Canadian Innovations in the Provision of Policing Services to Aboriginal Peoples

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In association with

* Opinions expressed are those of the author and do not necessarily reflect those of the Ipperwash Inquiry or the Commissioner

I. WHY A REPORT ON CANADIAN INNOVATIONS?

An initial report on evidence-based practice in the provision of policing services to Aboriginal people was one of more than 20 research reports commissioned by the Ipperwash Inquiry for the purpose of assisting in the development of the Inquiry’s “Part 2” recommendations. ¹ The Inquiry’s recommendations will consider both “systemic” and “operational” matters relating to the Inquiry’s mandate, and make comprehensive recommendations regarding the improvement of relations between the police and Aboriginal peoples.

In preparing the first report, more than 15,000 pages of documentation were reviewed from previous inquiries, commissions, studies, reports, and evaluations of Aboriginal–police relations in Canada, Australia, and the United States. ² Unfortunately, however, the goal of identifying evidence-based best practices proved to be illusive; at least in terms of documentation, there was little evidence about what really worked. However, three

¹ Human Sector Resources (2005).
² Rooted in British colonial tradition, the three countries selected for the initial study shared a common past with Aboriginal peoples. From early conflict and neglect, to attempts at assimilation, to the recent recognition of the need for some form of political autonomy, all three countries also experienced similar outcomes and consequences for past policies.
significant themes, summarized later in this report, emerged as to what should work, and, in some cases, what appeared to be working.

Although the initial report uncovered little documentation respecting best practices, experts advising the Inquiry were aware of many Canadian innovations that had been undertaken with the specific intent of improving Aboriginal–police relations. Since these experiences had not been uncovered in the review of documentation, it was considered important that the Inquiry take additional steps to identify and document these innovations. The Inquiry wanted to know what lessons had been learned from these experiences and how these lessons might assist the Inquiry in completing its mandate.

The canvassing of key respondents within a number of police services was of value. However, like the earlier literature review, it fell short of providing a sound basis for the development of lessons and principles that could guide future policy and program development. Therefore, additional research was undertaken to examine other areas of Aboriginal human services and to identify lessons learned in those areas that might guide reforms in Aboriginal–police relations.

Section 2 of this report highlights the results of the initial review of the literature on Aboriginal–police relations and summarizes the major findings. Section 3 reports the results of a survey of key respondents from police services across Canada that were identified as innovators in Aboriginal–police relations. Section 4 analyzes insights and lessons gained from other areas of Aboriginal human services. Finally, a concluding section draws on the work to date to propose a number of directions to guide the Inquiry’s recommendations in the area of Aboriginal–police relations.

II. ABORIGINAL POLICE RELATIONS: KEY FINDINGS FROM A REVIEW OF THE LITERATURE

The initial literature review on evidence-based practice identified three key themes that deserve consideration in designing innovations to improve Aboriginal–police relations. These innovations relate to community policing approaches, Aboriginal influence and control of policing services, and successful police recruitment strategies.

COMMUNITY POLICING PHILOSOPHIES

The traditional approach to policing has been one of “reactive enforcement,” whereby police are called and they react to a problem. For more than a decade, police forces around much of the world have moved from this enforcement model to one generally described as “community policing.” While there are many definitions of community policing, all of them reflect what the RCMP has described as “a partnership between the

3 Human Sector Resources (2005).
community and the police in the delivery of police services.” The model is based on four principles:

- Knowing and working with communities;
- Identifying common problems and concerns;
- Resolving problems through partnerships; and
- Effective and directed enforcement.

This service delivery model, while not specific to Aboriginal police work, has application in both Aboriginal and non-Aboriginal communities. Research both on and off reserves, for example, has demonstrated that this approach has potential for reducing crime and improving relationships between the police and the people they serve.4

Unfortunately, in spite of a declared emphasis on community policing, a concept officially endorsed by most Canadian police services, many recruits still demonstrate male toughness and machismo, the ability and willingness to use force, and a capacity to adapt to a paramilitary work environment and lifestyle. Individuals attracted to this type of career are more likely to see problems in society as stemming from a lack of discipline and authority and, therefore, they are more likely to see the use of authority as a solution to problems in the community. As a consequence, they tend to exhibit more authoritarianism and less tolerance for diversity.

The application of community policing strategies in organizing and delivering police services to Aboriginal people has many challenges. However, three key predictors of success have been identified:

- The need for officers to know and live within the community being served;
- The need for initiatives to build trust between the community and police; and
- Sufficient resources to allow officers time to focus on prevention, in addition to responding to problems.

In summary, community policing is more likely to be successful when officers have an interest in and sensitivity to the community, and time to work in partnership on prevention.

ABORIGINAL INFLUENCE AND CONTROL

Over the past two decades, the United States’ “Harvard Project”5 has demonstrated that people, both individually and collectively, take responsibility for their actions and for the

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4 See, for example, the review in Human Sector Resources (2005).
5 www.ksg.harvard.edu/hpaied/overview.htm
actions of those around them when they have a measure of control over the decisions that affect their lives. This control has to be provided through a democratic process and through the institutions that deliver services. The results of extensive research on Aboriginal self-government in Canada support these findings and provide many concrete illustrations of these principles in action.  

A number of Aboriginal policing initiatives have been developed across Canada, usually with the goal of involving more Aboriginal people in advising on or indeed in doing police work. In an urban, culturally diverse environment, where mainstream institutions and organizations abound, meaningful involvement may be a starting point. But on Canada’s reserves, as well as in other Aboriginal communities, a greater degree of Aboriginal control is possible.

In some cases, attempts have been made to enlist more Aboriginal officers in existing services. In other cases, the numbers of officers have been increased through the development of new police or auxiliary services. These programs have governance arrangements ranging from shared control with existing police services, to complete control over a limited range of police functions. In only a few Canadian police services, however, do Aboriginal people have control over a complete range of police functions.

Since police must be accountable to the communities they serve, local governance structures, such as a Police Board or Commission, are the norm in Canada. Recommendations from Saskatchewan,\(^7\) Manitoba,\(^8\) and Australia,\(^9\) among others, have suggested how these same principles of local governance might be adapted to policing services for Aboriginal people. The implementation of these principles requires recognition of the right of self-determination, and the full and effective participation of Aboriginal people in overseeing and being responsible for police activity.

In summary, effective policing for Aboriginal people will require the devolution of responsibility and accountability to Aboriginal governments and communities, where community-level solutions can be applied to community-level problems.

**POLICE RECRUITMENT STRATEGIES**

The characteristics of those who work within police services directly reflect the values and practices of each organization. These values and practices can be more appealing to some potential recruits and less appealing to others. The justice system tends to attract and retain those who most closely match the system’s current culture. Over time, these new recruits rise to positions of authority where they perpetuate the system’s values and

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6 See, for example, Hylton (1994;1999).
7 Commission on First Nations and Métis People and Justice Reform (2004).
9 *South Australia Police Act* (1998), Section 6.
influence the next generation of recruitment and promotion decisions. Clearly, progressive change is hard won in such organizations.

Racism and intolerance tend to be reinforced by officers’ experience with minority group members. Officers often have repeated contact with minority group members who are involved with the criminal justice system. Indeed, many officers’ only exposure to minority group members may be in the context of their law enforcement role. Moreover, there are few minority group members involved in law enforcement to provide a positive perspective on diversity. These realities create conditions that contribute to the development and perpetuation of discriminatory attitudes and behaviours.\(^{10}\)

A further complicating factor is the reality that police officials tend to socially isolate themselves from the larger society. Their work and social activities largely involve other members of their own occupational group. Police tend to fraternize mostly with other police. Research demonstrates that Canadians who are isolated from the positive experience of cultural diversity are more likely to show higher levels of intolerance and prejudice.\(^{11}\)

American, Australian, and Canadian police officers appear to exhibit similar attitudes and behaviours. Commissions, reports, and studies in all three countries have identified two proposed solutions: hire more Aboriginal staff, and implement more ambitious cross-cultural training programs. However several studies of police cross-cultural training\(^{12}\) have concluded that

- traditional cross-cultural training utilizing academics and advocates are often ineffective in increasing tolerance and understanding.
- many police officers harbour racial stereotypes.
- many police officers do not support hiring more Aboriginal staff.
- many police officers disagree with developing special policies and programs to ensure equality of treatment for Aboriginal people.

While these studies and reports provide numerous recommendations regarding “best practices,” very few concrete examples producing concrete results were found in the literature. There was, however, consistency in recommendations about what should be done:

- Police leadership must support and model strong diversity policies.

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\(^{11}\) Berry and Wells (1994).

• Police recruitment screening must be specifically designed to eliminate candidates with racist views.
• A proactive Aboriginal recruitment strategy must be maintained over time with a goal of police service membership mirroring the community makeup.
• Employment and family assistance programs, as well as other programs for Aboriginal police members, must be provided in order to support full participation in an historically hostile system.
• Increased emphasis must be placed on cross-cultural training for recruits and experienced police service members, utilizing Aboriginal police officers in an experiential environment (not through academics, advocates, or other Aboriginal leaders).

In summary, the weight of evidence suggests that improving police performance in providing police services to Aboriginal people involves the selection of Aboriginal officers based on the cultural makeup of the community, training of non-Aboriginal officers based on experiential opportunities involving Aboriginal officers, and focused support and leadership by superiors devoid of racist beliefs.

THE IMPORTANCE OF INEQUITIES IN ABORIGINAL HEALTH AND SOCIAL CONDITIONS

The review of the literature also identified a fourth important theme—the importance of inequities in Aboriginal health and social conditions. These inequities must be taken into account in assessing policing reforms. A wide range of initiatives beyond justice reforms must be considered to address the social conditions that give rise to Aboriginal overrepresentation in the justice system, and a range of other social problems.

The policing of Aboriginal people involves much more than policing on reserves. Aboriginal people live throughout the country, on reserves, in towns and cities, and in northern and Métis communities. Increasingly they live in Canadian cities. The 1951 Canadian Census reported that few Aboriginal people lived in cities. By the 2001 Census, however, half of the Aboriginal population was living in Canadian cities.

Aboriginal people who migrate to cities face some of the same problems as other migrants—obtaining jobs, finding housing, obtaining education and other services. However, they also face the loss of community, the loss of culture, and disproportionate involvement with the justice system as both perpetrators and victims of crime. In many instances, living in cities exacerbates poor social conditions. Therefore, it is essential that any examination of Aboriginal–police relations consider the diverse and varied needs of Aboriginal people, including those living in Aboriginal communities and those living within “mainstream” society.

13 Canada CSC (2002); Heckbert and Turkington (2001).
Many influential public inquiries and reports have detailed concerns about how the criminal justice system has “failed” Aboriginal people. The common assertion is that the overrepresentation of Aboriginal people in the justice system compels Canadians to look at proposals for radical reform, including a separate system of justice for Aboriginal people.

While cultural differences and discrimination explain some of the overrepresentation, there is growing evidence that other factors contribute to Aboriginal overrepresentation, factors that are similar for both Aboriginal and non-Aboriginal offenders and victims. For example, an examination of age, gender, employment, and education for all inmates in correctional facilities suggests that there are a number of common factors that contribute to involvement with the criminal justice system.

- Gender: Males comprise 49 percent of the general population as compared with 98 percent of the adult prison population.
- Age: The mean age of the general population is 41 as compared with the mean age of adult inmates at 33.
- Employment: The unemployment rate in the general population is 10 percent, as compared with 49 percent of adult inmates who were unemployed at the time of incarceration.
- Education: 19 percent of Canadians have less than a Grade 9 education, as compared with 34 percent in Canadian prisons.
- Addictions: Alcohol and other drug abuse is considered to be the single greatest factor contributing to overrepresentation of Aboriginal people in the criminal justice system, with up to 80 percent of criminal offences by Aboriginal people involving substance abuse.

The Aboriginal people of Canada are disproportionately exposed to all of these risk factors—a higher proportion of youth in the high-risk 15 to 24 age group, fewer education and employment opportunities, more poverty and poor social conditions giving rise to, for example, higher rates of substance abuse, and so on. These factors also contribute to the overrepresentation of Aboriginal people in vulnerable neighbourhoods, which also puts them at higher risk for involvement in the criminal justice system.

Rates of crime are considerably higher in Aboriginal communities than in non-Aboriginal communities with similar characteristics. However, in both Aboriginal and non-Aboriginal communities, research confirms that more victims of crime are also Aboriginal people. For example, according to one study, the rate of victimization of

14 Hamilton and Sinclair (1991); Royal Commission on Aboriginal Peoples (1996); Henderson (1999).
15 Statistics Canada (2000).
16 LaPrairie (1996); Roberts and Doob (1994).
Aboriginal people was 206 per 1000 population over 15 years of age as compared to 81 per 1000 population for all Canadians.\textsuperscript{18} 

In summary, it has become increasingly evident that the circumstances and conditions that give rise to Aboriginal overrepresentation in the criminal justice system pertain to the unique circumstances of Aboriginal people, but also to conditions and circumstances (young, poor education and employment opportunities, social problems, and so forth) that increase the risk of involvement with the criminal justice system for Aboriginal and non-Aboriginal people alike. For these reasons, it would be unreasonable to suggest that justice system reforms generally, or reforms to the manner in which policing services are developed and provided, will, in and of themselves, address fundamental issues about the role and contribution of Aboriginal people in Canadian society. Therefore, it is important to recognize that justice reforms, and policing reforms specifically, while important, must be one aspect of a much more comprehensive approach to redressing historical and current inequities that give rise to a panoply of social problems, including overinvolvement in, and dissatisfaction with, the justice system.

CONCLUSION

A number of themes were identified in the literature review. These point the way to several practices and approaches that have important implications for improving Aboriginal–police relations. At the same time, it proved extremely difficult to locate information about specific innovations. When such innovations were mentioned, they were usually not documented, and almost never evaluated. In fact, there appeared to be no systematic efforts underway to replicate successful initiatives across agencies or jurisdictions, or to create a broad synthesis of knowledge and practice that could guide future innovations.

