



TOWARD PEACE, HARMONY, AND WELL-BEING: POLICING IN INDIGENOUS COMMUNITIES

The Expert Panel on Policing in
Indigenous Communities



ASSESSING EVIDENCE
INFORMING DECISIONS

**TOWARD PEACE, HARMONY, AND WELL-BEING:
POLICING IN INDIGENOUS COMMUNITIES**

The Expert Panel on Policing in Indigenous Communities

THE COUNCIL OF CANADIAN ACADEMIES

180 Elgin Street, Suite 1401, Ottawa, ON, Canada K2P 2K3

Notice: The project that is the subject of this report was undertaken with the approval of the Board of Directors of the Council of Canadian Academies (CCA). Board members are drawn from the Royal Society of Canada (RSC), the Canadian Academy of Engineering (CAE), and the Canadian Academy of Health Sciences (CAHS), as well as from the general public. The members of the expert panel responsible for the report were selected by the CCA for their special competencies and with regard for appropriate balance.

This report was prepared for the Government of Canada in response to a request from Public Safety Canada. Any opinions, findings, or conclusions expressed in this publication are those of the authors, the Expert Panel on Policing in Indigenous Communities, and do not necessarily represent the views of their organizations of affiliation or employment, or of the sponsoring organization, Public Safety Canada.

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The meaning behind the cover image and title: The cover of the report includes the words "Peace" and "Well-Being" using a selection of the most spoken Indigenous languages within the main language families in Canada. When applicable, the words are written using syllabics.

The title of the report, *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities*, emerged from Expert Panel deliberations and from the wisdom of Elders from the Piikani and Blood Tribe First Nations. Harley Crowshoe of the Piikani Nation, and a member of the Expert Panel, asked the Elders for their thoughts on the suggested titles. In addition, he made a presentation of sacred tobacco during a Sweatlodge Ceremony, and at a Sacred Tree during a Sundance Ceremony. During these ceremonies, prayers were offered requesting guidance, wisdom, and strength throughout the assessment process.

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The Expert Panel on Policing in Indigenous Communities

Under the guidance of its Scientific Advisory Committee, Board of Directors, and the founding Academies, the CCA assembled the Expert Panel on Policing in Indigenous Communities to undertake this project. Each expert was selected for his or her expertise, experience, and demonstrated leadership in fields relevant to this project.

Kimberly R. Murray (Chair), Former Executive Director of the Truth and Reconciliation Commission of Canada (Toronto, ON)

Jimmy Sandy Akavak, O.Nu., Director of Marketing, Nunavut Eastern Arctic Shipping; former Sergeant, Royal Canadian Mounted Police (Iqaluit, NU)

Harley Crowshoe, Director, Indigenous Health Program, Alberta Health Services (Lundbreck, AB)

Mylène Jaccoud, Professor, School of Criminology, Université de Montréal (Montréal, QC)

Laurence J. Kirmayer, FRSC, FCAHS, James McGill Professor and Director, Division of Social and Transcultural Psychiatry, Department of Psychiatry, McGill University; Director, Culture and Mental Health Research Unit, Lady Davis Institute, Jewish General Hospital (Montréal, QC)

Eileen Luna-Firebaugh, Professor Emeritus, American Indian Law and Policy, University of Arizona (Tucson, AZ)

Naiomi W. Metallic, Assistant Professor and Chancellor's Chair in Aboriginal Law and Policy, Schulich School of Law, Dalhousie University (Halifax, NS)

Kent Roach, C.M., FRSC, Professor and Prichard-Wilson Chair in Law and Public Policy, Faculty of Law, University of Toronto (Toronto, ON)

Philip C. Stenning, Adjunct Professor, Griffith Criminology Institute, Griffith University (Queensland, Australia); Honorary Professor, University of KwaZulu-Natal (Durban, South Africa), and Visiting Professor, Centre for Criminal Justice Studies, University of Leeds (Leeds, United Kingdom)

John William Syrette, Chief of Police, Anishinabek Police Service (Garden River, ON)

Norman E. Taylor, President, The Global Network for Community Safety Canada Inc.; Program Director, Canadian Association of Chiefs of Police Executive Global Studies; and Editor-in-Chief, *Journal of Community Safety and Well-Being* (Oshawa, ON)

Message from the Chair

Living in peace, harmony, and well-being is something that most people enjoy, expect, and consider as part of their human rights in Canada. However, this has not been the experience of Indigenous Peoples. Broken Treaties, the impact of colonization, past and ongoing human rights breaches, and the consistent and chronic inequitable delivery of essential services to and for Indigenous Peoples, have contributed to the realities that many communities face today.

Policing, like many other services in Indigenous communities, was first imposed on communities with little or no input or involvement of Indigenous Peoples. Roles and responsibilities for peace and harmony were taken away from Indigenous Peoples and colonial structures were forced on them, resulting in deep mistrust.

This Expert Panel was assembled to examine the current evidence and knowledge about the present and future role of policing in Indigenous communities in Canada. As the Panel commenced its work, it wanted to ensure that Indigenous evidence, knowledge, and methodologies were infused throughout. Far too often, non-Indigenous research and voices have been relied upon to tell Indigenous Peoples what was best for them or what they needed.

It has been an honour to chair this Panel. I give thanks for the opportunity to exchange ideas and knowledge with my Panel colleagues. It was with open hearts and open minds that we approached our work. A special thank you to Harley Crowshoe for guiding the Panel with Prayer, Ceremony, and Traditional Teachings. Early on, we learned that at its core, achieving peace, harmony, and well-being is about relationships. Strong relationships require trust, and trust must be earned. We offer this report to contribute to the ongoing discussions about how we move forward from a colonial police “force” model to a “service delivery” model within Indigenous communities. A “service model” that places police services as only one part of a larger, collaborative, relationship-based approach.

On behalf of the Expert Panel, I say *Nia:wen* (thank you) to Public Safety Canada, for providing the Panel with this opportunity to provide input into this timely and important conversation. I would like to express the Panel’s great appreciation to the CCA’s project team for also opening their hearts and minds with us, and for their tireless efforts, dedicated work, and support throughout the assessment process.



Kimberly R. Murray, Chair

Expert Panel on Policing in Indigenous Communities

Message from the President and CEO

This report comes at a significant point in the evolving relationship between Indigenous and non-Indigenous peoples in Canada. Issues of health, safety, security, and prosperity are at the forefront of public policy discourse and action. One of the many ways in which society ensures that its members are treated well is in the way that it protects them against harm and promotes their well-being. It should be no surprise to anyone, therefore, that policing can serve both purposes, and that a better understanding of how police services are being provided on reserves, in self-governing First Nations, and in Inuit communities at this time in Canada's history will be beneficial. This is the second assessment CCA has undertaken on the subject of policing. The first report in 2014, *Policing Canada in the 21st Century: New Policing for New Challenges*, identified promising practices and models relevant to the future of policing in Canada, mostly in urban environments. This report, however, specifically examines the present and future role of police services in Indigenous communities in Canada and what promising and leading practices being used might be adopted on a broader scale.

CCA assembled a Panel of 11 individuals with a range of expertise, experience, and leadership in Indigenous law and public policy, criminology, psychiatry and mental health, and policing services. The report you are holding (or reading online), *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities*, reviewed published academic literature, media accounts, unpublished data, and other reports to help understand policing practices in Indigenous communities. This report also benefited from in-person discussions with Indigenous police services and community members in locations across Canada. The emphasis in the report's title on "peace, harmony, and well-being" is intentional, and I suspect it will shift the focus of the discussions in a positive direction.

Every CCA report benefits from the expertise of panel members, the panel chair, and a professional staff. This Panel was particularly well served by all. The CCA is grateful for Kimberly Murray's leadership as Panel Chair and her fellow Panellists who volunteered their time and energy to produce this thoughtful report. If you read carefully, you'll see how much they care about this topic, and getting the words and messages just right. This occurs because our staff cares too. I would also like to thank the CCA Board of Directors, Scientific Advisory Committee, and the three Academies — the Royal Society of Canada, the Canadian Academy of Engineering, and the Canadian Academy of Health Sciences — who provided key guidance and input throughout the assessment process.

Finally, I would like to thank Public Safety Canada for entrusting CCA with the responsibility to objectively assess the state of knowledge on this topic to better inform decisions that will be made in the future.

A handwritten signature in black ink, appearing to read 'Eric M. Meslin', with a stylized flourish at the end.

Eric M. Meslin, PhD, FCAHS

President and CEO, Council of Canadian Academies

Acknowledgements

Over the course of its deliberations, the Panel reached out to many individuals and organizations who shared their experiences of policing or of working with the police in Indigenous Communities. The Panel wishes to thank the following people for their participation: Chief of Police Keith Blake from the Tsuut'ina Nation Police Service for facilitating a meeting with his staff and community members at Tsuut'ina Nation; Inspector James McLaren for organizing a site visit at the Maskwacis detachment of the Royal Canadian Mounted Police; Chief of Police Terry Armstrong from the Nishnawbe Aski Police Service for sharing his thoughts on the challenges of policing in remote communities; Sergeant Colleen Smith and Chief Superintendent Dave Lucas from the Ontario Provincial Police for sharing their perspectives on policing in Northern Ontario; and Deputy Chief Mitch Yuzdepski from the Saskatoon Police Service for providing examples of the ways in which the municipal police are contributing to reconciliation in Saskatoon.

Project Staff of the Council of Canadian Academies

Assessment Team: Jérôme Marty, Project Director
Erin Bassett, Research Associate
Dane Berry, Research Associate
Maria Giammarco, Intern
Teresa Iacobelli, Research Associate
Weronika Zych, Senior Project Coordinator

With Assistance from: Tijs Creutzberg, Director of Assessments, CCA
Madison Downe, GIS Analysis, CCA

and: Jody Cooper, Editorial Consultant
Eve Rickert, Copyeditor, Talk Science to Me Inc.
Dany Gagnon and Anne-Marie Mesa, Certified
Translators, Translation English-French

Report Review

This report was reviewed in draft form by reviewers selected by the CCA for their diverse perspectives and areas of expertise.

The reviewers assessed the objectivity and quality of the reports. Their submissions — which will remain confidential — were considered in full by the Panel, and many of their suggestions were incorporated into the report. They were not asked to endorse the conclusions, nor did they see final report drafts before release. Responsibility for the final content of this report rests entirely with the authoring Expert Panel and the CCA.

The CCA wishes to thank the following individuals for their review of this report:

Daniel Bellegarde, Chair, Board of Police Commissioners, File Hills First Nations Police Service (Fort Qu'Appelle, SK)

Donald Clairmont, Director, Atlantic Institute of Criminology, Dalhousie University (Halifax, NS)

Colleen Anne Dell, Centennial Enhancement Chair in One Health and Wellness, University of Saskatchewan (Saskatoon, SK)

Nicholas A. Jones, Associate Professor, Department of Justice Studies, University of Regina (Regina, SK)

John Kiedrowski, President, Compliance Strategy Group (Ottawa, ON)

Tammy Landau, PhD, Associate Professor, Department of Criminology, Ryerson University (Toronto, ON)

Val Napoleon, FRSC, Professor and Research Chair, Faculty of Law, University of Victoria (Victoria, BC)

Yvonne Niego, Deputy Minister, Department of Family Services, Government of Nunavut; Retired Sergeant, Royal Canadian Mounted Police (Iqaluit, NU)

Jonathan Rudin, Program Director, Aboriginal Legal Services (Toronto, ON)

Dwayne Zacharie, Chief Peacekeeper, Kahnawake Peacekeepers (Kahnawake, QC)

The report review procedure was monitored on behalf of the CCA's Board of Directors and Scientific Advisory Committee by **Jean Gray, C.M., FCAHS**, Professor Emeritus, Medical Education, Medicine, Pharmacology, Dalhousie University. The role of the peer review monitor is to ensure that the Panel gives full and fair consideration to the submissions of the report reviewers. The Board of the CCA authorizes public release of an expert panel report only after the peer review monitor confirms that the CCA's report panel requirements have been satisfied. The CCA thanks Dr. Gray for her diligent contribution as peer review monitor.

Executive Summary

In Canada, relations between Indigenous and non-Indigenous people are in a period of transition requiring an awareness of the past and acknowledgement of the harm that has been inflicted in order to move toward an equitable future. The path to reconciliation involves the re-examination of many aspects of Canada's relationship with Indigenous communities, including governance, human rights, culture and — the focus of this particular report — policing. Public Safety Canada (PS) (the Sponsor) asked the Council of Canadian Academies (CCA) to undertake an expert panel assessment examining the present and future role of police services on reserves, in self-governing First Nations, and in Inuit communities. This report builds on the 2014 CCA report, *Policing Canada in the 21st Century: New Policing for New Challenges*. While the previous report identifies promising practices and models relevant to the future of policing in Canada, its focus is mostly urban and it does not consider policing practices in Indigenous communities.

This report therefore expands on the 2014 report by assessing current arrangements for policing in Indigenous communities and identifying opportunities for improving policing models in ways that are informed by Indigenous approaches and that can achieve (or promote) community safety and well-being.

Specifically, this report examines the following questions:

- Building on the research study *Policing Canada in the 21st Century: New Policing for New Challenges*, what could be drawn from the current evidence and knowledge about the present and future role of police services in Indigenous communities in Canada?
- What are some promising and leading practices in policing that could be applied in Indigenous communities?

To address the charge, the CCA assembled a multidisciplinary panel of 11 experts (the Panel) from Canada and abroad. Panel members brought knowledge from the disciplines of Indigenous law and public policy, criminology, psychiatry and mental health, and policing services. Each member served on the Panel as an informed individual rather than as a representative of a discipline, organization, or region. Over the course of 24 months, the Panel met in person five times.

The Panel challenged itself to reflect the full range of Indigenous experience within the context of history, from pre-contact to colonization to decolonization, with the recognition that communities have unique and varying realities.

The Panel acknowledged the diversity of Indigenous communities: some are on reserves, some are in rural or remote locations, and some are in urban environments. The Panel adopted a broad definition of community that is not geographically bound, and recognized the mobility of some Indigenous people who may live in urban centres but still maintain ties with their home communities. To help understand the breadth of policing challenges in the diverse settings where Indigenous people live, the assessment considered all kinds of Indigenous communities.

In carrying out the assessment, the Panel sought evidence and knowledge from a wide range of sources including a review of published peer-reviewed literature, grey literature, media reports, unpublished data, and other sources provided to the Panel by the Sponsor. In addition, on-site visits and conversations with local community members and police organizations exposed Panel members to lived experiences, values, and perspectives that are not captured in the literature. The Panel has been guided throughout the research and writing of this report by Indigenous knowledge and views of Indigenous communities.

MAIN FINDINGS

Current realities with policing in Indigenous communities, as well as crime, victimization and incarceration, are tied to a historical context. The impact of colonialism continues to reverberate in Indigenous communities. Confronting this history is part of the challenge of achieving relevant and decolonized policing.

Indigenous societies across North America had their own systems of governance and legal orders that predated European contact. While there is no pan-Indigenous way of understanding Indigenous laws, a diversity of systems expressed Indigenous values and satisfied the needs of individual communities, including the provision of safety and well-being. Post-European contact, these traditional systems were challenged and undervalued, especially throughout the 19th and 20th centuries during the process of colonization, which included the introduction of formal policing systems through the North-West Mounted Police (NWMP) and, later, the Royal Canadian Mounted Police (RCMP), and the imposition of colonial models of justice.

In the latter half of the 20th century, many Indigenous communities mobilized to reassert their rights and to redefine their relationship with Canada. Protest and resistance movements have often been the trigger to initiate change in the relationship between Indigenous communities and the federal and provincial/territorial governments.

A comprehensive understanding of safety and well-being in Indigenous communities requires multi-dimensional thinking, including attention to social and cultural factors. This understanding provides an opportunity for policing approaches that reflect holistic views of safety and well-being that are already embedded in Indigenous cultures.

Quantitative crime-related statistics provide evidence illustrating the higher rates of police-reported crime in Indigenous communities compared with the rest of Canada, and the overrepresentation of Indigenous people in correctional populations. However, these measures come with a number of caveats related to data collection and the discriminatory treatment of Indigenous people, and play only one part in developing an understanding of the realities of Indigenous safety and well-being. Indigenous people are also more likely to be victims of crime and to face inequities in health and socio-economic conditions that negatively impact the efforts of police officers working in Indigenous communities. Police cannot solve these issues alone, but they can be part of a broader solution to increase safety, well-being, and healing in Indigenous communities.

The well-being of Indigenous communities stems from connections with the land, cultural and spiritual expression, preservation of Indigenous languages, self-determination, positive self-identity, and community cohesiveness. Ways of maintaining harmony and promoting healthy, balanced communities are a foundational part of Indigenous values and principles. There is an opportunity for policing approaches to reflect holistic views of safety and well-being that already exist in Indigenous communities.

Policing in Indigenous communities is embedded in a complex legal and policy context marked by a growing emphasis on Indigenous self-determination and the need to recognize Indigenous rights and laws.

The legal context for policing is informed by a number of factors including Treaty commitments, the Crown's fiduciary duty to Aboriginal peoples, the honour of the Crown, the duty to consult and accommodate, rights to equality, and other international human rights norms, including the rights to self-determination, self-government, and free, prior, and informed consent. There has been a lack of clarity in defining which level of government is responsible for regulating and funding policing and other essential services for Indigenous Peoples, and the goals of ensuring equal services and self-determination have often been neglected in the past. Jurisdictional ambiguity between federal, provincial/territorial, and Indigenous governments has resulted in the development of a

“programming and funding” approach to policing that neglects to treat policing as an essential service on reserves as it is in non-Indigenous communities across Canada.

Recent and ongoing developments in the political and legal landscape of Canada, including the influence of the Truth and Reconciliation Commission’s (TRC) Calls to Action, the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and human rights rulings that call for a shift in approach toward self-determination will continue to have implications for policing in Indigenous communities.

While efforts have been made to improve policing for Indigenous communities in Canada in recent decades, many continue to receive policing services that do not meet their safety and security needs.

The First Nations Policing Program (FNPP) is the primary instrument providing policing for on-reserve communities. The program relies on two main models of police service delivery: self-administered agreements (SA), which are stand-alone and semi-autonomous First Nation police services, and community tripartite agreements (CTA), which rely on contractual agreements with standing services such as the RCMP, the Ontario Provincial Police (OPP), or Sûreté du Québec (SQ). The FNPP was created with the intention of giving participating communities a role in shaping their own police services; however, since its inception, the program has suffered from a range of problems, including insufficient resources and support. Rather than augmenting existing police services, as was the intention, FNPP funding is often used to provide basic services, and often in ways that are not sufficient given the challenges faced in many Indigenous communities. Both program models have limitations related to sustainability, governance, and oversight. One result of these limitations has been a significant decrease in the number of SA police services since the beginning of the FNPP in 1991.

Almost one-third of eligible First Nations and Inuit communities do not have FNPP agreements in place. These communities rely on the services of the RCMP or provincial police services. Additionally, over half of First Nations and two-thirds of Metis people live in urban areas and are subject to existing policing services within those cities. Municipal and regional police services may adopt culturally appropriate policing practices; however systemic racism and discrimination against Indigenous people remains a serious issue that has contributed to a lack of trust between police and Indigenous communities.

In both Indigenous and non-Indigenous communities, the most promising ways to promote safety and well-being involve relationships among police, other service providers, and community members. Effective relationship-based approaches are community-led and provide opportunities for police to assist in mobilizing communities and to earn their trust.

Across Canada, new and promising ways to promote community safety and well-being are emerging as the result of a need to focus on social determinants rather than crime prevention. These holistic approaches are grounded in principles reflective of Indigenous values, laws, and traditions, including the importance of care and respect for others and collective responsibility to pre-emptively address situations of need before they result in harm. Both Indigenous and non-Indigenous police have taken many initiatives to connect with youth, Elders, community members, and other service providers, and to seek direction from the community to identify local needs and concerns. These initiatives can promote positive self-identity, healing, and cultural expression; strengthen community capacity; and build trust between police and community members and within the community as a whole.

Police in Indigenous communities can also form broader connections at the municipal, provincial/territorial, or national levels, promoting reciprocity and mutual respect between Indigenous and non-Indigenous communities and organizations. Collaborative community mobilization strategies — in which police, other local service providers and community members come together to address harmful situations and reach out to those in need — show early promise in both urban and rural Indigenous communities. Effective relationship-based approaches are conceived within each community and preserve core community values. While these approaches provide positive opportunities, their implementation is not without challenges, particularly related to availability of resources and services, the effect of historical and ongoing distrust in police-community relations, police training and well-being, and legislative or policy-based issues.

Opportunities for change begin with providing meaningful choices for policing arrangements that support self-determination. These choices require resources that allow for sustainability and that can be facilitated by systemic reforms aligned with the need for safety and well-being in Indigenous communities.

In its review of past and current approaches to safety and well-being in Indigenous communities, the Panel identified three key themes: self-determination, a new funding framework, and the importance of relationships. At the core of self-determined policing is the ability of Indigenous communities to have true,

flexible choice over their policing approaches. Flexible choice includes the decision by an Indigenous community to develop their own police service or to access existing services. Federal and provincial/territorial governments can support the diverse types of Indigenous communities in several ways in directing their own safety and well-being approaches, even if these communities choose to utilize existing services such as the RCMP or provincial police. Support can include reforms in governance and accountability mechanisms, which can occur at the legislative or policy level.

Flexible choices for safety and well-being approaches can also be supported by adequate resources that build and sustain the capacity for self-determined service delivery and take into consideration the circumstances of each Indigenous community (e.g., their remoteness or current economic development). For policing under the FNPP, a change in conceptualization from program to essential service could have far-reaching effects on funding mechanisms. The Panel acknowledged that many of the issues discussed throughout the report have different dimensions in urban environments with heterogeneous populations. How these challenges could be addressed in urban settings is an important consideration that has yet to be thoroughly considered.

Finally, opportunities for change are rooted in the need for respectful, trusting relationships. At the local level, this refers to safety and well-being strategies in which police and other service providers approach their roles from a place of understanding and humility and draw upon local knowledge to shape their practices. At a broader level, strong relationships between Canada and Indigenous Peoples can lead to social, political, and economic commitments that improve the safety and well-being of Indigenous communities.

TOWARD PEACE, HARMONY, AND WELL-BEING

This report highlights the ways in which policing is tied to the broader issues facing Indigenous communities. It shows that policing, as it is broadly understood, is not the only solution to public safety challenges and is difficult to consider separately from other social services or from the holistic concept of community well-being. Rather than happening in isolation, reforms to policing can occur as part of societal changes that include continuing efforts toward reconciliation, the acceptance and support of Indigenous knowledge, and the recognition of Indigenous rights.

The ways forward described in this report, which are the focus of Chapters 6, 7, and 8, work to decolonize policing in Indigenous communities and help to restore control and decision-making authority to Indigenous people. Each community can be equipped with the power and resources to ensure social order

in ways that are specific and relevant to the community. Policing approaches can be part of reconciliation and healing, by respecting the values, cultures, and self-determination of Indigenous people. Including Indigenous principles in safety and well-being approaches is an opportunity to benefit not only Indigenous communities but all communities across Canada.

List of Acronyms and Abbreviations Used in the Report

AJR	Accessing Justice and Reconciliation Project
CAPG	Canadian Association of Police Governance
CCGs	Community Consultative Groups
CHRT	Canadian Human Rights Tribunal
CSWB	community safety and well-being
CTA	community tripartite agreement
FA	framework agreement
FHFNPS	File Hills First Nations Police Service
FNCPS	First Nations Community Policing Services
FNPP	First Nations Policing Program
FSIN	Federation of Sovereign Indigenous Nations
NAPS	Nishnawbe-Aski Police Service
OPP	Ontario Provincial Police
PS	Public Safety Canada
RCAP	Royal Commission on Aboriginal Peoples
RCMP	Royal Canadian Mounted Police
SA	self-administered agreement
SQ	Sûreté du Québec
SPS	Saskatoon Police Service
TBPS	Thunder Bay Police Service
TNPS	Tsuut'ina Nation Police Service
TRC	Truth and Reconciliation Commission
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Table of Contents

1	Introduction	1
1.1	Charge to the Panel	2
1.2	Scope of Assessment	3
1.3	The Panel's Approach	4
1.4	Policing in Indigenous Communities and the Safety and Security Web	8
1.5	Structure of the Report	10
2	Policing Indigenous Peoples: History and the Colonial Legacy	13
2.1	Pre-Contact (Pre-1500)	15
2.2	The Era of Alliances (1500–1800)	17
2.3	Discrimination and Assimilation (1800–1960)	19
2.4	Gathering Strength (1960–Present)	31
2.5	Conclusion	42
3	Indigenous Community Safety and Well-Being	45
3.1	Statistics About Crime and Crime-Related Issues in Indigenous Communities	47
3.2	Social Issues Facing Indigenous Communities	51
3.3	Added Dimensions of Safety and Well-Being	54
3.4	Conclusion	60
4	The Current Constitutional, Legal, and Policy Context	61
4.1	Legislative Context of the Crown-Indigenous Relationship and Policing in Indigenous Communities	63
4.2	Policing as an Essential Service	72
4.3	Recent Developments in Law and Policy Relevant to Policing in Indigenous Communities	78
4.4	Conclusion	80

5	Current Realities for Policing in Indigenous Communities	81
5.1	Overview of Arrangements for Policing Indigenous Communities and People	83
5.2	Policing for Indigenous Communities under the FNPP	83
5.3	Evaluations of the FNPP: Past Performance and Ongoing Challenges	94
5.4	Policing for Indigenous Communities and People Not Included in the FNPP.....	101
5.5	Conclusion	109
6	Putting Relationships at the Centre of Community Safety and Well-Being	111
6.1	Bridging Values, Principles, and Practices to Achieve Safety and Well-Being in Indigenous Communities	114
6.2	Relationship-Based Approaches to Safety and Well-Being	128
6.3	Approaches to Safety and Well-Being Through Relationships that Extend Beyond the Community	142
6.4	Viability of a Relationship-Based Approach.....	145
6.5	Conclusion	153
7	Toward Change	155
7.1	Self-Determined Policing	157
7.2	Building and Sustaining Capacity for Indigenous Peoples	165
7.3	Relationship-Based Approaches	174
7.4	Policing as Part of a Broader Landscape	178
7.5	Conclusion	179
8	Responding to the Charge	181
	References	187

1

Introduction

- **Charge to the Panel**
- **Scope of Assessment**
- **The Panel's Approach**
- **Policing in Indigenous Communities and the Safety and Security Web**
- **Structure of the Report**

1 Introduction

In Canada, relations between Indigenous and non-Indigenous people are in a period of transition requiring a thoughtful consideration of the past in order to move toward an equitable future. With the 2015 release of the *Final Report of the Truth and Reconciliation Commission of Canada*, there has been a call for reconciliation for the purpose of “establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country” (TRC, 2015a). The report states that in order for reconciliation to happen, “there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour” (TRC, 2015a).

Acknowledging this troubled history and current treatment of Indigenous Peoples goes well beyond the residential school experience, and requires reconsideration of many aspects of Canada’s relationship with Indigenous communities, including governance, human rights, culture, and — the focus of this particular report — policing. Reconciliation demands that the government move beyond recognizing the diversity of Indigenous communities and the complex challenges that they face. Indigenous communities must be able to determine their own futures and take the leading role in creating and deciding on the policies that will directly impact their lives.

This report, *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities*, situates itself within this era of reconciliation while also recognizing the changes that have come with the renewal of funding arrangements for policing at the federal level, the reform of police services acts at the provincial level, and inquiries and commissions. By embracing Indigenous values, this report aims to provide a foundation for a long-term vision of policing in Indigenous communities that can address its many challenges and reach beyond the constraints of cost-shared policing programs.

1.1 CHARGE TO THE PANEL

This report was requested by Public Safety Canada (PS) (the Sponsor), which asked the Council of Canadian Academies (CCA) to undertake an expert panel assessment examining the present and future role of police services on reserves, in self-governing First Nations and in Inuit communities. The report builds on the 2014 CCA report *Policing Canada in the 21st Century: New Policing for New Challenges* (CCA, 2014). While the 2014 report identifies a number of practices and models relevant to the future of policing in Canada, its focus is mostly urban and it does not consider policing practices in Indigenous communities.

This report therefore expands on the 2014 report by assessing current arrangements for policing in Indigenous communities and identifying opportunities for improving policing models in ways that are informed by Indigenous approaches and that can achieve (or promote) community safety and well-being.

Specifically, this report examines the following questions:

- Building on the research study *Policing Canada in the 21st Century: New Policing for New Challenges*, what could be drawn from the current evidence and knowledge about the present and future role of police services in Indigenous communities in Canada?
- What are some promising and leading practices in policing that could be applied in Indigenous communities?

To address the charge, the CCA assembled a multidisciplinary panel of 11 experts (the Panel) from Canada and abroad. Panel members brought knowledge from the disciplines of Aboriginal law and public policy, criminology, psychiatry and mental health, and policing services. Each member served on the Panel as an informed individual rather than as a representative of a discipline, organization, or region. Over the course of 24 months, the Panel met in person five times. Early in their discussions, the Panel agreed to expand this charge to include all Indigenous Peoples, including Metis, as well as Indigenous populations living in urban settings. This information has been added where relevant, although the Panel acknowledges that evidence related to urban Indigenous populations, and Metis populations in particular, is limited and represents a gap in knowledge.

1.2 SCOPE OF ASSESSMENT

At the beginning of the assessment process, the Panel met with the Sponsor to acquire a full understanding of the charge and confirm issues that would be in or out of scope. The Sponsor and the Panel agreed that a full evaluation of the First Nations Policing Program (FNPP) was out of scope. It was also agreed that the report would not provide an assessment of the causes of overrepresentation of Indigenous people in both crime statistics (as both victims and offenders) and the justice system. The Panel made four additional decisions on the scope of the assessment in the context of the charge and of the Panel members' collective understanding of the issues.

First, the Panel acknowledges the various types of Indigenous communities: some are on reserves, some are in rural or remote locations, and some are in urban environments. In the Panel's view, the urban-reserve divide is arbitrary within the

Indigenous context. Many Indigenous people regularly move between reserves and urban centres to live, work, and access services; therefore, it is difficult to exclude the experiences of urban Indigenous people and their relations with police. To help understand the breadth of the experiences lived by Indigenous people, the assessment considered all kinds of Indigenous communities.

Second, though this assessment does not evaluate the FNPP, it does take into consideration the issues related to the program and how they affect policing and community safety within Indigenous communities. This assessment considers the wide spectrum of policing arrangements that are relevant in Indigenous communities, including self-administered police services, as well as contract policing that may be provided by the Royal Canadian Mounted Police (RCMP), the Ontario Provincial Police (OPP), and the Sûreté du Québec (SQ).

Third, the Panel emphasizes the importance of appreciating the broader legal context as it relates to policing in Indigenous communities. This includes the rights of Indigenous people recognized under Canada's constitution (including Treaties and self-government agreements), through their relationship with the Canadian Crown and by international instruments such as the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). The Panel recognizes that equality and human rights concerns have been raised in relation to core service delivery in Indigenous communities.

Finally, the Panel acknowledges that several critical issues exist related to crime, policing, and gender, including interactions between women and police, the protection of women from physical and sexual violence within their communities, and the incorporation of women into police services. Though these issues are touched upon, they were not made central to this report since many are being investigated more thoroughly in other forums, including the ongoing National Inquiry into Missing and Murdered Indigenous Women and Girls which is expected to be completed in 2019.

1.3 THE PANEL'S APPROACH

The Panel challenged itself to reflect the full range of Indigenous experience (both on and off reserves) within the context of history, from pre-contact to colonization to decolonization. In doing so, they recognized that communities have unique and varying realities. They also recognized the importance of challenging how policing is defined and how it might be carried out differently within Indigenous communities.

To this end, the Panel adopted a broader definition of policing beyond that of enforcing law to one of providing a service that promotes community safety and well-being. Within this broader definition, the Panel was able to assess the ways in which police can establish collaborative and trusting relationships with community partners in order to work toward common goals that stem from each community's vision of safety and well-being. This is important to many Indigenous communities where relations between the police and community members are rooted in mistrust.

1.3.1 Evidence

In carrying out this assessment, the Panel sought evidence and knowledge from a wide range of sources including a review of published peer-reviewed literature, grey literature, media reports, unpublished data, and other sources provided to the Panel by the Sponsor. In addition, on-site visits and conversations with Indigenous community members and police organizations exposed Panel members to lived experiences, values, and perspectives that are not captured in the literature. In its discussions, the Panel has been guided throughout the research and writing of this report by Indigenous knowledge and teachings related to the Medicine Wheel. The teachings of the Medicine Wheel are culture-specific among Indigenous communities, but are often used to show the interactions and interactivity among all aspects of life.

Although limited to a small number of interactions, the Panel gained insight into Indigenous values and legal principles applicable to policing through local meetings. The Panel met with police serving Indigenous communities in Maskwacis and Tsuut'ina Nation in Alberta. The Panel also communicated with an OPP detachment in Thunder Bay and the Nishnawbe-Aski Police Service (NAPS) in northern Ontario. These conversations were complemented by interactions with current and past police officers identified by the Panel to provide specific knowledge (e.g., municipal practices). The experiences of the people most acquainted with some of the problems and solutions of policing in Indigenous communities were an invaluable resource in helping to inform this report and in filling some of the gaps where published material related to lived experiences is lacking.

This report starts by positioning the current state of policing in Indigenous communities in relation to history. The historical context is needed to frame a number of important challenges facing both current and future policing in Indigenous communities. Indeed, historical events are inextricably linked to the policing of contemporary Indigenous communities, where a disrupted social fabric and lack of trust between police and the community are central challenges to the implementation of policing models. Grounding safety and

well-being in relationships, for example, highlights the potential for connections among individuals and organizations in a community, although in reality and for historical reasons, many links may be missing or deteriorated by colonial occurrences.

In keeping with its broader definition of policing, the Panel attempted to situate concerns regarding crime rates and severity of crime within the greater picture of community safety and well-being. For this analysis, quantitative statistics were put into context using qualitative information about social determinants and the legacy influence of colonization. This approach allowed for the identification of factors contributing to both the successes and failures of policing in Indigenous communities.

The Panel's methodology also considered a review of factors beyond the resource limitations of police services when assessing the state of policing. A focus on resources implies that challenges in Indigenous communities may be addressed by simply increasing resources. Considering the role of the police in Indigenous communities made it possible to identify novel and culturally relevant police services and practices. This includes the shift from current incident- or response-driven policing approaches to needs-driven policing approaches. A needs-driven approach reorients policing toward the service of the community (and thus community safety and well-being), as opposed to the service of the state.

Finally, through its journey conducting this assessment, the Panel has sought to emphasize a nation-to-nation approach to help ensure that colonial practices and top-down thinking are avoided when considering the present and future role of police services in Indigenous communities. The Panel also recognizes the diversity of Indigenous communities and the impossibility of one-size-fits-all solutions or rigid frameworks.

1.3.2 A Note on Terminology

Throughout this report, the Panel refers to a number of key terms that may have complex or differing meanings. These are defined below. The Panel makes every attempt to use the appropriate language but recognizes that terms may have different meanings to different readers.

The term *Indigenous* refers to First Nations, Inuit, and Metis people. The report uses *Indigenous Peoples* to refer collectively to all First Nations, Inuit, and Metis Peoples, whereas *Indigenous people* is used when referring to more than one Indigenous person rather than the collective group.

The report also uses the unaccented version of *Metis*. Following the rationale provided by Macdougall (2017), this use of the term refers to “mixed-descent people who created communities for themselves that were separate and distinct from both their Indian and European ancestors... unaccented ‘Metis’ signifies that the term is being used to encompass all of those who were part of the historic Metis nation and their descendants.”

To acknowledge the diversity of Indigenous people and their community arrangements, the Panel adopts a broad meaning of *community*. Community “can refer to a social unit of any size whose members share common values” (Russell & Taylor, 2014). This could apply to a discrete Indigenous community such as a First Nations reserve or an Inuit village in the Far North, or a group of urban Indigenous people who have formed connections in a large city. In its general definition of *Indigenous communities*, this report includes urban populations. *Community* can also “refer to an administrative or jurisdictional unit” (Russell & Taylor, 2014), which may have changed countless times as Indigenous communities were relocated or restructured under colonial practices (RCAP, 1996a, 1996b). Regardless of its origins, a community can achieve safety and well-being only if it is cohesive. This concept — that relationships and trust are required between all members living and working in the community for safety and well-being to be truly recognized — is a guiding principle of this report.

Safety can be defined as the ability of all individuals living, working, or visiting a community to conduct their daily lives without fear or risk of harm or injury, and the shared responsibility of all community organizations and members to ensure this is possible (MRC, 2017 as cited in Nilson, 2018).

Well-being is a multi-faceted construct that can refer to an individual or collective and involves a balance of physical, psychological, cultural, spiritual, social, and economic dimensions. In the human services sector, the term *community safety and well-being* (CSWB) refers to an emerging field that is guiding a paradigm shift in service delivery, away from reactionary measures toward collaborative preventative approaches (Nilson, 2018).

This report also makes frequent reference to the process of *decolonization*, relying upon the comprehensive definition provided by the Indigenous academic leader Linda Tuhiwai Smith. Tuhiwai Smith writes that decolonization is “recognized as a long-term process involving the bureaucratic, cultural, linguistic and psychological divesting of colonial power” (Tuhiwai Smith, 1999). While decolonization requires that Indigenous People reclaim their traditions, cultures, communities, languages, laws, and histories, it also requires that

non-Indigenous people in Canada recognize and accept Canada's colonial history, and that going forward, non-Indigenous individuals, governments, and institutions support Indigenous efforts to decolonize (ICT Inc., 2017).

This report frequently uses the terms *self-determination* and *self-governance*. While these terms are related, they are not interchangeable. *Self-determination* refers to the right of Indigenous Peoples to choose their destinies. In Canada, it means that First Nations, Inuit, and Metis have the right "to negotiate the terms of their relationship with Canada and to establish governmental structures that they consider appropriate for their needs" (RCAP, 1996c). *Self-governance* refers to the ability of Indigenous communities to establish their own rules, including methods of dispute resolution and problem solving in order to achieve their own goals. *Self-governance* also means Indigenous communities make their own decisions and may choose to establish their own policies and their own organizations to carry out these decisions and policies (Cornell *et al.*, 2004).

Finally, this report uses the term *essential service*, which is a reference to those basic public services that governments provide to their citizens in modern democracies. In general, these include services such as education, health, social services, public infrastructure, and emergency and security services. Under public administration theory, such services are provided pursuant to good governance and governments are generally expected to provide such services in a responsible, participative, transparent, and accountable manner (Clark & Nickels, 2018).

1.4 POLICING IN INDIGENOUS COMMUNITIES AND THE SAFETY AND SECURITY WEB

The CCA's 2014 Expert Panel report, *Policing Canada in the 21st Century: New Policing for New Challenges*, emphasized that police will need to diversify beyond the generalist model of policing in order to adapt to the changing landscape in which they now work. The report notes that the successful adaptation and the application of knowledge will help police face a number of challenges.

In particular, the report emphasizes the importance of police acknowledging and adapting to the current reality that they are no longer the primary and dominant provider of safety and security to communities. Police, especially in an urban context, typically operate within a "network, or 'web,' of multiple public and private agencies and actors operating and collaborating in various ways to produce and reproduce public and private safety and security" (CCA, 2014). This may include groups such as social workers, border security agents, private security, and individuals, all working toward a common goal of safety and security.

To recognize this, the 2014 Panel adopted the term *safety and security web* as a conceptual framework that recognizes the reality that police are now but one of several groups that provide safety and security to communities. The 2014 Panel envisioned the future of policing as one in which police acknowledge the diversity of expertise and knowledge within the web and work collaboratively with other partners, leveraging the specialized skills of other groups toward preventing and deterring crime and enforcing the laws. The 2014 report identified several opportunities that would allow the police to adapt to the safety and security web, including moving toward an accredited police professional model, adopting evidence-based policing practices, and redefining the role of police to reflect the reality of the web.

For this report, the Panel chose to expand further on the notion of the safety and security web by adopting a broader community safety and well-being approach. While this approach incorporates elements of the safety and security web framework, including the idea that police must act in partnership with other community agencies, it is grounded in values and aspirations that are critical to the health and well-being of Indigenous communities.

Adopting a broader community safety and well-being approach is consistent with existing knowledge on the relationship between justice and well-being. Senator Murray Sinclair, former judge and Chair of the Truth and Reconciliation Commission (TRC), described how Indigenous values are related to concepts of justice:

The primary meaning of “justice” in an Aboriginal society would be that of restoring peace and equilibrium to the community through reconciling the accused with his or her own conscience and with the individual or family that is wronged. ... Most Aboriginal societies value the interrelated principles of individual autonomy and freedom consistent with the preservation of relationships and community harmony, respect for other human (and non-human) beings, reluctance to criticize or interfere with others, and avoidance of confrontation and adversarial positions. When the dominant society’s justice system is applied to Aboriginal individuals and communities, many of its principles are clearly at odds with the life philosophies that govern the behaviour of the people.

(Sinclair, 1994)

While Senator Sinclair’s words speak to a common thread within Indigenous values, this report also recognizes that considerable diversity exists within Indigenous cultures. Citing the work of the Accessing Justice and Reconciliation

Project (AJR Project) in Chapters 2 and 6, this report acknowledges the diversity of Indigenous legal traditions, while also noting, as the TRC did, that “Indigenous legal traditions reveal both consistency and continuity over time, and responsiveness and adaptability to changing contexts” (TRC, 2015b).

Reflective of Senator Sinclair’s words, the Panel chooses to let the values and needs of Indigenous communities provide a framework to guide the assessment. The Panel emphasizes that safety and well-being practices must be part of the journey toward self-determination and healing and must occur in a climate of trust, respect for Indigenous history and culture, collective action, and meaningful relationships. With this in mind, the Panel prefers the use of the word *relationships* over *web* or *network*.

1.5 STRUCTURE OF THE REPORT

This report begins by tracing the origins of current policing arrangements in Canada by providing a historical overview of Indigenous-police relations and the ongoing relevance of this history (Chapter 2). Key themes include the profound effects of broken treaty promises and of colonialism as imposed through legislation. Today, Indigenous communities demand recognition of the detrimental effects of these policies as a starting point in moving forward which, in the area of policing, begins with police acknowledging their past and current role as agents in carrying out the colonialist policies of the state.

To build on the historical context and better understand policing in Indigenous communities today, Chapter 3 examines a range of factors linked to Indigenous community safety and well-being. These factors extend far beyond crime-related statistics to include social issues and dimensions of well-being embedded in Indigenous values and cultures.

Chapter 4 then lays out the current constitutional and legislative context for policing in Indigenous communities by describing relevant federal and provincial/territorial laws, historical treaties and agreements, and more recent policy commitments, all of which have a bearing on how policing is carried out in Indigenous communities today.

In Chapter 5 the Panel describes the current status of policing arrangements in Canada with a particular focus on the FNPP. The chapter outlines some of the features of the FNPP, including its coverage, funding model, and oversight. It also comments on aspects of policing in Indigenous communities for those communities not participating in the FNPP, and on the human rights concerns that have been raised in recent years relating to the quality and condition of policing services and facilities in Indigenous communities.

The centrality of relationships in achieving safety and well-being in Indigenous communities is the focus of Chapter 6. This chapter links new ways of thinking about community safety to holistic approaches practiced in Indigenous communities over thousands of years. This chapter also addresses the social determinants of safety through relationships and reciprocity in urban and rural settings.

Chapter 7 considers ways to move forward and improve the safety and well-being of Indigenous communities through policing arrangements and practices. Drawing from the knowledge and evidence discussed throughout the report, the Panel has structured this chapter around three themes: self-determination, a new funding framework, and the importance of relationships. The chapter discusses how opportunities for self-directed policing are linked to community capacity, which can be facilitated by broader economic, social, and political commitments.

Finally, Chapter 8 is a brief conclusion on how the Panel addressed the questions presented in the charge.

2

Policing Indigenous Peoples: History and the Colonial Legacy

- **Pre-Contact (Pre-1500)**
- **The Era of Alliances (1500–1800)**
- **Discrimination and Assimilation (1800–1960)**
- **Gathering Strength (1960–Present)**
- **Conclusion**

2 Policing Indigenous Peoples: History and the Colonial Legacy

Key Findings

Although there may be no equivalent of the term *policing* in most Indigenous languages in Canada, Indigenous societies across North America had their own established systems of governance and justice that predated European contact.

While Indigenous laws may share some core values among different societies, their application is diverse and often complex.

Current realities with policing in Indigenous communities, as well as crime, victimization, and incarceration, are tied to a historical context. The impact of colonialism continues to reverberate in Indigenous communities. Confronting this history is part of the challenge of achieving relevant and decolonized policing.

Indigenous protest and resistance movements have often been a trigger to initiate change in the relationship between Indigenous communities and government.

The historical relationship between police services and Indigenous communities is extensive and complex. The history is also ever present. It is impossible to understand current realities with policing, crime, victimization, and incarceration without fully appreciating the impact that colonization and racist policies have had, and continue to have, upon Indigenous communities throughout Canada.

This chapter provides a historical overview of the relationships of Indigenous Peoples with both non-Indigenous people in Canada and the colonial state. Particular attention is paid to the policies of the Canadian government and the actions of police tasked with applying those policies. The structure of this chapter partially follows the narrative arc conceived by the Royal Commission on Aboriginal Peoples (RCAP) which identifies four distinct phases (RCAP, 1996a):

- **Pre-Contact (pre-1500):** The era preceding the arrival of Europeans and their settlement.
- **The Era of Alliances (1500–1800):** The original era of “nation-to-nation” relations, characterized by mutually beneficial economic and military alliances.
- **Discrimination and Assimilation (1800–1960):** Colonialism redefines the relationship between Indigenous and non-Indigenous peoples.
- **Gathering Strength (1960–present):** Indigenous communities reassert their rights and seek to redefine their relationship with Canada.

While this chapter by no means offers a complete history of Indigenous contact with Canadian law enforcement, it provides a broad overview by highlighting the diverse values and laws involved in Indigenous justice before Europeans arrived and by singling out a number of events and policies that have led to the current state of Indigenous-police relations.

