

COMMUNITY POLICING in ABORIGINAL COMMUNITIES in CANADA: A BEST PRACTICE

Don Clairmont

INTRODUCTION

Until the 1960s, virtually all of the hundreds of Aboriginal communities in Canada – currently 644 with a total on-reserve population of roughly 450,000, a mean size of 642 and a range from 12,000 plus to fewer than 100 residents - were policed by the Royal Canadian Mounted Police (RCMP), the federal police organization that also provided, by contract, provincial policing in all provinces and territories except the two most populous, namely Ontario and Quebec. As the contracted provincial police the RCMP was responsible for all policing outside cities and towns and in select urban areas by special supplemental contract. The few reserves within municipal boundaries were everywhere usually policed by the extant municipal police services. As the 1960s evolved, major changes in the police organization and approach in Aboriginal societies began to occur, leading ultimately to the First Nations Policing Policy in 1991 and the subsequent FNP Program in 1992. The FNPP required greater Aboriginal involvement and partnership in policing in First Nation (FN) communities and also encouraged the growth of self-administered, independent FN police services. It mandated a “community-based policing plus (CBP+)” strategy of policing, parallel to the “citizenship plus” conception of Aboriginal rights in Canada as rooted in treaties and protected in the Constitution Act of 1982. The FNPP, with its central features, especially the mandated tripartite partnerships among federal and provincial governments and the FNs, made Canada the only country that had developed a comprehensive national policing approach for its Aboriginal peoples (Lithopoulos, 2008). The FNPP remains in force today and continues to evolve at the program level.

Outside of Ontario and Quebec, provinces where there is no direct community level policing by the RCMP, the vast majority of the Aboriginal communities continue to be policed by this service. In this brief overview of policing developments in Aboriginal Canada, RCMP policing in the community of Elsipogtog New Brunswick is highlighted since it represents a “best practices” example of how an CBP+ approach to policing has led to significant social change and resulted in an effective combination of professional-based and community-based policing strategies. Elsipogtog, a Mi’kmaq community of 3000 residents, roughly 90 kilometers from Moncton, the geographical hub of Canada’s Maritime Provinces, has had and continues to have a very high level of social problems, including high underemployment, high levels of single parent households, and rates of serious violent crime and of substance abuse far greater than neighbouring mainstream towns and cities. For example, at least one of every seven adults in Elsipogtog between the ages of 18 and 33 is either authorized by provincial health authorities to receive regular methadone treatment or regularly and illegally

consumes addictive drugs (mostly prescription drugs), a rate 50 times greater than in metropolitan Halifax, deemed by many as the drug capital of Atlantic Canada. At the same time, the community has an extensive Health and Social Services capacity, leads the province in its progressive justice programming, and has national renown for its Eastern Door program (focusing on the prevention, diagnosis and treatment of FASD). As will be discussed below, the RCMP's CBP+ policing strategy in Elsipogtog has become a positive transformative force largely because of its emphasis on problem-solving and in-depth cultivation of community partnerships in conjunction with its continued commitment to professional-based policing.

THE ABORIGINAL POLICING CONTEXT

From the formation of the Canadian Confederation (1867) and the Indian Act (1876) until the 1960s, all policing in Aboriginal communities was federal, involved a broad policing mandate wherein officers carried out a wide range of tasks additional to conventional law enforcement (such as census gathering and linking people to social services), and Aboriginal persons engaged with the policing service were helpers and clients rather than colleagues or partners (e.g., “band scouts” were engaged to assist with language interpretation and observation). The style of policing was community sensitive in a colonialist, paternalistic context where the RCMP officers worked closely with the Anglican and Roman Catholic churches operating schools and hospitals, the Hudson Bay traders and the appointed Indian Agents. Beginning after World War Two, but picking up steam in the 1960s, the old order was transformed as Aboriginals received the right to vote in federal elections, government bureaucrats assumed the dominant leadership role in providing services in Aboriginal communities, and the Indian Agent position was gradually abolished in favour of the empowered band council. The traditional, broader police role had some CBP features but it was thoroughly enmeshed in the assimilation policies of the federal government in that colonialist context and did not employ Aboriginal members nor acknowledge accountability to Aboriginals. It also did not generate significant trust among Aboriginals people; for example, few Aboriginals reported any abuse in the Indian Residential School system to the RCMP, an abuse that in retrospect has been shown in both personal accounts and court materials to have been quite widespread (LeBeuf, 2009). The RCMP, along with the federal government and the churches leaders have profusely apologized in recent years for their complicity in this approach to Aboriginal peoples and communities.

