

**ABORIGINAL POLICING IN CANADA: AN OVERVIEW
OF DEVELOPMENTS IN FIRST NATIONS**

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I. INTRODUCTION

This paper deals with the evolution of Aboriginal policing in Canada, especially developments in Ontario. Highlighting the Ontario patterns directs attention in turn to the emergence and experience of the self-administered First Nations police services (SA), the norm for reserve policing in that province. The paper begins with a chronology of the major events and phases in Aboriginal policing over the past 50 years. An overview chapter then depicts the evolution of Aboriginal policing among the Royal Canadian Mounted Police (RCMP), the Ontario Provincial Police (OPP), and SAs (primarily in Ontario). Subsequent sections focus on the various types of SAs, describing the issues and challenges associated with each type and providing in-depth case studies of at least two in each type. These nine case studies include four SAs outside of Ontario. The paper is based on extensive fieldwork carried out over a 15-month period across Canada. One hundred and five persons were interviewed one-on-one, in-depth, some several times. The interviewees included police officers, government officials, First Nation political leaders and community activists. A list of these persons, by role and province, but not by name, is appended to the paper (see Appendix A). In addition there was a review of relevant literature and major documents. Significant information was accessed through the Internet and much valuable follow-up material was gathered via e-mail exchange with interviewees.

While the fieldwork was extensive rather than intensive in that site visits were of short duration, the paper also draws upon more intensive research on Aboriginal policing carried out by me between 1995 and 2002, which is cited in the appended References list. It also draws upon case studies and the evaluation of the First Nations Policing Policy conducted for the Aboriginal Policing Directorate by Prairie Research Associates in 2005. The research was conducted in concert with research commissioned by the Ipperwash Inquiry on policing Aboriginal occupations and protests. That research, co-directed with Jim Potts, resulted in the paper “For The Nonce: Policing Aboriginal Occupations and Protests” (Clairmont and Potts, 2006), which is a companion piece to this one. The methods and research premises of that paper describe well the approach used for this paper as well, and the reader is referred to it for elaboration of those issues. The section “An Overview of Aboriginal Policing” presented in this paper is essentially reproduced from the companion piece, though truncated and slightly modified. This paper concludes with a section entitled “Future Directions.” It is quite different from a similar section that concluded the “For The Nonce” paper, but since the future directions and suggestions of the latter are quite salient, that piece has been reproduced in Appendix B for the convenience of the reader.

II. CHRONOLOGY AND PHASES

Chart 1 and 2 provide a list of the major events that have shaped Aboriginal policing in Canada over the past 50 years and the phases of that evolution. The chronology is fleshed out in the following section “An Overview of Aboriginal Policing,” and has been discussed in depth in the researcher’s publications on the topic (Clairmont, 2000 , 2001, 2002). Suffice it here to note that perhaps the three central events in shaping Aboriginal policing have been (1) the withdrawal of the RCMP from regular policing in First Nations in Ontario and Quebec announced in the 1960s, (2) the Department of Indian Affairs and Northern Development’s (DIAND) 1971 Circular 55 policy on policing Aboriginal communities, and (3) the First Nations Policing Policy (FNPP) approved by the federal government in 1991. In a nutshell, the RCMP’s withdrawal from First Nation policing in Ontario and Quebec resulted in diverse styles in Aboriginal policing and ultimately in a context where self-administered First Nation policing could be meaningfully experienced and assessed. DIAND’s Circular 55 articulated for the first time the federal government’s objectives and principles of Aboriginal policing and facilitated the growth of the band constable services as well as greater participation by Aboriginals as advisors and colleagues in reserve policing. The FNPP advanced significantly on the objectives and principles of Circular 55 and also launched new organizational structures (e.g., the Aboriginal Policing Directorate under the Solicitor General Canada), new funding arrangements, and the tripartite agreement format for the development of either self-administered fully authorized police services (SAs) or community tripartite agreements (CTAs) where the RCMP (linkages with other police services are possible) provided the policing services under specified contractual terms. The chronology documents the profound changes that have taken place in Aboriginal policing, not only with respect to the emergence of the SA service model but also with respect to the way the RCMP, OPP, and Surêté du Québec (SQ)—the three senior police services in Canada—engage in Aboriginal policing.