2.1 PRE-CONTACT (PRE-1500)

Long before European explorers arrived in the 1500s, Indigenous communities across North America had developed systems of justice that expressed Indigenous values that satisfied the needs of their communities. Customary or traditional laws differed among Indigenous groups, but many Indigenous Peoples shared a common set of core beliefs, values, and laws that governed community relations (PLEA, 2006). While no single philosophy or moral code underpinned every community, what many communities shared was a general worldview in which human beings were part of the totality of creation and where individual needs were subservient to community interests. These fundamental beliefs underscored many forms of Indigenous justice (Sinclair, 1994).

2.1.1 Indigenous Meanings of Justice

There is no pan-Indigenous way of understanding traditional (sometimes called natural or sacred) Indigenous laws. While reconciliation, healing, and harmony are core values, the application of these values can differ across communities. It is important to appreciate the diversity among Indigenous Peoples, who had different scales of community in the past and corresponding forms of social organization and control (RCAP, 1996b). In their engagement with six Indigenous legal traditions through the AJR Project, Friedland and Napoleon (2015) note that “every Indigenous legal tradition represented had nuanced and robust understandings of what implementation of these principles entails.” For example, they note that in the Mi’kmaq legal tradition, *abeksikdawaebegik* (reconciliation) not only entails forgiveness, but also requires that the offender take *abeksikdewapan* (responsibility). In the Cree tradition, healing of the offender is of primary importance. However, when a *wetiko* (dangerous person) refused healing and remained a risk to the larger community, then the offender was avoided or separated from the community (Friedland & Napoleon, 2015).

Temporary separation played an essential role in the legal traditions of many Indigenous communities. In some cases, healing could occur only once a wrongdoer either was forced to or voluntarily offered to temporarily separate from the community. Reintegration was possible following a period of healing or once the offender reflected on their actions and took responsibility for them. As revealed by the discussion of Elders in the AJR Project, “healing requires creating space for the wrongdoer to reflect and change the thinking and behaviour that led to the harm in the first place” (Friedland & Napoleon, 2015).

2.1.2 Policing and Justice in Pre-Contact Indigenous Societies

Provision of community safety and well-being was a core component of traditional Indigenous models. Policing as a special arm of the law did not exist; instead, the roles and functions one might associate with policing varied among communities.

Historically, peace and harmony in Indigenous communities was maintained by commonly accepted values, protocols, and practices linked to social roles, kinship ties, and other community relationships, as opposed to obedience to explicit laws (La Prairie, 1991). For example, community members of the Aseniwuche Winewak First Nation in Alberta have explained that law from a Cree perspective is centred on protocols that define the right ways of relating to the natural and spirit worlds. These include the proper conduct when participating in ceremonies, hunting, addressing others, or going about daily life (Friedland, 2016a). In the Cree tradition, communities shared the responsibility for recognizing warning signs of harm, including behavioural changes in an individual. Along with this recognition came the responsibility to warn the community of such changes, take precautions to mitigate danger, and seek guidance from appropriate community members, which could be either Elders or others with recognized skills in conflict resolution (Friedland, 2014b). In other traditions, roles could be more specifically tied to certain tasks or events. Among the Saulteaux, individuals known as the *Oskobie* monitored gatherings, while on the Great Plains, Cree and Assiniboine societies enforced the rules of hunting through warrior societies. Those who disobeyed the rules of the hunt, for example by hunting outside of designated and agreed-upon times, faced consequences meted out by these sanctioning societies (Jones *et al.*, 2014). In Inuit society, rights and duties were collective, and the enforcement of laws or social mores was also often communal (Loukacheva, 2012).

Consequences for disobeying rules or laws in pre-contact Indigenous communities took on a variety of forms and could range from teasing, shaming, ostracism, reparation, and requiring compensation to one's victim or victim's family, all the way to, in more extreme cases, execution or banishment (which could essentially amount to execution given the importance of community in survival) (Jones *et al.*, 2014). Periods of shaming or ostracism could be followed by ceremonies to reintegrate an offending person into the community (Box 2.1). In those contexts where every individual played a role in the maintenance of community survival, these ceremonies were essential tools in restoring balance (PLEA, 2006).

Box 2.1**An Elder's Account of Responsibility and Reintegration**

"We were always taught that you have to respect creation, not only people, and once you break that law there is something that is going to happen to you. The term we use is *bastawin* — something that goes beyond — it doesn't exist in the English language. It has something to do with — you did it, you know you did it, and therefore it came from the heart. Where I come from we do a shaming ceremony, we have the person sitting in front of the council to talk about what they did to atone. There was never any punishment attached to it."

- Elder Andrew Wesley, Mushkegowuk Cree from James Bay
(Debwewin Implementation Committee, 2016)

Responses to harms and conflict in Indigenous communities were flexible and often arrived at collectively by community members (Friedland & Napoleon, 2015). In Inuit society, these responses often sought to aid the offender, and the offender's responsibility could be determined not by the crime itself, but by their personal situation or even by other circumstances, including the season, again emphasizing the importance of group interest (Loukacheva, 2012). Many communities shared this value of empathy. For example, in the Anishinabek legal tradition, offenders have a right to be treated with respect and compassion. These values can coexist with sanctions and serve the community as a whole by creating the space for the offender's positive reintegration into the community (Friedland & Napoleon, 2015).

2.2 THE ERA OF ALLIANCES (1500–1800)

The early history of First Nations and European relations was one of pressure and compromise. Europeans arrived in North America with an economic and military agenda that impacted Indigenous life in a number of ways, including the introduction of new and devastating diseases, conflicts, and challenges to millennia-old ways of life. But Europeans also depended upon Indigenous knowledge and power to succeed economically and militarily (Daschuk, 2013).

2.2.1 Peace and Friendship Treaties

The earliest treaties between Europeans and Indigenous Peoples were about creating mutually beneficial alliances and trade relationships. Indigenous Peoples were active agents in negotiating these treaties, and they drew upon their own pre-contact traditions in diplomacy to advocate in their self-interest (Patterson, 2009). Between 1725 and 1779, the British and the Mi'kmaq and Maliseet peoples of present-day Nova Scotia negotiated a series of important treaties that promised stability, peace, and friendship among both parties (Wicken, 2002). In the Treaty of 1752, for example, both sides agreed that the memory of the previous war would “be buried in Oblivion with the Hatchet” (His Majesty the King & Cope, 1752). The treaties of this period affirmed the agreement of both the British and Indigenous nations to peacefully pursue their own affairs without molestation by the other, including the “free liberty of Hunting and Fishing as usual” among the Indigenous nations (His Majesty the King & Cope, 1752). When it came to maintaining the peace, the treaties generally recognized that primary responsibility rested with the Indigenous nations to enforce order within their tribes and in interactions with others. However, the British were prepared to offer protection and assistance when called upon, as also promised in the Treaty of 1752 (Daugherty, 1983).

2.2.2 The Royal Proclamation and the Treaty of Niagara

The Royal Proclamation of 1763 was issued by the British in order to further define Indigenous-Crown relations. The Royal Proclamation created a geographic boundary beyond which European settlement was limited and recognized the rights of First Nations to land and title west of the established colonies (TRC, 2015a).

The following year at Niagara, over 2,000 Indigenous leaders representing some 24 different nations from Nova Scotia to Mississippi gathered to ratify the terms of the Royal Proclamation and make treaty with the Crown. At the gathering, the terms of the Royal Proclamation were read to the delegates, and each representative gave promises to maintain peace and to not interfere in the affairs of the other. Presents were exchanged to certify the binding nature of the promises, including Two-Row Wampum Belts.

The belts, first used in agreements between Europeans and the Haudenosaunee (Iroquois), were used at Niagara to symbolize the relationship between the British and the various nations. The belts depict three white rows of Wampum separated by two purple rows, representing two paths or two vessels travelling down the same river together. One side represents the British; the other, Indigenous nations. The belts conveyed the understanding that Indigenous nations would remain sovereign over their own affairs and not interfere with the affairs of the British, and vice versa (Borrows, 1997; TRC, 2015a).

The growth of the settler population eventually challenged the original treaty promises. As their numbers increased, settlers no longer depended on Indigenous allies for trade or security. Early treaties focused on peacemaking and friendship were later replaced by treaties focused on land acquisition (RCAP, 1996a).

2.3 DISCRIMINATION AND ASSIMILATION (1800–1960)

Between the late 18th and the early 20th centuries the Crown made demands for Indigenous Peoples to cede their traditional lands by treaty. While Indigenous people often viewed treaties as sacred trusts between two respectful and equal parties, and as agreements to share the land, colonial governments viewed them otherwise. Instead, to them, “treaties and other agreements were, by and large, not covenants of trust and obligation but devices of statecraft, less expensive and more acceptable than armed conflict” (RCAP, 1996b). With the treaty system, the Canadian government avoided the costlier and more violent American experience, which included a series of armed conflicts with Indigenous Peoples in an effort to forcibly remove them from the land and to clear the way for settlers (RCAP, 1996b).

In the case of the Numbered Treaties, which were established with Indigenous Nations across the West, peace and good order clauses were included as part of the treaties to guarantee that Indigenous people would not interfere with settlers on ceded territory or with other people passing through the land. There were also clauses guaranteeing that Indigenous Nations would assist officers of the Crown by handing over Indigenous people for justice or punishment when required (Ladner, 1997). For example, the Woodland Cree, Dane-zaa (or Beaver) and Chipewyan Nations, who signed Treaty 8, agreed to “maintain peace between each other” but also to “assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty or infringing the law in force in the country so ceded” (Government of the Dominion of Canada *et al.*, 1899).

While written into the treaties, the “peace and good order clauses” were viewed differently by both parties. Oral histories passed down in the Blackfoot Nation make a case that the signatories to Treaty 7 likely viewed these clauses as a means of protecting their own people and their territory, while the government viewed these agreements as another step in the colonial process that made the laws of Canada applicable to all people, including Indigenous people, who had continued to abide by their own long-established laws and systems of justice (Treaty 7 Elders and Tribal Council *et al.*, 1996; Ladner, 1997). In agreeing to help enforce the law, the members of the Blackfoot Confederacy believed they were agreeing to a shared responsibility for keeping peace and order (Ladner, 1997). This lack of shared meaning stemmed from problems of

literal translation, as well as from deeper differences of vision regarding what future relations between Indigenous and non-Indigenous people would look like. While the Blackfoot Confederacy viewed Treaty 7 as a mutual agreement to maintain Indigenous peacekeeping and to respect each other's ways of life, government agents saw it as the next step in colonizing the West, protecting settlers, and assimilating Indigenous people under one central authority (Treaty 7 Elders and Tribal Council *et al.*, 1996; Ladner, 1997). The Blackfoot Confederacy did not believe that in signing Treaty 7, they were agreeing to accept the "white man's law" or giving up their sovereignty or their way of life (Ladner, 1997; Crop Eared Wolf, 2007).

2.3.1 The Federal Police as Colonizers

Indigenous contact with formal policing systems began in 1873 with the introduction of the North-West Mounted Police (NWMP). The NWMP operated under a state-military model of policing wherein officers were armed and outfitted as soldiers. Historically, a central mythos of the opening of the Canadian West has been that the NWMP was created as an equalizing force among Canadians, "to ensure that all the people of the Canadian North West — Indians and Metis, settlers and traders — might have the opportunity of living under a system of law impartially enforced and guaranteeing equal rights to all" (Brown & Brown, 1973). The reality was quite different. In 1884, the NWMP was put under the mandate of the Department of Indian Affairs, creating a system in which the NWMP acted on behalf of the government to enforce its assimilationist mission among the Indigenous population and to neutralize Indigenous power (Daschuk, 2013).

In consistently representing the interests of settlers, the NWMP helped to accelerate Canada's economic growth, pave the way for a new transnational railway, and prevent the consolidation of power among First Nations and Metis populations (Comack, 2012). The powers of the NWMP have been described as "unprecedented in the history of police forces" (Carter, 1999). The power they wielded against Indigenous people has had long-term impacts on Indigenous-police relations. As noted by Manitoba's Aboriginal Justice Implementation Commission (AJIC, 1999), this history has "coloured the perceptions Aboriginal people hold of other police forces in the province. The impact of past wrongs has been reinforced by the negative experiences of today."

In 1904 the NWMP became the Royal North West Mounted Police, which eventually, in 1920, became a part of the RCMP, following its amalgamation with the Dominion Police (Comack, 2012).

Between the late 19th and early 20th centuries, the NWMP/RCMP remained a constant presence in the lives of many Indigenous people. While it was the Canadian government that often created the policies that continued to negatively impact the lives of Indigenous people, it was local Indian agents (administrators for the Department of Indian Affairs) and the RCMP who were charged with carrying out those policies, whether they were community relocations in the High Arctic or the enforcement of bans prohibiting ceremonial gatherings (RCAP, 1996b; Christmas, 2016). In addition to their role in enforcing policies and maintaining order, the RCMP were, depending on the community, involved in many other aspects of Indigenous life, including as census takers, welfare agents, and basic medical workers (Clairmont, 2013).

However, while the police may have been involved in some aspects of community life during this period, they continued to remain apart from it. Indigenous community input was not sought in policing matters, and the relationship remained paternalistic and colonialist, with the power residing outside of the communities themselves (Clairmont, 2013).

2.3.2 Policing the Metis

Formed during the era of alliances, the Metis Nation arose from the intermarriage of European traders with Indigenous women during the height of the fur trade. Metis people eventually came to form their own separate and unique cultural identity (Macdougall, 2017). Similarly to First Nations, Metis society was governed by its own set of values and laws. For example, similar to the Plains tribes in Canada, the annual buffalo hunt among the Metis was controlled by regulations and consequences for individuals who disobeyed the orders of the Metis captains, who were elected to lead the hunt (Jefferson, 1994).

Attempts to limit Metis independence eventually led to many acts of resistance throughout the 1800s. A sense of unique cultural identity propelled Metis resistance in the face of colonization, including in 1869, when the Metis fought the transfer of their colony at Red River (now Winnipeg) to the newly formed nation of Canada. This fight resulted in some constitutional recognition of French language and Metis rights in the *Manitoba Act* of 1870 (Rea & Scott, 2006).

Relations between the NWMP and Indigenous people worsened following the 1885 North-West Resistance, in which the NWMP joined with federal troops to defeat resistors that included Metis and a small number of Plains Cree and Dakota warriors on the western plains. Faced with the unprecedented challenges brought on by the settlement and development of present-day Alberta

and Saskatchewan, this group, led by Louis Riel, demanded the Canadian government hear their grievances and respond to their requests for land titles (Jefferson, 1994).

Riel formed a provisional government at Batoche, Saskatchewan, while resisters also occupied the nearby community of Duck Lake. One hundred NWMP officers and a group of armed settlers faced the resisters, resulting in the deaths of three NWMP officers, nine settlers, five Metis people and one First Nations person. The government also responded with the mobilization of 5,000 troops. Battles continued throughout the spring. Riel surrendered following the Battle of Batoche on May 15. He was arrested, tried, and hanged for treason at the NWMP barracks in Regina on November 16, 1885 (Beal & Macleod, 2006). Eight First Nations people were also publicly hanged in Battleford, Saskatchewan, in order to send a clear and lasting message to nearby First Nations of the consequences of defying state authority (FSIN, 1972). Conditions for the Metis and First Nations worsened following the 1885 Resistance with the further imposition of punitive measures and the suppression of rights (Comack, 2012).

2.3.3 The Impact of the Indian Residential School System

Certain events in Canadian-Indigenous history have been particularly relevant in shaping past and current relations between Indigenous people and policing authorities. Perhaps the most significant of these was the involvement of the NWMP and the RCMP in the Indian residential school system. Federal police were at the forefront of enforcing a government policy that called for the forcible removal of Indigenous children from their families' homes and their subsequent placement in institutionalized settings where, instead of being educated and cared for, children were made to labour and subjected to physical, sexual, and mental abuse. As noted by the TRC, "[d]iscipline was harsh and unregulated; abuse was rife and unreported. It was, at best, institutionalized child neglect" (TRC, 2015a).

The Indian residential school system began in the 1830s with a number of schools founded and managed by religious institutions. In the 1880s, the federal government became involved in the funding and management of residential schools, while churches continued to lead their day-to-day operations. Attendance at residential schools was voluntary, but parents' decisions were often made under duress because of pressure from Indian agents and police. In 1894, regulations were implemented that allowed Indian agents and justices of the peace to order children, aged 6 to 16, to attend school if they determined a child was not being properly cared for or educated by their parents or guardians (TRC, 2015a). The residential school system was in place for 160 years, ending only with the closure of Gordon Residential School in Saskatchewan in 1996.

It is estimated that in that period, at least 150,000 Indigenous children passed through the doors of residential schools (TRC, 2015a) and an estimated 6,000 children died in them (Miller, 2018).

While Indigenous families wanted their children to receive an education, the residential school system did not fulfill the promises the government had made. Instead of educating Indigenous children, the residential system attempted to destroy Indigenous culture (TRC, 2015a). The express purpose of these schools was forced assimilation, a key aspect of the colonial project in Canada. By forcing Christianity and European-Canadian culture upon Indigenous children, the government hoped it could eventually stop delivering on its treaty commitments to Indigenous Peoples. In 2015, the TRC report defined the Indian residential system as cultural genocide (TRC, 2015a).¹

While Metis children initially attended the early residential schools along with First Nations students, this policy was later reversed and Metis children were ordered to be removed when the federal government determined that Metis education was a provincial/territorial responsibility, and not a federal one. However, provincial and territorial governments often ignored Metis children. These governments failed to ensure that Metis children were accepted into the public school system, and schools were not mandated in Metis communities. Many Metis parents, who desired an education for their children, were forced to try to enrol their children in either federally funded or non-federally funded residential schools. Following the Second World War, provincial governments renewed their focus on Metis education, and as a result a new generation of Metis children were placed in residential schools that were funded or run by provincial governments (TRC, 2015a).

After the Second World War, the residential school system expanded throughout the Canadian North. As the Arctic was opened up to increased exploration, industry, and military installations, more Inuit children were placed in residential schools. The residential school system had a uniquely disruptive impact on traditional Inuit ways of life, uprooting both children and entire communities. Because northern communities were so distant and sparse, many children were sent to schools thousands of kilometres from their homes. In some cases, families relocated to unfamiliar places in order not to be separated from their

1 TRC (2015a) defines cultural genocide as “the destruction of those structures and practices that allow [a] group to continue as a group,” including the destruction of political and social institutions. Particular aspects of cultural genocide relevant to the context of Indigenous Peoples in Canada include land seizures, the forced movement and restricted movement of Indigenous populations, the banning of languages and spiritual practices, the residential school system, and the forced separation of families.

children. In these instances, parents were forced to choose between being closer to their children or continuing a self-supporting way of life sustained by community ties, hunting, and traditional knowledge of the local land. Ultimately, Inuit children suffered the loss of family ties and of place. Students who had graduated and returned from residential schools often found themselves undereducated and lacking the necessary skills to pursue jobs in the labour market, while also uneducated in the ways of their ancestral northern survival practices (TRC, 2015a).

Residential schools were underfunded throughout their history. The government's unwillingness to shoulder the costs of Indigenous education, and its lack of concern for Indigenous people more generally, contributed to problems in the residential school system. Low salaries meant that unqualified people were hired as instructors. A lack of funding for food meant that children were chronically undernourished and weak, making them more susceptible to outbreaks such as influenza and tuberculosis. This physical state, coupled with crowded and poorly ventilated buildings and a lack of on-site medical staff, meant that Indigenous children died of these diseases at much higher rates than other children in Canada (TRC, 2015a). In many cases the names, genders, and causes of death of children who died in residential schools went unrecorded. Instead of being returned home to their families, the bodies of children were often buried in school graveyards that were later abandoned. Parents were left ignorant of the circumstances of their children's deaths or the location of their burials (TRC, 2015c). As part of the TRC's efforts, the names of 3,200 children who died in the care of residential schools have been identified thus far (TRC, 2015c).

The Role of the RCMP in the Indian Residential School System

Police involvement in the residential school system often began on the day children were taken from their communities. Frederick Ernest Koe, a residential school survivor, remembers that both the police and an Anglican minister suddenly arrived one morning at his home in Aklavik, Northwest Territories, to take him away. Koe recalled he was forced to leave so quickly that "I didn't get to say goodbye to my dad or my brother Allan, didn't get to pet my dogs or nothing" (TRC, 2015a).

While RCMP officers were appointed truant officers in 1927, archival records and oral histories show that officers had unofficially assumed the role much earlier (TRC, 2015d). If a child ran away from school, or failed to return at a prescribed time, warrants were issued that gave the police the power to search

any building of interest in order to find and return the child (TRC, 2015a). In these cases, the police represented the interests of government and school officials rather than protecting children, who often fled school in an effort to avoid physical, sexual, or mental abuse or to reconnect with their families. Parents who refused to return a truant child could also be subject to prosecution. For example, in 1937 a Manitoba father who refused to return his runaway son to school was sentenced to 10 days in jail. The child was ultimately transferred to a residential school one province over, in Saskatchewan, to prevent any further efforts to return home (TRC, 2015a). The police further prevented parent-child contact by prohibiting parents from camping near the residential schools (LeBeuf, 2011).

Police involvement in the residential school system often ended, however, when it came to allegations of abuse of students. In some cases, police were not informed by school or government authorities of allegations of physical or sexual abuse. In cases where police did receive information, their investigations were often stymied by school officials and the Department of Indian Affairs (LeBeuf, 2011). In most cases, even when police knew of abuse at schools, the police failed to take necessary actions to protect children. Sexual and physical abusers were left unprosecuted, and students and parents were left without any recourse (LeBeuf, 2011; Windspeaker, 2011; TRC, 2015a, 2015e).

Relationships between the police and Indigenous communities were typically characterized by a deep-rooted lack of trust (LeBeuf, 2011). Because of this, children often felt unsafe sharing their experiences with RCMP officers. Residential school survivors attested to the fact that as children, they both feared and distrusted the police, and that “[t]he police were not perceived as a source for help but rather as an authority figure who takes members of the community away from the reserve or makes arrests for wrong-doing” (LeBeuf, 2011).

2.3.4 The Indian Act as a Defining Piece of Colonial Legislation

The *Indian Act* (1876) is the main statute through which the federal government administers aspects of Indigenous life, including control over First Nations governments, traditional lands, and financing (GC, 1985a). The *Indian Act*, historically, has also been used to deny basic rights to First Nations. It prohibited spiritual and ceremonial practices in an effort to assimilate First Nations into Christianity, while also controlling their movements and freedom to assemble for traditional ceremonies (Comack, 2012). The Act eliminated Indigenous forms of government and gave the Crown the power to veto the decisions of band councils, including the ability to depose Chiefs and others in leadership

positions (TRC, 2015a). As noted by the TRC, “[t]he *Indian Act* was a piece of colonial legislation by which, in the name of ‘protection,’ one group of people ruled and controlled another” (TRC, 2015a).

The *Indian Act* has significantly influenced the ways in which First Nations people interact with the justice system in Canada. Under the Act, government-appointed Indian agents were given broad powers to both prosecute and judge First Nations people, thereby acting as state police. First Nations people were granted no role in the system other than as defendants. From 1927 until 1951, amendments to the *Indian Act* made it illegal for First Nations communities and individuals to hire lawyers to represent their interests. This use of unchecked power created a fear of the justice system and long-standing resentments that continue to exist today (RCAP, 1996b; Coates, 2008; UBCFNIS, 2009).

While the Indigenous experience in Canada has been shaped by the *Indian Act*, First Nations people have not been passive when faced with the Act’s impact. Indigenous people found ways to practice resistance, including continuing to participate in traditional ceremonies (Box 2.2), either in secret or by altering them just enough so that they were acceptable to government agents (Comack, 2012).

The enforcement of the *Indian Act* by the RCMP and other police forces helped fundamentally change the relationship between police and Indigenous communities. The police were not seen as protectors, but as agents of the government who took away community members, including children, and prevented them from participating in their own culture (Jones *et al.*, 2014). The *Indian Act* provided the policies, but the police were the enforcement arm of those policy.

2.3.5 The Permit System

Codified in the *Indian Act* in 1881, the permit system was originally created to govern the sale of agricultural products by First Nations and to reduce competition for settler farmers in the West. However, left to the discretion of Indian agents, the permit system was used as a disciplinary tool and as a means of exerting control over the livelihoods of First Nations. Indian agents routinely denied First Nations that they deemed to be problematic the right to sell their own produce, to purchase needed stock or farming equipment, or to slaughter their own stock to feed their families. First Nations people who undertook these actions without a permit could be subject to arrest. While the system originally applied to First Nations practicing farming in the West, the system was expanded in 1941 to include First Nations involved in the sale of furs and wild animals (RCAP, 1996b).

Box 2.2**Cultural and Spiritual Practices as a Form of Resistance**

In an effort to force assimilation, the *Indian Act* suppressed cultural and spiritual practices. Included among the restricted activities were ceremonies associated with the Sun Dance and the Thirst Dance, as well as the Potlatch, a common ceremony among First Nations in the Northwest that was used to mark significant rites of passage, including births and marriages. Potlatch gatherings involve songs, dances, and occasions for gift giving. Traditionally, these ceremonies also served a practical economic purpose by redistributing a community's food and material goods and reinforcing status among community members (U'mista Cultural Society, 2018). These ceremonies and the values they reinforced were seen as a threat to the colonial project in Canada.

In 1921, in defiance of the *Indian Act*, Chief Dan Cranmer of the 'Namgis First Nation hosted a large Potlatch. Indian agents broke up the three-day ceremony. Forty-five participants were arrested, and 20 among them were taken from the community to serve prison sentences in the Lower Mainland. Those who remained were forced to recommit to abandoning the Potlatch and to relinquish their ceremonial artifacts, including hundreds of pieces of culturally important regalia that included clothing, masks, and other heirlooms. The confiscated objects were removed from their community and subsequently sold or given to collectors and museums across Canada and internationally. The 1921 Potlatch remained an important story among the Kwakwaka'wakw people and its telling helped to sustain the tradition of the Potlatch over time. In the 1950s, the Kwakwaka'wakw people began the task of locating and reclaiming their stolen goods. Most (not all) of the items have been repatriated and are now housed in two museums operated by the Kwakwaka'wakw (U'mista Cultural Society, 2018).

2.3.6 The Introduction of the Pass System

In response to the North-West Resistance (Section 2.3.2), the pass system was introduced to reserves in 1885 in an effort to monitor and control the movement of First Nations people on the Prairies. The system required that individuals wishing to leave the reserve obtain a written pass. Passes were issued at the discretion of Indian agents; those without a pass could be taken into custody (Barron, 1988). By limiting movement, government authorities hoped to curb any remaining resistance to westward expansion. The pass system limited First Nations participation in the economy outside the reserves, as well as their participation in cultural life and ceremonies (Carter, 1999). The pass

system was also used to prevent parents from visiting their own children at residential schools and having full knowledge of the conditions at the schools (LeBeuf, 2011).

The pass system was never law, and the government of Prime Minister John A. MacDonald purposefully kept the policy secret, knowing it would be unable to withstand any legal challenge. While the NWMP was initially ordered to enforce the pass system, they eventually gave up doing so based on the knowledge that the system itself was illegal, and therefore there was no justification for its enforcement (Barron, 1988). Evidence shows that the pass system remained in use by Indian agents until the 1940s (Carter, 1999).

2.3.7 Policing the North

Policing has had a presence in the Canadian Arctic since the late 19th century, when Canada asserted its sovereignty over the region through the establishment of scattered, and often temporary, policing posts. These early posts were the first settled federal institutions in the North (Morrison & Smyth, 2018). In the 1920s, more permanent posts were established in the Northwest Territories with the goal of assimilating the Inuit into the Canadian legal system. However, officers assigned to the isolated posts were also tasked with a number of other duties, including delivering mail, collecting taxes, distributing first aid and welfare, and forwarding reports back to headquarters in Ottawa (Qikiqtani Inuit Association, 2014). During this period the vast majority of Inuit lived a traditional seasonally based, semi-nomadic lifestyle and were dependent on hunting and harvesting for their subsistence (Qikiqtani Inuit Association, 2014).

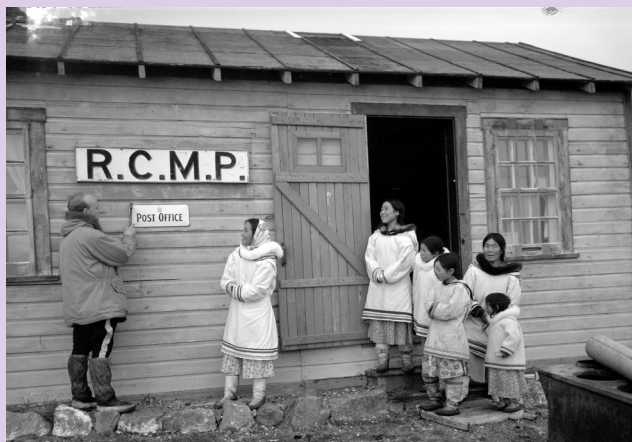
The first RCMP officers assigned to these posts received no special training to prepare them for life in the Arctic. They relied upon the Inuit for their survival, with the Inuit lending their skills to feed, clothe, guide, and shelter officers. It was not until 1953 or 1954 that the RCMP first offered its recruits a short course on northern conditions (Qikiqtani Inuit Association, 2014). This lack of training meant that RCMP officers came to rely heavily on Inuit special constables (Box 2.3). The role of special constables emerged in the 1930s, and these individuals proved vital for their ability to translate and to pass on traditional knowledge that essentially helped RCMP officers survive the arctic climate. Special constables were compensated at a lower salary than officers and were at times paid in rations. They were not provided opportunities for advancement until the 1990s, when the special constable program was discontinued and its members were given the opportunity to become regular members of the RCMP (Bonesteel, 2006; Qikiqtani Inuit Association, 2014).

Box 2.3**The Arrival of RCMP in the North and the Importance of Special Constables**

Policing, in the Western sense, is a fairly recent service for Inuit. My father was part of the last generation of nomadic Inuit and, as a leader in his community, was also within the first generations to interact with RCMP officers arriving from the south. When meeting the RCMP, like many other Inuit, he took particular notice that officers carried guns that were not for the use of obtaining food. It was hard for Inuit to grasp that weapons could be used against people rather than for hunting. Inuit customs were unwaveringly strict and respectful of the animal lives that were taken for consumption until outside influences and values began overriding Inuit ones. Prior to this colonizing factor, and the erosion of Inuit values, there had been many rituals involved in the taking of a life, no matter the species.

Until the 1990s, the Inuit RCMP special constables provided a critical link between the community and the regular members of the RCMP. They were role models to the people in our communities. Special constables were a trusted point of contact, able to understand the culture, the language of the communities, and the traditional values of the people — something that many regular RCMP members serving on Inuit lands today still do not subsume. Since the abolition of special constables, this critical link has been lost and never replaced. Many Inuit desire a police service that reflects themselves; their worldview, their daily practices their cultural values, their way of being. Respect.

(Y. Niego, personal communication, 2018)



Courtesy of National Film Board of Canada. Photograph: W. Doucette.
Phototheque / Library and Archives Canada / e002265622.

2.3.8 The Transformation of Inuit-RCMP Relations

RCMP-Inuit relations were characterized by an imbalance of power. The Inuit often did not understand the language or the specific rules of the white officers, but they fully understood that the RCMP had power over them. Faced with this power dynamic, some Inuit responded with what is known in Inuktitut as *ilira*, which has been described as “a sense of fear, intimidation, and embarrassment” (Qikiqtani Inuit Association, 2014). In the context of Inuit communities, *ilira* worked as a form of positive social control. However, in the context of Inuit-police relations it led to a sense among the Inuit that they were unable to confront the police or speak out against them. RCMP requests were understood to be orders. When an RCMP officer requested that an Inuit family send their child to school or relocate to a new community, the Inuit would often do so without question (Qikiqtani Inuit Association, 2014). In explaining why his own family decided to relocate from Inukjuak, Quebec, to Resolute, Nunavut (formerly Northwest Territories), John Amagoalik explained:

I think it's also important for people to understand that when the RCMP made a request to you in those days, it was seen as something like an order. You are ordered to do this. The RCMP officers had a lot of power. They could put you in jail. That's the way they were viewed in those days. A request from the police was taken very, very seriously.

(Qikiqtani Inuit Association, 2014)

Policing among the Inuit continued to evolve throughout the 20th century. The construction of airfields in the 1940s and the Distant Early Warning (DEW) Line, a series of military radar stations in the far north, in the 1950s meant that the RCMP were increasingly called upon to manage relations between the Inuit and an influx of white settlers (overwhelmingly male). Beginning in the 1950s, the High Arctic relocation further transformed relations. It forced many Inuit to adapt to unfamiliar laws, and it brought them into increasing contact with a justice system that was complicated and ill-suited to their traditional way of life (Qikiqtani Inuit Association, 2014).

Relocations and settlement life profoundly affected Inuit-police relations. RCMP officers were no longer visiting scattered communities to offer medical assistance or provide welfare, nor were they dependent on the Inuit for survival, as they had been early in the 20th century. Officers were now more strictly relegated to enforcing laws, many of which made little sense to the Inuit, including ill-conceived community dog ordinances. While RCMP officers had once depended on dog teams for travel and on the Inuit to assist in maintaining these teams, new dog ordinances required that dogs be tied up and corralled within settlements. The laws were often prohibitively expensive for Inuit to follow, or

made little cultural sense. As a result of the ordinances, RCMP officers were known to shoot loose dogs, or any others that they felt might be a threat. This resulted in the killings of thousands of sled dogs, which further deteriorated relations between the Inuit and police (Qikiqtani Inuit Association, 2013). The Qikiqtani Truth Commission found that dog ordinances were just one part of “a series of interconnected government policies and laws put into effect and enforced by the RCMP, which quickly undermined traditional Inuit ways of living” (Qikiqtani Inuit Association, 2013).

Post-1960s, fewer Inuit showed interest in positions as RCMP special constables, and cooperation with police was viewed with more suspicion than it had been in previous generations (Qikiqtani Inuit Association, 2014). Because the Inuit lacked full access to the justice system, which included lawyers, judges, courts, and interpreters, the RCMP was the sole face of policing and authority in the North. In this system, the RCMP could impose laws and punishment at will and without accountability. Inuit offenders were left without recourse, and ultimately, as noted by the Qikiqtani Truth Commission, “*ilira* was replaced by resentment” (Qikiqtani Inuit Association, 2014).

2.4 GATHERING STRENGTH (1960–PRESENT)

Inspired by the civil rights and protest movements of the 1960s, Indigenous people in Canada have, since the late 20th century, joined together in unified political organizations to fight for equal rights and recognition. Indigenous organizations and communities have, at various points, demanded an end to police discrimination and to have policing arrangements that represent their laws and values. What recent history and examples from this chapter show is that change has been most often sparked by crisis. It has been only in extreme situations that the federal and provincial/territorial governments have been compelled to act to truly respect Indigenous rights.

2.4.1 The Sixties Scoop

Even as the enrolment of Indigenous children in the residential school system was being phased out in the 1950s, government still endorsed removal of Indigenous children from their families and home communities, and their placement into the child welfare system was becoming commonplace. Social workers often justified their actions based on the child’s best interest, but most social workers lacked training in and knowledge of Indigenous culture and often misread cultural differences in child rearing and diet as signs of neglect. Conditions of poverty were also equated with neglect, and as a result many children were removed from loving families because of poverty or unemployment (Hanson, 2009).

These actions, now commonly referred to as the Sixties Scoop, led to the dramatic overrepresentation of Indigenous children in the child welfare system. By the 1970s, one-third of children in state care were Indigenous (Hanson, 2009). Those in adoptive or foster care were typically placed in non-Indigenous homes throughout Canada and the United States. Like in the residential schools, mental, physical, sexual, and spiritual abuse were common in these settings. In addition, many children were denied the right to practice or even know about their Indigenous culture (White & Jacobs, 1992; Hanson, 2009). The result is generations of stolen children who suffered psychological and emotional traumas that have since shaped their adulthood and their connections to their communities (Sinclair, 2007).

Beginning in the 1980s, critiques of the treatment of Indigenous children, as well as the efforts of First Nations and Metis, led to revised adoption laws that gave priority to extended families and Indigenous people in adopting Indigenous children (Hanson, 2009). However, problems persist. Indigenous children are still overrepresented in the child welfare system (Aboriginal Children in Care Working Group, 2015). For example, in Ontario, the proportion of Indigenous children admitted to care is 2.6 times higher than their proportion in the child population (OHRC, 2018). The lives of Indigenous children continue to be undervalued, and funding for basic services, including healthcare, clean water, and adequate food and housing, continues to be far below national standards (CHRT, 2016).

2.4.2 The White Paper

The federal government's publication of the *Statement on Indian Policy*, commonly known as the "White Paper," was a defining moment in Indigenous activism. Published in 1969, the proposed federal policy articulated a number of major changes to the relationship between the federal government and Indigenous people in Canada. Among the proposals were the abolition of the *Indian Act*, special Indigenous status, and treaties, and the eventual phase-out of the Department of Indian Affairs and Northern Development (Chrétien, 1969). It was also proposed that the responsibility for Indigenous services be transferred from federal to provincial authorities. As stated by Jean Chrétien, then the federal Minister of Indian Affairs, the policies put forward set out to remove "the burden of separation" that had emerged as a result of colonialism (Chrétien, 1969).

Indigenous Peoples did not seek to remove the legal distinctions that existed between them and Canadians. The policies proposed in the White Paper were decried by Indigenous leaders and organizations and seen as another attempt at assimilation, as well as an effort to terminate Indigenous rights and abandon

promises laid out in historic treaties. In response, *Citizens Plus* (known as the “Red Paper”) by the Indian Association of Alberta and *A Declaration of Indian Rights: The B.C. Indian Position Paper* (known as the “Brown Paper”) by the Union of British Columbia Indian Chiefs were both published. These documents advocated for First Nations rights, including the right to Aboriginal land title (Lagace & Sinclair, 2015). Advocacy against the White Paper also gave rise to a national First Nations resistance movement that led to the creation of the National Indian Brotherhood (renamed the Assembly of First Nations in 1982) as well as a number of regional advocacy groups (AFN, 2003; Metallic, 2017). The pressure brought to bear by these groups ultimately led to the abandonment of the White Paper in 1971 (TRC, 2015a).

2.4.3 The Assertion of Indigenous Rights

Since the White Paper, Indigenous people have continued to mobilize politically in an effort to assert their rights, both in the language of the constitution and in practice. There have been continued demands to settle ongoing land claims as well as efforts to exercise self-governance and greater control over their everyday affairs (TRC, 2015a).

In addition to political mobilization, there have also been a number of confrontations between Indigenous Nations and the police, including the RCMP and provincial police services. While many of these confrontations reveal important aspects of the fractured relations between Indigenous Nations and the police, the Panel has chosen to highlight the confrontations at Oka and Ipperwash as both of these confrontations precipitated important inquiries and policy changes.

The Oka Resistance and the Road to the Royal Commission on Aboriginal Peoples

Among the events that have led to changes in the relationship between Indigenous people and the police was the Oka Resistance in 1990. This protest was key in forcing the federal government to acknowledge Indigenous grievances and the nation’s own history of broken treaty promises. This event also highlighted just how broken relations were between both federal and provincial police services and the Indigenous communities that they were meant, but often failed, to serve.

The Oka Resistance took place over 78 days and pitted Kanien’kehá:ka (Mohawk) people first against the SQ and later against the RCMP and the Canadian Armed Forces. The dispute arose from the local town of Oka’s plans to expand a golf course on asserted Kanehsatá:ke land that included a burial ground. Kanehsatá:ke’s land assertion had been repeatedly rebuffed by the federal government. To halt the latest development, the Kanien’kehá:ka

of Kanehsatá:ke set up blockades to protect the land, and were soon joined by other Kanien'kehá:ka people from neighbouring communities and other supporters from beyond.

On July 11, 1990, Jean Ouellette, the mayor of Oka, called in the SQ, who met the land protectors with tear gas and concussion grenades. The resistance gathered publicity and momentum, but with no resolution in sight by mid-August, the RCMP and the Canadian Forces were called in to replace the SQ. Under intense pressure, Kanehsatá:ke ended the standoff on September 26. The federal government purchased the land and cancelled plans for development. While the intention of the purchase was to transfer the land to Kanehsatá:ke, the land remains in federal hands, having not yet been transferred (Marshall, 2019a).

The Oka Resistance had a number of important effects on the relations between Indigenous people and non-Indigenous Canadians as well as between Indigenous Peoples and law enforcement. First, the Oka Resistance was a trigger for the creation of the FNPP (PS, 2016a). In 1991, the FNPP was launched as a response to the myriad problems of policing in Indigenous communities. The program was intended to be a community-driven and community-responsive form of policing. The FNPP continues to exist today and is administered by PS. It is funded by the federal government as well as by provincial and territorial governments. A detailed analysis of the program's successes and failures can be found in Chapter 5 of this report.

Second, the RCAP also began in 1991 in response to the Oka Resistance. The Commission was given a mandate to "investigate the evolution of the relationship among aboriginal peoples (Indian, Inuit and Métis), the Canadian government, and Canadian society as a whole" and to propose potential solutions (RCAP, 1996b). The Commission, which included public hearings, site visits to Indigenous communities, and expert testimony and research studies, covered a breadth of issues related to the relationship between Indigenous and non-Indigenous communities across Canada. In 1996, the Commission produced a five-volume report, of which the third volume dealt extensively with social issues, including the overrepresentation of Indigenous people in the justice system and the causes for this overrepresentation. These causes include the legacy of colonization and assimilationist policies, troubled relations with non-Indigenous police services, poverty, family violence, alcoholism, and lack of opportunities in education and employment. The report recommended self-governance of the justice system (RCAP, 1996d). An additional report, *Bridging the Cultural Divide*, focusing exclusively on Indigenous people and the justice system, was also released by the RCAP in 1996 (RCAP, 1996e) (Table 2.1).

While the five-volume report is extensive in its research and remains an important document over 20 years after publication, many of the Commission's recommendations have gone unheeded (TRC, 2015a). As recently as August 2017, the United Nations Committee on the Elimination of Racial Discrimination published its review of Canada, citing a number of concerns, including the overrepresentation of Indigenous people in the prison system and the inequitable funding of education and other basic services for Indigenous children (UN CERD, 2017).

Ipperwash

The events at Ipperwash began one year before the release of the RCAP report and further deteriorated the relationship between the Stoney Point Ojibway Band community and the OPP. As in the case of Oka, a long-simmering land dispute led to a confrontation between provincial police and First Nations. The roots of the crisis began in 1942, when the federal government, under the authority of the *War Measures Act*, appropriated the land of the Stoney Point First Nation to build a military training camp. The land was taken with the assurance that it would be returned at war's end and that the burial sites would be cared for and respected. With their reserve seized, the Stoney Point First Nation was relocated to the nearby Kettle Point Reserve. When the Second World War ended, the military failed to close its camp and return the land as promised (Linden, 2007).

It was not until 1994, following repeated peaceful demonstrations, that it was announced that the land would be returned. One year later, members of the Stoney Point First Nation occupied the buildings of Camp Ipperwash and Ipperwash Provincial Park, demanding the return of their land and protesting the treatment of graves, which had been neglected in the intervening decades. In the weeks that followed, police and demonstrators clashed, resulting in the death of community member Anthony O'Brien "Dudley" George (Linden, 2007).

In response to the events at Ipperwash, a public inquiry chaired by the Honourable Sydney Linden was initiated in 2003, under the leadership of a new provincial government. The inquiry was completed in 2006. Its findings showed evidence of racism among the OPP as well as a lack of knowledge regarding Indigenous history and realities (Linden, 2007). The inquiry recommended the immediate return of Camp Ipperwash to the Stoney Point First Nation. In 2015, an agreement was reached between the federal government and the Kettle and Stoney Point First Nations that provided for the return of the land and financial compensation (INAC, 2016).

2.4.4 Recommendations from Commissions and Inquiries

In addition to the reports and inquiries described above, which have resulted from Indigenous resistance movements, a number of other commissions and inquiries have highlighted examples of inequity and sometimes gross misconduct in the relations between Indigenous people and policing and justice systems in Canada. Table 2.1 provides a sampling of some of these commissions and inquiries since 1989. The Panel has chosen to highlight commissions and inquiries from the last 30 years that have had an impact on policing in Indigenous communities or on the relationships between Indigenous communities and the criminal justice system. The impacts of these commissions and inquiries have varied. In some cases, the findings have effected little change, but in some instances, the findings and recommendations have had a meaningful impact. For example, the 2004 inquiry into the death of Neil Stonechild resulted in a number of changes to the Saskatoon Police Service that have included outreach and consultations with Indigenous communities in the area, as well as the hiring of more Indigenous officers (Box 3.2 and Section 6.2.2).

Table 2.1
List of Commissions and Inquiries Related to Indigenous Policing and Justice

Year	Commission or Inquiry	Precipitating Event	Highlights of Recommendations
1989	Royal Commission on the Donald Marshall, Jr., Prosecution (NS) Chair: Chief Justice T. Alexander Hickman	Wrongful murder conviction of Donald Marshall, Jr.	The Commission provided 82 recommendations to improve policing and the justice system in Nova Scotia, including suggestions to improve relations with Indigenous people such as the appointment of visible minority judges and the establishment of a Native Justice Institute.
1990	<i>Report of the Osnaburgh-Windigo Tribal Council Justice Review Committee</i> (ON) Chair: Alan Grant	Arrest and injury of Stanley Shingebis for drunkenness; Shingebis became a quadriplegic between arrest and date of release	The Committee recommended that policing in northern Ontario be undertaken by a First Nations police service and controlled by a police commission with a majority of First Nation members. In the interim, OPP members serving in northern Ontario should receive proper training and education on the language and culture of First Nations Peoples.
1991	<i>Policing in Relation to the Blood Tribe: Report of a Public Inquiry</i> (AB) Commissioner: Chief Judge C. H. Rolf	Increasing incidents of deaths and murders of Blood Tribe members under mysterious circumstances, including the murder of Bernard Tallman, Jr. (1988) and questions surrounding the investigation	Inquiry findings showed that Blood Tribe members viewed the RCMP as enforcers rather than as protectors. The inquiry produced 36 recommendations including an urgent need for cross-cultural training for Indigenous and non-Indigenous officers, more timely missing persons investigations, and consultations with the Blood Tribe to ascertain the model of policing best suited to the community.
1991	<i>Justice on Trial: Report of the Task Force on the Criminal Justice System and its Impact on the Indian and Metis People of Alberta</i> (AB) Chair: Justice R. A. Cawsey	Indigenous and government concerns about the level of justice provided by the criminal justice system to Indigenous people	The Task Force found that Indigenous people are victims of racism and discrimination in the criminal justice system and recommended decentralization to make criminal justice systems accountable to the communities they serve and the inclusion of Indigenous people, including Elders, in all levels of decision-making in the criminal justice system.

