

CASE STUDIES OF EFFECTIVENESS IN FIRST NATIONS POLICING:

DEVELOPMENT OF A RESEARCH FRAMEWORK

FINAL REPORT PREPARED FOR

THE ABORIGINAL POLICING DIRECTORATE

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EXECUTIVE SUMMARY

This report provides a multi-part, analytical review of the literature pertinent to assessing effectiveness and sustainability among First Nations police services. It draws upon a very extensive literature dealing with both First Nations (FN) and mainstream issues or elaborations of these themes. The literature reviewed includes academic papers, audits and evaluations, minutes and conference materials, governmental and FN position papers, and unpublished as well as published materials. It has been supplemented by limited fieldwork in the form of visits to select FN police services, to governmental offices and to conferences on FN policing. The analyses builds upon previous nation-wide surveys and field research with respect to FN policing carried out by the author over the past six years. The specific sections in the analyses include the evolution of FN policing in Canada, general standards and issues in assessing effectiveness for policing in general, the issues and alternatives - the template - for effectiveness in FN self-administered police services, and the research/audit findings on FN policing and their implications for effectiveness and sustainability assessment.

The report also focuses upon the desirability and feasibility of a case studies approach to shedding further light on these major issues in FN policing. The analyses, bibliography, and views of the FN police leaders contacted, clearly show that there is an almost complete absence of in-depth assessments of FN self-administered policing. It would be very valuable, for policy as well as theory, to carry out a national level study that would focus on a small number of select FN police services exemplifying either or both "best practices" and/or key effectiveness / sustainability issues. This project advances a research framework for such case studies and tested it in an appropriate field situation over the past three months. The possibility of partnering such research / evaluation was explored with selected, key FN police services. The research framework proved successful, both in the sense of collaboration with the FN stakeholders in question, and in its heuristic value for examining issues of effectiveness and sustainability. The FN police services contacted were quite interested in facilitating the kind of in-depth case study being proposed.

In addition to the various products in this report (the analyses, the bibliography, the research framework, the special appendices on restorative justice and policing), there is the major policy

recommendation that there be a modest project initiated to secure community input on "the FN template" and the research framework for assessing effectiveness and sustainability. The project would focus on the small number of FN police services identified in this report and would feature short field trips to discuss the potential research / case study with stakeholders (police, band council, police board, local agency leaders); here the emphasis would be on obtaining input for the evaluative framework and laying the basis for a fully partnered case study that would have both evaluative integrity and community ownership.

INTRODUCTION

THE PROJECT'S PROGRAMMATICS:

Over the last five years there have been two nation-wide research projects sponsored by the Aboriginal Policing Directorate (APD). The first, in 1995, featured a large, representative sample of front-line officers policing in Canada's aboriginal communities. It examined, chiefly, socio-demographic patterns, orientations to policing, job stressors and satisfactions, and perceived challenges to more effective policing. Perhaps the major findings from this research were that appropriately credentialized, aboriginal police officers constituted the large majority of front-line police in these communities, and that officers in First Nation (FN) 'stand-alone' services compared favourably to those in the RCMP front-lines with respect to education and both recruit and in-service training. In 1997 a second, nation-wide, research project was undertaken which focused exclusively on the 'stand-alone' FN services. This project especially featured the perspectives of the FN police managers, garnered through questionnaires, documented reports and on-site visits. Perhaps the chief findings here were that these police services have significantly become well-organized systems with appropriate equipment and infrastructure but that there is a pervasive sense among police managers and local FN leaders that the quality and style of policing provided has fallen short of expectations and wishes.

What remains especially unclear at this point is how effective the FN policing systems are and how capable they are of responding to the significant challenges they face now and will have to deal with in the years immediately ahead. Has FN policing reached the stage of 'sustainable development' or is it essentially vulnerable and precarious? What knowledge is needed about these concerns such that supportive policy can be developed? Concerning the question of present effectiveness, it is important to consider first what the appropriate effectiveness indicators for FN policing are. Clearly one set of such indicators would be conventional policing measures of caseload, victimization, clearance rates, response times, and crime prevention activity. Other indicators would be measures of comparability, cultural sensitivity and possible distinctiveness (one of the major objectives of the First Nations Policing Policy (FNPP) announced in 1992). Effectiveness also involves assessment of the extent to which FN policing contributes to FN

institutional development (i.e. self-government) and is positively linked with the core of FN culture and identity (the central prescription of the Royal Commission on Aboriginal Peoples, 1996). Other effectiveness indicators, drawn from the community-based policing philosophy, could include regularly measuring 'clients' needs/wishes, collaboration and problem-solving linkages with other local agencies and services, and liaison with schools and community interest groups (e.g. elders). Especially congruent with the community-policing thrust, but long an indication of good policing, is what has been identified in recent policing literature as "policing for people measures"; these latter would include the police officers being polite, attentive and responsive to the residents, for example explaining why they cannot meet a request when they cannot, and so forth (Mastrofski, 1999).

Efficiency and effectiveness are salient considerations as well with respect to the police service as an organization. Here it is important to assess the management systems in terms of the extent to which they embody good management practices with respect to policy development, strategic planning, transparent stewardship, and personnel matters. Of course the police boards or commissions have a crucial role, especially but not only, in establishing broad policy principles and objectives for the police service and contributing to the efficacy of the organization (primarily through performance review of the chief). For many reasons, elaborated upon below, the boards and commissions arguably may have a more expansive and pivotal role than in mainstream police services. An important dimension for assessment would be to examine what "systems" (e.g. audits, performance reviews) are currently utilized by FN police services, at both the police management and the police board/commission levels, to monitor their effectiveness, and determine what "systems" should be implemented. In examining the issue of effectiveness indicators, it would also be necessary to take into account community satisfaction (as well as expectations and priorities), the perspectives of local leaders, and the views of justice system collaborators (e.g. other police services, prosecutors, judges).

As noted, it is essential to consider issues of effectiveness in the context of the challenges FN police services now face and also in relation to those that they will have to deal with in the near future. The former have been discussed at length in the report "First Nations Policing: An Overview of Organizational and Managerial Issues"; these include the need to engage in community conversations about expectations of policing, developing (and then auditing) appropriate objectives

and strategic plans, more effective utilization of community resources, and so forth. As self-government continues to unfold other issues might loom large (e.g. accountability and a more transparent stewardship). Of course, the mandate of policing has not been static in the larger society; increasingly, for example, police services have been formally mandated to do more with respect to victims, to meet more exacting provincial standards, and one can also expect a major demand on police organizations arising from the revitalized restorative justice movement.

It is suggested here that the Aboriginal Policing Directorate should consider launching a third phase research undertaking which specifically targets the above themes. The focus would be on the effectiveness of FN policing and, given the depth of data required, as detailed above, the key strategy suggested would be a series of nation-wide case studies which followed a fairly standardized format. It does not seem practical or necessary to canvass, at the significant depth required, all FN self-administered police services. But it would be important to have a national sample and to include major diversity (i.e. cultural and organizational diversity), and, especially, to include some of the FN police services that have been identified as well-managed and innovative, and providing "best practices". The research project discussed in this report can be seen as setting the stage for such an endeavour. It focuses on an in-depth review of all salient literature, published and unpublished, that would inform such a third phase and would advance an appropriate research design. There is no question that the First Nations Policing Policy has been successful in major respects. Police officers in FN communities are now mostly native persons. The number of self-administered FN police services has reached fifty (FNCPA, 1999), and roughly half of these approximate the status of full service police organizations (Clairmont and Murphy, forthcoming). Vulnerability and uncertainty, however, remain, often along with significant community criticism of police performance and style which is, nevertheless, coupled with a pride in "our officers" and "our police service". Perhaps one could say that a new agenda or new emphasis will now be required, namely looking closely at what has been put into place and assessing how effective and FN-pertinent it is, examining what visions of 'good policing' can or might guide FN policing, and suggesting how a freshly reconfigured FNPP can strengthen what it has helped to put into place. This project seeks to contribute to that agenda.

MANDATE AND OBJECTIVES:

The overall purpose of this project has been to design a research framework for examining the issues of effective policing as they pertain to First Nations policing. It is essentially a two-fold mandate since it is necessary both to identify the major challenges, and possible best practices, and also to provide a feasible research strategy including operationalized themes, case selection, performance and effectiveness measures, and heuristic research instruments. It is anticipated that such a framework could then be employed to structure a series of case studies which could exemplify how First Nations police services are meeting these challenges of effectiveness, and represent a set of best practices and/or shed light on some key issues in effectiveness.

This mandate carries three specific objectives, namely:

- (A) a comprehensive literature review which would examine effectiveness measures for police services and police governance authorities, focusing on the challenges and trends in FN policing, and the contextual forces which, currently and in the future, will impact on its effectiveness (e.g. evolving self-government, changing policing mandates in response to provincial police acts and justice movements such as restorative justice); in order to realise this objective a thorough review of all accessible relevant materials, published and unpublished, has been undertaken.
- (B) designing a research framework which could inform and create a solid knowledge base for interpreting FN policing effectiveness, especially with respect to technical competence, cultural responsiveness and a proactive approach to crime prevention and pertinent community problem-solving. The research framework would identify the major research themes, required data, possible research instruments, and strategies for the selection of a nation-wide set of case studies. The research design will take into account measures currently used by FN police services (including governance authorities) to measure performance, effectiveness and community satisfaction.
- (C) present a seminar to APD staff to discuss the project's findings and suggested research framework, especially the latter's recommendations concerning the strategic areas to be emphasized, indicators utilized and data collection methods.

RESEARCH STRATEGY AND WORK PLAN:

In realizing the above project mandate and objectives, the main task has been to review all relevant literature dealing with issues and measures in assessing effective policing in First Nations. Academic materials, government reports, audits and performance reviews of police services, and conference proceedings were all examined. The published literature on FN policing is quite sparse so unpublished materials can be especially valuable. Seeking the latter entailed visits to APD in Ottawa and making contact with regional offices and, of course, with the FN police services themselves. It has been important to examine how policing effectiveness is assessed in the larger Canadian society and to consider how, and if, the circumstances of FN policing permit similar measures and/or require significantly different ones. As noted above, criteria for effective policing in Canada have been subject to significant change in recent decades as a result of new philosophies and social movements such as community-based policing, the victims' movement and restorative justice. Moreover, provincial police acts have considerably elaborated upon the requirements for effective policing. Within FNs there are, in addition, other significant social forces, such as evolving FN control over local programs, revitalization of cultural traditions, and demands for transparency and accountability in local institutions. These philosophies, movements and social forces have implications for what is defined as 'good policing' and, accordingly, for measures of effective policing. They require that one cast a wide net in seeking salient literature for review.

It has also been part of the research strategy and work plan to develop a research framework with appropriate themes operationalized and research instruments laid out. This requires review of the research literature and assessment of the data collection strategies and instruments that have been used in previous work. It may be noted that in designing a research framework one would be expected to advance the strategies for partnering with the local stakeholders, assessing the benefits and costs of utilizing a certain strategy (e.g. surveys, focus groups, case studies) and the process of selecting a certain sample. In this project a fortuitous circumstance allowed the researcher to actually carry out, as a test case, an in-depth study of the effectiveness of a FN policing service and examine in detail the feasibility of a comprehensive research plan (see below).

OVERVIEW OF PROJECT'S PROGRESS

Here there is a discussion of what research was done and what has been accomplished in each of the three phases of this project. Subsequently, the products are elaborated upon in depth. First, there is an analysis of the evolution of policy and literature relevant to First Nations policing, especially its effectiveness. Then there is a report of 'effective policing' as conceptualized and measured in a general sense. This analysis is followed by a discussion of how FN policing might fit in with these general conceptualizations and measures. This section is followed by an assessment of the major findings and implications drawn from the literature (evaluations, audits, conference reports) examined on effectiveness and related issues in FN policing. Then the conceptualization of the research framework for the proposed case studies is detailed. The report concludes with four additional products being advanced, namely the bibliographical base for the literature review, and three appendices dealing respectively with a draft of the themes, research strategies and instruments to be used in proposed case studies, considerations of effective policing among non-FN aboriginal communities in Canada (i.e. the RCMP in Nunavut), and, finally, an assessment of effective policing in the context of the restorative justice philosophy and current restorative justice practices.

WHAT WAS DONE IN THE FIRST PHASE:

An extensive search for published and unpublished materials was undertaken in the first phase. This entailed library research, "snowball" methods of tracing articles and reports, communication with and a visit to APD staff in Ottawa, and writing to some FN policing services. The researcher also attended the annual conference of FN governance boards in Calgary, Alberta in November 1999 in order to appreciate better the concerns of the boards and to make contacts for subsequent follow-up visits with specific FN police services. In addition, the literature on effectiveness as well as styles and trends in policing in general (e.g. community-based policing, team policing, police participation in restorative justice) was also examined. While a considerable amount of material was been gathered and digested, a substantial amount of pertinent material remained to be tracked down; this latter material consisted largely of operational audits and performance reviews of FN police services but also a few academic articles and some general studies of policing effectiveness. Contacts were established with a number of FN police services to

be followed up in subsequent phases of the project.

WHAT WAS DONE IN THE SECOND PHASE:

A major activity in the second phase focused around obtaining and examining the sparse, and difficult to locate and secure, literature on FN policing. More audits and evaluations were obtained as well as conference and workshop reports (e.g. reports for all the general meetings of the FN governing authorities). The literature on effectiveness in policing and policing challenges and trends in the larger society was further examined; included in this material were government reports and policies concerning the provincial police acts, police standards and police boards or commissions. A second activity was field research in Alberta and in Nova Scotia. In the former, on-site contact was made with the Tsuu T'ina Police Service and with the regional APD representative; in Nova Scotia there were discussions with the Unama'ki Tribal Police Service, the RCMP, and Nova Scotia Policing Services. In this field research, material was gathered and views ascertained on all aspects noted above with regards to effectiveness of police organization and police service delivery. Progress was also made on the development of the research design for case studies, especially with respect to the themes to be examined, the appropriate research methods and strategies, and interview guides (see below).

INTERIM ASSESSMENT AND PRODUCTS:

It is clear that governmental policy and reports/assessments of FN policing have evolved in tandem. This theme is elaborated upon in the next section of this report. The evolution of what FN policing should be about and what "good policing" entails in a FN context has meant that conceptualizations and measures of policing effectiveness have also been subject to significant change and controversy. We are now a long way from the era when policing effectiveness in FN communities might be seen as having competent special constables in a liaison role to senior police forces operating in the area. In the larger society, too, what policing effectiveness entails has changed significantly, and for a variety of reasons as discussed below. In general, there is now no simple formula for effectiveness nor consensus on what measures of effectiveness are the most important, but there are frameworks identifying facets of policing (i.e. police functions) where

measures of effectiveness are deemed very necessary for intelligent assessment. Typically, police services obtain measures on these functions and evaluate their significance using the standard of how comparably-circumstanced police services are faring on them (i.e. benchmarking) and/or use time series data to assess their own evolution with reference to those measures.

It seems reasonable to presume that effective FN policing, to a greater or lesser extent, can be interpreted in terms of the frameworks developed for assessing policing in general. At the same time, the diverse policing functions may be operationalized differently there to reflect special FN circumstances. This theme is elaborated upon below. As well, it can be argued that the priority accorded the different police functions might be different in FNs and, indeed, that there may be diversity within the FNs on the matter of priorities and hence overall policing effectiveness; such diversity might be found among different groupings or interests within FNs (police, community leaders, male versus female residents etc) and between FNs (depending upon their size, cultural factors and so forth). It is clear that the issue of policing effectiveness will be more complex among FNs since, in addition to being influenced by all the philosophies, social movements and social forces that impact on what is "good policing", its principles and central vision, in the larger society, FNs may have special concerns associated with cultural distinctiveness, relative autonomy, socio-geographics, and so forth.

In the second interim report, there were two new products additional to the products prepared for the first interim report. First, there was a brief analysis of the literature, more precisely targeted at the findings of research and evaluation on FN policing. Secondly, there was a preliminary discussion of a research framework for the proposed case studies. In addition, the bibliography was updated from the first interim report. Another product was, in draft form, an appended community survey for determining the visions, priorities and expectations that residents have of policing, their assessment of the local police's effectiveness, their satisfaction with policing, and their willingness to become more involved in the policing effort. This questionnaire was constructed from previous research conducted by this researcher and others. The information that it could yield can provide a snapshot on community views as well as data that police services can use to become more effective. Such an instrument can provide a basis for discussions with FN policing services, facilitating their participation in future research on policing effectiveness. It was, however,

only one research instrument and dealt only with general community views; a more complete set of instruments - and more complex research strategy - was to be specified in the third stage of this project.