While it is clear that there are many dedicated individuals and agencies that are determined to bring about positive reforms, the overall impression from the literature review is that there is little coordination, little sharing of information, an inability or unwillingness to set clear program goals and then evaluate outcomes, and almost no effort being applied to synthesizing and sharing information. It seems clear that this would not be the case if the improvement of Aboriginal–police relations was a top priority on an institution- and system-wide basis. Unfortunately this does not appear to be the case. Rather, as subsequent sections confirm, at present, improvement of relations mostly seems to rely on dedicated individuals working in relative isolation to bring about local improvements.

III. CANADIAN POLICING INNOVATIONS: A SURVEY OF KEY RESPONDENTS

\textsuperscript{18} CCJS (2001 ).
Key informants from 11 Canadian jurisdictions, as well as from an advocacy organization, were provided with background information on this project and then interviewed by telephone over the summer and early fall of 2005. The informants were selected by Inquiry research staff in consultation with the Law Enforcement and Aboriginal Diversity Network. In choosing informants, the intent was to select representatives of police services that were known to have innovative approaches to Aboriginal–police relations. The innovations relating to Aboriginal-controlled police services are being analyzed in a separate research project commissioned by the Inquiry.

Interviews with the 15 informants were fluid and informal, but the collection of information was framed by a 52-question interview guide. The informants were all experienced senior officers with police services located throughout Canada, from Victoria to Halifax. Invariably, the officers provided their full co-operation, and they demonstrated strong interest and extensive experience in working with Aboriginal people. Only four of the fifteen informants from thirteen interview sites were themselves Aboriginal.

The approach adopted in this survey had several important limitations:

- The summer months and “leave” arrangements created significant delays in accessing key respondents, and some respondents that had been selected were not able to participate, even after extensive efforts over several months.

- The sample size was small, and there was no attempt to select a random sample of police organizations. Rather the approach was to deliberately seek out those thought to have valuable experiences to share.

- Not all police organizations involved in important innovations participated. In particular, the Ontario Provincial Police (OPP) did not participate. Staff for the Ipperwash Inquiry specifically directed us to exclude the OPP from this survey. As a result, this report does not include OPP innovations or interviews with OPP representatives. The Inquiry advised us that the OPP was preparing its own survey and analysis and that the Inquiry would report on this additional information elsewhere.

- There was no attempt to capture all the innovations of Aboriginal policing organizations, as this is the subject of a separate project. Rather, the focus was on the innovations involving mainstream policing services and Aboriginal people and communities.

- Respondents had not consistently received oral briefings or written documentation from their predecessors and, in many instances, the organization and community memory had been lost. Therefore, the ability of the respondents

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19 A description of this organization is provided later in the report.
to answer many of the questions (for example, how innovations were originally brought about) was often quite limited.

- As expected, initiatives were rarely documented or evaluated. Therefore descriptions of the features of the innovations, their effectiveness, as well as the lessons learned, principally relied on the memory and judgment of the respondents. There was no attempt to validate the respondents’ observations by seeking opinions from others who had also been involved in the innovations.

As a result, a small number of innovations were documented, and the information collected on these innovations was not exhaustive. The information and insights gathered were also highly reliant on a small number of key respondents who were identified by the Inquiry or by their police services as experts in Aboriginal–police relations. Despite these limitations, however, the results do provide some important insights with regard to initiatives now underway within policing services across Canada.

**VICTORIA POLICE SERVICE**

**FOCUS: COMMUNITY POLICING AND RECRUITMENT**

In response to a community controversy in 2002, the Victoria Police Service “Greater Victoria Police Advisory Committee,” was established with a goal of identifying and responding to concerns and improving relations with minority groups. The Committee is composed of 16 civilians and 5 officers, including 3 Aboriginal persons and a Deputy Chief. The committee is chaired by an experienced constable who recently completed a master’s thesis on the recruitment and retention of Aboriginal officers. While the Committee utilizes a community policing approach typical of other police diversity initiatives (know the community, identify common problems, and work toward solutions in partnership), it is atypical in that it involves five municipalities policed by three municipal services and two RCMP detachments.

The primary work of the Committee is to address issues brought to it by its members. One example is the improvement of communication back to Aboriginal communities regarding the police response to complaints, reviews, and inquests. In many communities, the results of police investigations remain internal. However, the Victoria service “reports back” in various ways, including the use of Aboriginal newsletters. Other innovations that convey respect for Aboriginal culture include the installation of a totem pole at police headquarters, and the introduction of an annual awards program for officers who have contributed to the “reduction of racism.”

The constable who chairs the Committee is also responsible for police recruiting. Special initiatives, such as information sessions on reserves and in-school “Career Fairs” have been developed and promoted with children as young as age 12. Plans are being developed for specialized recruitment materials in order to better attract minority groups, including Aboriginal applicants. The number of Aboriginal officers in the Victoria Police
Service currently approximates the percentage of Aboriginal people living in the community; however, the retention of officers remains a problem.

Funding for this initiative comes from the police services general revenue. No formal evaluation has been completed to determine the outcomes. However, anecdotal information suggests there has been improvement in trust between police and Aboriginal leaders, as well as an improvement in the recruitment of Aboriginal officers.

VANCOUVER POLICE DEPARTMENT
FOCUS: COMMUNITY POLICING AND RECRUITMENT

In its 18th year, the Diversity Relations Unit of the Vancouver Police Department is one of the oldest such innovations in the nation. The Department’s publicly stated commitment to Aboriginal people is well known and the Unit has three dedicated officers with leadership being provided by a veteran Sergeant. The program’s goal is to improve and maintain relations between police and minority groups. The Unit’s most recent innovations include a “Chief Constables Diversity Relations Advisory Committee” formed in 1996, an aggressive approach to recruiting Aboriginal people, and a cultural sensitivity program. The Committee reports directly to the Police Chief, a governance model that conveys the priority of diversity values within the Department. A recent decision to change police vehicle colours includes a symbolic display of Aboriginal history.

The Diversity Relations Advisory Committee includes officers and Aboriginal representatives. The Committee’s focus is consistent with community policing principles—community problems are identified and common solutions sought. Recent innovations include the introduction of diversity training programs where serving officers participate in aspects of Aboriginal culture, such as sweat lodges, the development of a PowerPoint presentation on diversity issues, and an aggressive approach to developing trust with youth through student education.

In August of 2005, Vancouver followed the “Toronto model” and instituted an “Aboriginal Advisory Committee” to supplement the more broadly focused Diversity Relations Advisory Committee. The decision was in recognition of the importance of Aboriginal people in greater Vancouver.

The backbone of the Diversity Unit is a downtown storefront location and liaison officers who work on building trust and making referrals to community agencies. Unit officers have also mounted an aggressive recruitment program and have travelled to reserves across the province. Three new members were recruited in the past year, and the complement of Aboriginal officers now exceeds the percentage of Aboriginal people living in the community.

Funding for this initiative comes from general revenue. No formal evaluation has been completed to determine the program’s outcomes. However, anecdotal information
suggests diversity values are embraced by rank-and-file officers, trust between police and Aboriginal leaders has improved, and the recruitment of Aboriginal officers is increasing.

CALGARY POLICE SERVICE  
**FOCUS: COMMUNITY POLICING AND RECRUITMENT**

The Aboriginal Liaison Office of the Calgary Police Service was formed in 1999. Its goal is to improve communication and understanding between police and Aboriginal people. The principal focus has been to develop trust with Aboriginal people and organizations.

Through a community policing approach, problems are identified and solutions are sought in partnership with Aboriginal people. The objectives are worked on through some 16 committees providing feedback and advice to the Aboriginal Liaison Office. The Office also responds to concerns from individual citizens, and reports its activities at community events.

Cross-cultural training for officers is a priority of the Office and an annual “camp” is held on the Brockett Reserve, where “24 cowboys and many more Indians” take part in a form of cultural immersion. The program has proven so successful that, in 2005, there were 74 police member applicants for the 24 camp positions. The Office also participates in cross-cultural training of recruits but believes that the more important factor in addressing racism is the leadership culture modelled by the Chief Constable.

The Office encourages the recruitment of Aboriginal people to the Calgary Police Service through its community events, but specific initiatives are not sponsored. Distrust of police by youth results in few applicants, and those who do apply frequently lack the necessary educational qualifications. The number of Aboriginal officers in the Calgary Police Service does not currently mirror the community makeup, but the Service has achieved 75 percent of this goal.

Funding for this initiative comes from general revenue. No formal evaluation has been completed to determine program outcomes. However, anecdotal information suggests there is increased interest in diversity training by rank-and-file officers, and the trust between police and Aboriginal leaders has improved.

RCMP, EDMONTON  
**FOCUS: RECRUITMENT**

The Royal Canadian Mounted Police (RCMP) Community and Aboriginal Policing unit operates with the objective of developing culturally sensitive policing services acceptable to Aboriginal people, and promoting the recruitment of Aboriginal people into the RCMP. Staffed by a Senior Inspector and an Aboriginal constable, the unit introduced a recruitment strategy by working in partnership with the Alberta Department of the Solicitor General. An Aboriginal Police Studies Program is now available at two colleges: Grant MacEwan and Norquest, both in Edmonton. The certificate program is
designed to enhance the skills that are required of police applicants, and students are assisted in preparing for the RCMP entrance exam and the Alberta Police Cognitive Abilities Test (for entrance into municipal or First Nations police service).

The program is available to anyone in Canada and approximately 25 students have enrolled each year with a number of graduates proceeding to the RCMP training Depot in Regina. Funding is provided by Alberta Learning, and student bursaries are available from several sources.

A rigorous evaluation of the program includes examining successful placement ratios and completing student satisfaction surveys.

**RCMP, MANITOBA**

**FOCUS: COMMUNITY POLICING, ABORIGINAL CONTROL, AND RECRUITMENT**

Established in 1991 following a community crisis, the Aboriginal policing program of the Royal Canadian Mounted Police (RCMP) has a goal of safer homes and communities through a community policing approach designed to prevent and resolve conflict. Using crime prevention partnerships, restorative justice, and a “holistic” approach to problem solving, the program is led by a veteran Inspector who is himself Aboriginal. The initiative serves all of rural Manitoba. The principal focus is cultural awareness, Aboriginal perception training, suicide prevention, and Aboriginal cadet development.

The federal government’s “First Nations Community Policing Service” policy (FNCPS) is designed to provide Aboriginal people with policing services that promote cultural awareness, and are culturally appropriate and accountable. Under the policy, Manitoba RCMP, the provincial government, and the community negotiate tripartite agreements that are designed to meet the each community’s needs. The agreements commit the police to: providing service levels equivalent to non–First Nation communities, being sensitive to Aboriginal culture and beliefs, accommodating local needs, and working on a framework that allows for transition to an independent First Nations police service. However, only one reserve in Manitoba, the Dakota Ojibway Tribal Council Police Force, has moved in that direction.

Aboriginal Perception Training (APT) is a one-week training course designed by an RCMP specialist in consultation with Aboriginal Elders. The course is intended for regular members of the RCMP and focuses on perceptions, attitudes, cultural differences, and community policing strategies. The program is held twice a year and is attended by about 65 officers each year. Training is provided by Aboriginal Elders and police officers from the RCMP and Winnipeg Police Service.

The “White Stone” Aboriginal youth suicide prevention program was developed through a partnership with Suicide Prevention Training Programs (SPTP) and the RCMP. The project teaches young adults and caregivers about suicide prevention, and trains them to present suicide prevention education sessions to youth in their communities. The five-day
training for youth educators includes an exploration of beliefs, dynamics of suicide behaviour, the role of culture, risk and protective factors, and intervention skills and practice. “White Stone” comes from an Ojibwa concept of “one who teaches others to grow old.”

Two full-time Aboriginal officers are dedicated to recruiting Aboriginal members. Their efforts are complemented by the Aboriginal Cadet Development Program, designed for Aboriginal youth interested in a career with the RCMP but who do not possess the basic entrance requirements. After a three-week assessment at the Regina training Depot, cadets return to their home community with a program designed to help them achieve the necessary qualifications. If they do so within a two-year time frame, they return to Regina to undergo basic cadet training. The Cadet Training Academy prepares the individual to enter a policing service. The number of Aboriginal members in the RCMP has increased since 2001 and the current Manitoba percentage of Aboriginal officers (17 percent) appears to mirror the percentage of the Manitoba population that is Aboriginal.

All programs are cost-shared between the provincial and federal governments (several Departments may be involved), with some municipalities contributing capital resources.

Aboriginal leaders have been involved in the design and application of all programs and program evaluation is rigorous. Evaluation includes satisfaction surveys, “balanced scorecard” measures, and specific outcome data, such as an increase in the number of Aboriginal officers.

**AKWESASNE MOHAWK POLICE, CORNWALL**
**FOCUS: COMMUNITY POLICING, RECRUITMENT, AND ABORIGINAL CONTROL**

The police service was formed in 1970 through the initiative of a Band Council motivated to bring about economic, cultural, and political improvements. The goal was to provide a full range of community policing services by Aboriginal people for Aboriginal people.

Using crime prevention partnerships, restorative justice, and a “holistic” approach to problem solving, the service is led by a Police Chief who is himself Aboriginal. The police department serves about 1,500 people on a reserve that straddles the Quebec, Ontario, and American borders, and receives funding from the federal government (52 percent) and the Quebec and Ontario governments (24 percent each). The service has a complete policing mandate. The RCMP are called when additional resources are required. The Police Chief reports to a Police Commission that reports to the Band Council.

The success of the Akwesasne Police service is credited to strong political leadership, a strong police commission, well-trained Aboriginal officers, sensitivity to the Mohawk culture, and a trusting community, which is attributed to the fact that officers come from the Aboriginal community. Although salaries are about 30 percent below off-reserve rates, the police service maintains a full complement of Aboriginal officers with
recruitment completed through “recruitment visits” on reserves throughout Ontario. The standards of the Ontario Provincial Police (OPP) are utilized, recruits attend the Ontario Police College, and officers are fully equipped.

While the service does not specifically endorse “community policing,” their focus on prevention while working with the community is consistent with community policing philosophy. Spirituality is important in the community, and that is mirrored by police activity such as holding “death feasts,” and periodically “cleansing” police offices.

No formal evaluation of the service has been completed. Reports of activity are limited, but consist of a weekly “police blotter” provided to the media, monthly meetings with the Police Commission, and an annual report for the Commission and Council.