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Year	Commission or Inquiry	Precipitating Event	Highlights of Recommendations
1991	<i>Report of the Aboriginal Justice Inquiry of Manitoba</i> (MB) Commissioners: Associate Chief Justice Alvin Hamilton and Judge Murray Sinclair	The 1987 trial of two men for the 1971 murder of Helen Betty Osborne in The Pas, Manitoba, and the 1988 death of J.J. Harper following an encounter with a Winnipeg police officer	The Commissioners identified priority areas of work: Indigenous rights, justice system reform and the need for crime prevention through community development. They also recommended the creation of the Aboriginal Justice Commission.
1991	<i>Law Reform Commission of Canada Report on Aboriginal Peoples and Criminal Justice: Equality, Respect and the Search for Justice</i> President: Gilles Létourneau	Request of Minister of Justice the Honourable A. Kim Campbell	The Commission recommended the more equitable treatment of Indigenous people in the justice system by overcoming language difficulties and cultural barriers through recognition of Indigenous people's right to use their own languages in court proceedings, an increase in community involvement in the justice system, and greater police accountability to communities they serve.
1992	<i>Report of the Saskatchewan Indian Justice Review Committee, and Report of the Saskatchewan Metis Justice Review Committee</i> (SK) Chair: Judge Patricia Linn	Established to make justice systems more responsive to the needs of Indigenous and Metis communities	The Committee recommended improved data collection to help understand the relationship between Indigenous people and the justice system, the implementation of special measures focused on young Indigenous offenders, and programming to assist Indigenous officers in handling the pressures of employment.
1996	Royal Commission on Aboriginal Peoples Chairs: René Dussault and Georges Erasmus	The Oka Resistance	The Commission created a 20-year agenda to better the lives of Indigenous Peoples in a variety of areas.
1996	<i>Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada</i> Chairs: René Dussault and Georges Erasmus	Royal Commission on Aboriginal Peoples	The Commission pointed to a critical need for a new relationship between Indigenous Peoples and non-Indigenous society that rejects the colonial model. The Commission recommended the establishment of systems of Indigenous justice that would provide Indigenous communities with a greater measure of control.

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Year	Commission or Inquiry	Precipitating Event	Highlights of Recommendations
2000	Report to the Attorney General: Tsuut'ina First Nation Inquiry (AB) Judge: Thomas R. Goodson	The shooting death of Constance Jacobs and her son, Tyundanaikah (nine years old), on the Sarcee Reserve	The Inquiry recommended that tribal police services be properly equipped and trained, including having more than one officer on duty, and that control of child and family services be returned to First Nations or other local communities.
2004	<i>Report of the Commission of Inquiry into Matters Relating to the Death of Neil Stonechild</i> (SK) Commissioner: Justice David H. Wright	The 1990 death of Neil Stonechild from hypothermia and accusations that police misconduct contributed to his death	The Inquiry found that the police failed to properly investigate the death of Neil Stonechild. It was recommended that a program be established for the training and hiring of Indigenous officers at the Saskatchewan Police College, that there be improved procedures to deal with public complaints regarding improper police conduct, and that municipal officers receive in-depth training relating to Indigenous culture, history, and social structures.
2007	<i>Ipperwash Inquiry Report</i> (ON) Commissioner: Sidney B. Linden	The 1995 shooting death of Anthony O'Brien "Dudley" George during occupation at Ipperwash Provincial Park	The Inquiry provided recommendations to help the provincial government respond to future occupations and demonstrations, including greater resources directed at settling land claims, clarification of the role of police in such situations, and the involvement of Indigenous police officers and mediators. The inquiry also recommended the creation of a Treaty Commission in Ontario and a new Ministry of Aboriginal Affairs.
2009 2011	<i>Alone and Cold: Inquiry into the Death of Frank Paul</i> (BC) <i>Alone and Cold: Criminal Justice Branch Response</i> (BC) Commissioner: William H. Davies	The 1998 death of Frank Paul, a Mi'kmaq man who died of exposure and hypothermia after police refused him a spot in a detoxification cell and left him in an alley while he was severely intoxicated and wet	The Commission recommended that the city of Vancouver and the Indigenous community develop joint policies to respond to the needs of homeless chronic alcoholics, and that a civilian oversight model be used to investigate police-related deaths.

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Year	Commission or Inquiry	Precipitating Event	Highlights of Recommendations
2012	<i>Forsaken: The Report of the Missing Women Commission of Inquiry</i> (BC) Commissioner: Wally T. Oppal	Police investigations between January 1997 and February 2002 into the disappearance of women from Vancouver's Downtown Eastside	The Commission found that clear predatory violence was occurring and that institutions failed to protect vulnerable women. The commission recommended efforts to ensure equality of services to protect marginalized and Indigenous women from violence, the development of a strategy to enhance the safety of vulnerable women, and improved standards for investigating missing persons cases.
2013	Qikiqtani Truth Commission (NU) Commissioner: James Igloliorte	A call for a public inquiry into the killing of <i>qimmit</i> (sled dogs) between 1950 and 1975	The Commission reported on the history of policy decisions and events that affected Inuit in the Qikiqtani region from 1950 to 1975. The Commission recommended that the Government of Canada acknowledge the social harms caused by historical wrongs and that sufficient mental health and addiction programs be provided to meet the needs of Nunavut communities.
2015	Truth and Reconciliation Commission of Canada Chair: Justice Murray Sinclair	The Indian Residential Schools Settlement Agreement	The Commission documented the history of residential schools and issued 94 Calls to Action, including Calls directed at the justice system to eliminate the overrepresentation of Indigenous people in the system.
2017	<i>Report of the Independent Police Oversight Review</i> (ON) Independent Reviewer: Justice Michael H. Tulloch	Police shooting death of Andrew Loku in Toronto and public demonstrations over dissatisfaction with policing and police oversight	The report provided recommendations that included greater clarity on civilian police oversight bodies, mandatory cultural competency training for oversight staff, and greater transparency in Ontario's Special Investigations Unit.

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Year	Commission or Inquiry	Precipitating Event	Highlights of Recommendations
2018	<i>Broken Trust: Indigenous People and the Thunder Bay Police Service</i> , Office of the Independent Police Review Director (OIPRD) (ON) Director: Gerry McNeilly	Concerns from First Nations leaders and community members that the Thunder Bay Police Service (TBPS) had failed to properly investigate the deaths of Indigenous people, and that TBPS members routinely devalued Indigenous lives	The review found that TBPS's investigations into the sudden deaths of Indigenous people were so problematic that at least nine cases required reinvestigation. Systemic racism provided a partial explanation for these failures. The review resulted in 44 recommendations to improve the investigation into sudden deaths, including improvements to the TBPS Criminal Investigation Branch and other operational areas.
2018	Thunder Bay Police Services Board Investigation (ON) Lead Investigator: Senator Murray Sinclair	Concerns raised by First Nation leaders from Nishnawbe Aski Nation, Grand Council Treaty 3, and Rainy River First Nation regarding TBPS Board oversight of police services following a series of deaths of Indigenous people	The investigation found systemic racism in the TBPS that can be traced back to an absence of leadership within the TBPSB. The investigation resulted in 45 recommendations, including the disbanding of the current TBPSB, the creation of new Board policies, and the diversification of the TBPS.
In progress (2019)	National Inquiry into Missing and Murdered Indigenous Women and Girls Chief Commissioner: Marion Buller	Calls for action from Indigenous families, communities, and organizations regarding the epidemic of missing and murdered Indigenous women and girls	
In progress (2019)	Quebec Inquiry Commission on relations between Indigenous Peoples and certain public services in Quebec, Val-d'Or Inquiry (QC) Commissioner: Jacques Viens	Potentially discriminatory practices toward Indigenous Peoples in Quebec in the delivery of public services, including allegations of police abuse against Indigenous people (especially women) in Val-d'Or	

2.4.5 Idle No More

Today, many Indigenous communities continue to draw upon their history of resistance in order to speak out on the issues that matter to their communities, including the fight for land rights, respect for Indigenous sovereignty, and the forging of a new nation-to-nation relationship. Among the most significant recent events has been the emergence of Idle No More.

Idle No More was founded by four women (three Indigenous and one non-Indigenous) in 2012. The initiative gained an influential national presence and has inspired global Indigenous movements (Marshall, 2019b). Idle No More has been notable for its deft use of social media, its ability to mobilize youth, and its challenge to existing Indigenous leadership. Idle No More, and other movements like it, continue to shape the story of Indigenous people in Canada, not only by challenging the state, but also by challenging the role of the police as an arm of the state.

2.5 CONCLUSION

As a result of colonialism, cultural suppression, and changes in the structure of communities, order and justice within Indigenous communities has become increasingly detached from traditional Indigenous practices. In the pre-contact era, Indigenous communities shared an understanding of policing and justice that contrasted sharply with the dominant ideas found in the colonial models that were later imposed upon them. Colonial models typically viewed deviant behaviour as a threat to be controlled, punished, and sent away in order to deter and protect, and policing was often the tool used to exert control. In contrast, in many Indigenous societies, laws included the promotion of reconciliation between offenders and victims and the restoration of peace within both the offender and the community at large. This difference is described by Sinclair (1994):

This is a fundamental difference. It is a difference that significantly challenges the appropriateness of many of the ways in which the present legal and justice systems deal with Aboriginal people in the resolution of their conflicts, in the reconciliation of accused with their communities and in maintaining community harmony and good order.

As the following chapters in this report highlight, the current conditions under which policing operates perpetuate the failure to meaningfully incorporate Indigenous laws and values into culturally competent policing models.

Canadians are still in the process of revealing and accepting the many injustices that Indigenous Peoples have suffered and continue to suffer under government policies conceived in Ottawa and carried out by local police services. The past remains with us in very concrete ways. The *Indian Act*, a quintessential piece of colonial legislation, still governs Indigenous activities. While it has been amended since its first passing, with many of its most egregious and racist elements removed, the *Indian Act* still exists. It continues to exercise control over the day-to-day decisions of Indigenous communities and repeatedly fails to recognize Indigenous rights to self-determination and self-government (Coates, 2008).

Traumas from the past and ongoing inequality of services continue to impact the safety and well-being of Indigenous people across Canada. Reflections on the ways in which colonial history and practices have shaped and continue to impact the realities faced by Indigenous people in Canada are critical for supporting culturally appropriate and decolonized policing and addressing challenges to community safety and well-being.

3

Indigenous Community Safety and Well-Being

- **Statistics About Crime and Crime-Related Issues in Indigenous Communities**
- **Social Issues Facing Indigenous Communities**
- **Added Dimensions of Safety and Well-Being**
- **Conclusion**

3 Indigenous Community Safety and Well-Being

Key Findings

Quantitative crime-related statistics offer information about Indigenous communities that cannot be ignored; however, these measures come with a number of caveats and represent only one part in developing an understanding of the realities of Indigenous safety and well-being.

Policing is intimately linked to the socio-economic inequities facing Indigenous communities, as well as political, legal, social, and cultural factors resulting from colonization. Approaches to policing can be considered as part of a broader solution that addresses Indigenous community safety and well-being.

The well-being of Indigenous communities is positively impacted by connections with family and the land, cultural and spiritual expression, the preservation of Indigenous languages, self-determination, positive self-identity, and community cohesiveness. These dimensions of well-being are central to decolonized policing in Indigenous communities.

Ways to regulate daily life and promote healthy, balanced communities are strongly embedded in Indigenous values and principles. There is an opportunity for policing approaches to reflect holistic views of safety and well-being that already exist in Indigenous communities.

Chapter 2 shows policing in Indigenous communities is linked to a much broader context grounded in a past that defines current realities for Indigenous people. In order to better understand policing in Indigenous communities, the Panel examined a range of factors that are related to safety and well-being in Indigenous communities, including social and cultural factors. The first part of this chapter briefly reviews statistics related to crime, victimization, incarceration, and socio-economic indicators. However, the Panel recognizes that these statistics cannot provide a comprehensive picture of safety and well-being in Indigenous communities or to emphasize the many successes of Indigenous community-led safety and well-being initiatives. This chapter considers additional dimensions of safety and well-being that have implications for policing and other services in Indigenous communities.

3.1 STATISTICS ABOUT CRIME AND CRIME-RELATED ISSUES IN INDIGENOUS COMMUNITIES

Quantitative measures related to crime and well-being offer information about Indigenous communities that cannot be ignored. However, the ways in which these realities are portrayed often lead to statistics-based narratives of despair that fail to incorporate the perspectives of community members themselves (Friedland, 2016b; McGuire-Adams, 2017). Depictions of crime and disorder within Indigenous communities in Canada rely on administrative data related to criminal justice processing. These include incident-based police reports involving criminal code entries, and data from criminal courts and correctional services (Kong & Beattie, 2005). Incarceration statistics at the federal and provincial/territorial level have led to the repeat conclusion that Indigenous people are overrepresented in the criminal justice system (Roberts & Reid, 2017).

3.1.1 Police-Reported Crime Statistics for Indigenous People and Communities

In Canada, Indigenous people are statistically overrepresented among those accused of violent crimes by police when compared to their numerical representation in the Canadian population. In 2016, the rate of Indigenous people accused of homicide (9.75 per 100,000) was 11 times higher than that of non-Indigenous people (0.88 per 100,000) (David, 2017). While current data comparing crime on and off reserve is not comprehensive, police records indicate that in 2004, on-reserve crime rates for total *Criminal Code* offences (excluding traffic) were approximately three times higher than in the rest of Canada (28,900 per 100,000 versus 8,500 per 100,000, respectively) (Brzozowski *et al.*, 2006). On- versus off-reserve differences in police-reported crime rates were particularly pronounced with respect to assault and homicide for adults, and with respect to homicide, break and enter, and disturbing the peace for youth ages 12 to 17. As in the rest of Canada, on-reserve youth were generally less likely to be accused of a violent crime compared to adults, and on-reserve criminal charge rates were greater for men than for women. However, separating on- and off-reserve police reporting is problematic, given that “on-reserve” refers to the geographical location of the criminal activity, not the residency of those involved (Brzozowski *et al.*, 2006).

In 2016, PS surveyed crime rates in FNPP-funded reserve communities and the findings were similar to those described above for reserves in general. Police-reported crime rates in FNPP communities remained higher than the rest of Canada, despite overall decreases between 2004 and 2013. Specifically, violent crime rates were six times higher in FNPP communities, while assault

and sexual assault rates were seven times higher (PS, 2016a). Police-reported crime rates for Inuit Nunangat communities follow similar trends. Compared with the rest of Canada, overall crime rates were reported to be close to six times higher, while violent crime rates were nine times higher (Charron *et al.*, 2010).

While it is difficult to put into numbers, the over- and under-policing of Indigenous people is critical to consider along with crime and incarceration data. Over-policing results from the targeting of people based on where they live or their ethnic or racial background, and may manifest in a number of ways, including over-surveillance, harassment, provocation, excessive charges for minor offences, or premature arrests. In contrast, under-policing refers to lack of police presence or action, leading to unmet safety needs of individuals or communities (OHRC, 2017a). Various Canadian human rights tribunals and courts (e.g., the Ontario Human Rights Commission, the Ontario Commission on Systemic Racism in the Criminal Justice System, and the Ontario Association of Chiefs of Police) have confirmed the presence of discriminatory policing and discriminatory constructions of Indigenous Peoples. This includes the perpetuation of negative stereotypes. These practices are reinforced through the denial that discrimination is present in the criminal justice system, allowing for the normalization of and failure to counter discriminatory policing (Cao, 2014; OHRC, 2017b).

3.1.2 Indigenous People in Correctional Populations

Indigenous people are also overrepresented in federal, provincial, and territorial prisons (Malakieh, 2018). In 2016, Indigenous people represented 4.3% of the population in Canada but accounted for 25% of the male population and 35% of the female population in federal prisons (OCI, 2016). In 2015–2016, Indigenous youth represented approximately 7% of the youth population in Canada but 31% and 43% of incarcerated male and female youth, respectively (Malakieh, 2017).

La Prairie (2002) emphasized the regional variation in Indigenous overrepresentation among Canadian cities, with the disparity being less pronounced in eastern cities. She showed that the level of overrepresentation in each region was directly related to the degree of socio-economic and structural disadvantage among Indigenous populations. Among women in particular, Indigenous inmates record periods of separation and removal from their family home, past experiences of physical or sexual abuse, personal or family history of attendance at residential school, and a family history of drug abuse (OCI, 2016). The cycle of disadvantage continues in the prison system, where statistics show that Indigenous prisoners are more likely to be housed in

maximum-security prisons, spend more time in segregation, and serve a larger portion of their sentence (OCI, 2016). La Prairie (2002) found that most incarcerated Indigenous people were convicted of off-reserve offences, which “may be explained by the potential for the criminal justice system to respond differently to offenders on and off reserve.”

The systemic disadvantages experienced in the prison system are mirrored in the justice system as a whole. Higher rates of poverty among Indigenous accused makes them less able to pursue vigorous defences (Roach, 2015). In addition, Indigenous accused may experience barriers related to literacy, cultural differences, and language (Carling, 2017). English or French may not be the primary language for some Indigenous accused, preventing them from understanding orders or speaking with arresting officers, or from understanding the particulars of the legal system once charged (Hamilton & Sinclair, 1991). Issues with Indigenous dialects or speech patterns must also be considered and accounted for (Fadden, 2018).

Problems persist beyond language. Systemic discrimination and stereotypes about Indigenous people influence the actions and decisions of prosecutors and juries, as well as defence counsels who have in some cases devoted less time and resources to Indigenous accused or urged them to plead guilty especially when their clients have criminal records. In remote and northern communities in particular, access to lawyers does not begin until the day of the court appearance, and cases are rushed for expediency and for the convenience of judges and lawyers who are flown in for the case. Combined, all of these factors have led to the overrepresentation of Indigenous people in cases of wrongful convictions in Canada (Cummins & Steckley, 2003; Roach, 2015).

In considering parole for offenders, the National Parole Board considers risk of re-offending in its decisions. Evidence suggests that Indigenous offenders are consistently assessed to be a higher-risk in this category than non-Indigenous offenders. One study found that 85% of Inuit inmates were deemed high-risk re-offenders, compared to 73% of First Nations, 67% of Metis, and 57% of non-Indigenous inmates (Moore, 2003). This risk is often judged against an offender’s criminal history, but often an Indigenous offender’s criminal history can be linked to their social conditions (i.e., poverty, addiction, historical trauma). As noted by the TRC (2015f), “[v]iewed in this light, reliance on criminal history in the parole context... may be a form of systemic discrimination that disadvantages Aboriginal offenders.” To address this issue the TRC has called for more support for Indigenous programming in prisons, but also in halfway houses and parole services (TRC, 2015f).

3.1.3 Limitations of Crime and Incarceration Statistics

Statistics on police-reported crime and incarceration have several caveats, and in some cases have limited use for studies related to policing. First, they do not capture the systemic problems in the justice system that continue to result in differential treatment of Indigenous people and strain the relationships between police and Indigenous communities (Chrismas, 2012). Second, portraying Indigenous people in broad strokes (e.g., by reporting their overrepresentation in correctional facilities) does little to capture accurate or comprehensive descriptions of crime and victimization at the community level or differences among the diverse types of Indigenous communities (Wood & Griffiths, 2000).

Third, there are a number of concerns related to the way in which data are collected. These include: (i) the source of data, which come from police, criminal courts, and correctional services rather than victims or community members; (ii) the lack of critical information associated with the data (e.g., demographic qualifiers such as the impact of Indigenous communities being younger than non-Indigenous communities, or other omissions or inaccuracies due to issues of privacy and sensitivity around questions of identity); (iii) the voluntary nature of surveys outside the national census; and (iv) the limited systems and resources to support data collection in police services and detachments (Kong & Beattie, 2005; Allen, 2018). This assessment recognizes that the available crime and incarceration statistics represent only a small part in developing an understanding of the realities of Indigenous safety and well-being.

3.1.4 Indigenous People in Victims of Crime Statistics

Indigenous people in Canada are also overrepresented as victims of crime (TRC, 2015a). Available data show that in 2014, 28% of Indigenous people reported themselves as victims of crime, compared with 18% of non-Indigenous people (Boyce, 2016). In 2017, Indigenous people constituted 24% of homicide victims in Canada, and their homicide rate (8.76 homicides per 100,000) was six times than the rate of non-Indigenous people (Beattie *et al.*, 2018).

Overall, higher rates of victimization are related to several factors that are more pronounced in Indigenous communities. These include experience with childhood abuse, social disorder in one's own neighbourhood, homelessness, substance abuse, and mental health issues. These specific risk factors are associated with higher rates of victimization in all communities, both Indigenous and non-Indigenous (Boyce, 2016). For Indigenous women, statistics show that "[e]ven when controlling for these risk factors, Aboriginal identity still remained a risk factor for violent victimization of females" (Boyce, 2016).

Despite the efforts of organizations such as the Ontario Native Women's Association and the BC Civil Liberties Association, police and the criminal justice system continue to fail Indigenous women and girls (ONWA, 2007; Rhoad, 2013). Indigenous women report experiences of police abuse, harassment, and differential treatment. Allegations of violent abuse of Indigenous women by police have come from across the country, citing incidents of excessive force, sexual harassment, and invasive body and strip searches (HRW, 2017).

Complete understanding of Indigenous victimization is inhibited by limited data. Crimes are often unreported, collection methods among police agencies are inconsistent, and victims, without assured support and anonymity may be reluctant to share their experiences with government agencies like Statistics Canada (TRC, 2015a). In response to these issues, the TRC included among its Calls to Action that the federal government “develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization” (TRC, 2015a).

3.2 SOCIAL ISSUES FACING INDIGENOUS COMMUNITIES

Relationships between Indigenous people and the police “are a microcosm and a subset of a much broader array of relations involving non-Aboriginal and Aboriginal peoples and institutions in Canada” (Hylton, 2006). Surveys of police officers working in Indigenous communities have consistently identified social problems as a major issue negatively impacting their policing (Clairmont, 2013; Jones *et al.*, 2019). Inequities in Indigenous health and social conditions, which are not restricted to reserves or remote communities, include poverty, limitations on the quality and availability of education and employment, inadequate housing, inadequate health and social services, food and water insecurity, and threats to physical and mental health (McCaslin & Boyer, 2009; TRC, 2015a). The NAPS board chair expressed these concerns at a 2017 First Nations Police Governance Workshop. A summary of his words states:

There are 49 communities in Nishnawebe-Aski Nation (NAN); it's a vast region and some infrastructure services are still not provided. We still have boil water advisories; most communities [are] dependent on diesel for electricity generation; there's no room for growth or expansion; we are limited by the lack of water infrastructure; we have little internet availability; and there are social issues like alcohol and drug abuse, suicides, which is one of the biggest challenges for police services. Development is knocking on the door but social issues hamper the ability to get work done.

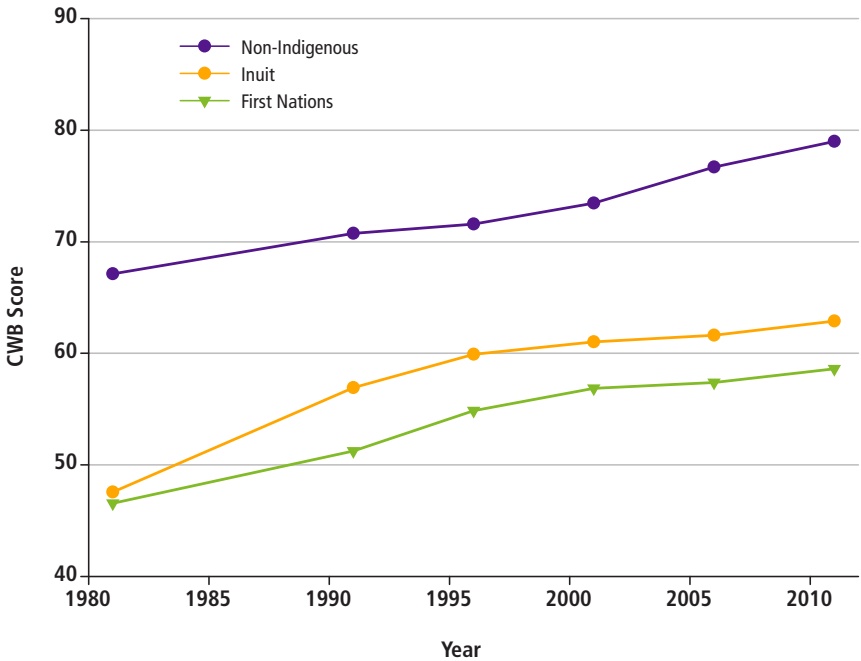
(CAPG, 2017)

Police cannot solve these issues alone, but can be part of a broader solution that addresses safety and well-being in Indigenous communities. As discussed in Chapter 6, policing approaches can involve the building of connections with Indigenous community members and agencies to proactively help those in need by addressing social issues before they require a crisis response.

In an effort to better understand the discrepancy in well-being between Indigenous and non-Indigenous communities, the Government of Canada has used data from the community well-being (CWB) index. The CWB index uses four socio-economic indicators to calculate a score: income, education, housing, and labour force activity (INAC, 2015). For over three decades, CWB scores have been consistently lower (by a 10- to 20-point gap) in First Nations and Inuit communities compared with non-Indigenous communities (Figure 3.1).

Although the CWB index provides a systematic measure of community well-being, it is limited in scope and fails to capture the range of community types and well-being factors relevant for Indigenous communities (Bonesteel, 2006; INAC, 2015). While large data sets such as the CWB index can reveal inequities related to well-being among Indigenous communities, these data must be interpreted with the realization that Indigenous constructs of well-being are more holistic and may include dimensions not adequately captured by the CWB index (Drawson *et al.*, 2017) (Section 3.3). As well, the CWB index does not provide separable information about Indigenous communities within urban centres. Metis people, who are predominantly urban, have not been a focus of government research and data collection, having become a census category only in 1986. In terms of health and well-being, the available data suggest that while the Metis population generally fares better than First Nations and Inuit populations, gaps in education, employment, and income still exist compared with non-Indigenous communities (Anderson, 2016; Macdougall, 2017).

Comack (2012) emphasizes that Indigenous people in cities may also face challenges. For example, in most Canadian cities with a large proportion of Indigenous residents, poverty rates are over twice as high among Indigenous children compared to non-Indigenous children (MacDonald & Wilson, 2016). Common threads in the experiences of over 2,600 urban Indigenous people interviewed in 11 cities across Canada included discrimination, social exclusion, and unfair treatment associated with Indigenous identity. However, respondents generally reported positive views of living in urban centres because of advantages such as better access to health services, education, and employment. For example, urban Indigenous people described a number of successes in the workplace, and the majority of those with high socio-economic status rated their personal health positively (Environics Institute, 2010).



Data Source: INAC, 2015

Figure 3.1

Average CWB Scores for Non-Indigenous, Inuit, and First Nations Communities from 1981 to 2011

Community well-being has improved between 1981 and 2011 in Canada although significant differences exist between communities. During that time period, the CWB index in Inuit and First Nations communities was on average 20 and 26% lower compared to non-Indigenous communities.

The strong Indigenous presence in many cities across Canada, and the mobility of Indigenous people between rural and urban settings, are critical considerations for safety and well-being approaches, particularly in cases where reserve communities are in close proximity to cities. For example, in addition to a population that is 30% Indigenous, the city of North Battleford, Saskatchewan, is surrounded by seven First Nations reserve communities within a 40-kilometre radius. Recent safety planning for the city acknowledged that Indigenous people did not have a voice in community decisions, and that there was a strong need to design an Indigenous engagement action strategy and forge partnerships with neighbouring reserve communities (Sutton, 2016).

3.3 ADDED DIMENSIONS OF SAFETY AND WELL-BEING

In addition to classic socio-economic indicators related to income, education, employment, and living conditions, the health and well-being of Indigenous communities is affected by a range of political, legal, social, and cultural factors (King *et al.*, 2009; CCSDH, 2013). Policing is intimately tied to these factors. It is embedded in a complex legal and policy context marked by a growing emphasis on Indigenous self-determination and the need to recognize Indigenous rights and laws (Chapter 4). Policing (as defined in this report) is also one of many services with the potential to be grounded in local values and traditions, to be delivered in a way that contributes to community well-being and improves the relationships between organizations and community members (Chapter 6). While it is beyond the scope of this report to discuss each factor in detail, a brief overview of some key factors follows. Many of these factors also relate to resilience: the ability of individuals, families, and communities to adapt positively in the face of adversity (Kirmayer *et al.*, 2009). Importantly, well-being and resilience may be distinct, though interrelated, at the levels of the individual, family, and community (Ruiz-Casares *et al.*, 2014).

Interconnectedness and the Maintenance of Balance and Harmony

There is an opportunity for policing approaches to reflect holistic views of safety and well-being that already exist in Indigenous cultures. In this way, the knowledge, values, and laws that are meaningful to each community can guide policing practices. Drawing upon many sources of evidence that examined the traditional values of different Indigenous groups in North America, Dumont (1993) observed common threads:

- Value systems are grounded in a spiritual core often referred to as “wholeness” or “total vision,” which recognizes the interconnectedness of all things.
- Wholeness or total vision instills an attitude of respect for all of life through harmonious relationships.
- Primary values that stem from this core vision and attitude of respect include kindness, honesty, sharing, strength, bravery, wisdom, and humility.

Historically, these values shaped Indigenous ways of regulating daily life, addressing problems, resolving disputes, and preserving safety for all community members (Friedland, 2016a). Upholding these values in the creation of institutions, plans, and programs provides a way to foster harmony and well-being in contemporary communities (Dumont, 1993). Daniel Bellegarde, Chair, Board of Police Commissioners, File Hills First Nations, explains that from a First Nations perspective, no rigid separation exists between a spiritual way and a political way (NIMMIWG, 2018a). Justice is not viewed as a rights-based system, but is grounded in a responsibility to one another and to the land.

It is not about discipline or punishment, but about restoration of harmony. Natural connections to family and Elders were what guided social behaviour, and justice is “an aspect of natural order in which everyone and everything stands in relation to one another” (NIMMIWG, 2018a). Chapter 6 further discusses the value of relationship-based approaches to safety and well-being.

Conceptions of Health

Ideas about policing are a direct reflection of how communities conceptualize what it means to be a good, healthy person. In the words of Ojibway-Anishinabe Elder Jim Dumont, “[w]ellness from an Indigenous perspective is a whole and healthy person expressed through a sense of balance of spirit, emotion, mind and body. Central to wellness is belief in one’s connection to language, land, beings of creation, and ancestry, supported by a caring family and environment” (Dell *et al.*, 2015) (Figure 3.2). Box 3.1 describes ways in which colonialism disrupted the relationships between Indigenous people and the land.

Box 3.1

The Importance of the Land to Indigenous Well-Being

Relationships with the land and the natural world are critical to Indigenous identity. As colonial practices displaced Indigenous people from traditional hunting, fishing, and residential lands. The far-reaching effects included the sedentarization of nomadic communities, loss of economic livelihoods, division of families, breakdown of traditional leadership and justice models, and loss of cultural and spiritual connections to the land. Many Indigenous communities were relocated for industrial development or to simplify and economize the provision of government services and programs (RCAP, 1996b). In some cases, distinct populations were moved into a common community. This occurred in the 1940s when the Mi’kmaq of Nova Scotia were forced to leave their communities and farms and move to one of two reserves chosen by the Department of Indian Affairs (RCAP, 1996b).

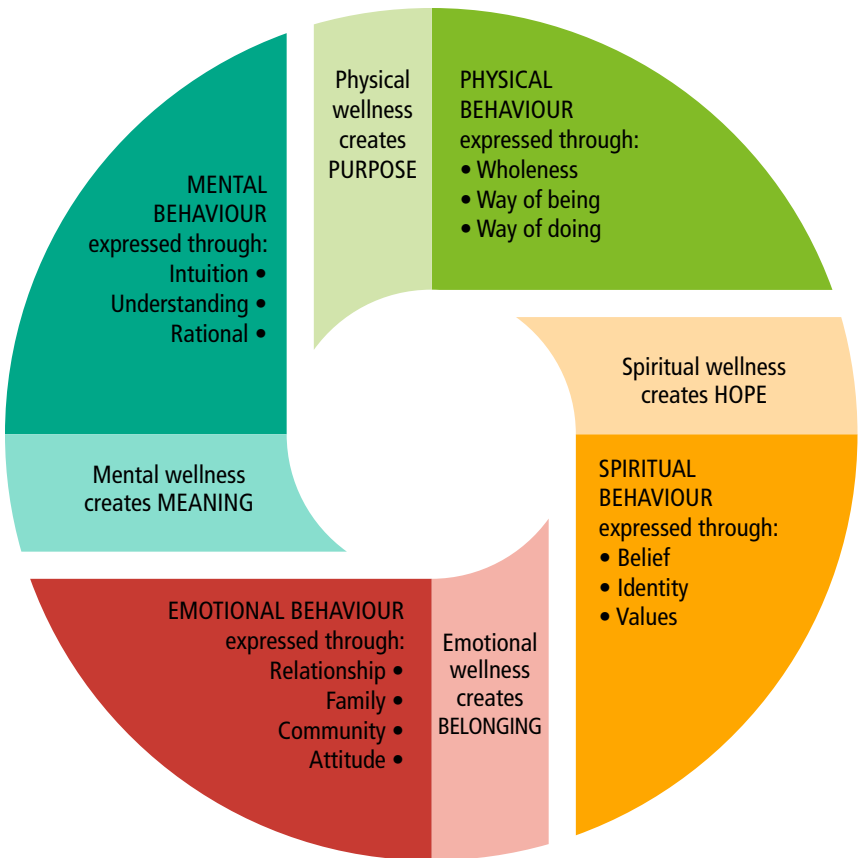
Loss of land and destruction of the environment through globalization, resource exploitation, and climate change have profoundly impacted Indigenous health and identity and are perceived by many Indigenous people as equivalent to a physical assault (King *et al.*, 2009; Richmond & Ross, 2009; Willox *et al.*, 2013). One of countless examples of the impact of environmental destruction on community health and well-being is observed in Grassy Narrows (Asubpeeschoseewagong) First Nation. In this community, industries have contaminated the local river with mercury, causing long-term effects observed over three generations, with 90% of the population currently exhibiting symptoms of mercury poisoning (CBC, 2017; Porter, 2017).

continued on next page

As a result, the physical and mental health of community members has been dramatically affected. A 2016–2017 survey of all Grassy Narrows community members living on reserve showed that 28% had attempted suicide at some point in their life — more than double the rate of other First Nations in Ontario or in Canada (both 13% according to the First Nations Regional Health Survey) (Chiefs of Ontario & FNIGC, 2012; FNIGC, 2012; ANA, 2018).

Nelson and Wilson (2017) note that as a result of colonialism, mental health issues are generally higher among Indigenous people compared to non-Indigenous people in Canada, leading to higher rates of addiction and suicide in some Indigenous communities. Yet they also caution that mental health research on Indigenous people has overemphasized suicide and problematic substance abuse, promoting inaccurate generalizations and in some cases discriminatory treatment by the healthcare system (Nelson & Wilson, 2017). As the Grassy Narrows example illustrates, in order to understand what underlies the physical and mental health of each community, its unique circumstances must be considered.

In addition to connections with the land, positive identity and self-image among Indigenous people are linked to cultural and spiritual expression, traditional teachings and knowledge, and Indigenous language. These are fostered at the family and community level through supportive, trusting relationships (King *et al.*, 2009; FNIGC, 2018). The importance of spirituality transcends all communities, as shown by its inclusion as a component of the World Health Organization's well-being index (Dhar *et al.*, 2011). Box 3.2 shows how the Saskatoon Police Service has incorporated Indigenous values related to well-being, in support of their priorities toward reconciliation.



Adapted with permission from Dell et al. (2015)

Figure 3.2

An Indigenous Wellness Framework

An Indigenous Wellness Framework was developed under the guidance of Elders and community members as part of the Honouring Our Strengths: Indigenous Culture as Intervention in Addictions Treatment research project, a collaboration between the National Native Addictions Partnership Foundation (now known as the Thunderbird Partnership Foundation), the University of Saskatchewan, the Assembly of First Nations, and the Centre for Addiction and Mental Health (Dell, 2012).

Box 3.2**A Focus on Reconciliation and Indigenous Culture:
The Saskatoon Police Service**

As part of their initiatives to build relationships with Indigenous communities, the Saskatoon Police Service (SPS) incorporates Indigenous culture and ceremony into many of their meetings and events. Meetings of the Chief's Advisory Committee, comprised of local Elders and SPS members, are opened with a pipe ceremony, include a meal of soup and bannock, and finish with a sweat lodge ceremony (SPS, 2018a). The SPS also holds lunch-and-learn events, where a meal is shared and Elders discuss Indigenous history, teachings, and culture (SPS, 2018b). In November 2018, the SPS partnered with the RCMP to host their first feast and round dance to honour missing and murdered Indigenous people (RCMP, 2018).

The SPS has expressed its commitment to reconciliation and honouring the TRC Calls to Action. In May 2017, a monument dedicated to missing and murdered Indigenous women and girls was unveiled on the front steps of the police headquarters (SPS, 2018b). In October 2017, the Annual Sisters in Spirit Walk and Vigil ended with a meal and speakers at the police headquarters (OTC, 2017). These efforts by the SPS demonstrate ways in which a municipal police service in an urban setting can support Indigenous community well-being by adopting practices that respect Indigenous culture, history and knowledge. The steps taken by the SPS have significantly changed the Saskatoon Indigenous community's view of their police service. During the 2003–2004 Stonechild Inquiry (Section 2.4.4), 59% of Indigenous community members were satisfied with the SPS. In 2014, 86% were satisfied, a rate similar to the overall population in Saskatoon (M. Yuzdepski, personal communication, 2018).

Community Cohesiveness and Self-Determination

Chandler *et al.* (2003) have theorized about the persistence of identity at the individual and cultural level. This research has addressed the aspirations of Indigenous communities “to not only preserve, restore, and rehabilitate the remnants of their collective past, but to regain control of their own future and destiny” (Chandler *et al.*, 2003). In pursuing the idea that well-being is intimately linked to the preservation of culture and self-determination, their work examined available data from First Nations communities throughout British Columbia to:

- assess community efforts to obtain title to traditional lands;
- exercise self-governance;
- locally control the provision of education, police, fire, health, and child welfare services;
- provide facilities dedicated to cultural activities;
- elect women to local governance; and
- promote knowledge of Indigenous languages.

The degree of self-determination in each community, as defined by these markers, was inversely correlated with suicide rates among First Nations youth and adults, to the point where suicide was virtually absent in communities exhibiting all or most markers (Chandler & Lalonde, 1998, 2008; Chandler *et al.*, 2003; Hallett *et al.*, 2007).

The studies by Chandler *et al.* (2003) suggest that if policing and other services in Indigenous communities are self-determined, this may be beneficial to well-being. This view was shared by the RCAP’s round table on justice, where it was emphasized that “successful justice projects must be firmly rooted in the community they are intended to serve” (Dussault *et al.*, 1996). During the round table, Justice Robert Cawsey concisely stated this point, remarking, “I don’t know of anything that has worked that has been foisted upon [Indigenous people] from above” (Dussault *et al.*, 1996).

Social capital is a holistic concept based on the idea that the well-being of a community is related to the quality of interactions among its members. Following research in First Nations communities, Mignone and O’Neil (2005) determined that social capital is reflected in the degree to which community resources are socially invested; a climate of trust, norms of reciprocity, collective action, and participation are present; and the community possesses flexible and diverse networks. Communities with high social capital — that is, functioning in an environment of trust, support, and cohesiveness — will be better equipped to collectively address safety and well-being.

These added dimensions of well-being have several implications for policing that are further illustrated in Chapter 6. First, policing practices that recognize and incorporate each community's culture, language, laws, and values will be meaningful to the community and may be more effective in promoting safety and well-being. Second, it may be beneficial for communities to have ownership of their local services, including policing. Third, it is critical to consider the ways in which policing approaches can build trusting relationships between police and community members.

3.4 CONCLUSION

This chapter discusses a range of factors that underlie Indigenous community safety and well-being and that are central to the understanding of policing. It shows the need to interpret crime and incarceration statistics in context, by considering the inequities in Indigenous communities and their discriminatory treatment by state institutions. For Indigenous people, concepts related to community safety and well-being are much broader than crime-related data or socio-economic measures. The values that guide daily life and promote healthy individuals, families, and communities can also ground approaches to policing and other services. Safety and well-being are fostered by institutions that are locally controlled and consistent with Indigenous knowledge and culture, and that operate in an atmosphere of trust and cohesion.

4

The Current Constitutional, Legal, and Policy Context

- **Legislative Context of the Crown-Indigenous Relationship and Policing in Indigenous Communities**
- **Policing as an Essential Service**
- **Recent Developments in Law and Policy Relevant to Policing in Indigenous Communities**
- **Conclusion**

4 The Current Constitutional, Legal, and Policy Context

Key Findings

The legal context for policing in Indigenous communities is complex and informed by Treaty commitments, the Crown's fiduciary duty to Indigenous people, the honour of the Crown, the duty to consult and accommodate, rights to equality, and increasingly, international human rights standards, including rights to self-determination, self-government, and free, prior, and informed consent.

The question of which level of government is responsible for regulating and funding essential services for Indigenous people has been contentious and divided between federal, provincial, and Indigenous governments. The result has been the development of a "programming and funding" approach to policing, rather than treating policing as an essential service.

Public and international pressure, court and tribunal decisions, and other recent developments in Canadian law and society, as well as new commitments by federal, provincial, and territorial governments call for shifts in approaches toward self-determination.

Any discussion of the future of policing in Indigenous communities in Canada requires an understanding of the relevant constitutional, legal, and policy frameworks, as well as more general aspects of Indigenous relations with the Crown that inform these frameworks. This chapter describes the principal features of these frameworks and more recent developments, such as the Government of Canada's commitment to implement the Calls to Action of the TRC, the UNDRIP and relevant human rights challenges that may cause these frameworks to shift in the near future. This chapter is organized into three sections that examine: the legislative context governing Crown-Indigenous relations, and more specifically, policing in Indigenous communities; the value of policing as an essential service; and recent developments in law and public policy that, going forward, may be relevant in shaping the delivery and quality of policing in Indigenous communities.

4.1 LEGISLATIVE CONTEXT OF THE CROWN-INDIGENOUS RELATIONSHIP AND POLICING IN INDIGENOUS COMMUNITIES

The Crown-Indigenous relationship is informed not only by constitutional and legal texts, but also by Crown actions, such as the issuance of proclamations, as well as treaties made with Indigenous Nations. The latter are recognized in s. 35 of the *Constitution Act, 1982* as part of the Canadian constitution (Macklem *et al.*, 2016). Below the Panel describes a number of these constitutional and legal texts, proclamations, and treaties, as well as their relevance for policing.

4.1.1 The Royal Proclamation of 1763 and Historic Treaties

As discussed in Chapter 2, through the Royal Proclamation of 1763, the Treaty of Niagara, and the Peace and Friendship Treaties, the British recognized and accepted Indigenous control over their own affairs and territories, including the ability of Indigenous Peoples to maintain peace within their own nations. Post-confederation, the Numbered Treaties also contained commitments by the Indigenous signatories to maintain peaceful relations, with Indigenous nations having responsibility for enforcing the peace within their own nations (Section 2.2). These treaties and agreements continue to form an important part of the constitutional and legal framework governing Crown-Indigenous relations.

4.1.2 Section 91(24) of the *Constitution Act, 1867* and Its Relevance for Policing

The *Constitution Act, 1867* (formerly the *British North America Act*, or BNA Act) had the effect of federally uniting the colonies of New Brunswick, Nova Scotia, Ontario, and Quebec, with other provinces joining the union later. Among its most significant features are ss. 91 and 92 which divide legislative powers between the federal Parliament and provincial legislatures. In general, s. 92 grants the provinces the power to pass laws relating to property and civil rights, the administration of justice, and local and private matters, while s. 91 enables the federal government to legislate matters of national concern, including criminal law and criminal procedure (GC, 1867).

At Confederation, s. 91(24) of the *Constitution Act, 1867* gave the federal government legislative jurisdiction over “Indians, and Lands reserved for the Indians.” Decisions from the Supreme Court of Canada have clarified that “Indians” in s. 91(24) applies to all Indigenous people, including: Inuit, Metis,

“non-status” Indians, and “status” Indians/First Nations (SCC, 2016). As for the scope of the provision, s. 91(24) empowers the federal government to pass laws in relation to lands reserved for “Indians” and in relation to “Indians,” whether or not they live on or have any connection with those lands (Hogg, 2013; Grammond, 2018). This power enables the federal government to pass laws concerning Indigenous people that would otherwise fall under provincial jurisdiction were they to apply to non-Indigenous people (SCC, 1975; Hogg, 2013; Grammond, 2018).

Although its s. 91(24) powers extend to Inuit and Metis, the federal government has yet to legislate regarding these Peoples; to date it has passed laws regarding only First Nations, and only sparingly in that regard (GC, 1985a; Promislow & Metallic, 2018). Sections 91 and 92 of the *Constitution Act, 1867* make no specific reference to either police or policing services. However, a number of federal and provincial regulations govern criminal law and procedure, the establishment and maintenance of penitentiaries and prisons, and the administration of justice in the provinces. The Supreme Court of Canada has confirmed that policing generally falls within provincial jurisdiction under s. 92(14) of the *Constitution Act*, which concerns administration of justice in the provinces (SCC, 1976). The Supreme Court has also confirmed the right of the federal government to establish a national police force (the RCMP) with jurisdiction to enforce federal laws across the country (SCC, 1978).

The trend in the Supreme Court of Canada’s division of powers cases over the past few decades has been not to see individual heads of jurisdictional power in ss. 91 and 92 as watertight compartments providing exclusive jurisdiction, but rather to allow both levels of government to legislate in the same areas in situations of potential overlap. In this regard, the Supreme Court has championed the constitutional principle of cooperative federalism, which recognizes the inevitable and extensive overlaps of jurisdiction and that the federal and provincial governments often work together to harmonize in these cases (SCC, 2007).