In Appendix B there is a discussion of policing effectiveness with reference to the newly created territory of Nunavut. It is drawn from this researcher's previous work and is included here since it sheds light on many similar issues of effectiveness faced by a non-FN police service, namely the RCMP. The Nunavut territory is characterized by a very high crime rate (especially interpersonal violence), a high volume of calls for service compared to the rest of the country, and high expectations for, and apparent dependency on, police service. There are widespread complaints about lack of community input and the style of policing that is practised. There is also significant controversy and diversity of views at the community level concerning the principles of good policing; for example, many Inuit residents consider the RCMP policing style to be - as it surely is - rooted in formal procedure and individual rights, and not as oriented to family rights and concerns as they would prefer. Also there is quite a diversity of views concerning the possibilities of alternative justice philosophies such as restorative justice and the role of the police in a system that might deal with serious and adult offenders in non-conventional ways. Virtually all these issues, as well as the background of colonialism, are applicable in FN communities and bear on the complex task of developing measures of policing effectiveness. It is instructive then to examine how the RCMP and the community measure effectiveness in the Nunavut context, and the training provided officers and the "community conversations" about policing in which they participate. Clearly, if, as a senior RCMP official is quoted in the Appendix, the RCMP wants to reduce charges and keep people out of jail, then standard measures of charges, cleared by charge etc would be very limited measures of policing effectiveness.

As has been noted several times above, measures of effective policing cannot be divorced from considerations of the principles of good policing, and these principles, or, collectively, visions of policing, have been subject to new philosophies and social movements in recent years. In Appendix C there is a discussion of restorative justice and, briefly, some of its possible implications for constructing measures of good policing. Clearly, restorative justice may have particular resonance in FN policing. It can be noted, for example, that the First Nations Chiefs of Police

Association has expressed concern that peacekeeping may be sacrificed to law enforcement priorities (FNCPA, 1999). Certainly, too, restorative justice seems to fit well with the discourse of healing and reconciliation which is increasingly popular in FN's orientation to crime (Aboriginal Corrections, 1997). Indeed, some aboriginal leaders have claimed that the current restorative justice philosophy - not to mention its widespread governmental support - owes much to aboriginal traditions and practices. There is little doubt that, on the surface at least, central features of FN communities and crime patterns seem to lend themselves to the adoption of restorative justice - the communities are fairly homogeneous, kinship ties are strong, communitarianism well-rooted, offences are disproportionately of the violent interpersonal or social disorder type, imprisoned offenders frequently return to their small communities where contact between offenders and victims is very difficult to avoid, and so forth. At the same time, it is unclear how prepared for, and interested in, restorative justice the FN police officers are (Clairmont, 1997; Barker, 1998). Nor can it be readily assumed that all or even most community residents would agree with the thrust and implications of a pervasive restorative justice approach (Auger, 1991; Stenning, 1992; Clairmont, 1999). If, as seems likely, the restorative justice philosophy continues to be elaborated as an alternative to conventional police and court practice - and it is being championed increasingly by federal and provincial governments as well - then issues of police training, community expectations for police, considerations of "good policing", and of course measures of policing effectiveness will all be impacted significantly.

WHAT WAS DONE IN THE THIRD PHASE:

Research in the third phase centred around four activities. While a considerable amount of useful material had been obtained on FN police services across Canada, there was still some literature that was considered valuable to locate and analyze. There were still some operational audits and performance reviews that could be obtained from APD in Ottawa and from regional APD offices and FN police services; such material would include reports for a variety of FN police services such as the Siksika, Huron Wendake, and Unama'ki, as well as APD reports on pilot projects for FN police boards (i.e. among the Stl'atl'imx, Dakota-Ojibway, NAN, Unama'ki and Akwesasne police services), and the minutes of APD/FNCPA coordinating meetings, where issues such as possible visions of FN policing have been discussed. Secondly, there was some evaluation

literature on police performance and police service effectiveness in the larger society that had to be reviewed (e.g. Murphy, 2000; Maloney, 1997). This literature especially has to do with measuring effectiveness in community-based policing; several FN police services have themselves expressed the wish to obtain such materials so that they can assess their own organization's community policing efforts. Other general literature being sought included reports and discussion papers on police acts and police boards in the different provinces (e.g. Ontario, Alberta, Quebec and Nova Scotia) since there has been considerable policy activity in that field in recent years.

Thirdly, there was a limited amount of field research undertaken. In the second phase the researcher travelled to Ottawa and Calgary to obtain audits and evaluations, and to FN police services in Alberta and Nova Scotia for other materials, discussion of effectiveness measures, and to ascertain the willingness of the police services to become involved in the proposed 'case studies' project. In the third phase, there were field trips to Ontario, Quebec and Alberta to discuss issues in FN policing effectiveness and possible collaboration in future case studies with certain police services (i.e. Kitigan-Zibi, Six Nations, Akwesasne and Blood). The fourth research activity focused on further elaboration of the research framework for case studies of FN police service effectiveness. This latter effort required analysis and reflection on the literature/materials obtained, framing the main themes and dimensions of police service effectiveness and creating appropriate research instruments. An opportunity arose to test the entire case study strategy - partnerships with police service and community stakeholders, themes to examine, research strategies, and specific instruments - in a FN community in Nova Scotia which sought a 'broad-strokes' assessment of its police service. The implications of this test case are discussed below.

PRINCIPAL ACCOMPLISHMENTS:

This report has achieved its major objectives and has generated a number of major products. First, there has been an extensive analytical review of the literature on effective and good policing whether in the mainstream or FN society. The literature, academic and otherwise, published and non-published, has been thoroughly examined. The analytical review is specified through the sections below on the evolution of FN policing, standards and perspectives on effectiveness in policing in general, the framework or template for FN policing, and the experience to date among

FN police services with respect to effectiveness and sustainability. In addition, there is a complete listing of bibliographical materials relevant to the full range of complex issues on the effectiveness of FN police services, including police governance. Secondly, a detailed research framework is set out for examining FN police services' effectiveness. This framework includes the major issues and themes that have to be measured, the different constituencies and role players that should be interviewed and consulted, secondary data (e.g. statistical information) to be examined, specific measures to be utilized, survey questionnaires and interview guides. Furthermore, over the past three months this framework has been tested in an appropriate circumstance - an FN community that wanted an assessment of the effectiveness of its police service - and found to be both feasible and heuristic; indeed, it was conducted in collaboration with and has generated strong support among all the stakeholders - FN advisory board and local agency leaders, local police service, community residents and tripartite governments.

Thirdly, through the field trips and other contacts, the researcher has established the feasibility and desirability of launching the case studies project. Little in-depth information is available on any FN stand-alone police service. All the police services contacted saw the value of an in-depth study that was focused on effectiveness and sustainability and carried out in partnership with community stakeholders. It was recognized that the research had to have quality and integrity as research and evaluation, while at the same time having community ownership and participation in all its stages (e.g. design, data collection) and a meaningful feedback implication; thus the concept of partnering was deemed to be crucial. In addition, the FN police services with whom the researcher discussed the case studies project - Unama'ki, Kitigan-Zibi, Akwesasne, Six Nations, Blood, Tsuu T'ina and Stl'at'imx - all were willing to engage in further discussions regarding implementation. These police services constitute an appropriate cross-section of 'stand-alone' FN police services and with modest supplementation (e.g. one of DOTC, NAN, APS) would represent a heuristic sample for the case studies project.

In sum, then, there is now both a feasible research framework and the probability of strong FN police services' willingness to participate in in-depth case studies on effectiveness and sustainability. As well, there are the other more specific products of this report, namely the analyses of the literature, the bibliography, and the appended materials.

THE EVOLUTION OF FIRST NATIONS POLICING: EFFECTIVENESS ISSUES

In this section the researcher presents a brief overview of policing in FN communities from the perspective of evolving characterizations of, and policies for, effective police service. Essentially, this evolution is discussed in terms of four phases, namely the situation prior to the 1960s, the period from the 1960s to the late 1980's, the 1990's, and the current context.

There is little readily accessible published information on policing in FN communities prior to the 1960's. Available non-archival materials (e.g. Stenning, 1992; Vision, 1999) establish that the policing was carried out in "Indian territory" by the federal police force - the RCMP and its earlier namesakes - and describe the legislative context for such policing, especially the Constitution Act of 1867 and the Indian Act of 1876 (and its subsequent modifications). While the RCMP carried out the policing duties there were native persons hired as assistants and the Indian Act sanctioned the use of band constables to attend to band by-laws; the use of such band constables was apparently quite modest (Stenning, 1992) and it is not clear how plentiful, or explicit for that matter, band by-law s actually were. Nor is it established how effective the police service was but it is known that the police officers typically performed a wide range of duties including dispensing social assistance and registering the population especially in the more remote areas (see Appendix B).

The modern era of policing in FN communities is generally seen as beginning in the 1960's. New government departments, both federal and provincial, had been established in the 1950's and there was a contraction of policing to those activities approximately similar to - but for some time still much more expansive than - the policing activities conducted by police services in the larger society which faced similar socio-demographic and geographic conditions. In the 1960's the RCMP announced its intention to withdraw from policing FN communities in Ontario and Quebec, the two provinces where it was not responsible for provincial-level policing. By the late 1960's the Ontario Provincial Police and the Surete Quebec had become quite involved with the policing of FN communities there (e.g. training officers, authorizing FN police services). In the early 1970's, following the Hale Report (Head, 1989) the federal police (RCMP) service's role in FN policing was restricted to areas of federal jurisdiction (i.e. federal statutes) and to those provinces and territories where it was the provincial (territorial) police service. During the 1960's DIAND

formally initiated a band constable program (i.e. Circular 34) and over the years the number of such police agents increased steadily. This DIAND program gave rise to some efforts by FNs to put into place policing systems which they directed and which reflected their views on what policing should be concerned with (e.g. the Kahnawake Peacekeepers Program).

During the next decade there were several major developments. In 1971, DIAND introduced its "Circular 55" policy which allowed for the establishment of band constables systems in FN communities. These band constable police services were to deal with the enforcement of band by-laws and to supplement, not supplant, the senior police services operating in the FN territory. The band constables were not deemed to be members of the senior police services, received very modest training, and were not considered full-fledged provincial peace officers but rather special constables on appointment. The "Circular 55" policy was a federal government response to pressures from native communities for enhanced services and local input, and also to pressures from the RCMP for additional resource support in policing FN communities (Stenning, 1992). In 1973 a DIAND task force on FN policing issues recommended a three choice option for FN bands; essentially they could in theory opt for the status quo, a band constable system, or to become part of an existing senior police service, whether RCMP, OPP or SQ; this latter option was known as the 3B option. There was a possible option for forming a separate police service but it was not deemed feasible at the time. Provincial authorities' approval of the band's option was deemed important. By the end of the 1970's many bands had indicated support for the 3B option and all three provincial-level police services had put such programs in place (e.g. the RCMP's 3B, the OPP's Ontario Indian Special Constable Program (OICP) and the Amerindian Police Program (APP) in Quebec). FN officers under this arrangement received more training than band constables, engaged in a wide range of police activities but were not considered full-fledged members nor provincial peace officers.

The evolution of FN bands' assuming greater control over policing, and policing services being provided by trained native officers, continued. In 1978 the Dakota Ojibway Tribal Council Policing (DOTC) was established in Manitoba and, in that same year, the James Bay Agreement authorized the development of autonomous police services for the James Bay Cree and the Naskapi in Quebec. By 1983 there were over 500 native persons employed in a policing role in FN

communities; about one quarter were band constables and virtually all others were "3B category" (i.e. RCMP 3B, OICP, APP). By this time, too, the first tripartite agreement had been reached in Ontario and the Ontario Indian Police Commission had been established.

In 1983 a national level evaluation of "Indian Policing" was carried out by consultants under DIAND auspices (SPR Associates, 1983). It focused on the following programs, RCMP 3B, DOTC, OICP, and APP. The evaluation drew positive conclusions about these recent initiatives on the basis of views and opinions and other data gathered from the native people served and the police services themselves. Residents felt safer and considered that crime was more effectively dealt with, and appreciated the greater native presence in the police service. While acknowledging better service and somewhat more input, FN people expressed a strong desire for more native staff, more native control and a different style of policing, one more akin to community-based policing which was beginning to become popular at that time in the larger North American society. Policing was clearly deemed to be more effective than before but in significant measure, native persons did not see the policing as being "their police service", accountable to them and embodying their principles of good policing. At the same time the report could well claim that significant progress had been made, and its authors advanced a whole series of specific recommendations to enhance the quality of service and deal with specific issues, cited by informants, within the framework of policing in place (SPR Associates, 1983).

There is scarce academic literature dealing with FN policing during this period. There were a few, quite limited descriptions of specific programs (notably the RCMP's 3B program). Loree (1985) and Dyke (1980 as per Stenning, 1992) provided assessments of the 3B programs through the eyes of the native occupants of that role and other police officers. Later studies suggested major shortfalls in the policing of FN communities. Jackson (1988) and LaPrairie (1991) referred to a pattern of under and over policing whereby natives were presumably being under-policed in terms of safety and violence but over-policed in terms of charges for public order offences. There was frequent reference to stereotypes and negativity as characterizing the attitudes of non-native police and native residents vis-à-vis one another (Skoog, 1980; Griffiths and Yerbury, 1984; Depew, 1986; Harding, 1991). In general the academic writings questioned the appropriateness of the style of policing the FN communities received, suggesting that more effective policing in these social and

cultural conditions would be some form of peacekeeping or community-based policing (Loree, 1985; Depew, 1986). A few researchers called for more autonomous, FN controlled policing services (e.g. Harding, 1991) but, for the most part, the academics, like the consultants noted above, called for significant change within the framework of contemporary policing arrangements.

In the late 1980's and the early 1990's there was a veritable explosion of inquiries and policy making concerning FN policing in Canada. There were provincial inquiries and status reports in Ontario (Department of the Attorney General, 1986; Osnaburgh-Windigo, 1991), Nova Scotia (Marshall, 1989), Alberta (Rolf, 1991; Alberta Task Force, 1991; Department of the Attorney General, 1991); Saskatchewan (Linn, 1991; 1992), and Manitoba (Hamilton, 1991). In addition there was a significant overview of RCMP policing in FN communities (Head, 1989) and a major statement on Aboriginal Peoples and Criminal Justice issued by the Law Reform Commission of Canada (1991). All these inquiries and reports or studies were quite critical of the policing extant in FN communities and decried its effectiveness in terms of sensitivity to cultural considerations, lack of community input, biased investigations, minimal crime prevention, and fostering alienation from the justice system by native people. A number of these inquiries and reports (e.g. Marshall, 1989; Head, 1989; Alberta Task Force, 1991; Rolf, 1991; Linn, 1992) held that reforms could be made within the contemporary policing arrangements and mandates which could overcome these problems and lead to an effective police service - "good policing" - for the FN communities in question. Other inquiries and reports considered that the problems could probably best be dealt with through a separate, distinct, FN-controlled and administered system (e.g. Manitoba, 1991; Law Reform Commission, 1991).

By the early 1990's FN policing was undergoing significant organizational change. The inquiries and reports virtually all agreed on the need for a more innovative and culturally appropriate style (while divided on whether community-based policing could itself be the solution) and greater aboriginal involvement in the control and direction of FN policing (while divided on whether a self-administered, separate police service was essential). By 1990 two FN self-administered police services, with officers having full provincial status comparable to municipal peace keepers, had been created, the Louis Bull in Alberta in 1987 and the Six Nations in Ontario in 1989. Following the report of the Head Inquiry which highlighted the shortcomings and limited

effectiveness of the 3B system, the RCMP announced in 1990 that it was terminating the 3B program and upgrading the special native constables where possible into the status of full members and, for the most part, locating them in FN communities. At that time the RCMP employed 189 3B native officers and 66 contract native officers (RCMP Action Plan, 1990). Concurrently, major shifts were taking place in governmental policy and, it may be noted, in the tone and thrust of academic research on FN policing; in both cases, the shifts were to locating improved FN policing effectiveness in greater responsiveness to distinctive FN traditions and realities, greater native presence in the police service, and increased administrative control by FN communities.

In 1991, following DIAND's Task Force On Policing (1990), the federal cabinet approved the First Nations Policing Policy (FNPP). It transferred the policing budget and fiduciary responsibility from DIAND to the Solicitor General, and established the objective of negotiating tripartite policing agreements (federal, provincial and band governments) with all willing FN bands, where the costs of on-reserve policing would be cost-shared by the senior levels of governments but bands could top up the budget for special policing activities or enhanced services it desired. There were some ten principles articulated in the FNPP but essentially it defined effective or good FN policing as comparable to that received by non-native communities under similar conditions, subject to significant FN control and direction, and responsive to the distinctive traditions and social circumstances of FN communities. In the backgrounder to the FNPP it was stated that the on-reserve police service must meet the standards of the province or territory in which it exists; clearly, then, officially at least, whatever is defined as "good policing" and considered effective policing in FN communities, also must meet the specifications set forth in the provincial police acts.

In the years that followed, the FNPP has been implemented thoroughly. The Aboriginal Policing Directorate was established in the Solicitor General Department in 1992. The APD has assisted the formation of, provides funds to, and fully collaborates with, the First Nations Chiefs of Police Association and the First Nations Police Governance Association (i.e. police or public safety boards) established in 1992 and 1993 respectively. By 1998 more than 112 tripartite agreements had been signed, about two-thirds of all eligible FN people were being policed under these agreements, and almost 900 fully credentialized native peace officers were policing in FN communities compared to probably less than fifty in 1990. There were some fifty self-administered

FN police services, about half of which approximated a full-service policing system.