HALTON POLICE SERVICE, OAKVILLE
FOCUS: COMMUNITY POLICING AND RECRUITMENT

Although the community has a very small Aboriginal population, Oakville has an aggressive diversity initiative sponsored by the Halton Regional Police Service. Its goal is to build strong trusting relationships between police and minority groups. With strong support from the Chief Constable, the Unit is headed by a veteran Inspector and a Diversity Coordinator. Its focus is on community consultation, communication back to the community, and the recruitment of minorities to the police service.

The Unit’s innovations include a “Chief’s Forum” to provide opportunities for community leaders to meet with the senior police leadership, identify problems, and work in partnership on solutions. A second innovation is aimed at ensuring that diversity issues do not remain with the leadership but become part of the organization’s culture. Two constables in each platoon are assigned responsibility for working on promoting cultural sensitivity within their district. A “Citizen’s Police Academy” provides opportunities for 40–50 members of the public to learn more about the police service through a 12-week course involving minority group participants, including Aboriginal people who have been promoted through a multicultural Council.

Recruitment of minority officers occurs through school presentations on career days, reserve visits, and a partnership with the community involving sponsoring an annual 400-participant Interfaith Youth Conference. The theme of the conference is “understanding and tolerance.” The conference gives participants a better understanding of other cultures and provides police with an opportunity to build trusting relationships.

Minority group members are assisted in meeting the entrance requirements for the police college. They receive English language training and, once accepted, participate in diversity awareness training (one week before and two weeks after attending).

The Halton Police Service complement of Aboriginal officers mirrors the percentage of Aboriginal people living within the community. The efforts of the diversity program are
reported in an Annual Report that is distributed widely to citizens through the local newspaper. Funding for these initiatives comes from police service general revenue.

No formal evaluation has been completed. However, anecdotal information suggests the level of trust between the police and minority leaders has increased.

**OTTAWA POLICE SERVICE**
**FOCUS: COMMUNITY POLICING**

The Ottawa Police Service places little emphasis on diversity education or cultural sensitivity training, believing that police understanding and tolerance is best learned through modelling by the police service leadership, in particular the Chief Constable. The leader of the Diversity and Race Relations Unit, a veteran Detective, also believes in building strong trusting relationships between police and the leadership of minority groups. The Unit’s goal is to improve understanding between police and the community and to work in partnership to solve community problems. The Ottawa innovation is a Community and Police Action Committee (COMPAC) consisting of 26 members, half of whom are police officers of all rank (including a Deputy Chief and constables), and half who represent the community’s leadership. The group meets monthly to provide an opportunity for the exchange of information and to solve problems. Issues have been as diverse as racial profiling and minority recruitment. An offshoot of COMPAC is a smaller select group of officers and community leaders who serve as a “Critical Incident Team,” advising the police service during public incidents and controversies.

Funding for this initiative comes from the police service general operations. No formal evaluation has been completed. However, anecdotal information suggests that trust between the police and community leaders has improved.

**TORONTO POLICE SERVICE**
**FOCUS: COMMUNITY POLICING**

Established in 1992, the Toronto Police Service was one of the first urban services in Canada to establish a distinct unit to respond to the needs of Aboriginal people. Unlike other communities where a crisis resulted in strategies to improve relations, the Toronto innovation had no apparent catalyst beyond the interest of police leadership. The formation of the Unit followed the 1989 appointment of an Aboriginal police officer to the Police Chief’s “Community Liaison Unit.” The goal of the Aboriginal Peacekeeping Unit is to bridge the gap between police and Aboriginal people and to ensure access to police services that are sensitive to cultural backgrounds and unique needs. With leadership by a veteran Staff Inspector, the Unit is staffed by two officers described as “peacekeepers.” Their role is to be aware of issues and to act as a mediator, reducing misunderstandings and resolving problems before they escalate.

The focus of the Aboriginal Peacekeeping Unit is on assisting Aboriginal people to utilize the full range of police services, and connect to community resources. Referrals
are routinely made to some 54 health, social service, and housing agencies. An outreach service also provides officers to consult with community agencies to assist them in addressing criminal justice matters. Officers also attend community meetings and sponsor seminars to provide information on police policies and procedures, legal rights, and other justice matters. Aboriginal youth are mentored by exposing them to officers who serve as role models.

Community consultation is addressed formally through the “Aboriginal Community Consultative Committee.” This Committee consists of police and Aboriginal leaders who meet regularly to identify community problems and to work in partnership toward finding solutions.

Funding for the Aboriginal Peacekeeping Unit comes from police service general operations. No formal evaluation has been completed. However, anecdotal information suggests a reduction in community distress, as well as a reduction in the number of complaints against the police.

HALIFAX REGIONAL POLICE
FOCUS: COMMUNITY POLICING

Established in 2000 following a community crisis, the Diversity Unit of the Halifax Regional Police has a goal of improving relations with minority groups and recruiting minorities, including Aboriginal people. Staffed by a veteran Sergeant, the Unit’s primary focus is on building community networks and trust relationships. Two key groups provide the police service with formal input. The first is the “Chief’s Diversity Advisory Committee,” consisting of 12 citizens (including one Aboriginal person). This group has direct access to the Chief Constable, and they provide advice on community concerns. A second group is the “Diversity Action Team.” Their task is to deal with how police and minorities can relate and develop trust relationships. This 20-member group is comprised of citizens and officers of all rank. They have addressed, for example, the police complaints process that was seen as too formal and cumbersome. Information regarding the group’s activities and recommendations is made public through the Halifax police website.

The recruitment of minorities is addressed through community information, attendance at school career days, and presentations to minority groups. The initiative is new and the number of Aboriginal officers does not yet mirror the community makeup.

Funding for the Diversity Unit comes from police service general revenues. An evaluation of the initiative will be undertaken and will examine the reduction in complaints, an assessment of attitudes within the Regional Police Service, and an increase in the number of recruits from minority groups.

NISHNAWBE-ASKI POLICE SERVICE, THUNDER BAY
FOCUS: COMMUNITY POLICING, RECRUITMENT, AND ABORIGINAL CONTROL
The Nishnawbe-Aski Police Service was formed in 1994 at the initiative of Band Councils in the region who were motivated to improve the quality of policing services. Their goal was to see the establishment of a full range of policing services developed and controlled by Aboriginal people for Aboriginal people.

Policing services are provided to a huge, sparsely populated area from Manitoba to Quebec on the west and east, to Hudson Bay and the Trans-Canada Highway on the north and south. A total of 108 officers (to be increased to 135 in 2006) police 38 First Nations communities through two operational divisions in the northeast and northwest. Three of the locations are maintained in partnership with the Ontario Provincial Police (OPP).

Using a holistic approach to policing services, the department is led by a Police Chief who is himself Aboriginal, as are most of the senior officers. The service is funded jointly by the federal and Ontario governments, and has a comprehensive policing mandate, with the OPP becoming involved only when additional resources or specialized skills are required. The Police Chief reports to a Police Board and this Board reports to the Band Councils.

The success of the Nishnawbe-Aski Police Service is credited to the philosophical and operational commitment to Aboriginal self-government held by the Ontario Provincial Police. Another important factor is the positive relations between the Police Board and the police service. This is maintained through good communication and a professional relationship built on personal knowledge and respect.

The Nishnawbe-Aski Police Service observes that many police services across Canada, including the RCMP, have policy statements supporting self-government, but in many instances, a proactive approach is not evident. In contrast, operational training and support is provided by the OPP. In their view, this may help to explain the success of Aboriginal-governed and -controlled police services in Ontario, and the dearth of such services in the West.

The police services most challenging role is supporting First Nations alcohol prohibition, a task that would be impossible without the communities’ trust of officers.

For the most part, officers come from and live in the communities they serve. Salaries are comparable to off-reserve rates and the police service attempts to maintain a complement of Aboriginal officers that mirror the community makeup. The current ratio is below the target, with 90 percent of the population being Aboriginal, while 60 to 80 percent of officers are First Nations (the northwest operational area ratio is 60 percent, with 80 percent in the northeast). There is little difficulty recruiting officers through word of mouth, and a pool of potential candidates is always available without any active recruitment strategy. The absence of a recruitment problem is fortuitous because the Service experiences very high turnover due to the remote locations, isolation, and 24/7 demands for service.
The standards of the Ontario Provincial Police (OPP) are utilized, and recruits attend the Ontario Police College. Records are consistent with OPP standards and requirements. Administrative reports consist of a quarterly report and meeting with the Police Board, and an annual report for the Board and Band Councils.

No formal evaluation of the service has been completed.

**RCMP NATIONAL HEADQUARTERS**

**FOCUS: COMMUNITY POLICING, RECRUITMENT, AND ABORIGINAL SELF-DETERMINATION**

Current strategic priorities of the RCMP include organized crime, terrorism, international policing, youth, and service to Aboriginal people. The objectives within these strategic priorities relate to cultural sensitivity, intelligence gathering, improved learning, quality policing, improved communication, and strong partnerships. The importance the RCMP attaches to serving Aboriginal people is not only reflected in the fact that Aboriginal policing is an explicit strategic priority of the RCMP, but also by the fact that this initiative is led by a high-ranking (Assistant Commissioner) 28-year veteran of the force.

The RCMP “First Nations Community Policing Service” (FNCPS), announced by the federal government in June of 1991, provides the policy and framework for guiding RCMP policing services in First Nations communities across Canada. The principles and objectives outlined in this policy are designed to insure that: 1) Aboriginal people are provided with policing services that are compatible with and sensitive to Aboriginal culture and beliefs, 2) that policing services are flexible enough to accommodate local needs, 3) that the RCMP is committed to providing service levels equivalent to those in non–First Nation communities, and 4) that an administrative mechanism (tripartite agreements involving federal, provincial and First Nations governments) is in place to support the transition to independent First Nations police services “if desired.” The RCMP now has more than 190 such agreements in place.

A number of strategies are used by the RCMP in implementing the FNCPS policy. These include: building strong working relationships with national Aboriginal leaders, biannual meetings of the Commissioner’s National Aboriginal Advisory Committee, the use of “restorative justice” principles developed in co-operation with First Nations communities, and the development and implementation of a protocol for investigating deaths by police action. In addition, two important new initiatives are being undertaken.

The first of these initiatives assists RCMP personnel across the country to develop community policing strategies that will better serve Aboriginal people. In 2004, a new “workbook” was produced, complete with templates to guide both process and practice. Tools assist commanding officers in 700 detachments to develop “working plans” that include specific objectives, targets, evaluation strategies, and report-back mechanisms.
Detachment plans are expected to be fully computerized and accessible by 2007. This will allow for the production of consolidated reports documenting the initiatives and innovations that appear to be working, as well as those that do not appear to be working. In the future, an Internet search engine will allow users to examine innovations and strategies around specific topic areas. For example, users could search for innovative programs relating to vandalism or some other area of community concern. This innovation is expected to contribute to the sharing and adoption of best practices.

The second initiative is an extension of a successful recruitment program. Over the past decade, the RCMP has utilized a number of strategies in an aggressive effort to recruit Aboriginal people to the service. These efforts have met with some success, as the Aboriginal membership of the RCMP now exceeds 2 percent, mirroring the number of Aboriginal people in Canada. As a next stage in this process, the focus is now shifting to increasing the number of Aboriginal officers in senior ranks. Strategies include offering promising Aboriginal officers advanced courses and other learning opportunities. A full program is expected to “roll out” in 2006/2007.

While the RCMP has had success in community policing and Aboriginal recruitment, the development of independent Aboriginal-controlled policing services has proven to be a significant challenge. While the initiation of tripartite agreements has provided a framework, few independent Aboriginal policing services have been developed and, where they have evolved, some have stumbled over time. Some possible explanations advanced by the police and Aboriginal leaders have included the following:

- While the FNCPS policy is enabling, negotiations with federal and provincial Justice Departments and the RCMP are very complex.
- Although the RCMP has a policy in place, the attitudes of some personnel may be preventing real commitment to that policy.
- The failure of some attempts to develop independent police services has resulted in some police and some Aboriginal leaders being much more cautious.
- RCMP support and ongoing assistance may not be adequate to overcome the significant challenges.
- The RCMP generally enjoys a strong reputation and some communities appear reluctant to move to an independent service, fearing that the quality of services may decline.
- The costs of developing independent services is prohibitive for some communities.
• Some Aboriginal communities, particularly those facing high levels of crime and community dysfunction, sometimes feel more comfortable having external authorities involved in providing policing services.

Over the coming years, it is expected that the RCMP will continue to give high priority to a number of important initiatives designed to improve Aboriginal–police relations, and that they will continue to cumulate evidence about the most promising policing strategies.

**LAWS ENFORCEMENT ABORIGINAL DIVERSITY NETWORK (LEAD)**

Initiated in 2003, this Network was officially launched from Vancouver in March of 2005. The initiative is a “supported program” of the Canadian Association of Chiefs of Police. The Network consists of a group of police service representatives from across Canada “dedicated to raise the bar on how we consult with and serve Aboriginal and diverse communities.” LEAD’s mission is to achieve a common professional approach by all Canadian law enforcement agencies to relationships with Aboriginal and diverse communities.

The network is funded by the federal government and member police services, and staffed by a retired officer with strong academic and service credentials. The initiative is endorsed by the Assembly of First Nations. LEAD’s five-year plan is to build the network, provide training and educational materials, consult with the community, develop relationships with governments at all levels, and undertake specific projects such as a study of racial profiling.

**CONCLUSION**

Based on this review, the leadership of police services across Canada appears to have a strong interest in the improvement of Aboriginal–police relations, and new policies and programs are providing a focus not seen only a decade ago. However, much of the interest is in urban areas and is limited to two strategic directions: the application of community policing principles to the policing of Aboriginal people, and the recruitment of more members of all minority groups, including Aboriginal people.