Based on its knowledge of policing arrangements across Canada, the Panel observes that generally, policing in Canada involves significant overlap in jurisdictions, which has led to cooperation between the federal and provincial/territorial governments. For example, 8 of the 10 provinces (the exceptions being Ontario and Quebec) contract with the RCMP to provide their services as the provincial police force. All three territories also contract the services of the RCMP, as do many municipalities. In all of the provinces except Ontario and Quebec, statutes on policing enable the provinces to enter such agreements, as well as to set certain norms and standards for policing in the province. The

territories have no stand-alone laws on policing, but have statutes enabling territorial governments to enter into policing agreements with the RCMP. The agreements between Canada and provinces, territories, and municipalities are largely similar; most have 20-year terms and allow the province, territory, or municipality to set goals and priorities. However, these agreements also stipulate that Canada continues to control the administration of the RCMP officers and the determination and application of professional standards and procedures pursuant to the *Royal Canadian Mounted Police Act* (RCMP Act). The effect is that in the territories, the RCMP Act alone regulates policing, and in all provinces except Ontario and Quebec, provincial policing statutes and the RCMP Act apply simultaneously.

4.1.3 Overlapping Jurisdiction over Policing in Indigenous Communities

Canadian courts have yet to answer the specific question of which government has jurisdiction in respect to policing in Indigenous communities. On the one hand, as noted in Section 4.1.2, s. 91(24) enables the federal government to pass laws that would otherwise fall under provincial jurisdiction if they were to apply to non-Indigenous people. On the other hand, under s. 92(14), policing generally falls within provincial jurisdiction with respect to the administration of justice in the province. The current framework for policing in Indigenous communities is a form of shared jurisdiction.

Canada has encouraged the provinces to participate more in policing in Indigenous communities. This is evidenced, for example, in the 1990 *Indian Policing Policy Review Task Force Report*, which led to the development of the current FNPP, discussed in detail in Chapter 5. The Task Force noted that Canada had not exercised its legislative authority to regulate policing in First Nations communities and saw no indication from the federal government of any desire to enact national legislation. Thus, it emphasized provincial jurisdiction over policing through s. 92(14) of the *Constitution Act* and the application of provincial laws on reserve via s. 88 of the *Indian Act*. The Task Force concluded that policing on reserve is a shared jurisdiction, and it was on this basis that the FNPP was developed (INAC, 1990).

It is now accepted that provincial policing laws apply on reserve. In reviewing police acts and agreements across Canada, the Panel makes the following observations: in some provinces, provincial legislators have seen fit to pass specific provisions in relation to policing in Indigenous communities, including some that can be seen as specific accommodations of particular needs or circumstances of Indigenous communities. For example, some provinces permit the conclusion of alternative policing arrangements with First Nations (MB, ON,

and QC). Some designate seats for Indigenous representatives on provincial or municipal police commissions and advisory boards (MB and QC), or on a public complaints committee (SK). Some stipulate that officers in Indigenous communities may enforce First Nations bylaws (ON and NB). Others empower the appointment of special constables or First Nations officers in Indigenous communities (MB, ON, QC, and NS). Section 1 of the *Ontario Police Services Act, 2018* (enacted but not yet in force at the time of publication) requires the province to ensure that Indigenous communities receive equitable services (Gov. of ON, 2018). The policing legislation of Alberta, British Columbia, and Newfoundland and Labrador include no specific accommodations. The territories do not have any specific legislation on policing in general.

As noted earlier, 8 out of 10 provinces, many municipalities, and all 3 territories signed long-term agreements to use the RCMP's policing services. These agreements do not include specific provisions for Indigenous people or policing in Indigenous communities. The RCMP Act also lacks any such provisions.

4.1.4 The Crown's Fiduciary Duty to Indigenous Peoples and the Honour of the Crown

Canada has acknowledged its unique historic fiduciary (trust) relationship with Indigenous Peoples (INAC, 1995). According to the RCAP, this relationship is rooted in treaties and other historical links and requires the Crown to protect the sovereignty of Indigenous Peoples in Canada and to guarantee their treaty rights (RCAP, 1996c). In *R. v. Sparrow*, the Supreme Court of Canada applied this trust relationship broadly, noting that "the Government has the responsibility to act in a fiduciary capacity with respect to aboriginal peoples. The relationship between the Government and aboriginals is trust-like, rather than adversarial" (SCC, 1990).

In *Manitoba Metis Federation Inc. v. Canada*, the Supreme Court of Canada clarified that fiduciary duty was an offshoot of the broader principle of the honour of the Crown, and that "[t]he phrase 'honour of the Crown' refers to the principle that servants of the Crown must conduct themselves with honour when acting on behalf of the sovereign" (SCC, 2013a). It stems from the historical relationship between the Crown and Indigenous Peoples, as exemplified in the Royal Proclamation of 1763 and treaties (SCC, 2013a).

In the decision in *Haida Nation v. British Columbia*, the Supreme Court of Canada stated that "[t]he honour of the Crown is always at stake in its dealings with Aboriginal peoples. ... It is not a mere incantation, but rather a core precept that finds its application in concrete practices" (SCC, 2004). In that case, the Supreme Court clarified that "[t]he honour of the Crown gives rise to different duties in different circumstances" (SCC, 2004). The Supreme Court has found

that the doctrine, in different circumstances, can give rise to: a fiduciary duty; a duty to consult; a duty to negotiate honourably and avoid sharp dealing; a large and liberal interpretation of treaties or statutes pertaining to Indigenous Peoples; and a duty to act diligently in the pursuit of the Crown's solemn promises (SCC, 2013a).

The Supreme Court of Canada has signalled in a number of decisions that provincial Crowns are also bound by the honour of the Crown, as well as by the fiduciary duties of the Crown. For example, in the 2014 *Grassy Narrows* decision, the Supreme Court stated, “[w]hen a government — be it the federal or a provincial government — exercises Crown power, the exercise of that power is burdened by the Crown obligations toward the Aboriginal people in question” (SCC, 2014a).

While the Panel believes that the fiduciary relationship and the honour of the Crown are relevant to the context of policing in Indigenous communities, in a 2017 court case, both the government of Canada and the province of Quebec denied that the fiduciary duties or the honour of the Crown applied to the negotiation of SAs under the FNPP (QCCS, 2017) (discussed further in Section 4.2.1). A court has yet to conclusively rule on this issue.

4.1.5 Section 35 of the *Constitution Act, 1982* and the Duty to Consult

When Canada patriated its constitution in 1982, it passed a second constitutional text titled the *Constitution Act, 1982* which fundamentally changed Canada's constitution. It introduced protections for individual and collective rights in the *Canadian Charter of Rights and Freedoms*, as well as the recognition and affirmation of “existing aboriginal and treaty rights” defined under *Rights of the Aboriginal Peoples of Canada*, s. 35(1) (GC, 1982). Included in s. 35(1) was an assurance that in any future amendment to the key constitutional provisions regarding Aboriginal Peoples, representatives will be invited to participate in constitutional discussions (GC, 1982).

Since 1990, the Supreme Court of Canada has decided over 30 cases interpreting s. 35(1). The Supreme Court has said that “the fundamental objective of the modern law of aboriginal and treaty rights is the reconciliation of aboriginal peoples and non-aboriginal peoples and their respective claims, interests and ambitions” (SCC, 2005). The honour of the Crown mandates that the government must have a pressing and substantial objective for infringement on Indigenous rights and title and that the government must further prove that it has met its fiduciary obligations by ensuring there has been as little infringement as possible in order to effect the desired results, including demonstrating compensation in the case of expropriation, and demonstrating consultation with the affected Indigenous Nation (SCC, 1990).

The Supreme Court of Canada has also found that executive branches of governments have an obligation to consult and accommodate when authorizing or engaging in activities that will impact these rights, even if they have not been proven, as long as they are credibly asserted (SCC, 1997, 2014b, 2018). In its jurisprudence, the Supreme Court has stressed, however, that the duty to consult is a right to a process, and Indigenous Nations will not have a veto (save in very serious cases involving proven Aboriginal title) (SCC, 2004).

4.1.6 The Right to Self-Government and Policing

While neither self-determination nor self-government are specifically mentioned in s. 35(1) of the *Constitution Act, 1982*, several scholars, as well as the RCAP have argued that these are rights that are protected within its meaning (Hogg, 1995; RCAP, 1996c, 1996f). However, in its 1996 decision in *R. v. Pamajewon*, the Supreme Court of Canada was reluctant to recognize self-government as a right protected by s. 35(1) and said that if such rights are protected by s. 35(1), they must, like all other Aboriginal rights, be linked to a pre-contact practice that is “integral to the distinctive culture of the aboriginal group claiming the right” (SCC, 1996). Although this approach to self-government has been criticized as unduly restrictive (Morse, 1997; Moodie, 2003; McNeil, 2007; Borrows, 2013), the Supreme Court has yet to revisit this decision.

In 1995, the federal government implemented a policy (the Inherent Rights Policy) formally recognizing the inherent right of Indigenous self-government that was already protected under s. 35 of the *Constitution Act, 1982*. The Inherent Rights Policy, which is still in force, outlines 30 areas in which Canada agrees that Indigenous governments may exercise jurisdiction, including policing and the administration and enforcement of Indigenous laws. The policy mandates implementation of self-government through negotiated agreements (INAC, 1995).

To date, 22 self-government agreements have been signed between Indigenous Nations, the government of Canada, and affected provinces and territories (see CIRNAC, 2018).² Most of these agreements have been implemented through legislation. The ability of the government of Canada and the provinces and territories to enter such self-government agreements without specific recognition

² This number represents a very small proportion of potential self-government agreements. Should each individual band wish to sign a self-government agreement, there would be in excess of 620 agreements. This number also does not include potential agreements signed with Metis communities.

of self-government in the *Constitution Act, 1982* has now been challenged twice and dismissed on both occasions (SCC, 2008, 2013b). Policing is dealt with in a number of these agreements, including:

- The *Cree-Naskapi Act*: Implements the 1978 James Bay Agreement, places the community under the jurisdiction of the *Quebec Police Act* and empowers the community to enter into an agreement with Quebec to provide its own policing services (GC, 1984).
- Chapter 12 of the 1999 Nisga'a Final Agreement: Covers the administration of justice and empowers the Nisga'a to provide policing services in Nisga'a territory by creating its own police board. Chapter 12 stipulates that a number of aspects of policing services must conform to provincial legislation on policing, including minimum standards for certification of police officers; standards on use of force, dismissal, and discipline; and an officer code of conduct (GC, 1999).
- The 2013 Sioux Valley Dakota Nation Governance Agreement: Recognizes the jurisdiction of the Sioux Valley Dakota Nation over a police service on its territory, but stipulates aspects of the policing services that must be provided (Sioux Valley Dakota Nation & GC, 2013).
- The 11 self-government agreements signed pursuant to the 1993 Umbrella Final Agreement between Canada, the Council for Yukon Indians, and Yukon Territory: Short of recognizing jurisdiction over policing, these explicitly provide that the First Nations may negotiate agreements with the other levels of government for devolution of policing and enforcement of laws (see CYFN, 2018).

Some agreements do not contain any specific provisions on policing, but recognize Indigenous jurisdiction over peace, order, or security, or otherwise recognize that the nation has enforcement power with respect to its laws. These agreements include:

- The 1986 *Sechelt Indian Band Self-Government Act*: Empowers the Sechelt Band Council to make laws related to public order and safety, regulate traffic, control intoxicants, and adopt any law of British Columbia as its own if authorized to do so under its constitution (GC, 1986).
- The 2003 Westbank First Nation Self-Government Agreement: Recognizes the jurisdiction of the Westbank First Nation in relation to public order, peace, safety, and danger to public health on Westbank lands (WFN & GC, 2003).
- The 2005 Labrador Inuit Agreement: Recognizes the jurisdiction of the Nunatsiavut government to make and enforce Inuit laws including the power to: make laws for the establishment, organization, maintenance, administration, and regulation of an Inuit law enforcement agency; appoint officers to enforce Inuit laws; and devise training and accountability standards for its officers (GC, 2005a).

4.1.7 Self-Government and the Canadian Charter of Rights and Freedoms

The *Canadian Charter of Rights and Freedoms* (the Charter) guarantees fundamental rights to everyone in Canada, and some rights (democratic and mobility rights, and minority language education rights) to “every citizen of Canada,” which includes every Indigenous person (GC, 1982). The courts have wide powers to strike down or declare void laws or governmental decisions that violate any of these rights. They also have powers to award appropriate and just remedies for Charter violations and are required under s. 24(2) to exclude unconstitutionally obtained evidence if its admission would bring the administration of justice into disrepute. The courts routinely consider the seriousness of Charter violations by the police as well as their effects on Charter rights, along with the adverse effects of excluding evidence when exercising this power (Sharpe & Roach, 2017).

Increased self-government for Indigenous Nations raises the question of the extent to which the Charter would apply to the decisions of Indigenous governments. The application of the Charter to Indigenous people is informed by s. 25 which states that the rights and freedoms in the Charter must not diminish any Indigenous rights, Treaty rights, or other rights or freedoms held by Indigenous people (GC, 1982). In its final report, the RCAP argued that the Charter should apply to the exercise of Indigenous self-government, but that it should be interpreted flexibly on account of s. 25. However, the guarantee, in ss. 28 and 35(4), of equal access for men and women to both Charter and Aboriginal rights would be paramount (RCAP, 1996f). Currently, the Charter has been found to apply to the decisions of band councils acting under the *Indian Act* (JUS, 2018a). In addition, the Inherent Rights Policy states that the Charter applies to Indigenous nations under self-government agreements (INAC, 1995) and therefore, all 22 current self-government agreements reference the Charter (CIRNAC, 2018).

4.1.8 Other Relevant Laws and Legislation

In addition to treaties, constitutional provisions and related doctrines, various other federal and provincial statutes, and case law form part of the legal context informing the Crown-Indigenous relationship as it relates to policing in Indigenous communities.

For over a century, the *Indian Act* was the sole statute governing the relationship between First Nations and the federal government. However, the *Indian Act* is silent on policing and on the establishment of police services in First Nations communities. It nonetheless remains relevant because ss. 81 to 86 grant bylaw-making powers to band councils and an associated right for First Nations to

appoint band constables to enforce these bylaws in First Nations communities.³ Band constables, however, do not have the responsibility or authority to enforce criminal law in their communities. Section 88 of the *Indian Act* provides that, with some exceptions, all generally applicable provincial laws are also applicable to Indigenous people (GC, 1985a). This includes any provincial legislation (including police acts) arising from the provincial jurisdiction over administration of justice under s. 92(14) of the constitution. However, the provinces have generally not extended their legislation and public services to First Nations communities without first obtaining agreement for federal financial reimbursement.

Outside of the *Indian Act*, a handful of stand-alone federal laws deal with specific topics relating to First Nations. All of these have been enacted in the past 20 years, mostly concerning land, money, or taxation (see GC, 2003, 2005b, 2013a, 2013b, 2013c, 2014, 2018a, 2018b).

The *Criminal Code*, the *Penitentiaries Act* and the *Parole Act* are all relevant legislation when considering the overrepresentation of Indigenous people in the criminal justice system. In 1996, to address the overrepresentation of Indigenous people in the criminal justice system, Parliament amended the *Criminal Code* by adding s. 718.2(e), which requires courts to consider alternatives to prison when imposing a sentence, especially for Indigenous offenders. These alternatives are designed to encourage a restorative justice approach to sentencing (TRC, 2015f).

The Supreme Court of Canada first considered this provision in 1999 in *R. v. Gladue*. It noted: “The figures are stark and reflect what may fairly be termed a crisis in the Canadian criminal justice system. The drastic overrepresentation of aboriginal peoples within both the Canadian prison population and the criminal justice system reveals a sad and pressing social problem” (SCC, 1999).

The Supreme Court of Canada revisited this matter in 2012 in *R. v. Ipeelee* and stated: “statistics indicate that the overrepresentation and alienation of Aboriginal peoples in the criminal justice system has only worsened... the overrepresentation of Aboriginal people in the criminal justice system is worse than ever” (SCC, 2012). Citing the RCAP report, the Supreme Court emphasized that “the ‘crushing failure’ of the Canadian criminal justice system *vis-à-vis* Aboriginal peoples is due to ‘the fundamentally different world views of Aboriginal and non-Aboriginal people with respect to such elemental issues as the substantive

3 Some First Nations, however, report having encountered challenges to this authority (Gailus, 2011).

content of justice and the process of achieving justice” (RCAP, 1996e; SCC, 2012). The Supreme Court underscored that the principles stated in *R. v. Gladue* “direct sentencing judges to abandon the presumption that all offenders and all communities share the same values when it comes to sentencing and to recognize that, given these fundamentally different world views, different or alternative sanctions may more effectively achieve the objectives of sentencing in a particular community” (SCC, 2012).

In *R. v. Anderson*, however, the Supreme Court of Canada held that the duties under s. 718.2(e) of the *Criminal Code* to consider the background circumstances and to create distinct sentences that may be appropriate for certain Indigenous offenders did not apply to a prosecutor’s use of prosecutorial discretion, for example in deciding what charges to lay. In some provinces, such decisions also involve the Crown’s review of either police charging decisions or, in jurisdictions with pre-charge Crown approval policies, police recommendations of what charges should be laid (SCC, 2014c). Critics have argued that the overrepresentation of Indigenous offenders in the penal system has had more to do with the decisions of police and prosecutors that take place earlier in the criminal justice process than with sentencing decisions (Dickson-Gilmore & La Prairie, 2005; Jeffries & Stenning, 2014). The courts have acknowledged that decisions on sentencing alone will not solve the problem of overrepresentation, noting that “[c]ertainly sentencing will not be the sole — or even the primary — means of addressing Aboriginal overrepresentation in penal institutions” (SCC, 2012).

4.2 POLICING AS AN ESSENTIAL SERVICE

The federal government has *not* legislated several areas relating to Indigenous Peoples, including in the area of essential services on First Nations reserves, of which policing is one. In the absence of legislation there continues to be jurisdictional ambiguity and disputes between the federal and provincial/territorial governments regarding policing in Indigenous communities. These disputes result in failures to assume responsibility and prevent many Indigenous communities from receiving effective policing.

4.2.1 Jurisdiction over Essential Services

Essential services, as defined in Section 1.3 of this report, include those services necessary for the safety and security of the public, such as social assistance, child welfare, health, education, housing, infrastructure, emergency services, and policing (Promislow & Metallic, 2018). The provision of basic public services finds support as an international human right within various provisions of the Universal Declaration of Human Rights. Further, in s. 36(1)(c) of the *Constitution Act, 1982*, the federal and provincial governments committed to “providing essential public services of reasonable quality to all Canadians”

(GC, 1982). In accordance with the expectation of being transparent and accountable, essential public services in Canada generally have a legislative basis at the federal or provincial level, which accords them the resources (including stable and adequate funding) required to manage and deliver the service effectively and safely.

Generally, the provision of essential services falls under provincial jurisdiction under s. 92 of the *Constitution Act, 1867*. However, as noted above, s. 91(24) empowers the government of Canada to legislate in areas of essential services relating to Indigenous Peoples. Consequently, ever since the rise of the welfare state after the Second World War and the creation of essential service programs as part of the social safety net, the question of which level of government is responsible for regulating and funding essential service delivery to Indigenous people has been contentious (Promislow & Metallic, 2018). Governments have tended to deny constitutional jurisdiction and allege that primary responsibility over services to Indigenous people is the others' problem (Metallic, 2016).

These jurisdictional debates have resulted in systems for service delivery on reserve that are quite unlike service delivery elsewhere, where provinces clearly accept jurisdiction. The government of Canada's initial response to this issue was to include a provision in the 1951 amendments to the *Indian Act* (s. 87, now s. 88) that provides that, except in cases of conflicts with federal laws or treaties, provincial laws of general application apply to First Nations. However, most provinces insisted on obtaining federal financial compensation before extending their legislation and public services to Indigenous people. The federal government had to attempt to negotiate with the provinces for the provision and payment of essential services on reserve (Metallic, 2016; Grammond, 2018).

The federal government was able to negotiate cost-sharing arrangements with the provinces to extend provincial services (and laws) on reserve in the areas of child welfare and policing (Grammond, 2018). The federal government, however, pays the majority of costs, ranging from 52% for policing (Section 5.2) to 90% or more for other services. The federal government's authority to fund these and other essential services on reserve derive from Treasury Board authorities and not legislation. Generally, these authorities (and program policies developed by the federal government to implement these authorities) provide that the funding and service standards for First Nations essential services should be comparable to services provided in the provinces. A recent case in the context of child welfare services referred to this as the "programming/funding" approach (CHRT, 2016). In the 1980s and 1990s, through the use of contribution agreements, Canada began devolving the delivery of such services to First Nations governments (Rae, 2009). As defined in Chapter 5, SAs through the FNPP are an example of such a devolution.

The way that services and programs are delivered on reserve has increasingly come under scrutiny. Starting in the mid-1990s, the Auditor General of Canada began raising concerns about the lack of legislative frameworks for program delivery on reserve, the lack of clear program terms and the risks this creates for underfunding services, and the lack of departmental accountability to Parliament (OAG, 1994, 2004, 2006, 2008). In 2011, the Auditor General highlighted the impacts of such structural problems, noting that these impediments “severely limit the delivery of public services to First Nations communities and hinder improvements in living conditions on reserves” (OAG, 2011).

A recent case from the Quebec Superior Court from October 2017 illustrates the problem in the context of policing in Indigenous communities. In *Pekuakamiulnuatsh Takuhikan c. Procureure générale du Canada* (QCCS, 2017), a First Nations community with a SA sued the governments of both Canada and Quebec based on allegations of chronic underfunding of policing services. The First Nations argued that both Canada and Quebec breached their duty to negotiate in good faith and their fiduciary duties to properly fund and maintain policing services on reserve. In a preliminary motion brought by the governments of Canada and Quebec to have the case struck out for lack of a cause of action, both governments denied having any responsibilities to the First Nations beyond what was set out in the SA. The Superior Court, however, was unwilling to strike the claim, finding the possibility that the First Nations had an arguable case (QCCS, 2017).

Promislow and Metallic (2018) have argued that the lack of clear legislation with respect to essential services on reserves violates the rule of law; allows too much government discretion, making service delivery ripe for abuse; and reduces both court and parliamentary oversight of the actions of government officials. They also argue that providing essential services solely through contracts, as opposed to legislation, makes it very difficult to bring legal challenges under the *Canadian Charter of Rights and Freedoms*, human rights law, or administrative law, and that dispute resolution provisions in funding agreements are completely ineffective. Metallic (2016) noted that First Nations contribution agreements for devolution of essential services to communities are negotiated on a “take it or leave it” basis in which there is an imbalance of bargaining powers between federal and provincial governments and Indigenous governments. Speaking in the context of a one-year comprehensive funding agreement, the Federal Court of Canada confirmed that such agreements are adhesion contracts, or standard form contracts for which there is “no evidence of real negotiation” (FC, 2012).

It has further been argued that the current system is not culturally appropriate and is designed to further assimilation, since it applies provincial rule to the essential needs of First Nations, while First Nations may have very different needs and circumstances from non-Indigenous people. It also leaves First Nations largely out of important policy development regarding vital basic services. Some writers have also alleged that the system allows the chronic underfunding of services to First Nations to go unchallenged for long periods (Metallic, 2016). In 2016 the Canadian Human Rights Tribunal (CHRT) found that the government of Canada had been knowingly underfunding child welfare services on reserve for over a decade (CHRT, 2016). Similar complaints in the areas of special education, health services, assisted living, income assistance, and policing on reserve are currently awaiting adjudication before the CHRT and in provincial human rights tribunals (CHRC, 2017).

4.2.2 The Caring Society Decision and Its Relevance to Policing in Indigenous Communities

A significant development in Canadian law was the 2016 ruling by the CHRT in *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada* (Caring Society) (CHRT, 2016). The case was based on a complaint that Canada, through the Department of Indigenous and Northern Affairs (INAC), discriminates against First Nations children and families when providing child welfare services on reserve. The CHRT's ruling found that INAC's design, management, and control of child welfare services on reserve, along with its funding formulas, cause a number of harms to First Nations children and families that amount to discrimination, the most notable among these being the systemic underfunding of child welfare services (CHRT, 2016). While the CHRT's decision is not binding, it is a valuable precedent for child welfare services, as well as for other services including policing.

As suggested in Section 4.2.1, similarities exist between the provision of child welfare services to First Nations and delivery of policing services in Indigenous communities under the FNPP. In both cases, the government of Canada negotiates cost-sharing arrangements with provinces to extend their services and legislation on reserve, based on legal arguments around competing provincial jurisdiction, as well as on the application of s. 88 of the *Indian Act*. In child welfare and policing, the government of Canada does not legislate, but rather takes a programming/funding approach.

Two significant findings in the *Caring Society* decision may be relevant to policing in Indigenous communities. First, the government of Canada argued in *Caring Society* that its role in child welfare services on reserve was strictly limited to funding and being accountable for the spending of those funds. It argued that child welfare was under provincial jurisdiction and that the federal government became involved in child and family services only “as a matter of social policy under its spending power” and not pursuant to any obligations under s. 91(24) of the *Constitution Act, 1867* (CHRT, 2016). The CHRT rejected this argument, finding that the manner and extent of INAC’s funding significantly shapes the child and family services provided. Further, it found that beyond funding, INAC provides policy direction and oversight, and it negotiates and administers agreements with First Nations and provinces/territories regarding child welfare services. In this regard, INAC has the power to remedy inadequacies in the provision of child and family services and to improve outcomes for children and families residing on reserve (CHRT, 2016). As the government of Canada also denies primary jurisdiction over policing, the Panel suggests that an argument could be made that the CHRT’s reasoning could be extended to policing as well. If this were the case, the government of Canada could similarly be required to remedy underfunding and other inadequacies in relation to policing. Additional implications of the *Caring Society* decision for service delivery in Indigenous communities are discussed in Box 4.1.

Arguments over equality apply directly to First Nations policing, where concerns have now repeatedly been raised that the conditions of policing and justice system facilities for Indigenous communities violate basic human rights standards. A human rights complaint filed by Kashechewan First Nation provides a case in point. One of seven First Nations affiliated with the Mushkegowuk Council, Kashechewan First Nation is a remote fly-in community along the west coast of James Bay, policed by the NAPS. In 2006, two young men burned to death in a dilapidated police station holding cell in Kashechewan (Chief Coroner for Ontario, 2009). The fatal fire prompted a human rights complaint, filed in 2007 by the First Nations of Mushkegowuk Council. The Council cited discriminatory practices resulting in police facilities and services that failed to meet community needs and were of lower quality than those in non-First Nations communities in the region (CHRC, 2007). A decision from the Canadian Human Rights Commission is still pending.

Similar concerns have been raised in relation to other Indigenous communities and police facilities. Detention conditions in Inuit communities in Nunavik, for example, were found by the Quebec Ombudsman to be inadequate and unsafe (Quebec Ombudsman, 2016).

Box 4.1**The Caring Society Decision and Equality as a Human Right**

In the Caring Society decision, the CHRT noted that First Nations are entitled to substantive equality as a human right (CHRT, 2016). While the CHRT found that the funding of child welfare services was far below similar services in the provinces and territories, it concluded that equality for First Nations requires more than just providing the same level of funding.

According to the CHRT, an approach to on reserve funding that mirrors the funding that is provided by the provinces and territories, where similar services for non-First Nations populations is not consistent with substantive equality. It does not consider the distinct needs and circumstances of First Nations children and families living on reserve, including their cultural, historical, and geographical needs and circumstances (CHRT, 2016).

This finding — that human rights require First Nations to receive services that do not simply mirror provincial services but rather are designed to reflect their true needs and circumstances — may also be relevant to the FNPP and other policing services. Metallic (2016) argued that, taken to its logical conclusion, the finding requires Indigenous people to have a primary role in designing their own essential services (including policing), as only they know what their real needs and circumstances are. In other words, the Caring Society decision presents a new argument for Indigenous self-determination and self-government based on human rights and substantive equality.

Individuals arrested in Nunavik are detained either in a Kativik Regional Police Force station or in Nunavik holding cells under the responsibility of the Ministère de la Sécurité publique. They are detained in these cells until their release, or they are transferred to a correctional facility in southern Quebec for preventive custody to await trial. After receiving complaints and information regarding inadequate conditions for detainees in Nunavik, the Quebec Ombudsman launched an investigation in 2015 to establish whether detention conditions were reasonable and met established standards and requirements. Based on its investigation, the Ombudsman concluded that “[i]n Nunavik, detention conditions are below even the most basic standards” and that they “do not always respect the fundamental rights of inmates — particularly their right to human dignity” (Quebec Ombudsman, 2016).

The Ombudsman found that detainee cells in Nunavik facilities were overcrowded and unsanitary, did not offer privacy, had limited water, had insufficient or non-existent janitorial and laundry services, and had equipment that was generally “obsolete, defective or insufficient” (Quebec Ombudsman, 2016). Inmates were sometimes confined to their cells 24 hours a day, in violation of current standards, and did not have access to an outdoor courtyard or common area. Conditions for detainees in the Puvirnituk police station were particularly poor. Mattresses in this facility were of poor quality and were often torn or lacking their original protective coverings; blankets and bed sheets given to new arrivals were dirty; the single shower available to inmates was mostly used for storing personal belongings; there was a foul smell coming from the shower drain and the fan was mouldy; some inmates had not showered for a period of six days; and “according to officers, there has not been any hot water in this shower for several years” due to equipment failure (Quebec Ombudsman, 2016).

Conditions for detainees being transferred were also found to be unacceptable. When a judge orders the incarceration of a detainee, the detainee must be transferred to a correctional facility in southern Quebec more than 1,000 kilometres away, depriving them of contact with family members and community. Such transfers also challenge the resources of the Kativik Regional Police Force, with shortages of officers and difficult weather conditions often resulting in major delays. Inuit offenders stay 18 days longer on average in preventive custody than the rest of the Quebec prison population (Quebec Ombudsman, 2016). The Ombudsman noted that inadequate detention conditions in Nunavik are clearly linked to the overrepresentation of Inuit in Quebec’s judicial and correctional system and that “[t]he lack of concerted action from the authorities involved... exacerbates Inuit social problems and, as a result, perpetuates stereotypes about Inuit” (Quebec Ombudsman, 2016).

4.3 RECENT DEVELOPMENTS IN LAW AND POLICY RELEVANT TO POLICING IN INDIGENOUS COMMUNITIES

Recent developments, including the TRC, UNDRIP, and recent human rights complaints and rulings, are contributing to a heightened emphasis on advancing Indigenous self-determination, with implications for policing.

4.3.1 A Growing Emphasis on Indigenous Self-Determination

The TRC concluded that policies and laws aimed at denying Indigenous people effective control over essential areas of their daily lives — an aim pursued by Canada since Confederation — are acts of assimilation and colonialism that

can no longer continue (TRC, 2015a). The TRC therefore questioned the effectiveness of s. 35 of the *Constitution Act, 1982* in achieving meaningful reconciliation, because Canadian law is still rooted in racist concepts like the doctrine of discovery and *terra nullius* (TRC, 2015a). The TRC noted that, as a result, s. 35 has been used more “as a means to subjugate Aboriginal peoples to an absolutely sovereign Crown” than “as a means to establish the kind of relationship that should have flourished since Confederation, as was envisioned in the Royal Proclamation of 1763 and the post-Confederation Treaties” (TRC, 2015a).

The TRC heavily emphasized the role of self-determination in reconciliation. This can be seen in the TRC’s discussion on the need to revitalize Indigenous laws and the Call to Action for the federal government to fund the establishment of Indigenous law institutes (TRC, 2015a). It also exists in the TRC’s cornerstone finding that UNDRIP should be the framework for reconciliation (TRC, 2015a). The right of self-determination is one of the central principles informing UNDRIP, most notably in articles 3 and 4 (UN, 2008).

On July 17, 2017, the government of Canada released a policy setting out 10 principles it intends to honour in its relationship with Indigenous Peoples. The very first principle recognizes that relations with Indigenous Peoples need to be based on their right to self-determination, including the inherent right to self-government. The fourth principle recognizes that Indigenous self-government is a part of Canada’s evolving system of cooperative federalism and distinct orders of government. Other principles emphasize the importance of reconciliation, maintaining the honour of the Crown, and recognizing treaties as acts of reconciliation based on mutual recognition and respect (JUS, 2018b).

In February 2018 the government of Canada announced a new initiative dedicated to improving Canada-Indigenous relations through the introduction of legislation and policies aimed at recognizing and implementing the rights of Indigenous Peoples throughout Canada. The new framework, a Recognition and Implementation of Rights Framework, is to be developed in partnership with First Nations, Inuit, and Metis Peoples across Canada (GC, 2018c). At the time of this publication, the reaction of many Indigenous leaders to the initial framework is critical and many have rejected it (Cision, 2018a). They acknowledge that to realize full self-governance, Indigenous communities must have the power that resides in controlling their own land and resources, and that the proposed framework avoids addressing this issue in a meaningful way (King & Pasternak, 2018).

A private member's bill to ensure that Canada's laws are in harmony with UNDRIP is currently before the Senate (Bill C-262, *The United Nations Declaration on the Rights of Indigenous Peoples Act*). Section 3 of the bill affirms the Declaration as "a universal international human rights instrument with application in Canadian law," and s. 4 requires Canada to "take all measures necessary to ensure that the laws of Canada are consistent with [the Declaration]" (Senate, 2018). The federal government has indicated that implementation of UNDRIP is a top priority in supporting the work of reconciliation. At the time of writing, it is not clear what effect UNDRIP has or will have on Canadian law. However, this important international instrument may require the federal, provincial, and territorial governments to re-evaluate how policing in Indigenous communities is currently provided in Canada.

4.4 CONCLUSION

The constitutional and legal framework through which policing in Indigenous communities is negotiated and provided is complex. Constitutional and legal texts, as well as Crown actions, proclamations, and historic treaties, recognize a number of rights and obligations related to policing in Indigenous communities. However, a number of unlegislated areas still exist, resulting in jurisdictional disputes between federal and provincial/territorial governments and in a failure to treat policing in Indigenous communities as an essential service. Recent and ongoing developments in legislation and policy mean that the framework through which policing is delivered could change in the near future as further legislative changes are implemented (e.g., UNDRIP).

This complexity, coupled with jurisdictional ambiguity about federal and provincial roles, has led the federal government to adopt a programming/funding model for supporting policing (and other essential services) in Indigenous communities, as exemplified by the FNPP. This model has proven problematic in that it fails to deliver equality of services, or to take into account the particular needs of Indigenous communities, as identified by the communities themselves. The following chapter identifies some of these failures in practice through its focus on the FNPP, the primary program responsible for delivering policing to Indigenous communities.

5

Current Realities for Policing in Indigenous Communities

- **Overview of Arrangements for Policing Indigenous Communities and People**
- **Policing for Indigenous Communities under the FNPP**
- **Evaluations of the FNPP: Past Performance and Ongoing Challenges**
- **Policing for Indigenous Communities and People Not Included in the FNPP**
- **Conclusion**

5 Current Realities for Policing in Indigenous Communities

Key Findings

The FNPP represents Canada's primary national effort to improve policing in communities on reserve. It increases the ability of participating communities to shape their police services, but it also suffers from a range of persistent deficiencies.

While envisioned as a means for augmenting existing police services, in practice the FNPP resulted in policing services that often replaced core services. The result is that policing services for many Indigenous communities continue to be inadequately resourced and supported.

Significant differences exist between SAs and CTAs. SAs are potentially more conducive to community-engaged policing, but they face challenges as the number of Indigenous officers in any particular police service decreases. In contrast, CTAs facilitate access to the resources of the RCMP and provincial police services, but with decreased local governance and oversight.

Since the FNPP's inception in 1992, the number of SAs has decreased from 58 to 36. Some of these decreases have been linked to the challenges associated with maintaining small, autonomous services, including the "liability of newness" and economic and political pressures. From 1996 to 2014, the number of sworn Indigenous officers providing policing to Indigenous communities through both SAs and CTAs declined from 90.0 to 26.7%.

Almost a third of eligible reserve and Inuit communities do not have FNPP agreements and are policed by the regular services of the RCMP or provincial police services. In addition, over half of First Nations people and two thirds of Metis people live in cities and other areas not eligible for FNPP funding, and are subject to existing services for their geographic area.

The legacy of colonialism continues to be felt in how Indigenous communities are policed in Canada and in Indigenous people's interactions with the Canadian justice system. In recent decades attempts have been made to provide Indigenous people and communities with policing arrangements more attuned to their unique realities and needs. These have included efforts to mend the fractured relationships between police and Indigenous people and reduce the threats these fractured relationships pose to safety and well-being. The most prominent

of these efforts was the creation of the federal First Nations Policing Policy in 1991. Based on this policy, the FNPP was introduced in 1992, and it continues to be the federal government's primary means of supporting policing for Indigenous communities. The introduction of culturally appropriate policing models has varied across Canada, however, and their implementation has often been inconsistent and under-resourced. As a result, the current reality for many Indigenous communities in Canada remains that policing services are funded at levels that do not meet their safety challenges and are poorly adapted to their social and cultural context (PS, 2016a).

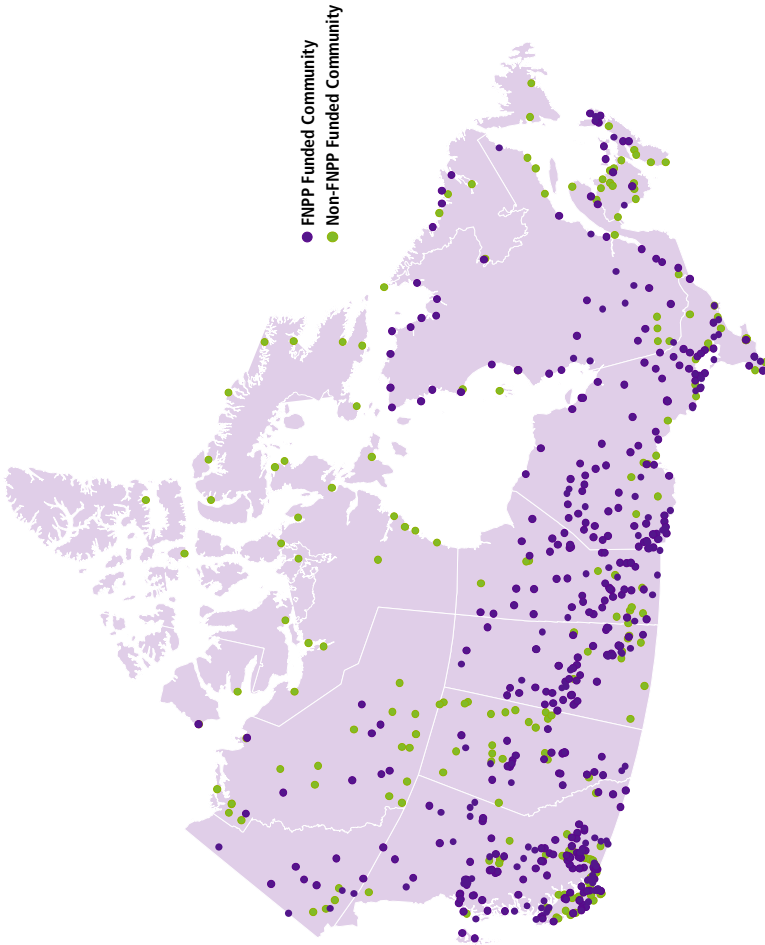
5.1 OVERVIEW OF ARRANGEMENTS FOR POLICING INDIGENOUS COMMUNITIES AND PEOPLE

Indigenous people in Canada currently receive policing services from a range of sources, depending on their location and existing agreements with federal and provincial/territorial governments. Those living off reserve are policed by the standing service for their community or region. This can be a municipal or regional police service, the RCMP under contract with the province, the OPP in Ontario, or the SQ in Quebec. In the territories, policing is contracted to the RCMP at both the territorial and municipal level. This is the situation for most First Nations, Inuit, and Metis people in Canada, most of whom live off reserve.

On-reserve and Inuit communities can participate in the FNPP, under which they can either establish stand-alone police services or contract with another police service. In 2018, there were 187 FNPP agreements that serviced 457 Inuit and First Nations communities, or approximately 440,000 people (PS, 2018c). These agreements cover approximately 66% of First Nations and Inuit communities in Canada (Figure 5.1). The remaining 229 eligible Indigenous communities not covered by agreements under the FNPP are subject to policing by the relevant service for their region or province. The result is that Indigenous communities in Canada receive policing from organizations with widely differing sizes and institutional features, ranging from large, nationally networked police organizations such as the RCMP to small, autonomous, and sometimes remote stand-alone police services created under the FNPP.

5.2 POLICING FOR INDIGENOUS COMMUNITIES UNDER THE FNPP

The FNPP was designed to enhance public safety and support existing policing services provided by a province or territory, while partnering with Indigenous communities to address concerns related to police availability, response times, accountability, and cultural appropriateness or awareness (Solicitor General Canada, 1991; PS, 2010). The program was developed out of recognition that Indigenous communities would benefit from being served by culturally



Data Source: PS, n.d.

Figure 5.1

Distribution of FNPP and Non-FNPP Funded Communities

Two-thirds of Indigenous communities in Canada have policing arrangements in place under the FNPP. The remaining one-third of Indigenous communities outside the FNPP are mostly policed by standing services for that region — most often the RCMP operating under contract with provincial/territorial governments. Outside of northern Quebec, FNPP-funded communities in the Canadian Arctic are rare. There are two FNPP-funded Inuit communities in the Northwest Territories.

appropriate models of policing (Lithopoulos & Ruddell, 2011), following a culmination of tensions and conflicts between law enforcement and Indigenous communities, described in Chapter 2. While the FNPP does not define *culturally appropriate*, for the purpose of this report, it refers to policing that adapts to individual communities and is responsive and relevant to a particular community's needs. Elements of culturally appropriate policing may include the employment of Indigenous police officers or officers with cultural competency training or training in Indigenous culture, or who speak a language relevant to the particular community being served. Culturally appropriate policing may also include officers living within the communities they serve, as well as an understanding and inclusion of Indigenous methods of justice (Lithopoulos & Ruddell, 2011; Jones *et al.*, 2019). The FNPP was a significant departure from previous policing initiatives for on-reserve communities, such as the Band Constable Program, which essentially created a second tier of police officers (Box 5.1).

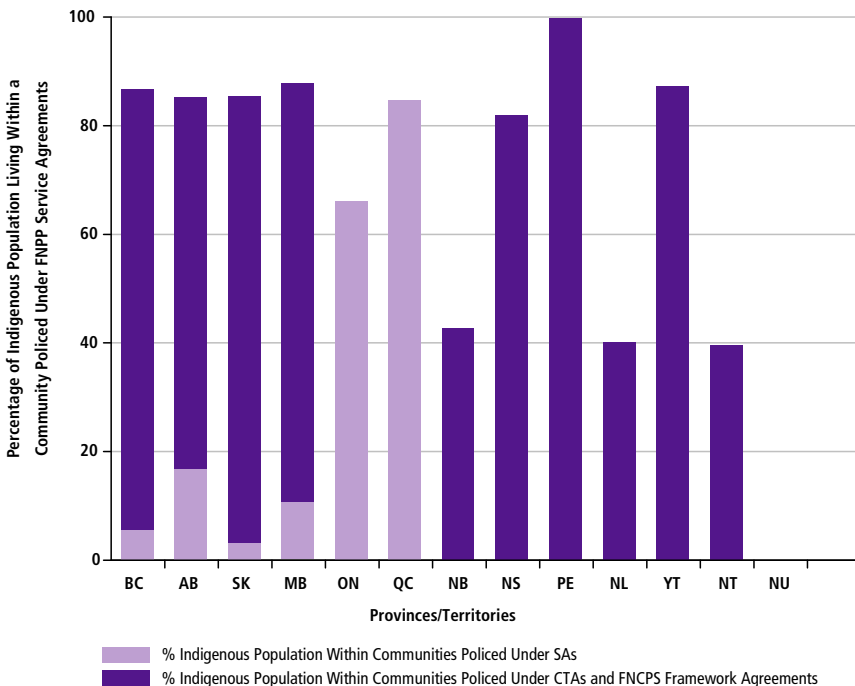
Box 5.1

The Band Constable Program

Policing on reserve remained a federal responsibility until the 1960s, when the RCMP stopped policing reserves in Ontario and Quebec. This withdrawal resulted in a number of new policing arrangements, including the creation of an improved and expanded Band Constable Program by the Department of Indian Affairs and Northern Development (DIAND) in 1969 (Lithopoulos, 2007). This program allowed for band-funded Indigenous constables, but their powers were limited compared with those given to police (Clairmont, 2006). Band constables were charged with keeping order on reserves and providing communication links between provincial police and community members. However, they lacked the training and authority of their non-Indigenous counterparts, including the power to arrest or to carry a weapon (Linden & Clairmont, 2001). The Band Constable Program operated by DIAND was cancelled in 2015.

Inaugurated in 1992, the FNPP is a transfer payment program administered by the federal government through PS. The federal government funds 52% of the policing activity provided under the FNPP, with the provincial or territorial government funding the rest (PS, 2016a). Funding is also available for Aboriginal Community Constable Program framework agreements, involving bilateral funding between the federal and provincial/territorial government via RCMP contract policing (OAG, 2014). FNPP funding has been renewed several times, most recently in 2018, when the federal government announced it would

provide an additional \$291.2 million over five years for the program, with a 2.75% escalator starting in its second year in order to address inflation. This increase in capital will fund a number of priorities related to officer safety, the purchase of equipment, and the creation of 110 additional officer positions (PS, 2018a, 2018b). At the time of the new funding announcement, federal funding for the FNPP had been frozen since 2007, despite interest among some Indigenous communities in expanding the program. The additional funding announced in 2018 is intended to support policing services in communities currently participating in the program. It will not facilitate the expansion of the program to other interested Indigenous communities, some of which have been prevented from joining the program in the past due to inadequate funding (Kiedrowski *et al.*, 2017; PS, 2018b).