During this same period the APD funded several nation-wide evaluations/assessments of FN policing. A 1995 report (Jamieson et al, 1995) concluded that the FNPP had been successfully implemented in terms of its ten basic principles or objectives and that its costs were in line, more community participation had been accomplished and, on the whole, FN communities were more satisfied with the new arrangements than with the previous ones. The report did indicate that a basic issue bearing on assessment of the effectiveness of FN policing concerned the style of policing that was put in place and the preferences in that regard by FN leaders and community residents; the authors called for more discussion on the style of policing or what "good policing" would be defined by in the FN context. Two other nation-wide studies were undertaken for APD by Clairmont and Murphy. These studies have been discussed above so suffice it here to say that they also established successful implementation of FNPP in terms of infrastructure facets - native officers, self-administered services, tripartite agreements. Clairmont and Murphy also concluded that the policing practices put in place were conventional in style and limited in effectiveness by resources, the size of the police services, crime levels and high public expectations for policing. It was concluded further, similar to the Jamieson report, that issues of policing effectiveness were especially complicated in FN context due to diverse conceptualizations of "good policing" and ambiguity with respect to the policing significance of cultural traditions and the appropriateness of provincial statutes and policing guidelines.

Other operational audits and performance reviews of FN police services throughout the 1990's established a fairly common portrait and reached similar conclusions regarding effectiveness. A review of the Ontario First Nations Policing Agreement released in 1997 was sharply critical of FNPP as implemented in the Ontario context. While acknowledging that FN residents did increasingly have the view that the policing service is "ours" (i.e. ownership and control), the FN leaders in particular gave low grades to FN policing for efficiency, effectiveness and cultural responsiveness. A common view among FN police officials and FN band leaders was that FN policing was under-resourced and hence failing to provide the kind of policing that the residents wanted and that was congruent with traditions and current social conditions (Smith, 1997). Audits and reviews of the Una'maki Tribal Police (Clairmont, 1999, unpub.), the Dakota-Ojibway Tribal

Police (KPMG, 1996), Anishnabek (Langner, 1995), NAN (Smith, 1996), the Blood (Otway, 1996), Six Nations (Smith, 1995), the Huron Wendake (Vezina, 1992), the Amerindian police service (Consulting and Audit Canada, 1994), the Siksika (Kopp, 1995) and others, concluded that there was a greater sense of ownership of policing in the FN communities with self-administered police services, but that the policing style and practice was fairly conventional and not even significantly of a community-based character; it was also noted that there were many unresolved issues pertinent to assessments of effectiveness such as conceptions of "good policing", community input and adequacy of resources. The audits and performance evaluations were quite mixed as regards FN police services as well-managed organizations. Some assessments were very critical (e.g. Blood Police Evaluation Team, 1997; Cardinal, 1998, Nova Scotia Policing Services, 1999) while others accorded the evaluated FN police service 'high grades' and remarked on the growth potential (e.g. Vezina, 1992; Langner, 1995; KPMG, 1996; McConnell, 1989).

Current discussions of the effectiveness of FN policing are heavily centred around the question of what "good policing" or appropriate policing means in the FN context; that is, what visions of FN policing are to be taken as the reference points for discussing and measuring effectiveness?, what are the major evaluation issues?. The Royal Commission on Aboriginal Peoples (RCAP, 1996) has added to the agenda set forth in the FNPP. The latter articulated ten principles and the three major themes of comparability, control and distinctiveness. RCAP advanced the proposition that FN control and separateness should be related to the distinction between "core" and the "peripheral" areas where aboriginal ways and identity are at stake. It advanced the concept of pluralism (i.e. authorized different styles or systems of policing principles and objectives) in policing and justice based on response to "core" concerns, but it did not spell out the principles of good policing (or justice generally) in relation to the "core" areas, partly because of the diversity among and within FN communities on what the "core" areas in fact are. There was, nonetheless, a strong presumption in RCAP that "good policing" is more peacekeeping than law enforcement. RCAP's propositions are congruent with a pluralist conception of "good policing" and open to the possibility of different principles guiding policing in aboriginal communities. The views of some Nunavut residents that policing there should be more family-based and less centred in procedure and individual rights (Qitsualik, 1995) could be an example of policing response to "core" areas of aboriginal culture and identity. On a more practical, organizational level, the RCAP

positions acknowledged the feasibility problems of achieving effective policing when carrying out broad mandates in the many small FN communities; in their publication the RCAP commissioners emphasized the need to institutionalize justice institutions on a "First Nation" rather than a "band" basis. At the very minimum, the RCAP position underlined the FNPP position that in FN communities the approach to policing has to be developed with relevance to the communities' needs and way of life (see APD, n.d.).

Another dimension of what vision of policing is appropriate in FN communities - and hence central to effectiveness measures - concerns the mandate of policing as conveyed in provincial police acts. Provincial police acts have become increasingly demanding in their guidelines for effective police service, accelerating the process whereby smaller police services are becoming obsolete. While smaller police services theoretically can meet the guidelines by partnering with larger police services, the pressures to amalgamate or be subsumed are considerable. This has profound implications for FN self-administered police services which already have to sort out complex visions and expectations for their police service. The tripartite agreements, as noted earlier in discussion of the FNPP, are premised on the condition that the FN police services must meet the specifications set forth in the relevant provincial police acts. There is also much 'contested terrain' among FNs, provincial and federal governments with respect to jurisdictional and preferential matters on policing (Clairmont, forthcoming), though not yet the bewildering mazes of jurisdictions found in Indian territory in the United States (Giokas, 1992; Barker, 1998). Given the complex and demanding context that FN self-administered policing (and to a lesser degree, all FN policing) must contend with, it is small wonder that the FN police leaders - and other FN leaders - call for flexibility in the application of the provincial police acts, and other senior level requirements for effectiveness, to their police services (FNCPA, 1999). It is also small wonder that the more well-institutionalized and functioning FN police services would be developing long-range plans for upgrading their police services along conventional lines (e.g. taking more responsibility for major crimes).

Academic literature pertaining to FN policing and especially bearing on issues of effectiveness and evaluation has increased sharply in recent years. The academic foci reflect the current debates noted above, Essentially, the writings deal with "post-indigenization" FN policing,

examining what are the chief theoretical and policy questions now that the infra-structure has been put into place. The general presumption of this literature is that FN policing is at a critical juncture. Some researchers emphasize the problems of FN policing as an effective conventional policing service, discussing issues such as community needs, political interference, and special resource requirements (LaPrairie, 1991; Brodeur, 1991, Hyde, 1992, Landau, 1996). Other researchers examine the possibilities of new paradigms or visions of policing in FN or similar communities (Sadik, 199; Depew, 1993). Still other researchers explore the dynamics between FN policing and other community development (Griffiths, 1994; Landau, 1996) and, as well, its implications in mediating between FNs and the larger criminal justice system (Clairmont, forthcoming).

EFFECTIVENESS IN POLICING

Current writings on the effectiveness of police services usually make the claim that there is no agreed-upon formula or set of standards by which to make unequivocal bottom-line assessments (for example, Canadian Association of Police Boards, 1999). Traditional effectiveness and performance measures basically focused on response times, clearance rates and "client satisfaction" (i.e. quick, courteous response to calls for service, and keeping victims informed on the progress of a case). These are now seen as quite limited measures (Percivale and Taylor, 1999). Indeed, there was not much consensus on bottom-line effectiveness even prior to the movements, forces and philosophies of the past two decades which have introduced much controversy concerning the role of the modern police service, its appropriate style and performance, and the principles of "good policing". Movements such as community-oriented policing and the victims' movement, forces such as the influence of corporate, business practices, and philosophies such as restorative justice have complicated the picture considerably, introducing ambiguity and conflict about the principles of good policing and the standards for measuring performance. There is considerable knowledge and even consensus with respect to specific techniques and strategies of good policing (e.g. investigative techniques and standards, the need for the police organization to be active in shaping its environment and not just passively responding to it); but, at the police service level, there is basically resort to "benchmarking" (i.e. comparing one's performance over time on certain measures and/or comparing one's own service with others of similar size and social context) and to "best practices" (i.e. describing and analysing how different police services effectively handled certain situations or organizational and performance problems).

Clearly one would expect the issues of "good policing" and appropriate measures of policing effectiveness to be even more complex in FN policing since, in addition to all the above contingencies and diversity, one has to take into account specific FN movements such as imperatives concerning greater autonomy and self-direction, and sensitivity to possibly distinctive cultural orientations. The Royal Commission on Aboriginal Peoples, as noted above, has conceptualized core and peripheral areas where aboriginal cultural ways and identity are at stake (RCAP, 1996). The Commission did not specify exactly how policing and justice concerns would be implicated with respect to the core areas but some FN leaders have suggested that the implication

could be considerable for what is deemed "good policing" and appropriate FN police effectiveness measures (FNCPA, 1999).

In the subsections that follow, the above points will be elaborated. First, there is a discussion of conventional measures of policing effectiveness, then an assessment of the dynamic changes of recent years, and finally analyses of effectiveness for FN policing services.

THE EFFECTIVE POLICE SERVICE - THE CONVENTIONAL POLICE SCENE:

Effectiveness implies that there are fairly explicit objectives and agreed-upon standards whereby it can be determined how adequately these objectives have been realized. Conventionally (Clairmont, 1990; Destrier Management Consultants, 1999), modern policing has identified six core policing functions wherein to assess the effectiveness of a police service, namely response/patrol, law enforcement, crime solving and investigation, crime prevention, referral/partnership, and education/consultation. Historically the first three have been defined as mandatory functions in terms of meeting federal, provincial and municipal policing requirements. Yet, in this era of community policing, few provincial police acts do not nowadays explicitly define the other three functions as "essential functions in community policing that contribute directly to the achievement of public safety" (Destrier, 1999, p2). Unfortunately, there are no explicit standards that determine the degree to which a police service excels in terms of these police functions. Usually, too, police services rely on time-series data and/or comparison with other similar size police services to measure their own performance (i.e. benchmarking). Assessment, then, is often a matter of comparing police services in terms of each function (e.g. clearance rates for crime solving and response times for patrol) and drawing upon broad outcomes such as public satisfaction and complaints, levels of public safety and crime, and the judgements of informed collaborators inside and outside the criminal justice system. It is interesting that, since the RCMP has discounted if not discarded its SARPLE methodology for determining required levels of police resources per detachment, provincial and territorial governments involved in RCMP Contract Policing have requested that the RCMP come up with a new system to replace it, so clearly there is a demand for developing effectiveness measures.

Certainly it is possible to identify programs and measures for each of the above six functions. With respect to response/patrol, the classic measure has been the number and types of calls for service and the response times on the part of the police. Additional measures include of course the quality of the response/patrol (e.g. is there preventative patrol in high risks areas?). Pertinent corollary measures include the temporary and geographic distribution of the calls and the number of officers available. Effectiveness in terms of the response/patrol function is also deemed to be determined by socio-technical factors such as the call system in place (e.g. an integrated 911 capacity?), officers' ready access to appropriate technology (e.g. mobile digital terminals or laptop computers?), the police service's commitment to community-based policing, and organizational strategies (e.g. the level of decentralization, shift schedule, team policing).

The law enforcement function is conventionally defined in terms of the number and types of criminal offences, provincial statute and local by-law offences. Related, but not overlapping perfectly with offences, is the police responsibility for order maintenance (e.g. crowd control, loitering). Virtually all the above response/patrol effectiveness measures are also appropriate here. A major issue regarding this enforcement function concerns the attention required of the police service to the different offences since these have profoundly different resource and behavioural implications (e.g. what is the incidence of violent crime?). Crime solving is usually measured in terms of clearance rates (whether by charge or otherwise) for different types of offences. Investigative resources and expertise of the police service, collaboration with other police services (e.g. major crimes, identification, specialist services), and case management effectiveness are other measures of importance to this police function.

Effectiveness of crime prevention is conventionally measured in terms of whether the police service has operational programs such as Neighbourhood Watch, School Liaison, Youth at Risk (or other youth programs either targeting high risks youth or working with youth in general such as the anti-drug program DARE), Elderwatch and programs for property security such as 'Operation Identification'. Sometimes it is assumed that the police service's having an officer specifically dedicated to crime prevention, perhaps in conjunction with the other community-oriented police functions discussed below, is a measure of its commitment to community-based policing and an indicator of its likely effectiveness in those three functions.

Effectiveness with respect to referral/partnership focuses upon the police service's collaboration with other criminal justice system role players and other community agencies, and its contribution to problem-solving on criminal and peacekeeping issues. It is especially with reference to referrals and partnerships for the most vulnerable groupings (e.g. women, elders, children) that one would expect to assess the effectiveness of the police service. Of course partnerships with home owners as well as business and industry interests are deemed part of effectiveness here. As in the case of crime prevention, additional measures for this function would include whether there was a specifically designated officer, formal programs in place, trained officers and so forth.

The sixth police function - education and consultation - is in many ways handmaiden to the other community policing functions since it focuses upon communication and information dissemination throughout the service's jurisdiction. This, of course, is a two-way street and the assumption is that, where these ties are well developed, the police service itself is more likely to receive valuable information salient to successful handling of its functions, and to obtain the support and assistance of community members. Effectiveness measures include whether there are police resources dedicated for these matters, regular communication networks utilized (e.g. newsletters, cable television), brochures distributed, and regular opportunities for residents-police service exchange via public meetings. As in the case of the other community functions, the quality and quantity of the service's activity must be assessed in order to have a sense of effectiveness but the existence of programs may be a good indicator of quality as well.

There has been much change in the context for policing in recent decades. Perhaps the most important social movement, arising from both external and internal sources (see Clairmont, 1991), has been the community-based policing movement. Much has been written about community-based policing, and its corollary, problem-solving policing, as representing a new paradigm for policing, introducing new principles and priorities for "good policing" and requiring significant change in performance measures for assessing an effective police service. At the same time, it is not clear how profound a change has been wrought in police services after almost two decades of community policing and problem solving. There is much activity still proceeding, especially under the rubric of "team policing", but to date the changes appear to have been modest (Clairmont, 1991; Zhao, 1996). As noted above these movements - community policing, problem-solving, team policing - have

increased the priority accorded in policing circles to the three community functions identified earlier. Nevertheless, the implied if not explicit objectives of improved quality of life, assisting in community problem-solving etc have not been well translated into heuristic measures; accordingly, the literature is replete with "best practices", not well-defined and agreed-upon standards. Other social movements of significance for assessment of policing effectiveness have been the women's movement and the victims' movement. It is interesting that in some jurisdictions in Canada (e.g. Ontario, Nova Scotia), recent years have seen considerable emphasis on the establishment of police victims services unit and special sexual assault and family violence units; the Ontario Police Act has police sensitivity and service to victims explicitly identified as a core police function. The 1996 Victims of Crime Act has also increased statutory responsibilities on provincial and territorial Departments of Justice in relation to the provision of services to victims (Alberta Justice, 1999).

There have been many social forces impacting on the principles of good policing and what are to be taken as appropriate measures of police effectiveness. The aging of the population and attention given to elder abuse, the fiscal restraints in government, the influence of modern corporate culture, and the increasingly expansive and stringent mandates for policing enshrined in provincial police acts, have been among the most important contextual forces (Clairmont, 1997). These social forces and ideologies have had quite different implications for assessing police services' effectiveness than, for example, the community-based policing movement. Increasingly, minor crime and some social disorder issues (e.g. traffic) are deemed not to qualify for an in-person police response in large cities and metropolitan areas (Murphy, 2000). The resource constraints, coupled with greater demands on the police service associated with more stringent legal requirements and demands for accountability, have increasingly necessitated the articulation of core police functions and these models typically accord less priority to community problem-solving and other aspects of the community policing philosophy (Murphy, 2000; Maloney, 1997; Ontario Association of Police Service Boards, 1996). It can be noted, too, that, increasingly in Canada, there have been policies developed at provincial levels which explicitly require the assessment of the police service at the level of the boards or commissions responsible for civilian oversight and local governance (e.g. Policing Services, Nova Scotia, 1999). When these developments are considered in the light of the social movements already referred to, it can be appreciated that assessing police effectiveness is more than simply accommodating to these dynamics by measuring a few more behaviours or

practices. There clearly are fundamental issues to resolve about priority and principles and ultimately the vision or visions of good policing that will guide the measurement of effectiveness; for example, the demanding requirements of new police acts raise serious questions about the viability of modest-sized police services, not to mention the small, micro police services.