Many programs appear to be getting results. However, documentation is scant, there have been few evaluations, and there is very little sharing of learnings across jurisdictions. Agencies are largely finding their own way, with few supports, and most of the reported positive outcomes remain very subjective. In addition, it is notable that there appears to be very little enthusiasm for facilitating more fundamental or structural changes in the provision of policing services including, for example, partnered or more independent Aboriginal police services. Overall, the rate of progress on implementing innovations appears to be very slow. Nonetheless, current initiatives that focus on community policing, recruitment, and retention do appear to be adopting at least some of the “evidence-based” practices recommended in the literature.
IV. LEARNING FROM HISTORY AND FROM OTHER SECTORS

The review of the literature summarized in this report, as well as the survey of key informants reported in Section 3, has led to a number of important observations and insights that will assist the Inquiry in formulating recommendations about Aboriginal–police relations. At the same time, there is an inescapable and clear conclusion: Given the importance of the issues, and consistent findings and recommendations from literally hundreds of inquiries and studies over past decades, it is remarkable that progress to date in bringing about innovations has been so limited. In particular:

- It proved remarkably difficult to identify creative and innovative Aboriginal–police reforms.
- Most innovations remain undocumented and unevaluated.
- Many of the initiatives, even according to proponents, have produced modest or time-limited results.
- Initiatives are operating in almost complete isolation from one another.
- With the exception of the recent formation of the Law Enforcement Diversity Network, there are no institutional arrangements in place that support the systematic accumulation and sharing of knowledge and best practices across agencies and jurisdictions.

These observations are not the ones we had hoped to reach, nor are they intended to detract from the tireless efforts of dedicated Aboriginal and non-Aboriginal justice officials who we discovered often find themselves “swimming upstream” to achieve even modest improvements in local conditions. However, these observations are meant to point to a distinct lack of progress on a system-wide and institution-wide basis.

Additionally, it may be the case that reforms in the justice system are lagging behind those in many other sectors, such as in child welfare, health, economic development, and education. This is not to say that these systems are operating perfectly. However, it is easy to identify the more widespread adoption of innovative approaches involving mainstream and Aboriginal governments and agencies, arrangements that provide for much more Aboriginal involvement and control, and that appear to be leading to higher levels of satisfaction among both Aboriginal and non-Aboriginal stakeholders.

Why has progress been so slow in policing services? What are the obstacles preventing the widespread adoption of innovative solutions? Why does there seem to be so little creativity? Why are reforms left to individuals working in relative isolation from one another? Why does the justice system seem to be lagging behind other systems in addressing systemic issues? To analyze these dynamics more fully, it is helpful to locate
current policing innovations within the broader context of historical and current relations among “mainstream” and Aboriginal governments and communities generally.

**THE FAILURE OF CANADIAN SOCIAL PROGRAMS TO AMELIORATE ABORIGINAL SOCIAL CONDITIONS**

The social policy sector encompasses a wide array of human service programs—health, justice, education, and social service programs, to name a few—that are intended to ameliorate social problems such as poverty, unemployment, family disintegration, child abuse, suicide, crime, juvenile delinquency, substance abuse, illiteracy, inadequate child care, and poor housing.

Aboriginal people are disproportionately affected by the problems that social programs are intended to address, and these programs have a dramatic impact on the quality of life of Aboriginal people. In delivering these programs, the state exercises broad powers that frequently interfere with the most fundamental rights and freedoms of Aboriginal people. Moreover, these programs are very costly to deliver.

Both Aboriginal and non-Aboriginal Canadians are largely unhappy and frustrated with the historical approaches to the delivery of social programs, and for Aboriginal people, their involvement in designing and delivering these programs goes to the heart of their concept of “self-determination” and “self government.” Although alternative approaches are available, current programs and services have been slow to change for many reasons, but certainly because they are well entrenched in a complex web of financial and jurisdictional arrangements that date back many years.

Over the past several decades, there have been literally hundreds of studies conducted in Canada to answer questions about Aboriginal people, and social problems and programs. Some questions have been posed so frequently that a considerable body of literature is now available. Some of the more common types of research questions, as well as the conclusions that have been reached, are discussed below.

Aboriginal people experience a higher incidence rate of all social problems relative to Canadians generally. For example, they commit more crimes and delinquencies, experience more mental and physical health problems, experience more family problems, and have disproportionately more alcohol and drugs problems. Furthermore, Aboriginal people have a shorter life expectancy, higher rates of infant mortality, and higher rates of suicide. Aboriginal people have lower incomes, less formal education, higher rates of welfare dependency, and higher rates of unemployment. Moreover, Aboriginal people are

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20 A very extensive literature documenting the observations and conclusions in this section is available elsewhere and is not repeated here. See for example: Hylton 1994; 1999 and the numerous other texts and studies pertaining to Aboriginal self-government that are cited in those two volumes.

21 For a small sampling of this literature, see, for example: Asch (1997); Boldt (1993); Cassidy (1989, 1991); Durst (1996); Hylton (1994, 1999); Indian and Northern Affairs (1998); Little Bear et al. (1984); Long et al. (1988); Palys (1993); and Royal Commission on Aboriginal Peoples (1996).
disproportionately poor, and they experience all the problems associated with poverty—poor nutrition, poor housing, inadequate child care, and the like. Regrettably, these types of studies often end up “blaming the victim,” because they do not provide a context for understanding why the rates are disproportionate.

Participation rates of Aboriginal people in various social programs have also been analyzed. These studies consistently show that, relative to the non-Aboriginal population, Aboriginal people are overrepresented in adult correctional programs, hospitals, mental health-care facilities, alcohol and drug treatment programs, programs for young offenders, family service programs, income security programs, social housing programs, programs for the unemployed, programs for neglected and abused children, and family violence programs. As with the earlier studies, these analyses often do not discuss the historical antecedents that have led to the disproportionate participation rates. Therefore, they often inadvertently “blame the victim.”

Other studies have addressed the social, demographic, and other characteristics of Aboriginal people who experience social problems, or who find themselves on the caseloads of social agencies. While it is difficult to generalize about the results, these studies often show that the social problems experienced by Aboriginal people have an early onset, and are commonly experienced and deeply rooted in Aboriginal families and communities. These studies also often show that a multitude of closely related problems are often experienced by more than one family member at the same time.

Other studies have examined why Aboriginal people disproportionately experience social problems. In one approach to answering this question, quantitative studies are used to analyze incidence and participation rates. The researchers collect information about the background of those experiencing problems (social, economic, demographic, and other information), and attempt to determine the factors that are correlated with incidence, or program participation. These studies typically conclude that social problems are the result of unemployment, poverty, substance abuse, or a lack of economic opportunity. Recommendations focus on providing Aboriginal people with opportunities to participate more fully in the social and economic life of Canadian society. A second approach to answering these questions involves historical analyses of the social, economic, and political relations between the Aboriginal peoples and the dominant society, usually as represented by its governments. This type of analysis is often undertaken by Aboriginal leaders, and supporters of Aboriginal self-determination. They typically focus on the disenfranchisement of Aboriginal people, and on the successive attempts by governments to extinguish Aboriginal culture and traditions. Importance is accorded to the paternalism of Canadian governments, and to the dependency and lack of self-sufficiency that this has created. These analyses typically conclude that the abrogation of Aboriginal culture and traditions has brought about the social and economic disintegration of Aboriginal communities, and that the social problems now evident in these communities are a direct result of this long historical process. Recommendations usually focus on restoring Aboriginal culture and traditions, abolishing the paternalistic relationship between the
Aboriginal peoples and governments of the dominant society, and restoring Aboriginal self-determination.

Other studies have examined the effectiveness of existing social programs in ameliorating the social problems experienced by Aboriginal people. Program evaluation studies have been carried out to determine the effectiveness of many social programs in improving the social problems experienced by the Aboriginal peoples. While there are some studies that have examined how the introduction of a program has affected an entire community, usually the methodology involves following a sample of clients to see whether or not their participation in a given program has produced a desired outcome. Programs designed and delivered by non-Aboriginal people for Aboriginal people generally indicate very limited success. While some exceptions can be found, these programs are generally much less effective in achieving their intended outcome with Aboriginal people than with non-Aboriginal people. For example, relative to the non-Aboriginal population, adult correctional programs are not as effective in rehabilitating or deterring Aboriginal offenders, Aboriginal offenders have higher recidivism rates, and the same holds true for young offenders. Family service programs are not as effective in preventing the breakdown of Aboriginal families, foster care and adoption placements fail more often, employment training programs are not as effective in leading to employment, substance abuse programs are not as effective in leading to sobriety, income security programs are not as effective in insuring that the basic sustenance needs of Aboriginal families are met, social housing programs are not as effective in improving housing conditions, educational programs are not as effective in providing an adequate level of formal education, and health programs are not as effective in improving health status.

Studies have also examined why “mainstream programs” designed and delivered by non-Aboriginal people so often fail. The following factors have frequently been identified:

- Because programs have not been designed with the needs of Aboriginal people in mind, they frequently provide services that are not relevant or, alternatively, fail to provide services that are needed.

- Policies, procedures, and expectations associated with non-Aboriginal programs often fail to take into account the unique language, culture, traditions, and current life situation of Aboriginal clients.

- Because non-Aboriginal programs typically employ non-Aboriginal staff, there is often a knowledge gap, and a corresponding lack of trust, between the non-Aboriginal service providers and the Aboriginal clients.

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22 For example, see Asch (1997); Boldt (1993); Cassidy (1989,1991); Durst (1996); Hylton (1994 ; 1999); Indian and Northern Affairs (1998); Little Bear et al. (1984); Long et al. (1988); Palys (1993); and Royal Commission on Aboriginal Peoples (1996).
• Because Aboriginal communities have had limited or no involvement in designing and delivering the programs, there is typically limited community ownership or support. In some cases, for example, when the circuit court or the child protection worker comes to town, the community may feel that it has been invaded by a foreign power.

• Because non-Aboriginal programs are seldom “resident” in Aboriginal communities, Aboriginal people usually have limited access to them. In addition, there is typically a high turnover rate among the non-Aboriginal, non-resident staff. Therefore, services are not consistently or sensitively provided and there is usually an absence of meaningful follow-up.

In light of these realities, it is not difficult to understand why non-Aboriginal service providers have so often become frustrated that their programs are not more effective.

Other studies have examined the subjective experience of Aboriginal people who are served by non-Aboriginal social programs. Numerous studies have documented the unhappy experiences of Aboriginal clients who have been served by non-Aboriginal social programs. Results indicate that Aboriginal people often feel poorly and insensitively treated by non-Aboriginal personnel who have limited understanding and sympathy for their predicament. Inappropriate expectations, inadequate communication, fear, and mistrust often seem to characterize relations. As a consequence, Aboriginal people seldom choose to receive services from non-Aboriginal social programs. Rather, they do so out of necessity, or because the state has compelled their participation. When Aboriginal people have a choice between being served by an Aboriginal or a non-Aboriginal agency, the data indicate they almost always elect the Aboriginal agency.

Other studies have examined the attitudes of program personnel (corrections officers, social workers, the police, and so on) toward Aboriginal people. Generally, these studies have found that the community has very limited appreciation for the current circumstances of Aboriginal people. In fact, studies have often revealed a variety of negative attitudes and racial stereotypes. Results of studies involving agency personnel have been cause for particular concern. These studies show that personnel, particularly those involved in the exercise of social control functions (e.g., welfare workers, child welfare workers, police, corrections officers, and so forth), often harbour very negative racial stereotypes and exhibit discriminatory behaviours.

In short, it is fair to say that Aboriginal–police relations are a microcosm and a subset of a much broader array of relations involving non-Aboriginal and Aboriginal peoples and institutions in Canada. Moreover, the typical responses of mainstream agencies across various sectors parallel those that many police organizations continue to adopt in dealing with the challenge of improving Aboriginal–police relations. Therefore, it is helpful to examine those typical responses, as well as the results they have produced.

THE TYPICAL RESPONSE
Many governments and mainstream agencies have gone about trying to improve services for Aboriginal people in ways that have now fallen into disfavour with Aboriginal governments and organizations. There have been a few common types of approaches that have been extensively documented and evaluated in the literature.  

One common measure has involved the adoption of affirmative action hiring policies. Virtually all agencies serving Aboriginal people now claim that they make a special effort to recruit Aboriginal staff. Some agencies have gone to considerable lengths and have even had formal affirmative action programs approved by their human rights authorities.

Most affirmative action programs entail the design and implementation of specialized recruitment programs. These may involve recruiting at educational institutions with high Aboriginal enrolment, advertising in Aboriginal publications, employing the assistance of Aboriginal leaders in identifying suitable applicants, and using specialized recruitment firms. These and other methods have been employed to recruit Aboriginal welfare workers, family services staff, corrections staff, police officers, and many others.

Affirmative action programs appear to have met with very limited success. Employers claim that they are truly committed to increasing the number of Aboriginal staff but, with few exceptions, their efforts have been largely ineffectual. Even after these programs have been in place for some time, there are typically very few Aboriginal staff employed in the justice system.

In recognition of some of the problems of affirmative action programs, organizations have sometimes tried to improve the effectiveness of services by establishing specialized Aboriginal units, staffed by Aboriginal employees, within larger non-Aboriginal programs and agencies. Perhaps the best known example of this approach was the Indian Special Constable program established by the RCMP. Similar programs have, however, been established for probation officers, corrections officers, welfare workers, justices of the peace, substance abuse counsellors, health-care providers, and many others.

On the whole, at least in some instances, these types of reforms seem to have been somewhat more successful than the affirmative action programs discussed previously in attracting and retaining Aboriginal staff and in delivering quality services to Aboriginal people. These initiatives have, however, encountered many of the same problems as affirmative action programs, although not always to the same degree.

Another common approach in attempting to improve the effectiveness of programs for Aboriginal people has focused on promoting greater awareness among non-Aboriginal

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23 For example, see Asch (1997); Boldt (1993); Cassidy (1989, 1991); Durst (1996); Hylton (1994,1999); Indian and Northern Affairs (1998); Little Bear et al. (1984); Long et al. (1988); Palys (1993); and Royal Commission on Aboriginal Peoples (1996).
staff about the needs and circumstances of Aboriginal clients. These initiatives have usually involved programs of cross-cultural awareness, as well as related training and education programs. Such programs have been widely adopted in non-Aboriginal agencies that have a large Aboriginal caseload. Available evidence indicates that the effectiveness of these initiatives depends heavily on the program design and the abilities of the resource persons. Results are by no means uniformly positive and, in fact, as pointed out in the earlier literature review, some programs have had the opposite of the intended effect.