Chart 2 in effect groups the chronological events in order to highlight certain evolutionary stages. These too are discussed in the next chapter and in the references already cited. Phase One succinctly identifies the features of Aboriginal policing from Confederation and the *Indian Act* to 1960, namely, that all the policing was federal, involved a broad policing mandate wherein officers carried out a wide range of tasks in addition to conventional law enforcement, and where Aboriginal persons engaged with the policing service were helpers rather than colleagues. Phase Two was marked by the RCMP withdrawal from policing First Nations in Ontario and Quebec, a contraction of the policing mandate to conventional policing duties, and greater participation by Native persons in reserve policing. Phase Three, from the early 1970s to early 1980s, saw many developments occasioned by new policies such as Circular 55. These included the embryonic emergence of self-administered First Nation police services, the 3B (RCMP Indian Special Constable Program) and equivalent options in RCMP, OPP, and SQ police services where Aboriginal persons were directly employed to assist in policing, and new governance measures such as the Ontario Indian Police Commission.

Phase Four was the break-out phase for Aboriginal policing. Inquiries and commissions across Canada sharply criticized how Aboriginal people were policed and typically called for major changes though usually not self-administered First Nation police services. The FNPP and its imperatives, as noted above, drove many police changes and these were underlined by the recommendations of the Royal Commission on Aboriginal Peoples that encouraged greater self-directed and culturally appropriate policing in First Nation communities. Numerous tripartite policing agreements were negotiated among the federal, provincial, and Aboriginal governments, and the self-administered First Nation police service model became a reality. Phase Five, up to the time of this fieldwork, has featured near complete tripartite coverage of First Nations throughout Canada, the growth of SAs to roughly 50 then declining slightly, and extensive indigenization in all First Nation policing whether self-administered “stand-alone” (SA) or CTA. Concurrent with these developments has been diversity associated with the different SA service models—these will be discussed below at length—and, in some First Nations, related institutional developments such as legal services. Looking to the future, there are a number of central issues such as how effective, efficient, and sustainable the SAs are that have been established, what the types of SAs are and their specific challenges, to what extent Aboriginal policing is any different from mainstream policing, and how contemporary trends in enhanced provincial standards for policing and in amalgamation and/or regionalization have impacted on Aboriginal policing. These issues will be referred to in the following chapters.

CHART 1: ABORIGINAL POLICING IN CANADA—A CHRONOLOGY

- 1960s: **RCMP announces its withdrawal from policing First Nation communities in Ontario and Quebec.** The pull-out was transitional, announced in the early 1960s, begun in the mid-1960s, and officially completed when the Indian Agent role was abolished in 1971.
- 1965–68: **DIAND initiates the Band Constable Program.** It appears (Prairie Research Associates, 2005a) that the first band constables were hired in 1965–66 though some reports indicate the program was formally introduced in 1968. Band councils increasingly had been demanding the right to hire their own Indian constables. Band constables usually were appointed under RCMP warrant, paid from band funds (DIAND-funded), and were directed by the band councils with guidance from the RCMP or other provincial police service. A variant of the basic model was the special constable hired by the RCMP who was exclusively directed by the RCMP. By 1971 there were 121 band constables in Canada.
- 1968: **Kahnawake peacekeepers program starts.**
- 1971: **DIAND issues Circular 55.** Introduced in response to pressures from Native groups and the RCMP, it allowed for special constables who would

not be restricted only to policing band bylaws but could supplement, not supplant, senior police in the local area. It recommended parameters for policing in First Nation communities, and its principles were followed in the FNPP initiated 20 years later. Under Circular 55 band council initiatives were launched among the Blood in Alberta, Mohawk in Kahnawake, and the James Bay Cree in Quebec.

- 1973: **DIAND task force recommends three choices for policing in Aboriginal communities.** The Band Constable Program was encouraged to evolve through the development of a special constable program within existing senior police services. This took the form of the Indian Special Constable Program. In the RCMP this was labeled the 3B Program, in Ontario, the Ontario Indian Reserve Constable Program, and, in Quebec, the Amerindian Police Program.
- 1973: **RCMP 3B policing program begins.**
- 1975: **Ontario Indian Special Constable Program (OICP) begins.** This program, sometimes referred to as the Indian Reserve Constable Program, was established by the federal and provincial governments in response to the Ontario Task Force on Policing in 1972. The officers were appointed at the request of chiefs and councils, and these community officers were supported, administratively and operationally, by the Ontario Provincial Police. By 1988 the program included 132 officers in over 66 locations.
- 1975: **Amerindian Police Program is established in Quebec.**
- 1970s: **DIAND undertakes evaluation of Band Constable Program.**
- 1978: **Dakota-Ojibway Tribal Council Policing Program is established.**
- 1978: **James Bay Agreement authorizes the development of autonomous police services for the James Bay Cree and the Naskapis.**
- 1981: **The first tripartite policing agreement, involving the federal and Ontario governments and First Nation leaders, is signed in Ottawa.** It called for the establishment of the Ontario Indian Police Commission.
- 1982: **Five hundred officers are now employed in First Nation communities (including 130 band constables).**
- 1983: **The federal government requests that DIAND and the Solicitor General Canada comprehensively review the federal involvement in policing services,** and in 1990 the Indian Policing Policy Review produced its Task Force Report.

