

# **First Nations Policing: A Review of the Literature**



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## **CCJS**

Collaborative Centre for  
Justice and Safety

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### List of Acronyms

ACJG	Aboriginal Community Justice Groups
ACLO	Aboriginal Community Liaison Officer
ACPO	Aboriginal Community Police Officer
AHRDCC	Aboriginal Human Resources Development Council of Canada
AFP	Australian Federal Police
APLO	Aboriginal Police Liaison Officer
BIA	Bureau of Indian Affairs
FBI	Federal Bureau of Investigation
CCG	Community Consultative Group
COAG	Council of Australian Governments
COPS	Community-Oriented Policing Program
CSI	Crime Severity Index
CTA	Community Tripartite Agreements
CWB	Community Well-Being Index
DIAND	Department of Indian Affairs and Northern Development
FNA	First Nations Administered
FNPP	First Nations Policing Program
HBC	Hudson's Bay Company
ILO	Iwi Liaison Officers
ISDEA	<i>Indian Self-Determination &amp; Education Assistance Act</i>
LACACC	Local Area Command Aboriginal Consultative Committees
LACS	Local Area Commands
NHS	National Household Survey
NIRA	National Indigenous Reform Agreement
NWMP	North West Mounted Police
PALO	Police Aboriginal Liaison Officer
PLO	Police Liaison Officer
PMB	Police Management Board
RCIADIC	Royal Commission into Aboriginal Deaths in Custody
RCMP	Royal Canadian Mounted Police
RNWMP	Royal North West Mounted Police
SA	Self-Administered Agreements
TRGP	Tribal Resources Grant Program
VPSO	Village Public Safety Officers

## **I. Executive Summary**

Although there are almost 70,000 police officers in Canada, fewer than 2,000 are directly engaged in Aboriginal policing (Burczycka, 2013). While representing a very small proportion of all Canadian officers and policing budgets, the manner in which First Nations communities are policed has profound long-term implications for the residents living there, especially given the high rates of crime and victimization in many of these places. The populations at risk of victimization are not isolated to the First Nations territories, and crimes often displace into other adjacent urban and rural communities. In addition, most Aboriginal Canadians live off-reserve and some of these individuals move between their home communities and urban areas.<sup>1</sup> As a result, the after-effects of an offence may be felt in places far away from where they originated, making this an issue of importance to all Canadians.

In order to better understand the challenges of Aboriginal policing, this review first presents a context that includes a review of Aboriginal population trends and the demographic characteristics of that population. The fact that the Aboriginal population is the fastest growing population group in Canada, and the youngest, has long-term implications for police services both on- and off-reserve. Consistent with other research, we found that rates of crime and victimization on many First Nations were very high. In addition to the impacts on victims, high crime rates have a corrosive effect on community relationships and especially opportunities that are lost. When responding to the after-effects of crimes that have already occurred and trying to prevent future offences consumes much of the creativity of a community, leaders lose opportunities to work toward job creation, promoting healthy lifestyles and relationships, helping youngsters succeed, or spending scarce resources on developing a community's infrastructure rather than repairing the damages caused by crime.

Having established a context for this study, a historical overview of Aboriginal policing in Canada is presented. This is an important undertaking as academics, policymakers and practitioners often forget the lessons of history. As a result, crime prevention or reduction strategies that were unsuccessful in the past are sometimes re-introduced and unless there have been changes in the way that these 'recycled' interventions are delivered—or the context into

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<sup>1</sup> The social phenomenon of First Nations peoples moving between the reserve and urban centers is called "churning."

which they are delivered—we are often destined to repeat the mistakes of the past. An additional challenge of delivering police services in a nation as culturally, geographically and regionally diverse as Canada is that an intervention that is successful or promising in one jurisdiction might not be as successful in another province, community or First Nation. Consequently, by learning the lessons of history we are less likely to be confronted with unforeseen or unanticipated outcomes after new crime reduction strategies are introduced.

It has been said that the past is prologue and our review of the historical context for Aboriginal policing revealed that many of the challenges that existed in the past are present today, such as a lack of resources for police services or the difficulty in engaging communities in the informal regulation of activities that bolster the social fabric and help reduce crime.

The historical review is followed by an overview of the evolution of Aboriginal policing in Canada and in that section; the following policy-related areas where our knowledge is not fully developed were identified:

- Resourcing / Funding
- Administrative Capacity
- Policing Arrangements
- Aboriginal Policing as a Distinct Policing Model
- Responding to Crime and Victimization

The gap in our understanding of these five issues is due to a lack of timely and relevant research. In some cases, the answers to these questions might already exist, but researchers have not taken the time to collect and analyze this information and then report it back to police organizations. One of the challenges of policing research is that most of the studies that occur take place in urban areas, and this focus on ‘big city’ policing does not help us understand evidence-based practices or “what works” in responding to rural crime or best practices in Aboriginal policing. A second challenge is that policing research is also fragmented in Canada and there is a lack of coordination that reduces duplication and decreases efficiency.

Our analyses revealed that there are three distinct types of agencies policing Aboriginal communities and peoples and that each type faces a different set of challenges that are shaped by their role and geographic location as well as organizational size and history:

- Large networked police organizations, such as the Royal Canadian Mounted Police (RCMP), Ontario Provincial Police (OPP) and Sûreté du Québec (SQ) of which we have a good understanding of their priorities and information about these agencies is generally available. The RCMP, specifically, provides enhanced police services to First Nations communities through Community Tripartite Agreements (CTA), i.e., agreements between the federal and provincial governments, and one or more First Nation communities.
- Self administered Aboriginal police services (SA), that range from small stand-alone agencies such as the File Hills First Nations Police Service (under ten officers) to larger regional police services such as the Nishnawbe-Aski Police (NAPS), of which we have comparatively less understanding of their practices and their approaches to policing.
- Specialized Aboriginal policing programs delivered by municipal or regional police services, such as the Aboriginal Peacekeeping Unit in Toronto and the Diversity and Aboriginal Policing Section in Vancouver, of which we have almost no understanding of their priorities, practices or inter-relationships with other Aboriginal policing services.

Each of these police services is apt to respond to the challenges of crime in a different manner and it is likely that some of the crime reduction strategies developed by these organizations are very effective, although this information has not been consistently disseminated to the policing and academic communities.

In respect to crime-reduction strategies, it is possible that responding to the knowledge gaps identified above can be addressed by better understanding best practices in other English-speaking common law nations, such as Australia, New Zealand and the United States as these countries also have large Aboriginal populations and legacies of British colonialism. Section V provides a brief overview of Aboriginal policing models in these nations. Again, we find that many strategies appear promising, but there is a lack of research-based information about whether these approaches are effective crime reduction strategies, and to a lesser extent, how to deliver these services in a cost-effective manner.

Aboriginal policing is part of the larger Canadian policing environment—one that is evolving in ways that may have strong implications for police services overall (Murphy, 2007).

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Currently, Canadian policing is in a period of transition, due in large part to a global process in the adoption of private-sector managerial and organizational values and strategies in the hope of producing greater fiscal accountability, cost efficiency, return on policing investments and value for money (Ruddell & Jones, 2013). Given these larger social and political forces, the next few years will shape the future of Aboriginal policing. In March 2013, the federal government announced that federal funding for the First Nations Policing Program (FNPP) would be extended for the next five years, and this time-frame provides the funding stability for First Nations, Aboriginal stakeholder groups, federal and provincial policymakers and police leaders to chart the course for the future. Addressing the policy-related questions raised in this review of the literature provides these stakeholders a framework that will provide the evidence-based information needed to inform that undertaking.

### **The Challenges of Policing Aboriginal Communities**

Don Clairmont (2013, p. 86), one of Canada's most respected researchers on Aboriginal policing, observed that: "Policing in Canada's Aboriginal communities faces many challenges due to the combination of colonialist legacy (e.g., racism, dependency), and scant economic opportunities, in conjunction with the decline of traditional activities in the often off-the-beaten-path locations, and a high level of need for and local expectation of the local police service. Violent crime and property crime levels have been very high, and the 24/7 local demand for policing has usually far exceeded the police resources available. Police officers...have consistently and increasingly identified 'unsolvable social problems' as the major issue negatively impacting on their policing."

## **II. Introduction**

As part of a larger investigation of Aboriginal policing models, this review provides an examination of the extant literature on Aboriginal policing in Canada, with a specific focus on historical practices and current trends in Saskatchewan. By engaging in a comprehensive review of the literature, the goal of this component of the research is to work toward a broad understanding of the history of First Nations policing models, their effectiveness and shortcomings, as well as the principles underlying them. It also draws comparisons with Indigenous policing models outside of Canada including what is occurring in the United States, Australia and New Zealand.

There has been a considerable amount of scholarship that has described the tenuous history between police services and Aboriginal peoples in Canada. According to Comack (2012), the policing of Aboriginal Peoples is woven into the fabric of the colonial project. A review of the historical literature shows that one aim of the governments of the day was to encourage settlement and economic development of the Canadian western frontier by ensuring that Aboriginal peoples remained on their reservations (Lithopoulos, 1986). Another key goal of governments was the assimilation of First Nations peoples into Canadian society. These goals were in keeping with the colonial aims of the era, although the manner in which these practices were carried out may have led to a host of long-term negative consequences that we are still confronting, including the over-representation of Aboriginal peoples in justice systems.

While the history of relationships between Aboriginal peoples and the police in Canada was less violent and oppressive than what occurred in either Australia or the United States prior to the 20<sup>th</sup> century (Nettelbeck & Smandych, 2010), Canadian governments used the RCMP to enforce social policies, such as the placement of Aboriginal youth in residential schools and the pass and permit systems, that today are considered as discriminatory, destructive, and paternalistic. As a result of these historical activities, members of police services are not always trusted by Aboriginal peoples. The tenuous relationship between Aboriginal peoples and justice systems has been of growing interest to policy makers, academics and most importantly the communities themselves for decades.

By the 1970s, there was growing recognition that there were significant problems with the manner in which police, court and correctional personnel interacted with Aboriginal peoples.

Aboriginal peoples were over-represented in justice systems throughout the country and rates of crime on First Nations were much higher than in similar non-Aboriginal communities. In response, between 1967 and 1990 a total of 25 federal and provincial reports were published that addressed the involvement of Aboriginal persons with criminal justice systems. Twenty-two of these commissions or investigations offered recommendations that were summarized by the Alberta Government (1991, pp. 4-13) as: the importance of expanding policing services to First Nations, the need to upgrade the band constable program, increased community involvement in the policing process, higher levels of cross-cultural training, and that more Aboriginal persons be hired to work in justice systems.

At about this same time the federal government was also engaged in a comprehensive review of Aboriginal policing (Department of Indian Affairs and Northern Development Canada [DIAND], 1983, 1990). A key concern that led to the review was the ad hoc policing arrangements that were emerging throughout the nation and the review concluded that Aboriginal policing services were being delivered in an inequitable manner compared to non-Aboriginal communities (DIAND, 1983). Policing arrangements were found to be ineffective, inefficient and unresponsive to the needs of the Aboriginal communities. The review also concluded that personal security for reserve residents was lower than for other Canadians (DIAND, 1983; Canada, 1992).

In addition to identifying the limitations in the policing of First Nations, the federal review discovered that most of the policing services to Aboriginal communities were delivered by non-Aboriginal police officers (DIAND, 1983). Lithopoulos & Ruddell (2013) summarized the findings of this research:

- chronic under-policing reflected by a lack of regular police presence and a poor response time to incidents
- a lack of preventive patrol and crime prevention programs in such critical areas as family violence and substance abuse
- a lack of understanding of and sensitivity to Aboriginal culture by non-Aboriginal police officers
- absence of a clear federal policy, leadership, and professional standards across Canada
- confusion over jurisdiction and responsibilities within and between governments

- absence of provincial legislation providing for the establishment and regulation of Aboriginal police services
- insufficient and inequitable funding of Aboriginal policing

Given the growing dissatisfaction with the treatment of Aboriginal peoples in justice systems and inadequate policing arrangements on First Nations, federal and provincial governments undertook a number of strategies to redress the failed policies of the past. Dissatisfaction with the lack of policy consistency in these approaches led to the introduction of the FNPP in 1992. The FNPP established Canada as the only common-law nation that had developed a comprehensive national policing strategy for its Aboriginal peoples. The FNPP introduced a number of innovative features, including a tripartite approach (involving partnerships between federal, provincial and First Nations governments) and a national framework for Aboriginal policing that has not been duplicated in other nations. A key feature of the FNPP is that federal and provincial funding and support enabled First Nations to work toward self-determination, which was in contrast to the paternalism and discrimination that shaped Aboriginal people's relationships with all levels of government throughout Canadian history (Adjin-Tettey, 2007).

Almost two decades after the implementation of the FNPP, and approximately \$2 billion in funding (see Appendix B), there has been comparatively little academic research undertaken on the Program, best practices associated with Aboriginal policing, or what service models are the most effective (Lithopoulos & Ruddell, forthcoming). Such questions are important in Saskatchewan, as this province has a large and rapidly growing population of Aboriginal peoples (Statistics Canada, 2013). Moreover, research shows that Aboriginal peoples are at very high risk of victimization (Perreault & Brennan, 2010): in 2004, the on-reserve crime rate was about three times higher than the rest of Canada, and rates of violence were as much as eight times higher (Brzozowski, Taylor-Butts & Johnson, 2006, p. 1). Thus, Aboriginal people have a significant interest in issues of community safety, and a recent national-level survey of Aboriginal stakeholders showed that they were very concerned about receiving effective police services (Public Safety Canada, 2010).

### **Setting the Context: First Nations Peoples in Canada and Saskatchewan**

In order to understand the relationships between Aboriginal peoples and justice systems better, this section provides a brief description of the demographic characteristics of Aboriginal peoples and some of the social and economic challenges that they confront. First, with respect to definitions, the term First Nation is used to describe both peoples and communities. When referring to people, “First Nation” refers to Status Indians (a person who is registered under the Indian Act) and non-status Indians (a person who is not recognized as an Indian, including Métis peoples or persons of mixed First Nation and other ethnicities). The term First Nations is also used to refer to a community (to replace the term ‘band’). In Canada, each First Nation or Band is allotted land reserved for their exclusive use and these are typically called reserves or reservations. As of December 31, 2012, there were 617 bands or First Nations in Canada and while the average size is about 1,260 persons, the actual number of persons living on these reserves is about half that number (Aboriginal Affairs and Northern Development Canada, 2013). Over one-third of these communities are located in isolated locations (e.g., accessible only by air, boat or roads for part of the year).

There is considerable diversity in Aboriginal populations throughout Canada and it is therefore difficult to speak broadly about their characteristics. In terms of linguistic diversity, for instance, Statistics Canada (2008, p. 8) reported that there were over 60 different languages spoken by First Nations peoples in Canada and members of these linguistic groups might have different cultural values, traditions and beliefs. For example, the Haida First Nation residing in the Pacific Northwest might have few cultural traditions in common with Algonquin First Nation residing in Ontario. In their analysis of U.S. tribal policing, Wells and Falcone (2008) observed that:

Different tribes may have different names and geographic locations, but also different languages, different family structures, different economic systems, different governmental structures, different histories of military and political domination, different relationships to the surrounding non-Indian societies, different moral and religious beliefs, and distinctive cultural traditions. (p. 218)

Altogether, there is an incredible variety in the First Nations throughout Canada and therefore it is imprudent to make broad generalizations. Most of the observations offered in the pages that follow are based on information obtained from federal government studies and are based on national averages. As a result, there will be differences between the provinces, as well

as between First Nations in northern and southern places, in urban reserves (which are relatively rare) compared to their rural counterparts, as well as those located in eastern and western Canada, or Inuit communities in the far north. Our analyses start with a description of Canadian statistics, which is followed by information from Saskatchewan. An individual having Aboriginal ancestry:

Refers to whether a person reported ancestry associated with the Aboriginal peoples of Canada in the ethnic origin question. Ancestry refers to the ethnic or cultural origins of the respondent's ancestors, an ancestor being usually more distant than a grandparent. A person can have more than one ethnic or cultural origin. (Statistics Canada, 2013, p. 21)

Statistics Canada (2013) reported data from the 2011 National Household Survey (NHS) observing that 1,400,685 persons reported having Aboriginal ancestry in Canada. They represented approximately 4.3% of the nation's population. The total numbers in the Aboriginal population are further broken down into the three categories of Aboriginal peoples as recognized in section 35(2) of the 1982 *Constitution Act* as Indian (commonly referred to as First Nations), Inuit and Métis peoples of Canada. Persons identifying as First Nations represented 60.8% of the total Aboriginal population (2.6% of the Canadian population), followed by Métis at 32.3% (1.4% of the total Canadian population) and 4.2% reported having Inuit ancestry (0.2% of the Canadian population).

As can be seen in Table 1, most Aboriginal peoples reside in Ontario, followed by the western provinces and the territories. In terms of their relative percentage in the population, they represent the majority of the population in Nunavut and the Northwest Territories (86.3% and 51.9% respectively) and account for almost one-quarter (23.1%) of the Yukon population. The provinces with the highest percentage of Aboriginal peoples in their respective populations are Manitoba (16.7%), Saskatchewan (15.6%) and Newfoundland/Labrador (7.1%).

**Table 1: Number and distribution of the population reporting an Aboriginal identity and percentage of Aboriginal people in the population: Canada, provinces and territories, 2011**

Provinces and territories	Aboriginal identity population	Percent distribution	Aboriginal identity population as a percentage of the total population
Canada	1,400,685	100.0	4.3
Newfoundland and Labrador	35,800	2.6	7.1
Prince Edward Island	2,230	0.2	1.6
Nova Scotia	33,845	2.4	3.7
New Brunswick	22,615	1.6	3.1
Quebec	141,915	10.1	1.8
Ontario	301,425	21.5	2.4
Manitoba	195,900	14.0	16.7
Saskatchewan	157,740	11.3	15.6
Alberta	220,695	15.8	6.2
British Columbia	232,290	16.6	5.4
Yukon	7,705	0.6	23.1
Northwest Territories	21,160	1.5	51.9
Nunavut	27,360	2.0	86.3
Source: Statistics Canada (2013) – National Household Survey 2011			

There has been a relatively rapid growth in the overall percentage of the Aboriginal population in Canada over the past fifteen years from 2.8% in 1996 to 4.3% in 2011. In the past five years, Statistics Canada (2013, p. 4) reports a 20.1% increase in numbers of people identifying as having Aboriginal ancestry between 2006 and 2011 compared to a 5.2% increase in the non-Aboriginal population. It is clear that this population is increasing in relative comparison to their non-Aboriginal counterparts and that rapid increase was similar to the 45% growth in the Aboriginal population between 1996 and 2006 (Statistics Canada, 2008). According to population projections compiled by Statistics Canada (2011, n. p.), it is estimated that by 2031, “all growth scenarios considered, the Aboriginal identity population in Canada could be between 1.7 million and 2.2 million by 2031, representing between 4.0% and 5.3% of the total population.” Almost one-half (46.2%) of the Aboriginal population are younger than 24 years of age, and this growing youth and young adult population has implications for justice systems because the size of the population aged 15 to 24 years, and especially males, is generally a good predictor of higher involvement in crime, regardless of race or ethnicity.

Aboriginal persons are also moving to urban areas and the results of the 2006 Census showed that less than one-half of status Indians actually lived on a reserve (Statistics Canada, 2008). O'Donnell and Wallace (2011, Table 5) reported that the on-reserve population was about 340,000 persons (approximately 39,000 of whom were non-status Indians). That total translates to less than three out of every ten persons who self-identify as having an Aboriginal identity living on a reserve. It is important to note that many Aboriginal peoples move between First Nations and towns or cities. In some cases, the Aboriginal community can be quite large: and there were almost 26,000 status Indians and another 46,325 Métis residents of Winnipeg in 2011 (Statistics Canada, 2013). Again, those populations have implications for health, education, and social service agencies given that these persons tend to have higher unmet needs.

### **Aboriginal Peoples in Saskatchewan**

In 2011, Aboriginal peoples accounted for 16.7% of Saskatchewan's population (Statistics Canada, 2013). The Statistics Canada (2013) data for the province revealed that most of the 161,245 Aboriginal persons had self-reported that they were First Nations, while 45,955 persons reported being of Métis ancestry and 520 persons were Inuit. Within the province, there is some variation in the proportion of Aboriginal persons, and some communities had higher proportions of Aboriginal persons. Table 2 shows that there is considerable variation in the Aboriginal populations in the ten largest cities. Cities in Southern Saskatchewan, such as Estevan, Moose Jaw, and Swift Current, have the lowest proportion of Aboriginal persons. Prince Albert has the highest proportion of Aboriginal persons (38.94%), which was followed by North Battleford (23.87%) and the Saskatchewan "side" of Lloydminster (11.08%).

**Table 2: Number and percentage of the population reporting a North American Aboriginal identity: 10 largest Saskatchewan cities, 2011**

Cities	Aboriginal identity population	Total population	Aboriginal identity population as a percentage of the total population
Saskatoon	22,360	218,315	10.24
Regina	19,355	189,740	10.20
Prince Albert	13,345	34,270	38.94
Moose Jaw	1,700	32,345	5.26
Yorkton	1,815	15,280	11.87
Swift Current	615	15,155	4.06
North Battleford	3,255	13,635	23.87
Estevan	570	10,840	5.26
Weyburn	350	10,155	3.45
Lloydminster (SK)	1,075	9,705	11.08
Source: Statistics Canada (2013) – National Household Survey, 2011.			
Note: Data retrieved for the city level.			

In addition to rapidly growing, there are several characteristics of the Aboriginal population that deserve attention, and were reported by Statistics Canada (2013 pp. 16-17). First, the median age of the Aboriginal population is younger than their non-Aboriginal counterparts (20 and 41 years respectively). The median age for Aboriginal persons was younger for those living on-reserve and older for Métis persons. Second, over one-third (38.1%) of the total population were younger than 15 years of age in 2011 and they accounted for one-fifth of all Saskatchewan children. There are two reasons for the lower median age of Aboriginal peoples in Canada: a higher birthrate and shorter life expectancy (Statistics Canada, 2005).

## Crime in Saskatchewan

In Canada, for many decades Aboriginal peoples have been disproportionately overrepresented in crime statistics as both offenders and victims, and they are also over-represented in arrests and in correctional populations. For example, Public Safety Canada (2012, p. 47) found that Aboriginal people represented 19.3 % of the prison population on April 15, 2012 yet they only constituted about 4% of the general Canadian population.

In a Statistics Canada study of police-reported crime, Perreault (2013) notes that overall rates of crime are declining and are at their lowest levels since the 1970s. The crime severity

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index (CSI) also dropped in Saskatchewan by 7% between 2011 and 2012 although this province still had the highest crime rates in the country (Perreault, 2013, p. 7). It is important to note that the provincial CSI masks variation *within* the province with respect to the severity and volume of crime. Table 3 reveals that Saskatchewan had an overall CSI of almost twice the national average (the CSI in the Northwest Territories, Nunavut and Yukon were all higher). Table 3 also shows that there are considerable differences between the largest communities.

There is even more variation when one examines crime statistics for northern communities. Data reporting the CSI at the police service level for 2010 shows that the overall CSI in Wollaston Lake was 1,615, while Stony Rapids was 1,569 and Pelican Narrows was 1,125. While those communities represented the highest CSI for the province, the CSI was typically several times the provincial average in many northern communities. These statistics illustrate the earlier point that provincial averages sometimes mask significant variation between communities and that some places are much safer.

**Table 3: Crime Severity Index (CSI): Canada, Saskatchewan and the largest cities, 2011**

	Overall CSI	Violent CSI	Non-Violent CSI
Canada	77.6	85.3	74.7
Saskatchewan	144.8	141.5	146.0
Saskatoon	128.8	150.6	120.4
Regina	130.0	131.0	129.6
Prince Albert	217.1	291.3	188.6
Moose Jaw	114.6	67.5	132.8
Yorkton	192.4	177.0	198.4
Swift Current	119.6	83.7	133.4
North Battleford	361.0	286.9	389.5
Estevan	156.7	96.0	180.1
Weyburn*	NA	NA	NA
Lloydminster (SK)*	NA	NA	NA
Source: Statistics Canada (2012). Police-reported crime statistics in Canada. * Data not available for cities of less than 10,000 residents. Retrieved Aug. 15, 2013, from <a href="http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11692/tbl/csivalue-igcvaleurs-2011-eng.htm">http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11692/tbl/csivalue-igcvaleurs-2011-eng.htm</a>			

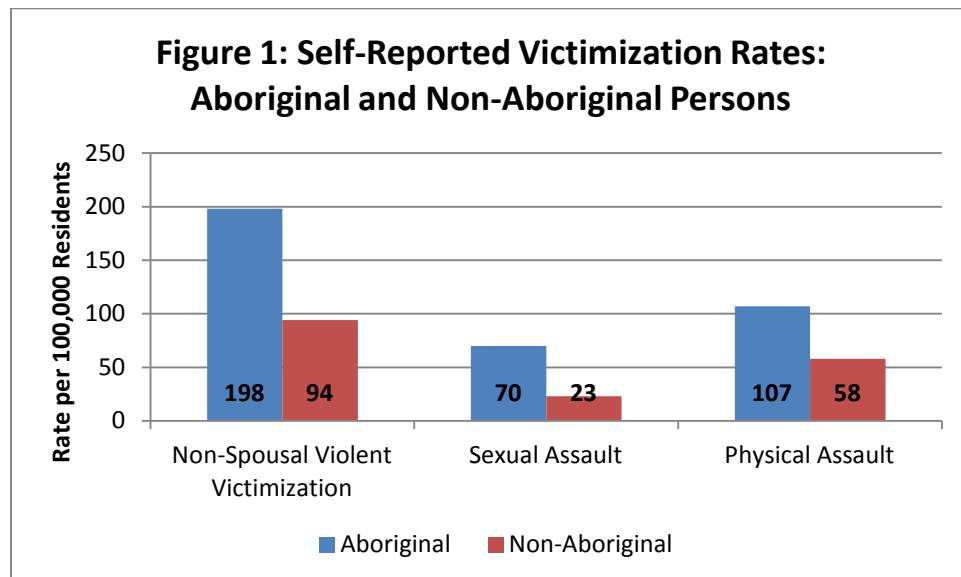
It has long been recognized that rates of crime on many First Nations are many times the national average. Perreault (2011, p. 6) analyzed the results of the 2009 GSS and found that

Aboriginal persons were at high risk of victimization: “37% of Aboriginal people self-report[ed] being the victim of crime compared to 26% of non-Aboriginal people.” In terms of more specific offences, Perreault (2011, p. 6) noted that:

Aboriginal women were almost three times more likely than non-Aboriginal women to report that they had been a victim of spousal violence in the past five years. Aboriginal victims of spousal violence were also more likely to report that they have feared for their life or that they had been injured as a result of the violence.

The results of the self-reported victimization in 2009 are very similar to earlier studies and the results comparing violent victimization between Aboriginal and non-Aboriginal respondents to the GSS are shown in Figure 1.

High rates of crime and victimization are costly to communities both in terms of direct and indirect costs. The direct (or tangible) costs of crime include factors such as the replacement of stolen property or fixing an item that has been vandalized. The costs of hospitalization, medical treatment or lost work and productivity due to an assault are also direct costs. As people in poor communities do not typically have insurance, crime can push an individual or family further into poverty. Furthermore, if the time and resources of a local government are directed into preventing and responding to crime and repairing the damages from crime, leaders have less time to devote to other more positive endeavors such as job creation, developing recreation programs or maintaining the infrastructure.



The indirect (or intangible) costs of crime may even be higher. According to Heaton (2010, p. 2), indirect costs include “lost quality of life resulting from fear of crime or the psychological effects of victimization.” These costs are more difficult to measure, but may have a profound impact upon a community. Being victimized in an assault may have a long-term psychological impact upon an individual, such as being fearful of interactions with others or a loss of their confidence that inhibits them from participating in job training, or applying for a job. Furthermore, high levels of crime may lead to fear or stress for individuals who were not directly involved as victims.

### **Crime on U.S. Tribal Lands**

While rates of crime and victimization on First Nations in Canada are high, there is a similar pattern on U.S. tribal lands. The *New York Times* reported that the 310 Indian reservations in the U.S. had rates of violent crime that were “more than two and a half times higher than the national average” and “American Indian women are 10 times as likely to be murdered than other Americans. They are raped or sexually assaulted at a rate four times the national average, with more than one in three having either been raped or experienced an attempted rape” (Williams, 2012, n.p.) Despite the fact that rates of violence had increased, Williams (2012a, n.p.) observed that “the federal government has cut the size of its police force in Indian country, reduced financing for law enforcement and begun fewer investigations of violent felony crime.”