The three central events in shaping Aboriginal policing in the modern era have been (a) the withdrawal of the RCMP from regular policing in FNs in Ontario and Quebec announced in the 1960s, coupled with a contraction of its policing mandate in the face of expanding federal government bureaucracy, as without an explicit CBP philosophy to fall back on, the RCMP approach became exclusively professional enforcement; (b) Indian Affairs' (DIAND) 1971 Circular 55 policy on policing Aboriginal communities which identified principles that should guide such policing, such as greater consultation and ‘ownership’ by Aboriginals, and allowed for special Aboriginal constables who would not be restricted to policing band bylaws; (c) The First Nations Policing Policy (FNPP) in 1991. In a nutshell, the

RCMP's withdrawal from FN policing in Ontario and Quebec resulted in diverse styles and arrangements in Aboriginal policing and ultimately in a context where self-administered FN policing could be meaningfully experienced and assessed. DIAND's Circular 55 articulated for the first time the federal government's objectives and principles of Aboriginal policing and facilitated the growth of the band constable services as well as greater Aboriginal participation as advisors and colleagues in reserve policing carried out by the RCMP or the Ontario or Quebec provincial police services. The FNPP advanced significantly upon the objectives and principles of Circular 55 and also launched new organizational structures (e.g., the Aboriginal Policing Directorate under the Solicitor General Canada), new funding arrangements, and the tripartite agreement format - the aegis of the federal government, the provincial government and the designated FN - for the development of either self-administered, fully authorized FN police services (SAs) or community tripartite agreements (CTAs) where the RCMP (linkages with other police services are possible though rare) provided the policing services under specified contractual terms.

The policing of Aboriginal people steadily if slowly became appreciative of cultural sensitivity and local priorities and the need for collaboration and partnership with Aboriginal peoples. The band constable system began in the mid-1960s and grew significantly over the next twenty years. Here, typically, the officers were local residents hired and paid for by the bands, modestly trained, appointed under RCMP warrant, in effect village constables under the guidance of the RCMP or provincial police to whom they turned over any cases involving the criminal code or offences under other federal or provincial legislation. In the mid-1970s, special Indian constables began to be hired directly by the RCMP (and the Provincial Police in Ontario and Quebec) to complement the work of the credentialized, regular members. And, increasingly in the 1980s, some Aboriginal persons were recruited as full-time regular members into these services. Generally this evolution in policing was assessed positively by Aboriginal leaders who rated the successive steps as valuable enhancements. Nevertheless, evaluation studies also showed that they always wanted more, essentially an accountable, community-based policing service if not their own fully credentialized, self-administered service. Each advancement was also subsequently found wanting by Indian Affairs which focused on the continuing major public safety issues in FN communities, by a slew of independent inquiries and commissions focused on policing shortcomings in specific cases, and by the mainstream police leaders themselves in their assessments of their effectiveness and lack of meaningful partnership with Aboriginal people; most strikingly, RCMP assistant commissioner Head concluded his 1987 in-depth, country-wide assessment of policing in Aboriginal communities with the warning "the RCMP will have to dramatically change the way it polices Aboriginal communities or it will soon find itself out of business there" (Clairmont, 2006).

Since 1991 the FNPP has provided the framework for policing Aboriginal communities. Clearly the result of significant federal policy development in response to the above critical forces, its major principles and imperatives harkened back to the 1971 Circular 55 policy of Indian Affairs but incorporated as well contemporary

approaches to policing such as community-based policing and current government acknowledgement of the constitutional and treaty rights of Aboriginal peoples to exercise as much self-government as is feasible in their communities. The three chief FNPP objectives are listed as (a) enhance the personal security and safety of FN communities; (b) provide access to policing that is professional, effective and culturally appropriate; (c) increase the level of police accountability to FN communities. The two principal tripartite policing models for possible selection in FNs are the CTA (basically RCMP policing) and the SA (self-administered FN policing). Upon selection of one or the other, the band constable system in the FN, if there was one, would be disbanded.

Currently, there are 46 SA police services in Canada policing 190 Aboriginal communities. 38 of the 46 are located in Ontario or Quebec where both the provincial government and its police service strongly support and appear to prefer the self-administered FN policing arrangement. The small number of SA police services elsewhere has declined in recent years and the FN communities involved have switched to CTAs with the RCMP. With few exceptions (the handful of SAs, several municipal quadripartite agreements, and a score of band constable police services continuing primarily in Manitoba), all Aboriginal communities outside Ontario and Quebec are policed by the RCMP whether in a CTA model or a legacy model pre-dating the FNPP. The RCMP as an organization has committed to assisting SAs in the areas where it is the provincial / territorial contracted policing, but it has also emphasized its historic role in policing Aboriginal communities, has officially declared such policing to be one of its four priorities as a police organization, and, to underline that prioritization, in recent years has made a number of senior appointments (e.g., chief superintendent for Aboriginal Policing) and recruited heavily among Aboriginals (fully 8% of the roughly 20,000 RCMP officers are now self-declared Aboriginal, about 3 times the percentage of Aboriginals among the RCMP's policed clientele at the community level).