- 1983: **National evaluation overview of Indian policing is undertaken.** Focusing on RCMP 3B, Dakota-Ojibway Tribal Council Policing Program, Amerindian Police Program, and OICP, it was carried out by Social Policy Research Associates, for DIAND.
- 1987: **Louis Bull Reserve achieves the first self-administered First Nation police service** (with policing powers equivalent to a municipal police department).
- 1989: **RCMP Assistant Commissioner Robert Head produces his report, *Policing for Aboriginal Canadians: The RCMP Role*.** This report was quite critical of extant RCMP policies (including the 3B Program) and called for major changes in virtually all aspects of RCMP policies concerning Aboriginal policing.
- 1989: **Self-directed police services at Six Nations and Akwesasne are put in place between 1989 and 1991.**
- 1989: **The Ontario First Nations Policing Agreement (FNPA) is negotiated,** creating fully authorized First Nation Constables on reserves, supplemented by the OPP. The Six Nations Police Service was established with a tripartite agreement under Ontario's FNPA. Its members had full peacekeeping powers in their area.
- 1989–92: **Inquiries and commissions, established to examine critical incidents and shortfalls in Aboriginal policing, report their findings and recommendations.** These inquiries and status reports took place across Canada, including Nova Scotia (Hickman Inquiry, 1989), Alberta (Rolf Inquiry, 1991, Alberta Task Force, 1991, Attorney General, 1991), Saskatchewan (Linn Inquiry, 1991, 1992), Manitoba (Hamilton Inquiry, 1991), Ontario (Attorney General, 1986 follow-up by the Osnaburgh-Windigo status report 1990) and the Law Reform Commission of Canada (1991). The reports were unanimous in decrying the effectiveness of the policing of Aboriginal people in terms of sensitivity to cultural considerations, lack of community input, biased investigations, minimal crime prevention programming, and fostering alienation from the justice system by Native people.
- 1991: **New First Nations Policing Policy (FNPP) is approved by the federal Cabinet.** Responsibility for First Nation policing was Transferred April 1, 1992, from DIAND to Solicitor General Canada and, subsequently, to its sub-unit, the Aboriginal Policing Directorate. Incremental funding was approved, in the amount of \$116 million over five years, to implement the new on-reserve policy emphasizing tripartite agreements. The basic principles for policing in First Nations were similar to those advanced in 1971 by Circular 55. The FNPP allowed for either self-administered (SA)

First Nation police services or community tripartite agreements (CTAs) where policing services were contracted, virtually always with the RCMP outside Ontario and Quebec. All agreements entailed budgets that were cost-shared between the federal and provincial governments.

- 1991: **The RCMP change the status of the Indian Special Constables** (i.e., the 3Bs) by making them full members, and the Program itself evolved into the Aboriginal Community Constable Program (ACCP).
- 1992: **The Aboriginal Policing Directorate (APD) is established under Solicitor General Canada.**
- 1992: **The Ontario First Nations Policing Agreement is signed for the period 1991–96.** This was a tripartite agreement that broadened the choice of policing models for Ontario First Nations, including the self-administered option. It doubled the number of funded officers in the OPP-administered policing program and increased the number of participating First Nation communities to 74.
- 1992: **Emergence of the self-administered, fully authorized First Nation police service (SA).** While two such self-administered First Nation police services preceded the FNPP and several others formed after 1991 had deep roots (e.g., the Blood Tribe Police Service and the Dakota-Ojibway Police Service), most SAs began after the FNPP was adopted.
- 1992: **First Nations Chiefs of Police Association (FNCPA) is established.** This body brought together the chiefs of police (and others) of self-administered First Nation police services throughout Canada and was supported by the APD.
- 1993: **First annual First Nations Police Governance Workshop is held.** This initiative brought together the police boards or governance bodies for the self-administered First Nation police services throughout Canada and was supported by the APD.
- 1994: **A tripartite agreement is signed, establishing the Nishnawbe Aski Police Service in Ontario.** It was projected to be by 1998 the largest First Nation police service in Canada, having 150 officers policing 49 Cree and Ojibwa reserves and covering a geographical area the size of France.
- 1995: **Evaluation of the First Nations Policing Policy and Program.** This was conducted by Jamieson and Associates on behalf of the Solicitor General Canada. The evaluation concluded that the FNPP was “sound and on track.”