In May, 2013 the U.S. Department of Justice (2013) announced a number of steps that were intended to increase safety in tribal communities. These initiatives included legislation to reduce violence against Native women, increase law enforcement and prosecutor training, facilitate better information sharing, and work toward better data collection. In order to carry out these endeavors federal funding increased and grants made available to law enforcement agencies to improve service delivery. Despite those federal initiatives tribal policing have been sweeping budget cuts in some places. A *New York Times* (2013, n.p.) editorial reported that,

On the Pine Ridge Indian Reservation in South Dakota, the tribal police force, facing cumulative budget cuts of 14 percent, or more than \$1 million, has let 14 officers go. Its nine patrol cars are already pitifully inadequate for policing a 2.8-million-acre reservation plagued by poverty, joblessness, youth gangs, suicide, alcoholism and methamphetamine addiction. The tribe is cutting a program that serves meals to the housebound elderly. Its

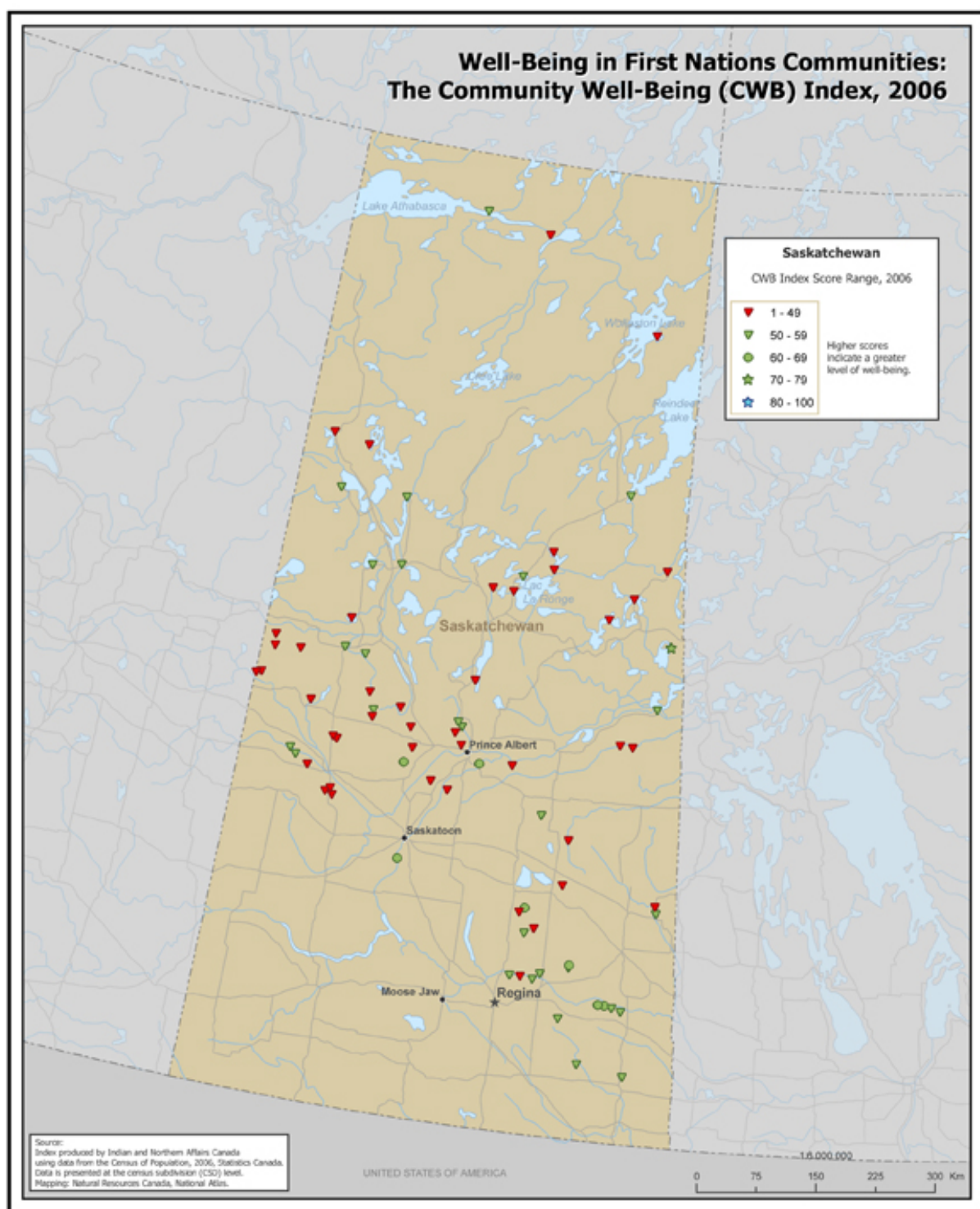
schools and Head Start program are cutting back. On a reservation with a chronic and worsening shortage of homes, where families double up in flimsy trailers without running water or electricity, a housing-improvement program with a 1,500-family waiting list was shut down. There were 100 suicide attempts in 110 days on Pine Ridge, officials there said, but the reservation is losing two mental-health providers.

A long-standing problem is that during times of budget cutbacks, even when policing budgets remain stable, cuts to health, social, and educational programs can have a long-term effect on demands for policing if anti-social behaviour, crime or disorder increases because of those cutbacks (Ruddell & Jones, 2013).

### **Community Well-Being and Quality of Life**

Crime and disorder has a corrosive impact upon community well-being and quality of life. One indicator that was developed to compare levels of “wellness” is the Community Well-Being Index (CWB), which was created by Aboriginal Affairs and Northern Development Canada (2012). This index is calculated using employment, income, housing, and levels of education to develop a possible score of 100. Table 4 shows the CWB index for Saskatoon, Regina, Prince Albert and seven Aboriginal communities for 2006 (These data were developed using the 2006 census data). Table 4 shows that some First Nations communities, such as the Ministikwan First Nation, have CWB that are less than one-third of Saskatoon or Regina. It is important to recognize that the CWB focuses primarily upon economic factors such as employment, income and housing. Quality of life, however, can be measured in other ways, such as the strength of family relationships or happiness, and the CWB does not account for these factors. As a result, it is an imperfect measure, although it enables intra-provincial and inter-provincial comparisons.

<b>Table 4. Community Well-Being Index for selected Saskatchewan Communities, 2006</b>	
Saskatoon	84
Regina	84
Prince Albert	79
Ministikwan First Nation	25
Turnor Lake	35
Pelican Narrows	38
Big River First Nation	39
Moosomin First Nation	39
Saulteaux First Nation	39
Mosquito First Nation	40



Geomatics Services, September 2010.

### **Summary**

While the national rates of police-reported crime have been decreasing for over a decade, not all Canadians have benefited from these changes. Crime and victimization on many First Nations communities remains high. Much of the focus of this section has been what has occurred in Saskatchewan, which has the highest reported volume and severity of all the provinces. In addition, several northern First Nations in Saskatchewan have rates of crime that are among the highest in the nation, which reinforces the need to develop crime reduction strategies based on the distinct needs of these places. The police organizations tasked with serving these communities do not have an enviable job as they must respond to numerous long-standing challenges and crime is only one element of the equation. Rates of community well-being in these places tend to be very low and these conditions make it more difficult to develop effective crime reduction strategies as there are so many other challenges to overcome. Thus, the police cannot work in isolation and must develop crime reduction strategies that involve other community stakeholders and partners.

### **III. First Nations, Treaties and the Royal Canadian Mounted Police in Saskatchewan: A Historical Overview**

The relationship that exists, and has existed, between the federal police and First Nations communities in Saskatchewan has been one of both cooperation and turmoil. In order to understand this connection better, it is important to describe the role that the Numbered Treaties played in the relationship that evolved between First Nations and the RCMP.<sup>2</sup> This can be achieved by examining three main historical eras: (1) Pre-treaty, (2) Treaty negotiations and (3) Post-treaty relationships. What occurred during these three eras helps us comprehend First Nations and Canadian government perspectives, of law and policing before the treaties and during the negotiations, and expectations and responsibilities after the treaties were signed.

Between 1871 and 1906, in what became known as the province of Saskatchewan, there were six treaties signed between Canada and various First Nations including the Assiniboine, Cree, Dene and Saulteaux Nations (including treaties numbers 2, 4, 5, 6, 8 and 10)<sup>3</sup>. In addition, a number of Dakota peoples also moved into the territory that became Saskatchewan and their relationship with the police evolved in a very similar manner to other First Nations in Saskatchewan.<sup>4</sup>

The purpose of this section is not to pass judgments on the historical actions of either First Nations or the RCMP in influencing the relationships that evolved between these parties. Rather, the intent is to provide readers with an understanding of how that relationship evolved within the context of the Numbered Treaties in Saskatchewan. As such, this section reviews the evidence concerning the existence of dispute resolution and various forms of policing that existed in traditional Aboriginal societies<sup>5</sup>. What follows is an examination of the treaty negotiations, as well as the written text of the treaties, to determine what appears in the text of the treaties as well as what was being considered during the negotiation of the treaties. Finally,

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<sup>2</sup> Originally, the North West Mounted Police (NWMP) until 1903, then the Royal North West Mounted Police (RNWMP) in 1904 and the RCMP in 1920.

<sup>3</sup> For an overview of the treaties in Saskatchewan see Ray, Miller, and Tough (2000).

<sup>4</sup> For an overview of the historical experience of the Dakota in Canada, see Elias (2002).

<sup>5</sup> This is an important starting point as it provides context for what the expectations might have been for First Nations as they considered factors such as policing during the negotiation of the treaties and what the expectations might have been in the post- treaty period.

this section describes the relationship that evolved in the immediate post treaty period and attempts to determine the expectations concerning law enforcement and policing after the treaties were negotiated.

### **Traditional Forms of Dispute Resolution/Social Control: Did a Form of “Policing” Exist?**

This section presents a historical review to describe traditional forms of dispute resolution and “policing” for First Nations in Saskatchewan prior to the 1690s. Forms of Indigenous legal systems as well as policing among the First Nations that are signatories to the Treaties are described. The purpose of this overview is to demonstrate the existence of both dispute resolution mechanisms as well as forms of policing during treaty negotiations which would have informed First Nations in their decisions regarding policing, and lastly, the expectations of First Nations after the Treaties were signed.

We present evidence of the existence of different Indigenous forms of social control and policing among First Nations signatories to the Treaties. This overview uncovered evidence that demonstrates the existence of informal dispute resolution mechanisms as well as more formal forms of social control that are akin to policing. These means of control informed First Nations in their decisions regarding policing, as it would have been referred to during Treaty negotiations (as well as their expectations after the Treaties were signed). The review also demonstrates that policing functions were carried out primarily by warrior societies, although individual and community social control were often undertaken without warrior involvement.

In the time before “contact” with Europeans (1000–1500 AD), North American Aboriginal societies developed their own mechanisms of social control that varied from “one community to the next and took on various forms depending on the type of community in which it was applied” (First Nations Chiefs of Police Association [FNCPA], 1990, p. 19). Despite the observed differences, a common thread<sup>6</sup>, “one’s relationship with the Creator,” is pervasive (Sinclair, 1994, p. 176). This presents as a fundamentally different philosophical orientation and worldview than observed in western cultures, affecting their orientation toward justice (Sinclair, 1994, p. 175). As a result, their approach is more focused on the collective, healing, educating,

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<sup>6</sup> According to Sinclair (1994) despite many different communities of Aboriginal peoples, each with their own cultural practices, there are some generalizable similarities.

and reconciling, rather than the western adversarial, individual-focused approach; hence, different processes are envisioned to address wrongdoing (Ross, 1994, p. 242).

A central theme within the societies of the Saskatchewan First Nations who signed the treaties is tied to the principle of getting along with others. This is perhaps best exemplified in the Cree word *miyo-wichehtowin* meaning, “having or possessing good relations” (Cardinal & Hildebrandt, 2000). The Cree language includes many other words and phrases that provide insight into the legal principles of these peoples. For example, the term *wahkohtowin* refers to laws governing all relations, while *pastahowin* refers to a transgression of spiritual or natural law, sin, use of bad medicine, or evil doings. These transgressions would be responded to by the Creator, *ohcinewin* and result in retribution for an action against the Creator. *Kwayaskitotamowin*, by contrast, is when he or she conducts himself or herself in a right way, treating creation in a good way; it can also refer to a just or legal dealing (see Borrows, 2010, pp. 334-335). Individuals who ran counter to these concepts could expect a series of informal and formal responses from their communities.

Prior to colonization, individual behaviour in First Nations was controlled and regulated through shaming, ostracism and compensation for a victim’s loss. Elders played a key role in this process as they would teach and reinforce community values through oral histories: they may have also played a key role as mediators in disputes. As the facilitators and disseminators of community memories, Elders provided the community members with the “unwritten precedents for [Aboriginal] customary law, and the means for interpreting customary law in a manner suitable to a particular occasion” (Sinclair, 1994, p. 177). Further, those who committed serious offences could be banished from their home communities, which might be akin to a death sentence in nomadic cultures. Other possible penalties included physical punishment and even execution in the case of murder. These sanctions demonstrate that there were forms of enforcing tribal laws and this included the sanctioning of wrongdoers among First Nations. One such example was recorded by the Hudson’s Bay Company (HBC) trader Matthew Cockling at Cumberland House in 1776. Cockling reported that the Beaver Indians were not expected to visit the post in the summer as the result of a quarrel that had occurred between them and another group. He described the following:

That an Indian was shot by another the first of this Winter at the upper Settlement, the Indian killed having murdered his Wife last Summer was the reason of the other’s taking

the same revenge, the Woman being his Sister: This supposed that the affair will stop here. (Rich, 1951, p. 36)

This example demonstrates that revenge was carried out in response to the homicide and the dispute was considered settled and no further action was required or was taken by either side.

Another way that order was maintained was through gift giving as a way to maintain peace or offering property to redress a wrong. Anthropologist David Mandelbaum documented that among the Plains Cree, “gift giving was the socially accepted method of mollifying an aggrieved person and in this way, the Chief eased troublesome situations” (1979, p. 107). In a similar fashion, fur trader Daniel Harmon recorded his observations from the early 1800s indicating that the offering of property was an acceptable way to make amends for a wrong that had been committed. “It is a common thing among all the Natives, for an offender to offer property in satisfaction of an injury, and when this is accepted by the injured party, contention between them entirely ceases” (Lamb, 1957, p.87). Mandelbaum (1979) concluded that theft was rare and that protracted blood feuds related to murder were avoided through ceremonies. For example, Mandelbaum states that the Sacred Pipestem would be used as part of a ceremony. Once it was unwrapped all quarrels had to be resolved (1979, p. 122).

Theoretically, the essence of these societies (i.e. pre-modern nation-states) rested on the principle of kinship rather than on citizenship or that of the absolute authority of the state. To this end, a crime is not conceived as an offence against the state, but as an occasion of feud or negotiation between two groups of kinsfolk (clans). The guilt lies on the whole kindred of the individual who committed the crime; and must be atoned by compensation to the kindred of the aggrieved party.

One unanswered question is whether the First Nations who signed the treaties had “police” as we currently understand the role and whether they understood this concept as they entered into treaty negotiations. The historical evidence suggests that these communities did conceive of different forms of social control (ranging from informal to formal practices, what is now referred to as policing), but the role of who would enforce laws varied. In some respects, traditional forms of policing took a community-based approach, controlled through reciprocal constraints and a variety of social relationships that worked to find balance in disputes. This does not mean that in traditional societies individuals who took on policing roles did not exist. For example, among the Cree and Assiniboiné as well as other groups such as the Ktunaxa in what

became British Columbia, rules of the hunt were closely enforced by Warrior Societies (Christensen, 2000; Mandelbaum, 1979; Milloy, 1990). Individual hunting was not permitted at times and those who intentionally disobeyed this rule faced penalties. These sanctions included having their tipi and possessions destroyed by members of the Warrior Society. If they accepted their punishment, restitution for the lost possessions would typically be made by the perpetrator.

Another policing function can be found in Saulteaux traditions. Among this group, individuals known as the Oskobie fulfilled the role of police. As Elder Danny Musqua pointed out in his testimony in *Canada (Minister of National Revenue) v. Ochapowace Ski Resort Inc.*, “An Oskobie was one who catered to all kinds of—all kinds of gatherings he was more as a—like, almost like a policeman who policed things” (2002 SKPC 84 - Original case transcripts p. 1654).

This overview suggests that prior to their first contact with Europeans, First Nations had established informal systems of social control to ensure the social order, and that dispute resolution, the development of mechanisms to resolve conflict and different forms of policing (with different degrees of formality), were prevalent among pre-treaty groups. As a result, it is likely that when the concepts of law and enforcement of laws were addressed during treaty negotiations, the First Nations Peoples involved would have had an understanding of these mechanisms of ensuring justice.

Prime Minister Sir John A. Macdonald envisioned a nation that spanned from the Atlantic to Pacific oceans. In order to achieve this vision, and reduce or eliminate the threat of American territorial encroachment above the 49<sup>th</sup> parallel, the government of Canada purchased the lands of the HBC and “‘persuaded’ the First Nations on the prairies to enter into treaties, by which they ‘ceded’ their lands in return for certain obligations undertaken by the government” (Gosse, 1994, p. 3). From a First Nations perspective, the treaties were equivalent to an “Indian Magna Carta” (Cardinal, 1985, p. 144). According to Cardinal (1985, p. 144):

Our people talked with government representatives, not as beggars pleading for handouts, but as men with something to offer in return for rights they expected. To our people, this was the beginning of a contractual relationship whereby the representatives of the Queen would have lasting responsibilities to the Indian people in return for the valuable lands that were ceded to them.

On the other hand, from the Canadian government’s perspective, the treaties were land-surrender agreements to allow the building of a transcontinental railway which would facilitate

the settlement of the western Canada by European immigrants. This would, de-facto, strengthen Canadian jurisdiction north of the 49<sup>th</sup> Parallel and preclude American encroachment, which was of concern to the Canadian government of the day.

### **The Treaties: What was Promised Regarding Policing?**

This section explores a number of questions regarding the concept of policing in the context of the numbered treaties, including: What was negotiated for in regards to policing? What appears in the written treaties regarding policing? How can policing be interpreted in the context of treaties? Evidence from secondary literature such as historical documents and oral histories are used to construct this narrative. The evidence suggests that the treaties placed an obligation on the chiefs to assist in bringing justice and punishment to their people if they broke Canadian law and that the RCMP and their precursors had the responsibility of ensuring that settlers followed the law.

The first experiences that most western Indigenous populations had with European notions of justice and policing occurred in their interactions with employees of the HBC. The HBC Charter gave legislative and judicial power over all inhabitants of Rupert's Land<sup>7</sup>. HBC factors, those charged with running the HBC outposts, were granted powers similar to magistrates (Gavigan, 2012, p. 27). However, because of the trading relationships that evolved between Indigenous peoples and the HBC, the HBC staff members were reluctant to enforce laws. This was especially the case concerning internal disputes among Indigenous peoples where the HBC appeared to let Indigenous peoples resolve their own conflicts (Gavigan, 2012, pp. 27-28). Indigenous peoples would have become aware of the enforcement of European laws by witnessing their enforcement on HBC employees. However, our review of the historical records suggests that prior to the signing of treaties this issue did not appear to be a factor within Indigenous communities.

In the negotiation of the Numbered Treaties, the issue of policing, although addressed, was not a key consideration. Governor Alexander Morris, who negotiated Treaty 4 on behalf of Canada in 1874, stated that:

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<sup>7</sup> Rupert's Land was the area of land given to the HBC under their Charter. The area was defined as all lands that drained into Hudson's Bay which would have included the majority of northern Ontario, Manitoba, and Saskatchewan.

In this country now no man need be afraid. If a white man does wrong to an Indian, the Queen will punish them. The other day at Fort Ellice, a white man, it is said, stole some furs from an Indian. The Queen's policeman took him at once; sent him down to Red River, and he is lying in jail now; and if the Indians prove that he did wrong he will be punished; and it will be the same if an Indian does wrong to the white man. The red and white man must live together, and be good friends, and the Indians must live together like brothers with each other and the white man. (Morris, 1991, p.109)

Morris again addressed the issue of policing while negotiating Treaty 6 in 1876. He argued that the police would have a positive influence on the Indian peoples and compared the police to a Chief's "braves," or what we could infer as, a Warrior Society:

A Chief has his braves; you see here the braves of our Queen, and why are they here? To see that no white man does wrong to the Indian. To see that none give liquor to the Indian. To see that the Indians do no harm to each other. Three years ago some Americans killed Indians; when the Queen's Councillors heard of it they said, we will send men to protect the Indians, the Queen's subjects shall not be shot down by the Americans; now you understand why the police force is in this country, and you should rejoice. (Morris, 1991, pp. 206-207)

The actual wording in the treaties regarding law, justice, and police varied. For the purposes of this study, the wording, with respect to policing used in each of the six Saskatchewan treaties, were as follows:

### **Treaty Two**

They promise and engage that they will, in all respects obey and abide by the law; that they will maintain peace and good order. They will not molest the person or property of any inhabitants of such ceded tract; or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract. They will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty. (Morris, 1991, pp. 338-339)

### **Treaty Four**

And the undersigned chiefs and Headmen [and those they represent] ...do hereby solemnly promise and engage to strictly observe this treaty...They promise and engage that they will, in all respects, obey and abide by the law, that they will maintain peace and good order...and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the Country so ceded. (Ray, Miller & Tough, 2000, p. 226)

### **Treaty Five**

And the undersigned chiefs and Headmen [and those they represent] ...do hereby solemnly promise and engage to strictly observe this treaty...They promise and engage that they will, in all respects, obey and abide by the law, that they will maintain peace and good order...and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the Country so ceded. (Ray et al., 2000, p. 233)

### **Treaty Six**

And the undersigned chiefs and Headmen [and those they represent] ...do hereby solemnly promise and engage to strictly observe this treaty...They promise and engage that they will, in all respects, obey and abide by the law, that they will maintain peace and good order...and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the Country so ceded. (Ray et al., 2000, p. 242)

### **Treaty Eight**

And the undersigned Cree, Beaver, Chipewyan and other Indian Chiefs and Headmen [and those they represent] ...DO HEREBY SOLEMNLY PROMISE and engage to strictly observe this Treaty...THEY PROMISE AND ENGAGE that they will, in all respects, obey and abide by the law: that they will maintain peace...and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded. (Ray et al., 2000, p. 248)

### **Treaty Ten**

And the undersigned Chipewyan, Cree and other Indian Chiefs and Headmen [and those they represent] ...do hereby solemnly promise and engage to strictly observe this treaty in all and every respect...They promise and engage that they will in all respects obey and abide by the law; that they will maintain peace...and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded. (Ray et al., 2000, p. 251)

## First Nations Policing: A Review of the Literature

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It seems clear from the text of these six treaties that there was an expectation that First Nations would play a role in the administration of justice of their people. The treaties set the stage for cooperation between First Nations leadership and the RCMP in regards to the administration of justice. Elder Danny Musqua describes this cooperation in his testimony in *R v. Ochapowace Ski Resort Inc.*:

They were called the—the Northwest Mounted Police was called the Red Jackets—Red Coats, they were called, and they were held in great respect because they were told that these people would protect them from influence from the outside, and the—they did not really—they never did come—enter the reserve boundary because we had our own police, and they did work hand-in-hand. Our own police looked after our own, and they looked after—they looked after the outside where we would not be bothered. (*R. v. Ochapowace Ski Resort Inc.*, 2002, p. 2248)

In his testimony, Musqua described the spirit of cooperation that was believed to be part of the treaty agreement as well as the belief in a continued independence of the administration of justice by First Nations on their own lands and for those committing crimes off reserve. His testimony is quoted in its entirety as it provides an example of a First Nations' perspective on policing:

Musqua (via the interpreter): The Red Coats, at first, they used to—they came in periodically, but eventually they hardly ever came. I said—I correct me on the last statement (INAUDIBLE) that I didn't hear—I didn't interpret properly. At the time of the treaties, the Red Coats never entered the reserve. The people on the First Nation lands, they policed themselves, and the Red Coats came at the border times, but they worked hand-in-hand with the First Nations' policemen. But whenever a white person would come in—used to sneak into the reserves sometimes for deceptive dealings with—I guess with the First Nations, and he would be found there, and this is the only time that the Red Coats would come in, but the First Nations' police would work with them to get this person out of there, and then he would be dealt with, with their own laws. They said there are times, but it is a very rare occasion. Indian people never committed murder. It was a very rare, rare thing, and when—this is some of the times that the Red Coats were called in. And if a First Nation person went out of the boundaries and committed a crime, he would be dealt with by the Queen's laws, and when he came back to the reserve he was dealt with again by the First Nation laws. He went to—actually in court two times, I guess, or faced a sentence two times, but he was not—I guess more or less what he's saying to you, he's kind of embarrassed of First Nation people for going out there, and he would have to deal with the justice system (INAUDIBLE).

Question: On the occasions when the Red Coats came on to the reserve, did they need anyone's permission before they came in?

Musqua: The leader of the First Nation would be the ones to invite him on treaty paydays though. The first time that the (INAUDIBLE) treaty paydays were held at the boundary

of the reserve. It's only the discretion of the Chief that eventually he made a payday be held within the—within—inside the confines of the reserve, and that's when he was allowed to come in, only at the discretion of the leader at that time what we now call a Chief.

Question: You told us that murder was a rare, and I can use my own words, horrific crime. Rarely did it happen among the First Nations people. Why were the Red Coats called in for murder after treaty?

Musqua: At the time of the treaties, this is one of the things—this is one of the things that the First Nation had understood about the—agreeing to settle matters regarding somebody being killed or murdered, and he—according to the treaty-makers, they proclaimed that the Queen is our mother, and she will deal with all her children in the case of taking somebody's life. I will take that responsibility to deal with that in or off reserve is what she told them, I guess.

Question: So that that arrangement was negotiated at time of treaty?

Musqua: I guess the treaty-maker from the forefathers, they questioned that. Although killing among themselves was a very rare, rare thing, but it didn't even—it was not even in their knowledge that it would ever happen. And they asked the Queen about that anyway, so the Queen said we deal with—we deal with those things, and the Queen offered that we'll take that part of the law into our own hands. That's the only portion of the law that we will help you with, but everything else of your justice system you will carry on as before. This is the only thing that we will assist you with (*Canada (Minister of National Revenue) v. Ochapowace Ski Resort Inc.*, 2002 SKPC 84 - Original case Transcripts 2002, pp.2248-2251).

The Numbered Treaties set the stage for the relationship that was to exist between Her Majesty's police force (NWMP) and First Nations peoples. The remainder of this section that follows examines how this relationship evolved in the immediate post-treaty period.

### **The Implementation of Treaties and the Role of the Police**

This section presents the results of analyses of the actions of the federal police and First Nations in the immediate post-treaty period. Areas of review include residential schools, the enforcement of the banning of spirituality, the 1885 Northwest Rebellion and its fallout including the introduction of the pass system. What becomes apparent is that the NWMP carried out the policies introduced by the federal government which ran counter to treaty promises. At other times, the police refused to enforce policies that had no basis in Canadian law. In other instances, such as the introduction of the pass system (described below); there was a “mishmash” of implementation and enforcement.

## First Nations Policing: A Review of the Literature

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One goal of this study was to differentiate between the perceived actions of police, as opposed to what actually occurred. Further, we examine how these actions might fit within treaty interpretation. This early period of NWMP/First Nation interactions in the 1870s and 1880s, set the stage for future relationships.

For the most part, the arrival of the NWMP in 1873 was met favourably by First Nations. Most western tribes were concerned about the relations that might develop in their lands especially in light of the government-perpetrated violence that was occurring in the United States. The NWMP were a visible presence as representatives of the Queen and the police had broad discretionary powers, although they were used sparingly (Harring, 1998, p. 242). This was important for relations between First Nations and settlers as well as between the various independent First Nations. During the 1870s, for example, the number of Indian arrests each year remained under five (Harring, 1998, p. 243). The NWMP followed the stipulations of the Treaties and typically only became involved in intra-Indian affairs or offences when a band member complained and then only when Chiefs made the offenders available (Harring, 1998, p. 243). Internal disputes continued to be handled by tribal forms of justice. For example, within Cree Chief Foremost Man's band only two intra-Indian offences were reported to the NWMP both of which were assaults (Harring, 1998, p. 244).