In addition to social movements and social forces one can identify emerging philosophies about policing that go to the heart of the principles of good policing and could cause re-conceptualization of measures of effectiveness. Undoubtedly, the most important emerging philosophy is restorative justice. In Appendix C there is a more in-depth discussion of restorative justice and its possibly impact for policing, especially in FN communities. Restorative justice - the centrepiece of alternative justice systems - has many advocates within and outside the criminal justice system and is being advanced by both federal and provincial governments. Its impact on the criminal justice system would be especially significant for police and police resources; it posits to some extent a peacekeeping style of policing which would have implication for performance measures. Finally, it may be noted that some evaluators have emphasized that effective police services are those which are sensitive to the fact that they are "policing for people" (Mastrofski, 1999). In that conceptualization or vision of policing, emphasis is placed on how well the police service - and the police officer - carries out police activities in terms of attentiveness to citizens, courteousness, explanation, fairness and so forth. Such "people policing" does have roots in police tradition but, according to Mastrofski, its dimensions are infrequently measured as part of the service's assessment of its effectiveness.

POLICING EFFECTIVENESS IN THE FIRST NATIONS CONTEXT:

One of the most important characteristics of the FN context for policing is the great diversity that is subsumed by that construct. Despite that basic fact, it is useful to consider police effectiveness in the FN context in relation to the six police functions discussed above. With respect to response/patrol, the literature, as well as this researcher's own fieldwork and certainly the views of FN chiefs of police, indicates that FN police services receive proportionately more calls for service and that these calls for service cover a wider range of requests, many of which have little to do with policing as it is defined in the larger society (e.g. Brodeur, 1991; Clairmont, 1992; Murphy

and Clairmont, 1996). FN officers, certainly in the "stand-alone" systems, are generalists and have to deal with whatever comes up, whether crimes or personal requests; response can be frustrating under these circumstances since some calls or complaints take much time to deal with properly, even when the level of criminality involved is minimal. The limited technology (e.g. 911, MDTs, laptops) available to FN officers usually does not enable them to structure or stack calls efficiently. And, most FN police services have to respond across large geographical areas which stretches response times and limits the possibilities for preventative patrolling. A further difference for FN police services appears to be the high expectations that residents have for immediate and round-the-clock police response (Six Nations Geo Systems, 1999). With respect to law enforcement, FN communities are subject to the criminal code and related federal statutes (e.g. drugs offences) but there is significant "contested terrain" regarding the relevance of provincial statutes. Enforcement of band by-laws are a responsibility of FN police services but this also is an area of much controversy and ambiguity. Indian Act procedures for properly authorized band by-laws are often not followed by chiefs and councils and, when they are, issues regarding the processing the violations loom large (e.g. prosecutorial responsibility). The literature also indicates clearly that proportionately more crime occurs in FN communities (Clairmont, 1992; Hyde, 1992; Kowalski, 1998); the crimes that do occur most disproportionately are often either time-consuming and stressful such as violent personal offences or involve the FN police in borderline and ambiguous policing situations (e.g. public disorder offences). Order maintenance, as differentiated from law enforcement and involving behaviour such as public drunkenness, is a major activity for most FN police services. Other major law enforcement issues for the typically small and unspecialized FN services that affect their effectiveness include the adequacy of protocols established with neighbouring or provincial larger police services and the routine expectations FN officers can entertain regarding police "backup".

Crime solving and investigation is a police function where experience (i.e. handling many and diverse cases) and specialized resources (e.g. identification, video interviewing) are very important and likely to be lacking in small police services where serious crimes may be few in number, even while yielding comparably high rates given the population base. The high levels of family and interpersonal violence in FN communities are associated with alcohol and drug excess (Ross, 1992; Whitehead, 1998) so usually there are suspects and plenty of accessible evidence.

Still, investigating and resolving such cases require experience and resources and may be emotionally draining on a locally-raised officer with deep ties to either or both the victim and offender. Effectiveness under all the above circumstances may depend upon the adequacy of protocols with senior police services and it may be effective, as well as efficient, for the police service to have established liaison roles with outside investigators as is the pattern in the United States (Giokas, 1992; Barker, 1998). Considerations of effectiveness on this function, in the context of other demands and possibilities for FN police services, raise issues concerning the priority to be given to "full service" police status. Regardless of the strategy adopted, clearance rates are important indicators of police effectiveness.

The three community functions - crime prevention, referrals/partnerships, and education/consultation - generate much discussion concerning the special mandate for FN police services. As noted above, in assessing the crime prevention function, key indicators for effectiveness have been whether the police service has a member dedicated specifically for that function and whether it has adequately implemented standard programs such as Neighbourhood Watch and school liaison. Both these indicators might be problematic in small FN police services, and protocols with senior police services likely to be less developed for these community-oriented functions. Nevertheless, the role of the police in crime prevention may be even more crucial in FN communities than in the larger society because of the recency there of institutional development at the community level and due to the legacy of the destructive impact of colonialism on the local civic culture (Griffiths, 1994; Landau, 1996). It is not particularly surprising that in community assessments of FN policing, police performance on this function is often rated as poor (Clairmont, 1999, unpub.).

The other two functions, namely referrals/partnerships, and education/consultation, are quite similar and, in the FN context, effectiveness in both may require not only resources and training but a different style of policing than may be commonplace in mainstream police services where, on the whole, there is more adequate institutional development at the community level and more experience with locally-controlled policing. Referrals/partnerships refer to police involvement with other groups and interests in the community to better appreciate the latter's concerns, improve peacekeeping and to assist in problem-solving. It is especially with respect to the more vulnerable

groupings and interests that effectiveness might be heavily weighted. In many FN communities, women's associations and services have raised concerns about police effectiveness in dealing with family violence and feuding among groups. Men dominate the police services and also the elected positions of chiefs and councillors. Research conducted by this writer has found that women are more likely than males to see the police as pivotal in crime prevention and resolving community disputes. An informal, person to person, style of relating to vulnerable people and other community agency role players, may not be very effective. Having officers specially trained, designating officers to liaise with other agencies, and collaborating on a regular formal basis with special groupings may be required for effectiveness; these are demanding requirements for small police services handling a high volume of calls of service from a constituency which has high expectations for police service.

Effective education and consultation, while rooted in an effective governance authority (e.g. police board, commission or public safety committee), extend well beyond the latter. Policing with largely locally-reared officers, in small communities where family groupings are strong and feuds commonplace, is characteristic of FN policing (Murphy and Clairmont, 1996). One would expect reports of biased policing under such circumstances. Perceptions of biased policing might thrive also where residents might not appreciate the obligations and responsibilities of the police officer role. Increasing concentration of significant economic power in band councils may abet these realities and perceptions (LaPrairie, 1991). Effective police services then may be those which frequently consult with residents through public meetings, advisory groups and other means. Transparent stewardship on the part of the police service, and informing the residents about policing while being informed by residents of their concerns and priorities, may be required of FN police services at this point in time given the recency of indigenization and control over policing in FN communities.

In discussing effective policing in general above, there was reference to recent movements, forces and philosophies which have impacted considerably on conceptions of what is "good policing" and, by implication, on definitions of what are appropriate measures of effectiveness. How have these affected the FN context? Certainly, most literature reviewed (academic as well as inquiries, evaluations and reports) and most FN police managers and officers interviewed, have

indicated that community-based policing (CBP) is a movement of much salience for FN police services. In a recent survey of FN police services, all police chiefs reported that CBP is the underlying philosophy of their police service (Six Nations Geo Systems, 1999). Depew (1992, 1993) has well summed up a common view, noting that CBP is an especially appropriate policing approach given the community characteristics and the nature of the crime and social disorder problems that police have to contend with; his claim that "community-based policing is cross culturally valid in its principles and neutral regarding constitutional issues" also fits well with the positions advanced in virtually all inquiries and commissions. According to the literature reviewed, FN political and ordinary residents leaders demand CBP and when criticizing FN police services, they typically use the discourse of CBP. As noted above, it is more difficult to define clearly what measures can be used to determine if CBP has been effectively implemented; typically, there is resort to whether formal programs and designated officers exist, and to the citing of "best practices"; clearly, one common measure of a police service's commitment to CBP is if it regularly consults with and canvasses its constituency. While CBP fits well with common views on what good policing means in an FN context, some emerging views among FN leaders emphasize that FN policing might still be distinctive in style and principles and that CBP would be just one of its strategies (Clairmont, forthcoming).

The social forces impacting on modern policing that were identified above, also have influenced the FN context with respect to conceptions of "good policing". Women's associations and services, the aging of the population and the increasing concern about elder abuse are echoed in FN communities as noted above. FN leaders and residents increasingly judge the effectiveness of their police service in terms of its responsiveness to these concerns. The victims' movement has had a major impact on assessments of policing in the larger society and while it is not clear how significant it has been to date in FN communities, surveys and comments of the police chiefs indicate that victim-sensitivity is increasingly an important issue there. For a variety of reasons, but especially perhaps because of the way FN police services are funded, corporate business culture appears to have had limited impact on FN assessments of police services but more and more FN police services (e.g. Akwesasne) are developing business plans and canvassing their 'clients' (i.e. using the style of the modern corporate world). Despite recent national-level surveys (Six Nations Geo, 1999; Clairmont and Murphy, 2000), there is a lack of adequate information on FN police

services as efficient and effective organizations; that is, little is known about FN police services in terms of management styles, strategic planning, the policy development process, case law updating, and collaboration with CPIC, VICLAS and other national police systems.

The restorative justice philosophy seems likely to impact considerably on conceptualizations of "good policing" in FN communities and, if the police services commit to it, there might well be significant implications for performance measures and for the adequacy of police resources. The salience of restorative justice for FN communities and police services is discussed more in-depth in Appendix C. Clearly, though, many FN leaders consider that restorative justice is very compatible with peacekeeping and revitalized aboriginal cultural traditions which presumably have a discourse of healing and reconciliation (Ross, 1996; Aboriginal Corrections, 1997). It is less clear how pervasive the discourse of restorative justice - and healing and reconciliation for that matter - is throughout FN communities. Reference was also made earlier to the possible re-emphasis on 'policing for people" in assessing "good policing". Certainly, such a view of policing would appear to be quite congruent with how many FN police officers would envisage their policing activity since they often point to the varied and frequent contact they have with residents and complain about performance or workload being assessed only in terms of calls and crimes dealt with. An emphasis on a "policing for people" style would suggest a variety of performance measures as detailed earlier.

Quite apart from considering the implications for visions of good policing in concepts and dynamics common to contemporary policing everywhere, there are some developments that relate quite specifically to FN policing. One consideration is the evolving sense of FN distinctiveness. Following upon the RCAP position noted earlier, one must ask whether there are core areas of aboriginal culture and identity that demand a distinctive set of principles for judging the effectiveness of FN police services. Field research has revealed quite a diversity in views among police officers in FN communities on this matter and much diversity within FN communities with respect to whether there are values and priorities for policing that are different from the mainstream society (Clairmont and Murphy, 2000). It is important, too, to appreciate the difference between static and dynamic analyses here since different values and principles or preferences might well emerge as FNs recapture control over their own institutions. One must also ask: Is the rhetoric or

discourse of difference and tradition problematic as suggested by Stenning in his analyses of police governance (Stenning, 1992)? Stenning suggested that there has been a hegemonic discourse with respect to police governance in FN communities and that new concepts or meanings of good policing have scarcely been on the agenda. A new template for FN policing with implication for governance and for judging effectiveness cannot be easily presumed. The Law Reform Commission of Canada has argued that, while aboriginal justice systems have a solid constitutional basis and can be feasible, "the possibility of differently conceived notions of rights means that any aboriginal justice system [or part thereof] must be carefully constructed and needs widespread community support." (Law Reform, 1991) Another consideration is the extent to which FN police services are to be legitimated and assessed in terms of increasingly stringent standards for policing contained in provincial police acts. If so, without what the FNCPA refers to as "flexibility" for FN police services, there would appear to be major implications for the relative autonomy of the police services and their capacity to sustain a different vision of policing. There is no doubt that at the moment there are diverse visions of FN policing, some of which have scarcely been articulated. Determining the effectiveness of FN policing requires a multidimensional framework and numerous measures, and, not least, an appreciation of these visions and their major policy implications.

EFFECTIVE FIRST NATIONS POLICING: FINDINGS AND IMPLICATIONS

Perhaps the main finding from this extensive review of relevant FN policing materials is that there is an almost complete absence of in-depth studies or evaluations. Not one case study could be found which could be characterized as adequate or informative by the usual social science criteria for community studies, though several nation-wide, useful surveys of FN policing now exist. Taken with the apparent great diversity among FNs and their police services, this means that one discusses findings with some trepidation. Still, there are a number of major findings that have emerged from the literature describing specific FN policing services. Clearly, there has been a significant growth in full-service, FN self-administered policing services from two or three (depending on one's definition) prior to the FNPP to the current fifty-two (Six Nations Geo Systems, 1999). At the same time, the number of fully empowered native officers has gone from less than fifty, by any definition, prior to the FNPP, to more than nine hundred today (Aboriginal Policing Directorate, personal communication, 1999). According to the 1996 Census, aboriginals made up 2% of the employed labour population and 3% of all police officers in Canada, The literature (CCJS reports, audits, evaluations) confirms the 'core' patterns noted in the introduction to this report, namely that with respect to police per population, rates of violence crime, and costs per capita, FN police services are much higher than other police services, whether in urban or in small towns and rural areas. The comparative picture is much less clear with respect to levels of calls for service, total crime per population, clearance rates and files per officer etc (Kowalski, 1998). Over the past several years, there has clearly been, as in the larger society, a significant decline in FN communities in crime, violent crime and calls for service per officers; FN police measures, on most non-budgetary matters, are becoming increasingly comparable to those in the mainstream small towns and rural areas (CCJS, 1998; APD, personal communications, 1999; Nova Scotia Policing Services, 1999). There is very significant variation among FN police services in all these latter measures and, to a lesser degree, also in the 'core' and budgetary measures (Jamieson et al, 1995; Six Nations Geo Systems, 1999). Among the FN police services that stand out as efficient and/or effective, in comparisons on 'core' and other measures, are the Six Nations, Akwesasne, Kitigan Zibi (CCJS, 1998). In the light of such diversity, it may be premature to talk of national standards for FN police services but clearly the diversity allows for valuable learning and exchange among the FN police services. There is then a situation where, because of the variation, one can profitably look for 'best practices' in assessing

effectiveness in FN policing. Moreover, it is clearly possible to examine challenges for FN policing in a context where one is dealing with some currently effective police services, thereby allowing for an interesting case study approach.

One of the objectives of FNPP was to facilitate the development of a police service delivery in FN communities that was distinctive in the sense of being responsive to particular FN social realities and cultural ways. Certainly, having FN officers become the majority in both self-administrative and RCMP-administered (i.e. CTAs) police services, encourages that development, as does having officers who can relate to the indigenous language. Both these goals have been largely attained (Murphy and Clairmont, 1996; Clairmont and Murphy, 2000). It is more problematic whether the police services are in fact culturally sensitive and attuned in their policies to FN socio-economic realities; there is significant disagreement between the FN police managers and the FN political leaders on this matter (Griffiths, 1994; Smith, 1997). Many FN police services do acknowledge elders, and less commonly, medicine men, in sporadic functions (as also do some RCMP units in Saskatchewan FN communities -APD, Governance Workshop, 1997), are receptive to alternative justice circles, and have officers attend cultural events such as pow-wows (KPMG, 1996; Clairmont and Murphy, 2000) but it appears that, except in a few instances (e.g. Six Nations, Akwesasne), these 'cultural' linkages are neither sustained nor regular (see for example, Hyde, 1992; Consulting and Audit Canada, 1994; Kopp, 1995; Clairmont, 1999). Like their counterparts in the United States (Barker, 1998), many officers have not linked their behaviour as police officers to cultural traditions or specific social circumstances, rhetorically asking "what have those traditions or differences to do with policing". Given the destruction of native culture by colonialism, the lack of consensus about how to integrate what traditions and realities, and the different priorities in conventional police training, that situation is not surprising. Certainly, the lack of such linkages, and, by implication, the focus on conventional professional policing styles, has been criticized by both FN political leaders (First Nations Committee on Training, 1992; Smith, 1997) and academics (Sadik, 1995). It has been a challenge raised, from the point of view of training and resources, by the First Nations Chiefs of Police Association (FN Coordinating Committee, 1996, 1997; Vision Quest Consulting, 1999); recently the FNCPA has collaborated in a study of training and resources where a major question it posed was "whether training is preparing police for a role as peace keeper as opposed to a law enforcer".

Presumably, one way to link policing in FN communities to local conditions and cultural ways, at least to a modest extent, would be through the policing of band by-laws which would indicate some local preferences. Band by-laws apparently have to be validated through procedures set forth in the Indian Act. To date there has been much confusion associated with the validation process at the grass-roots levels, and police often find themselves uncertain about validation and lack a clear specification about the entailment of the band by-law - and sometimes even the 'paper' is missing (personal communications, 2000). There are other problems that police encounter concerning band by-laws, including the laying of the information, the prosecutorial responsibility, and the criteria for differentiating quasi-criminal by-laws (for which they might assume enforcement responsibilities) from other by-laws. Even when the by-law enforcement is specified in the contract for policing services, it appears that the by-laws are rarely enforced. A recent national survey of FN police services (Six Nations Geo Systems, 1999) found that "enforcing band by-laws was a rare occurrence" and that there was a widespread view among officers that the few band by-laws that did exist were "old, outdated and not really policing issues". It might well be that, as FN self-government more fully develops, such band by-laws might impact on FN policing but thus far the effect appears to have been minimal and policing band by-laws almost would require policing by mandamus (i.e. court orders directing the performance of a public duty).