- 1995: **Forty-six tripartite agreements have been signed and more than 800 First Nations officers are now employed in policing in First Nation communities.**
- 1995: **National survey of front-line police officers in all Aboriginal communities.** This was carried out by Murphy and Clairmont on behalf of the Aboriginal Policing Directorate
- 1996: **First annual General Meeting of FNCPA is held in Ottawa.**
- 1996: **The Royal Commission on Aboriginal Peoples' report on Aboriginal people and criminal justice in Canada is released.**
- 1998: **By this date, 111 tripartite agreements have been signed, and there are more than 850 First Nation officers employed in policing in First Nation communities.**
- 1999: **Inquiry at Tsuu T'ina First Nation (Alberta) begins.** This inquiry concerned the police shooting (death) of a mother and child on the Sarcee Reserve and its implications for policing and police–agency collaboration, as well as other issues.
- 2000–02: **Several Canada-wide studies of self-administered First Nation police services, carried out on behalf of the APD, are published.** The consultants, Six Nations Geo Systems, reported on resource issues in their *First Nations Sector Study: Current and Future Directions and Current Resources* (Ottawa: FNCPA, 2000). See also Clairmont and Murphy, 2000; Clairmont 2002 .
- 2001: **Formal consultations begin by the Province of Alberta exploring the feasibility of a province-wide Native police service, which, if realized, would be the first of its kind in Canada.** The provincial action was in large part a response to the demise of several self-administered First Nation police services in the province and concerns about the viability of several remaining ones.
- 2002: **Tripartite agreements are signed (re-)establishing the RCMP as the police service in all Cape Breton, Nova Scotia, First Nations.** The self-administered regional Unama'ki Tribal Police Service has been dissolved. It had served four (initially five) First Nations in Cape Breton.
- 2004: **RCMP issues a report on its Aboriginal policing policy.** This report, *Report on Plans and Priorities 2004-2005*, highlighted the RCMP priorities concerning Aboriginal policing and drew upon its earlier *Aboriginal Policing Review, Final Report*, issued in 2000.

- 2005: **There are now 48 SAs (9 in Ontario involving 114 First Nation communities with a total population of 75,190 people) and 78 CTAs in Canada (none in Ontario or Quebec.)** In Ontario, fully 96 percent of the on-reserve population and all but 17 of the 131 First Nation communities in Ontario were covered by FNPP agreements. For Canada as a whole, the comparable figures were 60 percent of the First Nation on-reserve population and 317 of the 644 communities being policed under an FNPP (tripartite) agreement.
- 2005: **Three Canada-wide assessments of the FNPP are completed.** Prairie Research Associates (PRA) produced two reports, *Final Summary Report On Community Case Studies Regarding the Effectiveness and Sustainability of First Nation Policing Services*, and *Evaluation of the First Nations Policing Policy*, both prepared for Public Safety and Emergency Preparedness Canada (PSEPC). The former implemented a design developed in the 2002 APD-sponsored Clairmont report on the feasibility of a nationwide case studies model. The Auditor-General of Canada in its 2005 publication reported on its examination of RCMP policing in Aboriginal communities, identified some shortfalls in relation to FNPP principles, and made a series of recommendations, virtually all of which were accepted in principle by APD
- 2006: **The OPP releases in draft form its new policies for Aboriginal-oriented policing.** The policies were advanced through two documents, namely *Aboriginal Initiatives Building Respectful Relationships* and *A Framework for Police Preparedness for Aboriginal Critical Incidents*.
- 2006: **New senior appointments in Aboriginal policing are made by the RCMP and OPP.** In summer 2006 the RCMP created the new position, that of Chief Superintendent, for Aboriginal policing and related programs; heretofore the senior administrative position in this field had been at the inspector level. Similarly, the senior Aboriginal policing advisor and Aboriginal liaison officer in the OPP was promoted from inspector to superintendent, a recognition of the importance of those duties in OPP policy and practice.