Other reforms have taken the form of allowing Aboriginal input into decision making in non-Aboriginal programs. Elders are consulted about the sentencing of offenders. The Band Council is consulted about the apprehension of a child or the treatment of a young offender. Community committees are established to provide community input into the work of non-Aboriginal agencies.

These reforms often result in improved relations between Aboriginal communities and the mainstream service system. In addition, the effectiveness of some programs may improve because Aboriginal input leads to better decisions and greater community acceptance of decisions. Yet, the improvements in program effectiveness that are brought about as a result of these types of initiatives are often far less than dramatic. Moreover, many opportunities for Aboriginal input rely on informal arrangements that depend on the interests and goodwill of individual officials. Because they seldom become institutionalized, these types of arrangements usually remain in effect only for a limited time.

Some reforms have involved the introduction of traditional Aboriginal practices into non-Aboriginal programs. Correctional institutions, for example, sometimes permit sweat lodges, sweetgrass ceremonies, and the attendance of Elders and spiritual leaders. The evidence suggests, however, that officials are often not fully committed to these programs. They are often not accorded the same importance as programs for non-Aboriginal offenders, and they may be cancelled or modified to comply with security and other program requirements.

Another common strategy has been the use of “Pilot Projects.” In this approach, mainstream governments and agencies provide a grant to an Aboriginal government or organization to provide some needed service. This approach to service development generally has the following characteristics:

- It is the least threatening approach for mainstream service providers and governments, because no change in the jurisdiction and authority of the mainstream system is required, and there is also no need to recognize Aboriginal authority.

- Usually pilot projects are confined to a single issue or a narrow set of issues—they seldom attempt to address complex community needs with integrated solutions.
• They are often confined to a specific community or geographic area, even though the same needs may exist in many other places.

• They are often developed in response to a crisis, or pressure from a particular community or interest group, rather than as a result of a systematic assessment of needs and priorities.

• The arrangement is typically of a short-term duration, often a year or two, or less, with their being no commitment to fund the program on an ongoing basis.

• The granting body has generally not established a formal program or earmarked specific funds for the needed services; rather, the arrangement is usually developed on an ad hoc basis.

• Usually pilot projects can be cancelled at any time, with notice of as little as 60 or 90 days.

• The organization receiving the funds must usually follow a line-item budget, and there is little or no authority to reallocate funds among line items without the funder’s approval.

• Aboriginal people usually have little involvement in making decisions about what projects should be funded or how available funding could best be utilized.

On the whole, while some exceptions do exist, the types of reform efforts described here have met with limited success. While some improvements in effectiveness and acceptance have been brought about, on the whole, the gains have been modest. Furthermore, even with these types of reforms, non-Aboriginal programs do not generally achieve the level of effectiveness or acceptance in Aboriginal communities that these same programs enjoy in non-Aboriginal communities. It is notable that these are the types of approaches that are predominantly used by police organizations today to try to improve Aboriginal–police relations.

Despite these types of initiatives, Aboriginal people have continued to be incarcerated at disproportionate rates, negative attitudes toward the justice system endure, there are high rates of recidivism, and many communities and criminal justice system officials are frustrated with the system’s lack of effectiveness. Therefore, it appears clear that the types of initiatives described cannot succeed in bringing about the significant improvements in the effectiveness of justice services that the police and Aboriginal people are seeking. They cannot be a substitute for more fundamental reforms. However, these types of initiatives can make an important contribution to improving effectiveness provided that more fundamental reforms are also proceeded with. On their own, however, there is no reason to expect that they will not continue to have a limited impact in bringing about change.
The types of initiatives found in the literature review and in the survey of key respondents closely parallel many of the types of traditional approaches discussed here—affirmative action, cross-cultural training, advisory committees, and the rest—even though these types of initiatives have been shown to have few important or long-lasting effects. While important exceptions do exist, when examined in the broader context provided here, it appears that overall progress in improving Aboriginal–police relations has involved the limited use of a selective number of largely discredited strategies. Moreover, the lessons of history seem to be largely lost and there is little evidence of any accumulation or sharing of knowledge within agencies over time, or across agencies and jurisdictions.

THE UNEVEN PROGRESS TOWARD SELF-GOVERNMENT

The failure of non-Aboriginal social programs to meet effectively the needs and aspirations of Aboriginal people has led to a good deal of interest in establishing parallel programs that are run by and for Aboriginal people. There are an increasing number of such programs in Canada. They include, for example, programs in: child and family services; justice services (including policing, corrections, and court services); alcohol and drug abuse programs; recreation and community development programs; health-care services (including hospitals); educational programming (including secondary and post-secondary educational institutions); child-care and daycare services; and many others.  

Until quite recently, remarkably little attention had been directed to promoting Aboriginal involvement and control of justice programs in Canada, or to creating true partnerships involving Aboriginal and non-Aboriginal organizations and governments. Rather, the programs and policies developed by mainstream agencies were assumed to constitute the best possible approach for delivering services to all, including Aboriginal people. Various initiatives, such as those described earlier, were then implemented to assist Aboriginal people to fit in, accept, or adjust to non-Aboriginal programs, and to the values and beliefs upon which they are based.

Over the past two decades, however, the failure of mainstream justice programs to effectively address the needs and aspirations of Aboriginal people has led to a good deal of interest in establishing Aboriginal programs that are run by and for Aboriginal people. More fundamental reforms involving Aboriginal control of program design and delivery have also begun to emerge in the justice field. While this is not the place to catalogue all of the initiatives now under way, some examples may be mentioned:

24 For more information on such initiatives, see, for example, Asch (1997); Boldt (1993); Cassidy (1989, 1991); Durst (1996); Hylton (1994; 1999); Indian and Northern Affairs (1998); Little Bear et al. (1984); Long et al. (1988); Palys (1993); and Royal Commission on Aboriginal Peoples (1996).
• Most provinces now offer an Aboriginal court worker program. Although funded by government, most of these programs are delivered by Aboriginal organizations.

• Aboriginal Justices of the Peace provide services in several provinces and territories. These Justices may be appointed as part of the usual process in the jurisdiction, but several jurisdictions also have specialized programs.

• As we have seen, there are a few examples of police forces and “peacekeepers” operating under the jurisdiction of Aboriginal governments in a number of provinces.

• Bands have used the bylaw powers under Sections 81–83 of the Indian Act to enact a variety of bylaws governing local community affairs. Some have enacted an Aboriginal equivalent of the Criminal Code; that is, a code of conduct for the community. These bylaws, however, require the approval of the Minister of Indian Affairs and, except in exceptional cases (e.g., Spallumcheen), approval has not been given to establish formal Aboriginal justice institutions.

• Indians Bands have used Section 107 of the Indian Act to establish community courts. In Kahnawake and Akwesasne, for example, such courts have handled traffic and summary conviction offences since 1974. Some have suggested Section 107 courts could be used as a building block for broader Aboriginal jurisdiction.

• Through the use of sentencing circles, Elders panels, and similar mechanisms, Aboriginal communities have exerted significant influence over the sentences issued by mainstream courts.

• Many Aboriginal communities operate diversion and alternative measures programs for both adult and young offenders. A well-known example is the program in Hollow Water, Manitoba, that has been established to respond to widespread child sexual abuse in that community.

• Many Aboriginal communities have community justice committees that set justice priorities for the community and liaise with mainstream justice agencies. These committees have sometimes emerged in response to the policies or legislation of the mainstream justice system (e.g., the Young Offenders Act, First Nations Policing Policy, and so on). However, in other instances, they have emerged as a spontaneous response to community needs and priorities.
Aboriginal organizations and governments are involved in providing a range of community and institutional correctional services. The Native Counselling Services Association of Alberta, for example, operates the Stan Daniels community correctional centre.

Some Aboriginal organizations, such as Aboriginal Legal Services of Toronto, provide specialized legal services to Aboriginal people.

In the Yukon, Quebec, and Manitoba, Aboriginal people have been given broad powers to establish and operate their own justice systems pursuant to comprehensive self-government agreements. These Aboriginal justice systems are now at varying stages of development.

In the past, many Aboriginal justice initiatives were small, community-based undertakings confined to specific justice issues or specific geographic areas. Usually, they were based on ad hoc arrangements that operated outside any clear jurisdictional framework. Increasingly, however, the right of Aboriginal people to design and operate their own justice programs is being acknowledged, and Aboriginal justice programs are being formally recognized by the mainstream justice system. It is noteworthy, though, that so few of these initiatives seem to involve the active involvement and support of mainstream policing organizations. However, these types of initiatives should be supported by the police, because they provide a broader range of creative and innovative approaches that appear to be much more promising than many of the types of initiatives currently underway within policing services.

While much remains unknown about the effectiveness and potential of self-governing programs, some evaluative studies have been completed and the results are encouraging. While there are always dangers in generalizing, some common findings are beginning to emerge from these studies. It appears these programs are more successful than corresponding non-Aboriginal programs in 1) incorporating principles, beliefs, and traditions that are a part of Aboriginal culture; 2) attracting and retaining Aboriginal staff; 3) involving the Aboriginal community in the design and delivery of programs; 4) fostering greater acceptance by the individual client and the Aboriginal community; 5) creating economic benefits for Aboriginal communities; 6) extending services that were previously unavailable through the non-Aboriginal program; 7) drawing attention to social issues in Aboriginal communities, and generating interest, involvement, and support in addressing these issues; 8) providing levels of service that approach or equal levels of service available to non-Aboriginal communities; 9) reducing the need for the intervention of the state in the lives of Aboriginal peoples and

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26 See, for example, Asch (1997); Boldt (1993); Cassidy (1989, 1991); Durst (1996); Hylton (1994; 1999), Indian and Northern Affairs (1998); Little Bear et al. (1984); Long et al. (1988); Palys (1993); and Royal Commission on Aboriginal Peoples (1996).
communities; and 10) providing services at a cost that is no more, and sometimes less,
than the cost of corresponding non-Aboriginal programs.

It is important to note that a substantial body of historical research now exists on
traditional Aboriginal approaches to dealing with many social issues and social problems,
and there has been strong interest among Aboriginal people in adapting this knowledge
about what has worked in the past to present-day circumstances. As a result, many
parallel social programs that have been developed by Aboriginal communities
incorporate unique approaches to the problems that Aboriginal people face today. There
are many examples.

- Aboriginal justice programs, unlike the justice programs of the dominant
society, often accord much less importance to a formalized process of
adjudication. In addition, unlike Canadian justice services, they often are not
preoccupied with the punishment of offenders. Rather, these programs tend to
emphasize the traditional practice of restoring peace and harmony in the
community. There is often no schedule of penalties for different offences and,
in many instances, no formal adjudication process. What is important in the
Aboriginal approach is often that the offender, the victim, and the community
feel that a transgression has been dealt with appropriately, and that any
divisiveness in the community has been healed.

- Historically, Aboriginal children were not viewed as the possessions of their
parents. Child care was a community responsibility, and the extended family,
and the community as a whole, had important roles to play in teaching and
safeguarding children. Whereas the dominant non-Aboriginal society has
tended to view children as the primary responsibility of their parents, and have
removed children from their parents in cases deemed to involve neglect or
abuse, Aboriginal child welfare programs often avoid apprehensions by
enlisting the support of the extended family and the community.

- Health-care practices of the dominant society have emphasized the treatment
of physical disorders by health-care experts. In Aboriginal approaches, health
is a holistic concept that goes beyond physical health to involve spiritual and
psychological dimensions. Whereas modern medicine has only recently
recognized that many disorders have an underlying cause that is not physical,
this has been an important principle underlying Aboriginal approaches to
health and well-being for centuries.

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27 See, for example, Hylton (1994, 1999).
Despite the many positive accomplishments of parallel Aboriginal programs to date, the literature also suggests there are a number of common problems:28

- Financial resources provided to these programs are typically inadequate when compared with the resources made available to corresponding non-Aboriginal programs.

- The future of these programs is often in doubt. Budgets are subject to review as the programs are usually viewed by funders as “experimental” in nature.

- An absence of resources forces many agencies to focus all their energies on crisis management. Prevention and community development activities are not properly recognized or funded.

- Programs frequently have to operate without a proper infrastructure of personnel and program policies and procedures. Funders seldom recognize the importance of developing this infrastructure.

- Relationships between Aboriginal programs and the dominant non-Aboriginal programs are often characterized by uncertainty about respective roles and responsibilities.

- Typically, Aboriginal programs are confined to a particular geographic area. It is often uncertain how members of the Aboriginal community who are outside the geographic boundaries of the program ought to be served by Aboriginal and non-Aboriginal agencies. This is a particular problem, for example, with off-reserve Indians.

Clearly, the findings to date point to the positive potential of social programs, including justice programs, that are operated by and for Aboriginal people. Yet, if this approach is to move forward in the justice system, and particularly in policing, it is clear a much stronger commitment will be required.

**BEYOND SUPPORT FOR SELF-DETERMINATION AND SELF-GOVERNMENT**

It has been proposed that support for Aboriginal self-determination and Aboriginal self-government underpin the justice system and police response to improving relations and services. This proposal is entirely consistent with the leading reports on Aboriginal justice issues that have been prepared by commissions and inquiries over the past several decades. However, even if this approach is embraced, it is necessary for Aboriginal and

28 For example, see Asch (1997); Boldt (1993); Cassidy (1989, 1991); Durst (1996); Hylton (1994, 1999); Indian and Northern Affairs (1998); Little Bear et al. (1984); Long et al. (1988); Palys (1993); and Royal Commission on Aboriginal Peoples (1996).
non-Aboriginal authorities to agree on a framework of principles for moving forward. A number of lessons from the policing literature and from key informants have already been suggested, but considerable guidance is also available from other sectors where rapid and fundamental shifts in approach have been occurring.

An extensive literature review, review of best practices, and community consultation was recently completed to identify the best approaches for developing health and healing services for Aboriginal people. The analysis proposes best practices that might well apply to health services for the general population, as well as those that are unique to Aboriginal programs. In particular, the following best practices were noted:

**BEST PRACTICES THAT APPLY TO BOTH ABORIGINAL AND NON-ABORIGINAL HEALTH AND HEALING PROGRAMS**

- **Learning Organization.** The organization plans, evaluates, uses evidence, and strives for quality improvement.