Most audits and performance evaluations of FN police services have focused on conventional policing issues (e.g. caseload, case management procedures, and performance in relation to convention standards of the criminal justice system), infrastructure considerations, and resources. This is understandable given the priorities of the funding governments and what Stenning calls "the hegemonic discourse" for FN policing, whereby new concepts or meanings of good policing and police governance have scarcely been on the agenda (Stenning, 1992). Moreover, few of these studies have been done in the depth that would be required to assess issues of distinctiveness, receptivity to alternative conceptions of policing or even in-depth community assessment. Generally, the audits and performance evaluations have been rather positive concerning the extent to which the FN police service has put into effect acceptable, conventional policing services in such a short time period (Hyde, 1992; Vezina, 1992; Jamieson et al, 1995; KPMG, 1996; McConnell, 1999;) but some have rendered mixed assessments (Langner, 1995;

Kopp, 1995; Green, 1996; Nova Scotia Justice, 1999) and there have been some quite critical assessments (Blood Evaluation Team, 1997; Cardinal, 1998; Nova Scotia Justice, 1999).

Increasingly, the infrastructure requirements of FN policing appear to have been met (KPMG, 1996; Cardinal, 1998; Nova Scotia Justice, 1999; Clairmont and Murphy, 2000), though some shortfalls have been identified (Six Nations Geo Systems, 1999). The adequacy of resources for policing remains a controversial topic. A number of third party evaluations have concluded that resources are adequate and do not prevent effective FN management nor the implementation of more CBP there (Jamieson et al, 1995; Blood Evaluation Team, 1997; Cardinal, 1998; Nova Scotia Justice, 1999) while other reports (FN Coordinating Committee, 1996, 1997; Smith, 1997; Six Nations Geo Systems, 1999) have argued to the contrary. It may be noted that community expectations and demands for policing remain very high (Social Policy Research Associates, 1983; Depew, 1993; Clairmont and Murphy, 2000). Residents and band leaders continue to call for "24/7" policing and full service policing by their local police (Smith, 1997; Six Nations Geo Systems, 1999). Either of these demands, let alone both together, have profound implication for service delivery possibilities and virtually confine it to a reactive, 911 mode. In the case of regional FN services, there may also be constraints on deployment imposed by formal undertakings or informal accommodations among the participating bands (e.g. 'hire local officers', 'deploy a certain number of officers per band' etc). It is not surprising then that most assessments of FN police services point to limited crime prevention programming (Kopp, 1995; Langner, 1995; Smith, 1997; Cardinal, 1998; Clairmont, 1999). The situation appears to be only marginally better on this score than that described by Loree in the mid-1980s: "First Nations get more law enforcement and less service/peacekeeping than non-native communities". Again, though, there are exceptions. A few FN police services (e.g. Six Nations) have designated crime prevention officers and regular school liaison programs while some other police services have engaged in such activities when at full complement (e.g. Siksika). As in the larger society, crime prevention and CBP activities are usually the "first to go" when budgetary and/or manpower pressures develop (APD, Governance Workshops, 1999). There is, too, a common view in FN policing circles that much of its crime prevention and community policing is informal contact rather than formal programming, and that that kind of policing activity is culturally appropriate and effective but quite time-consuming. It would be valuable to get a better understanding of this dimension of policing - which appears to be

similar to the "policing for people" approach referred to above - both to appreciate its implications for resources and to assess how it might contribute to other policing responsibilities such as having an acceptable clearance rate for offences (presumably the more informal contact the better the clearance rates). Needless to say, such an understanding and measurement require more in-depth studies.

Given the nature of the third party audits and evaluations (i.e. short time span, little depth) it is not surprising that little is known concerning the equity criterion of FN policing. There has been infrequent reference to public complaints and few reports have examined bias (perhaps, more apt, perceptions of bias) and stress associated with officers' policing in communities where they themselves are deeply embedded in the kinship system and where these ties continue to generate deep personal commitment (e.g. Policing Services, Nova Scotia, 1999). The widespread view, that there is more concentration of power at band council and chief levels than in comparable jurisdictions in non-native communities, would suggest that equity might well be problematic in some areas (see Cardinal, 1998). Turnover of staff could of course be an indication of stress and equity concerns and that has been a finding in many evaluations (APD, Governance Workshop, 1996; Bomberry Corp., 1999) and a major complaint of many FN chiefs of police (Clairmont and Murphy, 2000). Another aspect of equity is service delivery from a gender perspective. FN police services have a male/female member ratio which is quite comparable to that in mainstream policing (Murphy and Clairmont, 1996). There does, however, appear to be a significant amount of under-reporting of family violence, and sexual assault according to some community surveys (Clairmont, 1999), a pattern that might well be related to male dominance among local political leaders and perhaps, too, to a virilocal pattern of residence upon marriage (i.e. females are more likely to move to the male's home community than vice versa). Undoubtedly, as in other findings, there would be much variation among the FN services in terms of these equity considerations; the main finding here is that little systematic assessment has been done in this area.

The literature reveals that a common trend across Canada is for the provincial governments to elaborate the standards for acceptable policing (Police and Public Safety Service, Nova Scotia, 1999; Alberta Justice, 1999; First Nations Governance Annual Meeting, 1999; Ceysens, 2000). The effect of this movement is to place much greater demands especially on the small police

services which, of course, would include virtually all FN police services; only two FN police services - Nishnawabe-Aski and Anishinabek - have more than thirty members and both these are regional police services with responsibility for many communities spread out over a large area in the northern half of Ontario. Police services are increasingly required to either have a greater array of specialized services themselves or to have a formal access agreement with other police services. While some of these services by agreement will be provided by the province free of charge, some accessed services will be available only on a cost-recovery basis. The more demanding standards include both reactive (e.g. investigative specialization) and proactive (e.g. crime prevention specialization) requirements but, overall, the demands are an enhancement primarily of conventional reactive policing.

As Stenning observes (1992), the FNPP requires that "the on-reserve police service must meet the standards of the province or territory in which it operates". FN police services, by dint of the tripartite agreement which effects their existence, are required to police under provincial policies and guidelines, even though, in practice, there may be ambiguity occasioned by constitutional controversy and some questioning of provincial jurisdiction and the salience of provincial statutes in FN communities. There may be some benefits of these new provincial requirements for FN police services (e.g. more partnering with other police services, standards to aim at) but there may also be implications for further reduction of the modest CBP and distinctive FN policing styles that currently exist there. Small wonder, then, that some FN police leaders have called for some "slack" in the application to them of these new provincial requirements.

Police boards or commissions have a crucial role in principle in directing the police effort in Canadian society. While there has been a tradition of constructing policing such that police are deemed responsible to the law alone, stronger traditions have stress the accountability of police management to local governing authorities; as one commentator has observed, "accountability to law is too low a standard to ensure the proper quality of accountability" (Ceyssens, 2000). Certainly, then, the boards or commissions can issues orders to the chiefs of police but a distinction is usually drawn between policy and operational direction; the board's directional role is with respect to policy not operations, a slippery distinction that sometimes is secured by a protocol or agreement between the chief of police and the board. It should be remembered too that

accountability can refer both to administrative control (i.e. where the chief is subordinate to the board) and to cooperation (i.e. exchange of information) and both are essential to a well-functioning police service.

Five areas of governance have typically been demarcated as board responsibilities (Police and Public Safety Service, Nova Scotia, 1999), namely organizational governance (e.g. mission and directional statements), program governance (e.g. policies), personnel, financial and advocacy governance. The latter area refers to the board's responsibility to confirm the police service's identity in the community through means such as educational programs and public awareness campaigns. Increasingly, as part of the wider movement for more demanding standards in policing, provincial authorities have been increasing the formal responsibilities of the board, by requiring audits and the adoption of codes of conduct (Alberta Justice, 1999; Police and Public Safety Service, Nova Scotia, 1999).

A strong case could be made that FN police boards or commissions have an especially important place in policing at this point in time since they are at "the creation" phase. All five areas of responsibility seem very salient, not least the area of advocacy governance. FN police services must cope with extensive community expectations, inappropriate expectations placed on officers, perceptions of bias related to family embeddedness, and sometimes political interference. Confirming the service's identity in the community through various means would be quite important; the evidence to date appears to suggest that boards relate more to chief and council than to the community at large via public meetings etc (Six Nations Geo Systems, 1999; Clairmont, 1999). Also, assuming responsibilities with reference to direction and policy development would be valuable where controversy and uncertainly complicate determination of the preferred character (style and philosophy) of the police service.

The proceedings of the annual workshops of FN governing authorities (Aboriginal Policing Directorate, 1994, 1996, 1997, 1998) indicate a strong emphasis on training board members to appreciate the role's challenges, opportunities and responsibilities and on a professional, 'non-political' behaviour which would respect the distinction between policy and operations. These

emphases have been reinforced by how-to manuals (Saunders, 1995) and videos made available by APD. Some boards seem to have become quite sophisticated by these standards (e.g. Blood, Akwesasne, Six Nations). Still, there has been, apparently, some difficulty getting residents to serve and stay on governance committees (Jamieson et al, 1995; Smith, 1997; Bomberry Corp., 1999) and clearly board members are themselves usually inexperienced with reference to either policing or administrative responsibility. It is unclear how effective the boards have been in carrying out the five areas of governance discussed above, and facilitating a context where locally-raised officers and modest-sized police services can cope well. Nor have there been assessments of alternative board / commissions structures which might be better attuned to First Nation realities (e.g. a two-tiered system of steering committees consisting of chiefs and political leaders and working committees consisting of volunteer residents). It is not clear either what role, if any, the boards have played in articulating a vision of FN policing or even in discussions of possible band by-laws but, as noted above, Stenning contends that in Ontario they have functioned in a context of hegemonic discourse, pretty much adopting the mainstream approach.

Another important area of FN policing where findings are limited and somewhat ambivalent concerns police management. Some recent surveys have pointed to overall patterns of competent management (Jamieson et al, 1995; McConnell, 1998; Clairmont and Murphy, 2000) but there also have been some individual-level studies which have suggested inadequacies if not crises (Langner, 1995; Green, 1996; Blood Police Evaluation, 1997; Cardinal, 1998; Police and Public Safety Services, Nova Scotia, 1999). There is undoubtedly significant variation in terms of the quality of police management (Clairmont and Murphy, 2000) but some police management is excellent and a growing number have at least the basics of good procedural practices (e.g. mission statements, job descriptions, printed and available standard operating procedures, case management systems), and some mechanisms in place to secure feedback from the community; typically, too, the managers have good relationships with other police services in the areas as reported by themselves and the other services (Six Nations Geo Systems, 1999; Clairmont and Murphy, 2000). Areas of shortfall often include policy planning and development, performance review (and procedures), and deployment planning. Cardinal (1998) has argued quite forcefully that cultural rationalizations should not be accepted as an excuse for management systems that under-emphasize accountability and performance.

Perhaps, one of the central criticisms or shortfalls that emerges from the literature, concerns the need to develop better visions of FN policing in order to properly assess its current status and future development. Percivale and Taylor (1999) have noted that effectiveness always has to be seen in the context of efficiency, equity and the principles and purposes of good policing. In their 1995 assessment of FNPP, Jamieson et al, considered that the FNPP's objectives were being met well but they added that there remain still the fundamental questions: what is FN policing and where is it going? Clairmont and Murphy (2000) have discussed the feasibility of the full-service, stand-alone services model, and the alternative vision of FN policing which explicitly embraces a model of policing characterized by quality first line response and peacekeeping. In this latter model, the investigation of major crimes and specialized police services would be left to the larger provincial police services, albeit with liaison to the smaller, less resourced FN police service. It is unclear whether this kind of "niche" policing would be acceptable to FN leaders but it is difficult to see how all but a few FN police services can provide full service policing given the stringent new legal demands and any reasonable resource allocation. It could be argued that the "niche" might be acceptable if there was a different template for FN policing, one that did indeed emphasize peacekeeping, interagency collaboration and informal contact or "policing for people"; without such a template, the FN police service in such a model might be judged, by the community and by the officers themselves, as second-rate rather than first-rate but different.

Articulating and committing to a vision of policing involve dialogue and community conversations among all parties, police officers, board members and the FN community at large. Stenning (1992) has observed that, while some leaders might call for alternative styles of policing, research suggests that conventional, non-aboriginal policing initiatives are not seen as dysfunctional by community residents. Yet, even within that construction, alternative visions can be articulated, and of course community views can be altered through information exchange and discussion. There is a long tradition in assessments of FN policing that stress the need for greater community input, inter-agency collaboration, and "community discussions" about policing (Social Policy Research Associates, 1983; Jamieson et al, 1995; KPMG, 1996; APD Governance Workshops, 1996, 1999); Smith, 1997, Blood Tribal Police Evaluation Team, 1997; Alberta Justice, 1998; Clairmont, 1999; Six Nations Geo Systems, 1999). All studies have emphasized the importance, too, of having solid

community surveys which are representative of the population, well-specified and planned, and carried out in collaboration with the stakeholders.

THE RESEARCH FRAMEWORK FOR CASE STUDIES: CONSIDERATIONS AND PROPOSALS

OBJECTIVES:

A central objective is to develop a framework for carrying-out a nation-wide set of in-depth case studies of First Nation police services. As noted above, there is adequate information on FN police officers and police management at a general level (Murphy and Clairmont, 1996; Six Nations Geo Systems, 1999; Clairmont and Murphy, 2000) but a lack of in-depth knowledge about the police services as effective and efficient organizations in relation to FNPP. This framework would identify the major facets or themes to be examined in all case studies, the strategies to adopt, the data requirements and their sources, the major methodologies to be employed, and the workplan timetable. In addition to core themes explored in all case studies, specific police services have specific features which require special themes and research strategies; for example, the regional police services have to deal with multiple bands or 'First Nations' and that fact alone makes more complex the effectiveness issues (e.g. governance, coverage, band by-law s).

The focus of the research framework is of course on the issues of effectiveness and sustainability. This substantive thrust provides the major, though not sole, basis for selection of the police services (i.e. which services best inform as to the current positive possibilities and future opportunities for self-administered FN policing). Clearly, effectiveness involves the different levels of the service, namely boards/commissions, police management, and staff. Assessing effectiveness requires taking into account a variety of dimensions, especially, perhaps, conventional 'reactive' technical competence, cultural responsiveness, and crime prevention in a broad sense. It also requires examining what strategies and measures are currently utilized by the police services and their possible development in order to meet new challenges as well as to respond more effectively to current ones.

Additional objectives for the research framework would include establishing the criteria for selection of the case studies and assessing the feasibility of the collaborative process. The latter consideration involves, in turn, specifying the potential benefits for all parties to the assessment and

ascertaining the willingness to participate on the part of the selected First Nation police services. An important objective is to advance an implementation plan which optimizes with respect to the integrity of the research, the benefits to the participating First Nations, and to the continuing evolution and specification of First Nations Policing Policy.

MAJOR FACETS OR THEMES TO BE EXAMINED:

The major facets or themes that would be examined in the case studies are drawn from the discussions above concerning the evolution of FN policing, and effectiveness in policing in general and among First Nations in particular. These themes are identified here without elaboration:

- (1) The conventional six police functions, namely response, enforcement, crime solving, prevention, referrals, public consultation and education. As noted above, these functions may be specified somewhat differently in a FN context and the priority attached to them might well vary within FN services as a group as well as between FN services and mainstream policing. These functions have been discussed at length above.
- (2) The ten principles for policing First Nations as featured in the FNPP, especially the three principal themes of policing comparable to that in similar non-FN communities, policing that is responsive to the special circumstances, needs and cultural ways of native communities, and effective ownership and direction of policing by First Nation communities.
- (3) The themes emphasized in the agenda advanced by the Royal Commission on Aboriginal Policing, namely the need - and FN right to - greater FN ownership and control over its policing and also the importance of "placing" policing in the context of the core areas for aboriginal culture and identity. These RCAP themes overlap closely with the FNPP principles but especially direct attention to measuring effectiveness in terms of how the vision and practice of policing either reinforces core concerns of culture and identity or, at the least, is neutral with respect to them.
- (4) The themes associated with the philosophy and practice of community-based policing. Usually CBP is measured in terms of problem-solving, inter-agency collaboration, and equal emphasis on both reactive and proactive policing. All FN chiefs of police have identified

CBP as their policing philosophy and both political leaders and FN community residents - as well as virtually all cited commissions and inquiries including RCAP - have called for its implementation and judged their police service on CBP criteria (Six Nations Geo Systems, 1999; Clairmont, 1999).