CHART 2: PHASES IN FIRST NATION POLICING

PHASE ONE: UP TO AND INCLUDING THE 1950S

- Federal policing
- Broad policing mandate
- Aboriginal helpers

PHASE TWO: THE 1960S

- The RCMP pull out of Ontario and Quebec
- Contraction of the policing mandate
- Some direct Aboriginal participation in policing

PHASE THREE: THE 1970S AND EARLY 1980S

- The 3B options
- Self-administered policing initiatives
- New governance initiatives (the tripartite agreement, the Ontario Indian Police Commission)

PHASE FOUR: THE LATE 1980S TO LATE 1990S

- Inquiries and commissions
- First Nations Policing Policy
- Royal Commission on Aboriginal Peoples (RCAP)
- The tripartite agreements
- Emergence of self-administered (SA) First Nation police services

PHASE FIVE: 2000–2005

- Near-complete tripartite coverage in First Nation policing
- Indigenization extensive in all First Nation policing
- Fifty self-administered services
- Diversity and professionalization
- Related institutional development in First Nations

THE FUTURE

- Efficiency issues and defining comparability for SAs
- Effectiveness and sustainability issues for SA policing
- Visions of policing styles in First Nation policing
- Niches, networks, and regionalization
- Impact for SAs of consolidation, regionalization, and enhanced provincial standards for policing
- Impact for senior police services (RCMP, OPP, and SQ) of developments in First Nation political economy, in the evolution of SAs and in the challenge of Aboriginal occupations and protests

III. EFFECTIVENESS AND SUSTAINABILITY ISSUES

Charts 3 and 4 highlight issues of effectiveness and sustainability for policing in general and then for First Nation policing. As indicated in Chart 3, aside from the conventional six police functions (response, enforcement, crime solving, crime prevention, public information, community collaboration) by which effectiveness is usually assessed, there are recent movements within policing (e.g., community-based policing) and at the societal level (e.g., the victims' movement) that impact on assessments of effectiveness and sustainability for any given police service. Also, assessments have to take into account social forces such as the aging of the population and the challenges it raises for policing. For mainstream policing, a central issue for sustainability has been regionalization and the decline of small and medium-sized departments as a result of effectiveness and/or efficiency pressures and the liability entailed by the responsibility to meet ever-demanding provincial mandates (e.g. handling domestic violence incidents).

The above considerations also apply in assessing effectiveness and sustainability for Aboriginal policing, but some aspects differ in comparison to mainstream policing and some First Nation-relevant considerations have no parallel at all in the mainstream. In the case of the six standard police functions, it appears that response is by far the centerpiece for Aboriginal policing, basically because of the mantra "24/7 policing," because the demands for social order policing are so great in many First Nations (e.g., the comparatively huge number of "arrests" under the *Mental Health Act*), and because police resources are so limited.

All the recent movements within mainstream policing are pertinent to Aboriginal policing, but most important is the community-based policing imperative championed by virtually every inquiry or commission noted above and congruent with the vision of policing generally articulated by First Nation local leaders. In terms of broader societal movements, all those identified in the chart are very relevant and difficult to effect. Victim services appears to be very minimal in First Nations and provincial governments' domestic violence mandates, as will be seen below, and are often considered the bane of SAs at least, for their operational demands on police resources and for the cultural issues they raise. Increasingly high standards in all aspects of policing, including investigative quality, have made Aboriginal policing vulnerable both to residents' complaints and liability challenges. The lack of resolution of treaty and related grievances, as well as factionalism within First Nations, continue to generate occupations and protests and place special stress on Aboriginal policing, which is committed under tripartite agreements to enforce federal, provincial, and First Nation laws.

There are special considerations in effectiveness and sustainability that apply to Aboriginal policing. These include FNPP and RCAP criteria that call for Aboriginally sensitive policing where local First Nations have a major role in establishing policing objectives and ensuring that policing is congruent with core Aboriginal culture. Issues of sustainability in a First Nation context have also to take into account rather fundamental geopolitical factors, including challenges to the jurisdiction and mandate of policing by "traditionalists" and others within some First Nations. SAs in First Nations are more

resistant to amalgamation and regionalization than small and medium-sized mainstream police services, but policing adequacy and sustainability consequently depend upon networks and integrative links with the senior mainstream police services. Finally, the police boards have very significant responsibility in First Nations, especially in the SAs where boards are liable and unlike the situation in the RCMP CTAs where the First Nation input is as a community consultation committee.

It is not possible to dwell more deeply on the above considerations here but they will be referred to in discussions below. Perhaps it will suffice here to note that research has barely begun on the issues of effectiveness and sustainability in Aboriginal policing. What is known is that there is significant variation among the different types of Aboriginal policing and certainly too among the different types of SAs, and it is to these differences that we now turn.

