

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

Executive Summary

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

The Expert Panel on Policing in Indigenous Communities

THE COUNCIL OF CANADIAN ACADEMIES

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The Expert Panel on Policing in Indigenous Communities

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

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

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

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

Message from the Chair

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

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

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

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

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



Kimberly R. Murray, Chair

Expert Panel on Policing in Indigenous Communities

Message from the President and CEO

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

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

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

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

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

Eric M. Meslin, PhD, FCAHS

President and CEO, Council of Canadian Academies

Acknowledgements

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

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Report Review

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

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

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

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

Executive Summary

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

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

Specifically, this report examines the following questions:

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

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

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

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

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

MAIN FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TOWARD PEACE, HARMONY, AND WELL-BEING

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

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

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