- (5) As discussed above, some themes or facets in the assessment of policing effectiveness are drawn from social forces and movements that have impacted society in general. These would include sensitivity and concern with victims, participation in alternative justice initiatives (e.g. restorative justice), and conceptions of good organizational practices. The latter would include business plans, regular audits of annual and long-term objectives, measuring "client" needs and satisfaction, and attention to the motivation and input of staff. It may be noted that CBP as a social movement or philosophy in policing was considered by many advocates to be as much directed at the transformation of the para-military police organization as it was to greater involvement in community problem-solving and development (Clairmont, 1991); accordingly, in many policing circles espousing CBP, much emphasis has been placed on employee participation in decision-making and policy development.
- (6) A common complaint by FN chiefs of police, and sometimes by FN political leadership, has been that the measures of policing effectiveness used in mainstream society do not capture the special character of FN policing, namely its high level of informal, personal contact which is not in response to specific calls or complaints and does not get recorded on offence sheets; sometimes this issue has been conceptualized as inattention to "community-based statistics" (Six Nations Geo Systems, 1999). This theme can be examined in the context of measures developed to assess "policing for people" (see above) in the delivery of policing services (Mastrofski, 1999).

Consistent with both FNPP and RCAP emphases, and increasingly specified in provincial police acts and guidelines and requirements for police governance, accountability and transparent stewardship represent an important facet or theme in the examination of policing effectiveness. This theme directs attention to measures such as the role of the board/commissions and the extent to which they carry out well their primary responsibilities (organizational governance, program governance, personnel, financial and advocacy governance), protocols or guidelines

between the boards and the police management, the involvement of chief and council, and reporting arrangements and information exchange among police management, boards / commissions and the community at large.

On a more concrete and operational level, themes guiding this research would include description of the police service (e.g. organization chart, job descriptions, deployment etc), description and analyses of calls for service, crime and other offences, description of the collaboration with other police services, and, overall, assessment of the service delivery in terms of the evaluative criteria of efficiency, effectiveness and equity.

EVALUATION STRATEGIES:

There are several strategies that should be adopted in carrying out these case studies. First a variety of specific methodologies should be employed, including in-depth interviews with key informants (chief and council, board / commission members, other police and justice system officials), one-on-one interviewing of community residents via a standardized questionnaire, the gathering of secondary statistical data locally and via provincial and federal bodies (such as Canadian Centre for Justice Statistics), observation and ride-alongs with the officers, and focus group discussions with special community subgroups (e.g. women, elders, youth). Secondly, given the depth and diversity of information sought, it is expected that for each case study there would be at least two one-week field trips; two trips would be required to ensure appropriate data collection. Thirdly, local area residents would be hired and trained to assist in the interviewing and in the holding of focus groups. Fourthly, each case study would be described and analysed in historical and comparative context, using appropriate benchmarking (e.g. their own previous experience, other FN police services, similar types of communities). Fifthly, a small number (i.e. seven or eight) of police services would be selected for the case studies and the major, but not sole, selection criteria would be their potential for yielding 'best practices' and important policy insights for the future of FN policing. Six, the assessment would have the character of a "formative" evaluation, that is, it would be characterized by consultation with the police service (police management and police board / commission) concerning every phase of the assessment and the researcher would make both verbal and written reports to these bodies.

SPECIFIC EVALUATION METHODS:

The Community Survey:

The views of the community at large will be obtained through a standardized questionnaire which will be administered in a one-on-one situation by local persons trained for this task. The questionnaire will be largely of a "fixed answer format" where respondents will be asked to select responses which best suit their views; however, there will also be lots of opportunity for respondents to elaborate on their views and to suggest other issues and options. The questionnaire that will be employed has been, at its core, tried and successfully utilized by the evaluator in other First Nations research. The questionnaire will be employed with a large sample of adults (i.e. nineteen years of age or more). Every effort will be made to ensure that the sample is representative of the adult population in the areas serviced by the police service in question. The themes of assessment examined through the questionnaire include perception of crime and safety in the community, perceptions of major community problems (justice-related) and how they are being dealt with, contact and experience with police, assessment of policing in terms of the conventional six police functions and overall policing adequacies and inadequacies, perceptions of police-community relations, priorities and suggested improvements for the policing service, views concerning policing and new justice initiatives, and views regarding participating and volunteering in the policing effort. In addition, there will be certain socio-demographic (e.g. age, gender) data gathered in order to better appreciate the views and needs of different community groupings.

Secondary Analyses:

The assessment will collect data on calls for service, crime and other offences, clearance rates, quasi-criminal band by-law enforcement, public complaints, and the extent of other police programming such as community justice forums and crime prevention and public education activities including school liaison. The data will be analysed in historical and comparative context wherever possible. Similar data will be gathered where possible on policing in the surrounding areas. Measures will be developed such as calls per member per month, files per member, major

crime ratios and police population ratios, and compared over time and in relation to other jurisdictions. Such data may be available from bodies such as the Centre for Justice Statistics and from special studies (e.g. audits and evaluations).

In-depth Interviews:

In-depth interviews will be carried out with the chief and councillors, all members of the police governance body, at least three leaders of community social service agencies, police officers and other key informants and justice system officials (e.g. prosecutors, judges). The format for these interviews will involve core and specific areas for discussion. By core, it is meant that all interviewees will be asked about (a) their experience with the local policing; (b) their views on its special challenges, adequacies/successes and possible shortfalls with respect to the six standard police functions and the themes advanced in the FNPP; (c) the extent to which, in their view, it provides a policing service characterized by efficiency, effectiveness and equity, a sense of ownership by residents, and a sensitivity and integrative response to the community's special culture, needs and priorities; (d) how the policing "stacks up" historically and comparatively, and (e) their ideas about and suggestions for improvements in the police service.

In addition, specific areas will be probed with the different groupings. With respect to chief and council, areas of governance, resources, views concerning the types of police officers and types of policing emphases desired, and FN input into shaping the objectives and priorities of policing will be important; here, for example, it will be important to discuss specifics such as the reporting mechanisms in place, visions of policing and directional statements, and the policing of quasi-criminal band by-law s. With respect to the police boards, issues of input, visions of policing, public complaints, knowledge of policing tasks, programs and resources, and actual participation in the policing effort will be discussed; of course, there would also be discussion on each of the five general areas of governance referred to above. With respect to community service agencies such as Family Service, Drug and Alcohol Counselling, Fire Service, specific areas, supplementing the core areas, will include experiences and views concerning partnerships and inter-agency collaboration. In-depth interviews typically have a loose structure and it is expected that one will learn about other themes and issues in the course of this interaction which could be quite important in assessing

policing effectiveness.

Focus Groups:

Focus group discussions provide an opportunity to better appreciate the collective or subcultural views of particular interest groups in the community. By bringing together a number of somewhat similarly placed or situated persons from the point of view of needs, concerns, priorities or values and visions for policing, it is expected that there may be a more in-depth consideration of themes and perhaps a more forceful and consensual assessment of the issues. Certainly, it is often hoped that focus group discussions can facilitate a greater community consensus about the strengths, weaknesses and possibilities of the community service in question, here of course the police service. Essentially in the focus group sessions there would be discussion of the core themes discussed in the in-depth interviews but here from the perspective of the grouping in question. It is expected that these focus groups would involve no more than five or six persons each time. Tentatively, appropriate focus groups would be elders, youth, women, and young male adults but, as the evaluation proceeds, other subgroupings may be deemed crucial for the focus group strategy.

Police Service:

Interviews will be conducted with a number of local police officers and all police officers will be asked to complete, in confidence and anonymity, a short questionnaire comparable to the one used by this researcher in his previous study of FN police officers throughout Canada. In addition to the core areas noted above, the themes for the in-depth interviews will include (a) special policing opportunities and challenges here; (b) the appropriateness of the training and preparation received; (c) adequacy of police resources; (d) experiences in implementing community-based policing, and special alternative justice programs; (e) partnering and obtaining community input at all levels (i.e. chief and council, police board, inter-agency, residents' cooperation with and volunteering with the police service; (f) ideas about and suggestions for improvement in the policing effort. In addition to the interviews, there will be some ride-alongs with the officers to better appreciate the experience of policing in the community.

CURRENT STATUS OF THE EVALUATIVE FRAMEWORK:

The above research framework has been tested in all its dimensions in a recent three-month examination of the effectiveness of a police service in a Nova Scotian FN community. This test indicated that the framework was heuristic and that the evaluation's objectives, substantive, strategic and procedural, were successfully attained. Field interviews with FN police services initially targeted for future case studies - Akwesasne, Unama'ki, Kitigan-Zibi, Six Nations, Blood, Tsuu T'ina and Stl'atl'imx - were carried out. These services were selected, on the basis of data analysed in this project, for their value as "best practices" and/or their exemplification of key issues of effectiveness and sustainability. There are a few other FN police services that could also be approached since they are interesting in these same respects. The police chiefs of the selected services indicated a willingness to participate in a possible case study evaluation, and indeed, most were expressly enthusiastic about the possibility.

WORK PLAN TIMETABLE:

The next step would entail a modest project whereby the researcher would meet with the police chiefs and other stakeholders in the communities (police board, council, women's groups and so on) to discuss the research framework, obtain local and fresh input and to negotiate a partnering model for proceeding with the case studies and maximizing its value for the FN police service and community in question. It is proposed that this step be carried out over the period August 2000 to May 2001 and that subsequently, in the summer of 2001, full-fledged case studies be launched.

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APPENDIX A (I – IV)

DRAFT INSTRUMENTS FOR CASE STUDIES ASSESSING THE EFFECTIVENESS AND SUSTAINABILITY OF THE FIRST NATIONS POLICING SERVICE

I. COMMUNITY NEEDS ASSESSMENT SURVEY QUESTIONNAIRE

Hello, I am conducting this survey on behalf of the Indian Brook First Nation, the Province of Nova Scotia and the Department of the Solicitor General of Canada, and in collaboration with the Royal Canadian Mounted Police. The central purpose is to evaluate the effectiveness of the policing services provided to the community from 1997 to the present, and to identify possibilities for improvement. All survey responses will be treated in complete anonymity and confidentiality. No individual names or information will ever be communicated to any person or organization, neither in written nor in verbal reports.

First this interview is for people 19 years of age or over. Can you tell me how many persons age 19 or over (including yourself) live in this household. (*Write in Number* _____).

If One, Proceed To Interview.

If Two or More, Select the youngest male over 19 yrs old. If no males, interview the youngest female over 19 years of age.

If the appropriate person is not available, see if the interview can be conveniently scheduled. If it cannot be, interview any adult available.

Basic Codes: Phone number

ID of respondent

Sex of respondent

Interviewer

First of all I would like to ask you a few questions about your community in general.

1. How long have you lived in this community?

_____ years _____ months (*if < 1 year*)

2. Do you have many close friends living in other households in this community?

Would you say the number of such friends is: (**READ OPTIONS**)

ten or more

five to nine

two to four

one

none

d.k.

3. Do you belong to any clubs, or voluntary organizations in the community (apart from church groups)

the number? _____ #

4. Do you think this community is an area with a high amount of crime, an average amount or a low amount of crime?

high

average

low

d.k.

Why do you say that?

5. How do you think your community compares with the non-native communities in the surrounding area in terms of the amount of crime? Would you say it has:

(READ OPTIONS)

much more crime

more crime

about the same

less crime

much less crime

d.k.

6. In the last few years do you think crime has increased, decreased, or remained the same in this community?

increased

same

decreased

d.k.

Why do you say that?

7. How safe do you feel or would you feel walking alone in this community after dark?
(READ OPTIONS):

very safe

reasonably safe

somewhat unsafe

very unsafe

d.k.

8. Do you worry much if you have to leave your home/apt/room unattended, though locked, for more than a few hours? Would you say:

not at all

some

much

very much

d.k.

9. Do you worry very much, much, some or not at all about any of the following things happening to you in your area:

	Very Much	Much	Some	Not At All
being attacked or molested	_____	_____	_____	_____
having your house or property broken into	_____	_____	_____	_____
having your car or other property vandalized	_____	_____	_____	_____

10. Do you worry much about problems of peace and social order, such as fighting, loose dogs, etc.? Would you say you worry:

- not at all**
- some**
- much**
- very much**
- d.k.**

11. I am going to read a short list of things that are sometimes problems in communities. Please tell me if they are a big problem, somewhat of a problem, or not a problem at all in your community:

	Big Problem	Somewhat Problem	No Problem	D.K.
homes or other places being broken into	1	2	3	4
wife battering	1	2	3	4
child abuse	1	2	3	4
vandalism or property destruction	1	2	3	4
poor maintenance of property, broken windows, etc.	1	2	3	4
feuding among different families or groups	1	2	3	4
noisy parties, quarrels, loud music	1	2	3	4
drug / alcohol abuse	1	2	3	4

Anything else you would consider a big problem?

(Specify): _____

12a. Were you yourself the victim of a crime in this community during the past two years?

Yes _____ (*Continue with 12B*)

No _____ (*Go to Question 13*)

12b. Did you report it to the police?

Yes

No

If no, why not?

13. In any community there are some crimes or legal wrongs that are not reported to the police. What kinds of things that could be reported, are often not reported in this community?

Are any of the following wrongs often not reported to the police?

	Usually Not Reported	Usually Is Reported	D.K.
wife battering	_____	_____	_____
child abuse	_____	_____	_____
petty theft			
vandalism	_____	_____	_____
bootlegging	_____	_____	_____
substance abuse	_____	_____	_____
underage drinking	_____	_____	_____

14. When wrongs are not reported to police, are they dealt with informally in the community by organizations such as the Band Council, family services, or alcohol/drug counsellors?

Often___ **Sometimes**___ **Rarely**___ **D.K.**

15. People may not report crimes or legal wrongs for many reasons. How important do you think the following reasons are in this community:

	Very Important	Somewhat Important	Not Important	D.K.
a) there is a lot of community pressure not to report things to officials	_____	_____	_____	_____
b) the response by police and other officials is slow anyways	_____	_____	_____	_____
c) the response usually is not helpful and the problems and the offenders carry on	_____	_____	_____	_____
d) these matters get dealt with by family groups informally	_____	_____	_____	_____

NOW I WOULD LIKE TO ASK YOU A FEW QUESTIONS ABOUT POLICING HERE:

16. Thinking about the number of police you see in your community, would you say that there are:

- too many**
- about the right number**
- too few**
- d.k.**

17. Do you think the local police forces does: a good job, an average, or a poor job.

Mark one response for each:

	Good Job	Average Job	Poor Job	D.K.
Of enforcing the law and keeping order	_____	_____	_____	_____
Of responding to calls for service	_____	_____	_____	_____
Of investigating and solving crime	_____	_____	_____	_____
Of being approachable and easy to talk to	_____	_____	_____	_____
Of providing information to the public on ways	_____	_____	_____	_____

to prevent crime _____

Of working with other
community groups and
individuals to solve
community problems _____

18. During the last year did you talk with or were you in official contact with a local police officer specifically for any reason?

Yes _____

No _____ (*Go To Question 19*)

a) What were the circumstances of the most recent contact?

Do Not Read, Simply Record.

traffic incident

traffic or parking violation

complaint to police

request for police assistance

a non-traffic investigation by the police

a social occasion

other (*Specify*):

18. b) *If crime involved ask:* Were you a victim, witness, suspect, other? (*Specify*):

c) Would you say you were treated:

extremely well
fairly well _____
somewhat poorly _____
very poorly _____
d.k. _____

19. Would you say that, among most people you know well, the relations between the people and the local police officers are:

excellent _____
good _____
fair _____
poor _____
d.k. _____

20. Do you think your community is being adequately served by the police?

yes _____
no _____
not sure _____

21. In what ways is the policing service provided to your community inadequate:

22. In what ways is the policing service provided to your community especially good:

23. Does your community receive better, about the same or poorer quality police service than other nearby areas?

better _____

same _____

poorer _____

d.k. _____

24. In general, are there specific local problems that you feel the police should be trying especially hard to prevent or eliminate? *Record Verbatim. PROBE: FASTER RESPONSE? WORKING WITH YOUTH?*

25. Let's talk about what you think should be the priorities for policing in this community. Do you think that your police service should give low, medium or high priority to the following issues:

Issue	Low P	Medium P	High P
working with youth	_____	_____	_____

having school liaison by police officers	_____	_____	_____
security for seniors	_____	_____	_____
catching criminals	_____	_____	_____
traffic issues	_____	_____	_____
crime prevention programs (e.g. 'watch' programs)	_____	_____	_____
mediating disputes and peacekeeping	_____	_____	_____
working with other community agencies to develop new Mi'kmaq justice alternatives such as sentencing circles or diversion	_____	_____	_____

26. Are there any improvements or changes you would like to see in local police services in your community?

How much would you want any of the following changes? Would you say much, some or not at all?