The 1880s saw a shift in government policy resulting in a shift in the relationship between the NWMP and First Nations. Interestingly, the entire NWMP as well as individuals in some situations did not always support the federal government policies. The 1885 Northwest Rebellion is often considered a watershed in NWMP-First Nations relations. However, scholars now attribute these changing relationships to other factors, including the reserve system implemented in the 1870s (Jennings, 1986, p. 226). By the time of the rebellion, First Nations leaders were becoming increasingly aware that reserves were not what they had envisioned when they signed the Treaties. Rolled into the reserve system was the residential school policy, the banning of cultural or spiritual practices and the implementation of the pass system after 1885.

The primary goal of federal government Indian policies in the 1880s was the assimilation of Aboriginal peoples into what would become Canadian society. It was believed that one of the best ways that this could be accomplished would be by focusing on Aboriginal children. Conveniently, the Treaties included promises for schools and the government used this clause as a method of assimilation which was not what First Nations leaders had envisioned as the purpose

of the schools. Although school attendance became compulsory in 1920, prior to that time attendance was enforced in other ways. For example, parents who would not send their children to school were threatened with the termination of their rations and/or treaty money. Once in school, an ordinance was used to give the government the authority to apprehend students who left the school and have them returned. This task would fall to the RNWMP (Jennings, 1986, p. 227). After 1920, when school attendance became mandatory under the law, the role again fell to the newly designated RCMP to enforce the attendance in schools when Indian Agents needed their assistance. In his report on the RCMP's role in supporting the residential school system, LeBeuf (2011), provides a number of accounts of the RCMP being involved in either removing students from their homes and communities or returning them to schools if they ran away. He points out, however, that the RCMP did not act on their own accord in these roles but rather as part of "a system of authority" (p. 32).

However, what is clear is that the RCMP was seen by First Nations peoples as agents of the government responsible for taking children from their parents and communities. This perception resulted in a major change in the relationship that existed between the police and Saskatchewan Aboriginal peoples. It is important to note that the residential school system and the involvement of the police was not a onetime event but instead continued over several generations.

Another factor that changed the relationship between the federal police and First Nations was the banning of traditional cultural and spiritual practices, such as the Sun Dance. The 1895 amendments to Section 114 of the *Indian Act* were enacted to discourage Indians from participating in traditional ceremonies and read as follows:

Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate, any Indian festival, dance or other ceremony of which the giving away or paying or giving back of money, goods, or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the same, and every Indian or other person who engages or assists in any celebration of dance which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, is guilty of an indictable offence (As quoted in Pettipas, 1994, pp. 96-97).

Those found guilty would face imprisonment ranging from a minimum of two to a maximum of six months.

Despite the fact that legislation was enacted, it was inconsistently applied due to the fact that the legislation did not specifically ban some practices. This resulted in the NWMP granting permission for groups to conduct some ceremonies and this was the case in 1900, when the NWMP detachment at Fort MacLeod granted permission to hold a Sun Dance. This act was viewed as a serious challenge by the Department of Indian Affairs (DIAND) (and the local Indian Agents) and resulted in an agreement that NWMP officers would not become involved in internal reserve matters unless requested by Department officials. Further, the NWMP would take no position on dances and disperse people only when the law was being clearly violated (Pettipas, 1994, pp. 110-111).

In practice, decisions made by officers and leaders within the force demonstrated that the NWMP could be sympathetic towards First Nations. Pettipas (1994) described how NWMP officers found loopholes to circumvent the law or disregarded the law entirely. For example, in 1910 RNWMP members at Cut Knife, Saskatchewan were approached by individuals from the Poundmaker and Little Pine reserves seeking permission to hold a Sun Dance. Although the RNWMP detachment had received instructions to deny the request, the local officers allowed the ceremony to take place. As they had been granted permission the participants could not be charged with trespassing on another reserve, which was a law at the time. In addition, Colonel James Macleod, Commissioner of the NWMP lectured officers who arrested Sun Dance participants, and while he described the practice as barbaric, he considered the arrests to be similar to making an arrest in a church (Pettipas, 1994, p. 111).

Despite the fact that NWMP officers were reluctant to make arrests, they were often present during different cultural ceremonies accompanied by local Indian agents. The arrival of these government representatives would interrupt and intimidate participants. Participants were questioned and some persuaded to discontinue the ceremonies (Pettipas, 1994, 111). The result was similar to the involvement of the police in enforcing the placement of children in residential schools. The police were seen as attacking the key foundations of First Nations' lives. In terms of the Treaties, there was no indication in the documents or negotiations that Indians would be required to give up their spiritual practices. The involvement of the NWMP and later the RNWMP and RCMP in these practices had lasting impacts on their relationships with First Nations communities.

The final example of NWMP involvement enforcing government policy was illustrated by the implementation of the pass system. The pass system, which had its genesis in 1882, intended to restrict the movement of Aboriginal peoples by requiring them to have written permission to leave their reserves. The purpose behind the pass system policy was an attempt to stop Indians from crossing the U.S. border (Jennings, 1986, p. 228). This idea was expanded upon in the aftermath of the Northwest Rebellion:

Indian Commissioner Hayter Reed drafted his views in a memo on “The Future Management of Indians” and as part of this memo recommends the implementation of the pass system. No rebel Indians should be allowed off the Reserves without a pass signed by an I.D. official. The dangers of complications with white men will thus be lessened. (NAC, RG 10, vol. 3710, file 19550-3 as quoted in Stonechild, 1997, p. 251)

Prime Minister Macdonald endorsed this recommendation and suggested that the pass system should eventually be applied to all bands. In 1886, books containing passes were sent to Indian agents. In order to leave the reserve, Indians had to obtain a letter of recommendation from their farming instructor and then apply to their agent for a pass (Carter, 1990, p. 151). The pass system was intended to reduce the likelihood of another Indian uprising. It was argued that Indians needed to be monitored and prevented from gathering in large numbers in order to keep the peace. This control of Aboriginal populations was necessary to realize Macdonald’s dream of a populated west.

The pass system was also used to force Indians to remain on their reserves during seeding and harvest seasons, as this was thought to increase success in farming. High yields also meant a reduced need for rations and a more self-sufficient population. Isolating Aboriginal peoples on reserves was also intended to lead to fewer contacts with people the government deemed undesirable such as whisky traders or the Métis rebels (Carter, 1990, pp. 152-157).

Because the pass system was never formally enacted into law, it could not be formally enforced. This resulted in some debate between the NWMP and the DIAND on how the pass system could be enforced. Immediately after the 1885 Northwest rebellion, NWMP members would escort persons back to their reserves if found without a pass. There were, however, complaints by the NWMP that Indian agents were too liberal in issuing passes resulting in onerous work to ascertain who had a valid pass. In 1890, at the urging of the NWMP, Indian agents became more diligent and only issued passes for “legitimate” reasons (Smith, 2009, p. 65). Because of the problems resulting from and expectation to enforce a law that did not

officially exist, the issue came to a head in 1893 when the NWMP informed the Department they would no longer take any Indians back to their reserves, but rather would ask them to return (Smith, 2009, p. 69).

Despite the 1893 compromise between the NWMP and DIAND, the enforcement of the pass system continued into the 1940s especially concerning the presence of Aboriginal peoples in towns. While the police did not want responsibility for issuing or administering passes, they continued to “persuade” Indians who were off their reserves to return (Smith, 2009, pp. 71-73). The result of this practice was that the restriction of movement continued, enforced by the police through coercion and persuasion. This was similar to the residential school policy and banning of ceremonies that ran counter to the spirit and intent of the Treaties and created tensions between the NWMP and First Nations communities.

A number of arrangements evolved during the pre-depression era that would prove influential in the future. Although not formalized in any real sense, Aboriginal “helpers,” sanctioned by the *Indian Act*, assisted the RCMP and their forerunners by dealing with issues arising from contraventions to Band by-laws (Clairmont, 2000, p. 17; Clairmont, 2006). These individuals acted in a liaison role and as a buffer between the police and the community and the FNCAP observed that “each Aboriginal community was to select a man to be approved by the Indian Agent ‘to take care of the Mutual Interests of both the Indian and the traders in such Town’” (1990, p. 76).

The use of Aboriginal peoples in aiding the federal police was a tentative but important step in the development of policing arrangements that would evolve in the next century. The Department of Indian and Northern Affairs (DIAND) (1971) noted that positions in western Canada evolved out of the employ of First Nations people functioning in the capacity of interpreters and/or “Band Scouts,” as well as a desire by Bands to be more engaged in managing their own affairs. They were not considered regular members of the police service and did not have the same powers and rights. Despite a lack of formality and direct community engagement in policing matters, many informal relationships existed for the most part, deemed “meaningful and positive” (Clairmont, 2006, p. 13).

### Summary

It is important to understand the historical processes that have shaped Aboriginal policing as some of those arrangements, and the after-effects of their imposition, continue to influence contemporary practices and relationships between Aboriginal peoples and the police today. This review of the literature showed that prior to first contact with Europeans, Aboriginal peoples had developed different approaches to social control to regulate the conduct of community members. Some First Nations had developed formalized approaches to community control and used their warrior societies in a manner similar to what we would recognize as the police today. This provided First Nations with a framework which influenced their understanding of “policing” when they entered into treaties with the Crown.

Formal policing in First Nations evolved in two ways prior to the 1960s. First, the initial contacts between First Nations and European traders and settlers resulted in the introduction and imposition of colonial systems of law and justice, although a review of the literature suggests that officials in western Canada were often reluctant to intervene in Aboriginal disputes unless as a last resort. Second, as the European populations increased, the systems of policing became more formalized. The march west of the NWMP in 1873 signified the start of a more formal approach to law enforcement and justice. Similar to other aspects of the Canadian criminal justice system, Canadian policing was influenced greatly by developments in England at this time and “In Canada, the provinces adopted the body of statute and police arrangements similar to those in Britain in the 19<sup>th</sup> century” (FNCPA, 1990, p. 80).

The mandate of the RCMP and their forerunners during this period was very broad and carried a strong community orientation in its approach, exceeding their law and order function in numerous ways (Clairmont, 2006). Although our literature review revealed that the federal police in western Canada seemed to avoid formal arrests, the police did play a significant role in the assimilation practices of the era, including the restriction of spiritual practices, the placement of young people in residential schools, the imposition of the pass system, and supporting the Indian agents. In retrospect, historians have concluded that these practices resulted in long-term harm to Aboriginal peoples and affected the relationship between the RCMP and First Nations.

#### **IV. The Evolution of First Nations Policing: 1960s to the Present**

According to Clairmont (2000, p. 17), there is a paucity of information on policing in First Nation communities prior to the developments that took place in the 1960s. Stenning (1996, p. 36) states that this was due to “an understanding that until the mid-1960’s, policing arrangements in First Nations territories were regarded ... as being the exclusive responsibility of the Federal government, by virtue of its special responsibility for ‘Indians and Lands reserved for Indians’ under paragraph 91(24) of the *British North America Act*, 1867.” As we have noted earlier, there was generally a lack of interest in Aboriginal policing and as a result, few academic researchers or historians devoted much attention to these practices.

Following the signing of the treaties, Clairmont (2006, p. 2) suggests three significant events shaped First Nations policing:

1. the withdrawal of the RCMP from regular policing in First Nations in Ontario and Quebec announced in the 1960s
2. the Department of Indian Affairs and Northern Development’s (DIAND) 1971 Circular 55 policy on policing Aboriginal communities
3. the First Nations Policing Policy (FNPP) approved by the federal government in 1991

The first two events, noted by Clairmont (2006, p. 4) resulted in First Nations policing evolving in diverse ways. These events led to a crisis in Aboriginal policing that would result in the creation of the FNPP, which was the first national-level approach to Aboriginal policing in nations with high proportions of Aboriginal peoples. The creation of the federal FNPP in 1991 was the outcome of a number of commissions, task forces, and inquiries examining critical issues, identifying shortcomings and recommendations in the policing of Canadian First Nations.

## First Nations Policing: A Review of the Literature

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Clairmont (2006, p. 9) has summarized these events using five phases:

<b>Table 5: Phases in First Nations Policing in the Modern Era</b>	
<b>Phase One: Up to and Including the 1950s</b>	
	Federal policing
	Broad policing mandate
	Aboriginal helpers
<b>Phase Two: The 1960s</b>	
	The RCMP pull out of Quebec and Ontario
	Contraction of the policing mandate
	Some direct Aboriginal participation in policing
<b>Phase Three: The 1970s and Early 1980s</b>	
	The 3B options (e.g., Indian Special Constable Program)
	Self-administered policing initiatives
	New governance initiatives (the tripartite agreement, the Ontario Indian Police Commission)
<b>Phase Four: The Late 1980s to Late 1990s</b>	
	Inquiries and commissions
	First Nations Policing Policy
	Royal Commission on Aboriginal Peoples (RCAP)
	The tripartite agreements
	Emergence of self-administered (SA) First Nation police Services
<b>Phase Five: 2000–Present</b>	
	Near-complete tripartite coverage in First Nation policing
	Indigenization extensive in all First Nation policing
	Growth and decline of self-administered services
	Diversity and professionalization
	Related institutional development in First Nations
Source: Adapted from Clairmont (2006, pp. 9–10)	

The withdrawal of RCMP services in Ontario and Quebec resulted in increased rates of antisocial behaviour and crime on many First Nations in those provinces. This withdrawal was the result of a jurisdictional dispute between federal and provincial governments and who was responsible to fund First Nations policing. A number of court decisions in the 1960s and 1970s resolved this issue and forced the federal government to share responsibility for Canada's Aboriginal peoples with the provincial governments. These cases addressed the issue of the separation of powers between the federal and provincial/territorial governments, policing being one such area. Until the 1960s, the federal government had responsibility for all aspects of Indian affairs and had sole oversight of what occurred on First Nations. It had become very apparent that, "the approach of subjecting First Nations people to a Euro-centric model of criminal justice

was failing the Aboriginal population and was proving costly to the criminal justice system (FNACP, 1990, p. 95).

### **Department of Indian Affairs and Northern Development, Circular 55 (1971)**

Building upon the previous release of “Circular 34” that outlined DIAND’s program for “Policing Services on Indian Reserves,” Circular 55, “Indian Bands’ Policing Services,” formally permitted Bands to establish band constable systems on their reserves. Based on previous experience and a desire to address previous shortcomings, there was an impetus to “realize more formally how essential it is for many Bands, regardless of size, to organize local police protection” (p. 2).

Circular 55 noted two specific factors leading to this emerging demand for the development of a new arrangement to govern the use of Band Constables:

1. Recognition of the right of each Band to complement its own policing program as it sees fit, out of its own revenue;
2. The eventual recognition by each Province that the Band Constables render many useful services to the provincial constabulary in the exercise of its own responsibilities.(p. 2)

The objectives of this program were twofold: to “supplement locally the senior police forces but not to supplant them,” and, where Bands desire to proceed with this program (i.e. this program is not to be imposed upon a Band), to provide funding support, while leaving Bands to determine how they wish to fund these positions. Although DIAND regional directors oversaw the administrative process eventually undertaken by a Band for appointing Band Constables, the Band itself determined the need for these positions, the selection process, salary schedule, conditions of employment, and the list of appointees. Once approved, the Regional Director obtained a “Certificate of Appointment” from the RCMP or other senior police service (i.e. the Ontario Provincial Police).

Following the appointment, a Band Constable was to be trained through a partnership with a senior police service (although they did not receive the same training as a regular member). They were appointed for a one-year renewable position and supervised by the Band Council.

Given the lack of coordinated policing services on First Nations, a number of different arrangements were developing across the nation. In order to increase the number of Aboriginal persons involved in policing, a number of initiatives, including the deployment of band constables (who are non-sworn Aboriginal peoples who are hired to support the activities of the police, improve police-community relationships and act as a buffer between the police and community) starting in the mid-1960s. This initiative was followed by the introduction of the 3(b) or Indian Special Constable Program.

### **Dissatisfaction with First Nations Policing Arrangements**

Concurrent with court decisions that held that the federal government had a responsibility for Aboriginal policing, a number of task forces, government studies and a Royal Commission examined Aboriginal policing arrangements. One of the first was the 1973 DIAND's *Report of the Task Force: Policing on Reserves*. This study focussed on "the employment of Aboriginal people in a comprehensive policing role and proposed expansion and improvement of the band constable program" (Royal Commission on Aboriginal Peoples, 1996, p. 83). The DIAND task force was highly critical of the quality of policing on reserves and identified two options in respect to the futures of on reserve policing for those First Nations who chose not to engage existing police services (e.g., the OPP, RCMP, or SQ):

'Option 3(a)' proposed the establishment of autonomous First Nations police forces, 'Option 3(b)' proposed the establishment of contingents of Indian special constables, within existing provincial and territorial police forces. The Task Force recommended that the '3(b)' option be made available to interested bands, with federal funding. (Stenning, 1996, p. 37)

Clairmont (2000) notes that despite the interest in "Option 3(a)," this was, at the time, not considered a reality due to feasibility issues. Furthermore, the FNCPA (1990, p. 89) noted that, in conjunction with the Task Force's finding, the expansion of the use of band constables under the authority of the Band Council was also problematic as it placed these individuals in a precarious position—it was very difficult to enforce the law against members of their own family, and, therefore, then difficult to enforce it generally—and the band constables experienced feelings of disloyalty to their peoples as a result of having to enforce the "white man's law." It appears that the "3B" option was the most palatable.

By the mid- to late- 1970s, the 3B option (Indian Special Constable Program) was widely adopted by First Nations communities. Depending on the provincial policing arrangements, some adaptation of the program had been implemented: the RCMP's 3B program, the OPP's Ontario Indian Special Constable Program (OICP), and Quebec's Amerindian Police Program (APP).

Clairmont (2006) provides a description of this arrangement as it pertains to the RCMP:

These special constables, labelled 3B officers, were, typically, community residents hired and exclusively directed by the RCMP. They were provided modest training by the RCMP (reportedly some six weeks in the earlier days and becoming more significant as years went by), could carry weapons, and make arrests but were not full-fledged officers who had received the complete recruit training ... This initiative presumably reduced the need for First Nations to adopt a band constable service and represented the direct engagement of community members as members, albeit not full status members, of the fully authorized police service. (p. 14)

The Indian Special Constable Program later became known as the Aboriginal Community Constable Program (ACCP). A number of evaluations of the ACCP had been conducted over time and a 1978 assessment was generally positive, but Head (1989) was less positive (see below). An evaluation of the program completed by Alderson-Gill & Associates (2006, p. 23) found that while the ACCP program was generally viewed very positively by community members, there was frustration that these officers were also deployed in regular policing off-reserve and not engaged in more community policing initiatives. Community members were satisfied with policing services when officers responded to calls, although they were critical of lengthy response times, a lack of police visibility and that they lacked input in setting police priorities (Alderson-Gill & Associates, 2006). Altogether, the findings of this evaluation suggested that ACCP officers were well regarded; community members were frustrated by a lack of police presence and visibility, which was beyond the control of an individual officer.

Regardless of the actual improvements made to policing arrangements and early evaluations suggesting that the situation had improved, community perceptions of policing services and effectiveness, later research indicated, were significant issues that still needed to be addressed (Clairmont, 2000; 2006; Depew, 1992; Harding, 1991; Jackson, 1988; La Prairie, 1991). In particular, this research generally suggested that in order to achieve more effective policing in First Nation communities, a more culturally appropriate, and less focused on a traditional law and order model of policing needed to be adopted. For example, Depew (1992) stated that:

It is becoming increasingly evident that, despite programmatic amendments and concessions, the crime control model of policing frequently fails to define policing arrangements in terms that are acceptable or beneficial to many Natives and their communities ... Community-policing has been discussed as a policing strategy that may uniquely serve the interests of particular Native communities. (p. 475)

A number of studies and evaluations of Aboriginal policing had been conducted prior to 1990. One of the most influential was the 1989 release of *Policing for Aboriginal Communities: The RCMP Role*, which is also known as the Head Report as it was authored by RCMP Deputy Commissioner Robert Head. Head was critical of the existing policing arrangements on First Nations and stated that the 3B program was “outdated if not paternalistic, and the cultural awareness programs was valuable but insufficient” (as cited by Clairmont, 2006, p. 15). Clairmont and Potts (2006) also noted that Head called for significant changes to the quality of Aboriginal policing and he identified the need for a “strong sense of ownership and partnership between the RCMP and [First Nations]” (p. 21). Furthermore, Head implied that if the RCMP did not undertake significant efforts to address the issues and make the changes, the RCMP would no longer be positioned to police Aboriginal communities (Clairmont, 2006; Clairmont & Potts, 2006).

### **The Introduction of the FNPP**

The Head Report, along with a series of reports from task forces and inquiries, continued to reveal considerable deficiencies in the policing of Aboriginal communities. The Alberta Government (1991) observed that 25 federal and provincial reports had been written about Aboriginal policing or the relationships between Aboriginal persons and the justice system. As noted by Clairmont (2000, p. 20), these inquiries suggested that either a reformation of existing policing arrangements or the development of separate policing services, administered by First Nations, could provide possible solutions to the extensive list of issues raised. There were two key concerns raised in these reports. First, levels of policing were often inadequate and many First Nations residents were fearful of crime. Second, it was found that most of the officers working on First Nations were not Aboriginal. These reports all advocated for changing the way the criminal justice system worked with Aboriginal peoples. At about the same time there was also growing political pressure to make meaningful changes in the way that policing on First Nations was being conducted.

### **Royal Commission (1996)**

#### **Bridging the Cultural Divide: A Report of Aboriginal People and Criminal Justice in Canada - (Aboriginal Policing)**

In 1996, a Royal Commission was appointed to explore the conclusions drawn from a myriad of other commissions of inquiry employed across the country regarding the experiences of Canada's Aboriginal peoples with the criminal justice system. The report began with the recognition of the problematic historic legacy in interaction between First Nations and Canadian governments, and its contribution to many of the issues associated with the negative experiences of Aboriginal peoples with the criminal justice system. It then addressed the "current realities" with regard to the failures of the criminal justice system in terms of Aboriginal over-representation, systemic discrimination, Aboriginal crime rates, as well as the right to self-government, including Aboriginal control of justice in their communities.

Those engaged in preparing the Report traced the history of Aboriginal policing in Canada. They also held many public hearings and consulted with police (particularly those with a lot of experience in policing Aboriginal communities). They uncovered many achievements that had been made in the area of Aboriginal policing; however, they also identified many problems and impediments facing these individuals and communities, including:

- a "pilot project mentality" resulting in ad hoc funding arrangements
- indigenization of current practices rather than embracing indigenous practices
- incorporation of a culturally inappropriate policing model
- lack of Aboriginal consultation and involvement in determining policing arrangements
- a narrow vision of Aboriginal self-government

The increasing political pressure to do something about Aboriginal policing led to the introduction of the FNPP in June 1991 by the federal government, "after extensive consultation with the provinces, territories and First Nations across Canada" (Kiedrowski & Lithopoulos, 2013, p. 6). At about the same time, the RCMP "had disbanded its 3B program, incorporated the 3B officers into the regular police compliment, put in place a national Aboriginal advisory committee, strengthened its cultural awareness program ... and [begun] to generate new organizational structures and services to advance its policing services in Aboriginal communities" (Clairmont, 2006, p. 15).

The FNPP was introduced as a standardized national approach for policing Aboriginal communities. A key goal of the FNPP was to provide culturally appropriate policing (also called culturally responsive policing) which has never been formally defined by Public Safety Canada, although it is generally interpreted to mean that most officers policing First Nations would be Aboriginal persons. A second priority was to establish long-term stable funding for Aboriginal policing. One way that the federal government could achieve these goals was to provide funding to the provinces as they had the constitutional responsibilities for policing, and the federal government now pays 52% of the cost of Aboriginal policing, while the provinces are responsible for the remainder. While funding remains a challenge during an era of cutbacks, the federal government extended FNPP funding until March 2018.

### **Self-Administered Police Services and Community Tripartite Agreements**

All of the policing conducted in Aboriginal communities involves at least three parties: the federal, provincial and First Nations governments. Two basic arrangements account for most First Nations policing:

Self-Administered Police Services (SA/FNA): Are police services that are managed and governed by a First Nation (also called First Nation Administered). Much like a small-town department, the First Nation is responsible for developing, managing and administering all aspects of the police service, although several larger regional Aboriginal police services have emerged.

Community Tripartite Agreements (CTA): Occur when a First Nation contracts with a police service—primarily the RCMP—to provide policing services. The contracting police service is expected to deploy Aboriginal officers to work on the First Nation.

Both approaches are intended to increase the number of Aboriginal officers working on First Nations and give the community members a greater voice in how policing will be conducted. To ensure that there is community oversight of police operations, every First Nation must have a Police Management Board (PMB) (also called advisory boards), which provides direction to the police.

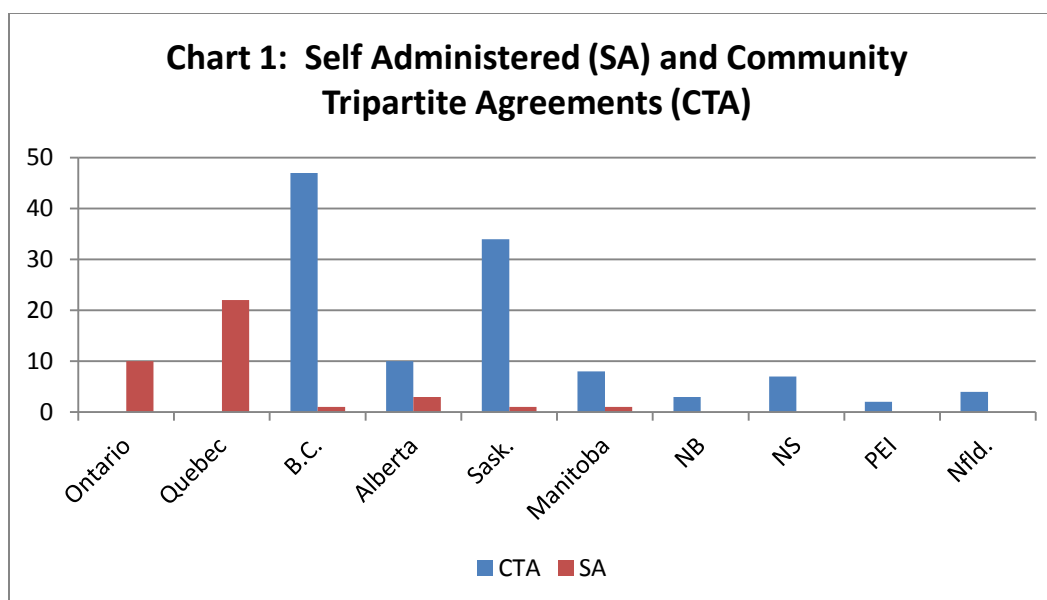
Two controversial issues have emerged with regards to this process (Public Safety Canada, 2010). First, some First Nations have stated that negotiations should not include the provincial government because they should be between nations or bilateral with the federal

government (Federation of Saskatchewan Indian Nations, 2006; The Hunter-Courchene Consulting Group Inc, n.d.). Eliminating the involvement of the provincial government is posited to recognize First Nations' right to self-government and self-determination (Federation of Saskatchewan Indian Nations, 2006). Second, a number of researchers have reported that the parties involved were not always on equal footing; agreements would be tabled by the federal government and First Nations would not be able to negotiate the contents without fear of losing funding (Federation of Saskatchewan Indian Nations, 2006; The Hunter-Courchene Consulting Group Inc., n.d.; Sixdion, 2000<sup>8</sup>).

Policing arrangements made under the FNPP are considered to be enhancements of existing service provision in addition to that provided by provincial policing (Clairmont, 2006; Linden, 2007; Public Safety Canada, 2010; The Hunter-Courchene Consulting Group Inc, n.d.). The provinces/territories are assumed to be providing police services to Aboriginal communities, but the FNPP has become the main avenue to achieve policing in these areas (Linden, 2007; The Hunter-Courchene Consulting Group Inc, n.d.). As such, the funding provided for creating a self-administered police service or adding to RCMP coverage has not always represented the real cost (Sixdion, 2000). As noted above, the eligible expenses in SA agreements have not always covered all the costs associated with creating a police service such as infrastructure or they are not included in the agreements at all (Public Safety Canada, 2007; The Hunter-Courchene Consulting Group Inc, n.d.). This is due to infrastructure costs that were not included in the original FNPP budget as they were expected to be covered by the DIAND, which never happened. Furthermore, the agreements are subject to terms and must be renewed, which limits the ability of police services to establish long term financial plans, retain and recruit staff, and produce and evaluate its own innovative solutions (Clairmont, 2006; Linden, 2007; Public Safety Canada, 2010; Sixdion, 2000; The Hunter-Courchene Consulting Group Inc, n.d.; Watt, 2008).

