

Policing Rural Indigenous Communities:
Submission to the Standing Committee on Public Safety and National Security

The death of George Floyd in May 2020 at the hands of the Minneapolis police has drawn considerable attention to the policing of Black, Indigenous, and People of Colour. The public protests starting after Floyd's death have raised important questions about the goals and purposes of policing, the role of the police in ensuring public safety, and how racism affects police-community relationships. These are not new questions, and Meares (2017), writing about American policing, questions whether "policing as we know it must be abolished before it can be transformed" and Vitale (2017, p. 30) contends that piecemeal changes have been ineffective in reforming policing and "any real agenda for police reform must replace police with empowered communities working to solve their own problems." Within the issue of reforming the police falls topics such as confronting systemic racism and the need to confront practices, policies, and operational factors contributing to discriminatory and racist practices.

To date, almost of the attention on shortcomings in policing have focused on urban policing and advocates throughout North America have rejected reforming the police and argue that policing must be defunded. Although these are not new ideas the intensity of these protests is unprecedented in recent memory. There has been comparatively little attention, however, placed upon the policing arrangements affecting Indigenous peoples in rural and remote areas. That is not unusual as rural policing is out-of-sight and out-of-mind for most Canadians; what Wooff (2016) calls the margins of policing. In what follows this brief identifies four challenges in policing rural Indigenous communities.

There is no shortage of recent scholarship on the troubled relationships between Indigenous Canadians and the police, and these shortcomings are identified in reports released by the Council of Canadian Academies (2019), DPRA Canada (2016), the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019), and the Viens Commission (2019). The challenges associated with delivering effective Indigenous police services are not distinctive to Canada and policymakers in other English-speaking nations colonized by the British, such as Australia, New Zealand and the United States, have also struggled to provide responsive, effective, and unbiased policing to these peoples. Scholars in these four nations have identified the over-representation of Indigenous peoples in their justice systems from their arrests to incarceration, and have attributed some of this prevalence to discriminatory and racist practices (see Samuelson, 1993).

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What differentiates Canada from these other nations was the introduction of the First Nation Policing Program (FNPP) in 1991 to provide a national-level framework for policing Indigenous communities. The FNPP is unique in English-speaking common law nations with high proportions of Indigenous peoples because of its comprehensive national strategy and cost sharing arrangements. The FNPP provides 100 percent funding for Indigenous communities to either establish their own self-administered (SA) police service much like a municipal police department or contract with larger police agencies, such as the Ontario Provincial Police (OPP) or Royal Canadian Mounted Police (RCMP) to provide policing services. These arrangements were intended to increase culturally responsive policing, which is interpreted as increasing the proportion of Indigenous officers. A second key goal of introducing the FNPP was to enable First Nations to increase their self-determination by policing their own communities.

Policing Indigenous Communities: Chronic Challenges

A series of federal and provincial government reports conducted in the 1980s and 1990s identified a number of shortcomings in the policing of Indigenous communities, and these are summarized by Lithopoulos and Ruddell (2013, p. 105) as:

- a) Chronic under-policing reflected by a lack of regular police presence and a poor response time to incidents;
- b) A lack of preventative patrol and crime prevention programs in such critical areas as family violence and substance abuse;
- c) A lack of understanding of, and sensitivity to, Aboriginal culture by non-Aboriginal police officers;
- d) Absence of a clear federal policy, leadership, and professional standards across Canada;
- e) Confusion over jurisdiction and responsibilities with and between governments;
- f) Absence of provincial legislation providing for the establishment and regulation of Aboriginal police services; and
- g) Insufficient and inequitable funding of Aboriginal policing.

Although identified in the 1980s and 1990s, many of these issues remain obstacles to delivering professional, dedicated, and responsive policing; which was Public Safety Canada's mandate for Indigenous policing.

In 2019 there were about 440,000 persons living in 457 First Nations and Inuit communities served by police operating under 186 agreements with the FNPP (Mugford, 2020).

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It is important to acknowledge the of diversity in these communities in terms of their geographical locations (urban-rural-remote), cultural and linguistic backgrounds, economic development, as well as political and historical experiences, and these places can have vastly different levels of disorder, crime and community well-being. Consequently, it can be reckless to make one-size-fits-all recommendations about Indigenous policing. One factor that almost everybody agrees upon is that the work of these officers is of key importance to the people living in these places, who want to receive police services equivalent to those received by other Canadians (Canadian Association of Police Governance 2016; 2017).