- **Program Effectiveness.** Programs promote, prevent, protect, treat, and detect early by employing effective assessment, diagnostic, treatment, and preventive tools and approaches. Services are appropriately planned and delivered and are accessible to those who need them.

- **Continuity of Service.** Programs have appropriate policies and procedures from first contact through to after care.

- **Client-Centred Approach.** Clients receive information when and where they need it, including information about their rights and how to exercise their rights. These rights are respected. Individual differences are recognized and respected. Individuals have the opportunity to choose the path that is best for them. Client needs are well matched to the capabilities of the staff and the objectives of the programs.

- **Appropriate Facilities.** Facilities are appropriate to the program goals.

- **Appropriate Staffing.** Staff resources are appropriate to the program goals, and policies and procedures ensure staff development and staff effectiveness.

- **Appropriate Administrative and Governance Infrastructure.** An infrastructure of policies and procedures, and an appropriate governance structure, ensures consistent, effective services are provided by the organization.

**BEST PRACTICES THAT APPLY TO ABORIGINAL HEALTH AND HEALING PROGRAMS**

29 Regina Health District (2001).
The Goal Is Equity. The program strives to achieve equitable health and social outcomes for Aboriginal people. Roles and group processes are based on equity and fairness.

The Underlying Concept of Health Is Holistic. All aspects of the program are based on a holistic concept of health that 1) takes into account physical, emotional, mental, and spiritual dimensions of health; and 2) recognizes the interconnectedness of individuals, families, communities, and the environment.

The Programs Are Rooted in Culture. All aspects of the program (staffing, facilities, governance, programs, and so on) recognize and affirm Aboriginal cultures and identity. This includes actively involving Elders and traditional healers, and actively promoting traditional healing and indigenous knowledge.

The Strategies Are Founded on a Recognition of the Importance of Co-operation and Partnerships. All aspects of the program recognize and affirm that interdisciplinary, multi-sectoral co-operation and partnerships are the foundation for successful Aboriginal health and healing initiatives.

The Community Has Voice. Programs are community-based, reflect the priorities of the community, and are accountable to the community. Policies and governance assure not only community involvement, but community voice and community responsibility for program directions.

In part, these guidelines are based on the findings and recommendations of the Royal Commission on Aboriginal Peoples. The Commission proposed four principles to guide reforms in health and healing services:

- Aboriginal health and healing systems should be based on holistic concepts of health and well-being that are firmly rooted in Aboriginal traditions, rather than on the more limited biomedical concept of health.

- Aboriginal health and healing systems should be controlled by Aboriginal people themselves, not imposed from the outside.

- Aboriginal health and healing systems should provide services and achieve outcomes that are equitable with those available for other Canadians.

- Aboriginal health and healing systems must be founded on a respect for cultural diversity.

Royal Commission on Aboriginal Peoples (1996).
These principles are important, and may apply to the provision of justice and other services as well as to the provision of health services.

While service principles are important, a considerable body of knowledge and experience has also been developed with respect to how best to go about the development of effective service strategies for Aboriginal people. The experience and research to date clearly indicates that successful programs grow from community initiative and are nurtured by community development principles.

Aboriginal communities are leaders in community development, and they have clearly demonstrated that however well-intended programs may be, they will have a limited impact unless communities have had an opportunity to identify and assess the problems and solutions for themselves. While much support can and needs to be provided to communities that are interested in going through this type of process, there can be little progress if attempted solutions are externally imposed.

Some of the essential principles of community development in First Nations and Métis communities suggested by many studies and inquiries include the following:31

- Recognize and maintain traditional community values and culture, including the involvement of Elders in “visioning” about the community.
- Respect the strength and wisdom of community members.
- Ensure the process and the conceptualization of the issues to be addressed are holistic.
- Ensure the process listens to community members, is flexible, and respects the community “drum beat.”
- Focus on teamwork and networking.
- Achieve community ownership through the involvement and commitment of community members.
- Let community involvement and participation grow at its own pace as trust, new knowledge, and skills are developed.
- Ensure community solutions are sustainable.
- Continually validate, evaluate, and correct the process through community involvement and participation.

31 See, for example, the Commission on First Nations and Métis Peoples and Justice Reform (2004), and the Regina Health District (2003).
• Work toward solutions, rather than toward programs or jobs as ends in themselves.

• Ensure any assistance provided to the community “facilitates” and “does with,” rather than “does for.”

• Remain open to new ideas and directions.

• Include awareness and skill development of community members as part of the process.

More practically, it is well established that community development in First Nations and Métis communities involves several key steps:

• deciding to change;

• organizing to make change;

• establishing a core group;

• doing a needs assessment;

• making a plan;

• getting commitments;

• putting the plan into action;

• evaluating the changes that are brought about as a result; and

• making adjustments along the way.

In addressing sensitive and complex justice issues, it is clear that communities must become involved in taking charge of their own future. Once motivated, the community will need to have the opportunity and resources to analyze, to plan, and to implement solutions. This may require the building up of local infrastructures, including the identification and development of a core group of committed community leaders and Elders. Necessary structures may already be in place, or they may need to be developed. Some communities may require advice, financial resources, and a variety of other supports for a short or long time.

When it comes to “best practices” in responding to justice issues using community development principles, the most promising approaches have been developed by First
Nations and Métis communities themselves using First Nations and Métis community development principles. Two leading examples of community responses to pressing justice issues include Hollow Water and Canin Lake. Like the well-known Alkali Lake experience, each followed a similar pattern of development:

- Some members of the community decided that there was a pressing community problem and that something should be done about it. In different communities, different problems have been at the root of the community’s determination—suicide, drug or alcohol abuse, violence, crime, an absence of recreational opportunities, and so on.

- A few leaders began to communicate, raise awareness, consult, network, and dialogue with the community.

- Over time, there was a growing community consensus that something needed to be done.

- Research was undertaken by the community to assess needs and possible solutions. An important part of this research had to do with canvassing the community’s perceptions, attitudes, and ideas.

- Possible solutions were taken forward to other interested stakeholder groups and organizations within the community and beyond, such as community leaders, justice system authorities, and potential funders.

- Despite initial reluctance and even resistance by some outside authorities and funders, the community was eventually able to gain support for locally designed solutions through a process of ongoing dialogue.

- Agreement on future directions was reached, and detailed guidelines, protocols, and program designs were developed. New initiatives were then piloted, adjusted, and implemented.

- Throughout the implementation, the input of the community was continuously sought to insure the will of the community was being respected and the initiatives were achieving the results that had been hoped for.

- Ongoing evaluation and refinement was based not only on the input of external stakeholders, but also the input of the community.

While each community is unique, it is apparent that there are many ways to assist communities to go through a process of self-assessment and development. For example, communities that have identified a pressing issue could be assisted with needed financial resources to move through the type of community process that has proved to be effective
elsewhere. These communities could be offered advice and assistance from others who have been through a similar process. Tools that address specific issues, such as needs assessment guides, detailed community development guides, public awareness materials, and sample protocols, could be developed and made available. Resource centres could be established to house useful materials and to identify resource people.

Indigenous community leadership, and the development of local care providers, are also very important and require support. Training opportunities could be provided for community leaders who want to make a difference in their communities. Communication and networking opportunities could be developed through conferences, newsletters, the Internet, and other avenues so that leaders from different communities have the opportunity to share knowledge and experiences. Others opportunities include affirming and restoring communities through community justice forums, healing ceremonies, and gatherings, and affording opportunities for community representatives and leaders to be involved in planning and decision-making forums.

V. THE JUSTICE SYSTEM AND ABORIGINAL PEOPLE

As this review has indicated, it appears that progress in improving relations between the police and Aboriginal people has been quite slow, particularly given the fact that the urgent need to improve these relations has been the subject of so many commissions and task forces over the last several decades. While no systematic analysis has been completed, there is at least some evidence to suggest that there has been more progress in other important areas of interaction and co-operation. For example, Aboriginal self-determination, as well as innovative models of co-operation between Aboriginal and non-Aboriginal service delivery systems and providers, are now quite common in many areas, including education, health, income support, and social services. Therefore, it is interesting to speculate whether there are particular features of the justice system, or of the interaction between Aboriginal people and the justice system, that are having the effect of constraining progress toward more satisfactory relationships.

There may be a higher potential for strained relations to occur in the justice system than in other systems and, in addition, it may be more difficult to bring about change in the justice system than in other areas. The discussion below focuses on several features of the justice system that are important to consider in this regard.

Firstly, the criminal justice system has the power to change lives. Strained relations usually result not from ideas or ideologies, but from perceptions and realities related to differential treatment and discrimination. This requires a power imbalance; one person or institution must be in a position of power relative to another person or group. Differential treatment cannot occur without such a power imbalance. And even where differential treatment does not occur, a power imbalance creates the perception that differential treatment could be or is occurring.
Of all institutions in society, the justice system, perhaps more than any other, has the power to affect the lives of those who come into contact with it. In fact, it is difficult to imagine any other institution in society where a greater power imbalance exists between the authorities within the system and those who come to rely upon it or who become the object of official attention. This includes, for example, accused persons, victims, witnesses, jurors, and those involved in family law matters or civil disputes.

The decisions of authorities within the justice system routinely change the course of the lives of individuals. However, they also dramatically affect how organizations and institutions function. The justice system is so powerful, in fact, that it alone has the legitimate authority to suspend the fundamental rights and liberties that are usually enjoyed by all members of society.

Of course none of this is intended to suggest that the justice system is inherently racist. Indeed, as will be discussed more fully below, there are many checks and balances that attempt to ensure that power is used in an even-handed, unbiased, and fair fashion. Nonetheless, the mere fact that the justice system has such power over peoples’ lives means that there is a much greater potential for it to affect different constituencies in different ways.

Secondly, the justice system provides many opportunities for discretionary decision making. This feature is particularly important when considered in light of the earlier discussion pointing out the extensive power embodied within the justice system. Thus, the operations of the justice system require that a power imbalance with those who come into contact with it be created and sustained, but it also affords officials within the system extensive discretion about how that power will be used. As Lilles has noted, “in every instance where discretion exists, the intrusion of bias is probable.”

Broad discretion over decision making is a prominent feature of the Canadian criminal justice system. In fact, the Canadian system affords among the most discretion over decision making of any justice system in the Western world.  

Discretion is provided to officials within the justice system to help ensure that the objectives of the system are achieved. The architects of the system believed it was impossible to foresee every possible set of circumstances that might appropriately influence the decision making. Therefore, rather than attempt to lay down specific, detailed rules governing every situation, the Canadian system articulates broad principles and parameters for guiding decision-making processes. Within these broad principles and parameters, officials are encouraged to use their judgment to ensure appropriate treatment in each case. This approach aims to provide the flexibility that is needed to ensure that

32 Campbell (1999).
33 Lillies (1990, p. 335).
the response of the justice system is appropriate in all the varied situations that come before it.

The police, for example, have broad discretion to determine what laws they will enforce, in what parts of the community they will concentrate their enforcement efforts, whether they will give the enforcement of some laws a low priority, and whether they will target particular groups or communities for enforcement activity. In any particular case, they may also have discretion to lay a charge or not, to issue a warning, to lay one charge or more than one charge, to lay a more serious or less serious charge, or to make an arrest or release the person prior to appearing in court. Crown prosecutors, judges, and corrections officials also have wide discretion within their respective domains.

While the amount of discretion is considerable, decisions within the justice system are not completely unfettered. Rather, decisions are made in the context of checks and balances, guidelines, legislation, case law, oversight by superiors, accountability structures, and the like. Moreover, decisions at one level may usually be appealed to a higher level for review. Nonetheless, within the general principles, parameters, and guidelines that have been established, it is the case that criminal justice system officials enjoy very broad discretion over decision making.

There are dangers associated with wide discretion over decision making. Consider the following sampling of expert opinion about discretion in the justice system from a number of researchers and government commissions that have examined the issue in detail:

- “Abuse of power and the distorted exercise of discretion are identified time and again as principal defects of the Canadian criminal justice system.”

- “Excessive discretion is conferred on a wide range of police, prosecutors, judges and prison/parole officials. Equality, clarity and truth in sentencing are sacrificed.... Disparity becomes more pronounced in the absence of authoritative statements of purpose and principle.... The current scheme creates disparity, and therefore fails to promote equality in a variety of ways.”

- Ericson and Baranek point out that the extremely high value placed on discretion by our criminal justice system, combined with the value placed on individualization of particular cases, means that “…control agents can hardly go wrong. Differential selection of citizens according to citizen characteristics and other individual circumstances of the case is not regarded as ‘extra-legal’ at all and certainly does not constitute discrimination.”

35 This discussion draws on McMahon (1992).
• Even where the law sets out guarantees, practice is often more important than the words of the law.\(^{39}\);

• In discussing Ontario legislation designed to reduce incarceration for minor offences, Moyer, Kopelman, La Prairie, and Billingsley\(^{40}\) note: “it does appear that legislative intention (as in Ontario) and statutory provisions may have little relationship to the day-to-day operation of the legislation.”

\(^{40}\) Moyer, Kopelman, La Prairie, and Billingsley (1985, p. 312).

• Hogarth\(^{41}\) states: “the law expressed in legislation and reported cases offers little guidance to magistrates.... The general conclusion that can be made is that the socializing and educative influences of legal experience are far more important in controlling judicial behaviour than the formal rules laid down by parliament and the appeal courts.”

• Havemann et al.\(^{42}\) note: “The proud principle of a government of laws and not of men turned largely into a legal fiction when it came to sentencing.”

• With respect to police discretion, Feely\(^{43}\) states: “The police officer’s decision as to whether or not to arrest has its analogues in decisions made by other officials in the criminal process. Plea bargaining, (withdrawing charges), casual continuances of cases, and wide latitude in sentencing—all decisions pursued without benefit of explicit principles B raise these same basic questions about the ‘rule of law versus discretion’ or more bluntly, about ‘lawfulness’ and ‘lawlessness.’”