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<sup>8</sup> Nationally, this has not been an important issue as early on the First Nations accepted the tripartite process. This has built very strong partnerships between First Nations and provincial governments. Also, the tripartite nature of FNPP has been strongly endorsed by the AFN in the past.



As of November 10, 2010, there were 38 SA police services, employing 823 officers and serving 175 Aboriginal communities. At the same time, a total of 117 RCMP CTAs had been signed.<sup>9</sup> Chart 1 shows that most of the self-administered police services were in Ontario or Quebec ( $n = 30$ ) and there were only eight self-administered police services in the rest of the nation. It is noteworthy that there have been no new self-administered services established in recent years.

Many of Canada's 38 self-administered police services are relatively small and employ fewer than 10 officers. The largest is the Nishnawbe-Aski Police Service, a regional agency that had an authorized strength of 150 sworn officers in 2012 and is the second largest First Nation police service in North America after the Navajo Nation Police (Burczycka, 2013, p. 37). While we have referred to these smaller self-administered police services as stand-alone departments, they often have strong relationships with the RCMP and provincial police as well as other municipal and Aboriginal police services. These smaller agencies can call upon these larger agencies for support; and when they require specialized services (e.g., Emergency Response Teams or aviation units) that are sometimes needed, but would not be practical for a smaller agency to deploy.

<sup>9</sup> Public Safety Canada signs these agreements on behalf of the RCMP.

### Self-Determination

One important concept that underlies the FNPP is that First Nations can take a step toward self-determination, which means that they can determine the future of their communities and operations of the local justice system. This counters the history of paternalism and discrimination that has shaped Aboriginal people's relationships with all levels of government throughout Canadian history (Adjin-Tettey 2007). The actual goals of the FNPP, as defined by Public Safety Canada (2008, p. 1) are as follows:

- A strong voice in the administration of justice in their communities;
- Police services that respect their cultures and traditions;
- The same standards of police services as in other Canadian communities; and,
- Police services that are accountable to the communities they serve.

Yet, these goals can sometimes be difficult to achieve, and while there are shortcomings of the approach, most Canadian police scholars would agree that the FNPP is a significant step in the right direction.

While FNPP policing is primarily oriented toward responding to *Criminal Code of Canada* offences, First Nations do have control over establishing bylaws, although the discussions regarding them overwhelmingly points to their lack of use as they are often poorly written and thus it is difficult to garner convictions (Clairmont, 2006; Federation of Saskatchewan Indian Nations, 2006; Linden, 2007; Rigakos, 2008; Sixdion, 2000). Though liquor bans through bylaws have been used, further prosecution and use of bylaws for areas other than nuisance does not tend to occur (Clairmont, 2006; Landau, 1996; Sixdion, 2000). The validation or creation of band bylaws is unclear for parties involved and the role of the RCMP is sometimes unclear (Clairmont, 2006).

One of the most difficult aspects of self-determination is that communities can sometimes change laws in a way that might actually lead to more crime and disorder. Police officials have speculated that one possible reason for high rates of crime and disorder is alcohol use in some isolated and northern communities (Canadian Broadcasting Corporation [CBC], 2013b), and these observations are supported by research (Wood, 2011). Kimmirut, Nunavut, a town of less than 500 residents provides an example of the challenges of self-determination. Kimmirut has had a difficult recent history of crime and violence including a murder-suicide in 2013, a teacher accused of sexually assaulting students, two incidents in 2012 where the RCMP detachment and

housing were shot, and the 2007 murder of RCMP Constable Douglas Scott. Alcohol use in Nunavut can be regulated by town bylaws. While alcohol abuse is a long-standing challenge in Kimmirut, in February 2012 over two-thirds of the residents over 19 years of age voted to end a long-standing alcohol prohibition. Although legal alcohol purchases are still highly regulated (e.g., monthly limits on consumption), a year after lifting the alcohol ban the CBC (2013b) reported that illegal alcohol sales were still high. This has implications for crime: Wood (2011) compared crime between 1986 and 2006 in 23 wet and dry Nunavut communities. He found that rates of serious assaults and murders in the wet communities were twice those reported in dry places.

From an outsider's perspective the decision to make alcohol more available seems like poor judgment. Yet, alcohol bans punish those who use alcohol responsibly, and prohibition drives the price of alcohol, which might also lead to more crime including smuggling and bootlegging. It has also been speculated that bans promote alcohol misuse when residents leave town, or if they are intoxicated while traveling from a wet to dry community. Altogether, there are no easy answers to these challenges.

All Nunavut communities are policed by the RCMP and most detachments have fewer than five members. Many Nunavut communities also hire local bylaw enforcement officers to work with the police. These officials are in uniform, drive marked vehicles and are expected to enforce local bylaws, including laws about alcohol use, animal control, and other local ordinances. In order to better prepare these officials for their jobs, the Nunavut Municipal Training Organization offers a Bylaw Enforcement Officer Course.

While self-administered control over policing services is viewed by many within the community as a positive step toward self-determination in the broader sense (i.e., political, economic) within Aboriginal communities, some of the issue related to self-administered policing (discussed in other sections of this report) may undermine the community's move toward achieving this ultimate goal as in some cases they appear unable to be self-sustaining. However, with different models of policing being envisioned and attempted, these barriers may be overcome.

### Summary

The introduction of the FNPP in 1991 was the end product of several decades of mounting evidence that Aboriginal peoples living on-reserve were receiving inadequate police services and that contributed to increased crime and victimization. Although a number of different approaches to ameliorate these problems were identified, the FNPP is noteworthy in a number of respects. First, this approach is the only national-level, coordinated Aboriginal policing strategy that has been introduced in English-speaking common-law nations that were colonized by the British. Second, this approach enables First Nations to either establish their own independently operated police services or choose to receive policing services under contract with larger police organizations. Even when services are contracted, First Nations are given a voice in establishing policing priorities through their police administration boards. As a result, the ability to make these decisions is a positive step toward self-determination. Yet, the pathway to self-determination is sometimes fraught with challenges, as noted by the debates over bylaws such as alcohol bans.

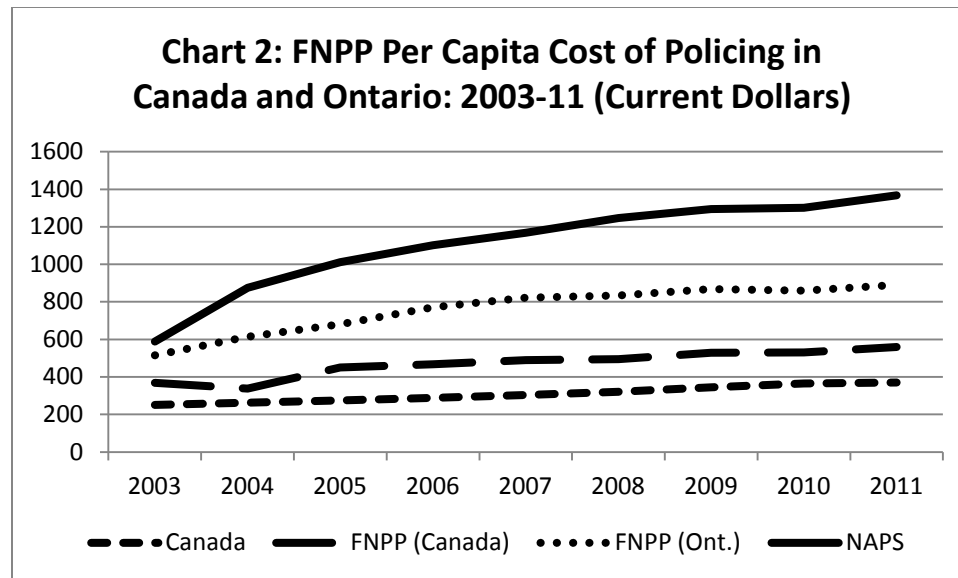
Two decades after the enactment of the FNPP there is growing recognition that there are a number of challenges that First Nations, police services, governments and community stakeholders have to confront, including issues of funding, addressing issues of administrative capacity, police arrangements on First Nations, Aboriginal policing as a distinct service delivery model and responding to high rates of crime and victimization. These issues will shape the futures of Aboriginal policing, and an overview of these challenges is provided in the following section.

### **V. First Nations Policing in Canada: Issues and Challenges**

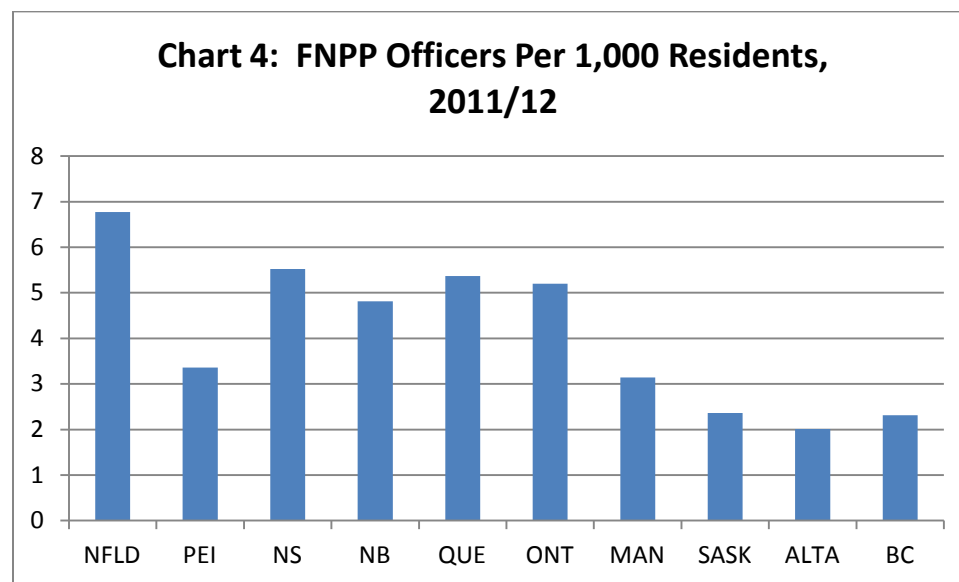
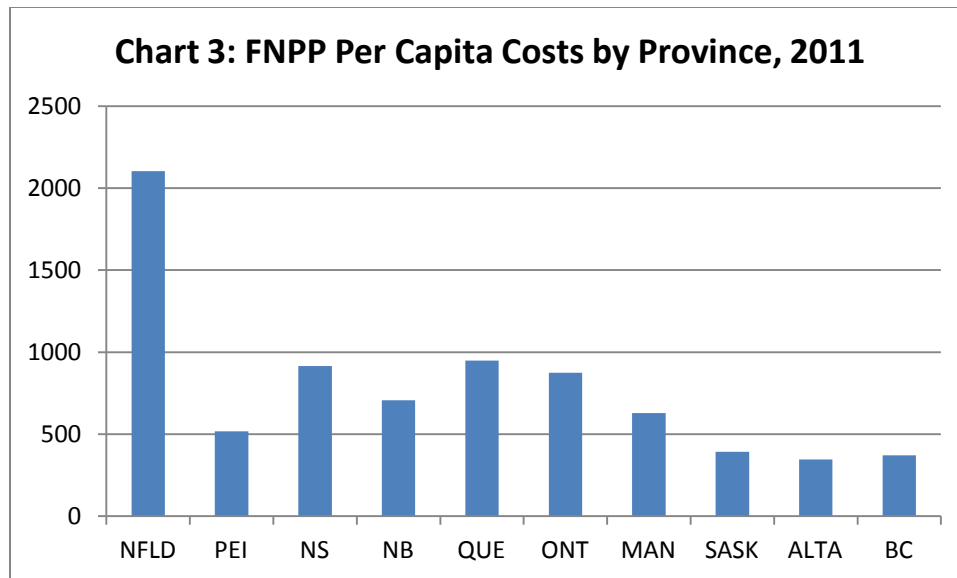
This section provides an overview of the five key issues and challenges that emerged from a review of numerous evaluations and research projects examining First Nation's policing in Canada. These five broad categories (with a number of sub-categories) pose the most significant challenges for the future of First Nations Policing: (a) Resource/Funding; (b) Administrative Capacity; (c) Policing Arrangements; (d) Aboriginal Policing as a Distinct Policing Model; and (e) Responding to Crime and Victimization. These issues are described in the pages that follow.

#### **Resourcing / Funding**

Aboriginal policing is a costly undertaking, regardless of whether services are delivered under contract or by self-administered police services. Unlike urban policing, where agency administrators can take greater advantage of economies of scale, the nature of rural policing—vast areas that must be served—make it cost inefficient. Costs escalate further when detachments or stand-alone agencies are located in rural and remote areas. Chart 2 shows the increasing per capita costs of FNPP policing, and for the entire nation in the 2010/11 fiscal year, the per capita cost was \$371 and this total increased to \$559 for the FNPP. Per capita costs in Ontario were considerably higher, and the FNPP cost was \$891 and for the Nishnawbe-Aski Police Service (NAPS, which is a self-administered regional police agency serving northern Ontario) the cost was \$1,368, or almost four times the national average (Aboriginal Policing Directorate, 2013).



There is considerable variation in First Nations policing costs within the nation. Chart 3 shows the per capita costs for the provinces for 2011. Newfoundland/Labrador had the highest expenditure, at \$2,104, while the cost for Saskatchewan, at \$393, was slightly above the national average of \$371. Policing costs in Yukon, which is not shown in the chart, were much higher than in any of the provinces (with the exception of Newfoundland/Labrador) and the per capita cost in 2011 was \$1,183. Personnel costs are one of the biggest drivers of policing expenditures, and Chart 3 shows the variation between the provinces in fiscal year 2011/2012 (based on officers per First Nations populations). While Saskatchewan had rates of FNPP officers close to the national average (2.36, contrasted against 1.99 per 1,000 residents nationally—see Burczycka, 2013), in Ontario and Quebec the number of officers per 1,000 residents was 5.2 and 5.37, or over twice as many officers as in Saskatchewan.



Despite the fact that current figures reveal the high costs of Aboriginal policing, a review of the scholarly literature shows that police agencies serving First Nations are under-funded (Clairmont, 2000, 2006; Linden, 2007). Although somewhat dated, the observations of these scholars has been validated by recent media reports addressing the issue of under-funding of First Nations policing (see CBC, 2013, 2013a). Moreover, the First Nations Chiefs of Police (2013) have expressed concern over the under-funding for Aboriginal policing.

The scope of the problem differs by the type of agency delivering police services. Smaller stand alone law enforcement agencies may be more vulnerable to economic conditions as they lack the size to respond to changes in the larger environment (King, 2009). By contrast, larger regional and provincial police services and the RCMP have the financial capacity to develop better responses to budget shortfalls.

The main contributing factor to the lack of resources is identified by researchers examining the FNPP are expenditures in the CTA and SA agreements associated with enhancements (Clairmont, 2006; Linden, 2007; The Hunter-Courchene Consulting Group Inc, n.d.). Since existing police service arrangements may not have existed prior to these agreements, a policing infrastructure is assumed to exist (Baidoo, Fisher, Lytle, & Spelchen, 2012; Public Safety Canada, 2010) but this is not always the case (Public Safety Canada, 2007; The Hunter-Courchene Consulting Group Inc, n.d.). Funding arrangements are also done on a per officer basis, which does not include administrative staff and historically these agreements did not account for technology and equipment (Sixdion, 2000). Additional funds for stand-alone self-administered services have been provided by the First Nations' revenue although the program is supposed to be cost shared between only the provincial/territorial and federal government (Clairmont, 2006; Linden, 2007; The Hunter-Courchene Consulting Group Inc., n.d.; Watt, 2008).

### ***Contract Policing***

Most FNPP policing is carried out either by a First Nations Administered Police service (FNA), or by RCMP CTA. A major limitation in our knowledge is that we have very little idea of the effectiveness of contract policing for rural or Aboriginal policing in Canada. A recent study conducted by Nelligan and Bourns (2011) examined contract policing in California. These investigators noted that there has been greater interest in contracting since the 2008 recession and some smaller towns and cities are questioning whether they can afford their own municipal police services. A key finding in this research was that, on average, cities receiving contract policing services had significantly higher clearance rates for violent crimes than similar sized cities policed by municipal agencies and that clearance rates for property crime were about the same when looking at the statewide results.

Nelligan and Bourns also found that contract policing was cheaper than maintaining municipal police services. Of the California cities they studied, the average per capita policing

cost for contract cities was \$144.60 compared to \$235.44 for communities with police departments (Nelligan & Bourns, 2011, p. 84). As a result, the communities that received contracted services not only had a lower per capita cost but the clearance rates were generally the same or better than cities with their own departments. Similar research might inform contract policing in Canada, and increase our understanding of Aboriginal policing. Lunney (2012, p. 436) identified a number of benefits of RCMP contract policing including their flexibility to respond to investigations and emergencies that transcend jurisdictional borders, the seamless sharing of intelligence as well as ensuring that national standards and policies are upheld in the provinces and territories they serve.

### **Administrative Capacity**

#### ***Administration/Management***

There are a number of challenges that SA police services confront in terms of administrative capacity. The FNPP emerged in 1992 and a number of SAs were established although some of them disbanded shortly thereafter. While there has been no formal evaluation of why these 19 police services disbanded, there are a number of possible reasons, including the funding issues described above, the lack of a policing infrastructure in some First Nations who were establishing their services, and a lack of administrative capacity. Maguire and King (2007, p. 355) noted that there is a *liability of smallness* and a *liability of newness* in organizations that increases the risk of disbanding, and both of those characteristics were present in the fledgling stand-alone police services.

Self-administered police services tend to face unique administrative/management issues (Clairmont & Murphy, 2000). Since SA agreements are made for time-limited terms and must be renewed, long-term financial planning is problematic (Clairmont & Murphy, 2000; Sixdion, 2000). The First Nations Chiefs of Police (2013, p. 1) reported that the FNPP was scheduled to expire on March 31, 2013, but agencies were only advised on March 4, 2013 that the program would be renewed for five years: and they observed that this contributed to uncertainty and made it difficult to forecast service delivery.

Many of these challenges were identified by early studies of the implementation of the FNPP. At that time, researchers found that there was a lack of organizational history in these agencies and that they sometimes lacked formal written policies and procedures, job

descriptions, organizational goals, and performance measures (Clairmont & Murphy, 2000; Sixdion, 2000). In this context, finding administrative staff and police chiefs whose position is consistently at risk and entails more organizational responsibilities is a noted issue for SAs (Clairmont & Murphy, 2000; Linden, Clairmont, & Murphy, n.d.; Sixdion, 2001).

There is evidence that some self-administered police services still struggle with meeting the administrative requirements of the FNPP. An audit conducted by Ernst and Young revealed that there were numerous shortcomings in personnel records and paperwork that had been inconsistently completed. The CBC (2013d, n.p.) interviewed Scott Clark, a Ryerson University criminology professor, about the audit and he observed that:

First Nations take on responsibilities, and rightfully so, but very often, at the beginning anyway, don't have the capacity—particularly the administrative capacity—to really manage in the way that the federal funding agency would want them to manage...There is rarely, if ever, ill-intent to contradict agreements...it largely comes down to a question of capacity. The requirements placed on these communities by the funding agencies in terms of the paperwork are just phenomenal.

In his analyses of the life course of law enforcement agencies, King (2009) observed that these sorts of administrative shortcomings are common to all fledgling organizations and that as the administrative capacity of the agency improves, these types of problems occur less frequently.

### ***Politics/Self-Government***

The degree to which government officials should be involved in establishing policing priorities and guiding the activities of police services has been a long-standing challenge for police services throughout North America. The leaders of smaller police services, and especially stand-alone agencies, are more vulnerable to political interference than their larger counterparts as they often serve at the discretion of their local politicians. Discussion of politics-related issues in the FNPP literature tends to focus on political interference from local governments on the police (Clairmont & Murphy, 2000; Gill, Clairmont, Redmond, & Legault, 2008; Watt, 2008). It is unclear how widespread or serious this issue is although Lithopoulos and Ruddell (2011) found that officers working for self-administered police services were more likely than RCMP officers to report that political interference was a problem. Given the small size of these communities and the political nature of First Nations governance this is not a surprising finding. It would be very difficult for local community leaders to exert much political interference with large police organizations such as the OPP, RCMP or SQ.

Local political leaders, and their involvement in policing, exist in the broader political context between First Nations and the federal government particularly with the push toward self-government (Clairmont & Murphy, 2000; Clairmont, 2006; Depew, 1992; Linden, 2007; Linden et al, n.d.; Sixdion, 2000). Interference in policing is mentioned in literature on rural policing, but the context of Aboriginal policing is different; the principle of self-governance would suggest a greater role in the direction of policing initiatives (Baird-Olson, 2000; Clairmont & Murphy, 2000; Federation of Saskatchewan Indian Nations, 2006; Linden, 2007; Lithopoulos, 2009; Sixdion, 2000; Wells & Falcone, 2008). A few studies on Aboriginal policing question the appropriateness of the idea of political interference because it doesn't actually exist (Clairmont, 2000; Clairmont & Murphy, 2000).

The relationship between different levels of government and First Nations is what adds a political dimension. The place of the province in these agreements, both provincial police and laws, is unclear, and the province does not provide the basic policing that the FNPP is supposed to enhance (Clairmont, 2000, 2006; Linden, 2007; The Hunter-Courchene Consulting Group Inc., n.d.). Territories have not formed SAs and tend to not utilize CTAs because the applicability of the program is unknown (Public Safety Canada, 2010). Additionally, the lack of funding and no legislative basis for Aboriginal policing complicates the relationship (Linden, 2007). Other countries such as Australia and New Zealand do not have programs like the FNPP, but the strained relationships between levels of government and Aboriginal peoples is shared with Canada (Kiedrowski & Lithopoulos, 2013; Lithopoulos, 2007, 2009).

### ***Community Consultative Groups and Police Management Boards: Effectiveness/Accountability***

Under the FNPP, communities with agreements are either supposed to have a community consultative group (CCG) for CTAs, or a PMB for SAs or CTAs (Public Safety Canada, 2010; Watt, 2008). CTAs may also have a police liaison representative (Baidoo et al., 2012). These mechanisms serve to make the police service accountable to the community, and therefore, they are considered useful for community-based policing (Watt, 2008). Neither body has funding allocated to it in the agreements, which limits the ability of the members of these boards or groups to obtain training (Federation of Saskatchewan Indian Nations, 2006; Sixdion, 2000; The Hunter-Courchene, Consulting Group Inc., n.d.). This might be one reason why CCGs and PMBs have difficulties filling their positions, and these difficulties may be exacerbated by a lack of

understanding regarding the roles of the police or these boards (Linden et al., n.d.; Sixdion, 2000; Watt, 2008).

There also had been a historical lack of training for RCMP members about the expectations for fulfilling the obligations of the CTA (Sixdion, 2001; Watt, 2008). Recent research, however, shows that both detachment commanders and members in the “F” division were receiving more training in respect to Aboriginal Perceptions and Cultural Awareness (Baidoo et al., 2012). Those investigators did, however, find that many of their respondents wanted additional training.

In the case of CCGs, one study found that many CTAs in BC lacked such a group (Watt, 2008). Discussion of CCGs presents a relationship with the RCMP that is limited to meetings and policing reports (Baidoo et al., 2012). An additional concern for both RCMP and SAs is the degree of interference from Chief and council in the operation of the CCGs or PMBs (Clairmont & Murphy, 2000; Sixdion, 2000).

Accountability of police services is typically seen as coming from the PMBs and CCGs. Evaluations for self-administered police services and CTAs are considered to be insufficient; there are few available resources to assist with creating programs, planning audits, and evaluating initiatives (Linden et al., n.d.; Sixdion, 2000; Sixdion, 2001). Although Aboriginal policing services are obligated to adopt this model to prove their efficacy and necessity, a lack of resources, manpower, and size of organizations limits their capacity to (Clairmont & Murphy, 2000; Linden, et. al, n.d.; Sixdion, 2000; Sixdion, 2001).

### ***Life Course of Aboriginal Police Services***

Criminologists have long observed that individuals have a life course and that people pass through a number of stages such as infancy, adolescence and adulthood, and turning points within these stages influence the directions that lives take. King (2009) applied these ideas to the study of organizations and he argued that police services also pass through six stages that shape the activities of the employees, and the relationships between the police service and external agencies. In order to understand police organizations, King argued, we need to look at the history of the agency, the changes that the organization has passed through as well as internal and external influences. Using this framework might be useful in better understanding some of the challenges that stand-alone Aboriginal police services have experienced, and provides a context to comprehend how these organizations have adapted to the political environment.

King (2009) observed that there are six important events in the life of police organizations. Every organization is born. Four other events, which are the early founding effects, growth, decline, and crisis, are not encountered by all agencies. Perhaps more controversially, King argued that every organization will ultimately die or disband. The following paragraphs describe these six stages.

According to King (2009), every police organization is born. He questions where police agencies come from and why they were established: in other words why does a government decide that it needs a police force? In Canada, for instance, over three dozen First Nations-operated police services were established after the FNPP was established in 1992. These police departments were established because First Nations peoples believed that they could do a better job of policing their communities than receiving police services from the OPP, RCMP, or SQ. King (2009) believes that the founding of police services sets the stage for what occurs later in the agency's life. There are two important influences in this stage: (a) the degree to which the early arrangements persist (e.g., how the agency is organized) and (b) the long-term impact of the founders of the agency. According to King (2009), many organizations copy or mimic the features of other police services and sometimes these arrangements persist. Furthermore, the first leaders of an agency may impact on the long-term direction and management of the service.

King (2009) observes that some police agencies experience growth and the number of staff members grows. Growth could be a result of rapid population change, in response to higher levels of crime, or because of new operational arrangements (a regional police service, such as NAPS, that enters into a contract with a municipality to provide policing services). Other police organizations experience decline and the agency loses members (both civilian and sworn officers). This could be the result of a population decrease or funding shortfalls, which has been a long-term challenge for many SA police services. Periods of decline can create challenges for agency leaders and staff: in some cases, personnel are laid off and resources become scarce. This can result in internal conflicts as different units and employees compete for scarce resources and to preserve their jobs.

### **Treaty Three Police**

In July 2013, the CBC (2013) reported that initial plans to disband the Treaty Three Police (a regional SA agency serving northwestern Ontario) would be delayed one year. Underfunding of the agency was cited in two CBC (2013; 2013a) reports as a reason why the agency was in jeopardy of disbanding, and officers expressed concern that the board was not meeting contractual agreements, including having salaries equal to the OPP. The CBC (2013a) noted that the problems of underfunding identified by the Treaty Three Police was similar to what all Aboriginal police services in Canada were experiencing.

Some agencies undergo periods of crisis, which could originate within or outside of the police service, or as King (2009) describes, “some of these crises are due to external forces, such as increases in homicide or crime, budget cutbacks, and/or riots and disorder. Other crises are internal, including: police corruption, misconduct, brutality, or labor management” (p. 226). A serious crisis can end a small agency. King (2009) believes that larger police organizations are more successful in getting through crises. Perhaps more controversially, King (2009) argues that most organizations eventually disband or join with other organizations and lose their original identity. Disbanding often occurs when smaller municipalities that had established stand-alone police services band together with other police services to form a regional police force, or the municipality contracts with the RCMP, the OPP or SQ. At least 18 First Nations-operated police services disbanded between 1992 and 2013 in favor of contract policing with the OPP, RCMP or SQ. Whether you agree with this perspective, the approach gives us a framework to analyze organizational behaviour, as well as how the agency leaders and staff members react to different challenges.