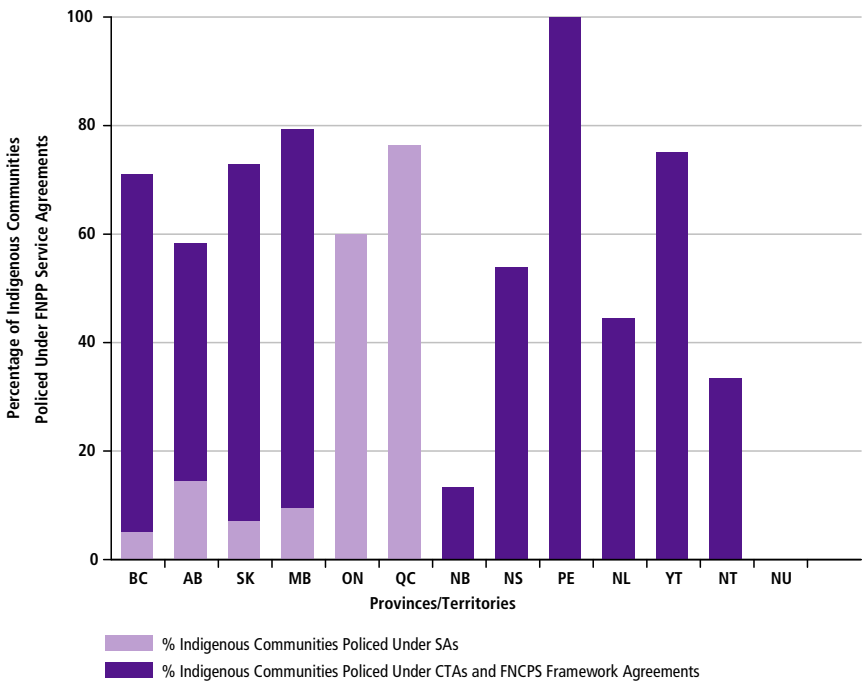
Data Source: PS, 2018c

Figure 5.2

FNPP Coverage Across Provinces and Territories by Indigenous Population

The figure presents the percentage of Indigenous population covered by FNPP agreements in the provinces/territories of Canada. Most of the Indigenous population is policed under CTAs with the exception of the provinces of Quebec and Ontario where only SAs are in place.

Participation in the FNPP varies considerably by region (Figure 5.2 and 5.3), ranging from full community participation in Prince Edward Island to zero participation in Nunavut, where communities have separate agreements in place with the RCMP. In provinces with a large number of Indigenous communities (BC, AB, SK, MB, ON, and QC), 72% of communities have an FNPP agreement, covering more than 80% of Indigenous people living in these provinces (PS, 2019). Five FNPP agreements cover 18 Inuit communities in Quebec and Newfoundland and Labrador, and two additional Inuit communities have an FNPP agreement in the Northwest Territories.



Data Source: PS, 2018c

Figure 5.3

FNPP Coverage Across Provinces and Territories by Indigenous Communities

The figure presents the percentage of Indigenous communities covered by FNPP agreements in the provinces/territories of Canada. Most communities are policed under CTAs with the exception of the provinces of Quebec and Ontario where only SAs are in place.

5.2.1 Self-Administered Agreements and Community Tripartite Agreements

The FNPP is based on the expectation that provinces/territories or municipal police services (whether or not these are RCMP services) already serve Indigenous communities (OAG, 2014). The FNPP seeks to augment existing provincial police services through the following models:

- **Community Tripartite Agreements (CTAs)** fund positions for dedicated officers or special constables to an Indigenous community.
- **Self-Administered Agreements (SAs)** create a specific First Nations police service.
- **Framework Agreements (FAs)** negotiate between federal and provincial/territorial governments for the use of the RCMP in Indigenous policing services.

FAs and SAs typically have four-year terms, with the potential for renewal. FAs set out funding expectations between the provinces and Canada, as well as expectations of the RCMP employed to provide First Nations Community Policing Services (FNCPS). Of the 457 Indigenous communities participating in the FNPP program, about a third are now policed by stand-alone policing services developed through SAs (PS, 2018c). Nearly all the remaining communities are policed under CTAs.

Comparing SAs and CTAs

SAs and CTAs represent very different models. Table 5.1 highlights some of the key differentiating factors between them. SA services provide communities a higher degree of autonomy and local direction over police services, and they demand a correspondingly greater investment of community resources in governance and administration. CTAs, in contrast, provide policing through existing services for the province or region, and communities may benefit from access to those services' larger pools of resources and training opportunities. Both models strive to provide culturally appropriate policing, though in neither case is it guaranteed that policing services will be solely or even predominantly made up of Indigenous officers. Within both models, large differences in funding levels exist among communities and in the details of how the models have been implemented (Kiedrowski *et al.*, 2016). SAs are also concentrated in central Canada: over three-quarters of the existing SAs are in Ontario or Quebec (Kiedrowski *et al.*, 2016).

SA services are governed by local police governance boards or commissions, which provide Indigenous communities with a direct role in police governance and facilitate their ability to communicate community concerns and needs (Box 5.2). The governance model for CTAs, in contrast, allows for a more limited level of interaction with the community. CTAs are intended to have

Table 5.1
Comparing the SA and CTA Policing Models

	SAs	CTAs
Autonomy and Integration	<ul style="list-style-type: none"> • Stand-alone, semi-autonomous police services under local direction (though subject to federal and provincial legislation). • Not integrated into larger services but able to access the specialized capabilities, such as emergency response teams or forensics, of the RCMP or other standing services. 	<ul style="list-style-type: none"> • Contractual provision of dedicated, culturally informed and appropriate policing through a standing service such as the RCMP, OPP, or SQ. • Intended to supplement existing arrangements or resources already in place for policing in these communities and regions.
Local Governance and Accountability	<ul style="list-style-type: none"> • Under direction of local police governance boards. 	<ul style="list-style-type: none"> • Local advisory boards called Community Consultative Groups liaise between the band council, police, and other community organizations. • Not all CTAs have Community Consultative Groups in place.
Service Composition, Training, and Community	<ul style="list-style-type: none"> • Lower ratio of officers per capita. • Less likely to have received regular recruit training and specialized training. • More likely to emphasize community policing model. • Officers more likely to have joined based on community-oriented concerns. • Fewer mentoring opportunities for officers. 	<ul style="list-style-type: none"> • Higher ratio of officers per capita. • More likely to have received regular recruit training and specialized training. • More emphasis on conventional law enforcement model. • Officers more likely to have joined based on security, income, or opportunities for training and travel. • More mentoring opportunities.
Policing Style	<ul style="list-style-type: none"> • Policing style more focused on social or community development. • Officers more likely to say that policing style emphasizes culturally appropriate policing. 	<ul style="list-style-type: none"> • Policing style places more emphasis on conventional law enforcement. • Officers more likely to say their emphasis is on more effective policing.

Data Source: Kiedrowski, 2016; Murphy, 1996; Alderson-Gill & Associates, 2008; PS, 2010

advisory boards called Community Consultative Groups (CCGs), which interface between the RCMP and the community. CTAs also require consultative groups to provide a Letter of Expectation to RCMP officers in order to formalize, in writing, the community's expectations of policing priorities regarding the types of service the community will receive and the type of working relationship and experience they wish to have with the police officer(s) assigned to them. Not all CTAs have these CCGs in place, however, and these groups cannot make binding decisions. The creation and maintenance of CCGs are the responsibility of First Nation communities. A 2008 report, based on regional focus groups in First

Nations communities in British Columbia and FNCPS survey results, identified several reasons for the absence of CCGs in some First Nations communities, including lack of awareness that they were required, confusion regarding how they were to be created, and uncertainty about their intended purpose (Watt, 2008). Participants in the focus groups and surveys generally reported receiving no training on these issues, and expressed an interest in having this training provided. First Nations communities also reported difficulty in establishing interest in participating in CCGs. As noted in the report, “[t]his was especially so in small communities where the same individuals volunteered on multiple committees and were stretched beyond their capacity.” As a result, even in some cases where CCGs were established, there was little to no attendance at regular meetings (Watt, 2008).

Box 5.2

Governance in Self-Administered Indigenous Police Services: The Importance of Community Representation

Similar to municipal and regional police services in Canada, governance arrangements in SA services typically involve a chief of police overseen by a police board or commission. A number of SA services provide examples of governance arrangements that emphasize community priorities and needs. These include widespread community representation on police boards or commissions, which provides an opportunity for each of the communities covered by a particular SA service to have a voice on the governing body. For example, the board of police commissioners that oversees the File Hills First Nations Police Service (FHFNPS) in Saskatchewan has five members, one from each of the File Hills First Nations (FHFNPS, 2017). As part of its mandate, the board supports the delivery of culturally relevant policing (FHFNPS, 2018).

The Dakota Ojibway Police Service (DOPS) in Manitoba covers six First Nations communities, each of which provides an appointed representative to the police commission. Although these representatives are required to share information with their elected Chief and council, they cannot hold another elected office themselves, creating an “arm’s length relationship between political bodies and the Police Service” (DOPS, 2017). DOPS has also established local policing committees in each community so that the sergeant in charge of each DOPS detachment can work with individual First Nations communities to address local needs. The committee members include one Elder and one youth.

continued on next page

The Anishinabek Police Service (APS) is a larger service that covers 16 First Nations communities in Ontario. The police governing authority includes members from each of these 16 communities. Some of these members are political leaders, and others are non-political community representatives. This governing body works in partnership with the Anishinabek Police Council, which provides political oversight of the APS and is made up of each First Nation's Chief (APS, 2017).

Despite their differences, SAs and CTAs often face similar challenges, particularly with respect to issues such as resources and funding, recruitment and retention of officers, the provision of 24/7 coverage and service, and inadequate infrastructure, including police stations in need of repair, a lack of adequate prisoner lock-up areas, and housing shortages for police officers (Kiedrowski *et al.*, 2016). SAs and CTAs also have similar objectives with respect to ensuring community safety and well-being. While limited evidence exists on which to compare community satisfaction with SA and CTA services, existing data highlight the relative strengths and weaknesses of each model. For example, survey evidence from the 2010 evaluation of the FNPP shows that surveyed community respondents tend to rate CTAs slightly more favourably than SAs on measures such as professionalism, enforcing the *Criminal Code*, and working with other services (Figure 5.4). In comparison, SAs received higher marks on questions relating to their presence in the community — for example, being visible, protecting property, being accountable to local authorities, and balancing law enforcement and community policing. For both types of services, however, over 80% of community members surveyed said the number of officers was inadequate for the community's policing challenges (PS, 2010).

5.2.2 Trends in the Number of SAs Over Time

The number of SA services in Canada has declined over time. Since the inception of the FNPP in 1992, 58 SA services had been formed (Lithopoulos, 2016) and 22 of these services have since disbanded (Conor, 2018), raising questions about the viability of SA services and the SA model given the funding levels and constraints associated with many FNPP agreements.

Limited research has been conducted on why SA services have disbanded, though a number of potential explanations have been identified. After analyzing existing and disbanded SA services based on their duration of agreement, the size of population policed, the number of communities covered, community remoteness, the number of officers, and agreement cost, Lithopoulos (2016)

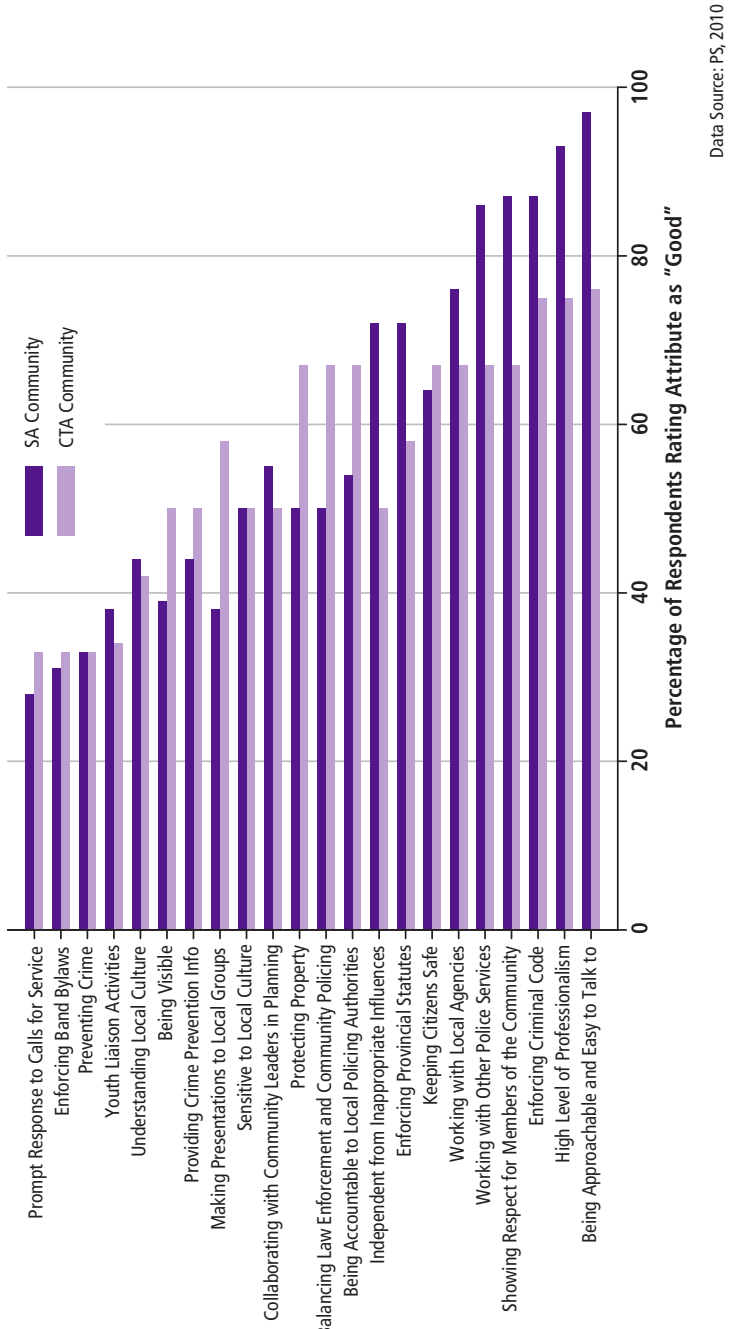


Figure 5.4

Comparing Community Satisfaction with Policing in CTAs and SAs

The figure shows the percentage of respondents assessing the quality of policing as “good” for each category. Data are based on 62 respondents to an evaluation survey (35 respondents from CTA communities and 27 respondents from SA communities).

concluded that the disbanded SAs “suffered from both a ‘liability of newness’ and their diminutive size.” Most of the disbanded SAs were operational for less than a decade, had on average five or fewer officers, and provided services to communities of approximately 1,700 residents. In comparison, the surviving SAs had on average 22 officers and served communities of approximately 4,500 people. Lithopoulos (2016) places this finding in the context of research on non-Indigenous police services: all police organizations have been found to be particularly vulnerable to failure in their early years (King, 2014), perhaps due to a lack of the “institutional legitimacy, credibility, and political capital which would enable them to survive operational and political crises compared to older and well-established police services” (Lithopoulos, 2016).

Similarly, smaller stand-alone services are more vulnerable to political and economic pressures. The SA model (i.e., small and community-specific) cannot take advantage of economies of scale and departs from the trend in Western policing toward regionalized models of service (Linden & Clairmont, 2001; Ruddell & Lithopoulos, 2011). Kiedrowski (2017) finds that both political and economic characteristics place SA services at a high risk of failure. In this context, political risks arise from internal challenges associated with the small size of these services, the small size of the communities served, and the risk of political interference in police activities. Economically, lack of adequate resourcing coupled with higher costs associated with geographic isolation can lead to high rates of turnover and recruitment difficulties. Kiedrowski (2017) emphasizes that these challenges are not unique to Indigenous communities. Municipal police services across the United States are increasingly being disbanded in favour of regional or amalgamated services. Recent examples include the Compton Police Department (California, 103 officers), the North Lauderdale Police Department (Florida, 56 officers), and the Highland Park Police Department (Michigan, 51 officers) (King, 2014). Kiedrowski *et al.* (2017) report that the number of police services in Canada declined 65% between 1988 and 2012. They conclude that, in this regard, the execution of the FNPP was problematic due to its “reliance upon SA police services that were small stand-alone agencies; the type of law enforcement model that is disappearing everywhere else.” Regardless of the financial pressures facing all small stand-alone services, the disappearance of nearly half the SAs created under the FNPP indicates that these services are often not supported at levels that are sustainable and would allow them to grow and evolve in response to community needs. In this respect, the FNPP has been cited as an example of benign neglect, in that the federal and provincial governments have done very little to help ensure the success of the program for the long term (Kiedrowski *et al.*, 2017).

5.3 EVALUATIONS OF THE FNPP: PAST PERFORMANCE AND ONGOING CHALLENGES

Evaluations of the FNPP's impact on community safety and well-being have shown success in some areas and room for improvement in others. A 2014–2015 program evaluation by PS found that the general feeling among Indigenous communities, associations, and service providers is that, in the communities where the FNPP has been implemented, safety has improved (PS, 2016a). Community members have described officers as culturally respectful and responsive, and these rates of satisfaction improve in cases where officers are embedded in the communities rather than commuting from outside them (PS, 2016a). At the same time, a number of pervasive challenges persist, despite being repeatedly identified in evaluations and audits.

5.3.1 Reliance on Contribution Agreements that Require Frequent Renewals

A criticism of the FNPP has been the duration and nature of contribution agreements: year-to-year funding and ongoing comprehensive reviews (PS, 2010). Agreements under the FNPP have been characterized as both costly and inefficient. PS's 2014–2015 evaluation of the FNPP noted that the burden of frequent renewals creates costly and time-consuming administrative procedures while fostering constant uncertainty among FNPP recipient communities, which prevents many communities from engaging in long-term planning. As well, contribution agreements require a level of evaluation and reporting that is difficult to maintain in small Indigenous communities with limited personnel and resources (PS, 2016a). The supplemental nature of FNPP funding frames Indigenous policing as an add-on and not a core service. This may itself act as a barrier to policing success by limiting the full engagement of communities in long-term, self-determined planning, and service development.

PS also recommended in its 2014–2015 evaluation that the appropriate deputy ministers within branches of its own agency involved in administering the FNPP “[e]xplore opportunities to increase flexibility in the funding model, including the duration of program funding and agreements, to better facilitate long-term planning for program recipients” (PS, 2016a). PS recently acted to address these concerns in its latest commitment of funding for the FNPP program. In its 2018 funding announcement, the federal government stipulated that, for the first time, FNPP funding commitments going forward will be for the long term (agreements lasting up to 10 years) and include a 2.75% annual increase to account for inflation. However, securing these longer-term commitments will require agreement from provincial and territorial governments (PS, 2018a).

Longer-term agreements will alleviate some of the financial uncertainty for Indigenous police services operating under the FNPP and will reduce the resources required with more frequent agreement renewals. However, the new benefits will be limited to the communities currently participating in the FNPP, as the federal government has explicitly earmarked the new funding for these communities (PS, 2018b).

5.3.2 Support for Capital, Facilities, and Other Resources

The lack of ongoing and appropriate fiscal support through the FNPP has resulted in a corresponding lack of appropriate physical infrastructure and policing resources in Indigenous communities (Stenning, 1996; Wakeling *et al.*, 2001; Kiedrowski *et al.*, 2016). Policing services in both SA- and CTA-funded communities often face a variety of infrastructure issues (including facilities and buildings that are in disrepair and do not meet security standards), inappropriate communication systems, poor maintenance of police equipment, insufficient technological support, and shortages of officer housing (Kiedrowski *et al.*, 2016; PS, 2016a). The poor functionality of existing infrastructure, such as limited holding-cell capacity and the need to bring prisoners to court appointments or medical facilities, requires officers to spend a significant amount of time transferring prisoners (Kiedrowski *et al.*, 2016). A 2010 evaluation of the FNPP highlighted the value of the program, while noting that the program did not provide enough resources. For example, over 80% of the 62 community respondents involved in the FNPP evaluation indicated that the number of officers present in their communities was inadequate to meet their community's policing needs (PS, 2010). The highest-priority issues identified by community representatives included improving the ability to deal with drug and alcohol abuse, increasing the number of youth liaisons, and improving police visibility (PS, 2010).

As of 2009, at least 221 Indigenous communities could be accessed only by aircraft or boat or were inaccessible by road for a portion of the year (Lithopoulos & Ruddell, 2011). The lack of adequate policing resources and facilities is particularly salient in these remote and isolated communities. Such communities face greater difficulties accessing resources and coping with costs of living and infrastructure development in general (Rigakos, 2008; RCMP, 2009a; Christmas, 2012). Remote and isolated communities also tend to score lower on community well-being measures, and this — combined with the reality that police services in remote and isolated communities are often understaffed, experience high turnover rates, and require officers to be on call 24/7 — places increased demands on police services and hinders productivity (Gill *et al.*, 2008; RCMP,

2009a; Lithopoulos & Ruddell, 2011). The significant geographic distances between communities under single detachments also require that officers spend significant amounts of time in transit (Kiedrowski *et al.*, 2016).

In 2014, the Auditor General of Canada noted that even though policing facilities are integral to the FNPP, “Public Safety Canada does not have reasonable assurance that policing facilities in First Nations communities are adequate” and that, in some cases, these facilities pose health and safety risks (OAG, 2014). Funding, infrastructure, and resource issues are exacerbated by policing agreement terms and conditions that set limits on how much funding can be used on capital expenditures (OAG, 2014), effectively stalling officers’ ability to do their jobs (Curtis, 2016). A 2013–2014 service provider questionnaire administered to FNPP officers by PS found that some of the greatest challenges officers faced were resource-based: understaffing, paperwork, lack of backup, and inadequate equipment (PS, 2014). In November 2018, the Government of Canada announced a \$88.6 million investment over a seven-year period to address the needs of policing infrastructure in First Nations and Inuit communities across Canada. Although limited information is available at the time of writing on the cost sharing arrangements between federal, territorial, and provincial governments, the new program, titled Funding for First Nation and Inuit Policing Facilities will dedicate funding toward the repair, renovation, and replacement of Indigenous-owned policing facilities (Cision, 2018b).

5.3.3 Support for Police Compensation, Recruitment, Training, and Education

Officers serving in SA-funded communities generally face a unique set of challenges and consistently report lower job satisfaction than, for example, their RCMP or provincial counterparts. Much of this dissatisfaction stems from lower compensation: while RCMP officers have mandated salary levels based on years of experience, officers working within SA communities typically have lower salaries and few opportunities for professional advancement (Gill *et al.*, 2008; Conor, 2018). For example, a 2016 report by the *Montreal Gazette* found that among six Indigenous communities surveyed, including remote Cree, Inuit, Atikamekw, and Innu territories in Quebec, officer salaries on reserves were much lower than their provincial counterparts. SA officers peaked at yearly wages of \$53,000 after 12 years, while SQ officers peaked at over \$70,000 after five years (Curtis, 2016). Lower wages often mean that officers in SA communities move on to better jobs in provincial or municipal police services. Turnover has been a long-reported problem among SAs, especially in small,

isolated communities. For example, the Kativik Regional Police Force suffered the loss of about 40 of its officers (roughly half of its force) in 2016 (Rogers, 2017). In a 2007 survey, when asked whether they hope to still be with their current police service in five years, RCMP officers were more likely to answer *yes* (68%) compared to SA officers (40%) (Gill *et al.*, 2008). Based on data collected between 2012 and 2017, 66% of SA officers left their jobs after less than 10 years of service (Conor, 2018). Indigenous services that face high turnover can have persistently inexperienced staff, while valuable time and limited resources go into training (Curtis, 2016).

Turnover is particularly problematic given that service demands are high relative to the presence and experience of staff (Linden & Clairmont, 2001; Clairmont, 2006; Ruddell & Lithopoulos, 2011). The overrepresentation of criminal justice challenges (i.e., crime, incarceration, and victimization) in many Indigenous communities places increased demands on police services. These demands are increased not only in terms of magnitude, but because of the nature of services required due to unique socio-economic challenges that require services and supports outside the scope of conventional policing (Stenning, 1996; Clairmont, 2006; Kiedrowski *et al.*, 2016; PS, 2016a). As well, while larger police services like the RCMP have the infrastructure to deploy relief officers, many stand-alone services lack this capacity (Lithopoulos & Ruddell, 2011). Finally, high turnover often means that officers may be unfamiliar with the communities they are serving and lack the understanding required for effective policing (Lithopoulos & Ruddell, 2011).

Finally, the conditions of employment under the FNPP have been described as stressful and gruelling (Clairmont, 2006). Officers can work in very small communities within an extremely limited police service and face an expectation that they are always on duty; they sometimes work 24/7 shifts where they move from a full work day to being on call at home (Clairmont, 2006). Officers requiring stress leave can seriously impact service capacity, and FNPP police services are adopting various approaches to protect officer mental health. This is another area where there can be significant differences between SAs and CTAs (Box 5.3).

Box 5.3**Protecting Officer Health and Well-Being**

Stressful and isolated postings can negatively impact the mental and physical health of officers, which can lead to significant disruptions in staffing when they culminate in medical leave. Police services in Indigenous communities have different approaches to protecting officer health and well-being. In CTAs where the RCMP is the contracted police service, postings can be identified as limited-duration or isolated posts. In these cases, each posting has a recommended tenure, typically between one and three years. These decisions are made based on a range of factors related to the community, including its distance from major centres, the means of travel to access the community, population size, post size, amenities, availability of educational and medical facilities, and quality of life. For members wishing to stay at a posting beyond the normal term, an extension is required (Lucki, 2018). Through the RCMP's current mental health strategy, RCMP officers also have access to a range of mental health supports and services, including specialized training and visits with psychologists (RCMP, 2017a).

Limiting the duration of potentially high-stress postings is one way to protect officer health and well-being and curtail disruptions caused by medical leave. However, this strategy can affect community relations. Officers who are frequently rotated in and out of communities have a limited amount of time to develop an understanding of any particular community.

Lacking the capacity to rotate personnel in and out of different postings, some SAs have developed different approaches. For example, at the Tsuut'ina SA police service outside of Calgary, a psychologist offers service on site every three months and as needed, and all new members have mandatory appointments with a psychologist, as do all members every three years. In addition, a trained psychologist is in the office and available for crisis intervention, debriefing, and to facilitate referrals. An advantage of such an approach is that officers remaining in communities for longer periods can develop a more in-depth understanding of community needs and dynamics, as well as more substantial relationships with community members and organizations over time (K. Blake, personal communication, 2018).

Adequate and appropriate training for officers serving Indigenous people and communities is also a key component of effective, culturally appropriate policing (Linden & Clairmont, 2001). Nearly all officers serving in Indigenous

communities have received basic recruit training from a provincial or territorial academy; however, opportunities for mentorship, specialized training, and career advancements are less available to officers in SA services compared to within larger organizations such as the RCMP (Gill *et al.*, 2008; PS, 2016a). Small SA services lack the staffing and resources to afford the time and expense of the continuous training that would foster the capacity to best address community issues (Lithopoulos & Ruddell, 2011). The complex socio-economic realities in many Indigenous communities require specific training initiatives (PS, 2016a). In a 2007 survey of police in Indigenous communities, RCMP officers identified the top needs for further training as drug investigation, street gangs and organized crime, and *Indian Act* or band bylaws, while SA officers identified drug investigation, sexual assault cases, and criminal investigation (Gill *et al.*, 2008).

5.3.4 The Implementation of Underlying Principles

Central to the FNPP is the goal of improving community safety and well-being through culturally appropriate police services, policies, and practices. The current state of research in Indigenous policing, however, focuses heavily on the challenges discussed in the preceding sections: resources and the perspectives and experiences of officers. While resourcing and the nature of funding can impact program implementation, this focus is limiting in two ways. First, by prioritizing issues related to resourcing, there is a risk of assuming that increased resourcing is the only solution for effectively implementing FNPP principles. Second, the fulfillment of the mandate and principles of the FNPP is relatively neglected and understudied.

Currently, little systematic research exists on the efficacy of culturally appropriate practices such as increasing the representation of Indigenous officers (Ruddell & Lithopoulos, 2011). Recent efforts to better understand the efficacy of FNPP-funded policing, however, have found that the FNPP has often failed to engage Indigenous communities or form meaningful partnerships between law enforcement agents and community members, despite a primary objective of increasing the role of community engagement and ownership in policing (PS, 2016a). For example, PS has not solicited input from communities when setting policing priorities or drafting agreements (OAG, 2014). Some community members reported that agreements were presented to them only for final approval. As well, PS confirmed that “cultural appropriateness, responsiveness and accountability to communities are areas that require attention” (PS, 2010). The inability of many communities to fully incorporate the principles of the FNPP into policing agreements significantly hinders development of culturally appropriate services.

According to the Auditor General of Canada, another major shortcoming in the FNPP is its lack of spending oversight. While FNPP funding is intended to provide for “enhanced policing services,” what this phrase actually means is unclear. In some cases, FNPP funding is being used to pay for core policing services, “in effect subsidizing the provincial police services” (OAG, 2014). The FNPP has also been cited for failures in transparency. Communities do not receive sufficient information about the program’s assessment and selection process, or about its allocation of funding. Without readily available documentation related to its decision-making process, the FNPP’s decisions could be accused of being arbitrary (OAG, 2014). A 2013 study on Indigenous policing in rural Canada noted that in the 20 years following the creation of the FNPP, still little was known about the program’s effectiveness or its best practices. To address this oversight, the report’s authors recommended the development of “an inventory of best practices in rural and Aboriginal policing based on principles of evidence-based policing” (Lithopoulos & Ruddell, 2013). The Auditor General cited incomplete reports on performance, the use of finances, and the impact and outcome of the FNPP’s purpose, principles, and objectives as current shortcomings (OAG, 2014). While PS has used program growth as a measure of performance, this metric does not capture the effectiveness of the program in improving community well-being and safety (Lithopoulos & Ruddell, 2013).

5.3.5 The Implications of a Decline in the Proportion of Indigenous Officers Policing in Indigenous Communities

A 2014 survey by Jones *et al.* (2019) of 827 sworn officers working in Indigenous communities revealed that the proportion who identify as Indigenous has dropped dramatically since the creation of the FNPP (from 90.0% in a 1996 survey to 26.7% in 2014). The research indicates that this decline has occurred within all three of the different service providers: between 1996 and 2014, the proportion of Indigenous officers in SA First Nations police services declined from 86 to 59%, in the RCMP from 94 to 25%, and in the OPP from 76 to 10%. While the researchers acknowledge that the disbanding of numerous SA services and the lack of inclusion of band constables in the most recent survey may account for a portion of this decline, they believe the finding is still significant, especially “given that a cornerstone of the FNPP, as it was envisioned, was that policing services be delivered primarily by Indigenous officers” (Jones *et al.*, 2019).

Along with the decrease in officers of Indigenous descent, the 2014 survey revealed other trends that run counter to FNPP goals. For example, in comparing results from surveys conducted with officers policing Indigenous communities in 1996, 2007, and 2014, the latest results showed that fewer officers subscribe

to the values of community policing. In 2014, 63% of officers responded that they should be involved in all community problems, compared with 84% in the 1996 survey (Jones *et al.*, 2019). In turn, the number of officers who agree that “police should restrict their activities to enforcing the law and fighting crime” increased from 26% in 1996 to 31% in 2014, and the proportion of officers who agreed that “making an arrest is not usually the best way to solve a problem” declined from 85% in 1996 to 57% in 2014. The researchers attribute these changing attitudes in part to the change in demographics, noting that, “[t]hese findings suggest that an officer’s ancestry shapes their perceptions about the way they approach their policing role, and especially their relationships with the community members they serve” (Jones *et al.*, 2019). For example, officers who identified as Indigenous were more likely to agree that maintaining the peace and becoming involved in community problems were as important as addressing crime-related problems and they were less likely to view the time in the former as “wasted” (Jones *et al.*, 2019).

Jones *et al.* (2019) argue that if the trends revealed in the results of the 2014 survey continue (especially the decline in the proportion of Indigenous officers policing in Indigenous communities), there may be a problematic future for the FNPP. They note that the survey results “reveal that non-Indigenous respondents... place a greater value on traditional [non-Indigenous] policing models and are more dismissive of community engagement and collaboration than the Indigenous officers. Those findings can be contrasted against the expectations of stakeholders from Indigenous communities who want to overcome the ‘disconnect between the police service and the communities that they are policing’” (Jones *et al.*, 2019).

5.4 POLICING FOR INDIGENOUS COMMUNITIES AND PEOPLE NOT INCLUDED IN THE FNPP

Most Indigenous people in Canada live outside communities that receive policing services under FNPP agreements. This group includes Indigenous people living in urban areas or communities not currently participating in the FNPP. These people and communities receive policing services based on the arrangements in place for their region, whether through municipal or provincial services, or through the RCMP under contract with provincial/territorial governments.

The only SA Inuit service, the Kativik Regional Police Force (KRPF), serving Inuit communities in Nunavik (Inuit lands in northern Quebec), is under the control of the Kativik Regional Government, the Inuit self-government system in Nunavik.⁴

4 In addition to FNPP funding, the KRPF receives additional funding under mandate B.11 of the *Agreement Concerning Block Funding for the Kativik Regional Government* (KRPF, 2017).

Under the Kativik Regional Government, the KRPF works collaboratively with the Nunavik Investigation Unit and the SQ to share intelligence and expertise. The Aboriginal Combined Forces Special Enforcement Unit (A-CFSEU) is another cross-Quebec initiative that involves the SQ, the RCMP, and other Indigenous police services in Quebec (KRG, 2017). The A-CFSEU works to share expertise across police services and to jointly investigate drug and criminal organizations within Quebec's Indigenous communities and on reserves (Thatcher, 2016). The RCMP provides services in the remaining Inuit lands. The Inuvialuit Regional Corporation in Inuvialuit (Yukon and Northwest Territories) represents and manages the Inuvialuit Final Agreement (land claim), but has no obvious role in policing. The Nunatsiavut self-government (Labrador) does not have jurisdiction over community justice, however, Nunatsiavut Affairs does provide support on criminal issues, is represented on regional and local justice committees and boards, and liaises regularly with the provincial Department of Justice (Nunatsiavut Government, n.d.). In Nunavut, policing operates through the territorial government (Gov. of NU, 2016).

The RCMP, OPP, and SQ have all enacted or supported initiatives aimed at addressing policing issues pertaining to Indigenous people. The RCMP generally supports Indigenous policing in detachments across Canada through its National Aboriginal Policing Services branch, which provides a number of programs, including training programs for Aboriginal youth and the Aboriginal and Inuit Perceptions Training programs (RCMP, 2009b). In 2015, the RCMP also formed a National Indigenous Advisory Committee to advise the organization on how RCMP programs and services could be improved to support Indigenous people.

Similarly, the OPP has formed the Indigenous Policing Bureau, which is focused on improving the OPP's responsiveness to Indigenous people and communities by:

- supporting and directing Indigenous awareness training for OPP employees;
- sponsoring culturally based community and youth initiatives;
- building the service's capacity to identify, manage, and mediate in potential conflicts involving Indigenous people; and
- providing administrative support for communities participating in the Ontario First Nations Policing Agreement, which provides funding and support to stand-alone Indigenous police services in Ontario created under the FNPP.

(OPP, 2018)

In Quebec, 51 of the 55 Indigenous communities are covered by agreements on the provision of police services. All of Quebec's Indigenous communities are policed by either an Indigenous police service or by the SQ (Gov. of QC,

2018). Among the 55 communities, 13 are not funded by the FNPP. Limited public information is available on the agreements and programs that exist for these detachments.

5.4.1 Diversity of Indigenous Communities

In contemporary society, Indigenous people cultivate a sense of community and identity in diverse settings, including villages and hamlets in the Far North, rural areas across the provinces and territories, and in the urban locations where over half of Indigenous people in Canada reside (Clatworthy & Norris, 2014).

Many Indigenous people, particularly those who live or spend time in urban settings, conceptualize community not by geography, but by a sense of belonging through family and social networks, cultural practices, and shared history, values, and language (Patrick & Tomiak, 2008). While a number of socio-economic challenges face Indigenous populations in urban areas, the strong Indigenous presence in many Canadian cities has led to community-building through informal social networks and organizations that foster culture and community (Peters, 2005). In cases where communities are formed through common interests or concerns, members may not necessarily have regular face-to-face interactions, but they are increasingly enabled by technology-based communication (Halseth & Booth, 1998).

Among other variables, the size and cohesion of Indigenous communities in these different contexts varies. A hamlet in Nunavut of fewer than 200 people will have vastly different community dynamics than a city such as Winnipeg, where over 36,000 residents identify as First Nations and over 45,000 identify as Metis (StatCan, 2017a). These dynamics will, in turn, affect the interactions between police and community members. As well, rural communities, which are outside urban areas and have fewer people, lower population density, and less infrastructure, are distinct from remote communities, which are great distances from metropolitan areas, are difficult to travel to by regular transportation, and lack specialized services (including healthcare) (Cotton *et al.*, 2014; Ruddell *et al.*, 2014). While police in remote communities face unique challenges compared to those in rural ones, little research has been carried out on this topic (Ruddell *et al.*, 2014).

5.4.2 The Urban-Rural Divide and the Mobility of Indigenous People

Among 744,855 First Nations people who are registered under the *Indian Act* or are treaty beneficiaries, 55.8% lived off reserve in 2016. Among all Indigenous people in Canada (867,415), 51.8% now live in larger metropolitan areas of at

least 30,000 people, including 62.6% of the Metis population (StatCan, 2017b). The Inuit population in Canada is growing. There were 65,025 Inuit in Canada in 2016, up 29.1% from 2006. While 72.8% of Inuit live in Inuit Nunangat, the Inuit population outside of the region is also growing, with 56.2% of those outside the region residing in metropolitan areas (StatCan, 2017b). Such numbers do not capture the diversity or distribution of Indigenous people in Canada, given the differences among geographical regions and the variation within and between populations of First Nations, Inuit, and Metis people. They are nonetheless useful as an investigative tool to survey the Indigenous population as a whole (Dickson-Gilmore & La Prairie, 2005).

Based on questions about place of residence, census data can assist in examining the mobility of Indigenous people. These data show that, with the exception of Inuit, Indigenous people are significantly more mobile than non-Indigenous people. Analyses of census migration data show high rates of migration both into and out of cities, a complexity masked by an arbitrary division between reserve or rural and urban areas (Peters, 2005; Clatworthy & Norris, 2014).

First Nations people living off reserve do not benefit from policing arrangements under the FNPP, though they may benefit from efforts by municipal or regional services to adopt culturally appropriate policing practices (Section 6.2.2). Equity programs in the RCMP or other services may also enhance culturally appropriate policing across various jurisdictions by building more diverse and demographically representative police services. Across First Nations SA services, men account for 84% of officers, while women make up 16% (Conor, 2018). As of 2018, 7.8% of RCMP regular officers identify themselves as Indigenous, and the recruitment of Indigenous members remains a priority (Lucki, 2018). In enumerating officers, the RCMP does not differentiate between Nations (i.e. numbers of self-identified Cree officers) or even between First Nations, Inuit, and Metis. These distinctions may be considered important for some Indigenous communities seeking to have culturally appropriate policing that reflects their community's values. Metis individuals and communities in Canada also typically lack dedicated Indigenous policing arrangements, they are policed under existing municipal or provincial arrangements covering their geographic areas. The Metis settlements in Alberta, however, have an enhanced policing agreement in place that provides supplementary support through the RCMP, with the provincial government covering 70% of the cost and the RCMP covering the rest (Gov. of AB, 2009; RCMP & Metis Settlements General Council, 2013).

While policing services created under the FNPP have defined geographic jurisdictions, the criminal activities and safety needs of Indigenous people often cross those boundaries. Jones (2014) points in particular to the challenges associated with street and prison gangs and the interconnectedness of gang activity on and off reserve. Gangs formed on reserve can lead to crimes committed off reserve in neighbouring communities or urban areas, and vice versa, and gang-affiliated individuals may seek younger recruits on reserve. Factors such as “structural inequality, family, community and cultural breakdown, and systemic discrimination” increase the vulnerability of many Indigenous communities to gangs (Peters, 2011). Addressing pervasive links between urban and reserve crimes often requires close collaboration among municipal, regional, and provincial police services (Jones *et al.*, 2014), and Indigenous policing strategies that focus exclusively on reserves are unlikely to address many of the safety challenges facing Indigenous people. Indigenous police services with experience in specific types of criminal activity, such as Indigenous gangs, can become a training resource for other police services across Canada and even North America. In Maskwacis, Alberta, for example, an Indigenous community with a significant history of gang activity, the CTA RCMP detachment has provided training on gang-related criminal activity to many other services.

5.4.3 Oversight Mechanisms

Differences in the structures of policing across the country mean that police governance and oversight vary when applied to Indigenous people and communities. These mechanisms are often inaccessible to or not trusted by Indigenous people.

Table 5.2 provides a simplified overview of governance structures and independent oversight bodies for the RCMP, OPP, and SQ. Six provinces (British Columbia, Alberta, Manitoba, Ontario, Quebec, and Nova Scotia) have civilian oversight bodies to investigate incidents and complaints involving police or police board members, while the seven other provinces and territories do not. The RCMP Commissioner answers to the Minister of Public Safety Canada, and the organizational structure of the RCMP has no provisions for civilian governance through independent management boards (GC, 1985b). However, under the RCMP’s *Enhancing Royal Canadian Mounted Police Accountability Act*, a complaints body called the Civilian Review and Complaints Commission (CRCC) gained broader powers in 2013 (JUS, 2013).

Table 5.2

Governance Structures and Independent Oversight Bodies for the RCMP, OPP, and SQ

Service	Governing Bodies	Independent Oversight
RCMP	<ul style="list-style-type: none"> Public Safety Canada 	<ul style="list-style-type: none"> Civilian Review and Complaints Commission
OPP	<ul style="list-style-type: none"> Ministry of Community Safety and Correctional Services OPP detachment boards OPP Advisory Council First Nations OPP boards 	<ul style="list-style-type: none"> Inspector General of Policing* Special Investigations Unit* Office of the Independent Police Review Director (to be continued as Ontario Policing Complaints Agency)* Ontario Civilian Police Commission (to be continued as Ontario Policing Discipline Tribunal)*
SQ	<ul style="list-style-type: none"> Ministry of Public Security 	<ul style="list-style-type: none"> <i>Bureau des enquêtes indépendantes</i>

*Changes on hold as of 2018

For provincial, regional, and municipal services, each province's police act determines how senior leadership is governed. Provincial police leaders are generally accountable to a designated minister, but they may be advised by local boards, committees, or councils when providing services to communities (Gov. of NL, 1992; Gov. of QC, 2000; CCA, 2014; Gov. of ON, 2018). Most municipal and regional services answer to police boards or commissions, providing a means for civilian governance of police, though board composition and member selection vary from province to province.

The CCA's 2014 report discussed the range of mechanisms in Canada that hold police accountable to the public, governing bodies, inquiries or review bodies, government ministers, and courts of law. While most of these mechanisms focus on police behaviour and wrongdoing, others address police efficacy through performance measurement. Within a police organization, police conduct is managed through policies and processes related to training, supervision, and discipline; however, the transparency of internal practices may be limited (CCA, 2014).

For Indigenous people, police oversight remains affected by Canada's colonial history. For example, in a review of police oversight mechanisms in Ontario, Tulloch (2017) highlights how the history has complicated relations

between Indigenous people and law enforcement, making police oversight a particularly sensitive issue. The Indigenous people consulted expressed a lack of understanding of the complex system of police oversight. When it comes to oversight in general, many felt that filing complaints is futile, that they would face retribution for filing complaints, that oversight bodies were inaccessible (especially for rural and remote communities), and that treatment from oversight bodies was often inappropriate. Notably, many felt that oversight in Indigenous communities was ineffective and failed to engage community members in meaningful dialogue and in culturally appropriate ways (Tulloch, 2017). Some of these same findings were echoed in a survey conducted among justice and court workers providing services in 5 Metis settlements and 13 First Nations communities in Saskatchewan (12 respondents). When asked for their views on why community members did not file complaints against the RCMP with the CRCC, 5 respondents cited fear of retribution and 10 respondents cited an unfamiliarity with the CRCC and its process. In an attempt to increase awareness and use of the CRCC, it was recommended that informational posters be provided in local languages (Dene and Cree), informational workshops held, and local radio and social media used to spread relevant information on the purpose and process of the CRCC (Kiedrowski & Petrunik, 2018).

Discrimination in police activity also erodes Indigenous people's trust in these services as providers of safety and security (Section 3.1). As a result, the relationship between Indigenous people and current services often remains strained. Most Indigenous people in Canada (including most of those living off reserve) therefore continue to lack access to police services they trust, over which they have any substantive control, or that provide culturally appropriate policing services tailored to their specific needs and circumstances. A recent inquiry in Thunder Bay (Box 5.4) highlights the entrenched, systemic nature of these challenges and Indigenous people's lack of confidence in police to provide for their safety and security. In 2000, in response to discrimination in the justice system in Saskatchewan, the Federation of Sovereign Indigenous Nations (FSIN) launched its own Special Investigations Unit that fields complaints of abuse by police officers and other personnel in Saskatchewan's justice institutions. The FSIN follows up with investigations, but notes as part of its process that "each complainant owns their experience and has a right to determine how information is forwarded. No steps will be taken without authorization of the complainant" (FSIN, 2018).

Box 5.4**The Investigation into the Thunder Bay Police Services Board**

Prompted by the recent deaths of three First Nations people, each found in rivers in the Thunder Bay area, and a string of suspicious deaths dating back to 2000, an investigation was launched in July 2017 into the activities of the Thunder Bay Police Services Board (TBPSB) at the request of the First Nations leaders in northern Ontario (Fiddler *et al.*, 2017). Led by Senator Murray Sinclair, the investigation addressed the primary concerns of Indigenous communities, including a “lack of confidence” in the Board’s ability to “deliver adequate and effective services” to Indigenous community members who reside in Thunder Bay (Fiddler *et al.*, 2017).

Thunder Bay is a regional hub that Indigenous people from remote communities move into and out of in order to access services, including healthcare and education (Sinclair, 2017). While the city accounts for only 5% of the Indigenous population in the province, it has roughly 37% of the Indigenous murder victims (Jaco, 2017), and in 2015, led the country in reported hate crimes (mostly against Indigenous populations) (Sinclair, 2017).