Policing in Canada's Aboriginal communities faces much challenge, due to the combination of colonialist legacy (e.g., racism, dependency), scant economic opportunities in conjunction with the decline of traditional activities in the often off-the-beaten path locations, and a high level of need for and local expectation of the policing service. Violent and property crime levels have been very high and the 24/7 local demand for policing has usually far exceeded the police resources available. Police officers, whether in SAs or the RCMP, in national surveys have consistently and increasingly identified "unsolvable social problems" as the major issue negatively impacting on their policing. The SA police services have been especially vulnerable because they are under-resourced and their officers discouraged by local political pressures, the small scale of their police organization and the lack of job opportunity it provides. The few larger SAs, regional services policing a number of different FNs, in addition must confront centrifugal forces as each FN protects and advances its interest as a "First Nation". The vulnerability of the SAs is experienced most intensely where the RCMP is the contracted provincial police since it is usually willing to take over the policing responsibility when FN leaders opt to disband their

SA. RCMP policing of FNs also faces specific challenges such as the regular re-assignment of officers limiting their stay to a few years, the status of “outsider” and common perception of inadequate accountability to the FNs policed. Both types of police services emphasize professional enforcement but the SAs compliment that with a strong local service approach while the RCMP compliment theirs with more formal community programs. Despite these differences, national surveys have found that the two types of police service have roughly equal approval ratings among community residents.

THE CHALLENGE OF FN COMMUNITY POLICING: THE ELSIPOGTOG CASE

Elsipogtog is one of the roughly 260 Aboriginal communities policed by the RCMP. The classic reserve problems of high levels of violence and substance abuse have characterized this FN for many years and have shown little sign of diminishing despite many other positive community developments, strong testimony perhaps to the deep roots of the underlying causal factors. The RCMP assumed full control of Elsipogtog policing in late 2002 and since then has gradually evolved a policing approach that combines strong professional enforcement with extensive community crime prevention programming. Most importantly and more uncommonly, the local RCMP leadership has emphasized collaborative problem-solving with and accountability to Elsipogtog political leaders and community justice program staffers. An explicit strategy has been to effectively contain if not diminish the offending, responding swiftly and professionally to improve public safety while emphasizing crime prevention and participating fully in community efforts to get at the deep roots.

In 2004-05 the RCMP reported that Elsipogtog had the highest crime rate among all RCMP detachment units in Canada. The sub-detachment, headed by a corporal, had a complement of five or six officers and it was basically absorbed in dealing with the offences (plus making many arrests under the Mental Health Act). The everyday approach to policing, by necessity rather than choice from the police perspective, was the conventional, professional-based policing approach. The evolution in Elsipogtog policing since that time has seen more police officers (eight in 2006 and 13 now in 2011-2012), more Aboriginal officers (from 2 to 7 in 2011), an organizational change to a more independent, Elsipogtog-focused detachment status, and a staff sergeant in charge with much experience policing in Aboriginal communities who espoused the importance of communication, partnership and problem-solving. These changes were in significant part the result of strong community pressure on the senior RCMP management by the Elsipogtog police advisory committee. Its claims were accepted that public safety considerations and the need to get at the roots of the offending required these specific changes (e.g., 13 officers meant a police to population ratio of 1 to 240, a ratio much higher than elsewhere in Atlantic Canada).

In the early 2000s, before the RCMP sub-detachment was well entrenched in the community, there was a fair consensus among Elsipogtog leaders and activists in the justice field that “When we talk about justice, we need to step back and ask ourselves, what values do we promote? What are the beliefs that influence our vision of justice”? In general terms the direction they advanced was to promote the values and practices of restorative justice and healing. Like residents in the poor urban areas of America two decades earlier when the community-based policing movement became popular, they wanted to reduce crime and enhance public safety by getting at roots of the inappropriate behaviour, not solely by prosecuting and jailing “our people”. There was also a widespread view that while the replacement of the band constable system by the RCMP was a positive step, “the community has no power over the RCMP” and that effective action on root problems required close collaboration between police and community.