### **Policing Arrangements**

#### ***Community Policing***

Aboriginal policing, as set out in the FNPP, was intended to be a distinctive community-based policing perspective. Since the basic tenet of community policing is its adaptability to different contexts, the model was posited to provide a more appropriate and problem-orientated approach for Aboriginal communities (Depew, 1992). The main principles described in the extant literature with regards to community-based policing include enhanced community input,

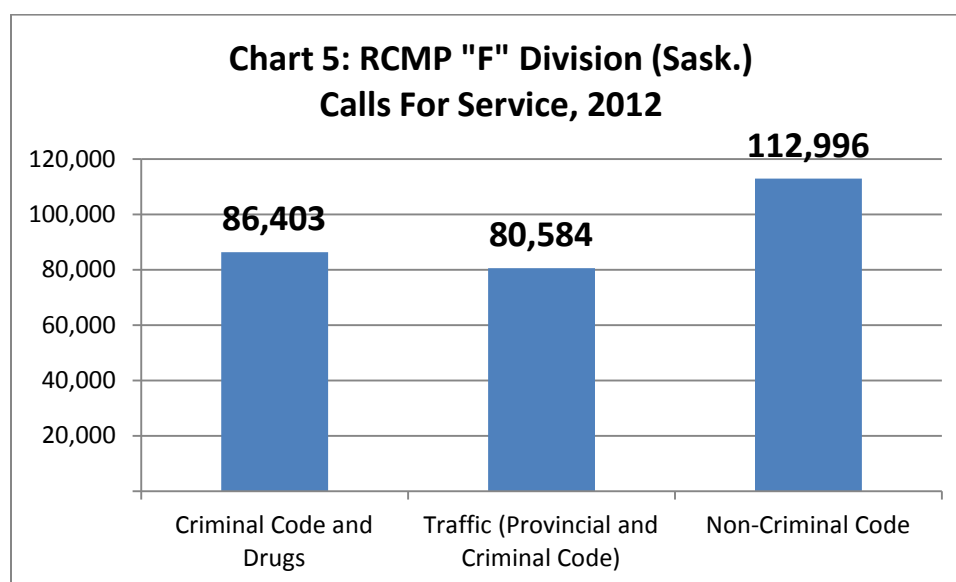
police accountability to the community and its issues, distinct policing roles and objectives (as compared with traditional reactive Canadian policing), and a proactive approach to policing (Clairmont, 2000, 2006; Clairmont, & Murphy, 2000; Depew, 1992).

The emphasis on community input lies in recognizing the diversity of Aboriginal communities across Canada and tailoring crime reduction strategies based on the distinctive characteristics of these places. Given that diversity, it is recognized that some communities may prefer a traditional and reactive police force (Clairmont, 2006; Depew, 1992). Discussion of community input tends to be limited to the efficacy of police boards or CCGs to provide this input and the creation or use of community-run justice initiatives (Baidoo, et al., 2012; Kiedrowski & Lithopoulos, 2013; Sixdion, 2000; Watt, 2008; Wood & Trostle, 1997). Both of these approaches are tied to notions of self-determination and self-government (Blagg & Valuri, 2004; Ruddell & Lithopoulos, 2011; Samuelson, 1993; Wakeling, Jorgensen, Michaelson & Begay, 2001). Additionally, although discussed less often, is the capacity for communities to be active in their policing when confronting significant social issues (Government of Saskatchewan, 2003).

This flexibility was posited to lead to the development of creative solutions to local problems. Whereas one crime may be referred to the police and processed through the criminal justice system, the community may desire to handle another crime internally through other mechanisms (Auger et al., 1992; Clairmont, 2006; Landau, 1996). As a result, the functions and practices of police in these communities can adapt to fit community perspectives and needs, such as holding a suspect without laying charges or relying on mediation (Auger et al., 1992; Landau, 1996; Wells & Falcone, 2008). These are identified as characteristics of rural policing (Baird-Olson, 2000; Maguire, Faulkner, Mathers, Rowland, & Wozniak, 1991; Payne, Berg, & Sun, 2005; Wells & Falcone, 2008). The function of community-based justice initiatives such as Peacekeepers in Canada or Night Patrols in Australia is typically to divert cases from formal justice systems (Blagg & Valuri, 2004; Lithopoulos, 2009; Rigakos, 2008).

Many of the duties carried out by Canadian police services are not related to crime control or law enforcement. Chart 5 shows that the RCMP in Saskatchewan responded to 279,983 calls for services in 2012 (RCMP, 2013). Of those calls, about two-fifths (40.5%) were for non-criminal code acts, such as providing assistance, while 28.8% of calls were traffic-related (that total includes criminal code offences, such as impaired driving and provincial traffic

offences, such as speeding). In terms of criminal code offences, RCMP members responded to 86,403 calls for services, or 30.9% of all calls (that total includes drug offences).



Broadening policing mandates includes the expansion of proactive roles and crime prevention programs. Police in rural communities take on distinctively different roles than that of their urban counterparts, and these service roles can be considered in an Aboriginal context as well (Maguire et al., 1991; Payne et al., 2005; Ruddell, 2014). Dog or animal control, patrolling large geographical distances, and working in a close-knit community are issues faced by officers working in rural areas (Baird-Olson, 2000; Maguire et al., 1991; Payne et al., 2005; Wells & Falcone, 2008; Woods & Trostle, 1997). Due to the lack of other social services in Aboriginal communities, police either supplement or take on health and victim services (Landau, 1996; LaPrairie & Diamond, 1992; Lithopoulos & Ruddell, 2011). This lack of services increases in remote communities that do not have a well developed health, educational or social service infrastructure. Because no alternatives exist, the police in these communities are sometimes counted upon to play a greater number of social service roles (Ruddell, 2014).

### **The Police as a Social Service Agency**

Robertson (2012, p. 351) called the police a social service agency that “responds to a variety of emergencies and all manner of personal crises, including crimes in progress, domestic disputes, disturbances, motor vehicle collisions, injuries from accidents, sudden deaths (including suicides), psychotic episodes of mental illness, and locating lost children and vulnerable adults.”

There is interplay between the organizational culture of a police service and the goals and activities of the individual officers that influences whether community policing is adopted or not (Gill et al., 2008). Lithopoulos and Ruddell (2011) found that there were distinctive differences in the perceptions of officers about the nature of Aboriginal policing. Younger officers with less experience tended to be more orientated towards enforcement styles of policing and officers in Aboriginal police services tend to be in this younger cohort (Gill et al., 2008; Murphy & Clairmont, 1996; Lithopoulos & Ruddell, 2011).

Training can help to shape officer perceptions about community policing. There are, however, some distinctions in the amount of post-academy training that officers receive. The Gill and colleagues (2008) study found that officers working for larger police organizations tended to report more satisfaction about training compared to their counterparts working for self-administered services. On the other hand, officers in rural policing positions tend to promote community-based policing due to the characteristics of the populations (Gill et al., 2008; Lithopoulos & Ruddell, 2011; Maguire et al., 1991; Ruddell & Lithopoulos, 2011).

Community-based policing has been limited to these informal activities both in the literature and throughout Canada (Baird-Olson, 2000; Clairmont, 2006; Landau, 1996; Linden et al., n.d.; Rigakos, 2008). Commitment has been at the policy level; and some investigators have previously identified there were not enough dedicated resources for community policing programs and initiatives (Linden et al., n.d.). A recent Saskatchewan study echoed that perception, and some RCMP members reported that they were so engaged in reactive policing that they had very little time for proactive or community policing (Baidoo et al., 2012).

Some elements of community-based policing, such as decentralized management, have not occurred as anticipated by the architects of the FNPP, as these approaches required organizational and operational changes (Linden et al., n.d.; Sixdion, 2001). A number of scholars have argued that community-based policing will not be fully developed until these approaches

are properly resourced (Clairmont, 2000; Linden et al., n.d.; The Hunter-Courchene Consulting Group Inc, n.d.). This raises the issue of how resources are allocated to Aboriginal police services since these interventions are considered as programs and enhancements (Clairmont, 2006; Linden, 2007; Public Safety Canada, 2010; The Hunter-Courchene Consulting Group Inc, n.d.).

Some scholars have argued that a reluctance of police organizations to move away from the traditional policing model is motivated by self-interest (Clairmont, 2006; Clairmont & Murphy, 2000). They contend that police services have to legitimate their existence through compliance to conventional policing models, and this approach may hamper innovative and creative solutions to problems faced by Aboriginal communities (Clairmont, 2000; Clairmont, 2006; Linden et al., n.d.; Lithopoulos, 2009; Public Safety Canada, 2010; The Hunter-Courchene Consulting Group Inc., n.d.).

The lack of dedicated funding for community-based policing programs and initiatives means there is little in terms of problem-orientated programming. It is likely that some innovative approaches are developed by detachment commanders or in SA police services, although if these interventions are not monitored or evaluated, these approaches cannot inform the police practice. This is problematic as problem-orientated solutions is a key part of community-based policing; programs should be developed to target problems as identified by the community itself (Depew, 1992; Kiedrowski & Lithopoulos, 2013).

### ***Civilian (Non-Sworn) Policing***

Alternative policing arrangements that utilize community members are cited as possible solutions to the lack of resources, police presence, and effectiveness stemming from conventional police services (Blagg & Valuri, 2004; Lithopoulos, 2007, 2009; Rigakos, 2008). By having community members participate in this way, policing will be appropriate to the culture and the needs of the community (Blagg & Valuri, 2004; Rigakos, 2008). Furthermore, these initiatives tend to be oriented toward community-based policing; since civilian or non-sworn officials do not have the same law enforcement authority as the police, their activities are often related to crime prevention (Blagg & Valuri, 2004; Rigakos, 2008). These officials can also act as a buffer between the formal police and community residents. This approach enables Aboriginal communities to leverage limited resources by reducing the amount of non-law enforcement roles the police must carry out (Baidoo et al., 2012; Blagg & Valuri, 2004;

Lithopoulos, 2007, 2009; Rigakos, 2008). In addition, these civilian officials can increase police visibility and decrease response times.

There has been an increasing amount of civilianization in policing in Canada, and this is part of a larger global trend as police services attempt to reduce costs while maintaining core services, such as emergency response and conducting criminal investigations. This is part of a long-term trend and Burczycka (2013, p. 9) reported that in 2012 there were 2.5 officers for every civilian worker whereas in the 1960s there were between 4.6 and 4.1 officers for each civilian. These civilian workers have traditionally taken on a number of administrative and supportive positions, although more police services are deploying non-sworn officials in by-law enforcement and crime prevention roles. Ruddell and Jones (2013) observed that uniformed by-law enforcement officers have been employed in Canadian municipalities for decades and more jurisdictions are using these officials in crime prevention roles or to respond to disruptive or antisocial behaviour. In some cases, these officials are designated special constables or have peace officer status and they have limited police powers.

Deploying non-sworn officials is not a new approach in Aboriginal policing, and earlier we described that band constables have been working in First Nations since the 1960s and some band constable positions are still funded under FNPP legacy policing agreements. In the past few years there has been increased interest in deploying these non-sworn officials in Aboriginal policing. Using observations from non-sworn Aboriginal officers from Australia, Willis (2010, p. 42) identified the following roles:

- building good communication and relations between police and Aboriginal communities
- resolving disputes between police and Aboriginal peoples
- improving understanding within communities about the role of police and encouraging residents to discuss crime problems with the police
- helping police and communities work together on crime prevention solutions
- identifying local crime problems and other issues impacting the community
- performing traffic control duty in emergency situations
- assisting police in escort or guarding responsibilities
- preventing or reducing violent behaviour through being present

- searching or photographing prisoners when the prisoner refuses to cooperate with police, but will cooperate with the non-sworn official

Altogether, there are a number of advantages to deploying these officials, and they include increasing police visibility, reducing response times, improving police-community relationships, reducing costs and preventing or reducing crime (see Rigakos, 2008).

Despite these advantages, Rigakos (2008) and Cherney and Chui (2011) have identified some challenges in deploying these non-sworn officials and they are summarized:

- inconsistent levels of training
- inconsistent standards of selection
- possibility of bias or preferential treatment given their community contacts
- role confusion (between sworn and non-sworn officials)
- communication (between sworn and non-sworn officials)
- mission creep (e.g., continually adding responsibilities or duties to these positions)

In order to increase the preparedness of Aboriginal persons to carry out these non-sworn roles, a number of academic programs have been developed (see the text box). Peach (2012) reported that 12 First Nations in Saskatchewan had deployed peacekeepers by fall 2012, and most of the people in these roles were graduates of the SIAST programs.

### **Preparing Aboriginal Persons for Sworn and Non-Sworn Policing Careers**

The Saskatchewan Institute of Applied Science and Technology (SIAST) currently offers two programs that prepare students for careers in Aboriginal Policing, the 25 week Indigenous Peacekeeping and 28 week Aboriginal Police Preparation Programs. Both certificate programs have a similar curriculum that includes coursework on basic investigative techniques, increasing communication skills, developing conflict resolution skills and learning how to respond to emergencies. While the Police Preparation program prepares students for a broad range of policing careers, the Indigenous Peacekeeping program prepares students for jobs as peacekeepers (also called community safety officers). These programs were developed after consultation with a number of policing stakeholders, including the Federation of Saskatchewan Indian Nations.

Whether they are known as By-law Enforcement Officers, Band Constables, Peacekeepers or Community Service Officers, there has been increasing interest in expanding these non-sworn roles to augment the police. One of the challenges, however, is that there are no long-term evaluations on these roles that could help us better understand the strengths and weaknesses in these positions.

### *Regionalization*

Throughout North America there has been a trend toward the regionalization of police services. Maguire and King (2007, p. 339) observed that “three fundamental changes are occurring in American police organizations: the overall number of agencies is shrinking, and the remaining agencies are becoming larger and more complex.” A similar pattern has been occurring in the Canadian policing industry over the past two decades. Thomson and Clairmont (2013, p. 92) observed that “over the last two decades, the number of municipal police departments in Nova Scotia has declined from 28 to 11.” There are a number of reasons why communities disband their police services in favor of consolidation and regionalization. When smaller departments join together, it enables the new and larger service to take advantage of economies of scale, which means that it is more cost effective to operate one larger agency than several smaller ones. Southwick (2005) also found that agencies that serve jurisdictions of 22,350 residents are more effective in terms of crime control.

Regionalization has been occurring throughout Canada. The Borden-Carleton Police Department in Prince Edward Island (with one part- and two full-time officers) disbanded on May 1, 2012 after local political leaders decided that it was cheaper to contract with the RCMP rather than maintain a stand-alone police service. The 30-member Pembroke Police Service, which had existed for 135 years, also closed in 2013 and the town of 14,000 residents now contracts with the OPP at a lower cost (Uhler, 2013). In November 2012 the mayor of Perth, Ontario, that has a 15 officer department, said, “I truly think that small-town municipal police forces are an endangered species” (Mills, 2012, p. 1).

Consistent with that trend, self-administered police services have also been amalgamating into larger services in order to provide more effective policing (Clairmont, 2006; Linden, et al., n.d.; Lithopoulos, 2009; Lithopoulos & Ruddell, 2011). There are a number of Regional Police agencies that serve Aboriginal communities, including the Nishnawbe-Aski Police Service (135 officers serving northern Ontario), Treaty Three (85 officers serving northwestern Ontario) or

regional police services in Quebec (Kativik and Eeyou-Eenou with 75 and 46 officers respectively).<sup>10</sup> There may be numerous advantages to regionalizing Aboriginal police services. In addition to the cost savings achieved through economies of scale, larger police agencies have a greater number of career opportunities, including assignments other than patrol and promotional opportunities, and that may make it easier to recruit new officers and retain them longer, which is a perennial problem in small stand-alone agencies (see below).

It is possible that regionalization may serve as a model for the consolidation of smaller Aboriginal stand-alone police services in other jurisdictions. Increasing the operational size makes these agencies more like their provincial policing counterparts and places them within a larger network, which may be advantageous in terms of communication and solving offences that cross jurisdictional boundaries (see Lunney, 2012). Despite the advantages of regional police services described above, Canada's newest Aboriginal police service, the Treaty Three Police (founded in 2003) is in jeopardy of disbanding due to under-funding (see CBC, 2013, 2013a). Thus, while regionalization appears to be a very promising approach to Aboriginal policing, there is a lack of empirical evidence that supports that position. There is a dire need for more research in this area.

### **Aboriginal Policing as a Distinct Policing Model**

#### *Cultural Appropriateness/Distinctiveness*

Cultural appropriateness or distinctiveness refers to altering conventional policing to better accommodate Aboriginal communities (Clairmont, 2000; Public Safety Canada, 2010). Much of the focus of the FNPP has been on having a greater proportion of Aboriginal officers policing First Nations under the assumption that more culturally appropriate policing would take place (Clairmont, 2000, 2006; Gill et al., 2008; Murphy & Clairmont, 1996). More broadly, the emphasis is on having a policing ideology or framework that is Aboriginal (Clairmont, 2000, 2006; Depew, 1992; Linden et al., n.d.). This approach may include shifting to community-based policing or incorporating traditional justice mechanisms from individual cultures (Depew, 1992; Federation of Saskatchewan Indian Nations, 2006; La Prairie & Diamond, 1992; Wakeling et al., 2001).

There is some debate over the true definition of culturally appropriate, and the FNPP did not formally define what the term really means. The assumption is that the majority of officers

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<sup>10</sup> These data were retrieved from Burczycka (2013).

funded under the Program would be Aboriginal. The Public Safety Canada (2010, p. 12) evaluation did not define cultural relevance, and instead stated that, “communities funded pursuant to an FNPP agreement are in the best position to do so.” The results of three surveys of officers policing Aboriginal communities suggest that the Program has not increased the proportion of Aboriginal officers. Murphy and Clairmont (1996) reported that 90% of the officers were Aboriginal. A follow-up study by Gill and colleagues (2008) conducted in 2007 reported that 69% of the respondents were Aboriginal, while the most recent Public Safety Canada (2010) survey of officers found that 63.9% self-declared as being Aboriginal. The change was most marked in the RCMP, where 94% of the officers were Aboriginal in 1996, 59% in 2007, and 50.7% in 2010. This trend is also apparent in the SA police services as 86% of officers were Aboriginal in 1996 versus 78% in 2007, and 73.3% in 2010 (Lithopoulos & Ruddell, forthcoming). Some caution must be made in interpreting these results, as they are based on self-reported information and not all Aboriginal persons formally declare their status.

A number of scholars have argued that a lack of resources has limited the full implementation of culturally appropriate policing and that police services overwhelmingly take the shape of traditional services (Clairmont, 2006; Linden, et al., n.d.; Lithopoulos, 2009). Nonetheless, officers do identify that Aboriginal policing is distinctive from other contexts including those of other rural areas (Clairmont & Murphy, 2000; Gill, et al., 2008).

The expectation is that Aboriginal officers born and raised in the communities they police, will have greater cultural awareness and apply this accordingly (Blagg & Valuri, 2004; Gill et al., 2008; Murphy & Clairmont, 1996). This is not a straightforward proposition, and most officers in the Gill and colleagues (2008) study reported that the main advantage was the knowledge of the local people, their problems, and establishing trust with those people. The following are some observations of officers policing Aboriginal communities taken from the Gill and colleagues (2008) data:

*Knowledge of the people, the familial lines, the area. A lot of the ground work of networking to be one of the community that an officer should be has been done over your lifetime, not starting when you arrive in the community as the new “cop.”*

*They may have a better sense of the history of problems in the community and between community members and can make a more informed decision when dealing with community members whether it is more effective/appropriate to be a peace keeper or law enforcer.*

## First Nations Policing: A Review of the Literature

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*Trust of the police is a problem, particularly in Aboriginal communities. Some individuals may feel safer talking to an officer that did grow up in their community and understands customs, traditions and family history.*

*Easier to develop confidential sources, get more cooperation, understand the issues, being accepted easily into the community.*

Yet, there were also some disadvantages associated with policing a community where one grew up. Officers often reported finding it difficult to charge friends and family members and remain unbiased as highlighted by the following statements:

*Bias when dealing with familiar families; uncomfortable charging known family or friends. Complacency when dealing with people you think you may know; in a small community people you know may hound you for information on an incident or event.*

*Difficult to enforce laws with family, friends and relations. Family, friends and relatives are targeted by criminals. Hard to be off duty as community (members) call and report crimes 24/7 at your home or when you are supposed to be off duty.*

*Familial relationships are a continual issue, whether the relative is involved with the police from a criminal perspective or a political one. There is continual heightened stress level as the officer could not predict what or who is coming at him next.*

*It is virtually impossible to be impartial or objective when dealing with family members in any investigation. There is also the inescapable perception in the community that the officer is biased toward family members.*

*You are always under a microscope. Everyone knows everyone's business. People never forget. They bring up past issues which you may have been involved in prior to becoming police (officers). Wife and children are sometimes picked on because of my profession.*

These observations suggest that both growing up in the community where one currently polices, as well as living on the First Nation poses a series of challenges that might be difficult to overcome. Many officers, however, successfully become part of the community and strive to improve conditions on the First Nation. Speaking the local language is not seen as an important issue by officers, but this need may be met by elders, community members or officials allied with the police services, such as the Peacekeepers (Baidoo, et al., 2012; Gill et al., 2008; Lithopoulos, 2007; Rigakos, 2008).

Taken together, the observations above suggest that the proportion of Aboriginal officers has dropped over time, and officers are still working in police organizations that are conventional and that might not be substantially distinct from their non-Aboriginal counterparts (Gill et al., 2008). Even when a police service hires a community member, these officers report a series of challenges and benefits.

### **Cultural Appropriateness and Diversity**

The significance of cultural appropriateness lies with the diversity of Aboriginal communities. Each community possesses its own values, culture and history, language, and policing needs (Auger et al. 1992; Depew, 1992; Landau, 1996). There is a similar diversity in policing arrangements, which are influenced by the type of organization providing services (e.g., self administered or contract policing) as well as constraints imposed by the geography, culture, and the distinctive characteristics of the community (Clairmont, 2006; Landau, 1996; Linden, 2007; Ruddell & Lithopoulos, 2011; Samuelson, 1993; Wells & Falcone, 2008). Whereas conventional policing may be an effective service delivery model in a city, policing a sparsely populated and spread out series of communities covered by one detachment or agency may not be effective (Clairmont, 2006). Furthermore, the informal mechanisms existing in these communities may be able to increase resilience to crime that others may lack (Baird-Olson, 2000; Blagg & Valuri, 2004; LaPrairie & Diamond, 1992; Landau, 1996; Samuelson, 1993; Wakeling et al., 2001). As a result, policing arrangements must take these factors into account.

Two areas are noteworthy with reference to the distinctiveness of Aboriginal policing. One is colonialism and how it affects communities and the other is knowledge regarding native rights (Federation of Saskatchewan Indian Nations, 2006; Government of Saskatchewan 2003). Acknowledgement and awareness of this on the part of police services and officers is seen as part of achieving cultural appropriateness in policing (Clairmont & Murphy, 2000; Government of Saskatchewan, 2003; Kiedrowski & Lithopoulos, 2013; Lithopoulos, 2007; Public Safety Canada, 2010).

### ***Geography***

Aboriginal policing is shaped by a number of internal and external forces, although the one that presents the most significant challenges is geography. There are 617 First Nations in Canada, and they are overwhelmingly rural and are characterized by their large, sparsely populated geographical areas. Of those 617 First Nations, many are located in out-of-the-way areas that may be accessible by ice-roads during the winter or by river during the summer: other times they are served by aircraft. Ross (2009, p. 10) observed that the RCMP stationed members in 268 isolated posts that were “defined by the Treasury Board of Canada as communities that

face unique challenges related to small populations, harsh climates, and/or limited access by commercial transportation of all-weather roads.” The OPP and SQ also deploy officers in rural and remote locations, and there are a number of regional and stand-alone Aboriginal police services that serve northern areas.

Aboriginal policing for many of these communities requires substantial resources for travel and additional officers; although a number of studies have shown that the funding arrangements through the FNPP do not always accurately reflect the geographical circumstances and this also contributes to under-funding (Public Safety Canada, 2010; Sixdion, 2000; The Hunter-Courchene Consulting Group Inc., n.d.). Ruddell (2011) noted that officers in a stand-alone SA police service reported the following challenges:

- an officer’s success is dependent upon familiarity of community members, traditions, culture, language and family relationships
- officers often have no backup, and lack cell phone and/or radio coverage in isolated areas
- inadequate staffing is a barrier for training and vacation leave
- heavy caseloads lead to stress and burnout

Other challenges have been identified in policing remote posts, many of which are Aboriginal communities. In some cases, the detachment housing (for all federal, provincial and stand-alone services) is shoddy or poorly maintained. Placing an officer in a remote community is an expensive proposition as the police service must pay their relocation costs. In addition, given their visibility in these communities, much is at stake if the constable is not a “good fit” with this type of policing. RCMP Corporal Wendy Martin stated that “Trying to find the right person suited for the job has to be one of the most challenging aspects of remote policing,” and that, “it can be difficult to find people who are willing to sacrifice two, three or even four years without access to such basic amenities as medical and recreational facilities, supermarkets and paved roadways” (Cook, Martin & Boland, 2009, p. 12).

Over the past decade, police services have made strides in adding personnel and ensuring officer backup (e.g., after the RCMP changed policies in 2007). A perennial challenge in rural policing is that officers are stretched thin and if only one officer is working and two calls for service on the opposite sides of their patrol zone are made they have to prioritize their responses, resulting in a response time that could be measured in hours. This frustration is shared by

community residents and stakeholders from Aboriginal communities who responded to the Public Safety (2010) study. They reported that they desired more police visibility, more officers and faster police response times. In some respects, the larger regional, provincial or federal police services may be better able to respond to these challenges as they are networked organizations and can draw personnel and resources from the larger organization to confront emergent situations (Clairmont, 2006).

### ***Recruitment and Retention***

Concerns regarding the representativeness of the population that the police serve are neither new nor isolated to Aboriginal policing. There has been increasing interest over the past three decades, as increasing the compliment of racial and ethnic minorities into police services is observed in a multitude of national jurisdictions (Cashmore, 2001; Holdaway, 1991; Jain, 1988; Kamira, 1999; Riley, 2002; Wood, 2002), as well as hiring more women officers (Cordner & Cordner, 2011). The development of what is known as the precursor to the modern-day policing, the London Metropolitan Police, was founded on this very ideal in 1829. Sir Robert Peel, the creator of this force, articulated this notion in the seventh of his nine founding principles: “police should maintain a relationship with the public that is based on the fact that the police are the public and the public are the police” (as cited in Griffiths, 2008, p. 53). It has been posited that if this principle is to be realized then police organizations must actively engage in the recruitment and hiring of minority populations in order to better reflect the populations they serve. According to Turpel-Lafond (2006, p. 1), “policing is a significant public sector employer, as well as an important social institution. It must fully reflect the population that it serves, lest it be fraught with challenges to its legitimacy based on a lack of confidence by some members of society.”

Police-minority relations are at the center of the discussion surrounding police recruitment and hiring practices. The police are the official enforcers of a state’s law, and are supposed to represent the “collective will of the majority of members of a particular society at a particular time” (Van Allen, 2009, p. 5) and entrusted with the responsibility of upholding the law in a fair, unbiased and equitable manner. With respect to Canadian policing, Jain, Singh and Agocs (2000, p. 47) stated that “as the institutional embodiment of state power, police services have been challenged to demonstrate fair and responsive treatment of each of Canada’s diverse minority communities as a condition of maintaining public trust.”

To be successful in the pursuit of justice, the police require the support of the public they serve; “the relationship between the community and the police service is at the very heart of the policing function in society” (Jain et al., 2000, p. 49) while also acknowledging that the “distance between the police and the public is not easily bridged” (Schmallegger, MacAllister, McKenna & Winterdyk, 2000, p. 157). As a result, the recruitment of members of minority populations is argued to be one method for improving police-minority relations and increasing levels of trust and support.

In addition, the inclusion of a greater representation of Aboriginal peoples in police services can be argued to become a conduit for seeking a change from the Eurocentric worldview that Sutherland (2002) argues dominates the Canadian justice system. This process of inclusion may have a positive impact with respect to the recruitment of minority populations into the police force:

As the gulf between police organizations and their communities narrows with the provision of more responsive policing, and as a result, the image of policing as an instrument of oppression weakens its hold, minority and Aboriginal youth are more likely to consider policing as a career. (Jain et al., 2000, p. 49)

While almost everybody agrees that it is desirable to increase the minority representation of police services, achieving that goal has been challenging.