Although the FNPP was founded with a great deal of optimism, a series of evaluations reveals that the delivery of police services suffers from a number of shortcomings (Auditor General of Canada, 2014; Hunter-Courchene Consulting Group, 2014; Public Safety Canada, 2010; 2016). About one-third of the fledgling SA police services were disbanded and Kiedrowski, Jones, and Ruddell (2017) question whether they were set-up to fail. They conclude that these organizations, like many other First Nations programs funded by provincial and federal governments, were treated with benign neglect and their struggles ignored.

Policing Indigenous Communities: Contextual Factors

Since May 2020, there has been considerable attention placed on problems identified in policing and there are increasing demands to “get something done.” Indeed, less than three months after Floyd’s death a number of police reforms have been introduced throughout Canada, including reallocating police funding to other public services in some cities. Changes in criminal justice systems are often driven by crises yet there can be dangers in making knee-jerk reactions to long-term entrenched problems as these reforms are seldom carried out in a planned or systematic manner. Moreover, many policymakers believe that interventions that reduce crime in urban settings will work effectively well in rural communities. Yet the nature of relationships between the residents in sparsely populated and communities and the police—who generally know each other—are different than what occurs in urban settings—where the police and the public are more anonymous—and applying the same interventions in these places may produce unanticipated affects.

Murphy (2004, p. 1) says that Canadian policing was “characterized by growing political pressure for greater fiscal and operational accountability, escalating policing costs, expanding service demands, shrinking budgets, declining police growth and, ultimately, reduced police

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services.” This period of transition has lasted almost two decades and a growing number of politicians, academics, policymakers, and members of advocacy groups contend that the traditional policing model should be redesigned, reengineered, reconfigured or reinvented in light of these contextual changes (see Corley et al. 2018 for a review). While there are gaps in our knowledge about the operational practices in Indigenous policing, we know that social problems such as crime are highly interconnected with unmet community needs in terms of addictions, physical and mental health, poverty, and unemployment. When officers policing Indigenous communities were asked whether the social problems they confronted in their work were unsolvable, there was almost no change in their responses in nearly three decades:

**To what extent do you find dealing with mostly unsolvable social problems problematic?
Percentage of officers policing Indigenous communities strongly agreeing or agreeing
that it is somewhat of a problem or a big problem (Jones, Ruddell, & Summerfield 2019):**

1996	2007	2014
80%	86.3%	84.5%

Although there are many challenges in policing Indigenous communities, we know very little about what happens in these places, and an ongoing challenge is that a one-size-fits-all approach offered by large policing agencies such as the OPP, RCMP, or SQ is not always applicable nor entirely responsive to the needs of these diverse communities.

Jones et al. (2019) examined surveys of officers policing Indigenous communities conducted in 1996, 2006, and 2014. They found that officers in 2014 were less likely to favour key aspects of community policing, such as getting to know community members, soliciting help from the community or community agencies and they did not feel that Indigenous policing required a different policing style. We found these results varied according to the respondent’s employer and whether they were of Indigenous ancestry, and as the proportion of non-Indigenous and RCMP officers increased, the support for community policing decreased. While this finding does not indicate bias, it suggests that the views of officers about the nature of policing may be shaped by the organizations that employ them as well as their ancestry.

Four Challenges Confronting Rural Indigenous Policing

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Although there are many factors that inhibit providing more responsive and effective policing the following section highlights four that should be prioritized. We might question why the context of policing is so important. To a large extent many of these challenges are interrelated and it may be impossible to make significant headway on any one of these issues without addressing the others.

1. Lack of Research on Policing Indigenous Communities. Murphy (1999, p. 205) observes that “Democratic policing requires research-based information and knowledge so that citizens and their governments know what the police do, how they do it, and with what effect.” There is a dearth of research on rural policing and Lithopoulos and Ruddell (2013) note that Indigenous policing was one of the most under-researched aspects of Canadian law enforcement. They identified the need to develop a research-based inventory of best practices in rural and Indigenous policing.