	Much	Some	Not At All	D.K.
more police presence in the community	_____	_____	_____	_____
more strict enforcement of the law	_____	_____	_____	_____
more community input into policing	_____	_____	_____	_____
elders and other local leaders advising police on how to handle cases	_____	_____	_____	_____
more culturally sensitive police	_____	_____	_____	_____
more native female officers	_____	_____	_____	_____
greater band control over policing	_____	_____	_____	_____

27. I'm going to read you a few statements again. Could you tell me whether you agree or disagree with each of them.

	Agree	Somewhat Agree	Disagree	D.K.
a) police are influenced too much by the richer and more powerful people	_____	_____	_____	_____
b) there is too much pressure on officers raised in the community to treat their relatives and friends better than others	_____	_____	_____	_____
c) police in my area are usually willing to help out with almost any problem	_____	_____	_____	_____
d) police are careful not to arrest innocent persons	_____	_____	_____	_____

28. Do you believe that you are well-informed about what the police do and the resources they have available to do their work? Why do you say that?

29. Do you have any suggestions for how your police service could improve its communication with the people in your community? **PROBE: NEWSLETTERS, COMMUNITY ADVISORY GROUPS.**

- 30a. Increasingly Mi'kmaq people have the opportunity to develop alternatives to the present justice system which emphasizes arrests and court hearings. Are you in favour of your community becoming more involved in these alternatives such as sentencing circles and healing circles? **PROBE: WHY, WHY NOT, ANY CONCERNS PEOPLE HAVE?**

30b. Are there certain crimes or offenders that you believe should be only dealt with by the police and courts?

30c. Are there any particular new justice alternatives that you want in this community?

31a. Would you have the available time and like to be involved as a volunteer with public security and justice programs in your community?

yes _____

no _____

d.k. _____

NOW A FEW BACKGROUND QUESTIONS WHICH WILL HELP US DETERMINE WHICH SERVICES ARE NEEDED MOST BY VARIOUS GROUPS OF PEOPLE.

. In what year were you born? 19_____

. Are you single, widowed, married, separated or divorced?

single _____

married/common law _____

widowed _____

separated/divorced _____

. Which of the following best describes your main activity during the past year?

working at a job or business _____

looking for work _____

a student _____

retired _____

homemaker or housewife _____

other _____

If working, please describe your job.

. What is the highest grade or year you completed in your schooling?

. If you are not the chief income earner in this household what is the current job of that person?

THANK YOU VERY MUCH FOR PARTICIPATING IN THIS SURVEY. ONCE AGAIN LET ME ASSURE YOU THAT THIS INFORMATION WILL BE TREATED WITH RESPECT AND REMAIN CONFIDENTIAL.

INTERVIEWER'S COMMENTS: How did the interview go? Any peculiar circumstances? Any interesting remarks on policing, courts, courtworkers, and laws?

APPENDIX A

DRAFT INSTRUMENTS FOR CASE STUDIES ASSESSING THE EFFECTIVENESS AND SUSTAINABILITY OF THE FIRST NATIONS POLICING SERVICE

(...continued)

II. CHIEF AND COUNCIL AND POLICE ADVISORY RE THE POLICE SERVICE

BASIC: VIEWS ON PAST PERFORMANCE AND HOW IT CAN BE IMPROVED

STANDARD SIX POLICE FUNCTIONS:

- ◆ RESPONSE
- ◆ ENFORCEMENT
- ◆ CRIME INVESTIGATION
- ◆ APPROACHABLE AND FAIR
- ◆ CRIME PREVENTION WORK
- ◆ PUBLIC EDUCATION AND PROBLEM SOLVING

FNPP PRINCIPLES (ABORIGINAL POLICING DIRECTORATE):

- ◆ COMPARABILITY TO POLICING IN OTHER AREAS
- ◆ FN OWNERSHIP AND PARTNERSHIP
- ◆ CULTURAL SENSITIVITY

RCAP THEMES (ROYAL COMMISSION ON ABORIGINAL PEOPLES):

- ◆ COMPATIBILITY WITH ABORIGINAL CULTURAL FEATURES AND PREFERENCES

WHITE PAPERS (ONT., N.S. DEPARTMENT OF JUSTICE):

- ◆ GOVERNANCE MECHANISMS - COMMUNITY PARTNERSHIP, SETTING

OBJECTIVES, MONITORING PERFORMANCE, BEING INFORMED

THREE Es:

- ◆ IS THE POLICING EFFICIENT / EFFECTIVE / EQUITABLE?

NEW MOVEMENTS - WHAT'S HAPPENING HERE? WHAT'S WANTED?:

- ◆ NATIVE JUSTICE ALTERNATIVES?
- ◆ RESTORATIVE JUSTICE (ALTERNATIVE MEASURES, DIVERSION)?
- ◆ RCMP'S COMMUNITY JUSTICE FORUMS?

SPECIAL ISSUES:

- ◆ THEIR EXPERIENCES WITH THE POLICE TO DATE
(CONTACT? KNOWLEDGE? COMPLAINTS?)
- ◆ HOW DOES IT COMPARE WITH EARLIER YEARS?
- ◆ PRESENT CHALLENGES AND OPPORTUNITIES FOR POLICING?
- ◆ SUGGESTIONS FOR IMPROVEMENT IN POLICING?
- ◆ TYPES OF POLICE OFFICERS AND STYLES OF POLICING PREFERRED?
- ◆ ACTUAL INVOLVEMENT, IF ANY, IN SETTING POLICE PRIORITIES?
- ◆ BAND BY-LAWS - ARE THEY RELEVANT? ARE THEY POLICED?

APPENDIX A

DRAFT INSTRUMENTS FOR CASE STUDIES ASSESSING THE EFFECTIVENESS AND SUSTAINABILITY OF THE FIRST NATIONS POLICING SERVICE

(...continued)

III. COMMUNITY SERVICE AGENCIES' LEADERS ON POLICING

BASIC: VIEWS ON ITS PAST PERFORMANCE AND HOW CAN BE IMPROVED

STANDARD SIX POLICE FUNCTIONS:

- ◆ RESPONSE
- ◆ ENFORCEMENT
- ◆ CRIME INVESTIGATION
- ◆ APPROACHABLE AND FAIR
- ◆ CRIME PREVENTION WORK
- ◆ PUBLIC EDUCATION AND PROBLEM SOLVING

FNPP PRINCIPLES (ABORIGINAL POLICING DIRECTORATE):

- ◆ COMPARABILITY TO POLICING IN OTHER AREAS
- ◆ FN OWNERSHIP AND PARTNERSHIP
- ◆ CULTURAL SENSITIVITY

RCAP THEMES (ROYAL COMMISSION ON ABORIGINAL PEOPLES):

- ◆ COMPATIBILITY WITH ABORIGINAL CULTURAL FEATURES AND PREFERENCES

WHITE PAPERS (ONT., N.S. DEPARTMENT OF JUSTICE):

- ◆ GOVERNANCE MECHANISMS - COMMUNITY PARTNERSHIP, SETTING

OBJECTIVES, MONITORING PERFORMANCE, BEING INFORMED

THREE Es:

- ◆ IS THE POLICING EFFICIENT / EFFECTIVE / EQUITABLE?

NEW MOVEMENTS - WHAT'S HAPPENING HERE? WHAT'S WANTED?:

- ◆ NATIVE JUSTICE ALTERNATIVES?
- ◆ RESTORATIVE JUSTICE (ALTERNATIVE MEASURES, DIVERSION)?
- ◆ RCMP'S COMMUNITY JUSTICE FORUMS?

SPECIAL ISSUES:

- ◆ THEIR EXPERIENCES WITH THE POLICE TO DATE (CONTACT? KNOWLEDGE? COMPLAINTS?)
- ◆ HOW DOES IT COMPARE WITH EARLIER YEARS?
- ◆ COLLABORATION TO DATE (INTERAGENCY MEETINGS? INFORMAL MUTUAL HELP?)
- ◆ SUGGESTIONS FOR IMPROVEMENT IN POLICING (ESPECIALLY AS REGARDS COMMUNITY PROBLEMS, PROBLEM FAMILIES AND INDIVIDUALS)?

APPENDIX A

DRAFT INSTRUMENTS FOR CASE STUDIES ASSESSING THE EFFECTIVENESS AND SUSTAINABILITY OF THE FIRST NATIONS POLICING SERVICE

(...continued)

IV. FORMAT: SPECIAL INTERVIEWS AND FOCUS GROUPS

BASICALLY WE ARE INTERESTED IN THEIR VIEWS ON THE PAST POLICE

PERFORMANCE OR SERVICE IN THE COMMUNITY, WHETHER THERE HAS BEEN A NOTICEABLE CHANGE IN THE PAST THREE YEARS, THE MAJOR GOOD POINTS AND BAD POINTS ABOUT THE PRESENT POLICE SERVICE, AND SUGGESTIONS FOR CHANGE AND IMPROVEMENT, ALL FROM THEIR PARTICULAR STANDPOINT

1. HOW WOULD THEY RATE THE POLICE SERVICE FOR
 - (A) GOOD AND FAST RESPONSE TO CALLS AND INCIDENTS
 - (B) VISIBILITY AND GENERAL ENFORCEMENT OF LAWS
 - (C) INVESTIGATING AND SOLVING CRIME
 - (D) BEING APPROACHABLE AND FAIR WITH PEOPLE
 - (E) DOING CRIME PREVENTION ACTIVITY IN THE COMMUNITY
 - (F) WORKING WITH YOUTH AND OTHER COMMUNITY AGENCIES
 - (G) CARRYING OUT THE WISHES AND PRIORITIES OF THE COMMUNITY
 - (H) TAKING INTO ACCOUNT CULTURAL STYLE AND TRADITIONS
 - (I) REPORTING TO AND INFORMING THE COMMUNITY

2. WHAT HAS BEEN THEIR PERSONAL EXPERIENCE WITH POLICING?
 - (A) WHAT KIND OF CONTACT HAVE THEY HAD AND WHAT WAS THEIR ASSESSMENT OF IT?

(B) HAVE THEY HAD ANY INFLUENCE ON THE POLICING OR THE POLICE OFFICERS? MADE ANY SUGGESTIONS TO THEM OR RELAYED ANY COMPLAINTS TO THEM?

3. WHAT KIND OF POLICE OFFICERS DO THEY WANT? LOCAL PEOPLE? NATIVE OFFICERS? FEMALE OFFICERS? WHAT IS THEIR PRIORITY?
4. HAS THE POLICING IMPROVED OR WORSENERD IN RECENT YEARS? HOW? WHAT SUGGESTIONS DO THEY HAVE FOR IMPROVING THE POLICE SERVICE?

APPENDIX B

POLICING EFFECTIVENESS: THE CHALLENGES FOR NUNAVUT

"The problem is too big and complex for the police alone to deal with; nonetheless, they must become part of the solution." (Griffiths, 1995)

Policing in Nunavut is carried out by the RCMP as it has been for decades. Until the late fifties, and even later in some Arctic communities, the RCMP had a very broad policing role, providing many essential services to the Inuit, maintaining a registry, responding to diverse needs and so forth, in addition to enforcing the law and fighting crime (Clairmont, 1963; Jenness, 1964; Finkler, 1976; Wood and Griffiths, 1998). As the federal government's role expanded in the Arctic and social agencies got established in the area, there was a truncation of this police role to that character typical in the rest of the country. Nowadays there is a more restricted RCMP policing role in place - basically law enforcement and crime fighting in the conventional, incident-driven mode but with additional regulatory responsibilities with respect to matters such as firearm licences and drivers' licences (Wood and Trostle, 1997). Conventional RCMP policing has been criticized even while residents have exhibited a high level of dependency on police for basic community peace and order (Praxis, 1995). A recent assessment of police-citizen relations, sponsored by the RCMP (Qitsualik, 1995), found that residents in the Nunavut area wanted a new relationship with the police, a new pattern of police-resident interaction and a more proactive style of policing. The RCMP, with many celebrated exceptions (see also the examples referred to in Pauktuutit, 1995; Wood and Griffiths, 1998), were characterized as aloof, looking down on the residents, uninvolved in the community, and not sensitive to Inuit concerns to have a more family-oriented policing rather than one oriented to individuals and legal rights, which is the RCMP and indeed the mainstream policing style. The fact that very few RCMP officers could communicate in Inuktitut was also seen as a shortcoming (Qitsualik, 1995). It is interesting that the Nunavut area residents also wanted faster response to their calls for service and round-the-clock service. Clearly their demands and expectations in the area of policing are very extensive. There would appear to be a high dependence on formal controls embodied in external agencies for maintaining peace and order in these small Nunavut communities (Peryouar, 1997), perhaps the legacy of colonialism, or better, the

combination of traditionally weak constraints and the impact of colonialism (Graburn, 1969/70).

As a police service the RCMP is committed, formally, to community-based policing and to restorative justice in the guise of family group conferencing or community justice committees. A leading RCMP spokesperson recently commented at an Iqaluit conference that "keeping people out of jail" is the basic RCMP philosophy in Nunavut (Office of Interim Commissioner, 1997). Interestingly, this formal mandate is much broader than the RCMP had more than a half century ago, but, in practice, it could be argued that the actual mandate or behaviour of RCMP was more like community-based policing in those earlier times (Head, 1989; McLauchlin, 1997). In any event, these two hallmarks of today's progressive police organizations, community-based policing and restorative justice, could have significant impact for two major objectives of Nunavut, namely empowering the local communities and facilitating Inuit impact on the philosophy and practice of the justice system. They could go a long way, it would seem, to meeting the criticisms outlined in the Qitsualik report and reiterated elsewhere (Canadian Panel on Violence Against Women, 1993). At the same time it must be acknowledged that the community-based policing philosophy in modern Canadian policing has become more an official morality than a pervasive actual practice (Clairmont, 1991). And numerous inquiries into policing have established clearly that culturally sensitive policing is difficult to achieve given police subculture, organizational characteristics (e.g. hierarchy), and institutional linkages (Sunahara, 1992).

Nunavut can be characterized as a comparatively high crime area with a significant problem of social disorder, which suggests both ineffective community controls and a largely reactive criminal justice system. In particular it features serious violent crime committed by young male adults for whom there appears to be little effective deterrence in place (Clairmont, 1998). The high level of crime, its serious nature, and the small and widely dispersed RCMP detachments in the Nunavut area make the commitment to progressive policing an especially formidable challenge. Both community policing and diversion (i.e. as embodied in community justice committees) are often quite time-consuming and require skills and training additional to what is provided in the conventional police academies. Currently in the Iqaluit RCMP sub-division, which has responsibility for Nunavut's most populous region (Baffin Island and a few other areas), there are typically only one or two officer detachments for the communities outside Iqaluit (Seagraves and Associates, 1996).

Apparently, in many if not most Nunavut area communities, community justice committees have been funded and organized by GNWT's Community Justice Division with some collaboration with the RCMP. There has been much diversion of youth offences (Office of Interim Commissioner, 1997); as well, in some communities, crime prevention projects have been launched by local community committees. It appears that the community justice committees have operated largely on a 'panel model' wherein several community residents meet with the offender and determine the appropriate disposition or sentence. Although some of the training provided by the RCMP has emphasized the use of the family group conferencing approach (see Bazemore and Griffiths, 1997) there have been few if any community justice committees that have used that model for diversion. Unfortunately there are no reports or evaluations available so neither the frequency of the types of diversion nor their effectiveness can be specified. There is little programming directed at the major offender grouping, namely the young adult males. There is some information from published reports and interviews that there is a heavy dependency upon the local RCMP to maintain peace and order and that it has been difficult to get Inuit residents involved in committees and police partnering (Griffiths, 1995); indeed it has been reported that in some communities residents fear when the local RCMP member leaves for a short time for vacations and the like. And RCMP members in the area have indicated that they do not have the resources to meet the many diverse, high expectations, expectations that in their view, significantly exceed those "in the South" (Qitsualik, 1995). The relatively high police to population ratio (one officer per 280 residents in the Iqaluit sub-division) would seem to preclude any significant increase in officer complement.

There are a number of ways that the RCMP as an organization can position itself to be more responsive to Inuit concerns (see Head 1989). There would appear to be several specific strategies that can be considered in order to facilitate the kind of policing, represented by community-based policing and community justice committees, which is desired by residents and which would go some way towards achieving local influence in the justice system. Serious thought might be given to extending the apparently successful Community Constable Pilot Project (CCPP) which has been implemented in Coral Harbour (see the evaluation of the modest initiatives in Seagraves et al, 1996) and in other NWT communities. This program entails hiring local residents on a part-time basis to back up the RCMP in one or two member detachment and to liaise with the community residents in

their own language. A similar and apparently successful program in the NWT (i.e. the CCTP) has been spawned with a focus on local ordinances or by-laws. It can be noted too that the RCMP has recently become involved with a revitalized band constable system among the Cree in northern Alberta, an initiative which sees the band constables increasingly well-trained and engaged in serious investigative police work in collaboration with RCMP officers.