The recruitment process “is designed to locate, identify and attract individuals who have the basic skills, personal characteristics and motivation to become successful employees” (Jain, 1988, p. 471). In the case of policing, specifically with respect to targeting racial or ethnic minority candidates, this recruitment has proven to be a difficult and relatively unsuccessful endeavour. Holdaway (1991, p. 367) noted that “the general trend of recruitment nevertheless remains slow, reflecting a continuing reluctance of qualified people from minority groups to join the police service.” It should be recognized that similar to the White population, the potential applicant pool in the visible minority populations is limited to those who are both capable and desire to become police officers. Waters, Hardy, Delgado and Dahlmann (2007, p. 201) stated that “not everyone is capable of becoming a police officer, and that fewer still have an interest in doing so: a number of ethnic minority and White respondents in the current study simply stated that policing was ‘not for them.’” Their research did not find any discernible difference between White and visible ethnic minority respondents with respect to ever considering policing as a

career (approximately 60% of all respondents reported never having considered policing careers).

Linden et. al. (n.d.) attributed the success of Aboriginal policing on a variety of factors. These scholars noted that in a competitive labour market environment, the “increasingly competitive demands for qualified Aboriginal candidates will make police recruiting more challenging” (p. 4). This sentiment was also noted by Stone and Tuffin (2000, p. vii) who discovered that “on balance, other jobs were perceived to offer respondents greater opportunities, particularly in terms of promotion and pay, and without the fear and danger or racism.”

A study conducted by Aboriginal Human Resources Development Council of Canada (AHRDCC, 2002) investigated the perceptions of Aboriginal youth with respect to career choices. A career in policing/corrections was ranked in the top ten by these youth (fifth overall with approximately 16% of respondents selecting this career option as their “Dream Job”). However, Patenaude (2009, p. 98) noted that despite the initially positive ranking with respect to career choice, “when asked to identify their most respected jobs, these failed to make the list at all.” It is interesting to note that this career choice was not impacted by gender as it was rated as “equally attractive to young men and women in equal proportions” (approximately 18% of both males and females who identified their respective gender) (p. 9). Additionally, these respondents selected this criminal justice orientation for their career choice as fourth among the careers that they wanted to get more information about. Given the shifting population demographics, this report suggested that barring issues surrounding an observed disconnect between the youth’s selected “dream job” and its requisite qualifications, “with the development of strategic initiatives to assist this segment of Canada’s youth population business, industry and local economies will be able to meet the challenge of filling the gaps that are projected to develop in several occupational categories” (AHRDCC, 2002, p. ii).

Despite the fact that about one-fifth of Aboriginal students identified justice system employment as desirable, the extant literature describes a number of barriers faced by policing services in their attempt to mirror the ethnic make-up of society. Prior research has shown that all police services experience difficulties in recruiting qualified Aboriginal officers and then retaining them (Clairmont, 2006; Clairmont & Murphy, 2000; Linden, 2007; Linden et al., n.d.; Public Safety Canada, 2010). It is possible that the motivations to join a police service differ between Aboriginal and non-Aboriginal candidates. In addition, the pathways to a policing

career may also differ for Aboriginal persons. Table 6 shows responses of officers policing Aboriginal communities collected in the Gill and colleagues (2008) study. The information presented in Table 6 indicates that Aboriginal officers were more likely to have a friend or family member who encouraged them to apply or was already a police officer. Another key difference between the two groups was that the Aboriginal officers had much higher motivation to improve the justice system. One issue that distinguishes these two groups is that about one-half of non-Aboriginal officers (51%) used their policing careers to travel and expand experiences, while about one-third (33.7%) of Aboriginal officers had the same motivation.

<b>Table 6: Officer Recruitment: Aboriginal and Non-Aboriginal Officers</b>		
Rated as a “very important” reason for becoming an officer:	Non-Aboriginal (n = 100) %	Aboriginal (n = 207) %
Friends and family encouraged me to join	15.0	23.0
A way a person can get respect	2.1	6.8
Seeking a secure, well-paid job	36.7	51.0
Wanted to do a job that helps people	87.0	80.6
Opportunity to travel and expand experiences	51.0	33.7
Always wanted to be a police officer	59.2	55.7
Friend/family member was a police officer	21.9	29.6
Improve the justice system in First Nations communities	17.2	35.2
Promote self-government	8.4	7.9
It was the best job available	10.1	15.2
Local police encouraged me to apply	26.3	30.2
Do you have any close relative or in-laws, older than yourself, who have been or are currently police officers or work in other law enforcement capacities?	35.6	50.9

The challenges of recruiting are exacerbated in smaller police services. First, they are already challenged because many of them are in rural and remote areas, and some officers do not want to spend their entire career in these places. Second, because the funding for SAs is done on a per officer basis and money is not allotted for other expenses, salaries of officers are lower than their OPP, RCMP or SQ counterparts (CBC, 2013, 2013a; Clairmont, 2006; Gill et al., 2008; Public Safety Canada, 2010). Consequently, these smaller services may be required to hire less qualified individuals because of their lower salaries (Clairmont, 2006; Clairmont & Murphy,

2000; Sixdion, 2001). A third challenge is that there are fewer opportunities in smaller SAs, both in advancement and in participation in specialized assignments (Clairmont, 2006; Gill et al., 2008; Pelfry, 2007; Sixdion, 2001). By contrast, RCMP members who take Aboriginal positions in remote posts, which are voluntary appointments, are able to leave to larger or more desirable detachments and increase their position and pay (Clairmont, 2006; Lithopoulos & Ruddell, 2011; Ruddell, 2014). Last, SA agreements must be renewed and this does not provide long-term employment or financial security for agency staff (Baidoo, et al, 2012; First Nations Chiefs of Police Association, 2013; Sixdion, 2000; Watt, 2008).

Prior research has shown that the high workload and a lack of support can lead to stress and job dissatisfaction (Baidoo et al., 2012; Clairmont, 2000; Linden et al., n.d.; Lithopoulos & Ruddell, 2011; Sixdion, 2001; Wakeling et al., 2001). Interactions with community members are higher in rural detachments and living within the community increases interpersonal relations and the likelihood that these will conflict with police work (Gill et al., 2008; Lithopoulos & Ruddell, 2011; Payne et al., 2005). Moreover, whereas officers in cities are relatively anonymous, when they reside in the communities they police, their lives are constantly under scrutiny (Ruddell, 2014).

### **Pathways to RCMP Careers: The Aboriginal Cadet Development Program**

The RCMP has initiated three strategies to increase the proportion of Aboriginal officers working for the force. First, the force has partnered with community colleges to deliver the Aboriginal Police Studies Program. Much like the peacekeeper programs described above, this 32 week course provides an overview of policing and is intended to help students to build the knowledge, skills, and abilities they need to be successful in academy training. Second, the Aboriginal Pre-Cadet program is a summer program that offers young adults (aged from 19 to 29 years) with a police experience. After graduating from a three-week training program at the RCMP Depot in Regina, they work alongside regular members for eight weeks. These programs offer young people interested in policing careers the opportunity to learn about police careers, and may serve as a valuable pathway to RCMP employment. Third, in 2011 the force started deploying Community Constables, who are armed and uniformed special constables. After receiving 20 weeks of training at Depot, they are deployed in Aboriginal communities. While recently introduced, there are many similarities in the roles and responsibilities of these officers to the Aboriginal special constables first deployed by the RCMP as the Indian Special Constable, or 3(b) program, that later evolved into the Aboriginal Community Constable Program (see Alderson-Gill & Associates, 2006).

Recruiting new officers is a lengthy and expensive proposition. As a result there is increasing interest in better understanding the reasons why officers quit their jobs. Officer retention is a significant challenge for some police services and especially smaller agencies where rates of turnover are high. Some agencies can be caught in a cycle of recruiting, hiring, training and then losing officers to other services. The Gill and colleagues survey asked officers policing Aboriginal communities several questions about their intention to leave their current employment. Their responses are shown in Table 7.

**Table 7: Officer Retention: Aboriginal and Non-Aboriginal Officers**

	Non-Aboriginal (n = 100) %	Aboriginal (n = 207) %
Very much/somewhat hope to be with the (same) agency in five years.	83.8	80.8
Somewhat hope <u>not</u> to be, or not to be with agency in five years.	16.2	19.1
	Self-Administered (n = 117)	RCMP/OPP (n = 162)
Very much/somewhat hope to be with the (same) agency in five years.	70.9	91.3
Somewhat hope <u>not</u> to be, or not to be with agency in five years.	29.1	8.7

When it comes to retaining officers, about four out of five Aboriginal and non-Aboriginal officers hoped to be with their current employer in five years. When these totals were compared by agency status, however, the results show that a much lower proportion of officers working in self-administered agencies hoped to be with their employer in five years (29.1%) compared to those working for the OPP or RCMP (8.7%). While these results need to be interpreted with some caution (e.g., the officers working in SA services were typically older and some might have been contemplating retirement) they suggest that officers working within larger services have less intention of leaving.

With respect to Saskatchewan, the number of Aboriginal officers has increased over time, and in spring 2013, 315 officers had self-declared as being Aboriginal and they accounted for 13.5 % of all 2,325 Saskatchewan officers. While slightly less than their representation in the general population (15.6%) this total suggests that municipal police services and the RCMP have made significant strides toward having a representative workforce (see Chart 6).



### *Training*

The academic literature tends to emphasize the different training requirements between Aboriginal and traditional policing models. Receiving community-based police training is considered necessary to understand the rural context and the low socioeconomic standing of communities, and these issues are not typically covered by recruit training (Linden et al., n.d.; Payne et al., 2005; Samuelson, 1993; Sixdion, 2001; Wood & Trostle, 1997). Cultural or community specific training is seen as both necessary for community policing and improving police and community relations, though this type of training places onus on the community or police board to develop it (Baidoo et al., 2012; Federation of Saskatchewan Indian Nations, 2006; Linden et al., n.d.; Public Safety Canada, 2010; Watt, 2008). Furthermore, the suggestion for requiring this training for First Nations policing managers lies in the different management needs of self-administered police services (Clairmont & Murphy, 2000; Sixdion, 2001).

Self-administered police services tend to have difficulties in accessing the same degree of training as their OPP, RCMP or SQ counterparts (Gill et al., 2008). For traditional enforcement roles or activities, SA officers are less likely to have taken area-specific training beyond recruit training (Gill et al., 2008). Because many SAs have fewer than 10 officers, they are not able to specialize (Clairmont & Murphy, 2000; Clairmont, 2006; Gill et al., 2008; Linden, 2007; Sixdion, 2001). In addition, promotional opportunities in small stand-alone police services may

be limited compared with their larger counterparts. Larger services such as NAPS do have specialized roles, but these are not to the extent of the OPP, SQ or RCMP (Clairmont, 2006).

### **Institutional Racism and Aboriginal Persons**

Justice systems in Canada, Australia, New Zealand and the US have been condemned for being racist. That broad criticism includes the issues of over-policing, poor community and police relations, and the overrepresentation of Aboriginal persons in the criminal justice system. Aboriginal persons may also be at a disadvantage in terms of their treatment in justice systems. A number of studies have found that members of police services harbor racist beliefs or have engaged in the unfair treatment of Aboriginal persons (Blagg & Valuri, 2004; Gill et al., 2008; Kiedrowski & Lithopoulos, 2013; Lithopoulos, 2007; Samuelson, 1993). While institutional racism can be partially overcome through training, changes in the organizational culture of some police organizations will have to be undertaken, and this is often a long-term process.

### **Responding to Crime and Victimization:**

#### ***Community Capacity and Victimization***

Aboriginal communities in Canada, particularly First Nations reserves, have lower socio-economic wellbeing than other groups (Government of Saskatchewan, 2003). Not only do reserves have a higher rate of violent crime and victimization, they are also identified as having few job opportunities for their residents and higher rates of social disorder and disorganization (Gill et al., 2008; Clairmont, 2006; Government of Saskatchewan, 2003; Lithopoulos, 2007; Kiedrowski & Lithopoulos, 2013; Samuelson, 1993). Community capacity refers to the overall socio-economic wellbeing of a community and then its ability to take ownership of its crime and possible solutions (Government of Saskatchewan, 2003; LaPrairie & Diamond, 1992).

While low socio-economic wellbeing and low community capacity are characteristic of many Aboriginal communities, this is heavily dependent on the individual community's history and geography (Clairmont, 2006). Larger urban reserves may face less of these identified issues when compared to their rural counterparts (Clairmont, 2006). In addition, there are an increasing number of First Nations that have become quite wealthy due to resource extraction (Bland, 2013). Yet, economic prosperity by itself cannot reduce crime.

There is a growing body of scholarship that proposes that crime in rural areas is related to the strength of the social fabric. Lee and Thomas (2010) wrote that the social fabric is formed by long-term populations (what they called residential stability), a high percentage of community members engaged in recreational, social, political, or religious activities and a greater number of locally owned businesses. While we don't know whether this model translates to First Nations, there is an intuitive conceptual appeal that building upon these protective factors could help community and police leaders to develop crime reduction strategies.

### ***High Crime Rates and Expectations for Policing***

A consistent finding in the cross-national literature is that rates of crime in Aboriginal communities are high in all English-speaking common law nations colonized by the English, and Canada is no exception (Clairmont, 2006; Kiedrowski & Lithopoulos, 2013; Lithopoulos, 2007, 2009). However, this observation is not necessarily the case for every community (Clairmont, 2006). Nevertheless, community safety is an important issue for both members and officers (Blagg & Valuri, 2004; Ekos Research Associates, 2006; Kiedrowski & Lithopolous, 2013; Lithopolous & Ruddell, 2011; Wood & Trostle, 1997).

The police are considered to be the gatekeepers of the justice system. As a result, deploying higher numbers of officers in jurisdictions with a greater proportion of Aboriginal residents may result in greater contact and likelihood of arrest. A number of scholars have argued that policing arrangements in some communities set the stage for the over-representation of members of minority groups in justice systems (Satzewich & Shaffir, 2009). Tanovich (2006) as well as Tator and Henry (2006) have also argued that over-policing of minority groups occurs in Canada. While those researchers were making comments about urban Canada, it is unclear how applicable this is to rural or on-reserve policing (Landau, 1996; Samuelson, 1993; Wood & Trostle, 1997).

While academic researchers have been critical of the police for over-policing members of minority groups, a long-standing criticism expressed by Aboriginal peoples is that they want greater police visibility and more responsive police (Public Safety Canada, 2010). These sorts of contradictions further challenge those examining the broader issue of policing, although members of First Nations, like all other Canadians, want to be safe from crime.

One of the difficulties in policing Aboriginal communities is that it is sometimes difficult not to over-police. Since rates of crime are very high, there is no shortage of offences or

offenders, and officers must prioritize the types of offences to enforce more aggressively. The Gill and colleagues (2008) study of officers policing Aboriginal communities revealed that almost three-quarters (73.3%) of the officers strongly agreed or agreed that they were inclined to give a person a second chance if they had committed a minor crime. Police advisory or management boards can provide some guidance to police services in terms of crime reduction priorities (e.g., violent crime contrasted with property offences). Yet it is often difficult to disentangle property and violent crime as they tend to go hand in hand and places with high rates of property crime often have high levels of violent offences as well (Ruddell & Fearn, 2006).

Perceptions about the police are shaped by a number of factors, and many are out of the control of the police. A lack of funding to provide appropriate levels of service, visibility in the community, and enough officers to respond to emergencies is often cited as a challenge for SA and contract policing (Clairmont, 2000, 2006; Clairmont & Murphy, 2000; Ekos Research Associates, 2006). A high workload and low staffing complement makes meeting community expectations for basic service provision stressful (Clairmont, 2000, 2006; Lithopoulos & Ruddell, 2011). Though some surveys of First Nations policing services have shown community satisfaction to be similar to that of the rest of Canada at around 70%, other surveys have found dissatisfaction with police presence and service provision with a low of 43% of respondents rating the local police favorably (Clairmont, 2006; Clairmont & Murphy, 2000; Ekos Research Associates, 2006; Gill et al., 2008; Linden, 2007; Lithopoulos, 2010; Lithopoulos & Ruddell, 2011; Public Safety Canada, 2010).

Expectations for Aboriginal policing often include an expansion of policing roles and officers in some places may engage in a greater number of social service roles for which they are not trained nor resourced. Since First Nations are overwhelmingly rural, small or sparsely populated, and possibly isolated, in some cases there are few other social services present (Blagg & Valuri, 2004; Landau, 1996; LaPrairie & Diamond, 1992). Police officers in these places carry out these social service roles and provide services outside their traditional duties. Some of these non-traditional functions might include those relating to health, providing victim services, or even transportation (Auger, et al., 1992; Clairmont, 2006; Landau, 1996; Lithopoulos & Ruddell, 2011; Rigakos, 2008). When other health, education or social services are present in many Aboriginal communities, they are similarly strapped for funding, manpower and qualified employees (Landau, 1996; Linden, 2007). As a result, the police find themselves acting as a

default mechanism for failures in other systems, and this can be challenging when they do not have the resources to carry out their mandated roles.

It is also important to acknowledge that officers have other demands. Travel and administrative duties constrain the time of officers and limit their presence (Gill et al., 2008; Sixdion, 2001; Wakeling, et al., 2001). Under a CTA, RCMP officers are meant to spend 100% of their time on CTA-related work, but this requirement has not always been met (Baidoo et al., 2012; Federation of Saskatchewan Indian Nations, 2006; The Hunter-Courchene Consulting Group Inc, n.d.; Watt, 2008). Detachments are not always located on the reserve and this results in lengthy travel times for officers, reducing time spent within the community outside of patrols (Clairmont, 2006; Lithopoulos & Ruddell, 2011; The Hunter-Courchene Consulting Group Inc, n.d.). For self-administered services, resources also limit the number of officers they can deploy, as funds must be taken from their salaries for infrastructure and administration costs (Clairmont, 2006; Linden et al., n.d.; Murphy, 2007; Public Safety Canada, 2010).

Officers in many organizations live in the communities they police. This affords these officers the opportunity to engage in community events apart from their roles as law enforcers (Federation of Saskatchewan Indian Nations, 2006; The Hunter-Courchene Consulting Group Inc., n.d.). This is not always a satisfactory proposition due to low community capacity, availability of housing and safety for officers (Baidoo et al., 2012; Federation of Saskatchewan Indian Nations, 2006; Lithopoulos & Ruddell, 2011; Ruddell & Lithopoulos, 2011). In addition, there may be limited opportunities for an officer's spouse to work, or for their children to receive the same options in education and recreation that exist in non-Aboriginal communities. While some officers enjoy small town life, Thomson and Clairmont (2013, p. 94) observed that:

Living a private life in a small town is difficult for a police officer. People sometimes call officers during off-duty hours to make a complaint or ask for information. Small-town police are particularly conscious of being under scrutiny, both on and off duty, by taxpaying residents who claim to pay their salaries.

In some respects, being posted in a rural or remote location is a bit easier than it was a decade ago. The availability of the internet and Skype or email enables officers to remain in contact with friends and loved ones. In addition, large police organizations are able to employ relief officers, who will temporarily live in the community while the regular officer is on vacation, attending training or receiving medical care. These relief officers play a key role for two-person detachments to ensure that an officer always has backup. Some smaller stand-alone police

organizations, such as FNA agencies, might lack this capability to provide relief officers, which increases the hardship of those posts.

### **Partnerships**

One of the key goals of the FNPP was to provide Aboriginal communities with the same level of service that other communities receive (Public Safety Canada, 2010). Although large police organizations such as the OPP, RCMP, or SQ are able to access the resources of a larger organization, self-administered services are not always able to provide full-service unless they are as large as regional services, NAPS for example (Clairmont, 2006; Linden, 2007; Public Safety Canada, 2010; The Hunter-Courchene Consulting Group Inc, n.d.). As a result, SAs are dependent on provincial police services for backup or specialized operations, such as canine or aviation services. In some cases, the officers in smaller organizations may not have the skills to carry out specialized investigations. These partnerships are common and important for SAs, although some scholars argue that these arrangements prevent SAs from becoming fully autonomous and independent (Clairmont, 2006; Clairmont & Murphy, 2000; Linden, 2007; Public Safety Canada, 2010).

### ***Policing Aboriginal Protests***

Given the long history of distrust between Aboriginal peoples and different levels of government, it is not surprising that Aboriginal groups have engaged in a number of demonstrations and protests, with the most recent being the Idle No More movement that emerged in Fall 2012. Idle No More is a grassroots protest movement that used social media to coordinate protests throughout the nation. The movement had broad social support beyond the Aboriginal community. While members of the movement had different political priorities, the focus of most protestors was related to opposition of the exploration and extraction of natural resources and proposals to construct pipelines on First Nations.

Aboriginal protesters blocked highways and railways, including a coordinated series of railway and highway blockages on January 16, 2013 in Alberta, Manitoba, New Brunswick and Ontario (CBC, 2013c). While most of those protests lasted only a few hours, Nguyen (2013) reported that one group of Idle No More protestors blocked a railway in Sarnia Ontario for almost two weeks. Aboriginal groups have been using similar strategies in recent years, and the

CBC (2012) reported that Aboriginal protestors had blocked “almost all industrial traffic to logging and mining sites near Fort St. James, B.C.”

The Idle No More protests were more peaceful than prior armed conflicts. Aboriginal groups in Ontario and Quebec have engaged in a number of armed conflicts with law enforcement including the Oka Crisis (1990), and the Caledonia land claim standoff that started in 2006. In the Oka confrontation, an SQ police officer was killed, and an Aboriginal protestor in the 1995 Ipperwash confrontation was killed by police.

In these confrontations, the police are often stuck in a “no win” position, as the public is often sympathetic to the claims of First Nations groups and support the use of the courts by these groups to make their claims in an orderly fashion. However, the disruption to travel and property during a confrontation is frustrating to the public and the police are tasked with responding to these acts. In the Caledonia incident that started in 2006, First Nations groups occupied homes and businesses for years and in 2013 protesters were still occupying some properties. Blatchford (2010) was very critical of the role of the government of Ontario and the Ontario Provincial Police in failing to protect the people of Caledonia from crime.

A report released by the MacDonald-Laurier Institute identifies the growing frustration in some First Nations communities, especially in terms of the lack of progress at overcoming long-standing social problems such as poverty, a lack of opportunities for Aboriginal youth, high levels of crime and the overall poor quality of life (Bland, 2013, pp.1-2). It is possible that this increased frustration will result in more protests and confrontations with the government. Bland (2013, p 31) notes that the police are challenged when attempting to manage Aboriginal protests without escalating these events and that “these police-in-the-middle conflicts demonstrate the dilemmas facing security forces. When they make compromises to one group in an attempt to maintain order, they risk enraging the other group.” Bland specifically referred to the lack of political willingness to use more aggressive measures to respond to the lawlessness at Caledonia in fear of escalating the situation both in terms of violence as well as the risk of the conflict spreading beyond the borders of Caledonia.

By September 2013, there had been little recent press about the Idle No More movement. Given the long history of protests and unresolved land claims and other issues of importance to First Nations, similar protests will emerge in the future and some will involve disruptions to railways, traffic and property. Police services will have to respond to these events, and it might

prove fruitful for these organizations to study “what worked” and “what didn’t work” in managing these protests before the next series occurs. The OPP (2005) has developed a *Framework for Police Preparedness for Aboriginal Critical Incidents*, and these types of initiatives represent a tangible and proactive step to better managing these situations.

### **Organized Crime on Canada’s First Nations: A Growing Problem?**

It has long been recognized that some Aboriginal offenders engage in organized crime activities (Dickson-Gilmore & Whitehead, 2003). Organized crime on some First Nations is associated with the cross-border smuggling of cigarettes and alcohol (which are taxed at a low rate in the United States). In some reserves along the Ontario, Quebec, and U.S. borders cigarettes, alcohol, drugs, firearms and illegal immigrants are smuggled in what has been described as a billion-dollar industry. The trafficking of Aboriginal women and girls for sexual exploitation by gangs and organized crime is also an emerging issue and Public Safety Canada was funding research in August 2013 to study these offences (Butler, 2013). In addition, Public Safety Canada also provides funding and coordination for the First Nations Organized Crime Initiative (FNOC).

### ***Interconnectedness of First Nations and Urban Policing***

Earlier we noted that less than one-third of the persons who identified themselves as Aboriginal were actually living on a reserve. Aboriginal Affairs and Northern Development Canada (2013, p. 8) reported that, “About half (45%) of Registered Indians live on reserve. The majority of Non-Status Indians (75%) and Métis (71%) live in urban areas. Aboriginal Affairs and Northern Development Canada (2013a, p. 8) noted that:

Contrary to popular belief, there is no mass exodus from Indian reserves to cities. Both the on-reserve and the urban population are growing. While Aboriginal populations were highly mobile and move back and forth from and to cities (*churn*) and within cities, the recent Aboriginal population explosion in cities is in large part attributable to changes in self-reporting of cultural affiliation over time. (p. 8)

Table 8 shows that in the three largest Canadian census metropolitan areas (Montreal, Toronto, and Vancouver) the Aboriginal population, although accounting for only a small percentage of the total population, can be quite significant. In Vancouver, for instance, the Aboriginal population is only 2.29% of the total, but they account for 52,375 residents. The size

of the urban Aboriginal population increases in western Canada, and 78,415 live in Winnipeg, and account for over 10% of the population.

**Table 8: Number and percentage of the population reporting a North American Aboriginal identity, 10 selected Canadian cities, 2011 (CMA population)**

City	Aboriginal identity population	Total population	Aboriginal identity population as a percentage of the total population
Toronto	36,990	5,521,235	0.67
Montreal	26,285	3,752,475	0.70
Vancouver	52,375	2,280,700	2.29
Saskatoon	23,890	256,430	9.32
Regina	19,785	207,215	9.55
Winnipeg	78,415	714,640	10.97
Edmonton	61,770	1,139,580	5.42
Calgary	33,375	1,199,125	2.78
Ottawa	19,200	904,905	2.12
Victoria	14,200	336,180	4.22

Source: Statistics Canada (2013) – National Household Survey, 2011.

Note: Data retrieved for the CMA level.

Many Aboriginal people move back and forth between First Nations and urban areas to visit with extended family members, as well as for employment and education. These moves can have positive and negative impacts on these communities. With respect to family connections, for instance, it is important to nurture healthy family relationships, although Clairmont (2013, p. 88) notes that, “Familism, a classic response to colonialism, generates much bias and rivalries, which augment the other deep-rooted problems of lifestyle and socioeconomic disadvantage.” This statement validates the perceptions of officers policing Aboriginal communities: The Gill and colleagues (2008, p. 68) study found that 70% of officers reported that feuding families/groups was a very serious or somewhat serious problem. In that study, RCMP members were more likely to identify that feuding was a serious problem (74%), contrasted with officers working for self-administered police services (65%). In some cases, the conflict or violence associated with these feuds that start on a reserve or in the countryside are acted upon in urban areas.

A number of scholars have identified the presence of a street gang/prison gang relationship (see Grekul & LaBoucane-Benson, 2006). There is also interconnectedness between gang activities in urban areas and First Nations reserves. Gangs are sometimes formed on reserves and gang-related crimes are carried out on reserve, in surrounding communities, and in urban areas. Other gangs are founded in the city and when gang members travel home (to the reserve) they can export their illicit activities to the countryside. In some cases, these gang-affiliated individuals can recruit youngsters on the reserve into the gang. Peters (2011, p. 83) identified some reasons why Aboriginal persons are drawn to gangs, including “structural inequality, family, community and cultural breakdown, and systemic discrimination.” Entry into the gang was perceived as offering, “members an opportunity to feel a sense of self worth and identity” (Peters, 2011, p. 83)

The Gill and colleagues (2008, p. 78) study revealed that 39% of RCMP members policing Aboriginal communities thought that gang activity was a very or somewhat serious problem while 35% of officers working for self-administered agencies had the same perception. In some places gang crime is high, and there has been considerable media attention paid to the issue of gang crime on First Nations. Totten (2009) challenges that perspective, and points to the inter-connectedness of Aboriginal gangs on reserves and urban areas.

Like other aspects of Aboriginal policing, gang reduction or suppression activities must take into account a number of factors, such as the “competing interests in most reserves and urban neighbourhoods, resulting in divisions along religious and spiritual lines, access to income and wealth, gender, clans and ethnicities, familial blood lines, and gang allegiances” (Totten, 2009, p. 15). Despite the obstacles to overcoming some of those challenges, there are some signs of success. With respect to the Hobbema First Nation, for example, while crime had reached a crisis point several years ago, Chettleburgh (2013) writes that the RCMP has initiated what he calls the “best example of community-based policing in Canada” and has implemented “a range of responses, includ[ing] school-based crime prevention and awareness, victim’s support, domestic violence intervention, and targeted suppression measures, such as street checks and searches for guns.”