CHART 3: EFFECTIVENESS AND SUSTAINABILITY IN POLICING

CONVENTIONAL CONSIDERATIONS for policing effectiveness (the six police functions)

RECENT MOVEMENTS IN POLICING AND ISSUES OF EFFECTIVENESS

1. Community-based policing
2. The active police organization
3. Corporate ideologies and practices
4. Accountability and/or transparent stewardship
5. The impact of 9/11 and security priorities

RECENT SOCIETAL MOVEMENTS AND POLICING EFFECTIVENESS

1. The women's movement
2. The victims' movement
3. Alternative justice movements (restorative justice)
4. Aboriginal justice

RECENT SOCIAL FORCES AND POLICING EFFECTIVENESS

1. Socio-demographic factors (e.g., aging, immigration)
2. Changes in provincial government standards (e.g., *Police Act*, police boards)
3. Protests and civil liberties

CURRENT SUSTAINABILITY ISSUES

1. Decline or leveling off of public police growth
2. Growth of private policing
3. Costing police services

4. Decline of the small and medium-sized police services
5. New demand on policing (e.g., liability, post-9/11)

CHART 4: EFFECTIVENESS AND SUSTAINABILITY FOR FIRST NATION POLICE SERVICES

THE CONVENTIONAL MEASURES OF POLICING EFFECTIVENESS

1. (The six police functions in First Nation Context)
2. Additional or refined measures
3. Keys to long-run success

THE RECENT SOCIAL MOVEMENTS IN POLICING IN FIRST NATION CONTEXT

- (e.g., CBP , business practices, accountability, security)

THE RECENT SOCIETAL MOVEMENTS IN FIRST NATION CONTEXT

- (e.g., women's movement, victims' movement, alternative justice)

THE RECENT SOCIAL FORCES IN FIRST NATION CONTEXT

- (e.g., socio-demographics, provincial standards, protests, and civil liberties)

SPECIAL FIRST NATION CONSIDERATIONS FOR EFFECTIVENESS

- (e.g., FNPP, RCAP, political and/or cultural consideration)

ISSUES OF SUSTAINABILITY IN FIRST NATION CONTEXT

- Special geo-political factors
- The mandate for small and medium-sized police services
- Niches, networks, and regionalization models
- Community perspectives
- Integrated policing (SAs and senior police services)

THE ROLE OF THE BOARDS RE EFFECTIVENESS AND SUSTAINABILITY

- The SA–CTA differentiation
- Governance Responsibilities
- The police subculture

IV. AN OVERVIEW OF ABORIGINAL POLICING IN CANADA

In this section attention is focused on the evolution of Aboriginal policing in Canada from the perspective of the RCMP, the OPP, and the self-administered (SA) First Nation police services in Ontario. There are few references to the Surêté du Québec or to SAs in Quebec, but, in the case studies that follow, policing among the Algonquin, Cree, and Huron there will be elaborated upon. Similarly, though in less depth, there will be reference to SAs outside Ontario and Quebec in the case studies. The fieldwork for this paper highlighted only municipal police services in Ontario and then only with reference to policing Aboriginal occupations and protests; the reader is referred to the companion paper (Clairmont and Potts, 2006) for that account. Much of the description and analyses contained in this section is drawn from the section “Policing Styles” in the companion paper, though the latter emphasizes issues of Aboriginal occupations and protests.

THE ROYAL CANADIAN MOUNTED POLICE (RCMP)

The RCMP, in its North West Mounted Police predecessor mode, began policing Aboriginal peoples in 1873. Until the 1960s, when dramatic changes took hold both in the expansion of government services and agencies in Aboriginal communities spearheaded by the Department of Indian Affairs and Northern Development (DIAND), and in the announced withdrawal of the RCMP from routine conventional policing in Aboriginal communities in Ontario and Quebec, the RCMP policed Aboriginal communities under a broad policing mandate. In modern parlance there was a significant “community-based policing” character to the RCMP’s Aboriginal policing style in the sense that officers’ activities focused on providing services well beyond reactive *Criminal Code*–oriented policing (Clairmont, 1999). At the same time there was little direct engagement in the policing effort by the local communities. While the informal relationships were reportedly often very meaningful and positive, there was no formal consultative relationship between police and community leaders, and Aboriginal persons employed by the RCMP were helpers, not credentialized officers in any respect. Not surprisingly, then, when the RCMP pulled out of the conventional policing of Aboriginal communities in Ontario and Quebec, the community leaders were not consulted about the transition from federal to provincial police services.