Why is research important? In June 2020 Prime Minister Trudeau called for all police in Canada to be equipped with body-worn cameras (BWC) (see Blanchard, 2020). While this seems like a reasonable response to document police and civilian interactions, research about the effectiveness of BWC is mixed, and an examination of 70 studies reveals that while officers and the public are often supportive of them, “they have not produced dramatic changes in police behavior for better or worse,” although they may “curb some of the worst police behaviors but have little impact otherwise” (Lum, Stoltz, Koper, & Scherer, 2019, p. 110).

Almost all of those 70 studies of BWC took place in large municipal police services where the police and the people they interacted with are typically anonymous, whereas the officers policing Indigenous communities are often very well-known to community members given the small size of these places. We simply do not know how introducing BWC would influence these relationships and their presence may reduce the rapport between these individuals. Thus, there can be hazards introducing reforms that are unsupported by research. At the very least we should carry out pilot studies to better understand the impact of additional technologies or interventions before introducing sweeping reforms. Perhaps the money spent on BWC in Indigenous communities would have a more significant impact if used in another manner? We should know the answers to these questions before funding these interventions. As the following section notes, the under-funding of Indigenous police services remains a perennial problem.

2. *Chronic Under-Funding of Self-Administered Indigenous Police Services.* Although a number of Canadian municipalities are in the process of reallocating police funding to social service agencies every recent evaluation shows that SA police services are under-funded. Writing about these agencies, the Auditor General of Canada (2014) observes that the “FNPP is not adequately designed to deliver and does not adequately ensure that policing services are delivered in a manner consistent with the principles of the FNPP policy that we examined.” Inadequate funding arrangements make it difficult for SA police services to deliver effective services and make long-term plans.

Although longer-term funding arrangements were introduced in 2018, the First Nations Chiefs of Police argue that their agencies continue to be under-funded (Deer, 2019). The impact of these shortfalls are exacerbated in communities experiencing high crime rates and when first responders are expected to carry out duties not typically required by municipal police services (Viens Commission, 2019, p. 268). Funding shortfalls have also resulted in a significant wage gap between officers working in SA services and their municipal counterparts, which can contribute to problems retaining officers (see below). Moreover, officers are asked to use outdated equipment, such as wearing “expired” body armor, and many of these services lack the physical infrastructure—such as detachments in remote communities—that are required to ensure the safety of the officers and the people who are detained in custody (Viens Commission, 2019).

3. *Workforce Issues.* The authors of other briefs to the Standing Committee, such as Leuprecht (2020; see also Leuprecht, 2017) have highlighted the shortcomings of the RCMP’s contract policing arrangements and their institutional culture. Although acknowledging that bias and racism can become embedded in a dysfunctional organizational culture, we also have to recognize the high expectations placed on the front-line officers policing Indigenous communities regardless of whether they are employed by the OPP, RCMP, or a SA police service. Many of these officers are working in their first policing jobs, and they are often in their early twenties when first deployed. They soon learn that in the absence of other health and social services they are required to intervene in situations that their urban counterparts are not expected to confront; nor did they receive academy training preparing them for these roles. In many rural and remote communities, for example, there may be no full-time social worker, public health nurse, or addictions worker to respond to people experiencing psychological problems, going

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through withdrawal, engaging in a family conflict, or requiring other immediate supports. Some mental health and social service professionals travel to these places and are only available a few days a month and there are seldom any 24/7 emergency or crisis services in small towns or First Nations. As no alternatives exist officers in remote communities are expected to devote a significant proportion of their time to social work activities (Huey & Ricciardelli, 2015).

One of the goals of the FNPP was to increase the prevalence of Indigenous officers, but survey results from 1996, 2006, and 2014 show that the proportion of these respondents has been *decreasing* over time; from 90% in 1996 to 27% in 2014 (although this may be an outcome of the officers participating in these studies – see Jones et al., 2018). There are very high levels of turnover in SA agencies and this impacts service delivery as it often takes a year or more before officers have a solid understanding of community dynamics. How bad is the problem? The Kativik Regional Police Force in northern Quebec, has more officers leave the service each year than they employ (Rogers, 2019). New officers often treat jobs with SA agencies as stepping stones to careers with larger police services. Yet, there are also retention problems for officers working in larger police services, and many OPP, RCMP, and SQ officers put in their time until their transfers to southern locations are approved (Leuprecht, 2017).