The inter-connectedness of urban and reserve crime suggests that crime reduction strategies must go beyond the boundaries of the reserve, or urban areas. In many cases, this requires close collaboration between municipal, regional, and provincial police services and the

RCMP. One of the gaps in our knowledge is that we don't know what types of crime reduction strategies targeting Aboriginal crime are being used by municipal police services. In addition, we have very little understanding of the roles and responsibilities of Aboriginal policing units within municipal police services. While we know that these units exist throughout the nation, there has been no coordinated effort to gather information about their roles, responsibilities, or the crime reduction strategies that they deploy.

### Summary

The preceding pages highlighted five key issues and challenges confronting Aboriginal policing in Canada. While academics are quick to point out what they consider to be flaws in service delivery, we have to acknowledge that many police organizations serving Aboriginal communities are hamstrung by their budgets, which do not always afford them the ability to respond to service demands, let alone deploy officers in community policing or crime prevention roles. While we find that Aboriginal policing is an expensive proposition due to the rural and remote nature of the communities served, trying to police "on the cheap" may have even greater long-term costs in terms of increased crime, victimization, justice system costs, and all of the negative consequences that crime has on a community and the residents.

Our review shows that policing Aboriginal communities is a complex undertaking that suffers from a lack of research and evaluation about "what works." There has been an increased interest in evidence-based policing, but most of our understanding of what works, such as hot spots policing (focusing on high-risk places), focused deterrence (focusing on high-risk offenders), and reducing the number of firearms on the streets comes from U.S. studies conducted in cities (see Telep & Weisburd, 2012). There is a lack of similar Canadian research in general, and more specifically in rural or Aboriginal policing, which we argue is a distinctive approach that requires a different mix of knowledge, skills and abilities (see Lithopoulos & Ruddell, 2011).

The Aboriginal policing literature discusses the need for a pluralistic or two-path approach to Aboriginal policing: one that encompasses a traditional law enforcement approach, and one oriented towards community policing (Depew, 1992; Linden et al., n.d.). In this approach, funding would not be dependent on traditional police performance measures such as clearance rates, the number of arrests or response times (Clairmont, 2000, 2006; Linden et al.,

n.d.). Instead, measures that gauge the effectiveness of crime-reduction strategies, community policing, police-community partnerships and increasing police legitimacy might be more useful. The recently released full circle community safety model might prove effective in shaping Aboriginal policing (Institute for Strategic International Studies, 2012).

Over the next few years we anticipate that there will be a debate on how best to achieve such a two-path model. It is possible that there will be a greater number of non-sworn officials carrying out crime reduction roles previously done by the police. Ruddell and Jones (2013) also highlighted the importance of police-community partnerships that utilize a community mobilization approach to crime reduction. While one cannot accurately forecast the futures of Aboriginal policing in Canada, there seems to be increasing discontent with the status quo.

### **VI. International Models of Aboriginal Policing**

Australia, New Zealand and the United States have relatively high proportions of Aboriginal persons in their populations. Like their Canadian counterparts, justice systems in these nations have similar challenges to overcome in respect to high rates of disorder and crime, and over-representation of these peoples in their justice systems. Reviewing the practices of other nations may, however, prove fruitful in terms of shedding light on innovative or effective crime reduction strategies that might be imported to Canada. Consistent with that goal, this section reviews Aboriginal policing models implemented in the United States, Australia and New Zealand. In doing so, matters of jurisdiction, legislation, policy frameworks, cross-deputization, local justice initiatives, and evaluative measures were examined and analyzed for emerging trends. Five themes were identified in the analyses: (1) a community-based policing philosophy; (2) improvement of Aboriginal-police relations; (3) support of local crime management; (4) building local partnerships to reduce crime; and (5) promoting a needs-based approach to police service delivery. A sixth commonality which is implied throughout these themes is the recognition of Aboriginal customs and traditions as separate from dominant Eurocentric ideologies and the need to acknowledge this distinctive approach to policing.

#### **Demographic Characteristics**

##### United States

According to the U.S. Census Bureau (2011), there are a total of 5.2 million self-identified Native Americans, which is 1.7% of the total U.S. population.<sup>11</sup> Of the Native population, 4.6 million reside in Indian Country. Indian Country is home to 561 federally recognized tribes, or “nations,” and covers approximately 56 million acres of land (Kiedrowski & Lithopoulos, 2013). In respect to the geographical characteristics of Indian Country reservations, Kiedrowski and Lithopoulos(2013) note, “a few reservations are larger than certain states, while some are the size of large counties, and others are like cities and towns” (p. 13).

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<sup>11</sup> For the purposes of this section, the terms Native, tribal, reservations and Indian Country are used to refer to Indigenous people, authorities and communities in the American context as these terms are preferred by Indigenous peoples in the United States.

While approximately half of all 561 tribes are located in Alaska, they account for only 243,000 Native Americans. The other half of these reservations are located in the lower 48 states and most are west of the Mississippi River (Kiedrowski & Lithopoulos, 2013). Several states with the highest proportions of Aboriginal persons, such as Montana, North Dakota and Washington straddle the Canadian border.

### Australia

For the purposes of this section, the terms Aborigines, Aboriginals and Indigenous persons are used interchangeably to refer to those of native ancestry and those of Torres Strait Islander origin, and we acknowledge that 'Indigenous' is the term preferred by these peoples.

According to the Australian Bureau of Statistics ([ABS] 2013), Aboriginal people and Torres Strait Islanders accounted for approximately 2.5% of Australia's total population. While 33% of the Indigenous population live in urban areas, many Indigenous communities are located in areas described as remote (Kiedrowski & Lithopoulos, 2013). The Northern Territory has the highest number of Indigenous people living in remote areas (23.3%) and very remote areas (56%) (ABS, 2013).

The majority of Australia's Indigenous population reside in Queensland, New South Wales and the Northern Territory. Similar to patterns of police-reported crime in Canada and the United States, crime rates for Indigenous persons are approximately six times higher than their non-Indigenous counterparts. The overall national-level crime statistics mask the fact that in remote Aboriginal and Torres Strait Islander communities there is an even higher rate of offending (Quinn & Michaels, 2012)<sup>12</sup>.

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<sup>12</sup> A table of census data relating to remote Indigenous communities in Australia is presented as Appendix C.

### **Aboriginal Policing in Australia and Canada: Similar Histories and Challenges**

Barclay and Scott (2013, p 153) observed that: “The policing of Australia’s Indigenous people has a long and troubled history. Australia’s police force began as a predominantly military organization to manage the convict population and overcome Indigenous resistance to the expansion of white settlement...In the later part of the nineteenth century and for most of the twentieth century, the police were involved in administering government policies of protection, which included maintaining order on Indigenous reserves or camps, removing children from perceived unsafe environments, and regulating Indigenous movements in rural towns...This resulted in a lasting legacy for police-Indigenous relations reflected in the perpetual overrepresentation of Indigenous people within the criminal justice system.”

### New Zealand

For the purposes of this section, the terms Maori and Iwi are used to refer to the indigenous populations of New Zealand. The literature review also revealed that the term Pacific peoples is occasionally used to describe the distinct ethnic groups originating from the Pacific isles of Samoa, the Cook Islands, Tonga, Niuea, Fiji and Tokelau (Quinn & Michaels, 2012). According to Statistics New Zealand (2010), the country has a total population of about 4.5 million, of which, 682,000 (15% of the population) self-identified as Maori. Much of the Maori population reside on the North Island and have title to approximately 3.5 million acres of land.

### **Rural Policing**

Aboriginal policing can be described as a distinctive form of rural policing. In all of the three nations examined, the typical police department or detachment serves a large, sparsely populated geographical area and often lacks the financial and human resources to properly meet the basic needs of the communities they serve (Begay et al., 2001). Often, officers are overworked as they perform an array of administrative duties otherwise performed by civilian staff in larger urban departments. In addition, officers and deputies patrol large geographical areas which vary in size and remoteness. Many remote communities lack the infrastructure to support the administrative and operative functions necessary to deliver effective policing services.

### Aboriginal Policing Models

This section examines the police services delivered to Aboriginal communities in the U.S., Australia and New Zealand. Matters of jurisdiction, legislation and policy frameworks, cross-deputization and community aides, local justice initiatives, and evaluative measures were reviewed, and the findings described.

#### *Jurisdiction*

##### United States

It is important to acknowledge that tribal policing in the United States “evolved out of the forceful removal of the Indigenous population in the 19<sup>th</sup> century, which led to the breakdown of traditional social controls” (Kiedrowski & Lithopoulos, 2013, p. 41). Unlike in Canada, where Aboriginal policing is coordinated and partially funded by the federal government, a decentralized form of tribal policing system evolved to respond to the growing crime problems arising from the social displacement of Native reservations. In September 2008 there were 158 general purpose tribal police services (and 21 agencies responsible for natural resources enforcement) operating in 28 states (Reaves, 2011, p. 1). Reaves (2011, p. 2) reports that while the largest agency, the Navajo police, deployed 393 officers in 2008, 73 of these services employed less than ten full-time sworn officers. In many respects these agencies are similar to self-administered police services in Canada.

Jurisdictional constraints are matters which distinguish American tribal policing from other policing arrangements reviewed in this section. While American law provides individual tribes with the mandate to deliver self-administered policing, limitations in legislative authority has hindered these tribal police services from being fully autonomous. For instance, Begay and colleagues (2001) reported that criminal matters in Indian Country could involve tribal, federal or state jurisdiction, all of which depend on three circumstances:

#### **(1) *Where the crime was committed.***

*Only crimes committed in Indian Country, on trust land, fall under the jurisdiction of tribes. All crimes committed outside of Indian Country, even if they involve American Indians, fall under state or federal jurisdiction.*

**(2) *Who committed the crime.***

*For tribal jurisdiction, the alleged offender must be an American Indian. Sometimes, however, even Indians who are not members of the tribe on whose reservation the crime occurred may be exempt from that tribe's jurisdiction. Regardless of the nature of the crime or the location in which it occurred, non-Indians are not under the criminal jurisdiction of tribes.*

**(3) *What crime is committed.***

*As a result of the Major Crimes Act of 1885 and the Indian Civil Rights Act of 1968, tribes have jurisdiction only over less serious crimes. Most serious crimes—including murder, manslaughter, arson, burglary, and robbery—fall under the jurisdiction of federal authorities. However, some tribes have found ways to exercise increased authority over the investigation and adjudication of more serious crimes. (p. 9)*

Some tribes have found creative and helpful ways to exercise increased authority over crimes that are more serious. One example is that tribal police and prosecutors may instead charge alleged felony offenders with misdemeanors crimes over which tribes have jurisdiction. Otherwise, the Federal Bureau of Investigation (FBI) is responsible for the investigation of most major crimes occurring in Indian Country (Bobee et al., 2008). One challenge with this approach is that rates of violent crime on many reservations are several times the national average, with only a fraction of the total offences being referred to prosecutors, and many of those failing to proceed. The U.S. Department of Justice (2013, pp. 4-5) reported that almost one-third of cases that were filed to prosecutors in 2012 were declined.

As the FBI has investigative jurisdiction over *Major Crimes Act* offences, there are a relatively small number of agents assigned in Indian Country. Agents are required to travel long distances and experience heavy workloads. As the Bureau of Indian Affairs (BIA) also has investigative jurisdiction, it is not uncommon that jurisdictional disputes occur at the scene of a crime (Washburn, 2006). The authority of tribal officers over non-Natives on reservation lands is essentially equivalent to a citizen's powers of arrest. They may not pursue non-Natives off reservation and must release non-Native detainees to state or local authorities as early as possible (Bobee et al., 2008).

### **Jurisdictional Issues: A Look at U.S. Tribal Policing**

Indian nations in the U.S. enforce their own laws but this extends only within the boundaries of the reservation and only to its residents (Wakeling, Jorgensen, Michaelson, & Begay, 2001; Wells & Falcone, 2008). This causes major obstacles for prosecuting non-residents who commit crimes on the reservation and for areas where land has been lost or sold individually (Wakeling, et al., 2001; Wells & Falcone, 2008). Like their Canadian counterparts, violence on many reservations is high (Perry, 2012). Yet, responding to these offences is sometimes problematic due to jurisdictional issues. Crane-Murdoch (2013, n.p.) observed that:

If both victim and perpetrator are non-Indian, a county or state officer must make the arrest. If the perpetrator is non-Indian and the victim an enrolled member, only a federally certified agent has that right. If the opposite is true, a tribal officer can make the arrest, but the case still goes to federal court. Even if both parties are tribal members, a U.S. attorney often assumes the case, since tribal courts lack the authority to sentence defendants to more than three years in prison. The harshest enforcement tool a tribal officer can legally wield over a non-Indian is a traffic ticket.

As a result of these jurisdictional barriers to investigation and prosecution, Crane-Murdoch (2013) maintains that serious crimes such as sexual offences often go unpunished, especially in places where sheriff's offices in surrounding counties are already overburdened by increased calls for service and budget cutbacks.

Perry, Malega, and Banks (2011, p. 1) observed that "criminal jurisdiction in Indian country depends on several factors, including the identity of the defendant, victim, type of offense, and where the crime was committed." There are also some limits to punishments for offences occurring in Indian Country. Perry, Malega and Banks (2011, p.1) reported that "crimes committed by Native Americans in Indian Country [fall under Tribal jurisdiction] and... are limited to a maximum 3-year sentence of incarceration per count and 9 years per case" although sanctions for cases heard in state or federal courts are the same for Indians and non-Indians.

### Australia

Unlike the complex jurisdictional systems under which police services in the U.S. operate, each state in Australia has primary jurisdiction over criminal investigations and law enforcement. Police officers stationed at Local Area Commands (LACs) or "detachments" are responsible for policing designated geographical areas and report to and work under the authority of state police services. There are seven state police services in Australia:

- New South Wales Police Force
- Western Australia Police
- Queensland Police Service
- Northern Territory Police Force
- Victoria Police
- South Australia Police
- Tasmania Police

Somewhat similar to the RCMP, the Australian Federal Police (AFP) is a federal law enforcement agency that focuses on matters of national concern such as counter-terrorism and national security. The federal police also establish and maintain partnerships at the international level to address matters of global threat, organized crime and criminal innovation (AFP, 2012).

### New Zealand

The New Zealand Police is the only agency responsible for policing at both the local and national-levels and has sole jurisdiction over all criminal investigations and law enforcement. Members of the service operate from over 400 community-based detachments and are responsible for providing land, sea, and air patrol services for the entire nation (Interpol, 2014). While New Zealand's policing sector is highly centralized, its structure is quite decentralized in nature as the organization is divided into 12 districts. These districts are in turn divided into police areas and each is tasked with identifying and responding to local crime (New Zealand Police, n.d.).

### ***Legislative and Policy Frameworks***

#### United States

While the U.S. has provided tribes more opportunity for self-administered policing arrangements, federal legislation has restricted tribal jurisdiction. This has created systems of authority which have significantly impacted the quality and complexity of reservation policing. As a result, there are a variety of arrangements under which police departments may be organized: (1) Public Law 93-638; (2) Bureau of Indian Affairs; (3) self-governance agreement; (4) tribally controlled; and (5) Public Law 83-280. The most common policing arrangements are established under the authority of Public Law 93-638 (PL 93-638) and the BIA Administration. Table 9 presents the various arrangements in policing in Indian Country (Lithopoulos, 2007).

**Table 9: U.S. Policing Arrangements in Indian Country**

Type of Law Enforcement Program	Public Law 93-638	BIA	Self-Governance	Tribally Funded	Public Law 83-280
Number	154	47	22	4	N/A
Trend	Increasing numbers	Decreasing numbers	No trend	No trend	No trend
Administered by	Tribe	Federal Government	Tribe	Tribe	State or local law enforcement agencies
Officers are employees of	Tribe	Federal Government	Tribe	Tribe	State or local law enforcement agencies
Funding	Federal (often with tribal contribution)	Federal government	Tribe	Tribe	Primarily State and local entities

### *Public Law 93-638*

Police departments in Indian Country are commonly organized under the Public Law 93-638 (“638”) provision of the *Indian Self-Determination & Education Assistance Act* (ISDEA). These contracts establish the organizational framework, performance standards and funding structure required for its operational and administrative functions. Under this arrangement, tribes assume greater departmental governance over policing programs otherwise governed by the BIA’s Division of Law Enforcement Services and staff members are employed by the tribal government. As the 638 provision allows for greater self-governance, it is perhaps the most common arrangement in Indian Country (Begay et al., 2001).

### *Bureau of Indian Affairs Administration*

Police services administered by the BIA are the second most common type of arrangement in Indian Country, and there were 42 of these agencies in 2008 (Reaves, 2011). These agencies are federally operated and provide little opportunity for tribal governance. Funding for operational and administrative functions are provided by the BIA and staff members are federal employees. As a result, patrol officers and criminal investigators report to the BIA Division of Law Enforcement Services. There were only 277 of these officers in the entire nation in 2008 (Reaves, 2011). There appears to be a reduction in the number of departments under this arrangement likely due to the low degree of tribal organizational control (Begay et al., 2001).

### *Self-Governed and Tribally Controlled Tribal Departments*

Though less ordinary than other arrangements, there are some tribally-governed departments that emerged after amendments were made to Public Law 93-638, which was a law that enabled tribal governments to deliver programs that had been carried out by the federal government. These contracts establish funding arrangements between tribes and the BIA where the department receives federal grants to support policing services in Indian Country. Staff are typically tribal employees and assume greater responsibility over policing programs (Begay et al., 2001). According to Begay et al. (2001), "...tribes that fully fund their own police departments gain near-complete tribal control of their law enforcement institutions" (p. 8). There are even fewer departments that are funded entirely by tribal governments. While contracts establishing self-administered departments would appear to be among the more desirable arrangements, these departments are less common due to the lack of financial resources in most tribal governments.

### *Public Law 83-280*

Tribes subject to Public Law 83-280 (PL 83-280) rely on state or local authorities from surrounding areas to provide policing services. Tribes under this authority are typically small, have a limited geographical area, and lack the necessary financial or human resources to respond to the needs of their communities. Often, policing services are paid for by larger nearby communities which are typically comprised of non-Indigenous residents (Begay et al., 2001).

With respect to Public Law 83-280, Begay et al. (2001) reported that "this law, passed as a part of a larger effort to 'terminate' American Indian tribes, gave California, Minnesota, Nebraska, Oregon, Wisconsin, and (later) Alaska the power to enforce the same criminal laws within Indian Country as they did outside of Indian Country" (p. 8). However, many states opposed this action as it placed a greater responsibility on the state to provide law enforcement services to large land masses belonging to Indian Country and it was also seen as infringing upon Native sovereignty. As a result, the *Indian Civil Rights Act* (1968) "...allowed states to retrocede jurisdiction to the federal government and prevented any new states from adopting Public Law 208 without tribal consent" (Bobee et.al, 2008, p. 7).

### *Other Administrative Arrangements*

While the various policing arrangements described above appear simplistic, or rather "cookie-cutter" in nature, this is not the case. To add to the complexity of jurisdictional and contractual constraints unique to Indian Country, a tribal department may contract with the BIA

to conduct criminal investigations while the tribe remains responsible for patrol functions (Begay et al., 2001). Departments may also have a mixture of tribally-employed and BIA-employed patrol officers depending on the needs of communities. The Community-Oriented Policing Program (COPS) has played a significant role in this blending. These arrangements may create a division between tribal employees and their BIA counterparts; both are working within the same agency, but the latter receive better salaries, benefits and training.

### Australia

Throughout Australian history, the military and then later formal police services, were used as instruments to carry out government policies and enforce the laws on Aboriginal peoples (Barclay & Scott, 2013; Kiedrowski & Lithopoulos, 2013). It wasn't until after the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) in 1991 that governments and police services began to focus on community safety in the Aboriginal context while promoting Indigenous inclusion in the decision-making processes. The final report included a number of recommendations which have shaped justice-related policies in the national context, as well as from state to state, to address the disadvantages faced by Indigenous peoples and their overrepresentation in the criminal and youth justice systems.

In an all-government response to the findings of RCIADIC, the Council of Australian Governments (COAG) signed the National Indigenous Reform Agreement (NIRA) ("Closing the Gap") in 2008. The agreement set objectives, desired outcomes and performance indicators for policy planning within seven target areas: Early Childhood; Schooling; Health; Safe Communities; Economic Participation, and Governance and Leadership (Government of Australia, 2011, para. 2).

Subsequently, the National Indigenous Law and Justice Framework was developed "to Close the Gap in Indigenous disadvantage, particularly in relation to community safety" (Government of Australia, 2009, p. 4). It is under this framework that state-level Aboriginal justice policies are steered. Particularly, states and territories have responded to NIRA objectives through the development and implementation of Indigenous Justice Agreements and state-wide policy frameworks, which then form the basis for Aboriginal Strategic Direction plans, Action Plans and other strategies developed by police services.

The report of the RCIADIC has influenced police services to provide more opportunities for Indigenous involvement and to promote community safety partnerships. According to Kiedrowski and Lithopoulos (2013):

The RCIADIC was a watershed event in the relationship between Indigenous Australians and the justice system, and propelled wider discussions of Indigenous self-policing, hiring Indigenous police officers in various police services, and attitudes toward Indigenous people of police personnel, others in the criminal justice system and Australians in general. (p.26)

Policing action plans focus on recruiting members of the Indigenous community to (1) educate police agencies about Aboriginal customs and traditions; (2) promote mutual understanding; and (3) better represent the communities they serve.

### New Zealand

The Maori Responsiveness Strategy (1996) provides the framework in which justice-related policy is developed to reduce the overrepresentation of Maori people within New Zealand's criminal justice system and to improve Maori-police relations. The strategy is based on a whole of government approach to incorporate the recognition of Maori culture into government departments. Within the context of policing and justice, the New Zealand Police initiated the strategy with broad-based objectives intended to be consistent with the following Maori principles:

- Gain a greater understanding and acceptance of the significance of the role of the Treaty of Waitangi to the Maori.
- Develop a greater capacity for bringing the voice and aspirations of Maori into policing decisions and operational procedures.
- Consult effectively with Maori to identify, design and implement strategies that reduce the incidence and effects of offending by Maori.
- Develop accountability mechanisms for measuring Maori responsiveness performance.
- Develop an internal infrastructure, including a national manager of cultural affairs, and a network of district Iwi liaison officers (ILOs). (Doone, 2000)

### *Cross-Deputization and Community Aides*

Earlier we presented information about the increasing role of non-sworn officials such as Peacekeepers who aid sworn officers policing Aboriginal communities in Canada. This approach, to varying degrees, is used in all three of these nations. Non-sworn officials have played an important role in Aboriginal policing in Canada since 1965 with the introduction of band constables. Non-sworn Aboriginal officers have been deployed in other nations for over one-half a century and a review of the literature shows that Village Police Officers were first introduced in Alaska in 1979, Maori wardens have been deployed in New Zealand since 1945, Aboriginal Community Liaison Officers (ACLOs) in Australia since 1986 and Tribal Rangers in the Southwestern United States starting in 1957. Regardless of their names, their roles are similar, as they deliver a culturally sensitive and cost-effective approach to crime reduction. Because these non-sworn officials are often from the community they help police, they frequently have specialized knowledge about the history and values of the First Nation and can intervene in a culturally sensitive manner (Sunahara, 2006).

Wells and Falcone (2008) refer to these non-sworn personnel by the American label “quasi-police,” but this term may also be applied to non-sworn personnel deployed by law enforcement agencies in Australia and New Zealand. Wells and Falcone (2008) define quasi-police as providing “a variety of public safety, order maintenance, or auxiliary personnel who lack a legal mandate to carry out the full range of law enforcement tasks” (p. 654). These personnel are typically civilian members of police services, and most do not possess equivalent certifications, training or status as fully sworn officers. Despite these limitations, quasi-police have a special function in law enforcement as their roles and responsibilities may be tailored to fit the needs of the communities they serve. It is possible that these officials will play an even greater role in police organizations in response to economic austerity (Ruddell & Jones, 2013).

### United States

Given the jurisdictional constraints together with existing geographical difficulties associated with policing reservations, there are a variety of tribally administered quasi-personnel with special or limited enforcement duties. These personnel most often include, but are not limited to, natural resource rangers, park wardens, fish and game officers, and casino security (Wells & Falcone, 2008). As noted above, the Navajo Rangers were originally formed in 1957 and are tasked with protecting tribal infrastructure and natural resources. Other ranger programs

may focus on local crime enforcement to remedy the lack of available police officers to provide coverage to large geographical areas.

There also appears to be a growing interest in auxiliary programming to provide greater support to communities lacking a full-time or permanent police presence in the U.S.. Or, as Wells and Falcone (2008) point out, to provide support “when the local tribe feels too distant or disconnected from the administration of the formal police force, such as in BIA-administered police departments or in large tribes that are politically centralized but socially organized around smaller villages or kinship groups” (p. 655).

One noteworthy auxiliary program originally implemented in Alaska in 1979, is the Village Public Safety Officer (VPSO). These uniformed but unarmed officials provide law enforcement services to small, rural or remote communities that do not have the resources or demand to support full-time sworn personnel. Given that some of these communities may have only a few crimes per year, the skills of a sworn officer are better used elsewhere. Wood, Rosay, Postle and TePas (2011, p. 333) observed that VPSOs served 67 of 146 Alaska villages of 25 residents or more (with a total population of about 25,500 residents) that did not have year-round roads or air service.

VPSO positions are funded by the state, and they are administered and supervised by the Alaska State Police (Wood, 2002). VPSOs perform an array of policing duties in Native villages, although their role does not include the investigation of serious crimes. The Alaska State Troopers are tasked with responding to serious offences in these communities, although as Wood and colleagues note, their response time can range from hours to days in inclement weather. Often VPSOs are originally from the towns that they police, and this creates a number of challenges for them, and may be one reason why turnover rates for these officials tend to be fairly high. Despite those challenges, the VPSO may serve as a model for Canadian policing in remote or isolated posts that otherwise would have no police protection.

To address the jurisdictional issues which often impact the quality of police services delivered to Native American communities, many law enforcement agencies have entered into agreements of cross-deputization. According to Bobee et al. (2008), complex and often difficult negotiations occur to establish the elements of deputization agreements which give “tribal, federal, state, or city law enforcement officials power to enforce laws outside their own jurisdictions regardless of the identity of the perpetrator, thus simplifying the exercise of criminal

jurisdiction” (p.12) . One reason for the difficult negotiations arises from the reluctance of tribal officials to give state or local police the authority to enforce laws on their lands. Other concerns arise from differences in training, culture, priorities, and liabilities (Bobee, et al., 2008). Despite these barriers, cross-deputization agreements provide enforcement agencies opportunities to better meet the needs of tribal communities.

The *Tribal Law & Order Act 2010* passed by Congress in 2010 has encouraged cross-deputization in Native American communities. Particularly, the *Act* enhances existing law to expand the authorities of officers policing reservations by permitting the enforcement of federal laws normally outside their jurisdiction (Kiedrowski & Lithopoulos, 2013).

### Australia

In accordance with the recommendations of the RCIADIC, Australian police services have made efforts to recruit more Aboriginal people into sworn and civilian positions. Current recruiting strategies are aimed to improve Aborigine-police relations and share the common goal of reducing Indigenous interaction with Australia’s criminal justice system. One strategy that appears consistent across jurisdictions is the employment of ACLOs. While the roles of these personnel may differ from community to community, they may be broadly responsible for maintaining effective communication between police and Aboriginal communities, resolving disputes, working with crime units to identify at-risk youth and domestic violence victims, educating police on Aboriginal traditions and customs, and providing support to Aboriginal people in custody (NSW Ombudsman, 2005).

As Aboriginal communities tend to be located in remote or rural areas, Aboriginal liaison officers may be granted special law enforcement authorities to help remedy the lack of police presence. For example, some Police Aboriginal Liaison Officers (PALOs) in Victoria are granted full police powers in locations where a significant number of Aboriginal and Torres Strait Islanders reside or may come into contact with the criminal justice system (Putt, 2010). Alternatively, these personnel may be unsworn but perform an array of policing duties depending on the specific needs of communities. Table 10 presents a list of these quasi-police personnel by state.