Beginning in the 1960s, then, profound changes in policing Aboriginal communities began to occur at a quickened pace. Concern about the lack of engagement with and collaboration in their own policing on the part of Aboriginal communities led to DIAND developing and funding the band constable system throughout Canada in 1965–66. By 1971 when DIAND issued its well-known Circular 55 dealing with principles for policing and possible alternative policing arrangements in Aboriginal communities, there were 121 band constables. These Circular 55 principles included more community input concerning the policing program, improved policing service, and more adaptation of the policing service to the needs and preferences of the Aboriginal people, the three central thrusts of ownership, equity, and cultural sensitivity that were more fully developed 20 years later in the federal government’s First Nations Policing Policy (FNPP). The

possible policing arrangements varied somewhat, on paper and in practice, but essentially the band constables were to be hired by the band council, focus more on social order issues, and assist the fully credentialed police officers who retained conventional policing jurisdiction. Band constables usually did not carry weapons or lay charges; they usually received some modest training from the senior conventional police service, whether RCMP or provincial, and served under special authorization (warrant) of the latter. Band constable services, in small number, sprang up across Canada. Typically, band constables would “call in” the credentialed police service as necessary. There is very little known about how effective the band constables systems have been—they still exist, albeit in much reduced number from the pre-FNPP era—and how they related to the senior police services. Field reports indicate considerable variation in efficiency and effectiveness had been characteristic.

For a variety of reasons, including the desire to enhance the realization of Circular 55 principles and the preferences of First Nation leaders, by 1975 the Indian Special Constable Program was advanced within the RCMP and provincial police services (OPP and SQ). In the case of the RCMP, these special constables, labeled 3B officers, were, typically, community residents hired and exclusively directed by the RCMP. They were provided modest training by the RCMP (reportedly some six weeks in the earlier days and becoming more significant as years went by), could carry weapons, and make arrests but were not full-fledged officers who had received the complete recruit training. In the case of Ontario, the OPP’s Ontario Special Indian Constable (OSIC) program operated on generally the same principles. This initiative presumably reduced the need for First Nations to adopt a band constable service and represented the direct engagement of community members as members, albeit not full status members, of the fully authorized police service. Early evaluation studies indicated that the special constable program was effective in relation to its stated objectives and in the views of First Nation leaders and RCMP/OPP/SQ officials. Over time, however, rising expectations and demands among First Nation leaders and the special constables themselves, and an appreciation in government and in policing circles that the police service so constituted underlined the marginality of Aboriginal peoples, made it apparent that a new stage of development would have to be inaugurated. The Aboriginal officers clearly had second-class status in the 3B arrangement (symbolically for many years 3Bs were not allowed to don the famous “red serge” formal RCMP attire), and there was, reportedly, significant ambiguity and contention in some areas, such as Ontario, concerning the role of the special constable and the role of the band councils in directing his or her activities.

In the 1980s the federal government—DIAND and the Solicitor General Canada (SGC)—undertook a comprehensive review of policing in Aboriginal communities. This Indian Policing Policy Review produced its Task Force Report in 1990 which, in turn, led to the First Nations Policing Policy (FNPP) being adopted in 1991 and, then, a year later, the transfer of funds and federal responsibilities to the newly created Aboriginal Policing Directorate (APD) housed within SGC (this transfer of funds and responsibilities from DIAND to SGC was itself part of a more general federal strategy to house specific Aboriginal services in functionally equivalent federal bureaucracies). The FNPP represented a considerable elaboration of Circular 55 principles but the core remained of

more Aboriginal ownership, more culturally appropriate policing related to specific Aboriginal needs and circumstances, and policing services equal in quality to that provided to the mainstream population. Under the APD coordination, tripartite agreements were to be encouraged among federal, provincial, and First Nation authorities. Two chief tripartite policing arrangements were envisaged, namely the self-administered (“stand-alone”) First Nation police service (hereafter, SA), whether band-based or regional, and the community tripartite agreement (hereafter CTA), where the policing was provided by an existing police service and which also could be negotiated on a regional basis.