Even prior to the evolution in policing, there was an holistic approach to problems and solutions adopted in Elsipogtog, clearly evident in that all Justice programming had been – and continues to be - embedded in the Health Centre and managed by its directors. The evolution in the policing approach made for a good fit with this holistic approach; indeed, it accelerated further kindred developments especially a more extensive use of restorative justice (RJ) and sentencing circles (the latter beginning in 2009-2010). In recent years, the Elsipogtog justice program has handled far more RJ cases than the other 14 New Brunswick FNs combined and just slightly less than in all the rest of the province’s RCMP detachments combined. It is the only FN regularly involved with sentencing circles. A major accomplishment this year has been the successful implementation of the first problem-solving court (a Healing to Wellness court similar to drug treatment or mental health courts) to be located in an Aboriginal community, or any mainstream community of such small population size, in Canada.

RCMP policing in Elsipogtog has the usual features found in many RCMP detachments’ policing in Aboriginal communities, such as a police advisory committee, a service delivery plan (the CTA agreement) including an annual performance plan, school programs such as Drug Abuse Resistance Education and Aboriginal Shield delivered by a designated officer and/or in collaboration with local civilians, Neighbourhood Watch, participation in varied community committees (e.g., Violence and Abuse) and close collaboration with a band-funded crime prevention worker across a large variety of activities. One difference has been that the detachment commander has put major effort into making these features effective through personal and other members’ attendance and record keeping and indeed going beyond the usual expectations. For example, in addition to his own meeting regularly with chief and council, all Elsipogtog officers have been assigned a Band Councilor to meet with on a monthly basis to discuss any concerns and such monthly contacts are documented on a Detachment file. The staff sergeant has also been quick to bring to Elsipogtog innovative programs which further communications and understanding between the police and the community (e.g., the Aboriginal Perceptions program). Most importantly, the local RCMP has been an

active mobilizer for restorative justice and the healing to wellness court and other programs which can hopefully get at root problems through collaborative effort and healing. The staff sergeant summed up his approach as follows: “Community based Policing is very important to me. I believe it is important to be involved with community events, building partnerships with Elders, Service Providers, community and Band Council. From day one it was my focus to be transparent and ensure that the members working in Elsipogtog be involved in the community, collaborating with key people in the community to identify problems of crime and disorder and to search for solutions to these problems. My focus is partnerships between the RCMP and the community. It is very important to respect people in the community and gain their trust”.

The impact of real community-based policing in Elsipogtog is still a work in progress. The crime rate remains sky-high, especially interpersonal violence, and drug and alcohol abuse is widespread. The RCMP do report less property crime, fewer assaults against the police officers, and a much improved relationship with youth but the hard data are not unambiguously supportive of these claims. It is contended that significant trust has been achieved and that there is less under-reporting of assaults, especially domestic violence and sexual assaults; but the victims who do come forward still usually stop short of following through on the initial complaints to the police. Familism, a classic response to colonialism, generates much bias and rivalries, which augment the other deep rooted problems of life style and socio-economic disadvantage. There appears little doubt however that Elsipogtog and the RCMP detachment have forged a partnership and are on the right track to getting at the deep roots of the crime and enhancing public safety. The aspect of the colonialist legacy that causes people to protect or shield their own versus the outside justice system is increasingly incongruent with the current realities based on greatly enhanced band council authority and administrative responsibility, the significant, if modest, economic and political developments especially over the past decade, and the policing approach that has developed.

CONCLUSION

Aboriginal communities in Canada often have much higher crime rates and far more serious public safety and related social problem concerns than their mainstream counterparts. And these issues remain very significant even though over the past several decades both federal and provincial governments have adopted more progressive policies and significantly increased FN funding. Aboriginal people continue to be vastly overrepresented in prisons despite ostensibly dramatic changes in sentencing and other policies designed to eradicate this differential. The Grand Chief of the Assembly of First Nations in 2004, in addressing the National Aboriginal Policing Forum, emphasized the need for safer FNs and better police efforts in that regard, and commented, “The root cause of our difficulties – the problems in education, physical and emotional health and economic and social development – must be examined as part of community relations, community

policing and strengthening a sometimes rocky relationship between the law enforcement agencies and Canada's Aboriginal peoples". In Elsipogtog there is evidence that such an examination has been happening and that approaches that emphasize a strengthening relationship have been implemented, and, further, that outputs have included strategies to get at the "roots of the difficulties" in a healing fashion are being pursued without sacrifice to public safety concerns. It remains to be seen how effective this collaborative problem-solving fuelled by a community-based policing philosophy will be and how institutionalized it will become.

FURTHER READINGS

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Contact Information:

Don Clairmont is Professor Emeritus and Director of the Atlantic Institute of Criminology at Dalhousie University, Halifax Nova Scotia. His email is <clair@dal.ca>