## First Nations Policing: A Review of the Literature

**Table 10: Indigenous Community Arrangements by Jurisdiction**

<b>Jurisdiction</b>	<b>Designation</b>	<b>Sworn or Unsworn</b>	<b>Policing powers</b>
<b>Australian Capital Territory</b>	Indigenous Community Liaison Officer	Unsworn	None
<b>New South Wales</b>	ACLO	Unsworn	None
<b>Northern Territory</b>	ACPO: jointly funded partnership between NT Police and Aboriginal communities	Sworn	Varies between communities, many carry out police role
<b>Queensland</b>	PLO: Queensland Aboriginal and Torres Strait Islander Police, being phased out in favour of sworn officers working with PLOs	Unsworn	None: may assist police officers with law enforcement tasks in certain circumstances
<b>South Australia</b>	APLO: established on a trial basis in the APY Lands, funded by SA Police	Unsworn	None
	Community constables	Sworn	Extent of powers varies on an individual basis dependent on training
<b>Tasmania</b>	District Aboriginal Liaison Officers	Sworn: liaison functions are performed by nominated officers in each region as part of general duties policing role	Full police powers
<b>Victoria</b>	PALO	Sworn: liaison functions are performed by nominated officers, as part of their policing role, in areas where there are a significant number of Aboriginal and Torres Strait Islander people residing and coming into police contact	Full police powers
	ACLO	Unsworn: ALCOs are full-time employees who are members of the Aboriginal community elected by a panel	None
<b>Western Australia</b>	APLO: No new APLOs, replaced by sworn police. A small number of APLOs retain their role and status	Unsworn	None: can arrest under direction of a sworn officer

Source: (Putt, 2010, p. 46)

### New Zealand

In accordance with the Maori Responsiveness Strategy, the New Zealand Police Service employs ILOs to improve relations between Maori residents and the police. According to Kiedrowski and Lithopoulos (2013), these personnel work at the community level and liaise with Maori and the police to increase mutual understanding, provide education on Maori customs, tradition, and provide advice in relation to the Maori Responsiveness Strategy. Currently, there are approximately 43 ILOs operating in New Zealand communities.

Maori Wardens have also become an integral part of community empowerment in working toward community safety. First created as a volunteer organization in the 1940s under the *Māori Social and Economic Advancement Act* (1946), Wardens were later established by the *Community Development Act* (1962) which empower District Maori Councils to govern community Wardens (New Zealand Police, 2006). In accordance with the *Act*:

Māori Wardens provide numerous services including security for territorial local authorities, businesses and hospitals, addressing truancy issues and removing children and young people from risk situations, dealing with issues of drug and alcohol misuse, helping when in need, working the Courts, and other parts of the justice sector, and walking and patrolling the streets. (NZP, 2006, para. 48)

Wardens are uniformed officials who perform an array of police-related activities within their respective communities; they are not compensated for their time or efforts in maintaining community safety. As a result, the Wardens experience high turnover rates and poor job satisfaction.

### ***Local Justice Initiatives***

#### **Australia**

Since the RCIADIC, there has been a nation-wide focus on the local management of crime and justice issues. This reflects the ideology that community members can best address responses to crime and justice while at the same time promoting ownership of the problem, accountability, and culturally appropriate responses to crime. This focus has driven the development of consultation mechanisms, such as Local Area Command Aboriginal Consultative Committees (LACACCs) and Aboriginal Community Justice Groups (ACJG) to engage Aboriginal people in developing comprehensive solutions to crime. ACJGs “are representative groups of Aboriginal people who come together to examine the crime and offending problems in their communities and develop ways to address these issues” (Government of Australia, 2010). In partnership with police, courts, and local justice agencies, ACJGs have been found to be effective in advocating for Aborigines to ensure that the criminal justice system works better for their people and communities.

In accordance with the RCIADIC, government investment has been steered to support community night patrols. The Commission recommended a community-led policing strategy be considered in communities that lack permanent police presence, similar to the Julalikari Community Night Patrol model (Blagg & Valuri, 2004). The model emerged from arising

frustrations with government and agencies to effectively address the rising violence, deaths, and interpersonal disputes, and subsequently the incarceration rates of people from within their community (Blagg & Valuri, 2004). In response to this, volunteers of Julalikari joined together to patrol neighbourhoods, identify crime problems, respond to conflicts, and reduce the interaction between Aboriginal people and the criminal justice system. Since the RCIADIC, over 62 community patrols have emerged across the country, which have generated public attention as they work to prevent negative interactions between Aborigines and police and resolve community conflicts in an “Aboriginal way” (Curtis, 1992).

### **Indigenous Community Patrols (Night Patrols)**

Night Patrols are an initiative of Indigenous communities that provide an outreach service to Australian juveniles, although they also provide supports to adults. Barclay and Scott (2013, p. 159) write that these officials:

Patrol communities at night (mostly in vehicles but sometimes on foot) and assist community members who may be at risk of either causing harm or becoming a victim of harm. The approach is noncoercive, seeks to be culturally appropriate, and offers an alternative to police involvement. Common forms of assistance that a night patrol service might offer include transport to a safe place or sobering-up shelter; mediating potentially violent situations; moving youth off the streets; or referring clients to other community support services and acting as a nexus between police, courts, clinics, and family.

Night Patrols have been around for about two decades and started as a grassroots initiative to reduce contacts with the police, conflict, crime and victimization. The long-term success of Night Patrols suggests that these officials have responded to unmet community needs.

### New Zealand

Safer Community Councils foster community safety through planning and supporting initiatives aimed to reduce crime and substance-abuse issues. The community-based Councils represent local New Zealand districts and work closely with key stakeholders to develop and implement Crime Prevention Plans. These stakeholders include the New Zealand Police, Neighbourhood Support, the Ministry of Justice, local schools and community justice agencies (Rotorua District Council, 2012).

Neighborhood Support is another local justice initiative supported by the New Zealand Police to enhance community cohesion in the context of crime prevention. These volunteer, not-for-profit community groups engage in an array of activities which aim to:

- minimize burglaries and car crime in the local area
- reduce graffiti, vandalism, violence and disorder
- decide on ways to handle any civil emergencies that may occur
- support victims of crime
- enhance the safety features and appearance of the neighbourhood
- liaise and cooperate with other community groups. (Ministry of Justice, 2007)

Of the few studies conducted, participants indicate that Neighbourhood Support is moderately effective in both the reduction of local crime and in building community support (New Zealand Ministry of Justice, 2007).

### **Evaluative Measures**

#### United States

Noted in existing literature is the lack of systemic evidence-based information about police service delivery in Native American communities. There appears to be little focus on promoting the exercise of “best practices” in tribal policing and even less on establishing performance measures and monitoring systems to evaluate service delivery. According to Kiedrowski and Lithopoulos (2013):

the ability to identify and implement more effective policies that will support and enhance Indian tribal policing agencies in the U.S. is stuck in limbo, awaiting better information about what various contemporary tribal policing practices are, in which communities these are used, and how they seem to work (p. 21)

#### Australia

There is difficulty establishing performance measures in many Australian Indigenous communities due to the lack of quality data particularly in the areas of population, crime, and statistical variation between communities (Allen Consulting Group, 2010). However, activism to improve community safety in the state, territorial, and national fronts have demanded accountability measures be put in place to monitor the effectiveness of policing activities in compliance with objectives of overarching frameworks. It appears common performance indicators are used across agencies. These include, but are not limited to, level of community

satisfaction with police; percentage of time directed toward community safety and engagement; perceived level of personal safety and property security; the number of training courses, seminars and presentations on Aboriginal matters; the number of Aboriginal people detained in custody; and the number of Aboriginal recruits participating in recruitment programs.

### New Zealand

New Zealand Police use performance indicators centered on community perceptions of the police and police perceptions of Maori to evaluate the delivery of policing services. In accordance with the broad-based objectives of the Maori Responsiveness Strategy, success is measured through improved perceptions of police towards Maori, improved perceptions of Maori towards police, increased trust and confidence by Maori in police, increased satisfaction by Maori with policing services, and demonstrated knowledge of and commitment to the Maori Cultural Framework by police (New Zealand Ministry of Justice, 2000).

### **Review of Emerging Themes**

A number of thematic commonalities emerge upon review of various Aboriginal policing arrangements instituted in the U.S., Australia and New Zealand. Noticeably, there is a clear focus on promoting the ideals of community policing through federal and state-led policies particularly in the Australian and New Zealand contexts; and while not obvious, may also emerge in some arenas, of the American tribal policing context. This focus may be observed through emerging commonalities in policies and programming aimed to (1) improve relationships between Aboriginal people and the police; (2) support local crime management; (3) build partnerships to reduce local crime, and; (4) promote a needs-based approach to police service delivery. A fifth commonality which is intrinsically implied throughout is the recognition of Aboriginal customs and traditions as separate from dominant Eurocentric ideologies.

### ***Community Policing***

It is clear that principles of community policing are strongly reflected in justice-related policy, programming and initiatives employed in both Australia and New Zealand. This philosophy differs significantly from that which is typically instituted by departments in the U.S., the professional approach to policing, better known as the crime control model.

According to Robert Depew (1992), the organization of conventional police services and their delivery of same are consistent with urbanized, Eurocentric criminal justice systems

intended to prosecute, punish, and deter offenders. As a result, police services operate under a crime control model intended to promote the detection of crime, apprehension of criminals, and charge of offenders. The limitations that stem from a crime control model are those which do not address the changing social conditions and environmental stresses experienced by Aboriginal communities, particularly those located in rural settings. In addition, Aboriginal policing may traditionally “be observed to operate in a context of reciprocal constraints that are derived from a variety of social relationships and, therefore, is shaped and directed by the interests of the wider community” (Depew, 1992, p. 463). In contrast, the clashing crime control model which historically has been instituted in Aboriginal communities places emphasis on a paramilitary bureaucracy, a top-down approach to social control and is founded on principles of rank and hierarchical authority (Depew, 1992).

While there remains no consensus as to the definition of community policing, it is generally understood as an approach which fosters closer associations between communities and police through the structuring of mutual involvement in accordance with a number of general principles (Depew, 1992). These principles include (1) responsibility and accountability for policing; (2) the development of policing objectives and goals; (3) the changing of the nature and scope of police roles; (4) interdependency and responsibility for policing, and; (5) reactive and proactive policing as principles of police service delivery (Depew, 1992).

As mentioned previously, many community policing ideals are demonstrated through emerging trends observed in government policy and policing initiatives in both the Australian and New Zealand contexts which will be reviewed. While not overtly demonstrated in the American context, there are promising aims of the COPS instituted by the U.S. Department of Justice. The program operates using a community-based policing philosophy and has made significant contributions to community policing initiatives in Indian Country (for further information about this initiative, see “Appendix B, Part 2”).

### ***Improving Relationships***

Particularly in Australia and New Zealand, there is a clear emphasis on improving the relationship between the Aboriginal community and police. As both nations have comparable histories of political rivalry and poor reputations for Indigenous overrepresentation in crime and justice statistics, a major theme emerges which focuses on promoting mutual understanding to improve the relationship between the Aboriginal community and police.

In particular, under Australia's National Indigenous Law and Justice Framework, strategies are intended to improve systemic racism within the context of policing and to provide better police training to reduce negative interactions with members of the Aboriginal community (Kiedrowski & Lithopoulos, 2013). Comparatively, the Maori Responsiveness Strategy instituted in New Zealand seeks to build a greater understanding between Maori peoples and police to foster partnerships in crime reduction. In compliance with these frameworks, various programs and initiatives reflect aims to improve Indigenous-police relations at the local, regional, and state levels. These include the hiring of community liaison officers and recruitment of Aboriginal people into the policing sectors. Particularly, liaison personnel have the important tasks of carrying out national and state-wide policy objectives through their community work and facilitating communications between Indigenous people and criminal justice system organizations.

### ***Local Justice Initiatives***

There is a clear emphasis on supporting local justice initiatives aimed to reduce crime in both the Australian and New Zealand contexts. Particularly, community-led policing such as night patrols, Neighborhood Support, and Maori Wardens are common ways to help prevent anti-social and destructive behaviours in communities that lack a permanent police presence. These initiatives also help to reduce negative interactions between police and Aboriginal people as the programs function to solve community conflicts in a more culturally-appropriate manner. It is generally understood that these approaches aim to “minimize harm by providing non-coercive intervention strategies to prevent anti-social and destructive behaviours, through the promotion of culturally appropriate processes around conflict resolution in conjunction with contemporary policing measures” (Kiedrowski & Lithopoulos, 2013, p.27). This also promotes community ownership of local crime, which is a key component of any community-based policing strategy.

Local justice groups which function to examine local crime problems and ways of addressing same are also commonly supported by governments in both national contexts. Namely, Community Justice Groups (Australia) and Community Safety Councils (New Zealand) represent a bottom-up approach to community safety by allowing for greater Indigenous involvement in the arenas of strategic planning, crime prevention and responses to Aboriginal

offending. Local justice initiatives such as these are instrumental to institutionalizing the Indigenous voice into local policy development and implementation.

### ***Partnerships to Enhance Community Safety***

A key element of community policing is the development of policing goals and objectives which include key community stakeholders in the process. This grass-roots approach informs policy decision-making to provide a tailored police response while promoting partnership between enforcement agencies and Aboriginal communities. Common to both Australia and New Zealand is the movement to establish partnerships to address prevailing community safety matters. For instance, Local Implementation Plans in Australia and Action Plans in New Zealand exist to engage communities in justice-related decision making to improve the life outcomes of Aboriginal people and to address local crimes problems.

Within the Australian context, stakeholders such as community Elders, police, Community Justice Groups, community residents, Indigenous councils, and Commonwealth agencies come together in partnership to develop action plans generally aimed to improve access to suitable and culturally-inclusive community services, improve the standard and range of services delivered to Indigenous communities and promote co-ordinated government responses for Indigenous people - all of which are aimed to improve community safety (Government of Australia, 2009).

Similarly, the New Zealand Police engage in consultation with Maori and Pacific people to provide informed and coordinated responses to prevailing issues within individual districts.

Building partnerships to enhance community safety represents interdependency, which is another element of community-based policing. Under this conception, key stakeholders are mutually dependent and operate to achieve common community safety goals and objectives. According to Depew (1992), “by operating with and through the community, community-based policing is not only more likely to consolidate its position and standing in the community but may be able to mobilize more effectively the policing resources of the community itself...” (p. 465). It is under this conception that policy objectives in both Australia and New Zealand appear to be commonly steered.

### ***Needs-Based Approach to Policing***

Another theme which emerges across the three national contexts is an approach to policing that focuses on the needs of communities. This is of particular importance in the context

of Aboriginal policing due to the rapidly growing populations and chronic offending seen with Indigenous communities. To add to this, there are culture and language differences which vary from community to community and crimes which are more prominent in some but not in others. As a result, policing must be geared to provide a tailored response to meet the specific needs of communities.

The common objective of a needs-based approach is to identify the particular demands placed on law enforcement agencies and to develop strategies that aim to effectively meet those demands. Community consultation mechanisms provide an excellent opportunity for enforcement agencies to gain a greater understanding of the communities they serve, to identify local crime trends, and to set goals and objectives aimed to address the needs of communities. Cross-deputization agreements, police aides, and liaison officers, are, in and of themselves, responses to community demands as they allow for greater flexibility to address the drawbacks of pre-structured policing roles. Together, the variety of tasks and services provided by police services are continually redefined and reactively structured by communities and police. This is important, particularly in the Indigenous context, as Aboriginal communities “appear to require police services that are based on much broader and socially-oriented police roles and functions” (Depew, 1992, p. 471). As such, any community-based policing strategy must recognize that the changing nature and scope of the role of police is essential to accommodate the ever-changing social demands on police organizations and service delivery (Depew, 1992).

### **Summary**

This review identified promising policing practices currently employed in three national contexts. This section examined policing models implemented in the U.S., Australia, and New Zealand. Matters of jurisdiction, legislation, policy frameworks, cross-deputization, local justice initiatives, and evaluative measures were broadly reviewed to identify emerging trends across three national texts. In doing so, five themes materialized: (1) a community-based policing philosophy; (2) improvement of Aboriginal-police relations; (3) support of local crime management; (4) building local partnerships to reduce crime; and (5) promoting a needs-based approach to police service delivery. As noted above, all of these themes are undergirded by an acknowledgement of the distinctive nature of Aboriginal policing.

### **VII. Conclusions**

This study highlighted the historical conditions that led to the enactment of the FNPP and described the current challenges facing organizations tasked with Aboriginal policing. With the establishment of the FNPP, Canada became the only country that had developed a comprehensive national policing strategy for its Aboriginal peoples. As noted throughout this review, the FNPP introduced a number of innovative features, including its tripartite approach, which has not been duplicated in other nations. In addition, its mix of federal and provincial funding and requirements for community participation in policing have enabled First Nations to take some significant steps toward self-determination, which is an important consideration given the paternalism and discrimination that shaped Aboriginal people's relationships with all levels of government throughout Canadian history (Adjin-Tettey, 2007).

After the implementation of the FNPP, there was considerable optimism that the Program would help reduce crime and victimization and increase satisfaction with Aboriginal policing. This review shows that the results so far are mixed: Aboriginal policing is working very well in some First Nations while less successfully in other places. Those findings are not surprising given the challenges confronting some communities in terms of their unmet needs for community well-being which is further exacerbated by high rates of crime. Moreover, this review has identified a growing number of studies, and reported stakeholder, practitioner and media accounts of the chronic under-funding of some Aboriginal policing arrangements. Under-funding these police services makes it difficult for them to carry out their core responsibilities (e.g., investigations and responding to emergencies) as well as the non-traditional policing duties, such as community policing and fostering proactive crime reduction strategies in a culturally appropriate manner. As a result, the contemporary policing arrangements are not those envisioned by the architects of the FNPP.

The mixed findings reported above are not surprising. Long-term entrenched social problems require long-term solutions and moving away from responses that haven't worked very well in the past. Developing new approaches to policing is neither a simple nor easy undertaking. This challenge is made more difficult by a lack of recent scholarly or government research that would help practitioners better understand "what works" in terms of Aboriginal policing. This study highlighted the current state of the Program, along with identifying key issues that will

influence Aboriginal policing and Aboriginal policing research in the future, including (a) resourcing/funding; (b) administrative capacity; (c) policing arrangements; (d) aboriginal policing as a distinct policing model; and (e) responding to crime and victimization. These issues have implications for the development of research, practice, policy, theory, and ultimately, ensuring just and fair outcomes for Canada's Aboriginal peoples.

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## **IX. Appendices**

### **Appendix A Aboriginal Policing in Canada: A Chronology**

1960s: RCMP announces its withdrawal from policing First Nation communities in Ontario and Quebec
1965–68: DIAND initiates the Band Constable Program
1968: Kahnawake peacekeepers program starts
1971: DIAND issues Circular 55. Introduced in response to pressures from Native groups and the RCMP, it allowed for special constables who would not be restricted only to policing band bylaws but could supplement, not supplant, senior police in the local area. It recommended parameters for policing in First Nation communities, and its principles were followed in the FNPP initiated 20 years later.
1973: DIAND task force recommends three choices for policing in Aboriginal communities. The Band Constable Program was encouraged to evolve through the development of a special constable program within existing senior police services. This took the form of the Indian Special Constable Program. In the RCMP, this was labelled the 3B Program, in Ontario, the Ontario Indian reserve Constable Program, and, in Quebec, the Amerindian Police Program.
1973: RCMP 3B policing program begins.
1975: Ontario Indian Special Constable (OICP) begins.
1975: Amerindian Police Program is established in Quebec.
1970s: DIAND undertakes evaluation of Band Constable Program.
1978: Dakota-Ojibway Tribal Council Policing Program is established.
1978: James Bay Agreement authorizes the development of autonomous police services for the James Bay Cree and the Naskapis.
1981: The first tripartite policing agreement, involving the federal and Ontario governments and First Nations leaders, is signed in Ottawa.
1982: Five hundred officers are now employed in First Nation communities (including 130 band constables).
1983: The federal government requests that DIAND and the Solicitor General of Canada comprehensively review the federal involvement in policing services
1983: National evaluation overview of Indian policing is undertaken.
1987: Louis Bull Reserve achieves the first self-administered First Nation police service
1989: RCMP Assistant Commissioner Robert Head produces his report, <i>Policing for Aboriginal Canadians: The RCMP Role</i> .
1989–1991: Self-directed police services at Six Nations and Akwesasne are put in place.
1989: The Ontario First Nations Policing Agreement (FNPA) is negotiated.
1989–92: Inquiries and commissions, established to examine critical incidents and shortfalls in

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Aboriginal policing, report their findings and recommendations.
1991: New First Nations Policing Program (FNPP) is approved by the federal government.
1991: The RCMP change the status of the Indian Special Constables, making them full members, and the Program itself evolved into the Aboriginal Community Constable Program (ACCP).
1992: The Aboriginal Policing Directorate (APD) is established under the Solicitor General Canada.
1992: Emergence of the self-administered, fully authorized First Nation police service (SA)
1992: First Nations Chiefs of Police Association (FNCPA) is established. This body brought together the chiefs of police (and others) of self-administered First Nation police services throughout Canada and was supported by APD.
1993: First annual First Nations Police Governance Workshop is held.
1994: A tripartite agreement is signed, establishing the Nishnawbe Aski Police Service in Ontario.
1995: Evaluation of the First Nations Policing Policy and Program.
1995: Forty-six tripartite agreements have been signed and more than 800 First Nations officers are now employed in policing First Nation communities.
1995: National survey of front-line police officers in all Aboriginal communities.
1996: First annual General Meeting of FNCPA is held in Ottawa.
1996: Royal Commission on Aboriginal Peoples' report on Aboriginal people and criminal justice in Canada is released.
1998: By this date, 111 tripartite agreements have been signed, and there are more than 850 First Nation officers employed in First Nation communities.
1999: Inquiry at Tsuu T'ina First nation (Alberta) begins.
2000–02: Several Canada-wide studies of self-administered First nation police services, carried out on behalf of the APD, are published.
2001: Formal consultations begin by the Province of Alberta exploring the feasibility of a province-wide native police service, which, if realized, would be the first of its kind in Canada.
2002: Tripartite agreements are signed (re-)establishing the RCMP as the police service in Cape Breton, Nova Scotia, First Nations.
2004: RCMP issues a report on its Aboriginal policing policy.
2005: There are now 48 SAs (9 in Ontario involving 114 First Nation communities with a total population of 75,190 people) and 78 CTAs in Canada (none in Ontario or Quebec).
2005: Three Canada-wide assessments of the FNPP are completed.
2006: The OPP releases a draft form of its new policies for Aboriginal-oriented policing.
2006: New senior appointments in Aboriginal policing are made by the RCMP and OPP.
Source: adapted from Clairmont (2006, pp. 4–9)

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### Appendix B First Nations Policing Program: Number of Tripartite Policing Agreements and Expenditures, 1992 to 2012.

Year	Number of Agreements	Federal Expenditures	Estimated Provincial Expenditures	Total Expenditures	Percent Increase
1992	1	18,600,000	8,715,253	27,315,253	0%
1993	7	28,000,000	17,786,232	45,786,232	51%
1994	18	32,000,000	20,681,665	52,681,664	14%
1995	47	39,449,000	26,859,305	66,308,304	23%
1996	72	49,400,000	35,812,406	85,212,406	25%
1997	100	50,100,000	36,174,148	86,274,147	1%
1998	108	51,400,000	37,292,936	88,692,935	3%
1999	115	55,800,000	40,981,248	96,781,248	9%
2000	123	58,100,000	42,688,800	100,788,800	4%
2001	123	59,547,800	43,560,000	103,107,800	2%
2002	123	65,250,000	48,400,000	113,650,000	10%
2003	127	73,000,000	55,000,000	128,000,000	11%
2004	128	79,583,500	71,000,000	150,583,500	10%
2005	132	85,554,000	76,326,550	161,880,550	8%
2006	150	90,952,000	81,142,347	172,094,347	6%
2007	164	98,200,000	87,608,612	185,808,612	8%
2008	165	104,000,000	92,783,052	196,783,051	6%
2009	167	112,950,657	100,768,333	213,718,990	7%
2010	167	111,876,448	99,809,983	211,686,431	7%
2011	168	119,881,911	106,952,015	226,833,926	7%
2012	163	122,434,959	109,229,703	231,664,662	7%
Total	-----	1,506,080,275	1,239,572,588	2,745,652,858	-----

## Appendix C

### PART 1

Table 1: 2006 Census(a), Indigenous population, Remoteness Areas(b) (ABS, 2013)

State/Territory	Major Cities of Australia %	Inner Regional Australia %	Outer Regional Australia %	Remote Australia %	Very Remote Australia %
New South Wales	42	33	19	4	1
Victoria	48	36	16	-	-
Queensland	26	20	32	8	14
South Australia	48	10	23	5	14
Western Australia	34	9	15	15	26
Tasmania(c)	-	52	44	2	1
Northern Territory(d)	-	-	19	18	63
Australian Capital Territory	100	-	-	-	-
<b>Australia(e)</b>	<b>31</b>	<b>22</b>	<b>23</b>	<b>8</b>	<b>16</b>

### PART 2

#### The Community-Oriented Policing (COPS) Program

The COPS program has been a helpful funding source to police services within Indian Country and may be partly responsible for the blending of BIA and tribal employees. The program provides grants to assist state, territorial, local, and tribal enforcement agencies achieve four overarching goals:

1. To increase the number of officers deployed in American communities.
2. To foster problem solving and interaction with communities by police officers.
3. To encourage innovation in policing.
4. To develop new technologies for assisting officers in reducing crime and its consequences. (NIJ, 2000, para. 1)

Community policing is the philosophical foundation for the program and it seeks to promote best practices in the administration and operation of law enforcement. The program's approach to achieving its objectives takes three pathways. The first is to provide funding for hiring and training police officers to engage in community policing activities. The second objective is to

provide funding for hiring and training civilian employees, upgrading law enforcement technologies, and overtime in order to increase productivity. The third is to support police agencies engaging in special operations or programs aimed at reducing crime (NIJ, 2000).

Specifically in Indian Country, the COPS Office has contributed to departmental growth since its induction in 1994 as a Department of Justice initiative. According to George Gibmeyer (2008), a Grant Monitoring Specialist of the program, the COPS Office has provided more than \$314 million in financial assistance to tribal departments in Indian Country since 1999. Much of these funds have been distributed through the Tribal Resources Grant Program (TRGP) to improve infrastructure and “...to acquire basic police equipment—including patrol vehicles—along with law enforcement technology and training, to address and prevent or reduce crime and crime-related activities that occur on tribal lands” (U.S. Department of Justice, 2008, para. 2). As a result, the number of staff at many medium-sized agencies in Indian Country has drastically increased, almost doubling in size, particularly the Three Affiliated Tribes department in North Dakota (Begay et al., 2001).

### **X. Author Biographies**

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Dr. Rick Ruddell is Professor and Law Foundation of Saskatchewan Chair in Police Studies at the University of Regina. Prior to this appointment he served as Director of Operational Research with the Correctional Service of Canada and held faculty positions at Eastern Kentucky University and the California State University, Chico. He has authored, co-authored or edited nine books and 75 peer-reviewed articles, technical reports, book chapters, and articles in professional journals. Recent books include, *Do the Crime, Do the Time* (Praeger), *Making Sense of Criminal Justice*, 2<sup>nd</sup> edition (Oxford) and the forthcoming *Rural Policing* (de Sitter).

Rob Nestor is a Sessional Lecturer for various faculties and departments at the University of Regina including the Departments of Justice Studies and Sociology and Social Studies in the Faculty of Arts. He previously worked at the First Nations University of Canada as a Librarian and Lecturer of Indigenous Studies. In addition to his academic work, Rob provides historical research consulting services for various government agencies. His research interests include Indigenous land claims and treaty rights as well as historical relationships between the Crown and Indigenous populations.

Kaitlann (Kait) Quinn is a graduate student in the Department of Justice Studies at the University of Regina. Prior to commencement of her studies in Regina, Kait received her Bachelor of Arts in Law and Justice at Laurentian University in 2010. During the course of her graduate studies, Kait has performed contract research for the Saskatchewan Ministry of Justice, Corrections and Policing as co-author of *A Review of Indigenous Policing Models in Australia, New Zealand and the United States of America*. She also attended to contract employment as the Policy, Standards

and Compliance Officer for the Saskatchewan Police Commission, where she gained hands-on experience working with executive management of Saskatchewan municipal police services. Kait is currently employed by Corrections and Policing as Program Manager as her graduate studies continue.

Breeann Phillips is an undergraduate student pursuing a Bachelor of Human Justice at the University of Regina. She has done work with the Regina Anti-Poverty Ministry and the Social Services Client Centre. Her research interests include restorative justice, mediation, and social justice.