• Ericson\(^{44}\) notes: “The principle of legality is supposed to function to provide effective limits on the power of state agents to judge and punish. However, as we have seen, many laws are written and used in a manner which enable detectives to do what they want to obtain what they want. Detective practices are facilitated further by low visibility conditions of their work, which allow them to be the definers of reality about a case, and to construct ‘facts’ about the case which are treated as legitimate because they take into account the rules which are supposed to govern the process.... Our analysis reveals that the law does not rule; rather, detectives use law and other rules to control the process.... If detectives, and other agents of the system on whose behalf they operate, want to disadvantage someone or some group, procedural rules are not likely to stand in the way.... In almost all cases detectives are able to use them to their advantage, or get around them legally, without problems.”

\(^{41}\) Hogarth (1971, p. 177).
\(^{42}\) Havemann (1985, p. 121 ).
\(^{43}\) Feely (1979, p. 288 ).
In summarizing an extensive review of the literature on the use of discretion, McMahon states:

The most important thing to know about the criminal justice system is that it permits subjective discretion to determine outcomes at every stage, and it allows penalties to be imposed with almost no guidance for the decision-maker.\(^{45}\)

These findings are important. They clearly show that there is not nearly as much accountability for discretionary decision making in the criminal justice system as might be expected given the importance of the decisions involved. Of course, this does not mean that discretion is always used in a discriminatory way. However, wide discretion without close scrutiny and accountability for decisions certainly creates opportunities for discrimination to occur. Moreover, these findings strongly suggest that officials motivated by racial prejudices would have ample opportunity to discriminate and that the absence of clear and explicit guidelines for the use of discretion would make it difficult or impossible to detect whether or not discrimination had actually occurred.

The use of discretion in cross-cultural settings is particularly worrisome. These situations arise where the object of discretion is a member of a minority group but where the person or persons exercising discretion (e.g., police, Crown attorneys, correctional staff, judges, jury members, and so on) are of the majority race. This has been a matter of particular interest in a number of major reviews and inquiries.\(^{46}\) Beyond the issue of discrimination, however, these analyses have also focused attention on how decision-makers are often influenced by subtle cues relating to such matters as the suspect’s acknowledgement of wrongdoing, deference to authority, demeanour, and remorse. Even without any intention to discriminate, experts point out that a great deal of cross-cultural sensitivity and awareness is required to ensure that these cues are not misinterpreted. This may occur because of communication difficulties or as a result of differences in culture-based norms about the types of expressions and behaviours that are deemed appropriate in a given instance.

While subtle cues indicative of attitude, background, and character may enter into decision making at all stages of justice system processing, particular attention has been focused on the importance of these cues in the decisions that police make about how to handle many of the less serious matters that come to their attention.\(^{47}\) Studies have shown that the use of police discretion is often markedly influenced by the police officer’s interpretation of cues relating to the suspect’s demeanour and respect for authority. Both police officers and minority group members may have unwarranted expectations and stereotypes about each other that interfere with appropriate decision making. As Forcese has pointed out:

The police officer’s interpretation of what is a threatening or disrespectful cue is biased by class and ethnic group membership. That is, majority group, middle-

\(^{45}\) McMahon (1992, p. 325).
\(^{46}\) For example, Hamilton and Sinclair (1991); Ontario Commission On Systemic Racism (1995).
\(^{47}\) Doob et al. (1995); Bala (2000); Bartol and Bartol (1998).
class Canadians are apt to respond to police with deference and acceptance, even when having committed an offence for which the police have intervened.... Working-class persons and some minority groups with learned hostile or suspicious attitudes to police, may react without the expected deference.... [W]hen persons who feel mistreated, and police who have preconceptions of what their behavior is likely to be, act out their antagonisms in public encounters, they mutually reinforce harmful stereotypes already at play.\textsuperscript{48}

Even in the absence of discretion, the justice system could and does discriminate on an institutional or systemic basis. However, the availability of broad discretion within the system also means that there are many opportunities for overt acts of discrimination against individuals to occur without consequences for the justice system officials involved.

Thirdly, studies have consistently reported that racial intolerance is associated with socio-economic status. In particular, Canadians with lower socio-economic status (lower incomes and lower educational attainment) consistently exhibit higher levels of racial prejudice than other Canadians. This is significant for the justice system since, historically at least, many of those who work in the system, particularly in the areas of policing and corrections, have been drawn from working-class and lower class backgrounds. As a result, there may be a higher potential for discriminatory attitudes in the justice system.\textsuperscript{49} As Forcense has pointed out:

\begin{quote}
Most police in service have been recruited from working-class and lower middle-class backgrounds, and there is little reason to expect them to have attitudes other than those associated with such backgrounds. These attitudes include distrust of immigrants and minorities, and outright racism.\textsuperscript{50}
\end{quote}

Forcense goes on to cite a number of studies that show police officers are less tolerant of racial minorities than Canadians generally.\textsuperscript{51}

The disproportionate involvement of persons who are more likely to exhibit intolerant attitudes in positions of authority within the justice system reflects at least two realities. Firstly, the characteristics of those who work within the system directly reflect the system’s recruitment practices. In addition, however, the values and practices embodied within the system appeal more to some potential recruits than to others. These processes tend to be mutually reinforcing. The justice system attracts and retains those who most closely match the system’s current values. Over time, these new recruits rise to positions of authority where they perpetuate the organizational culture and influence the next generation of recruitment and promotion decisions.

\textsuperscript{48} Forcense (1999, p. 163).
\textsuperscript{49} Although recruitment practices have been changing to emphasize more educational preparation, the characteristics of most of those currently “in service,” particularly senior officers, reflect past, not current, recruitment practices.
\textsuperscript{50} Forcense (1999, p. 61).
\textsuperscript{51} Forcense (1999).
As pointed out earlier, recruitment and training practices in policing emphasize male toughness and machismo, physical strength, the ability and willingness to use force, and a capability to adapt to a paramilitary work environment and lifestyle. In fact, prior military experience is often considered an asset and many police organizations provide “boot camp”-like recruitment training. Individuals attracted to this type of career are more likely to see problems in society as stemming from a lack of discipline and authority, are more comfortable with the use of power and authority, and are more likely to see the use of authority as a solution to problems in the community. Generally, they tend to exhibit more authoritarianism and less tolerance for diversity.

Although recruitment practices are changing, typical recruits to careers in policing continue to be a young, white males from working-class backgrounds, often with no more than a high-school education. In fact, it has been suggested that current recruitment practices, including personal suitability interviewing and the use of standard psychological tests, may incorporate cultural biases that have the effect of weeding out potential recruits that do not fit the preconceived image of the ideal recruit. As in military organizations, there has been a belief that it is easier to successfully “mould” a young recruit who is lacking in much real-world experience.

Other processes also tend to reproduce traditional values and structures. Police recruitment and training remains almost exclusively under the control of police authorities themselves. There is a minimum of outside input or monitoring. Moreover, promotion is almost entirely from within existing ranks. In these ways, past practices tend to be sustained over time. In these types of organizations, change tends to occur very slowly and there is often considerable resistance to change.

Fourthly, working within the justice system markedly influences the perceptions, attitudes, and behaviours of criminal justice system officials, including the police. There is reason to be concerned that, at least in some instances, these working conditions have the effect of implanting or reinforcing intolerant ideas and behaviours.

Because of the marginalized position of Aboriginal people in Canada, a disproportionate number of Aboriginal people come into contact with the criminal justice system. In fact, in some communities, the usual “client” of the justice system is a minority group member. Police officers, court officials, Crown attorneys, legal aid lawyers, judges, probation officers, and other staff working in community work, pretrial detention, or correctional facilities may continuously come into contact with members of minority groups who are suspected or accused of crimes, or who have already been convicted. Moreover, these individuals are usually not the best ambassadors for their community. They may have criminal records. They may have engaged in reprehensible behaviour. They may show antagonism and disrespect toward the authorities. This type of continuous negative exposure, sometimes over many years, creates conditions that support the formation of prejudiced beliefs and discriminatory behaviours.

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Forcese (1999).
The daily experience of many officials who work within the justice system is all the more significant when two other factors are taken into consideration. Firstly, it is very well established that few minority group members are employed in the criminal justice system. Secondly, extensive social science research conducted over many years has consistently shown that officials within the justice system tend to insulate themselves from the larger society; their work and social activities largely involve other members of their own occupational groups—occupational groups with few minority group members. For example, police tend to fraternize with other police during their off hours, judges socialize with other judges, and so on. This has important consequences:

- [T]he only exposure that many criminal justice officials have to members of minority groups may be in the context of their law enforcement roles where members of minority groups are in conflict with the law; and

- criminal justice system officials may be removed from the experience of cultural diversity because there are few minority group members involved in their professions and because their work and social lives may be largely restricted to members of their own occupational groups where very few minority group members are employed.

As a result there may be limited opportunities for criminal justice officials to be exposed to the true diversity that exists among members of minority groups. All members of the minority group may be ascribed the negative characteristics of those minority group members with whom officials come into contact. Because they are seldom in contact with minority group members in any other context, there is limited opportunity to break down the negative stereotypes that naturally develop. As Berry and Wells have pointed out, Canadians who are culturally isolated from the experience of diversity show rather high levels of intolerance and prejudice. This would appear to be a particular threat for those working within the justice system.

Finally, there is a mono-cultural ethos within the criminal justice system. Fleras and Elliot, for example, have pointed out that racism and discrimination are more likely to occur within societal institutions that promote “a mono-cultural set of values and beliefs as normal and necessary.” In other words, a commitment to treat everyone the same may actually create an environment where strained relations are more likely to occur. This is because, as discussed earlier: 1) the application of the same laws, policies, and practices can and does result in discrimination; 2) identical treatment can produce serious injustice

53 For a review of some of the relevant literature see Griffiths and Verdun-Jones (1994) and Forcense (1999). For example, with respect to the police, Griffiths and Verdun-Jones (1994, pp. 85–86) point out: “Two major attributes of the occupation subculture of the police are: 1) the social isolation of police officers from the community, with a resulting solidarity among officers that includes a ‘blue-shield’ of secrecy and in-group support, and 2) police perceptions that the public is hostile and/or unappreciative and non-supportive of their efforts.”
54 Rothbart and John (1993).
55 For example, Haddock, Zanna, and Esses (1994).
56 Berry and Wells (1994).
and unequal treatment; and 3) equal treatment requires making reasonable accommodation for differences based, for example, on ancestry, religion, and culture.

The justice system is a leading example of a societal institution that cultivates monocultural values and beliefs. Everyone is said to have the same rights and to be entitled to the same treatment under the law. Justice, we are told, is “blind.” In fact, these are among the bedrock principles upon which the justice system is founded, and these principles have been well instilled in the rules of the system and in the values of those who work within it. As a result, there is strong rhetoric about everyone being treated “equally.”

The problem with all of this is that equal treatment does not provide any insurance against systemic discrimination. In fact, equal treatment of unequal persons or circumstances may produce vastly unequal results. Requiring everyone to pay for their own lawyer, for example, will obviously have a much different impact on those who are wealthy than on those who have no money. Or consider an even more simplistic example: “Everyone is treated equally here; we use English only.” The very belief that the justice system treats everyone equally could reasonably be expected to obscure the unequal outcomes that the system produces, since “We don’t discriminate here; everyone is treated equally.”

This issue has been well recognized by human rights authorities and, indeed, by Canadian lawmakers and the courts. Thus, the criminal law does not require a blind application of a policy of identical treatment for all. In fact, as McMahon has pointed out, there are many legal regimes in Canada that expressly provide for diverse legal responses in differing circumstances. These include, for example, the civil law system in Quebec, unique Indian Act courts, provincial differences in the application of the Criminal Code, different procedures for summary and indictable offences, differences in procedures under provincial legislation, a separate youth justice system, and a different justice system applying to the military. Moreover, Parliament has enacted provisions of the Criminal Code that specifically require Aboriginal ancestry to be taken into account in sentencing. Yet, in terms of the day-to-day workings of the system, justice system values and practices with respect to equality of treatment could well create a resistance to making the accommodations that are necessary to ensure that the system produces equitable outcomes for members of different racial and ethnic groups.

In summary, this discussion is intended to show that there is a high potential for strained relations to occur between the police and Aboriginal peoples because of the features of the justice system itself. This is the case because:

- Discrimination requires power and a power imbalance. The justice system, perhaps more than any other institution in society, creates and sustains a power imbalance with those who come into contact with it.

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The scope for discretionary decision making among officials in the criminal justice system is broad and largely unfettered. Decisions are often made hidden away from public view. This creates opportunities for bias to enter into decision making and for perceptions of bias to be sustained.

The justice system, at least in the area of policing, often recruits and attracts individuals from the segments of society where racial intolerance has been found to be more pronounced. Moreover, the closed systems currently used for recruitment, training, and succession do not promote the development of organizations that recognize and respect cultural diversity.

In some communities, the experience of working within the justice system and, in particular, continuous conflict with minority group members who are in conflict with the law, could reasonably be expected to encourage the development of racist ideas and behaviours.

The justice system promotes a monocultural set of values and practices that does not encourage the kind of differentiation in treatment that is necessary to ensure fair outcomes for members of minority groups.

In democratic societies that operate under the rule of law, the justice system is the institution in society that is ultimately responsible for ensuring human rights are protected and fairness prevails. The existence of racism and discrimination in such societies requires the explicit or tacit approval of the laws and the justice system. Moreover, when basic human rights are violated, citizens look to the justice system for protection. If the justice system does not ensure fairness, or worse, if it operates in a manner that offends basic rights, a double injustice occurs. Indeed, citizens may be left with no other legitimate avenue to pursue their rights. As a result, there is an extra burden of responsibility on the justice system to operate in a manner that protects and defends the right of every citizen to be free from differential treatment and, as the above noted discussion suggests, it seems clear that extraordinary measures are required within the justice system to ensure it operates in a fair and even-handed fashion, especially with respect to already disenfranchised groups.

**CONCLUSION**

There are several important conclusions to be drawn from this review:

- Recognition and support for self-determination and self-government must underpin police efforts to improve relations with Aboriginal people.

