



**ANISHINABEK POLICE SERVICE**  
**REQUEST FOR PROPOSAL**  
**BACKGROUND INVESTIGATOR**

Services to be provided include:

- Background investigations requires for new police officers and civilian members and;
- Provide general legal advice surrounding suitability of applicants pursuant to the Constable Selection System requirements.

Proposals should be clearly marked “*Proposal for Background Investigation Services*” and addressed to:

A/Police Chief Marc Lesage  
Anishinabek Police Service  
1436 Hwy 17 East  
Garden River, ON  
P6A 6Z1  
Telephone: (705) 946-2539  
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**Closing date for proposals is August 28, 2019, at 12:00 p.m. (noon).**

Electronic submissions may be sent via email to:

[mlesage@apscops.org](mailto:mlesage@apscops.org)

# **ANISHINABEK POLICE SERVICE**

## **REQUEST FOR PROPOSAL FOR BACKGROUND INVESTIGATION SERVICES**



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# ANISHINABEK POLICE SERVICE

## REQUEST FOR PROPOSAL – LEGAL SERVICES

### 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.

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.

Currently there is an organizational review being conducted of the APS. It is anticipated that this review will be completed by the end of March 2019. 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.

### **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-five (65) 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. A collective agreement was successfully completed in October 2017 and expired on December 31, 2018.

In May 2019, the APS utilized a cultural approach to bargaining which successfully saw this process completed in two days. The recently ratified agreement will be in place until 2022. 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. They are currently in discussion with PGA representatives to bring their agreement in house under the umbrella of a Memorandum of Understanding.

### ***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.

### **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**

August 28, 2019, no later than 12:00 p.m. (Noon)

Proposals should be sealed and clearly marked “***Proposal for Background Investigation Services***” and addressed to **Marc Lesage, A/Police Chief**

Anishinabek Police Service  
1436 Hwy 17 East  
Garden River, ON  
P6A 6Z6  
Telephone: (705) 946-2539  
Fax: (705) 946-2859

Or submitted electronically to: [mlesage@pscops.org](mailto:mlesage@pscops.org)

### 3. TERMS OF ENGAGEMENT

It is the intent of the APS to re-issue this Request for Proposal as required or at least every two (2) years. The successful candidate is not guaranteed any minimum amount of billed hours to the APS. The APS also reserves the right to engage in other services at its sole discretion.

### 4. SERVICES TO BE PROVIDED

The Anishinabek Police Service is seeking an expression of interest for a **Background Investigator** – responsible for employee background investigations. The APS utilizes the Ontario Association of Chiefs of Police (OACP) Constable Selection System.

The proponent will be considered an **independent contractor** as they will be engaged on a fee for service basis. The successful contractor will work with the APS hiring committee and senior command during the stages of our hiring processes.

Individuals should have in depth experience with policing environment. Preference provided to individuals with a strong background working with First Nations.

### 5. REQUIREMENTS

Under the direction and supervision of the Police Chief or designate, the Background Investigator is responsible for planning and conducting pre-employment screening of police recruits, direct hires and civilian hires by conducting research regarding the character and background of candidates, supporting candidate assessment and selection processes.

#### **Major Responsibilities**

- Interview prospective recruits/direct hires and/or potential civilian hires to the Anishinabek Police Service police serve including the identification of sources, the development of questions, conducting the candidate interview, making notes on candidate responses and being alert to non-verbal cues during the interview.
- Conduct an in-depth background investigation on prospective recruits/direct hires and/or potential civilian hires with respect to criminal history, debt load, credit history, employment history, and morale character, etc. Identify patterns or changes in behaviours to evaluate a candidate's suitability for a position at the Anishinabek Police Service Police Service.
- Identify other sources to corroborate and gain additional contextual information on each candidate; assess the veracity of the information based on information gained from references, past employers, colleagues, friends, family, etc.
- Prepare a report summarizing information identified during the background investigation; provide recommendations as to the suitability of the candidate with Anishinabek Police Service Police Service and the ability of the prospective candidate to meet the competency requirements of the Constable Selection System; and/or the ability of the individual to hold a career in law enforcement environment.

- Maintain on-going communication with Human Resources/Inspectors/Police Chief, intelligence and psychologist ensuring staff are current on the status of the background investigation and aware of any potential challenges that may arise.

### **Position Requirements**

- Graduation from a relevant two (2) year College program (Police Foundations, Business Administration, Public Administration, Social Sciences, etc.).
- Experience and formal training combined may substitute for stipulated educated requirements.
- Minimum ten (10) years' experience as a Police Officer within the province of Ontario including two (2) years investigative experience.

### **Language**

- English – fluency in oral, reading, and writing.

### **Effort And Working Conditions**

- Work is performed through onsite visits requiring driving.

### **Certification/Licenses**

- Possess and maintain valid Ontario Provincial Driver's License.

### **Knowledge**

- General knowledge of:
  - The Organization's Mission, Vision and Values.
  - The Anishinabek Police Service Police Service's organizational structure and hierarchy.
  - Applicable provincial legislation such as the Human Rights Code; Police Services Act; Employment Standards Act; Municipal Freedom of Information and Protection of Privacy Act; and any other applicable employment legislation.
- Working knowledge of:
  - MS Word/Excel
  - Investigative techniques.
  - Constable Selection System.
  - Competency interview techniques.

### **Desired Qualifications**

- Oral, reading, and writing fluency in English.
- Previous HR Staffing experience
- Additional courses and training in:

- Interview / Interrogation course.
- Source Development Course.
- ECI Course.
- Open Source Intelligence Search.
- Fair and Impartial Policing.
- Respectful Workplace.
- Training respecting Bias Awareness.

### **Oversight and Guidance**

The successful individual will be overseen by the Chief of Police and/or designates of the APS.

### **Guiding Principles**

- 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 APS has a desire to foster an environment of collaboration and a professional working relationship across the organization;
- 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. Background investigations must be provided in a fiscally responsible manner.

## **6. TIMING OF SERVICES**

It is expected that the individual will be selected in September 2019. Once selected the successful proponent will be notified. The new background investigator will be expected to commence and receive instructions for services with the APS once notified.

## **7. PROPOSAL CONTENT**

Proposals will include the following;

### **Professional Fees**

- Cost per hour for services.
- Travel costs including any other fees associated.
- Any ancillary costs the proponent feels appropriate.

### **Individual History and Background**

An overview of the individual's history and experience in conducting background investigations. All applicants shall include a curriculum vitae identifying experience in the area of background investigations.

### **Cultural Competency**

Details are required as to the individual's cultural competency and/or experience in working with First Nations.

## **8. TIMING OF DECISION**

Due to the number of expected applicants, the APS may short list the applications and invite a small number of individuals to present their proposals in person. These presentations will occur at the Garden River Headquarters on a date to be determined. It is anticipated that the final decision will be made by September 2019.