In Greenland the system of regular and special officers, most all of whom are Greenlanders, appears to work quite well and the police there exercise a very broad policing mandate relating to expansive policing and security concerns that go well beyond conventional policing tasks (Northern Justice Society, 1992). There has been a minor problem of officer turnover in Greenland and this problem may well occur in Nunavut. Policing in one's home community where kinship ties are dense and family responsibilities and loyalties accorded high priority, can be quite taxing for officers and problematic for the police service. This problem can be attacked in a variety of ways (via better training, public education) and is found in many jurisdictions. However, it is important to note that RCMP officers turnover too in the sense of getting regularly re-posted after a few years; as one Inuit commented "policing policy changes when personnel changes, as the new officer will bring in a different policy" (Interview, 1998). Moreover, as community residents take responsibility more, and policing and security become defined as intrinsic to community civic culture, it might well be that the pressures causing turnover among Inuit officers would decrease. There are, in sum, a range of police organizational options that could be considered (see also Dube, 1995) especially in the short-run where the prospects are poor of hiring Nunavut residents as full-time regular officers. It is expected that there may be, at most, some five or six Inuit officers among the RCMP complement of 112 officers in April 1999. Of course the latter should be considered a long-term strategy as many Inuit organizations have demanded (Nunavut Tunngavik, 1997), and, in order to realize this long-term goal, the RCMP might have to supplement its existing progressive policies of aboriginal recruitment (e.g. pre-recruit training as in the Inuit Development Program) with programs directed at youth and high school students. While no information is available on the success of RCMP aboriginal recruitment policies, it is evident from the huge increase in RCMP officers of aboriginal descent, both male and female, over the past seven years, that there has been considerable recruitment success (see for example Murphy and Clairmont, 1996).

Apart from recruitment and staffing, short-term or long-term, there is the issue of the style of policing that will encourage partnership and community empowerment. While hiring Inuit and encouraging candidates of both genders can facilitate the needed style of policing, it would not guarantee it. One Inuit police supervisor in Nunavik commented that "we should be policing our way", and then noted that with respect to special techniques such as peacekeeping and dispute resolution, "we don't have any and never had". Clearly a problem-solving type of policing, and one that interprets its mandate in conjunction with Inuit value emphases, could be such a policing style. As Griffiths et al (Praxis, 1995) have indicated, police may have to exhibit more leadership, inviting community input through regular community accountability sessions, open-line radio (a major communication strategy in the Eastern Arctic) and so forth. Police stewardship with respect to crime and general social disorder must become more transparent if it is ultimately to transfer much responsibility back to where it belongs - the local community.

On a more general level the strategy would seem to be to encourage the growth of a strong civic culture, a higher level of community activism among residents, and a recognition that policing and security are part of the community institutions, and only in limited ways represented by the police with their monopoly on the legitimate use of force, and their skills and authority for dealing with offences. Presumably a strong civic culture will ensure that the local community "plays a central role, not only in monitoring and contributing to what police do, but in taking direct responsibility for policing" (Brogden and Shearing, 1993). Police-community partnership would imply an active community response. This would not only mean more volunteers to work with police on various committees, but also regular accountability sessions where policing and security concerns are addressed and there is discussion with the police on how they fit in with the overall community approaches. Hopefully there would be less social disorder and public mischief for police to respond to because the community has assumed more responsibility. Clearly, in the short run at least, more resources would have to be allocated for training and education of residents, as has been necessary in other aboriginal communities that have seized the leadership in policing and security (e.g. Aboriginal Corrections, 1997). There are other strategies too. One way to spawn that civic culture might be to encourage residents to learn about policing at the same time as police are trained to provide a culturally sensitive style of policing; such a dual path model has been successful in other jurisdictions (Clairmont, 1996). It may be argued that civic culture is an assertive style and

that Inuit shun confrontation and are culturally predisposed to non-intervention and personal autonomy. While this characterization finds support in the anthropological literature (Hoebel, 1964; Graburn, 1969/70) and in indigenous knowledge, one can also find support in both sources of knowledge for the conception that Inuit traditionally did have public confessionals and confrontation (e.g. song duels, public scoldings) and that they have always exhibited a celebrated pragmatism and experimental perspective (Briggs, 1991; Mitchell, 1996), characteristics that should hold them in good stead as they move from colonial status to self-government.

APPENDIX C

RESTORATIVE JUSTICE: FROM THE MARGINS INTO THE MAINSTREAM IMPLICATIONS FOR EFFECTIVE POLICING IN FIRST NATIONS

BY DON CLAIMONT

DALHOUSIE UNIVERSITY, JANUARY, 2000

RESTORATIVE JUSTICE

"Restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future."

(United Nations Working Group On Restorative Justice, 1996)

Restorative justice is a major philosophical movement and social construction in contemporary modern society. Its central premise is that crime is a violation of people and relationships and that the task of the justice system is to repair the harm done to the parties and restore harmony to the community. Some key themes of restorative justice include the ideas that the conventional criminal justice system does not meet the needs of the victim, offender or the community, and that all of these parties have to become, as they were in earlier times, more active participants in experiencing justice. This type of philosophy or approach is deemed quite compatible with traditional small societies, given their emphasis on restoration, harmony and community when confronted with harmful actions (LaPrairie, 1993; Depew, 1996), but it remains contested on the terrain of modern, heterogeneous, urbanized society. It does presume a certain level of communitarianism (Etzioni, 1993; Depew, 1996) since it requires interaction, activity and collaborative problem-solving and accommodation on the part of community members. In the forefront of the restorative justice approach in Canada have been religious-based groupings such as the Mennonites and prison chaplains, aboriginal persons and groups, and 'progressive' Justice officials (e.g. police, judges, bureaucrats). It could be argued that, while sharing a common core of beliefs and values, each of these groupings has a particular central thrust in its advocacy of

restorative justice. The religious bodies have emphasized apology and forgiveness on a personal and interpersonal basis (Tavuchis, 1991). Justice officials and academics have emphasized effectiveness in dealing with victimization and recidivism by getting to the root of the problem situation and dealing with it by harnessing the support of positive 'significant others' (Braithwaite, 1994, 1996); for some advocates this has translated into an emphasis on social development and community mobilization (LaPrairie, 1993). Aboriginal influences have emphasized more the community and its ownership of justice, both substantively and procedurally (Jackson, 1992). This latter position is understandable since many aboriginals have seen the conventional criminal justice system as controlled by outside persons with different values and traditions, and as both over-representing them as offenders and inmates, and not effectively dealing with the crime and social disorder in their communities. For many aboriginal advocates, restorative justice is a way to reassert control over their lives, re-connect with certain values and traditions and rebuild their communities (Stevens, 1994).

TWO PHASES OF RESTORATIVE JUSTICE:

Restorative justice ideas and practices were quite popular throughout the western world in the 1960s and 1970s, spurred on by religious bodies, social critics and reformers within the justice system. Particular programs emphasized included community mediation, court-based mediation, victim-offender reconciliation, and diversion of youths and adults for minor offences. By the mid-1980s most initiatives had suffered serious setbacks and the surviving programs were primarily those closely connected to the mainstream justice system and seen basically as an arm of it, such as court-based mediation (Merry, 1990). While the reasons for the setbacks were many, the chief one was that the programs did not offer a significant and authentic alternative to the conventional Justice practices; they were marginal justice activities; offenders did not opt for them and they had little demonstrated impact on recidivism or other key criteria (Feeley, 1983); and they were not authentically community-based (Fitzpatrick, 1992). Other weaknesses included poor program implementation, poor networking with justice system officials, preoccupation with organizational survival (which led the sponsoring agencies to focus on low risk offenders and use discounted criteria of success), and too great an emphasis on a client approach (i.e. the offender) to the neglect of victims and the community at large.

Over the past decade or so, for a host of push and pull reasons, the restorative justice movement has been rejuvenated. In this new phase major stimuli have been the high costs and negative impact of incarceration, claims of ineffectiveness and inefficiency in the way the mainstream justice system deals with offenders, victims, and community concerns, and pressure from the aboriginal communities for greater control over a justice system that might operate on somewhat different principles in their communities (Clairmont, 1996; Linden and Clairmont, 1998). The current restorative justice movement is more international than its earlier version and highlights mediation and diversion programs such as family or community group conferencing, victim-offender reconciliation panels, and circle sentencing (Saskatoon, 1995; Galaway et al, 1996; Church Council on Justice and Corrections, 1996; Bazemore and Griffiths, 1997). There is a significant amount of restorative justice activity going on in Canada today (Clairmont, 1998) and throughout the world (Galaway et al, 1996). Also, much more is known about successes and failures in the operationalization and delivery of such programming (McCold, 1997) though, unfortunately, the quality and generalizability of information remain problematic and it is not clear that lessons learned from past experience have been incorporated in the new designs. While the restorative justice programming is more institutionally rooted than in the earlier era and has spawned numerous manuals, guidelines and monitoring/evaluation strategies, it is still not clear whether it will be appropriately implemented and what its impact will be for offenders, victims and others (Daly, 1996; Clairmont and Linden, 1998).

There is reason to believe that restorative justice may be most successful, and generate a community impact as well as an impact on offenders, in communities, such as First Nations, which are small, relatively homogenous, characterized by significant communitarianism and able to draw on revitalized and re-worked traditions as mobilizing myths (Church Council, 1996; Hazlehurst et al, 1997). In large urban areas, successful restorative justice appears to be tied up with a quest for community defined as support groups and ego-centred, micro networks. Whatever the milieu, it is presumed that the concerned parties will respond to the opportunity to experience justice and that the experience can be beneficial for all of them. It also appears that the value of restorative justice may hinge upon its programs dealing with serious offences and offenders and not being hived off either administratively or at 'front-end' (i.e. police charging) entry points (LaPrairie, 1996, 1997;

Clairmont, 1999). Whatever the venue, restorative justice is a demanding Justice style which flies in the face of the larger societal emphasis on professional, bureaucratic processing of people and incidents, as well as the emphasis on retributive justice and the principle of "just deserts" (Giddens, 1990). There remains too a legacy of criticisms, namely that restorative justice programs may further disadvantage certain groups (e.g. female victims), that while in principle they highlight concern for victims, actual programming focuses more upon the offenders as 'clients' (Clairmont, 1996), and that the official governmental sanction of this approach might mask an off-loading of problems without providing communities with the resources they need to meet the challenge. Here some critics draw the analogy of the earlier de-institutionalization of mental hospitals without adequate funding of community alternatives. Restorative justice initiatives such as family group conferencing, circle-sentencing and victim-offender conferencing would clearly require more community involvement and a more intensive interaction with offenders, victims, and perhaps their supporters, than is featured in current programming such as alternative measures. They require more volunteers and more training for community members. And, insofar as these initiatives succeed in penetrating the mainstream justice system, presumably they will focus on more serious matters which may pose serious challenges for facilitators and participants (e.g. more intense emotion, more intractable issues to be dealt with). Nevertheless, there appears to be a growing consensus that the response of the criminal justice system has been in large measure, ineffective and that something different must be considered. It clearly is time to bring the restorative justice perspective into the mainstream and examine its value. Ultimately, as Carol LaPrairie observes (personal communication), restorative justice approaches must acquire credibility and acceptance as legitimate and 'real justice' if they are to effect change and impact on the policies and guidelines that direct decision-making.

The Law Commission of Canada has recently produced a discussion paper (From Restorative Justice To Transformative Justice, 1999) which describes and advocates the restorative justice perspective in criminal justice, and champions its extension to other conflicts and problematic relationships (hence the reference to Transformative Justice). It emphasizes the essence of restorative justice as being "a set of ideas about how justice as a lived experience should be pursued" and contends that the time is ripe for "justice as promoting harmonious social interaction". There is a clear inference too that restorative justice would effect a more equitable justice, since in

the current system, which has a retributive thrust, offenders of low socio-economic status are very disproportionately charged, convicted and incarcerated.

The paper acknowledges potential pitfalls or shortcomings such as the relevance of restorative justice for the macro, structural conditions associated with criminogenic patterns, the possibility that in practice it might simply result in another layer of adjudicative authority added to the existing criminal justice apparatus, and the great challenge of implementing its philosophy especially as regards victims and the community. With respect to the latter point, it can be noted that restorative justice is replete with rhetorical flourishes to victim and community but sceptics wonder whether such references represent more "the sizzle than the steak". The paper does not discuss some major criticisms such as the danger that restorative justice could amplify the inequities of the formal criminal justice system by "coercing" the less powerful and less resourced populace into its stream (administrative justice for the disadvantaged?); moreover it says nothing about several of the major controversies in contemporary discussions of restorative justice implementation, namely whether and how it might be utilized in cases of sexual assault and wife battering. Still, the document reinforces the claims of restorative justice advocacy, adding the influential support of the Law Commission of Canada to this revitalized movement in the criminal justice field.

RESTORATIVE JUSTICE & POLICING EFFECTIVENESS IN FIRST NATIONS:

Policing effectiveness cannot be divorced from general principles of "good policing" or, more succinctly, visions of what policing should be all about. Restorative justice impacts on these principles and subsequently, the measures of effective policing, in a variety of ways. The chief entry level for diverting incidents from the court processing system to restorative justice programs is at the police level. Without police collaboration most restorative justice programs would not succeed, especially at this point in time when the dominant societal orientation is a punitive one and criminal justice officials appear reluctant to resort to restorative justice practices to deal with serious offenders, adult offenders and repeat offenders. Restorative justice would presumably place greater emphasis on peacekeeping activities by police services. It would require special skills and training even if the role of the police officers in such programs is one of participant rather than facilitator.

Restorative justice may be quite labour-intensive, thereby requiring trade-offs in police services where resources are quite limited. Clearly, then, in a community and police service where restorative justice is emphasized, there are potentially profound implications for policing activity and for the assessment of the effectiveness of the police service.

The increasingly popular restorative justice movement in the field of criminal justice may resonate well in FN policing. It can be noted that the First Nations Chiefs of Police Association has expressed concern that peacekeeping may be sacrificed to law enforcement priorities in resource-limited FN police services (FNCPA, 1999). Certainly, too, restorative justice fits well with the discourse of healing and reconciliation that is increasingly popular in FNs' orientation to crime (Aboriginal Corrections, 1997). Indeed, some aboriginal leaders have emphasized that current restorative justice thinking - especially perhaps its popularity in government circles - has drawn heavily from aboriginal traditions (Ross, 1996). There is little doubt that, on the surface at least, FN communities and crime patterns have central features that lend themselves to the successful adoption of restorative justice practices - the communities are fairly homogeneous, kinship ties are strong, communitarianism is well-rooted, offences are disproportionately ones of interpersonal violence and social disorder (Clairmont, 1992; Ross, 1992; Kowalski, 1999), and offenders typically return to their small communities where contact between victim and offender is extremely difficult to avoid.

At the same time it is unclear how prepared for, or interested in, restorative justice, FN police officers and police services are. In the larger society police services have generally been supportive of alternative justice programming for young first-time offenders accused of minor crimes. They have been more reluctant to support a more mainstream restorative justice program dealing with adults and serious offenders. Training and orientation sessions are typically required to secure the police service's collaboration even at modest levels. Evaluation studies indicate that police officers respond positively to this training and that officers can be effective facilitators in restorative justice programs, though a consensus appears to be developing in restorative justice programming that police officers should be participants but not assume this central role (Clairmont, 1999). Research has also generally found that FN officers, whether in the Canada (Clairmont, 1997) or the United States (Barker, 1997) are strongly committed in practice to conventional

professional policing norms and, while acknowledging cultural traditions which might support a more peacekeeping or restorative justice thrust, do not associate these views or traditions with their everyday policing behaviour. It cannot be assumed then that FN officers or services automatically link up appreciation for cultural traditions with standards for police performance. Nor can it be readily assumed that all, or even most, community residents would agree with the thrust and implications of a pervasive restorative justice approach. Research has generally found a strong commitment to the conventional, more punitive justice orientations among FN community residents (Auger, 1991; Stenning, 1992, Clairmont, 1999). It must be noted that the first 'formal' circle sentencing exercise in Canada was introduced as recently as 1991 in the Yukon Territory by non-native justice officials; many FN and other aboriginal persons do not especially identify with these ways of dealing with crime and disputes.

Overall, then, in both FN police services and FN communities, restorative justice and other more culturally distinctive (or, better, culturally justified) philosophies of good policing will probably not be without controversy in practice and will require, as in the celebrated program of Hollow Water (Aboriginal Corrections, 1997), much community conversations and 'training'. There is an increasing amount of conversation and training on these alternatives to conventional policing and justice; for example, the Aboriginal Justice Learning Network has developed a number of instructive videos and other learning materials which are available to FN police services and communities. In addition to the presumed better fit of these alternative conceptions of justice, and by implication good policing, to FN community and crime conditions as noted above, it can be argued that it is in the interests of stand-alone FN services and the movement for greater FN autonomy in justice matters, that alternative styles are explored; the Royal Commission on Aboriginal Peoples (RCAP, 1996) itself argued that the assumption of cultural distinctiveness in institution formation significantly enhances treaty claims for greater self-direction and pluralism in justice matters. It seems clear, too, that as this direction is pursued there could be major implications for the principles of good policing by FN police services and, correspondingly, profound implications for considerations of effective performance by officers and police services.