- The problem of sharing experience and learnings across police agencies and jurisdictions was highlighted earlier. However, it is also clear that the police and the government must do a much better job of looking outside policing and, indeed, outside the justice system, for models, lessons, and best practices that can guide policing reforms.
Aboriginal community development principles have proved effective in bringing about significant and long-lasting improvements in many social conditions in many Aboriginal communities throughout Canada. These principles are well developed and thoroughly evaluated. Therefore, it should be a priority for the police to employ these principles and to encourage the development of Aboriginal leaders who can help put these principles into action.

There must be recognition that, left unchecked, some features of the justice system will directly and indirectly promote differential treatment of already disenfranchised communities. Therefore change management strategies must be implemented to counteract these influences.

The steps suggested here would allow the police to learn from history, as well as from other sectors, and would position the police to more effectively combine these learnings with the considerable experience that has started to accumulate within the policing sector itself.

VI. SUMMARY AND CONCLUSIONS

An extensive review of the literature on Aboriginal–police relations completed for a preliminary report indicated that

- there was significant potential for community-oriented policing approaches to reduce crime and improve relationships between the police and Aboriginal people;

- the most important aspects of a successful police governance model involved the recognition of the right of self-determination, and the full and effective participation of Aboriginal people in providing and overseeing police services; and

- successful approaches in recruiting and training Aboriginal and non-Aboriginal police officers involved in Aboriginal policing involved screening for racism, recruitment of more Aboriginal police officers, providing supports for Aboriginal officers, for example, employee and family assistance programs, and initiating cross-cultural training utilizing skilled Aboriginal officers in an experiential model.

The initial review also pointed out that crime and victimization of Aboriginal peoples is principally due to the distinct demographics of the Aboriginal population, poor educational and employment opportunities, and other poor social conditions that give rise to a variety of social problems. By and large, these conditions are beyond the purview of the criminal justice system, and it would be unrealistic to expect justice system reforms by themselves to alleviate these conditions.
A survey of key informants identified as experts in Aboriginal–police relations was also carried out. This survey indicated that the leadership of police services across Canada have a strong interest in the improvement of Aboriginal–police relations and that some new policies and programs are providing a focus not seen only a decade ago.

Much of the interest was found to be in urban areas, where two strategic directions were being pursued: the application of community policing principles to the policing of Aboriginal people, and the recruiting of more members of all minority groups, including Aboriginal people, to police service. Some of the programs appeared to be getting results. However, there was a distinct lack of creativity and very few institutional supports to accumulate and share knowledge across agencies and jurisdictions. Most initiatives were undocumented and unevaluated.

A broader analysis of relations between Aboriginal and non-Aboriginal agencies and governments revealed that developments in Aboriginal–police relations have paralleled developments in many other areas of Aboriginal health and human services. Many of the same approaches, such as cross-cultural training and affirmative action hiring policies, have been tried in many sectors. Despite the limited success of these approaches, they remain the dominant response of mainstream policing agencies to the challenge of improving Aboriginal–police relations.

Self-government initiatives, including some initiatives within the justice sector, are increasingly widespread in Canada. A number of these initiatives were discussed in Section 4 of this report and additional insight with respect to reserve-based policing strategies is the subject of a separate report commissioned by the Inquiry. However, the benefits of this approach do not appear to be widely understood or accepted in the policing community. Many current self-government initiatives have proceeded in the absence of much police support, even though this approach seems to hold the most promise for a fundamental reorientation of existing Aboriginal–police relations.

The development of self-governing arrangements in other sectors, such as in health and education, seem to hold out important models and principles that should be carefully considered by the justice system. A number of the lessons from these allied sectors were analyzed in detail. These other sectors appear to provide very fertile ground as the police seek out creative and innovative approaches to improving Aboriginal–police relations. Many of these examples appear to hold out much more promise than the replication of some of the common approaches now being adopted within policing circles, because they have been shown to produce more consistent, significant, and long-lasting improvements.

Considerable expertise has also been developed with respect to the principles of effective community development in Aboriginal communities, whether the development has been in justice services or in other areas. These principles were also discussed and analyzed in detail, and it was proposed that these principles underpin police efforts to improve relations with Aboriginal people.

59 See Don Clairmont’s report on reserve policing.
An analysis of some features of the justice system itself suggests that, left unchecked, they may contribute to some of the problems of strained relations that have proved difficult to address. The development and implementation of organizational change-management strategies to overcome these characteristics was suggested as one concrete step the police could take to position their organizations for more positive relations with the Aboriginal community.

A number of conclusions may be drawn from this review:

- Many police officers do not understand Aboriginal culture, including the principles of successful programming in Aboriginal communities. Considerably more effort is required to support appropriate training, and the cross-fertilization of ideas among Aboriginal and non-Aboriginal leaders.

- Aboriginal people are overrepresented in the criminal justice system. However, there is growing evidence that the factors that contribute to conflict with the law and victimization mostly have to do with social and economic inequities that Aboriginal people continue to face in Canada today. Therefore, the Inquiry should consider what justice reforms can accomplish, but also other recommendations that will address social inequities including, for example, inadequate access to education and employment opportunities.

- Most Aboriginal policing initiatives were developed following a community controversy or incident. Policing agencies and governments should be encouraged to undertake the proactive development of initiatives that will improve Aboriginal–police relations. These initiatives should include the adoption of change management strategies within the justice system. Some features of the justice system, left unchecked, will continue to create obstacles to change and will continue to slow progress in improving police–Aboriginal relations;

- An important predictor of the success of initiatives to improve Aboriginal–police relations is the support and leadership of Aboriginal and non-Aboriginal politicians and administrators. Police organizations must be encouraged to become advocates for new initiatives and they must formalize support that will lead to concerted action.  

- Although more Aboriginal autonomy and control is recommended in almost every reform report, and is the stated policy of many police organizations, there are only a few communities across Canada where Aboriginal people have a measure of control over policing services. Police services should be encouraged to actively

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60 For example, the Commission on First Nations and Métis Peoples and Justice Reform (2004) has provided a comprehensive menu of types of initiatives that mainstream organizations can undertake to encourage and support the development of justice and community service systems under First Nations and Métis control, and to improve the appropriateness and effectiveness of mainstream services that are provided to First Nations and Métis people.
support increased Aboriginal involvement and control, and they should be held accountable for achieving results.

• Most police service policy-makers agree that the composition of their departments should mirror the community profile. However, few police services have achieved that goal. Provincial governments should be encouraged to adopt a variety of innovative approaches to ensure an increasing number of Aboriginal police officers are trained and retained within Aboriginal and mainstream policing organizations.

• Although police leaders articulate a requirement to “do with” Aboriginal people, most initiatives are still developed “for” Aboriginal people. All future initiatives should be based on a community development process founded on a recognition of self-government principles.

• The RCMP, the OPP, and many municipal police services across Canada have developed “diversity units” to address minority problems. These units appear to have been developed in isolation, and they operate in isolation from one another. Governments and policing agencies should be encouraged to adopt measures that will result in more accumulation of knowledge and best practices, and more sharing across agencies and jurisdictions.

• There is little documentation or evaluation of existing police initiatives. As a consequence, important lessons are lost and the results of many initiatives remain anecdotal and subjective. A major initiative is required to capture current experience, to evaluate current reforms, and to educate upcoming leaders in the lessons learned.

• Most current initiatives to improve Aboriginal–police relations are lacking in creativity and innovation, and a number are based on models and approaches that have been largely discredited. Governments and agencies must find a way to foster more creativity based on tried and true principles that have been shown to work in many other sectors. Systematic efforts are required to bring the lessons learned from other sectors to bear on reforms designed to improve Aboriginal–police relations.

• Specific initiatives should be undertaken to support the development of Aboriginal leaders. These should include, for example, increasing the capacity and number of education and training programs that are provided by First Nations and Métis educational institutions, improving the contribution to the development of First Nations and Métis leadership that is made by mainstream education and training programs, improving First Nations and Métis students’ ability to pursue education and training through the provision of financial and other supports, and improving the cultural appropriateness and effectiveness of education and training programs so that they better meet the needs of First Nations and Métis leaders and communities.
The way forward has been paved with this and many previous reports. Goodwill and good intentions are apparent. However, much more determination will be required to translate good ideas and good intentions into good practice and to bring about the improvements that the justice system and Aboriginal people have been waiting for.

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INTERVIEW INSTRUMENT

INTERVIEW PROTOCOL

Overview

Interviews are an effective means of collecting data about programs; however they need to be planned carefully so that quality information is obtained.

Instructions

1. The Interview Tool is merely a template and the interviewer should attempt to keep the interview casual and fluid while ensuring all significant information is collected.

2. Using an interview protocol is a type of survey activity. Conducting a survey should be done systematically. The overall survey process includes:

   a. An experienced team. Lead role by Ron LaJeunesse with Dr. John Hylton in an advisory capacity and logistical support by Ms. Tanisha Johnson.

   b. Setting clear objectives. To study a sampling of Canadian police–Aboriginal programs for the purpose of identifying processes and factors that contribute or detract from successful evidence-based outcomes.

   c. Selecting a representative sample. A minimum of eight programs representing urban/rural settings, north/south geography, and conventional/restorative initiatives will be examined.

   d. Generating the questions. Developed in consultation with Dr. Hylton and Ipperwash Inquiry staff and Advisory Committee.
e. **Constructing the instrument.** An interview protocol will be utilized rather than a questionnaire or focus group protocol. Focus groups may be used to supplement the interview.

f. **Testing the instrument.** The initial program site will be utilized as a test site, process and content feedback will be solicited, with adjustments made as required.

g. **Administering the instrument.** Telephone interviews will be organized in advance with senior program personnel during the month of March.

h. **Analyzing the data.** Results will be summarized and analyzed with the assistance of Dr. John Hylton prior to April 15.

i. **Preparing a report and using the results.** The report will detail goals and methodology, a summary description of each program, a description of evidence-based outcomes, and an analysis of the processes and factors that have contributed to or detracted from those outcomes. To be completed by May 1.

**INTERVIEW QUESTIONS**

**A. CONTACT INFORMATION**

Program__________________________________________________________

Program Location________________________________________________

Interviewee: ___________________________________________________________________ Phone________________________

Fax: _____________________________ E-mail: ______________________________

Interviewer: ____________________________ Date: __________

**B. INTERVIEWEE INFORMATION**

1. What is your position?
2. How many years have you been in your present position?
3. How many years of experience do you have with your organization?
4. What are your current responsibilities?

**C. PROGRAM INFORMATION**

**C-1 Policing Aboriginal People**

1. Would you please describe your program, noting its main features?
2. What were the guiding principles for both the planning and running of a program of this nature?

3. Does the program serve only Aboriginal and/or Métis people?

4. Does it serve people on the reserve, in the city, or both?

5. How would you describe the community it serves?

6. Does the program focus on criminal justice matters alone or address issues such as work, education, housing, and social or family services?

7. How and when did the program get started, who was involved, and what steps were taken to make it a reality?

8. How was the program financed, and was it interim or sustaining? What was the original budget, what is the current budget, and has the funder changed over time?

9. Does the program now receive ongoing funds, and what if anything was done to ensure its sustainability?

10. What were the most important processes that led to the success of the program? Were they political, institutional, cultural, or financial?

11. What processes, if any, detracted from the program's development? Were they political, institutional, cultural, or financial?

C-2 Criminal Justice Framework

1. What Aboriginal needs or wants was the program trying to meet?

2. Does the program address matters of Aboriginal culture?

3. Does the program emphasize Aboriginal spirituality?

4. Were Aboriginal people involved in the design and management of the program?

5. Were Elders consulted on the design and management of the program?

C-3 Policing Model

1. Does the program utilize a “community policing” philosophy?

2. What is your definition of community policing?
3. What is the program’s goal? What are the objectives?

4. How is success determined? Is there a formal evaluation process in place, and can you describe it?

5. How is the information about program results (outcomes) utilized?

6. To what factors do you attribute the successes in the program?

7. To what factors do you attribute any lack of success in the program?

8. What leaders were most influential in the program’s development?

9. Are the program results documented in reports? Are they published?

10. What improvements would you like to make to the program?

11. How would you describe the level of trust between officers and community members?

12. How does the community’s crime rate compare with other similar communities or with other communities in the province?

13. What is the size of the community served and how many officers are employed? (How many officers per 100,000 population?)

**C-4 Governance Model**

1. What individuals and/or organizations provided support to the development of the program? What was the nature of that support?

2. Was an advisory group involved in the process?

3. Who was responsible for governance during the development stage?

4. Who is now responsible for the governance of operations?

5. Please describe the governance model.

6. Are Aboriginal people involved in overseeing police activity?

7. Do Aboriginal people serve as advisors, or are they in control of the program?

8. Is the control by Aboriginal people over the complete range of police functions?

**C-5 Recruitment, Training, & Retention**
1. How are officers recruited? Are Aboriginal people targeted for hiring, and how long has this been occurring?

2. Do recruitment processes include screening for racism?

3. What percentage of the program’s officers are Aboriginal? Do the numbers mirror the community makeup?

4. What is the educational level of officers at recruitment?

5. What is the average number of years of experience of officers in the program?

6. What number of years of experience does the senior officer in the program have?

7. Are officers trained at RCMP Depot, in a police college, a municipal police academy, or in some other manner?

8. If “some other manner” was selected for the previous question, what duration is training, and how does the content compare with college, municipal, or RCMP Depot training?

9. Are cross-cultural training programs in place, and if so, are the leaders Aboriginal police officers?

10. Are Family and Employee Assistance Programs (FEAP) available to assist Aboriginal people to integrate into police service?

11. Do officers live in the community and know the residents?

12. What equipment are officers provided with?

13. How does pay compare with the RCMP or a local municipal police service?

**C-6 Other**

1. Are there any considerations we have missed with respect to our objective of examining processes and factors that contributed or detracted from successful program outcomes?

2. What if anything would you do differently next time?

3. What would you tell another person planning to develop a similar program?

4. What print or electronic information do you have that would supplement this interview?
5. What advice do you have for us regarding this interview process?

REFERENCES


Commission on First Nations and Métis People and Justice Reform. . 2004, *Final Report from the Commission on First Nations and Métis People and Justice Reform,*


Evans, H. 2003. *Aboriginal and Torres Strait Islander people and their health; and the health system response.* Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).


Lockwood, L. (2003b, December 5). Drastic reduction in crime proves project works. Saskatoon *StarPhoenix*.