The police in Thunder Bay were accused of mishandling investigations, devoting insufficient time and resources to cases involving Indigenous victims, prematurely closing cases, and fostering systemic racism within the service (Sinclair, 2017, 2018). Senator Sinclair’s investigation focused on the TBPSB and its failure to provide leadership, diversify the police service, and combat racism; the investigation aimed to hold the TBPS accountable for its failures to properly investigate crimes and respond to Indigenous concerns (Sinclair, 2017, 2018).

The final report on the TBPSB confirmed a general disregard among Thunder Bay police in cases involving First Nations victims and addressed issues of systemic racism within the TBPS, including in its hiring and investigative practices (Sinclair, 2018). The report led to the disbanding of the TBPSB (Perkel, 2018). The Office of the Independent Police Review Director (OIPRD) also conducted a systemic review of the TBPS and its practices related to policing Indigenous people, especially “their policies, practices and attitudes... as they relate specifically to Indigenous missing persons and death investigations” (McNeilly, 2018). Its 2018 report provided further evidence of the mishandling of Indigenous cases and found systemic racism and discrimination within the TBPS (McNeilly, 2018).

5.5 CONCLUSION

While the creation of the FNPP was an important step in the evolution of policing in Indigenous communities in Canada, its implementation has been seen as problematic by the Auditor General of Canada, as well as by some Indigenous communities (OAG, 2014; DPRA, 2016). The FNPP established a mechanism to support community-based policing for Indigenous communities, thereby enhancing the capacity for self-determination in participating communities and beginning to redress the legacy of systemic violence and discrimination perpetrated (sometimes by police) under colonialism.

Some communities experienced measurable improvements in their policing services as a result of the FNPP. However, its funding model requires frequent contract renewals, neglects capital costs and critical facilities and equipment, and fails to provide funding commensurate with the real costs of policing services in isolated communities. As such, the FNPP has been the subject of criticism and a source of frustration for many Indigenous communities. Originally envisioned as a program providing supplementary support for policing services already in place, in reality it has often been the sole or primary mechanism by which remote Indigenous communities are policed. The program's coverage also remains incomplete, even after the most recent injection of new funding, as it excludes a third of the eligible communities, precludes excluded communities from joining the program, and does nothing to improve policing services for Indigenous people living off reserve.

The FNPP is also challenged by its use of a policing model (stand-alone local police services) that is increasingly being replaced in North America by regional services more able to respond to budgetary constraints by merging resources. At the same time, SA services under local governance may be uniquely well suited to placing control of policing services back in the hands of Indigenous communities and addressing local needs, assuming those services are adequately funded and supported. Finally, the underlying conception of policing services inherent in the FNPP may also be overly narrow. Police are no longer the primary and dominant provider of safety to communities, and policing is only one component of the community well-being landscape. The next chapters will examine ways in which these realities can be addressed, which will require facing a number of issues, including the need for increased trust and reciprocity between police and other providers of safety and well-being.

6

Putting Relationships at the Centre of Community Safety and Well-Being

- **Bridging Values, Principles, and Practices to Achieve Safety and Well-Being in Indigenous Communities**
- **Relationship-Based Approaches to Safety and Well-Being**
- **Approaches to Safety and Well-Being Through Relationships that Extend Beyond the Community**
- **Viability of a Relationship-Based Approach**
- **Conclusion**

6 Putting Relationships at the Centre of Community Safety and Well-Being

Key Findings

By adopting practices that respect Indigenous knowledge and providing culturally safe services, policing can be part of the journey toward healing and increased well-being in Indigenous communities.

Across Canada, new and promising ways to promote community safety and well-being are emerging as the result of a need to focus on social determinants rather than punitive approaches to crime prevention. These holistic approaches are grounded in principles reflective of Indigenous values, laws, and traditions. Effective approaches are conceived within each community and based on their needs.

In Indigenous communities, safety and well-being are rooted in relationships, which requires connections among police, other service agencies, and community members. Such collaborations show early promise in both urban and rural Indigenous communities. Further assessment is needed to evaluate their long-term effectiveness.

Police can be integral to engagement efforts within Indigenous communities and can form broader connections at the municipal, provincial/territorial, or national levels. These relationships can promote reciprocity and mutual respect between Indigenous and non-Indigenous communities and organizations.

Relationship-based approaches provide opportunities for police to assist in mobilizing communities and to better understand unique needs and circumstances. However, implementing such approaches can pose challenges, particularly related to resources and trust.

The idea that the entire community unites to support individual and collective well-being is far from a novel concept among Indigenous people. This chapter focuses on how contemporary policing approaches can draw upon practices that have been used in Indigenous communities for millennia, and how policing can be integrated into broader understandings of safety and well-being. In many cases, Indigenous people view the police as a foreign presence imposed to cause further disruption and take people away (RCAP, 1996e). Re-imagining

the relationships between communities and the police is an opportunity to change this view. Interactions between police and other community agencies and members can be grounded in trust and respect for local needs and values. This chapter considers the relationships between Indigenous people and the police in contemporary society and draws upon examples of policing practices in both Indigenous and non-Indigenous communities. It discusses several community-driven safety and well-being initiatives that involve police along with other community leaders and agencies.

The CCA's 2014 report examined contemporary policing models through the lens of the "safety and security web" (CCA, 2014). This term was inspired by Jean-Paul Brodeur's 2010 book *The Policing Web*, which acknowledged that the police are one of many components that make up the "policing assemblage." The web comprises a broad network of components that operate in the public and private spheres to support community safety and security. The word "web" emphasizes that the components often lack coordination and operate independently (Brodeur, 2010).

The growing diversity of safety and security providers has been conceptualized using many terms, including "plural policing," "multilateralization," "security networks," and "nodal security" (Bayley & Shearing, 1996, 2001; Loader, 2000; Dupont, 2004; Shearing, 2005). These terms originated from the idea that scholars wanted to disconnect the concept of policing from public police agencies, and emphasize that the function of policing can be delivered by a number of different public and private providers. However, the terms have remained strongly linked to formal organizations, law enforcement, and crime control.

The use of language such as "safety and security web" and "community safety and well-being" reflects a movement toward a broader perspective. This perspective can be informed by Indigenous knowledge, and emphasizes the need for police to act in partnership with community organizations and community members who are focused on the issues that may lead to crime and how to respond appropriately when crimes are committed. For the purpose of this report, the Panel acknowledges that while the terms "network" or "web" can be useful in describing policing metaphors and models, what underlies these concepts is the relationships that ground approaches to safety and well-being in each unique community. Focusing on these relationships, which are of special importance to Indigenous people and communities, highlights the opportunity to embrace customary Indigenous ways of relating in contemporary communities.

6.1 BRIDGING VALUES, PRINCIPLES, AND PRACTICES TO ACHIEVE SAFETY AND WELL-BEING IN INDIGENOUS COMMUNITIES

Chapter 3 highlights the opportunity to utilize the concept of community safety and well-being to design policing approaches that reflect local cultures and values. Indigenous communities have already adopted the concepts of well-being and balance into their ways of conducting themselves, relating to others, and maintaining safe, healthy communities. For example, when developing a safety plan for their community, the Gitanmaax First Nation in British Columbia first created a mural to represent the wellness of their people (the Gitxsan). Community members described Gitxsan wellness as,

deeply embedded in who we are as Gitxsan. Ama Didils means living right, living in a good way, living in concert with those around you. Within Gitxsan society this means that there is a balance in one's life between the personal, political, social and spiritual being. One walks slowly and softly and is expected to be in balance with the core Gitxsan social structures, principles and values. This is the Gitxsan Code of Conduct taught from birth.

(Gitanmaax Band Council, 2015)

Although communities such as the Gitanmaax First Nation were able to come together to produce a community safety plan (Section 6.2.1), not all communities are equally homogenous in their views. La Prairie (1995) cautions that the level of division within a community may represent a barrier to developing approaches to justice. Understanding the sources of divisions within communities is beyond the scope of this assessment, although it is worth noting that, for Indigenous communities, the impacts of colonization likely contribute to these divisions.

The opportunity to develop community safety and well-being approaches to policing based on Indigenous knowledge and values goes beyond Indigenous communities. It is an opportunity for all governments and institutions to work towards reconciliation and to identify effective and novel practices in support of policy making. As an example, the Government of Nunavut incorporated guiding principles of Inuit traditional knowledge (Inuit Qaujimajatuqangit) into their laws and policies (Gov. of NU, 2013) (Box 6.1).

Box 6.1**Guiding Principles of Inuit Qaujimajatuqangit**

Inuuqatigiitsiarniq: Respecting others, relationships, and caring for people.

Tunnganarniq: Fostering good spirit by being open, welcoming, and inclusive.

Pijitsirniq: Serving and providing for family and/or community.

Aajiiqatigiinni: Decision making through discussion and consensus.

Pilimmaksarniq: Development of skills through practice, effort, and action.

Qanuqtuurniq: Being innovative and resourceful.

Piliriqatigiinni: Working together for a common cause.

Avatittinnik Kamatsiarniq: Respect and care for the land, the animals, and the environment.

(Gov. of NU, 2013)

In addition, Indigenous knowledge and world views have become more recognized and respected by institutions such as universities. Indigenous leaders and scholars are leading new academic programs, such as the University of Victoria's joint degree program in Canadian Common Law and Indigenous Legal Orders (University of Victoria, 2018). Institutions have also included Indigenous principles in their governance models. For example, the University of Calgary worked alongside Indigenous Elders and other community members to develop an Indigenous Strategy under the Blackfoot name *ii' taa' poh' to' p* (which signifies a place to rejuvenate and re-energize while on a journey). The strategy is intended to guide the university down a path of transformation that builds relationships with Indigenous people and helps the university remain committed to and responsible for truth and reconciliation (University of Calgary, 2018). The strategy's conceptual model is based on Indigenous perspectives of the universe being in continual, dynamic cycles of transformation and renewal. The central component of the model is the concept of shared ethical space, in which different world views can come together in an atmosphere of mutual respect (Ermine, 2007). Surrounding this shared space are four key focus areas, labelled visionary circles. The first visionary circle refers to ways of knowing, which apply to the approaches to teaching, learning, and research. The second,

ways of doing, reflects policies, procedures and practices, including the concept of doing things “in a good way.” The third, ways of connecting, acknowledges the importance of relationships and interconnectedness, including connections to land. The fourth, ways of being, emphasizes communal responsibility and reciprocity through respect, dignity, honesty, and inclusivity (University of Calgary, 2018).

6.1.1 The Role of Elders in Community Stability

The role of Elders is central to any discussion of relationships that foster Indigenous community well-being and harmony. In addition to retaining traditional knowledge of the customs, values, and beliefs that upheld community peace and order, Elders have often held advisory or leadership roles (Hamilton & Sinclair, 1991). For example, pre-contact, Inuit camps were led by Elders and respected hunters. In resolving disputes, Elders encouraged offenders to mend their ways through appropriate behaviour, and in most cases the counsel of Elders was valued and adhered to (Nungak, 1993). Elders have also used their extensive knowledge of their communities to protect people, by communicating with those who may be at risk for harm, or providing support (and sometimes temporary isolation) to individuals showing signs of dangerous behaviour (Friedland, 2014b). In the harsh environments of the Far North, Elders have contributed to teaching younger generations on how to conduct themselves in ways that preserved individual and community safety (Box 6.2).

Box 6.2

The Role of Elders in Community Safety in Nunavut

Qikiqtarjuaq, Nunavut is a fly-in community on a small island off the east coast of Baffin Island with an arctic terrain of mountains, fjords, and icebergs. While the land and sea ice are snow-covered in the winter, warmer months bring open sea water and ice floes. Hunting and travelling in Qikiqtarjuaq and the surrounding region can be challenging. In 2005, as part of a project to investigate how Inuit knowledge could contribute to the management of Nunavut National Parks, local community members, hunters, and Elders participated in interviews, focus groups, and an on-the-ice workshop related to travel safety on the land and ice (Johansson & Manseau, 2012).

Rather than specific hazards (e.g., sudden weather changes), participants identified the greatest risk as “a lack of preparedness, experience, and knowledge regarding travel in the local environment.” They explained that the abilities to behave and travel safely in one’s surroundings are learned through observing, experiencing,

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conversations, “and stories that connect safety within a larger worldview and way of life” (Johansson & Manseau, 2012). Participants emphasized the importance of the community’s traditional knowledge about safety, and explained that:

Elders are highly respected because of their lifetime of experience and recognized link to this traditional knowledge. Elders often take a lead role in teaching others about safety by sharing stories, by sharing values, and by example through their own interactions with the land, people, and animals. The knowledge held by Qikiqtarjuaq elders is a source of pride for the whole community as it represents the ability of the Inuit people to survive and thrive in the arctic environment.

(Johansson & Manseau, 2012)

In a story that received national news coverage, the ability to survive in the arctic environment was demonstrated by an Elder himself. In June 2007, Elder Enoki Kunuk left Igloodik by snowmobile for a caribou hunting trip, and became stranded when the ice broke. Using his experience and skills as a hunter, Kunuk lived alone for a month before searchers found him. Inuit viewed this not as a rare story of survival, but as an example of how traditional knowledge is vital to safety (CBC, 2007; Johansson & Manseau, 2012).

The role of Elders in the context of maintaining community cohesion can be illustrated by a statement shared by Rupert Ross, a Crown Attorney with experience in Indigenous justice initiatives:

There can be no doubt that it was respect for [E]lders which was the social glue holding people together in relatively peaceful obedience to commonly accepted rules. People accepted their guidance because they had observed their wisdom. The arrival of the court took away the critical arena of dispute-resolution from the Elders. With a grossly diminished opportunity to demonstrate wisdom, there was a corresponding diminishment of heart-felt respect. The same dynamic took place as we introduced our education, our health care, a bureaucratic Band Council structure, our policing, etc. The Elders [sic] arena shrank, and the glue that held each small society intact began to dry and crack.

(Ross, 1990, as cited in RCAP, 1996e)

While the role of Elders was greatly reduced under colonially imposed practices, their role has begun to grow again in recent decades. Current police services can learn from and be guided by the wisdom of today’s Elders in a number of ways (Section 6.2.2).

6.1.2 Concepts of Healing

Healing is an important concept in Indigenous cultures. It brings together traditional knowledge, spirituality and social processes of restoring and maintaining connections and good relationships with others (Saskamoose *et al.*, 2017). In an Inuit context, Drummond (1997) describes how the notion of healing has implications for law, justice, and appropriate responses to domestic violence. Healing is often described in terms of regaining balance or restoring harmony among elements of the person and the situations that are out of balance. This restoration can occur through collective community efforts, where the community has a responsibility to help and guide those in need. The relationships that link families and community members, and the importance of reciprocity in these relationships, underlie many of the principles through which harms (or potential harms) are addressed (Friedland, 2014a, 2016a). The Panel emphasizes that concepts of healing are directly linked to both the historical relationship between police and Indigenous people and the potential responses to harmful behaviour.

While Indigenous values of maintaining harmony and balance can inform innovative policing and conflict resolution practices, Napoleon and Friedland (2014) caution that focusing only on certain aspects of Indigenous justice can lead to a narrative that “completely and problematically conflates ‘Aboriginal justice’ with ‘restorative justice’ or rallies around the singular description of ‘justice as healing.’ ... The predominant narrative of ‘justice as healing’ is not false, but it is dangerously incomplete.” Not only does it fail to appreciate the complexity of Indigenous legal traditions, it incites questions about their effectiveness in managing the realities faced by Indigenous families and communities today. While healing and restorative approaches may be preferable responses to crime, it must be realized that Indigenous legal traditions “once had to have dealt with the whole spectrum of harms and violence human beings inflict upon one another, [therefore] it is obvious these could not have been the only available responses” (Napoleon & Friedland, 2014).

Healing and Historical Trauma

The concept of healing is used in reference to the historical harms committed against Indigenous Peoples as a result of colonization. This colonial impact has been linked to the concept of historical trauma, defined by Evans-Campbell (2008) as “a collective complex trauma inflicted on a group of people who share a specific group identity or affiliation. ... It is the legacy of numerous traumatic events a community experiences over generations and encompasses the psychological and social responses to such events.” As described in Chapter 2, the police are recognized participants in the events that define historical

trauma, including the residential school system, where the RCMP played an active enforcement role (TRC, 2015a). The consequences of these historical events may be transmitted across generations at the level of the individual, family, community, and nation (Abadian, 1999; Kirmayer *et al.*, 2014). For example, the transgenerational individual mental and physical health problems related to residential school attendance are linked to multiple aspects of family dysfunction, including parenting issues, domestic violence, and other forms of abuse in families (Bombay *et al.*, 2014). In addition to psychological and social pathways of transmission, some of the effects of trauma may be passed across generations by physiological processes, perhaps including changes in gene activity or expression (epigenetic modifications) (Aguilar & Halseth, 2015).

While the recognition of historical trauma is important for rethinking relationships to the state, Kirmayer *et al.* (2014) caution that focusing narrowly on the historical suppression of Indigenous culture and identity may overshadow the effects of ongoing racism and discrimination, economic inequalities, and political subordination. A broad view of Indigenous community well-being includes not only the acknowledgement of past trauma, but also how the current social, economic, and political situation impacts healing and resilience. Some scholars have argued that to support resilience and well-being, trauma narratives must include stories of resistance and survival, detailing “not simply the trauma but the ways in which the individual dealt with and also opposed it” (Waldram, 2004). Similarly, the Panel stresses the value of approaches to policing that emphasize the strength and capacity of Indigenous communities, rather than perpetuate concepts of victimization and damage. Police officer perceptions of community capacity significantly affect the ability of police to form community relationships built on reciprocal respect. Officers who trust that the community can participate in resolving their own conflicts, and who are willing to listen to and take direction from community members, send a message that the community is valued (Glowatski *et al.*, 2017).

Healing as Part of Community Justice and Policing

The Canadian criminal justice system is focused on the accused, the lawyers, and the precise rules of the court, which makes information either admissible or inadmissible. It is a system focused on procedure, individuals, and punishment, rather than on community relations (GC, 2017). In contrast, Indigenous people may use the concept of healing in describing how to contend with people who have committed offences against individuals and communities. Crime is viewed not as harm against the state, but as harm against the community or collective society and its members (Hewitt, 2016). Crimes are committed by those lacking balance, and the healing process aims to restore this balance by

uniting the spiritual, emotional, physical, and mental elements not only of individuals, but of families, communities, and nations (Clairmont & Linden, 1998). Crime is not understood in dichotomous, moralistic terms as a good or bad behaviour, but as an imbalance of what is fundamentally interconnected. In this sense, the transformative and restorative practices of healing give rise to justice (Proulx, 2003).

Across Canada, many community justice and healing programs exist for Indigenous people who have violated the law. These include community justice panels and committees, sentencing and peacemaking circles, family group conferencing and mediation, and intensive healing programs and processes that require extended participation by offenders. The programs, which are often funded by and linked to the colonial justice system, are described as using traditional approaches; involving Elders, extended family, and community; addressing underlying causes of harmful behaviour; repairing relationships; and restoring harmony and order in the community (Friedland, 2016b). For inmates serving sentences and for conditionally released offenders, healing lodges (which are operated by community organizations or Correctional Service Canada) provide correctional settings that embrace Indigenous cultures, spirituality, and the wisdom of Elders (CSC, 2018). The overall goal of community justice or healing programs is not simply to provide an alternative to prosecution but to gradually heal the community. These approaches, which have the potential to incorporate Indigenous values and legal traditions and provide immeasurable benefit to communities, can reach their full benefit when they are stably resourced and genuinely community-driven (Hewitt, 2016).

Community justice and healing programs may stem from a community's need to address a specific issue (e.g., family violence), and police can be involved or impacted in a number of ways. Case management requires cooperative relationships between community members and the police, who may also be the ones to identify and refer the case initially. The program might offer workshops for police to both learn about the process and share their own knowledge. In some cases, members of police organizations are given an opportunity to revisit their attitudes toward, and roles in, community safety. Police who are involved in the process may also be powerfully impacted by the exchanges that occur among victims, offenders, their families and community members, and their gradual ripple effect throughout the community (Couture & Couture, 2003; Pauls, 2007).

Additional challenges may be present in the urban context, where individuals are not part of a discrete community in the same way as those in rural or remote areas (Berlin, 2016). Yet these challenges do not preclude the success of urban community justice approaches. For example, in Proulx's (2003) study of Toronto's Community Council Project, a program that takes Indigenous offenders from the formal justice system and brings them before Indigenous community members, he discusses how the responsibility for managing offenders and victims can be reclaimed by the urban Indigenous community and provide critical opportunities for coordination among various social agencies. These opportunities extend beyond the realm of justice and promote capacity-building relationships and a sense of individual and community identity, which support the self-determination of urban Indigenous people (Proulx, 2003).

Friedland (2016b) cautions that Indigenous traditions and cultures must not be romanticized in ways that allow the healing discourse to overshadow the safety needs of women and children. Similarly, LaRocque (1997) warns against generalizations implying that "the 'healing' of the offender is more important than the well-being of the victim," and emphasizes that approaches to justice must not disregard victim interests for the purposes of "restoring harmony." Some Indigenous women argue that the immediate safety of women and children must be prioritized in cases of intimate violence, and that "there will always be cases where the gendered power imbalance cannot be safely addressed" (Cameron, 2006).

In the context of policing, the challenge will be how to design, implement, and monitor policing programs through the lens of community well-being and healing. As noted by the Auditor General of Canada, PS sufficiently measures and reports on the financial performance of the FNPP, but does not report on broader issues such as the purpose, principles, or objectives of the program (OAG, 2014). Community healing requires time and effort, and the typical measurements used to assess a program's efficiency and secure funding may not reflect the true value of community-driven initiatives with long-term goals (Hewitt, 2016). Durst (2000) notes the role that service providers can play in the healing process. Rather than focusing solely on reactive interventions, community agencies can take on leadership roles, provide a source of positive identity, act to preserve core community values, provide information and opportunities for both individuals and communities to make empowering decisions, and ensure that all community voices are heard.

6.1.3 Cultural Safety

While local control of institutions has proven beneficial to the well-being of Indigenous communities, not all communities have yet reached a point where this is possible. Regardless of who is regulating or delivering services to Indigenous people, these services must be provided in an atmosphere of trust and safety. This is a shared responsibility that requires input from community members and agencies, including local police.

The concept of cultural safety comes from the field of health. It was first developed by Māori nurses and later embraced by the Mental Health Commission of Canada (MHCC, 2015). Despite its name, the concept is not limited to culture, but also includes power differentials resulting from systemic issues including colonially based discrimination (Lavalée *et al.*, 2009; Diffey & Lavalée, 2016). Cultural safety recognizes that power imbalances and systemic barriers have created inequities, and it challenges service providers to create a safer environment for the disadvantaged. Whether an interaction is safe is determined by the person receiving the service (Brascoupe & Waters, 2009). This research suggests that, in the case of culturally safe policing, communities are best positioned to determine whether they feel safe in their encounters with police.

Services that are culturally and structurally competent can help to create an atmosphere of safety and trust. The practice of cultural competence first emerged in the domain of healthcare, but its ideas can be applied to other sectors and service providers. The concept of cultural competence refers to the ability of organizations to effectively serve culturally diverse populations, by focusing on the knowledge and attitudes of those providing the services (Carrizales, 2010). Cultural competence emphasizes the skill sets of providers (e.g., health practitioners) and their capacity to respond appropriately and effectively to the cultural backgrounds and needs of individuals from diverse cultural communities (Kirmayer, 2012). This can be interpreted in different ways depending on the service provider, but in this case the term can be applied to various policing services and their interactions with diverse Indigenous Nations and people across Canada. Within this context, cultural competence may include institutional policies and professional training that provide officers with a deeper knowledge of the Indigenous communities that they serve. This may include knowledge of a community's history; of its traditions, values, and practices; of its current challenges; and of its future goals and aspirations. This knowledge must be community-specific rather than generically designed for service in any Indigenous community. In this way, officers can be prepared to respond both respectfully and effectively in a way that affirms the dignity of victims, offenders, and the greater community.

While cultural competence is an important part of the relationship between police and community members, several authors have argued that ensuring the safety of Indigenous people in their experiences with service providers also requires a shift beyond individual interactions to a broader awareness of the social, political, and economic systems that lead to disadvantage, marginalization, and oppression (Lavallee *et al.*, 2009; Metzl & Hansen, 2014; Bourassa *et al.*, 2016). In the context of healthcare, for example, Metzl and Hansen (2014) frame this as structural competence, an approach to medical training and practice that emphasizes the upstream inequities (e.g., community infrastructure or food safety) that lead to health disparities.

Efforts to confront the challenges of policing in Indigenous communities can include a framework for structural competency. This framework would recognize the ways in which social justice issues — including poverty, racism, addiction, and education inequities — are related to crime and policing. It would require police to approach their interactions with Indigenous people through an understanding of these power differentials and in turn to create a safe space in which Indigenous community members are recognized as “persons of value” who have voices and who influence the framing of problems and decision-making (Anderson *et al.*, 2003). It would also recognize that changes can occur at the level of the individual, police organizations, the justice system, and overarching policy and law. Such change can be facilitated by a degree of openness to Indigenous worldviews, or cultural humility, which “involves humbly acknowledging oneself as a learner when it comes to understanding another’s experience” (FNHA, 2018).

6.1.4 Practices in Australia and New Zealand

Based on the expertise of the Panel, this report discusses some brief examples of policing practices in Indigenous communities in Australia and New Zealand, countries that share some similarities with Canada in regard to their colonial histories. However, the Panel acknowledges that further research is needed in order to provide extensive and current accounts of policing approaches in Indigenous communities internationally.

Although Australia and New Zealand have not recognized the rights of Indigenous people to autonomously police their own communities, many government initiatives have involved Indigenous people in policing to some degree and aimed to rebuild trust between the police and Indigenous people (Table 6.1).

Table 6.1
Government Initiatives Aimed at Improving Relations Between Police and Indigenous People in Australia and New Zealand

	Training	Recruitment	Specially Appointed Indigenous Officers or Employees	Community Partnerships or Programs
Australia	Cultural awareness training for non-Indigenous police officers	Recruitment of Aboriginal and Torres Strait Islander police officers	Hiring of non-sworn Aboriginal police officers (formerly Aboriginal Police Trackers, now replaced by Aboriginal and Torres Strait Islander Police Liaison Officers), whose principal role is to facilitate police interactions with Aboriginals and Torres Strait Islanders and to try to improve relations between the police and their communities.	Support for Aboriginal-controlled night patrols, which exist in several urban, regional, and remote Aboriginal communities as autonomous programs (i.e., accountable to community leaders, not to government or the police) and which aim to reduce disorder, violence, and the involvement of young Aboriginal people in the criminal justice system.
New Zealand	Training police officers with respect to Māori culture, protocol, and language	Recruitment of Māori into the New Zealand Police (by 2014, Māori constituted 10% of the total constabulary, an increase of 31% over the previous decade)	Provision of training and support to Māori Wardens, whose duties include curbing unruly behaviour and diffusing tensions; caring for young people; and providing security at events and in public places, street patrols, walk-throughs at licensed premises, hospital visits, and court attendance and support. In every police district, appointment of <i>iwi</i> * liaison officers, who are sworn police officers or non-sworn employees who give advice on cultural issues; help local police work with <i>whānau</i> (families) on the prevention of crime, crashes and victimization; provide leadership for special events and Māori cultural events; deal with the cultural aspects of major incidents; and help with criminal investigations involving Māori.	Establishment of the Commissioner’s Māori Focus Forum, a 10-person group that meets with the Commissioner regularly to discuss issues of mutual interest and concern, guide policing strategy, and advise on issues. Establishment of Māori Advisory Boards, consisting of representatives of local <i>iwi</i> *, in each police district, to assist police commanders with strategies and issues at the local level.

Source: Lithopoulos, 2007; Wehipeihana *et al.*, 2010; Gov. of Australia, 2013; O’Reilly, 2014; New Zealand Police, 2018

**Iwi* is the term for the largest groups in Māori society. The word may be roughly translated as *peoples, nations, tribes, or communities*.

In Australia, initiatives related to Indigenous officer recruitment have been largely unsuccessful so far, in part due to the difficulty of finding Aboriginal and Torres Strait Islander people who both are interested in being police officers and can meet the qualifications for appointment. Cultural awareness training efforts have also been largely unsuccessful due to lack of depth (Allen Consulting Group, 2010; CMC, 2012). The Panel notes that establishing positions for non-sworn Indigenous officers may promote the idea that these officers are of a second-class status compared with sworn members.⁵ Despite the recruitment and training challenges, there have nonetheless been some favourable evaluations of the Police Liaison Officers' performance and the impact of their contributions in some Aboriginal and Torres Strait Islander urban and remote communities. Aboriginal night patrols have also had mixed success in reducing involvement of youth in the criminal justice system (Gov. of Australia, 2013; Cooper *et al.*, 2014). In New Zealand, most of the initiatives do not appear to have been systematically evaluated in recent years, so reliable information about their impact is not publicly available. In neither country have these initiatives, individually or in combination, reduced Indigenous overrepresentation in the criminal justice system (Jeffries & Stenning, 2014; Gov. of Australia, 2018; Gov. of New Zealand, 2018).

As in Canada, government-led initiatives in Australia and New Zealand have in some cases promoted better connections between Indigenous communities and the police; however, they were not designed to permit leading roles for Indigenous practices, but rather to allow for Indigenous participation in established practices. In contrast, as described in the following sections, collaborative approaches that are rooted within the community can provide the opportunity for local needs and values to guide practices that promote safety and well-being.

6.1.5 New Ways of Thinking About Community Safety and Well-Being

In Indigenous communities, a central challenge is how traditional ways of upholding safety, order, and harmony can be reconstructed against a modern backdrop and guide policing practices that community members see as legitimate. Russell and Taylor (2014) argue that viewing crime prevention as a core police duty is based on false assumptions that community safety and well-being are most threatened by crime and that police presence will discourage people from violating the law. This view also limits police-community interaction and does not focus on changing the relationships among community members or between

5 This issue has also plagued policing in Alaska, where village officers provide vital first response services without the training or authority of Alaska State Troopers (Wood, 2002).

police and the community (Depew, 1994). Through alternative approaches that involve relationship-building, the social determinants of safety and well-being can be addressed by the collective efforts of the entire community.

In Canada, a long list of commissions, inquiries, and evaluations have noted the potential of community-oriented policing approaches to improve relations between police and Indigenous communities (e.g., Cawsey, 1991; Hamilton & Sinclair, 1991; LRCC, 1991; Littlechild *et al.*, 2004; Clairmont, 2006; PS, 2010). Clairmont and Thomson (2012) explain that although community policing has always occurred at some level in small towns, it became a movement in police culture that emerged in urban settings over the past several decades, and was institutionalized as a top-down federal government initiative.

Community policing practices include three main features: expansion of police roles in society, organizational changes within police forces that diverge from military attitudes and structures, and improved connections between the police and the community (Clairmont, 1991). A meta-analysis using predominantly American data suggests that thus far, the impact of community policing on overall crime rates has been limited, although it has improved community perceptions of the police (Gill *et al.*, 2014). Glowatski *et al.* (2017) argue that despite the efforts of community policing to improve police legitimacy and better involve the community, “it still leaves the community relatively powerless when it comes to effectual involvement in their own justice issues, leaving the ultimate decision-making capacity in the hands of police. Furthermore, there still remains a divide between police and the public... based on an inherent power imbalance.”

In the past decade, new ways of thinking about community safety and well-being across Canada have led to revised visions of community policing. These visions are supported by the estimation that up to 80% of calls for service to police in Canada are not related to chargeable offences but to non-chargeable issues that can be broadly classified as social disorder (e.g., conflicts between family members or neighbours, addictions, and mental illness calls) (Russell & Taylor, 2014; CACP, 2015). There is value in focusing on the social determinants of safety and well-being rather than crime fighting and crime prevention. This can be accomplished by targeting the factors related to crime (e.g., economic exclusion, negative parenting, mental illness, poor housing conditions), thereby enabling communities to take control of their safety and well-being. Yet the prevention of social harms, or the serious crimes that can result, is an impossible task for police alone. Rather, government and community agencies and organizations, as well as community members themselves, can form relationships to achieve these goals (Russell & Taylor, 2014).

The CCA's 2014 report described how safety and security can be achieved by involving multiple providers extending well beyond the police and drawing upon the collective capabilities of community agencies (CCA, 2014). In considering policing in Indigenous communities, the current Panel adopted a holistic view that builds upon the safety and security web and addresses the inherent power imbalance that may be part of conventional community policing approaches. This view considers how healthy relationships are at the centre of safety and well-being in Indigenous communities and recognizes multiple ways in which these relationships are relevant to policing. It is best appreciated as a shift in focus away from transgressions and toward the recognition of Indigenous approaches to healing, peace and order. The word "relationships" embodies the goals of overcoming distrust and establishing mutual respect and reciprocity, and achieving these goals in ways consistent with Indigenous knowledge, law, history, culture, and spirituality. At the local level, relationships enable the coordinated mobilization of all community knowledge and resources. Police have a critical role in this mobilization, supporting communities in developing strategies to assist individuals and families in need.

Many aspects of relationship-based policing align with a vision in which individuals deserve the support of the entire community to achieve well-being and healing (Clairmont, 2006). This holistic approach reflects the concept of Indigenous peacekeeping (RCAP, 1996e). Grounding community safety and well-being in this type of holistic approach provides a way to incorporate Indigenous beliefs and values into policing practices and has the potential to foster the restoration of trust in police services.

Figure 6.1 identifies examples of individuals, groups and organizations in Indigenous communities that have the potential to form relationships that promote safety and well-being, bearing in mind that each community is unique and may not possess all, or even most, of these components. Many Indigenous communities also lack trust not only in the police, but in other organizations that are government-led and not community-led. These include schools (Fisher & Campbell, 2002), correctional services (Macdonald, 2016), healthcare services (Browne *et al.*, 2016; Jacklin *et al.*, 2017) and child welfare services (Baskin *et al.*, 2015). Achieving safety and well-being through relationships requires the collective efforts of all service providers in earning the trust and respect of Indigenous community members.



Figure 6.1

Examples of Individuals, Groups, and Organizations Within Indigenous Communities that Have the Potential to Form Relationships Promoting Safety and Well-Being

Safety and well-being in Indigenous communities can be promoted by the mobilization of community resources expertise in health (green), social services (blue), and safety (orange). This requires relationships among individuals (e.g., Elders or community members), groups (e.g., local safety councils), and organizations (e.g., police or social services). Police can play a critical role in connecting and mobilizing others so that collective action will lend support to individuals and families who are struggling.

6.2 RELATIONSHIP-BASED APPROACHES TO SAFETY AND WELL-BEING

Examples of modern safety and well-being initiatives embody many of the principles that have maintained safety and well-being in Indigenous communities over thousands of years. In both Indigenous and non-Indigenous communities in Canada, a number of initiatives aspire to treat the community as equal partners with the police, to connect and mobilize community members and

agencies, and to support community capacity in addressing social issues before they lead to crime. While some of these models may be viewed as part of a paradigm shift in Canadian human services (Nilson, 2018), they are inspired by Indigenous practices.

6.2.1 Relationship-Based Safety Plans Developed by Indigenous Communities

Discrete, relatively small communities with majority Indigenous populations, such as those on reserve, present a unique opportunity for the development of safety and well-being strategies that align with the values and needs of people who share common backgrounds (La Prairie & Diamond, 1992). PS's Aboriginal Community Safety Development Contribution Program provides funding to train Indigenous community members in developing community safety plans (PS, 2015). These plans are grounded in the concepts of care and respect for others through healthy relationships and sharing of knowledge, and they are conceived entirely by communities themselves. A key aspect of the initial planning stage is to look at the historical context in the community (i.e., what worked in the past, particularly in relation to culture and core values) and identify central issues that are currently threatening community safety and well-being. This historical evaluation acts as a springboard for identifying potential solutions and designing action plans. The safety plans cast a wide net and include cultural factors, which can promote success. As of September 2016, 19 community safety plans have been developed. They provide constructive examples of community capacity to identify safety and well-being needs and propose solutions to address them. Boxes 6.3 and 6.4 discuss safety plans developed by First Nations communities in British Columbia.

Box 6.3 **Safety Planning by the Gitksan Nation**

In British Columbia, four First Nations reserve communities of the Gitksan people (Gitanmaax, Gitanyow, Glen Vowell, and Kispiox) have engaged community members to develop safety plans using a holistic approach that strives to respect the Gitksan way of being and rebuild community capacity (Gitanmaax Band Council, 2015; Gitanyow Band Council, 2015; Glen Vowell Band Council, 2015; Kispiox Band Council, 2015).

Addressing safety needs is viewed as one of many elements required for Gitksan communities to regain self-sufficiency and balance. Gitksan communities are policed by the RCMP under a CTA. Examples of safety priorities appearing in multiple plans include alcohol and drug use, elder abuse, fire safety, housing issues, family violence,

continued on next page

animal safety and stray dogs, and mental health issues. The safety plans identify a number of community agencies and members that are expected to take responsibility for each concern, such as the band council, the Gitksan Health Society, social and mental health workers, teachers, parents, and the RCMP.

A number of safety concerns are related to physical and infrastructural deficiencies, such as homes in disrepair, lack of road signage and street lighting, and lack of disaster preparedness (Gitanmaax Band Council, 2015). Despite their commonalities, each community has also identified unique priorities. In Glen Vowell, river flooding and river safety were highlighted as key concerns, whereas in Gitanyow, unsafe usage of recreational vehicles was identified as a concern (Gitanyow Band Council, 2015; Glen Vowell Band Council, 2015). Overall, the Gitksan plans emphasize the interconnected nature of safety concerns and the idea that community members and agencies must mobilize along with police to improve community health, safety, and well-being — mobilization that requires commitment, collaboration, and resources.

Box 6.4 **Safety Planning by the Cowichan Tribes**

The Cowichan Tribes, British Columbia's largest First Nations community, is FNPP-funded and policed by the RCMP under a CTA. Cowichan developed a detailed community safety plan under Public Safety Canada's program. The plan identifies the existing services, programs, and supports that contribute to well-being (e.g., Cowichan Child and Family Services, Health Centre, Elders Program). Community strength is rooted in the importance of family, cultural practices (e.g., sweat lodges), responsibility to children and Elders, language, natural resources, and helping and trusting one another. The plan identifies a need for all community centres and community members to collaborate in working toward common safety goals, and it describes a number of objectives related to enhanced community relationships. These include programs to bring together youth and Elders, a big brother and big sister program, and an emphasis on shared time with family. The plan also calls for strategies to address violence, racism, substance abuse, safe transportation, and RCMP response time (Cowichan Tribes, 2015).

6.2.2 Connections Between Police and Community Organizations and Members

Throughout Canada, there is increasing recognition of the leadership role that Indigenous communities can give to police in supporting community members to connect with one another and build capacity to tackle the social factors that threaten safety and well-being. Police cannot address these social factors alone and must draw upon the tools and skills of other service agencies and community members (Hawkes, 2016). These ideas are reflected in a number of initiatives by Indigenous and non-Indigenous police services.

Youth Initiatives

In Ontario, the OPP has adopted the Ontario Mobilization and Engagement Model for Community Policing. This model has provided the OPP with opportunities to lead engagement programs in Indigenous communities. In 2013, the OPP secured funding from PS to implement a program for at-risk youth in Pikangikum First Nation. Called Project Journey, the program involves partnerships between the OPP detachment in Red Lake, Pikangikum First Nation, and the community's school (Muisse & Mackey, 2017). Project Journey is modelled after an American-based program for Indigenous youth called Project Venture, which does not provide education or activities that specifically address problem behaviours (e.g., drug use), but instead focuses on positive, strength-building experiences that are rooted in “values such as family, learning from the natural world, spiritual awareness, service to others, and respect” (Carter *et al.*, 2007).

Project Journey has given police the opportunity to mentor and form connections with youth, families, teachers, Elders, service agencies, and community members. Police officers facilitate and participate in sports, school-related activities, cultural and outdoor activities, and the construction of community resources such as a playground and boardwalks along the lake. Through Project Journey, a number of relationships have formed within the community, and youth in Pikangikum have shared positive experiences and gained leadership skills. The successes have provided a model for other OPP-led community engagement approaches in northern Ontario through a sister program called Project Sunset, which involves communities served by the OPP, as well as the Dryden Police Service and Treaty Three Police Service (Muisse & Mackey, 2017).

The FHFNPS is a self-administered service that covers five First Nations communities in Saskatchewan. Beginning in September 2017, the FHFNPS partnered with the local school and First Nations communities to launch the Iron Nations Ranger Corps. The program offers activities for youth that teach traditional skills such as living off the land and learning about local language, life

skills such as healthy living and leadership, and survival skills such as wilderness first aid. The program aims to provide youth with opportunities to gain self-esteem and connect with their communities and cultures (FHFNPS, 2017).

These youth initiatives provide examples of the critical role that police can play in fostering supportive relationships and building community capacity. The Panel notes that continuity may be a challenge in communities such as Pikangikum, in which OPP officers involved in community mobilization are from outside the community and travel there for two-week periods to support the local First Nations officers. However, youth, Elders, teachers, and other community members have noted positive impacts of Project Journey, including changed perceptions of the police (NIMMIWG, 2018b).

Partnerships with Other Service Providers

Maskwacis is a region in central Alberta with four Cree Nation reserves (Samson, Ermineskin, Louis Bull, and Montana). A branch of the Maskwacis Ambulance Authority provides a mental health service with four full-time staff members available 24/7 (Maskwacis Ambulance Authority, 2017). Police can call a member of the mental health services team to the field or to the Maskwacis RCMP detachment when a mental health concern arises. A mental health worker can provide immediate counselling to the community member in need, sometimes as they are being driven home. This can be the bridge to get community members and families into the healthcare system, as the mental health worker can act as a navigator (Nilson, 2016b).

Connections with Elders and Other Community Members

The Vancouver Police Department's Diversity and Indigenous Relations Section works to identify and respond to the needs and concerns of Indigenous people. According to the department, this section uses a range of strategies to promote community safety through innovative programming, relationship- and trust-building, cultural competency training and initiatives to address "victimization motivated by bias, prejudice and hate" (Vancouver Police Department, 2018). The section also works closely with the Vancouver Aboriginal Community Policing Centre, a non-profit community policing organization that aims to "reduce the over-representation of Aboriginal people in at-risk or criminal circumstances" and to "build community support and participation for community policing and safety issues" (VACPC, 2018).

The Tsuut'ina Nation Police Service (TNPS), which serves the Tsuut'ina Nation bordering Calgary, acknowledges that "engaging our community, to promote strong relationships and provide effective and proactive programming, is the hallmark of our policing model and a necessity to truly meet the needs of

the Tsuut'ina Nation" (TNPS, 2017). The TNPS has a dedicated community response unit that continually interacts with community members to identify their needs and concerns and to address them proactively through programs, outreach activities, and partnerships with other groups and organizations. As part of its many community engagement efforts, the TNPS visited nearly all 500 homes in the Nation to learn what the community wants from their police. The program included visits to Elders' homes with a blanket and box of tea as gifts, in an effort to hear their voices and receive guidance from them. The TNPS also hosts annual events that bring Elders together for tea or lunch, and a Stampede breakfast for the entire community (TNPS, 2018). The TNPS provides escorts for the funerals of Nation members, a gesture that is very meaningful to the community (Campbell, 2019).

Elders are formally included to support and provide advice to police services in all levels of police organizations in Canada, including federal, provincial/territorial, and municipal services. At the national level, Elders are part of the Commanding Officer's Aboriginal Advisory Committees that guide each division of the RCMP (Lucki, 2018). In Saskatchewan, the FHFNPS has a Community Liaison Elder who provides guidance for ceremonial events and culturally competent services (FHFNPS, 2017), as well as an Elders Advisory Council to the Board of Police Commissioners (FHFNPS, 2014). At the municipal level, many examples exist of the roles of Elders in supporting police efforts to build relationships with Indigenous community members in urban settings. In an outreach program called the Walkabout, the Toronto Police Service has partnered with Indigenous Elders to have conversations with Indigenous homeless people and assist them with access to shelters, food, and other services (Shahzad, 2017). In Saskatoon, the SPS has been connected to Indigenous communities since the early 1990s through the Chief's Advisory Committee. The Committee includes local Elders and cultural advisors who counsel the SPS on matters related to Indigenous people and police relationships, such as the incorporation of Indigenous history and knowledge into training sessions for SPS members and teachings in the Saskatoon Police Peacekeeper Cadet Program; SPS participation in community relationship-building initiatives, including anti-discrimination events; and the reparation of relationships with Indigenous community members during times of tension, such as the period surrounding the Stonechild Inquiry (Section 2.5.4) (SPS, 2018a, 2019).

In addition to their Chief's Advisory Committee, the SPS has invested considerable effort in their relationships with the Indigenous communities in the Saskatoon area (Box 3.2). Following the Stonechild Inquiry, the commission's recommendations were implemented throughout the SPS. Changes included the incorporation of GPS tracking systems and audio-visual systems in police

cruisers, the establishment of a diversity advisory committee with Indigenous representation, the creation of an Indigenous Relations Consultant position, and regular meetings with members of the FSIN, the Saskatoon Tribal Council, and the Metis Nation (Warick, 2015; SPS, 2018c).

The SPS provides examples of organizational efforts to support Indigenous victims and recruit Indigenous officers. Their Victim Services Program includes a Missing Persons Liaison and two Indigenous Resource Officers (SPS, 2018d). As part of a pilot initiative, an Elder is present in the victim assistance area once a week, to provide help and guidance to victims and also to police officers navigating difficult investigations. The SPS employs a dedicated Indigenous recruiter and, between 2007 and 2017, the number of SPS officers identifying as Indigenous increased by 45% (M. Yuzdepski, personal communication 2018).

6.2.3 Community Mobilization Initiatives in Urban Areas with Large Indigenous Populations

The Panel's relationship-based approach considers the need for better relationships between police services and other agencies in order to collaboratively address social issues. Integrated initiatives to improve community safety and well-being, or CSWB, have been launched in communities across Canada. Examples of these approaches, and how they relate to Indigenous community responses to harm and conflict, are discussed below.

