shall be aided by an independent consultant or firm. The review shall be conducted to strengthen and enhance the effectiveness of the Anishinabek Police Service.



### **Proposed Organizational Review Guiding Principles**

The proposed guiding principles are subject to the input and review of the APC and PGA. They are:

- I. Our Anishinabek culture, traditions and language as well as our uniqueness as a First Nation Police Service will be respected, upheld and must remain at the core of this and all work;
- II. The health and safety of our citizens and employees is a top priority;
- III. The current level of corporate and police services will not be compromised, and must improve;
- IV. The Service's organizational structure and overall performance must foster the efficient and effective delivery of policing services to member First Nations with a known set standard of service;
- V. The organizational review will incorporate fiscal responsibility;
- VI. All existing funding agreements in place will be respected and acknowledged;
- VII. APC and PGA together will make the final decision on any changes to the current organizational structure or processes.
- VIII. The effective management of human resources and employment relations and workplace harmony and safety.

### **Proposed Scope of Work**

The proposed scope of work below is subject to the input and review of the APC and PGA. The selected firm will provide an in-depth analysis of and provide options and recommendations for improvement in the following areas:

#### **Corporate and General Organizational Review Areas**

- a) Organizational Vision, Mission and Strategic Direction
- b) Governance Design and Effectiveness
  - a. APC and PGA
  - b. Committees
- c) Accountability Structure
  - a. Internal
  - b. External
- d) Organizational Structure and Design
- e) Administration
  - a. Internal Systems and Processes
  - b. Financial Management

- c. Human Resources
  - i. Discipline Process
- d. Information Technology
- f) Planning Processes
- g) Policy Processes
- h) Community Engagement and Communications

**Police Specific Review Areas**

- a) Organization, Administration and Management
  - a. Perform analysis of current operations, structure and management
  - b. Senior Management and Reporting Channels
  - c. Administrative Functions
  - d. Identification of gaps between optimum operations and structure and the current operations and structure
- b) Effectiveness of Current Deployment of Resources and Regional Policing Model
  - a. Identify options for alternative or new staffing, scheduling and service delivery models
- c) Detachment Operations and Locations
  - a. Calls for Services and Deployment Alignment
  - b. Schedules and Staffing
  - c. Leave Use and Control
  - d. Supervisory Effectiveness
- d) Analysis of Uniform Services
- e) Analysis of Investigative Operations
- f) Analysis of Development, Training and Support Services
- g) Information and Technology
- h) Infrastructure and Equipment Needs
  - a. Functionality and Compliance of Current Detachments and Facilities
  - b. Gaps and Solutions
- i) Partnerships and Memorandums of Understanding
- j) Relationship with tripartite partners
- k) Crime Stats Summary – which consider geographical impact

- l) Summary of the Effectiveness of Police Services

### **Cultural Competency**

- m) Determine the organization's cultural competency level
- n) Assess the interest in culturally appropriate dispute resolution processes in light of a collective bargaining environment

### **Methodology**

The proposed review will include the following activity for information gathering and obtaining feedback on Anishinabek police services delivery:

- a) Gathering and reviewing relevant background information;
- b) Literature review on indigenous policing and new approaches to policing;
- c) Interviews with APS personnel;
- d) Interviews with Chiefs and PGA members;
- e) Community focus groups consultations;
- f) Interviews with other stakeholders such as partnering or neighbouring police services;
- g) The consultant or review service provider shall prepare a draft report for presentation to the Anishinabek Police Council and Police Governing Authority prior to finalization of the report.
- h) Confirmation of the level of working relationship with tripartite funders

## **5. TIMING OF SERVICES**

Audit Services are expected to be conducted during the months of January – March 2019. The final report with recommendations must be completed no later than March 27, 2019 and must be submitted electronically.

## **6. PROPOSAL CONTENT**

- I. Contractor's History and Background Information
- II. Relevant Experience
- III. Team Members, including:
  - a. Qualifications and experience

- b. Special skills, and
  - c. Other skills from firm members.
- IV Analysis Approach, including:
- a. proposed timing,
  - b. involvement of Anishinabek Police Service staff
  - c. methodology
- V Other Services
- VI Fees
- a. For the term of the proposal period and
  - b. Disbursements.
- VII Approach to Special Services billing

The information provided will be considered in making the selection of the successful proponent, with the experience and ability to produce results being the most heavily weighted of all criteria.

## **7. FUNDING**

The organizational review will be funded to a maximum of \$125,000.00 with all fees inclusive.

## **8. TIMING OF DECISION**

Firms should be prepared to attend an interview should the evaluation of proposals make such an interview necessary.