Conditions such as high turnover and levels of crime take a toll on officers and Carleton and colleagues (2018) examined surveys from almost 6,000 Canadian public safety personnel about their reactions to job related stressors. These researchers found that over one-half of RCMP officers report having one or more symptoms of mental health disorders such as anxiety, depression, alcohol abuse, or post-traumatic stress disorder. Officers policing rural Canada are also about *four times* more likely to be killed on the job—from unintentional injuries such as collisions as well as being murdered—than their counterparts working in urban settings (Ruddell, 2017).

4. Community Expectations. When asked about what they expect from the police Indigenous people told DCRA (2016) researchers that they want a quick response to their calls; they want the police to help them solve their problems, and they want those problems resolved in a respectful manner. While this is a rather straightforward list, it can be difficult to meet those expectations given the limitations inherent in rural and remote policing, including a small number of officers patrolling large geographical areas, a lack of opportunities to engage in preventative policing, and the inability of health, education, and social services to provide a

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foundation for community safety and well-being.

One long-standing challenge in policing Indigenous communities, whether they are delivered by contracted or SA services, is balancing under- and over-policing. The Aboriginal Justice Implementation Commission (2001) observes that under- and over-policing can occur simultaneously. According to the Commission, over-policing entails a disproportionate amount of contact with the police that non-Indigenous people do not experience; usually for minor offences. Under-policing, by contrast, can happen when police are less engaged in crime prevention activities and they are only perceived to come to a community when investigating crimes. Members of the Commission observe that under- and over-policing are consequences of officers adopting a narrow view of policing based on enforcement rather than a broader approach addressing the underlying community problems that contribute to crime.

There are other aspects of balancing under- and over-policing that are related to policing Indigenous communities. Officers responding calls for service, for example, use their discretion and often caution or warn someone who has committed a crime: But what if the people who called the police believe the wrongdoer should receive a tougher sanction? Brunson (2020) explains that under-policing leaves people feeling underserved and unsafe, and under-policing can reduce police legitimacy and the public's reluctance to cooperate with them. Moreover, if calling the police is perceived to be a waste of time, some individuals may bypass them altogether and handle matters themselves by destroying the property or physically harming someone who has wronged them, what Donald Black (1983) calls self-help. There is some speculation that pullbacks of RCMP policing on First Nations in the 1960s and 1970s in Ontario and Quebec contributed to higher rates of violence in these places. Although there is no scholarship conclusively supporting that contention, examining the relationship between police service reduction and crime may provide us with some insights on prior experiments in defunding Indigenous policing.

Self-Determinism and the Future of Indigenous Policing

There is a growing consensus that bias and racism are embedded in all Canadian social institutions although the police—as one of the most visible forms of the criminal justice system—has received most of the public's attention since the death of Floyd George. This brief focuses on the contextual changes in rural Indigenous policing so that we can better understand the challenges SA and contract policing organizations must overcome in order to deliver good

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policing. Although the FNPP was introduced almost three decades ago to provide a national framework to deliver Indigenous policing there is growing recognition of shortcomings in both funding arrangements and the manner that contracted policing services are delivered (Deer, 2019; Kiedrowski et al., 2017; Leuprecht, 2017; 2020).

Some believe that the most effective strategy to policing Indigenous communities might be delivered by large SA agencies serving entire regions; thus enabling them to benefit from economies of scale, provide more lateral and promotional opportunities for their personnel (and thereby reducing turnover), and increasing their organizational stability. It is important to note that no newly founded SA agencies have been established since 2008, although a number of communities have expressed interest in founding these services. Expanding both the number of SA agencies and facilitating their growth as regional operations would enable Indigenous communities to exercise self-determination over their justice systems.

Conclusions

Almost a half-century ago, the Solicitor General for Ontario (1974, p. 59) observed that “the police service provided to Indian Bands has not been of a standard as high as that provided to most communities in the province, a standard of service to which they are equally entitled.” Despite the introduction of the FNPP, there is a growing realization that the people living in a large proportion of Indigenous communities do not receive policing that is comparable to what other Canadians receive. The issues addressed in this brief might be considered as a starting point when contemplating reforms of Indigenous policing, although I also acknowledge that they represent only the tip of the iceberg when it comes to the challenges of policing rural and remote Indigenous communities.

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