As discussed in Chapter 5, Indigenous communities are not restricted to reserves or remote areas, therefore safety and well-being in urban areas are also relevant to consider. Approximately 40% of the population of Prince Albert, Saskatchewan, is First Nations or Metis (Kelly-Scott, 2016). Based on the need to address growing social issues and increasing arrest rates through a fundamentally different approach, Community Mobilization Prince Albert (CMPA) was launched in 2011 (CMPA, 2018). One key component of the CMPA initiative is the Hub, a policing innovation in which multiple agencies collaborate to implement evidence-based prevention strategies. Inspired by observations of a similar initiative in Glasgow, Scotland (EKOS, 2011), the Hub aims to address situations of need before they result in emergency calls to the police (McFee & Taylor, 2014).

Under the Prince Albert Hub model, representatives from a spectrum of government and community agencies meet twice weekly to discuss community members in need of help. Meeting participants include the Prince Albert Police Service and Fire Department; the RCMP; the ministries of Social Services, Health, Justice and Education; and the Prince Albert Grand Council, which represents 12 First Nations governments in Saskatchewan (CMPA, 2015). During these

meetings, representatives bring forth situations where individuals or families demonstrate risk factors spanning multiple human service sectors. Rather than the term *risk*, Indigenous constructs of well-being might view the individual or family as being “out of balance” (Saskamoose *et al.*, 2017). Examples of factors that may push adults out of balance include physical or emotional violence, criminal involvement, mental health difficulties, alcohol abuse, and antisocial or negative behaviour, whereas factors for children often include issues such as parenting concerns or truancy (CMPA, 2015).

Community members in need of help are then visited within 24 to 48 hours by the agencies best positioned to offer assistance. After the acute risk to the individual or family is reduced through this collaborative intervention, the case is no longer discussed at Hub meetings; ongoing case management is handled by the relevant service providers (McFee & Taylor, 2014; Nilson, 2014). By proactively connecting with those in need, police can move away from isolated, crime-focused law enforcement approaches. Driven by a growing recognition that police cannot “arrest [their] way out” of the issues contributing to crime, the Hub views community safety and well-being as a shared responsibility (Kalinowski, 2016). Community agencies must communicate with each other and with community members in order to maintain the relationships that aim to address the social determinants of safety and well-being.

In 2013, two years after the Hub was launched, violent criminal code violations in Prince Albert had decreased by 37% compared with 2010 (CMPA, 2015). A more recent analysis showed that when comparing crime rates in the 53 months preceding versus the 53 months following the implementation of CMPA, both violent crime and property crime were significantly reduced post-implementation, and these reductions were associated with cost savings (Sawatsky *et al.*, 2017). Future studies would shed more light on the long-term benefits of this approach.

6.2.4 Collaborative Approaches to Community Safety and Well-Being

Modelling their programs on the Prince Albert Hub, communities across Canada have implemented similar community safety initiatives based on collaborative, risk-driven intervention (Nilson, 2016a). Since the original proof of concept began in Saskatchewan in 2011 and extended into Toronto in 2012, a continual pattern of adoption has now extended to almost every province (GNCS, 2016).

From the outset, the intention of collaborations such as the Hub was to twin the rapid intervention process with on-the-spot anonymized data collection about local risk factors. This practice has been fairly consistent in its application in most local models across Canada, including in those that have taken shape in Indigenous communities. This risk-based data can then be considered together

with other local, regional, and provincial/territorial risk and incident data made available from the multiple sectors involved in the collaboration under careful data sharing agreements.

This ongoing, data-driven system improvement work formed the basis for the Centre of Responsibility (COR) in Prince Albert, which is the second key component of the CMPA initiative (Nilson, 2015), and also shaped the ideas behind CSWB plans as outlined within the Strategy for a Safer Ontario (MCSCS, 2017). Several communities have already embraced these concepts of data-driven, collaborative CSWB plans and actions beyond the intervention stage. Notably, this is reflected in the Halton Region Community Safety Plan (Halton Region and Halton Regional Police, 2017) and is also underway in the Durham Connect collaborative in Ontario and the Westman CSWB model launched in Brandon, Manitoba, among others. These approaches also inspired a recent national conference entitled Open Analytics for CSWB, held in Toronto in April 2018 (CACP, 2018).

Evaluations of Hub models and related collaborative models of CSWB planning and action consider a wide range of metrics and indicators (Russell & Taylor, 2014) and have reported increased and faster access to services, a better understanding of community needs and existing gaps in services, more efficient service delivery, enhanced communication among agencies, and improved relationships between service providers and community members (Babayán *et al.*, 2015; Lamontagne, 2015; Newberry & Brown, 2015; Ng & Nerad, 2015; Taylor & Taylor, 2015; Gray, 2016; Nilson, 2016a; The Lansdowne Consulting Group, 2016; Newberry & Brown, 2017). A more complete picture of the effectiveness of these models in Canada will emerge through further evaluation (Nilson, 2017a; Taylor, 2017).

Most applications of the Hub model in Canada have been developed in urban areas as a way to better coordinate the integration of multiple existing services in support of prevention measures. Limited examples of similar practices have been well documented in discrete Indigenous communities (Nilson, 2016b). However, the first Canada-wide study of Hub model proliferation revealed that applications of Hub models, as well as their associated collaborative community safety and well-being approaches, had taken form in approximately 100 locations across Canada by late 2016, including several in which Indigenous communities were directly involved (GNCS, 2016). In recent years, there have been positive evaluations of collaborative, cross-sector community initiatives (with varying names), both in person and virtual, established in many countries to address many contexts, including Indigenous justice contexts in Australia

(Caparini, 2014; Williams *et al.*, 2014; Johnson *et al.*, 2015; Moore *et al.*, 2015; Finizio, 2018). Section 6.2.6 further describes the benefits and challenges of community mobilization approaches in Indigenous communities in Canada.

In 2017, the Chiefs of Ontario released a policy position paper based on preliminary and early engagement sessions with First Nations communities regarding the province's new community-based policing approach titled *Strategy for a Safer Ontario*. The paper discusses the Hub model, stating that:

In the First Nation context, the hub model of community safety makes it possible to respond to local needs effectively in regionally appropriate, culturally sensitive ways. The greatest benefit of this model is that local cultural contexts will shape the form that the hub takes, making it possible to imbed unique cultural practices within the practice of community safety. ... By utilizing the hub model, communities will be more empowered and incentivized to build partnerships, such as with community leaders, institutions, schools, social services, Indigenous organizations, municipal partners, police, housing, private enterprise, and health care providers. They will create a Community Safety and Well-Being (CSWB) plan that would identify and address risks in the community, implement strategies for prevention and social development, build trust among community members, and improve outcomes.

(Chiefs of Ontario, 2017)

6.2.5 Similarities Between Indigenous Community Responses to Harm or Conflict and Recent Community Mobilization Approaches

The AJR Project, launched by the University of Victoria's Indigenous Law Research Unit in collaboration with the Indigenous Bar Association and the TRC, explored "how Indigenous societies used their own legal traditions to successfully deal with harms and conflicts between and within groups." Researchers considered "published stories, oral traditions, lived experiences, opinions and aspirations" shared by seven different communities in British Columbia, Alberta, Ontario, and Nova Scotia, representing six distinct legal traditions (Friedland, 2014a). A major theme to emerge from this research was that the legal traditions were diverse, and while resolutions to harm and conflict often incorporated concepts of healing, reconciliation, harmony, and forgiveness, these were not "idealized, simple, or stand-alone" responses (Friedland, 2014a). Other principles included proactive measures to prevent conflicts and harms and the maintenance of individual and community safety (Friedland, 2014a) — both of which are key components of recent CSWB-based approaches. As part of this project, examples of Cree principles used within the Aseniwuche Winewak Nation were summarized, as described in Box 6.5.

Box 6.5**Cree Principles Used to Address Harms and Conflicts Between People in a Community**

Diverse sources of knowledge from the Aseniwuche Winewak Nation provide examples of Cree approaches to addressing harms within a community. Cree tradition appreciates the importance of warning signals that indicate potential or realized harm through the observations of family and community members. When recognized, these signals have led to taking the necessary steps to keep the community safe under the guidance of the person with the best ability. Community members with specialized knowledge or skills, such as Elders and Medicine People, have been sought out to help those involved. Collective community input could also sometimes direct decisions that impacted community safety. In some cases, individuals were observed by others for a period of time before any steps were taken. When interventions occurred, they often began by visits from Elders (Friedland, 2014b).

Many of these approaches draw upon concepts that are also embodied by collaborative CSWB models, in which people come together to discuss situations of need, decide upon the best course of action, and connect the struggling individual or family in question to those best suited to help (Nilson, 2018). Emerging CSWB initiatives draw upon principles that have not only been used historically to respond to harms in Indigenous communities, but that provide ways to address pressing safety and well-being issues in both Indigenous and non-Indigenous communities today.

6.2.6 Community Mobilization Initiatives in Indigenous Communities

This section details a number of examples of collaborative safety and well-being approaches implemented by Indigenous communities. These approaches involve police, other service providers, and community members.

Samson Cree Nation: The Samson Cree Hub

Nilson (2016b) studied the implementation of the Hub model for the first time on reserve, beginning in 2012 at Samson Cree Nation in the region of Maskwacis, Alberta. The Samson Cree Hub was formed as the community struggled with shootings, arson, street fights, school absenteeism, gang recruitment, and youth substance abuse, as well as a culture of silence around discussing problems, asking for help and involving authorities (Nilson, 2016b). The Samson Cree Hub includes representatives from the RCMP, as well as various human services, administered specifically by the Samson Cree Nation or in conjunction with surrounding nations. This effort raised a number of issues applicable to network-

based policing strategies in Indigenous communities, including the need to support self-determination and the centrality of building and maintaining relationships between the police and others.

While the RCMP initially approached the Samson Cree Chief and Council with the Hub model, Hub members appreciated that the RCMP “backed away and let the community take ownership of the model — with them remaining an equal partner with the rest of the agencies” (Nilson, 2016b). To pre-emptively address situations of need, the Samson Cree Hub provides counselling service referrals, traditional healing circles, housing inspections, and additional tutoring outside school hours (OAG, 2014). The practices used by the Samson Cree Hub highlight the importance of respecting Indigenous values while planning interventions and drawing on Indigenous knowledge and practices when connecting with those in need. Families are typically offered help in the form of Healing Circles, which are planned in partnership with the Samson Cree Nation’s restorative justice coordinator and involve an initial approach by Elders of the family in need. During the Circle, families are encouraged to share their experiences and life circumstances. Elders and members of the appropriate agencies also share their perspectives and work with the family to develop a support plan (Nilson, 2016b).

Samson Cree Hub participants and community stakeholders have felt that the Hub has had a positive impact, particularly on youth at risk for gang involvement. Child protection services have noted the benefits of attempting to mitigate risks that would normally lead to the removal of children from homes. The model has been seen as having great potential in reserve communities and as aligning with First Nations values and traditions, particularly the concept that the entire community rallies in a Circle to support each other (Nilson, 2016b).

Agencies involved in the Hub reported improved relationships not only among themselves, but also with community members, who were surprised that an entire group of agencies was there to offer help. The Maskwacis RCMP detachment played a key role in Hub meetings, providing the majority of Hub referrals due to their knowledge of individuals and families in need of assistance. Positive impacts noted by the RCMP included reduced pressure on police resources thanks to the diversion of individuals in need to more appropriate services; reduced calls for service due to fewer repeat offences and earlier support for offenders and victims; a better understanding of community needs and more open relationships with community members; better awareness of and collaboration with other agencies; and encouragement of proactive rather than reactive policing (Nilson, 2016b). The other three Cree Nation reserves in Maskwacis (Ermineskin, Louis Bull, and Montana) have now launched Hubs of their own (Huncar, 2019).

Several challenges have been observed with the Hub model in Indigenous communities. Although maintaining confidentiality is a critical element of Samson Cree Hub meetings, some community members have refused assistance due to concerns over privacy issues in the small community and the shame associated with exposing family problems when accepting help. Hub meetings could lack continuity as a result of irregular attendance and variable membership due to staff turnover (particularly for members of the RCMP, who are limited to a three-year placement at the local detachment). The policies of individual agencies also proved limiting at times (e.g., an inability to do home visits unless the agency has an open file on the person in need). A range of systemic issues linked to current human service delivery models also constrain their effectiveness (e.g., youth over the age of eligibility for supports or programs) (Nilson, 2016b). While the Hub has undoubtedly been valuable, policing issues continue in Maskwacis. A surge of violent incidents in 2017 led to a proposal from Samson Cree Nation for a First Nations police service to work alongside the RCMP in Maskwacis. Citing an ongoing culture of silence around violence, representatives from Samson Cree Nation felt that a First Nations police service would allow the community to better address its deep-rooted issues (Hampshire, 2017).

First Nations in the Manitoulin District: Gchi Mino Naadmaadwin Teg

In 2015, the self-administered United Chiefs and Councils of Manitoulin (UCCM) Anishinaabe Police Service partnered with a Social Navigator, who coordinates a community mobilization model called Gchi Mino Naadmaadwin Teg (meaning “when aware of a need”). The goal was to assist those in need, often those struggling with mental health or addiction issues, and offer proactive help rather than waiting for a crisis necessitating a reactive response. The model reflects the Anishinaabe Clan system, in which each Clan has a distinct responsibility and something to offer the community. In this way, participants can learn about their history and assume the role of the Clan that best relates to the work of their agency (UCCMM, n.d.). For example, members of the Bear Clan have protective roles as guardians and healers, while those of the Bird Clan are spiritualists, pursuers and keepers of knowledge, and teachers (Dumont, 1993).

As part of Gchi Mino Naadmaadwin Teg, a Sharing Circle approach involves weekly discussions among service providers from multiple sectors in order to quickly address situations of pressing need. This initiative was conceived entirely by First Nations in the Manitoulin District, who were asked by the Chiefs of each community to collaborate through an integration strategy called Maamwi Naadamadaa (meaning “let’s work together”) so that local services could combine their efforts to help struggling community members (CAPG, 2015; UCCMM,

n.d.). Two years after the community mobilization model was launched, the UCCM police noted improved relationships with the community, reductions in their calls for service, and reduced mistrust of the police (DPRA, 2016).

The success of the model applied in the Manitoulin District has been observed in other communities. In Saskatchewan, the Muskoday and English River First Nations (both policed by the RCMP) have launched intervention circles, where the Hub model is joined with longer-term collaborative support from multiple agencies (ERFN, 2017; Nilson, 2017b). These examples provide evidence that tailoring the Hub to Healing and Sharing Circles has the potential to rebuild relationships and trust not only between service agencies and the community, but between Elders and the community, within troubled families, and among community members in general.

The Blood First Nation: Response to the Opioid Crisis

The Blood First Nation provides an example of community mobilization in response to a specific problem – the opioid crisis. The Blood Reserve in Southwestern Alberta is served by the self-administered Blood Tribe Police Service (BTPS). In late 2014, the BTPS began responding to calls of community members suspected of overdosing on fentanyl. In the first three months of 2015, 15 people died from fentanyl overdose. To combat the growing problem, the Blood Tribe Chief and Council created a strategic plan along with community service providers. The plan involved communication and education, addictions support, and preventative measures aimed at youth and drug traffickers. Although they were faced with resource challenges, the community came together and “did more with less” (BTPS, 2018).

Local healthcare providers began educating the community about fentanyl and administration of the antidote naloxone, and naloxone kits were distributed to police, emergency medical services employees, and community members. Under the Blood Tribe’s Harm Reduction Project, service providers, local organizations, and community members collaborated to share information and to refer those struggling with drug use to the appropriate agencies or support groups for help. The BTPS worked with community members to identify trends in drug use, and worked with emergency medical services and other departments (e.g., housing and child protection) to assist people struggling with addiction and to gather information related to drug trafficking. These efforts led to additional collaborations with other police services and provincial agencies. The BTPS also offered assistance to Blood Tribe youth by creating proactive initiatives to promote positive choices and activities. While the fentanyl problem has not disappeared, the Blood Tribe has created strong community partnerships that have left them better prepared to handle drug-related issues and other crises (BTPS, 2018).

6.2.7 Technology-Based Access to Services for Remote Communities

Community mobilization initiatives are designed to make use of existing services and resources. Notably, the human service infrastructure in an area such as Samson Cree Nation does not reflect the comparative lack of services for Indigenous communities in remote, sometimes fly-in, locations. To address this, a study on the potential for tech-enabled hubs examined the use of information and communication technology for collaborative, risk-driven interventions in rural and remote communities. Interventions and services would be supported through video communication by virtual teams (Nilson, 2017b). Many challenges with this approach were identified, included the loss of face-to-face rapport; community members' possible lack of willingness or ability to participate; issues with technological infrastructure (including limited access to high-speed internet); and the fact that RCMP officers, who are often the only human service professionals on the ground in remote northern communities, would bear much of the responsibility to lead interventions. Other potential concerns noted as being relevant in northern communities were community distrust of government agencies and frustration over being the subject of endless proposals and pilot projects. Despite the many challenges, the possible value of tech-enabled hubs was recognized in communities with minimal access to services (Nilson, 2017b).

6.3 APPROACHES TO SAFETY AND WELL-BEING THROUGH RELATIONSHIPS THAT EXTEND BEYOND THE COMMUNITY

Police can be integral to mobilization efforts within an individual community, yet police that serve an Indigenous community can also form relationships with other police services or organizations at the municipal, provincial/territorial, and national level. These relationships can provide opportunities for reciprocity and application of Indigenous practices of safety and well-being not only within Indigenous communities but also within Canadian society at large.

Like non-Indigenous communities, Indigenous communities are affected by many of the broader issues discussed in the CCA's 2014 report, such as organized crime, drug and human trafficking, cybercrime, and terrorism (Bourgeois, 2015; Henry, 2015; Perry, 2018). While Indigenous communities may be able to access tools or resources in larger police services, they can also contribute in very significant ways to the policing of national and international issues, exemplified by PS's First Nations Organized Crime Initiative. Under this

initiative, which developed following the September 11, 2001 terrorist attacks in the United States, First Nations police officers held criminal intelligence positions or joined Integrated Border Enforcement Teams (IBETs) (PWGSC, 2006). As the border issue became less of a priority, the IBET portion was folded into the intelligence approach. The ways in which local police can link to national and international safety issues were discussed in the CCA's 2014 report. These include collaborative teams that allow police and other organizations to share information and capacity, such as the RCMP's Integrated National Security Enforcement Teams (RCMP, 2014), and policies for Canada–United States border security that provide opportunities to engage provincial, municipal, and First Nations police services (PS, 2016b).

6.3.1 Self-Determining Does Not Mean Operating in Isolation

If an Indigenous community chooses to have their own police service, that does not mean it will operate in total isolation. Indigenous self-administered services can be strongly linked to other police services in the region, which in some cases occurs through a memorandum of understanding (MOU). This may often be a practical necessity because of the small size of self-administered services and issues of economy of scale. At the same time, SAs can provide valuable assistance to other police services as well as receiving it.

The FHFNPS is well connected to policing issues in Saskatchewan and nationally. The FHFNPS has MOUs with the RCMP about mutual support, information exchange, use of radio communications and data gathering systems, specialized services (e.g., canine and emergency response teams), and additional services that the FHFNPS does not itself provide (CAPG, 2016). Indigenous self-administered services may work in partnership with the RCMP in major crime investigations, such as homicides or missing person investigations (Lucki, 2018). Indigenous self-administered services may also partner with provincial police services. For example, the NAPS in northern Ontario has an MOU with the OPP regarding assistance for major occurrences (accidental deaths, homicides, and missing persons) (NAPS, personal communication, 2018). MOUs can also be drawn up between Indigenous community leaders and municipal police services; Saskatchewan provides an example of this. A 2016 MOU between the File Hills Qu'Appelle Tribal Council and the Regina Police Service formalized years of working together on safety issues affecting Indigenous people in the Treaty Four area, including the large Indigenous community in Regina (CAPG, 2016; RPS, 2016).

6.3.2 Police Can Be Part of Mutually Beneficial Relationships Between Communities

Indigenous and non-Indigenous communities can form partnerships that promote co-development and knowledge transfer. Police can be involved in initiatives that allow Indigenous and non-Indigenous communities to share skills and experiences. Mutually beneficial relationships may also contribute to economic growth in Indigenous communities, which supports infrastructure and could create space for community-led choices about service delivery.

The Tsuut'ina First Nation reserve land, which borders the city of Calgary, is increasingly being surrounded by the expanding city. The relationship between Calgary and the Tsuut'ina Nation has evolved over decades of negotiation related to a ring road passing through Tsuut'ina territory. While the close proximity of Calgary to the reserve has at times caused tension and conflict, it has also provided opportunities for developments that benefit both the city and the Tsuut'ina Nation (Newton, 2015). The TNPS was formally established in 1997 and had seven officers when it achieved SA status in 2004 (Clairmont, 2006). Economic growth from the ring road agreement contributed to police infrastructure in Tsuut'ina. By 2018, there were 25 officers, and the TNPS moved to a new police headquarters funded by the Tsuut'ina Nation (K. Blake, personal communication, 2018).

In addition to economic relationships, Calgary and the Tsuut'ina Nation have combined their efforts to exchange knowledge and proactively address community safety issues. TNPS has a strong relationship with the Calgary Police Service (CPS) for investigative purposes, and it has also partnered with the CPS to launch an officer exchange program. As part of this program, CPS officers have participated in TNPS cultural training, and TNPS officers have gained experience in specialized units of the CPS (TNPS, 2017).

Indigenous communities policed by the RCMP can also benefit from the services and resources that can be directly accessed by a large, networked police organization, particularly if the Indigenous community is close to an urban centre. These include specialized policing services related to serious or organized crime, victim services, or information databases such as the Canadian Police Information Centre, which is maintained by the RCMP (Lucki, 2018).

Finally, relationships between Indigenous communities and provincial courts can have a direct impact on the ability of police to uphold local laws. In some communities, offences committed under local laws (such as laws under the *First Nations Land Management Act* or bylaws under the *Indian Act*) are not heard in provincial courts, making them difficult to enforce. Conflicting responsibilities

between Provincial and Federal Crowns have led to no prosecution, causing police to not bother to lay charges in the first place. This issue was central to a tenant eviction case involving members of the K'omoks First Nation in British Columbia, and it has also been raised by NAPS in Ontario (NAPS, 2011; BCPC, 2018). In other communities, the Crown prosecutor will hear cases involving local laws, which supports their enforcement. This is the case in the Tsuut'ina Nation, where a provincial court was established on the Tsuut'ina reserve. The court follows the community's traditions, and the judge, prosecutor, court clerks, court worker, and probation officer are Indigenous. Offences other than homicide or sexual assault are eligible to be dealt with by a Tsuut'ina peacemaker, who sits across from the Crown prosecutor (Mandamin, 2005).

6.4 VIABILITY OF A RELATIONSHIP-BASED APPROACH

The CCA's 2014 report noted that when safety is a collaborative effort, the roles and capacities of people and organizations can vary widely. The ability of police to partner with others depends on a number of factors, including regional service availability, local perceptions and initiatives, and the relationship between the police and community members (CCA, 2014). In Indigenous communities, placing police in a broad landscape of meaningful relationships emphasizes holistic approaches to safety and well-being that have the potential to strengthen community bonds and uphold local values. Yet the realization of these approaches is not without challenges, which ultimately relate to broader issues affecting Indigenous communities.

6.4.1 Benefits from Relationship-Based Approaches

Relationship-based policing provides an opportunity to address safety and well-being through social determinants, just as Indigenous communities have done for millennia. This approach calls for partnerships between police and community members to solve systemic social problems before they manifest as harmful behaviour. Engaging communities to focus on local concerns is critical to addressing the pervasive problems that threaten safety (Gill *et al.*, 2008; PS, 2010).

Response to Local Needs and Values

Relationship-based policing requires officers to make substantial efforts to understand the unique needs and challenges faced by each region, and in turn to consider these needs and challenges when they interact with community members (Wakeling *et al.*, 2001; Christmas, 2012). This understanding promotes culturally competent service delivery (Section 6.1.3) and accounts for the fact that the core objective of policing may be viewed differently in Indigenous communities. Officers may be expected to perform roles centred on peacekeeping or problem-

solving, as opposed to law enforcement (Cawsey, 1991). If communities are in control of their safety and well-being, and collaborate with police services that are committed to fostering a climate of trust and appreciation of Indigenous knowledge, the social determinants of safety and well-being can be addressed in a way that aligns more closely with community values.

Community Capacity and Partnerships

At the local level, implementing a relationship-based strategy necessitates leadership, shared motivation, and fair partnerships among all agencies involved. This highlights a critical need for community leaders to be the drivers of change, which in turn builds capacity to address safety and well-being (Christmas, 2016). Given their day-to-day interactions with community members, the police are in a unique position to take direction from each community in developing approaches to improve safety and well-being and maintain harmony. This may require changes at the legal, policy, and organizational level that allow police to let communities decide how to resolve conflicts and help those in need (Jones *et al.*, 2015).

More than two decades ago, the theme of community-driven change was central to the RCAP round table on justice, which emphasized that communities themselves know which justice issues must be tackled and what strategies are most likely to be successful. The Commission stressed that self-determination must include justice initiatives that are rooted in each community (RCAP, 1996e). Depew (1994) extended this idea to policing, noting that Indigenous self-governance provides the greatest opportunity for community involvement in policing — which is where effective and enduring approaches to policing originate.

6.4.2 Challenges Associated with Relationship-Based Approaches to Policing

Indigenous communities are not uniform in their histories related to the regulation of social order and safety, their pursuit of self-determination, their cohesiveness, or their resources. These factors relate to a number of challenges that could impede relationship-based approaches to community safety and well-being.

Availability of Resources and Services

The impact of poverty and underfunding on service delivery in Indigenous communities cannot be overstated. Relationship-based policing approaches require access to social, health, and community services that can relieve pressure on police and assist those in need through more appropriate agencies. While a spectrum of social services may be more available in urban areas, many rural and remote communities have different service landscapes.

As discussed in Chapter 4, the federal government's funding formulas for core services in Indigenous communities have raised significant human rights concerns. In addition to a ruling by the CHRT regarding the discriminatory provision of child welfare services on reserve (Section 4.3.2), the Canadian Human Rights Commission (CHRC) has received complaints with respect to special education, health services, assisted living and income assistance benefits, and policing. The CHRC "views the situation of Indigenous peoples in Canada as one of the most pressing human rights issues facing Canada today," and has recognized a critical need to ensure equitable funding for services on reserves (CHRC, 2017).

Indigenous communities receiving FNPP funding often have limited resources to support staff and maintain the basic infrastructure needed for effective policing (Gill *et al.*, 2008). This is compounded by a cyclical problem in which high levels of crime and social issues take time away from preventative policing strategies and divert resources to reactive policing (Clairmont, 2006; Jones *et al.*, 2014). In some cases police may simply not have the resources or the time to participate in community mobilization efforts or to build relationships within and between communities.

Without a support system of agencies involved in sectors such as community wellness, mental health, education, child and youth support, income support, probation, or community justice, the pressure to provide health and victim services will continue to fall on police (Lithopoulos & Ruddell, 2011; Jones *et al.*, 2014). This issue was identified in a review of policing in the Yukon, which is delivered by the RCMP. Officers in small northern detachments are called upon to perform duties that might not be necessary in the large detachments of heavily populated areas (Arnold *et al.*, 2011). The Panel emphasizes that the government of Canada can play a significant role in prioritizing relationship-based approaches to policing in Indigenous communities, by bridging the resource gap and assisting communities in establishing models that reflect their local needs and values.

Communication and Trust

In addition to the inequities identified above, the consideration of a relationship-based approach to safety and well-being highlights issues of police-community relations. Distrust of the government, the justice system, and the police is of particular concern in Indigenous communities (Chrismas, 2016). For decades, the theme of trust between police and community members has been central to reviews of and inquiries into justice in Indigenous communities. In 1991, both the Manitoba Aboriginal Justice Inquiry and the Task Force on the Criminal Justice System and Its Impact on the Indian and Metis People of

Alberta emphasized the complex relationships between communities and the RCMP. Strong mistrust of RCMP members was linked to discriminatory policing practices and police failure to truly understand the culture and needs of each community (Cawsey, 1991; Hamilton & Sinclair, 1991). Twenty years later, similar concerns were echoed by communities in the Yukon. While the dedication and efforts of RCMP officers were acknowledged and appreciated, community members spoke about being treated with suspicion, being ignored and intimidated, and receiving “second-class justice” (Arnold *et al.*, 2011).

As an added challenge to building trust, officers from outside the community may find it more difficult to form connections with community agencies and members (Depew, 1994). The Panel also emphasizes that while hiring Indigenous officers may increase the potential for police-community connections, Indigenous identity is not the sole determinant of whether officers are able to truly understand the communities they police.

Finally, collaborative, community-wide approaches to safety and well-being require community trust not only of the police, but of agencies in other sectors (Nilson, 2014). Even in settings where the services integral to community safety and well-being may be more available, successful outreach to community members must be accomplished in order for plans to result in action (Nilson, 2016b).

Training

Cultural awareness and cultural competency training, such as that provided by the RCMP, is designed to educate cadets about the historic and contemporary relationship between Indigenous and non-Indigenous people in Canada and to promote a general understanding of Indigenous Peoples. Some divisions of the RCMP also provide training specific to the Indigenous Peoples within particular regions (Lucki, 2018). However, this type of training does not address the unique aspects of individual Indigenous communities.

In many SA police services, officers, other staff members, or police commission members who are part of the community will have knowledge of its history, culture, laws, and language, which can be an asset to relationship-building. Whether they are Indigenous or non-Indigenous, officers that serve the same community for a long time may have the opportunity to learn from other members of their service or from their community, allowing a deeper understanding of, and connection with, the people they serve (CCA, 2014; Oppal, 1994). This understanding is also critical for emergency responses. Officers who know their community well will be better equipped to de-escalate serious situations.

Remote Communities

Ninety percent of discrete Indigenous communities across Canada consist of fewer than 1,000 people, often in regions with very low population density. Some northern and arctic communities are more than 2,000 kilometres from a major city and may be hundreds of kilometres from their nearest neighbour (Cotton *et al.*, 2014). The large areas that police must cover in these communities, as well as the inaccessibility of communities that can only be reached by plane or boat, are not conducive to basic service delivery (DPRA, 2016; Kiedrowski *et al.*, 2016).

Remote fly-in communities face unique challenges with respect to connections between police and community members, and collaboration between police and other agencies. For example, the NAPS serves 35 First Nations communities in northern Ontario, 23 of which are accessible only by air or winter ice roads. While two officers may be assigned to a given community, only one is on duty at a time, so in most cases officers work alone and never see the benefits of having a partner. Calls for backup often depend on additional officers flying in (which can be delayed by weather), forcing the officer on duty to manage dangerous situations without help for hours, or even a full day, until backup arrives (Thompson, 2017a). NAPS officers cite lack of equipment, communication difficulties, and the low availability and high cost of chartered planes for transporting people and supplies as key challenges. Some remote communities rely on one police vehicle, which creates issues when repairs are needed, and some do not have cell phone signals, relying on landlines or two-way radios. During power outages, none of these forms of communication are useable, so officers in the field cannot be reached (Edwards, 2018b).

Under the conditions police face in remote communities, proactive policing can be challenging. Community outreach is difficult when only one officer is on duty. Community mobilization approaches are challenging when each agency has its own struggles. NAPS has a reciprocal relationship with the OPP, sometimes providing assistance to OPP investigations when needed or receiving OPP assistance for serious incidents or those occurring in drive-in communities. However, this by no means offsets the struggle to find officers or resources for innovative policing practices (Edwards, 2018b; NAPS, personal communication, 2018). Yet despite the lack of resources in remote settings, community outreach can be achieved by dedicated officers who are in communities long enough to build strong local relationships (Box 6.6).

Box 6.6

Working as an Inuit RCMP Officer

I served as a front-line RCMP officer for 25 years. Even when I was off-duty, residents preferred to contact me rather than an on-duty officer from the south since I was a part of the community. The pressure on me was intense and often came at the expense of my own family commitments. Burnout among Inuit officers is a real issue; it has led to a loss of existing staff and provides little incentive for the younger generation to become police officers. Out of a sense of duty, Inuit officers tend to their own files and workload, but as peacekeepers, protectors, and caregivers, we voluntarily translate, interpret and provide guidance to other officers, in addition to our own duties. With only limited Inuit officers, the pressures become too great on those left in the field — pressure from the organization, pressure from those we serve, pressure from within our own homes and families. Southern officers come, do their one or two terms and leave. For us, we are always here, always on call, always on guard for clients, but also to watch over the southern officers.

Policing in the north is difficult. Technologies that are common in the south (i.e., high-speed internet) remain rare in the North, and the ability to provide effective service is limited by the availability of transportation needed to reach remote locations. There is also a lack of referral supports. There is a visiting court circuit in all but one of our Nunavut communities which means our Inuit officers often have better relationships with those facing charges than even the lawyers representing them. We feel like we are always waiting for services to come to the community, and yet they are so few and far between. Meanwhile, we carry much of the burden while we are waiting.

(Y. Niego, personal communication, 2018)

Police Well-Being

While this chapter focuses on community safety and well-being, officer safety and well-being must not be overlooked. The pressure placed on officers who work in communities with high levels of trauma in remote locations may result in a high officer turnover rate, or require positions to be short-term. In the Maskwacis RCMP detachment, community response unit (CRU) positions are for three-year terms. The challenges of working in the community, particularly the number of gangs and incidents of gang-related violence, make the CRU positions extremely demanding (Maskwacis RCMP detachment, personal communication, 2018). The stressful environment faced by NAPS officers is associated with

negative impacts on health, such that approximately one-quarter of officers are on some type of sick leave (Edwards, 2018b; NAPS, personal communication). In addition to affecting officer health, environments that are too stressful for long-term positions may lead officers to leave the community just as they are becoming more familiar with its unique aspects. This can prevent the building of strong, trusting relationships between police and the community, which can take years, or even decades (DPRA, 2016).

An additional challenge for policing in remote communities relates to the recruiting of mature and more experienced officers who may be concerned about the impact of their career on the well-being of their families. Particularly if the officer is not originally from the community they are serving, their family members may find it difficult to adjust to the environment and may face limited options for employment or schooling for their children (Lithopoulos & Ruddell, 2011; Ruddell *et al.*, 2014).

Police Roles

Views of what the police should and should not do vary between and within Indigenous communities. This lack of clarity has sometimes been used as an excuse to refrain from conducting in-depth evaluations of the roles of police, which in turn maintains a *status quo* of programs and initiatives that have proved inadequate (OAG, 2014). In many Indigenous communities, the role of police is related to the availability of other agencies that provide social services or primary security (i.e., urgent protection of physical well-being). Several studies have shown that police are asked to perform roles that would normally be undertaken by social service agencies (Brodeur *et al.*, 1991; La Prairie, 1991; Auger *et al.*, 1992; Depew, 1994; Landau, 1996). In remote regions, where access to social services may be limited, and police may be the only social service professionals in the community, police are more relied upon to perform social service functions such as healthcare, transportation, and crisis intervention (Landau, 1996; Nilson, 2017b).

The complex, kinship-centered organization of discrete Indigenous communities (where there may be a preference for shielding certain issues from the police or other agencies) also poses distinct challenges. A pioneering research program in Quebec that studied crime and justice issues among Cree First Nations on the eastern coast of James Bay examined the nature of, and response to, crime and order problems in nine Cree communities (McDonnell, 1991). A central conclusion of the research was that externally imposed, formal approaches are largely ineffective as solutions for crime and social harms. This conclusion was informed by findings that “the majority of what occurs by way of crime

and disorder stays within the boundaries of community life” and “the nature of crime is largely interpersonal where people are reluctant to invoke the formal court system and usually want police to react informally” (La Prairie & Diamond, 1992).

Some communities may expect police to be part of their social fabric, helping to resolve disputes and preserve peace using conventional ways of maintaining social control. This raises questions about possible conflicting obligations of police as servants both of the community and of colonial law (DPRA, 2016). However, scholars of policing and Indigenous community members have reasoned that formal and informal mechanisms of social control need not be in opposition. In their discussion of bringing restorative principles to policing, Bazemore and Griffiths (2003) argue that police contribute in various ways in promoting community capacity to maintain safety and well-being. These include support of, and participation in, locally-driven community justice programs, and street-level use of informal approaches for responding to harm and conflict (Bazemore and Griffiths, 2003).

To fill a need that is unmet by current policing arrangements, some Indigenous communities have supported the idea of blended police models, in which conventional police services such as the RCMP could work alongside community peacekeepers (Jones *et al.*, 2015). Several First Nations in Saskatchewan have launched community-driven peacekeeper programs, motivated by a desire to take care of their own people. The peacekeepers, who are an extension of the community rather than being from the RCMP, provide familiar faces who can respond to incidents with local knowledge and language skills (Bridges, 2018; CBC, 2018; Quesnel, 2018).

Political and Legislative Challenges

In relation to program delivery in Indigenous communities, Rae (2009) notes that a greater sense of community ownership increases the likelihood of program effectiveness. Policing approaches in Indigenous communities may be more successful if they are truly chosen by communities themselves. In turn, policed community mobilization efforts may be enhanced in communities that are empowered to attend to their own well-being. The Panel emphasizes that true choice requires self-determination for Indigenous communities, which is not achieved by the “take it or leave it” funding options for services and programs such as the FNPP (IOG, 2008; Thompson, 2017b). Creating a long-term vision of relationship-based policing is difficult when policing has no legislative basis and is treated as a program (Ransom, 2011). Considerations for policing in the context of self-determination are discussed further in the following chapter.

6.5 CONCLUSION

This chapter illustrates how police can promote community safety and well-being through relationships rooted in trust and mutual respect. It shows the value of recognizing traditional Indigenous knowledge and local realities and needs when considering policing approaches. Moving forward, there is an opportunity for fundamental changes that recognize the need for, and suggest ways of achieving, improved relationships between police and local community members, as well as other services and organizations beyond the community level.

Policing is intertwined with the social realities affecting communities. In both Indigenous and non-Indigenous settings, community-wide, collaborative approaches that focus on the social determinants of safety and well-being have shown potential, though they also need to be the subject of continued evaluation. When plans to improve safety and well-being are developed by Indigenous communities themselves, they are innately grounded in the collective goals of helping and trusting one another through family and community connections. Modern community mobilization initiatives embody many of these principles and provide ways to identify individuals and families in imminent need; however, they require resources to support police and the range of other services involved. At present, these resources are not available in many Indigenous communities, a situation that is magnified in remote communities. Opportunities for change also exist on a broader level, in which police, regardless of the service they belong to, can be viewed and treated as equals and can form mutually beneficial relationships that bridge communities and nations. The following chapter discusses the complexities of policing reform in Indigenous communities, against a backdrop of self-determination.

7

Toward Change

- **Self-Determined Policing**
- **Building and Sustaining Capacity for Indigenous Peoples**
- **Relationship-Based Approaches**
- **Policing as Part of a Broader Landscape**
- **Conclusion**

7 Toward Change

Key Findings

Opportunities for change begin with providing meaningful choices for policing arrangements that are grounded in Indigenous knowledge and values and that support self-determination.

Building the capacity to improve self-directed policing in Indigenous communities requires resources that allow for sustainability.

Addressing safety and well-being in Indigenous communities will be facilitated by broader economic, social, and political commitments. Reforms to policing cannot occur without systemic changes that honour and respect the need for safety and well-being in Indigenous communities.

The best practices described in this report work to decolonize policing in Indigenous communities and help to restore control and decision-making authority to Indigenous people. Each community can be equipped with the power and resources to deal with social disorder in ways that are specific and relevant to the community.

This report highlights the ways in which policing is tied to the broader social, economic, and political realities facing Indigenous communities. It shows that policing cannot be considered in isolation from other social services. Previous chapters describe some of the challenges facing policing in Indigenous communities. As described in Chapter 2, policing has been marred by a legacy of colonialism that has created a sense of ongoing distrust between Indigenous people and the police. Current policing models are based on dated colonial structures in which police often operate separately from the communities they serve, rather than allowing themselves to be intertwined with a particular community and its values. Success in these models is often measured against a narrow set of metrics, such as incarceration rates and crime statistics, which are overgeneralized and affected by discriminatory and damaging societal attitudes. In addition, current understanding of policing in Indigenous communities emphasizes the reserve setting, which fails to account for the fact that most Indigenous people live in urban areas or that many move freely between cities and reserve communities in order to work, access services, or maintain community ties.

This report emphasizes that policing approaches can be part of reconciliation and healing, by respecting the values, cultures, traditions, laws, and self-determination of Indigenous people. In its review of past and current approaches to safety and well-being in Indigenous communities, the Panel identified three key themes: self-determination, a new funding framework, and the importance of relationships. These themes highlight many of the problems that are described throughout the report, while also recognizing opportunities for change and speaking to the aspirations that Indigenous Peoples have for their future.

This chapter clarifies how self-determination relates to the ability of Indigenous communities to have true choice over their policing approaches and considers the ways in which federal and provincial/territorial governments can support diverse types of Indigenous communities as they make self-determined choices. It also discusses the value of services grounded in mutually respectful relationships and reflective of community needs, values, and cultures. Finally, this chapter highlights how policing is but one element that aims to strengthen Indigenous community safety and well-being within a shifting social and political environment.

7.1 SELF-DETERMINED POLICING

More than two decades ago, Brodeur *et al.* (1991) argued that typical recommendations for addressing criminal justice issues in Indigenous communities sought change by way of simply Indigenousizing a colonial system. Such recommendations were “based on the contrary assumption that the greatest part of the administration of justice with regard to aboriginal people will remain in non-aboriginal hands” (Brodeur *et al.*, 1991). Building on this insight further, the RCAP viewed attempts to Indigenousize a colonial system of justice (including policing) as a stepping stone to more fundamental changes rooted in Indigenous self-determination. The RCAP argued that realizing these changes would require the Canadian government and non-Indigenous people to work hard and honestly with Indigenous Peoples to support their path toward self-determination and self-governance. In the future envisioned by the RCAP and still yet to be fully realized, self-determination for policing and other services may involve systems and laws that come entirely from Indigenous Peoples themselves; however, as steps are taken toward self-determination, opportunities also arise to support self-determination through changes to existing legislation and policies at the federal and provincial/territorial levels (RCAP, 1996e).

7.1.1 Meaningful Choices for Indigenous Communities

Policing and other services in Indigenous communities have been subject to the process of program devolution, which offers limited legal, financial, or other decision-making power to communities themselves (Rae, 2009). Within the current policing context, self-determination for all Indigenous communities has not been achieved. Negotiations related to policing continue to uphold significant power imbalances between Indigenous leaders and federal and provincial governments.

During the first two years following the establishment of the FNPP, research on First Nations police governance in Ontario generated a number of findings that are still relevant today. Among them were that the federal and provincial governments could better encourage the development of police governance structures and institutions to meet the needs of First Nations communities (Stenning, 1996). The report further concluded that First Nations people themselves did not have sufficient influence over proposals related to First Nations policing in Canada. This resulted in approaches tailored for non-Indigenous communities, which inhibited the development of real alternatives that would better suit the diverse needs of First Nations communities. Stenning (1996) emphasized that the most important way forward involved “finding ways of expanding the possibilities for real choice” for First Nations policing. In 2016, the independent consulting firm DPRA also reported these views among participants in regional engagement sessions on policing in Indigenous communities (which included members of police services, boards and associations, as well as members of Indigenous communities and organizations). A key message DPRA heard was that Indigenous communities have little room to negotiate their policing models and funding arrangements (DPRA, 2016).

The FNPP operates under the First Nations Policing Policy. According to the federal government, the policy is “a practical means to support the federal policy on the implementation of the inherent right and the negotiation of self-government” and aims to “support First Nations in acquiring the tools to become self-sufficient and self-governing” (PS, 1996). However, according to participants in the DPRA engagement sessions, these intentions remain largely unrealized, as the FNPP does not provide First Nations communities (or other Indigenous communities not included under the current program) with meaningful choice over their policing models, governance, or funding arrangements (DPRA, 2016). In addition, rather than leading to an increase in the number of Indigenous officers working in Indigenous communities, the number of people who identify as Indigenous engaged in FNPP policing (either through SAs or CTAs) has declined over time (Section 5.3.5).

As suggested by the RCAP, a framework consistent with the federal government's broad commitment toward self-determination would support *all* Indigenous communities in assuming control over their policing services, either by forming a stand-alone service or by contracting with an existing police service. A community may, for example, decide that as it works toward developing the potential for autonomous policing in the future, it is best served in the present by negotiating a contract with the RCMP or a provincial or municipal police service (RCAP, 1996e). The Panel also emphasizes that having flexible choice over safety and well-being approaches means that an Indigenous community may decide to develop their own police service or to access existing services. If supported by adequate resources, flexibility can be a vehicle to move toward self-determination (Section 7.2).

7.1.2 Police Governance Arrangements and Accountability Mechanisms that Support the Self-Determination of Indigenous Communities

Chapter 5 describes how Indigenous people may be served by police at the federal, provincial/territorial, municipal, regional, or local level, each of which vary in their governance arrangements. While self-administered police services are directed by official Indigenous community-derived governing bodies, the same governance opportunities are not in place for Indigenous communities served by the RCMP, OPP, or SQ. Participants in DPRA's engagement sessions stressed that regardless of the policing model in question, there is a need to reconsider the approaches to Indigenous communities' governance participation, and to address the challenges that may arise when police are accountable to Indigenous communities while in fact reporting to a non-Indigenous government (DPRA, 2016). As discussed below, through reforms in governance, Indigenous communities can still direct their own policing when contracting the RCMP or provincial police services. Also discussed below are some ways in which federal or provincial/territorial legislation can support the self-governance of Indigenous self-administered services while maintaining policing standards common across Canada.

Opportunities for Strengthening Community Involvement in RCMP Governance and Accountability

Although FNPP communities policed under CTAs are intended to have CCGs that serve an advisory function, the organizational structure of the RCMP has no provisions for civilian governance through independent management boards (GC, 1985b). The lack of civilian involvement in RCMP governance was highlighted in a review of policing conducted jointly by the Yukon Government and the RCMP. The report argued that "an independent body of civilians

could be a vital part of making recommendations, encouraging accountability and providing input” into policing services (Arnold *et al.*, 2011). This led to the establishment of the Yukon Police Council, which acts to bridge Yukon citizens, the Yukon Department of Justice, and the RCMP. The Council strives to improve relationships and communication between the RCMP and Yukon communities, and it regularly meets with local leaders, community members, and police throughout the territory (Gov. of YK, 2017).

While the RCMP has not established a means for local civilian governance, independent investigations of RCMP members’ conduct can occur through the CRCC. However, community members may not be aware of, fully understand, or trust the complaints process — and may fear retaliation for filing a complaint about a member from their local detachment (Arnold *et al.*, 2011; Kiedrowski & Petrunik, 2018). In Saskatchewan, the Federation of Sovereign Indigenous Nations’ Special Investigations Unit aims to address these issues by assisting those who wish to file a complaint with the RCMP or other police services, and by monitoring the process to ensure that the complaint is handled thoroughly and fairly (FSIN, 2018). The review of policing in the Yukon proposed a similar approach, suggesting that an independent, Yukon-based civilian police complaint coordinator could provide help and information to citizens regarding the complaints process and that citizens could oversee investigations by the RCMP’s CRCC (Arnold *et al.*, 2011). While it may not be possible for each territory to have its own civilian agency to conduct complex investigations of serious incidents involving the RCMP, ways are available to help the process take place as impartially as possible (e.g., through a civilian police investigation agency) (Arnold *et al.*, 2011).

Opportunities for Change at the Provincial Level

In addition to opportunities for increased provincial and territorial collaboration with federal institutions such as the RCMP, provinces can potentially improve the governance of community safety and well-being. This could have positive impacts on many Indigenous people and communities, particularly in Ontario and Quebec where the RCMP does not provide front-line services. For example, government responsibility for equitable services in Indigenous communities, and relations between police and Indigenous people, can be addressed through provincial laws (such as police acts) and through the policies and actions of provincially appointed police oversight bodies. This issue was central to the Ipperwash Inquiry, which noted that the responsibility for Ipperwash did not lie solely with the police. Linden (2007) stated that municipal, provincial, and

federal authorities also bore responsibility for creating the tense environment that allowed grievances to go unaddressed and grow. To bring effective change to policing in Indigenous communities in Ontario, Linden recommended that these governments “move to place First Nation police services on much firmer financial, operational, and legal ground” and to do so by “working with First Nations to develop a secure legislative basis for First Nation police services in Ontario and to improving the capital and operating funding for those services” (Linden, 2007). Changes to Ontario’s *Police Services Act, 2018* represent some first attempts to implement this recommendation, though they have not yet been implemented in force at the time of writing this report (Box 7.1).

In 2017, Justice Tulloch released the *Independent Police Oversight Review*, which examined civilian police oversight bodies in Ontario. The review documented the relationships that Indigenous people have with police and police oversight bodies — relationships strained by fear, distrust, and the sense that these bodies do not exist to represent Indigenous people or their interests (Tulloch, 2017). In order to begin to change the existing dynamic, Tulloch (2017) recommended that oversight bodies work to build relationships with Indigenous communities, improve cultural competence, increase the number of Indigenous staff, and consider expanding their mandates to include First Nations policing if desired by individual First Nations.

As discussed in Chapter 4, police acts in a number of provinces contain some provisions for First Nations police services; however, only Ontario’s act has recently acknowledged provincial responsibility for equitable services on reserve (Gov. of ON, 2018). Box 7.1 discusses Ontario’s *Police Services Act, 2018*, which includes some of Justice Tulloch’s recommendations and, according to the Chiefs of Ontario, represents some initial steps toward the inclusion of Indigenous needs in provincial policing legislation (Chiefs of Ontario, 2018). As of 2018, Alberta’s *Police Act* is also under review, with First Nations leaders and other stakeholders calling “for the new Police Act to have mechanisms built in that will support collaboration, information sharing and genuine partnerships that can facilitate different models that have been established and used successfully in other provinces” (Davis, 2018). First Nations leaders are participating in engagement sessions to review the current act, where discussion topics are focused on trust, legitimacy, and transparency, as well as relationships between police services, community partners, and community members (Davis, 2018; Gov. of AB, 2018).

Box 7.1**The Safer Ontario Act**

Ontario's Bill 175, or the *Safer Ontario Act*, was passed in March 2018 though not proclaimed in force at the time of writing this report. The Act calls for changes to Ontario's *Police Services Act, 2018*, and associated police oversight legislation, in an effort to enhance police accountability and civilian governance, encourage collaborative community safety and well-being approaches, and support the sustainability of First Nations police services. These changes include:

- the option for First Nations to establish their own police services boards that are required to meet provincial standards, or for First Nations communities policed by the OPP to request OPP First Nation Boards;
- provisions for the binding arbitration of disputes that might arise if a First Nation board is not satisfied with the funding it receives from the Minister of Community Safety;
- the requirement for police service boards to be diverse in their membership, complete anti-discrimination training, and develop strategic plans in consultation with groups representing their area of responsibility; and
- a new advisory council to the OPP, a new Inspector General to monitor police services and their boards, and a more transparent special investigations unit with greater investigative powers.

(Roach, 2017)

A review of the proposed Bill 175 noted that it does much for implementing Tulloch's recommendations related to police accountability and oversight. Although it provides a starting point for First Nations participation in the governance of non-Indigenous police services, it does not allow for true self-governance in policing. While First Nations may make requests to form their own police service boards, the approval of board members remains conditional on the approval of provincial authorities, and the directions provided by boards must be consistent with overall OPP policies (Roach, 2017).

While Ontario's *Police Services Act, 2018* recognizes the legitimacy of First Nations police services, this recognition does not change the funding models, which are short-term and precarious, and which leave forces without the ability to strategically plan for their future. The Act also leaves room for improvement with respect to relationships between police and Indigenous community members. The Act neglects to implement a duty to consult, as the advisory council for the OPP does not require Indigenous members, nor is there a requirement for

the OPP to consult with Indigenous communities or leaders when developing strategic plans, even if these plans relate directly to Indigenous communities. For independent oversight bodies, police complaints bodies, and potentially police service boards, Roach (2017) argues that a case can be made for the establishment of advisory committees that represent Indigenous community members, while also recognizing the challenges of policing in northern Ontario. If they can have a genuine role, these types of committees may help Indigenous people feel as though their complaints about police could be taken seriously and may help Indigenous police services feel comfortable being subject to review (Roach, 2017).

Further Opportunities for Self-Determined Service Delivery

The Ontario *Police Services Act, 2018* shows that changes to existing policing legislation can allow for increased Indigenous involvement or address the need for equitable services in Indigenous communities. Yet scholars and Indigenous community members have called for further changes in the way that services for Indigenous community safety and well-being are governed (DPRA, 2016; Grammond, 2018; Kiedrowski, 2018). As discussed in Chapter 4, the RCMP Act and some provincial police acts do not contain provisions regarding Indigenous people or policing in Indigenous communities, while other provincial acts include a patchwork of provisions. The Panel notes that policies (such as the First Nations Policing Policy) are not binding, therefore offering an opportunity to find alternative ways for the federal and provincial/territorial governments to commit to self-determined policing for Indigenous communities.

Inspired by the United States' *Indian Child Welfare Act*, the existing Canadian treaties and self-government agreements, the *Mi'kmaq Education Act*, and the existing provincial laws, Grammond (2018) has proposed how federal legislation may contribute to Indigenous self-determination. Although the author explores avenues for the governance of First Nations child welfare, the Panel notes that similar considerations could apply to legislation for other services. Pieces critical to legislation might include: (i) the formal recognition of First Nations' power to enact laws concerning the service in question or to enter into agreements with provinces for delegated authority if they so choose; (ii) clarification regarding circumstances where provincial or territorial laws would still apply to a First Nations person; (iii) obligations of the federal government with respect to the funding of the service; (iv) the establishment of a First Nations governing body; (v) mechanisms for handling disputes and complaints; and (vi) provisions related to data collection and reporting and training to ensure that all staff have the necessary skills and knowledge, including knowledge of the First Nation's culture and laws (Grammond, 2018). This type of legislation could support the treatment of certain services as essential services in the relevant legislative and policy frameworks.

Governance and Accountability for Indigenous Police Services

The Panel stresses that self-determination includes the choice for Indigenous communities to independently govern all aspects of their own police services. This can be achieved in a number of ways at a broad or local level. The First Nations Chiefs of Police Association has raised the possibility of a First Nations Police Commission to provide governance at a national level (CAPG, 2016). This could provide an avenue for funding, training, and policing initiatives to be overseen not through federal government policy but by an Indigenous governing body (Kiedrowski, 2018).

The issue of governance is complex for any police service, and Indigenous services are no exception. The question of political involvement on police boards was discussed at the 2017 First Nations Police Governance Workshop held by the Canadian Association of Police Governance (CAPG). Participants acknowledged that under colonial models of police governance, politicians on police boards are expected to have very defined roles. However, this is not always an option for underfunded First Nations police boards, which must look to political leaders for assistance and which may be accustomed to involving their Chief and council in major decisions (CAPG, 2017).

Small, close-knit Indigenous communities may also have challenges related to accountability. As is the case for non-Indigenous police services, decisions filtered through governments are not always neutral. The selection of police board members or officers can be heavily influenced by the band office and tied to local politics. When officers are also community members, policing family and friends impartially can be difficult. Yet a benefit to this kinship is that officers know the backgrounds of community members and can approach situations with compassion and a goal of de-escalation rather than arrest (CAPG, 2016, 2017).

Even if they wish to create their own police service, not every community will have the resources to do so. Indigenous communities wishing to develop this capacity will benefit from the research, training, and support required. After documenting the perspectives on policing expressed in four First Nations communities in Saskatchewan, Jones *et al.* (2015) argued that self-determined policing does not mean to simply involve Indigenous communities in the development of policing models, but to acknowledge their right to decide what is best for their communities and to offer support during the implementation if asked for it.

The CAPG (with direction from their First Nations Police Governance Council) is encouraging these efforts by working with Indigenous police services to develop training modules for police governance. In the first phases of the project, they identified issues facing Indigenous police service boards. These included uncertainty about their degree of independence, their role in policy, and how to exercise their authority. Police board members also cited concerns about lack of training, resources, and staff to handle the range of issues that they are expected to deal with (CAPG, 2017). Section 7.3 further discusses ways to build community capacity.

7.2 BUILDING AND SUSTAINING CAPACITY FOR INDIGENOUS PEOPLES

In their regional engagement sessions, DPRA found strong agreement among Indigenous communities that maintaining the capacity to improve policing requires a sustainable framework for funding. An approach that redefines policing from a government program to an essential service is the first step (DPRA, 2016). In their studies examining the stability of First Nations police services, Lithopoulos (2016) and Kiedrowski *et al.* (2017) argue that capacity for success also includes appropriate training and leadership skills within each police organization. Scholars of policing have called for more support from provincial/territorial and federal governments to assist communities that wish to perform research to identify their policing priorities and determine the policing arrangements with the potential to best meet community needs (Stenning, 1996; Kiedrowski, 2014). This section discusses opportunities to support efforts that aim to sustain financial capacity for service delivery, conduct research to inform policing approaches in Indigenous communities, and strengthen leadership and governing capacity among Indigenous people and organizations.

7.2.1 Policing in Indigenous Communities as an Essential Service

Unlike non-Indigenous communities in Canada, in which policing operates as an essential service, PS currently supports policing in Indigenous communities as programs that operate under the federal First Nations Policing Policy. Scholars and Indigenous community members argue that many of the current shortfalls of policing in Indigenous communities can be attributed to the current funding approach (Jones *et al.*, 2014; DPRA, 2016; Kiedrowski *et al.*, 2016).

In 2017, following a similar resolution by the Assembly of First Nations (AFN, 2017), the First Nations Chiefs of Police Association (FNCPA) unanimously passed a resolution calling for First Nations policing to be deemed an essential service. The resolution called for “sufficient, predictable and sustained funding that meets the unique needs of each department” (FNCPA, 2017). This funding is needed to improve current shortfalls in human resources, infrastructure, operations, and maintenance budgets (FNCPA, 2017). As noted by FNCPA President Dwayne Zacharie, “First Nations communities require and deserve stable, adequately funded policing services that are comparable to those provided to other communities in Canada.” Zacharie further stated that “the current First Nations Policing Program (FNPP) is failing First Nations communities by creating unsafe situations for officers and community members” (FNCPA, 2017). Independent reviews support the FNCPA’s view (Jones *et al.*, 2014; Kiedrowski *et al.*, 2016, 2017).

A change from program to service could have far-reaching effects on funding mechanisms for policing in Indigenous communities. An essential service designation would secure regular and predictable funding for policing in Indigenous communities and ensure that police are able to request the resources they need. This funding would allow police serving Indigenous communities to make strategic plans for the future, rather than operating from one yearly agreement to the next without any guarantee of future funding (Chiefs of Ontario, 2017; Edwards, 2018a). This designation would also provide police chiefs with an increased ability to make decisions in their community’s interest. In the current framework, where programs can be cut at any time, leaders lack the power to push for what they require and are constantly forced to justify their police detachment’s existence, often against a set of metrics that they are unable to meet and through reporting mechanisms that are so excessive as to drain already scarce resources (DPRA, 2016; PS, 2016a).

Indigenous communities have expressed frustration over the process for obtaining FNPP funding, which has at times appeared pre-defined and has left little room for balanced negotiations. Rather than a negotiated outcome (which is in part dependent on a community’s negotiating strategies or resources), Indigenous communities suggest that funding for policing should be tied to clear standards that reflect each community’s safety and well-being needs and costs. The metrics that account for these needs will be diverse, and include geographic characteristics (DPRA, 2016). As discussed in section 7.1.2, changes at the legislative level would secure government commitment to and responsibility for adequate funding of policing and other services in Indigenous communities.

Considerations for Funding Policing in Remote Northern Communities

As expressed by members of various Indigenous communities and police services in northern Canada (including representatives from Yukon, Northwest Territories, Nunavut, and Labrador) during DPRA's regional engagement sessions, geography is an important determinant of cost that must be considered when planning funding allocations (DPRA, 2016). In these isolated northern communities, geography drives up the cost of many facets of policing, making it simply impossible to use the same budget considerations applied to urban communities (Kiedrowski *et al.*, 2016).

Officer retention is affected by the costs of policing and living in the North, where access to affordable and adequate housing is an issue. Community members see funding to support police living in the North as beneficial to both officers and the communities they serve. Participants in the northern Canada engagement session preferred that officers live in the communities in which they work. This is for short-term, practical reasons such as response times, but also for long-term and more meaningful reasons, such as being a visible community presence and building trust with community members (DPRA, 2016).

The RCAP has proposed solutions for funding policing in remote communities. It suggested that where costs of services are much higher than average, financial capacity may require extra support from the federal government in the form of equalization payments, which could be adjusted once a community's income and revenue grows (RCAP, 1996c). In addition to policing, this adjustment for remoteness has been proposed for services affecting the lives and well-being of Indigenous people in remote northern communities, including funding for child welfare services (Grammond, 2018).

7.2.2 Building Financial Capacity Within Indigenous Communities

Chapter 4 demonstrates that the Crown's fiduciary duty to Indigenous people includes a responsibility to ensure that self-determination does not equate to simply allowing Indigenous communities to administer federally dictated programs and policies. Rather, the government of Canada has a duty to ensure that Indigenous communities have the financial capacity to support the service delivery structures of their choosing. Box 7.2 provides an example of a unique funding arrangement between the Miawpukek First Nation and federal government that supported self-determined service delivery. The example shows that long-term, flexible funding agreements can support communities in self-governing their resources and services, including those related to safety, and bring about improved quality-of-life outcomes.

Box 7.2**Flexible Funding Arrangements Supporting Self-Determined Service Delivery: Miawpukek First Nation**

After their traditional lands and way of life were disrupted, the Miawpukek First Nation, an isolated community in Conne River, Newfoundland and Labrador, struggled with poverty and funding conflicts with the federal and provincial government (Orr *et al.*, 2011). Miawpukek received federal recognition as a band in 1984, and a reserve was established in 1987. At this time, the Miawpukek First Nation signed a grant agreement with the federal government. The unique agreement provided the community with flexibility to allocate grant funds based on their priorities, with less burdensome reporting requirements compared to other agreement types used by the federal government (INAC, 2011).

The grant agreement gave the Miawpukek First Nation the responsibility to provide various programs and services, including land management, education, social assistance, and economic development. It also allowed them to allocate funding toward programs in other areas not mandated under the agreement, including justice and policing. The community established a Justice Department, which launched a community-based justice program, a police advisory committee, a by-law committee, and family mediation services. Miawpukek has developed well-managed, quality services and programs with a high degree of accountability to both the community and the federal government (INAC, 2011). The success of Miawpukek has been highlighted by the federal government to demonstrate the feasibility of similar transfer payment approaches for other Indigenous communities (Galloway, 2017a).

Policing in Miawpukek, a non-FNPP community, has not been without challenges. After disbanding their tribal police service, the community put grant funding towards a policing contract with the province beginning in 2005, through which it receives services from the RCMP (Gov. of NL, 2006; INAC, 2011). The community has worked to link their community-based justice system, which includes the Miawpukek First Nation Healing and Sentencing Program, with the RCMP (GC, 2011; Orr *et al.*, 2011). Miawpukek community members have been instrumental in educating the RCMP, Royal Newfoundland Constabulary, and the provincial justice department about community justice approaches (MacKinnon, 2017; Mercer, 2018).

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The grant agreement continued to support the community during many years of self-government negotiations, which began in 2004 (INAC, 2011). By 2013, the Miawpukek First Nation signed a Self-Government Agreement-in-Principle with the federal and provincial governments. The agreement covers a number of areas, including social services, education, culture and language, land and resource management, and administration of justice. It provides for a Miawpukek Nation law enforcement agency to uphold local laws, and for future negotiations, if the Nation so chooses, to reach agreements on jurisdiction over policing (Miawpukek First Nation, 2013).

The opportunities provided by Miawpukek's funding arrangement have not only supported their journey toward self-government, but have improved community safety and well-being. Miawpukek has developed their infrastructure, housing, and education systems, including schools that incorporate Mi'kmaq tradition and culture. The high school graduation rate is nearly 100% and most crimes committed in Miawpukek are minor (Orr *et al.*, 2011). The community has gone from almost 90% unemployment in the mid-1980s to nearly 100% full- or part-time employment (Miawpukek First Nation, 2018).

In the long term, Indigenous communities will benefit from support for developing greater capacity to provide their own essential services if desired. For many Indigenous communities, control over policing and other services is linked to control over their traditional lands and resources. As expressed by Vice-Chief John McDonald of the Prince Albert Tribal Council at the RCAP hearings in 1992, “[i]f the wealth of our homelands was equitably shared with us and if there is no forced interference in our way of life, we could fully regain and exercise our traditional capacity to govern, develop and care for ourselves from our natural resources” (RCAP, 1996c). By having control of their natural resources, Indigenous communities can develop greater economic stability.

The RCAP (1996c) recognized that Indigenous communities have the authority to develop their resources in a way and at a pace that suits their communities' traditional values and meets their present needs. The James Bay Cree (Box 7.3) provide an example in which access to funding and resources has far-reaching effects on community well-being and capacity-building. However, the Panel cautions that not all Indigenous communities will be in a position to supplement their policing costs with additional revenue, making this an unreliable model. At this time, there is a need to ensure that all Indigenous communities, regardless of their economic status, have sufficient essential services (OAG, 2011; Metallic, 2016).

Box 7.3**Capacity-Building Among the James Bay Cree**

The James Bay and Northern Quebec Agreement, signed in 1975, was the first comprehensive land claim agreement signed in modern Canada. Spurred by the Government of Quebec's attempts to undertake a large-scale hydroelectric project without consulting the Inuit and Cree living in the region, the agreement covered a range of issues, including land rights, environmental protection, local and regional government, financial compensation, hydroelectric development, and local control over social services (JBNQA, 1975). Although some elements of the agreement were criticized (Wertman, 1983), it has provided a number of opportunities that illustrate the importance of economic drivers in cultural continuity and self-determination. Nearly 100% of the power generated in Quebec is through hydroelectric generating stations, and almost half of that capacity is located in the James Bay region. Through continued partnerships with Hydro-Québec and the Government of Quebec, the Cree have been able to share the control and benefits of ongoing projects with the province (Durocher & Dunn, 2015).

The agreement originally stipulated that two kinds of police services would be present in Cree territory: Cree units of the SQ and Cree Local Community Police Forces. However, a complementary agreement signed in 2008 replaced these conditions with new provisions for the creation of the regional Eeyou Eenuu Police Force (EEPF), which was established in 2011 (German, 2011; AANDC, 2014). Members of the Cree Nation viewed the EEPF as a demonstration of their capacity to govern a key service sector, and they felt that regionalization would best promote acceptable working conditions, pensions, and training for their officers (German, 2011; Judd, 2012). In a step toward professionalization of their force, the EEPF partnered with Ellis College in Drummondville, Quebec, and the Cree School Board to offer a police technology program intended for First Nations and Inuit students (Judd, 2012).

The Cree living on the Ontario side of James Bay have not benefited from the same access to resources and therefore have not had the same economic development and self-government opportunities. The Cree communities of Attawapiskat and Kashechewan are struggling with a range of issues related to health and social conditions to a greater degree than the Cree on the Quebec side, including high rates of suicide attempts, poor living conditions and water supplies, and lack of housing and employment (Stefanovich, 2016; Woods, 2016). These communities,

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along with over 30 other communities in an area spanning two-thirds of Ontario's land area, are policed by the NAPS (2009). Both the EEPF and NAPS receive funding via a self-administration agreement, yet the contrasts are stark.

While not free of challenges, the EEPF is supported by departments of the Cree Nation Government (e.g., Justice and Correctional Services and Capital Works and Services). Following its establishment, the EEPF has updated or opened new facilities, upgraded technology and equipment, and increased the number of detachment holding cells (Grand Council of the Crees, 2016; Grant, 2017). In contrast, the NAPS has continually fought for detachments that meet building codes and provide basic equipment, adequate wages, and officer coverage, and that are generally held to the same standards as other provincial police in Ontario (Galloway, 2017b).

7.2.3 Promoting Leadership Capacity and Research in Indigenous Communities

While each community may envision its own ways of policing, in each case expertise is essential, whether that means incorporating Indigenous expertise that already exists within the community or creating new areas of expertise nurtured by education and training. The RCAP (1996c) argued that the goal is not to train Indigenous leaders to operate their communities as any other city within Canada, but to use modern training to support Indigenous concepts of leadership. Each Indigenous government will have its own unique needs and styles of governance based on traditions and modern circumstances, and as a result human resource needs may also be unique.

A variety of ways exist to nurture the creation of capacity. The RCAP recommended support for capacity-building from existing organizations and post-secondary institutions, in addition to a specially created centre dedicated to supporting self-governance. Together, these organizations could offer the technical and professional support required to develop institutions and the mechanics of governance, while also training future leaders to organize and manage governments (RCAP, 1996c). In the case of policing, this requires education and training not only for police officers, but also for managers, dispatchers, information technology personnel, and all other professionals involved in the day-to-day running of policing.

For any community (Indigenous or non-Indigenous), sustaining capacity requires a local presence of skill sets. Indigenous self-administered police services share a concern that while many officers feel a responsibility to their community and choose to stay, in some cases trained officers with community

knowledge are lost to municipal, provincial, or RCMP services that may be able to offer higher salaries, more opportunities for career advancement, and better working conditions. Leaders of Indigenous police services argue that when trained individuals are properly incentivized, they are more likely to stay and work within the communities in which they have been trained. This includes providing the same conditions and benefits offered by non-Indigenous police services (CAPG, 2015, 2017). For example, with the financial support of the Tsuut'ina Nation, the TNPS built a new headquarters with advanced facilities for officers (TNPS, 2017). For many self-administered police services in Indigenous communities, this is a challenge due to lack of resources to provide such incentives and supports.

Indigenous communities have a wealth of knowledge potential to draw from and higher youth populations than other communities (StatCan, 2017b). In some cases, community members have left to pursue higher education but still maintain ties with their communities and wish to contribute to their future success in meaningful ways. The experience of the Membertou First Nation is instructive (Box 7.4). In their case, building economic strength has resulted in self-determined policing that is entrenched within the community and better serves its needs.

Box 7.4

Economic Success and Self-Determined Policing: Membertou First Nation

In 1995, the Membertou First Nation in Nova Scotia was struggling with debt and high rates of unemployment. To affect change, Membertou's leaders, headed by Chief Terrance Paul, envisioned and carried out a bold strategy of financial reform and accountability that began by inviting back Membertou band members who had successfully pursued higher education and positions outside of the community. Together with community leadership, these individuals planned a future for Membertou that included financial reform and accountability, as well as the pursuit of International Organization for Standardization (ISO) compliance, in order to attract outside investment (Centre for First Nations Governance, 2013).

Following the achievement of ISO compliance in 2002, the Membertou First Nation worked to create innovative businesses that also incorporated traditional Indigenous knowledge. Leaders in the community established partnerships with businesses in downtown Halifax and set up an office in the city to further encourage relationship-

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building. Lastly, Membertou leadership renewed their focus on education and career training programs in order to allow community members to benefit from the community's economic success (Centre for First Nations Governance, 2013).

Strong leadership, planning, and the achievement of economic success resulted in increased independence and decision-making for the Membertou First Nation. In 2007, Membertou abandoned RCMP policing and decided to join with the Cape Breton Regional Police Service. Under the new agreement, a seven-member police division, the Membertou Division, was created to be a dedicated service to the community (PS, 2008). Membertou's ability to determine its own way forward in policing has resulted in faster response times and greater collaboration between the police and the Membertou First Nation. Police officers have learned about Mi'kmaq culture and have established and contributed to additional services for the community, including a neighbourhood watch program and the Membertou Pli'smenaq Boys and Girls Club (CBRPS, 2018).

Unlike the Membertou First Nation, which is an urban community, the Miawpukek First Nation (Box 7.2) provides an example of an isolated community that built capacity through similar community-led economic and social development strategies (Orr *et al.*, 2011; Miawpukek First Nation, 2018). Miawpukek leadership invested in initiatives to support post-secondary education and skills training for community members who would then return to work in the community. In addition to developing the capacity to provide its own services, the community created local businesses, such as hunt camps, fisheries, and retail stores (Orr *et al.*, 2011; INAC, 2012). The Panel notes, however, that not every Indigenous community is currently in the position to achieve the same economic successes, and some may not choose participation in the global economy as the basis of their planning.

Appreciating the breadth of challenges faced by Indigenous communities, including those inherent in service delivery, is part of capacity building. In Canada, this process remains hindered by a lack of existing research on policing in Indigenous communities, which limits understanding of local experiences and knowledge of best practices versus ineffective practices across communities. A 2014 study showed that in Canada, research on policing in Indigenous communities, which is primarily sponsored by PS and some RCMP divisions, is limited and rarely publicly disseminated. Funding for this type of research has been inconsistent, with little investment from provincial governments. Research may also be hindered by community perceptions of being evaluated by outsiders, or researchers' lack of understanding about the

operational and cultural aspects of the police environment. Individuals who recently conducted research on policing in Indigenous communities, questioned by Kiedrowski (2014), have noted a need to improve the relationships and communication among different levels of government and police services (both Indigenous and non-Indigenous), to ensure not only that research projects are funded and publicized, but that efforts are not duplicated (Kiedrowski, 2014). Kiedrowski suggests a number of opportunities to conduct and circulate research, including: (i) creation of a central repository to house research on policing and justice in Indigenous communities, and a research bulletin to disseminate the findings; (ii) establishment of a federal and provincial/territorial government research fund for this topic; (iii) encouragement of research scholarships and fellowships to study policing in Indigenous communities; and (iv) development of partnerships between researchers and Indigenous organizations or police services (Kiedrowski, 2014).

7.3 RELATIONSHIP-BASED APPROACHES

No single best practice in policing will work for all Indigenous communities. It may also be difficult to achieve consensus within communities on policing, as individual members may have different opinions on self-government, or divergent views based on their status, gender, or whether they reside principally in a remote, rural, or urban setting (Proulx, 2000). In general, while methods may vary, the best practices described in this report work to decolonize policing in Indigenous communities and help to restore control and decision-making authority to Indigenous people. Each community can be equipped with the power and resources to deal with social harms in ways that are specific and relevant to the community. Best practices can merge Indigenous laws and values with the current socio-economic realities of Indigenous life (Proulx, 2000).

As discussed in Chapter 6, the most promising approaches to policing are focused on proactive ways to help individuals and families in need, before their problems become policing problems. Addressing safety and well-being through social connections embraces concepts of care and respect for others through healthy relationships and sharing of knowledge — which have always been prioritized in Indigenous communities. A relationship-based approach is important regardless of whether the community in question is a small reserve community or a dispersed urban Indigenous population.

7.3.1 Knowledge and Respect of Indigenous People and Communities in Relationship-Based Approaches

The 1996 RCAP report on Indigenous people and the criminal justice system in Canada continues to have relevance today. It notes that cultural awareness training had become commonplace for many officers in the RCMP and municipal police services and in some cases had led to improved police-community relations and collaborative initiatives such as Indigenous justice programs. Yet this approach assumes that the current system works for everyone, barring some changes that will make it more appropriate for Indigenous people. At the RCAP's round table on justice, the ability of this approach to produce genuine change was questioned (RCAP, 1996e).

In recent years, the government of Canada and many Canadian institutions have increasingly recognized and valued Indigenous knowledge (Bartlett *et al.*, 2015; University of Calgary, 2018). Post-secondary institutions are creating departments and programs for Indigenous-focused studies and research, and are hiring more Indigenous scholars. Many improvements have come as a result of the TRC's Calls to Action, which included calls for the incorporation of Indigenous knowledge into curricula and efforts to make post-secondary education available to more Indigenous students (TRC, 2015a; Bothwell, 2017). There is also growing recognition that services supporting safety and well-being can draw from both Western and traditional knowledge in order to meet community needs (Saskamoose *et al.*, 2017). Given the demographics in Canada, most Indigenous people in this country will be part of a heterogeneous population in which Indigenous and non-Indigenous people receive policing services in the same geographic area. The idea that different world views can come together in an atmosphere of mutual respect will be central to improving policing in all regions of the country. This idea has been expressed by Indigenous communities considering blended models that couple community-controlled policing approaches with conventional policing (Jones *et al.*, 2015; DPRA, 2016).

As discussed in Chapter 6, relationship-based approaches require police to connect with and mobilize community members and agencies. How this might occur could be very different across the spectrum of police services and organizations that serve Indigenous people: large networked organizations such as the RCMP, OPP, and SQ; municipal police services that serve diverse populations of Indigenous and non-Indigenous people; and Indigenous self-administered services (Jones *et al.*, 2014). While the RCMP serves more than 600 Indigenous communities (RCMP, 2017b), Indigenous self-administered services may cover a single reserve community or a number of communities

stretched over a large geographic area, each community with its own needs. Officers with intimate knowledge of community needs will be better able to interact with the people they serve (CAPG, 2017).

While knowledge of community needs may be intuitive if an officer is working in their home community, it can also be learned through openness and information-sharing. The Ipperwash Inquiry recommended this type of approach in the context of Indigenous protests, calling for “[t]he provincial government, First Nations organizations, the OPP, and other police services in Ontario [to] develop networks promoting communication, understanding, trust, and collaboration” (Linden, 2007).

Relationship-based approaches require police and other service providers to ground their roles in a place of understanding and humility, with the idea that the community has things to teach. Police can learn from the peacemaking approaches that the community has to offer, by listening to and respecting the practices already in place. For example, before police intervene directly, an Elder may be able to speak to someone in distress. In some cases, embracing the community’s ways of resolving conflicts might require an organizational change, so that police are not torn between following their organization’s policies and building trust with community members (CAPG, 2016).

The training and attitudes of police officers may affect their ability or willingness to connect with the communities they serve. In reviewing the provision of policing services to Indigenous people in Canada, Hylton (2006) found that a key challenge to police-community partnerships was a force-oriented attitude of some recruits, which results in less tolerance for diversity and a greater inclination towards authoritarianism. Despite the desire of Indigenous communities to have their police involved in community life (DPRA, 2016), the study by Jones *et al.* (2019) (Section 5.3.5) showed a shift in the attitudes of officers working in Indigenous communities away from community engagement and collaboration and toward a reactive, enforcement-focused style of policing.

While Jones *et al.* (2019) speculate that a significant reduction in the number of Indigenous officers working in Indigenous communities could partially account for this attitude shift, they also argue that officers’ experiences and training might play a role. Although officers serving Indigenous communities may agree with the broad goals of a community-oriented policing approach that is relevant to local needs and culture, “individual officers would weigh the importance of these goals differently, and their perceptions might be shaped by their life and work experiences, where they police (e.g., in a remote place or urban area), as well as the socialization they received in the police organizations

they work within” (Jones *et al.*, 2019). The authors raise the possibility of additional specialized training to prepare officers for working in Indigenous communities. Their research suggests that to be adequate, especially for officers who are not from the community, such training needs to be pre-deployment and community-specific (not generic), and that community members, such as Elders, should be involved in its provision.

The RCAP also considered the unique challenges related to training police officers who work in Indigenous communities. While officers serving these communities require the same training that all police officers require with regard to their legal duties and ability to handle urgently dangerous situations, they also benefit from training that addresses their community’s history, current circumstances, governance, laws, and safety and well-being practices (RCAP, 1996e).

7.3.2 Relationship-Based Approaches in Urban Settings

Policing approaches can address the situations of Indigenous people wherever they may live, whether on or off reserves, or within or outside of discrete Indigenous communities. Improving the relationship between Indigenous people and police in urban environments with heterogeneous populations poses a different set of challenges than in discrete communities. At the legislative and policy level, changes to police governance and accountability, or provisions in police acts, may enhance opportunities for urban Indigenous people to have a voice in policing matters. The RCAP identified Indigenous representation on police commissions as one way in which Indigenous perspectives and interests could be better heard at the local government level in urban settings (RCAP, 1996g), a suggestion that continues to be reiterated by Indigenous communities today (CAPG, 2017). As noted by Tulloch (2017) and by leaders in Indigenous police governance (CAPG, 2017), representatives require appropriate training and support in order to exercise their governance function.

The strong Indigenous presence in many Canadian cities has led to community-building through informal social networks and the growth of self-governing organizations that foster culture and spirituality, promote a sense of belonging, advance political interests, and provide services to Indigenous people (Peters, 2005). Since the 1950s, Friendship Centres have developed under Indigenous leadership to become urban hubs that support culture, traditions, language, healing, and community activities. The evolution of Friendship Centres acted as a catalyst for capacity building and the creation of other organizations that support the diverse needs of the heterogeneous urban Indigenous population (Ouart, 2013). These include organizations that provide help to urban Indigenous people who have encountered the criminal justice system, such as Winnipeg’s Native Clan Organization (NCO, 2018).

While self-determined or self-governed policing for Indigenous people in diverse urban areas raises a number of complexities, an immediate opportunity exists for police in urban settings to better connect with urban Indigenous organizations or with Indigenous police services, as discussed in Chapter 6. Friendship Centres and initiatives aimed at connecting and supporting urban Indigenous people, such as the Urban Aboriginal Knowledge Network (UAKN, 2014), provide existing networks that could inform self-determined policing in an urban setting. The formation of a country-wide Indigenous police network, as considered by the First Nations Chiefs of Police Association and the CAPG's First Nations Police Governance Council (CAPG, 2016), could provide a unique opportunity for knowledge-sharing and governance. Ontario's Provincial Approach to Community Safety and Well-Being provides an example of community-engaged planning in urban settings. As the approach was developed, representatives from diverse urban communities came together to share a variety of perspectives on local safety and well-being challenges (MCSCS, 2014).

7.4 POLICING AS PART OF A BROADER LANDSCAPE

A major theme in this report is that policing is part of the broader social, political, and economic realities that are central to the well-being of Indigenous communities. Reforms to policing can be viewed as one element of systemic changes that aim to improve the safety and well-being of Indigenous people.

7.4.1 Policing in Canada's Changing Political Environment

In signing onto and endorsing a number of international standards, including UNDRIP, the federal government has committed itself to recognizing self-determination and all it entails (UN, 2008). Canada has a key opportunity to make real progress on this issue. To date, there has been no consensus on how to implement UNDRIP within the current constitutional and legal context. Some argue that to fully implement it may be difficult, or even impossible, within Canada's current constitutional framework. Yet many Indigenous leaders and scholars argue that self-determination can be achieved within this framework (Fitzgerald & Schwarz, 2017; Metallic, In press), as outlined by the RCAP (1996c). Others argue that even if fundamental constitutional change is required, so be it, as true reconciliation and decolonization should not be dependent on an old model that was imposed upon Indigenous nations (Nichols, 2017). The federal government has pledged its commitment to new legislation and policies that support Indigenous rights (Section 4.3.1). However, the commitment of the provincial governments also needs to be ascertained. Given their constitutional responsibility for the administration of justice, including policing, provincial/territorial governments have a critical role in ongoing relationships that impact Indigenous community safety and well-being.

7.4.2 Indigenous Communities and the Evolving Policing Context in Canada

Both this report and the CCA's 2014 report stressed that police are only one component of community safety (CCA, 2014). By including a well-being dimension, this report further emphasizes the idea that policing approaches must consider the unique needs, values, and cultures of each community. Policing in Indigenous communities will benefit from a bottom-up approach that is also integrated beyond the community level to allow for sharing of practices, resources, and expertise that may not be available in individual communities. An integrated approach to policing in Indigenous communities would be able to address the emerging nature of harms described in the 2014 report (e.g., cyber-crime and cross-border issues) and competently ensure safety and well-being at the local level. As well, while it is critical for local laws and traditions to underpin governance approaches, representation for Indigenous police governance on the national level might provide a means for individual communities and nations to address common issues through joint efforts (CAPG, 2015). It could also provide benefits to non-Indigenous police services that provide policing services for most Indigenous people.

7.5 CONCLUSION

In this chapter, the Panel has articulated several elements that may enable Indigenous community leaders, policy-makers, and service providers to envision models for the future of policing in Indigenous communities. These elements provide every Indigenous community the opportunity to have a choice in the frameworks and solutions they deem necessary to provide safety and well-being in their community, the type and manner of policing that will work for them, and the resources necessary to ensure that their choice in policing has every opportunity to succeed. An immediate and important way to provide the economic security needed to improve the current state of policing in Indigenous communities is to recognize policing in these communities as an essential service that meets their needs and circumstances.

While this report focuses on policing, it recognizes that policing cannot be separated from broader social, political, and economic realities. The policing approaches considered in this report have broad implications related to Indigenous community well-being, and the ways in which Indigenous and non-Indigenous communities can form relationships based on mutual respect.

8

Responding to the Charge

8 Responding to the Charge

In this chapter, the Panel answers the two questions in the charge by drawing on the evidence and analysis presented in the preceding chapters.

Building on the research study *Policing Canada in the 21st Century: New Policing for New Challenges*, what could be drawn from the current evidence and knowledge about the present and future role of police services in Indigenous communities in Canada?

This report on policing in Indigenous communities arose, in part, from a need that was identified in the 2014 CCA report *Policing in Canada in the 21st Century: New Policing for New Challenges*. While the 2014 report identified a number of emerging issues in policing in Canada, its findings were not directly transferable to the context of policing in Indigenous communities. Policing in Indigenous communities has issues and challenges that are distinct from those in non-Indigenous communities. These challenges are embedded within a set of cultural, social, historical, legal, political, and geographic considerations particular to many Indigenous communities across Canada.

Policing Canada in the 21st Century emphasized the need for policing practices to be better informed by research and evidence. *Toward Peace, Harmony, and Well-Being* builds on that finding, incorporating the latest research and evidence that is available on policing in Indigenous communities. Notably, this report draws upon case studies and descriptions of many of the diverse efforts that are underway to improve community safety and well-being in Indigenous communities. Many of these initiatives are led by Indigenous communities themselves, highlighting the vital role that self-determination, Indigenous knowledge and values, and relationship-building have in guiding policing laws, policies, and practices in the future.

Currently, many Indigenous people in Canada live with a colonial model of policing that does not meet their needs. Indigenous people aspire to self-determination in the delivery of their policing services (as in other areas), and all future efforts toward improving policing for these communities should be undertaken with this aspiration in mind. The current policy frameworks governing provision of policing services for Indigenous Peoples are inadequate. They fail Indigenous communities on the grounds of self-determination; have led to gross underfunding of critical police resources, facilities, and infrastructure, culminating in human rights violations; and perpetuate jurisdictional ambiguity and confusion about responsibility for policing services on reserve. In addition, as is evident in crime statistics, current policies have not counteracted the overrepresentation of Indigenous people in the criminal justice system.

The persistence of poor relationships between the police and Indigenous people, and the reasons behind them, must not be ignored. Fear and mistrust of police, fear of filing complaints against police, systemic racism, and discriminatory treatment by police are realities that still exist for Indigenous people today. It is imperative that future policing approaches not repeat past mistakes, and that they occur through systemic, Indigenous-led reforms.

The Panel has chosen to stress community safety and well-being, rather than crime control, as the end goal of policing. This Panel has further identified these elements as an important focus for Indigenous communities as they shape their futures. Community safety and well-being may be achieved in a number of ways that allow members of police services to be embedded and to participate in the community. Any vision of community safety and well-being requires that Indigenous communities have self-determination in policing and all related sectors, including education, health, and child welfare.

Conventional policing is not the only solution to public safety challenges. Confronting these challenges requires a holistic approach that draws upon other services and provides an opportunity to address safety and well-being through a number of Indigenous values and community peacekeeping principles. These principles are aligned with contemporary human rights principles.

The evidence and knowledge reviewed throughout this report suggest that reforms to policing cannot be made in isolation. Broader societal change must also take place, including continuing efforts toward reconciliation, the embrace of Indigenous knowledge, and the recognition of Indigenous rights. From this can arise broader socio-economic changes that may impact a number of services, including policing.

What are some promising and leading practices in policing that could be applied in Indigenous communities?

Indigenous communities are diverse in their cultures, laws, geography, and current political and socio-economic realities; no single best practice or set of practices in policing will work for all of them. Many individual programs, policies, and efforts in various communities across the country are making progress worth following.

The Panel identifies a number of principles that could be used to guide the way in which policing can be governed, funded, and practiced in Indigenous communities. These principles arose from the evidence reviewed and are rooted in holistic views of community safety and well-being, through which police can be part of collective efforts to support people in need.

First, the safety and well-being needs that are the most critical in each community are best identified by the community itself. Distinct community preferences can underpin the design and implementation of policing approaches. When considering the unique needs of each community, remoteness poses a number of challenges with respect to delivery of policing and other services. With this in mind, policing approaches should also be informed by geography.

Second, police will benefit from having the training required to understand and engage with the communities they serve. This includes the opportunity to learn about the community's history, laws, local organizations, cultural and spiritual practices, and unique challenges, as well as the realities of working in a specific geographic region or setting.

Third, with the appropriate knowledge and resources, police can form meaningful relationships with community members, as well as with organizations within and outside the community. Relationships at the local level can support the ability of police to draw upon peacemaking strategies that may already be in place. Local relationships can also contribute to community mobilization initiatives, in which proactive efforts are made to help individuals and families in need. These efforts can incorporate Elders and other local decision-making bodies, Indigenous laws, and those working in associated fields such as mental health and addiction services, and children and youth services. Police serving Indigenous communities can also be part of mutually beneficial relationships that cross community boundaries and allow for sharing of resources and information.

Fourth, considering the needs of Indigenous communities is central to federal and provincial/territorial policing reforms, as current policing-related legislation and policies are evolving in a political climate that is increasingly recognizing Indigenous rights and self-determination. This includes meaningful choice for Indigenous communities in their policing arrangements. Regardless of the arrangement chosen, it will benefit from the inclusion of provisions for effective governance and accountability, and respect for individual and collective rights.

Fifth, policing in Indigenous communities requires a commitment to capacity building. Indigenous communities need funding to build their policing structures and to adopt practices that prioritize the formation of relationships and trust between police and the community. One way of achieving this is to recognize policing in Indigenous communities as an essential service, so that substantive equality can be achieved. This change can have profound implications, making Indigenous police services more stable and communities better able to determine their own futures for the long term.

Sixth, considerations related to policing can situate Indigenous communities within the larger system and recognize that evolving demands on police services affect both Indigenous and non-Indigenous communities across Canada. While policing approaches can be rooted in local contexts, community safety and well-being also have a broader dimension, in which distinct communities and levels of government can combine their efforts toward common goals.

The ways forward described in this report work to decolonize policing in Indigenous communities and help to restore control and decision-making authority to Indigenous people. Each community can be equipped with the power and resources to ensure community safety and well-being in ways that are specific and relevant to the community. Policing approaches can be part of reconciliation and healing, by respecting the values, cultures, traditions, laws, and self-determination of Indigenous people.

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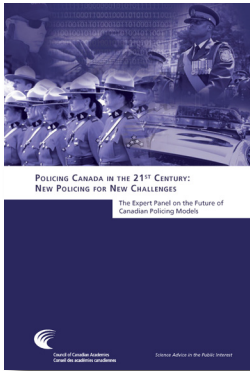
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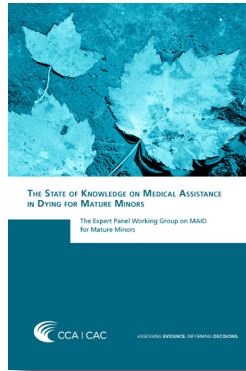
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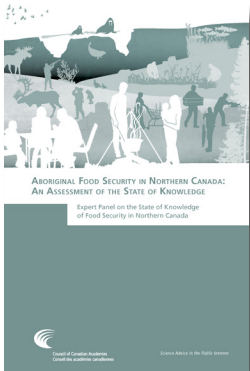
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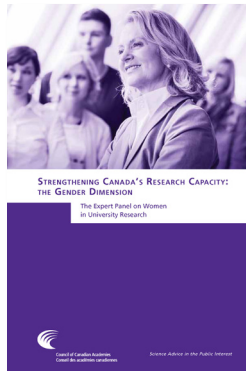
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Linda Rabeneck, FCAHS, Vice President, Prevention and Cancer Control at Cancer Care Ontario; President, Canadian Academy of Health Sciences (Toronto, ON)

Douglas Ruth, FCAE, Professor and Dean Emeritus, Associate Dean (Design Education), NSERC Chair in Design Engineering, and Director of the Centre for Engineering Professional Practice and Engineering Education, University of Manitoba (Winnipeg, MB)

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*Affiliations as of April 2019



Council of Canadian Academies
180 Elgin Street, Suite 1401
Ottawa, ON K2P 2K3
Tel: 613 567-5000
www.scienceadvice.ca