The late 1980s also saw an important review of RCMP policing in Aboriginal communities across Canada undertaken by Assistant Commissioner Head. The Head Report, published in 1989, was comprehensive and quite critical of the extant policing services and arrangements in Aboriginal communities. It called for significant change and had the bottom-line message that the RCMP must either make profound changes or lose the privilege and historical mandate of policing First Nation communities. Head viewed the 3B arrangement as outdated if not paternalistic, and the cultural awareness programs as valuable but insufficient; these latter programs were launched by the RCMP in the mid-1970s and reportedly encountered initial resistance (“politically motivated bullshit,” some officers said at the time) but had become accepted and appreciated by most RCMP officers. The Head Report contributed to the momentum for change among governmental authorities and First Nation leaders. Within but a few years, the RCMP had disbanded its 3B program, incorporated the 3B officers into the regular police complement (usually with additional training), put in place a national Aboriginal advisory committee, strengthened its cultural awareness program (e.g., a Native spirituality guide was produced and widely distributed), and began to generate new organizational structures and services to advance its policing services in Aboriginal communities. The latter included the Aboriginal Community Constable Program (ACCP) that assigns fully qualified Aboriginal officers to First Nation communities within a detachment’s jurisdiction, a national-level Aboriginal Policing Services unit with an inspector-level Officer in Command (OIC), Aboriginal Policing Services support units in all provinces (often with an OIC of inspector rank), and a number of CTAs where the entire police complement serves and is located in First Nation communities.

At present the RCMP is the only police service providing CTA policing in Canada and is the provincial and territorial police service everywhere outside Ontario and Quebec. There are 78 CTAs covering 110 communities and entailing 213 officers. The RCMP has also made—and continues to make—a major effort (e.g., a cadet program, pre-selection training) to recruit Aboriginal persons. Currently, 7 percent of the roughly 18,000 RCMP members report some Aboriginal ancestry (basically blood ties, since most reportedly have not grown up on reserves). Reportedly, there are a score of inspectors who have Aboriginal ancestry and a few of the RCMP officers holding the rank of superintendent or above also have reported Aboriginal ancestry on their personnel records.

The RCMP has been involved in a sizeable number of Aboriginal protests since much of the programming and organizational systems noted above have been put into place. Oka

(here the Surûté du Québec was the “the lead service”), Gustafson Lake, and Burnt Church have been perhaps the most well known Aboriginal occupations and protests (O&Ps), but there have been numerous public incidents in the Lower Mainland and the Upper Fraser Valley of British Columbia, in Northern Manitoba, in the Elsipogtog region of New Brunswick, in South West Nova Scotia and among the Innu in Labrador. In addition, there have been frequent intra-band O&Ps across the country where the RCMP has been called upon to intervene. In 1997 the RCMP set up a major task force to examine its response to major critical incidents and seek “best practices” from all quarters of the policing community. The two-year review resulted in a major report in 1999. Somewhat surprisingly, in light of the report’s introduction that identified the major Aboriginal occupations and so forth as the chief stimulus for the task force’s assessment, there was virtually nothing in the report specifically related to policing Aboriginal protests (the focus was more on security, terrorism, organized crime, and policing strategies to deal with them). The report might well though have contributed to a national review undertaken by the RCMP in 2000, where the objective was to develop a strategic business plan for the delivery of policing services to Aboriginal communities, as well as to Aboriginal policing becoming an explicit priority of the RCMP since 2001 (Aboriginal Policing Services Proposal, 2005).

The RCMP engagement in policing Aboriginal communities is clearly considerable on many levels—personnel, programming, and organizational structure. The CTA policing format is increasingly the main vehicle of the engagement. Since the RCMP is also the provincial police service wherever, at present, there is a CTA, there is a seamless character to the policing that can be quite efficient and effective in terms of responding to critical incidents and providing the CTA unit with ready special services support in areas such as restorative justice. At the same time, as some First Nation respondents have indicated, the seamless policing may cause a significant draw (for “backup” and other tasks) on the CTA police resources, giving rise to complaints about insufficient police presence and visibility by community members. The RCMP’s ACCP program would appear to be in its dying throes, to be replaced by CTA policing as the First Nations increasingly enter into tripartite policing agreements. Interestingly, though, in some areas the RCMP and the First Nation leadership have resurrected a version of the band constable approach to supplement the RCMP policing; in this arrangement a community constable with limited responsibilities is employed by the band but provided with some training and ongoing oversight by the RCMP. The role of the RCMP’s national-level Aboriginal Policing Services (APS) and the kindred units at the divisional level would continue to be very important in CTA policing. These are support services providing linkages among First Nation leaders and operational police, facilitating recruitment, and advancing cultural awareness; at the provincial level, these officers are directed by the divisional (line) commanders. The national APS office provides liaison with headquarters and also coordination of the RCMP’s First Nation programs (including cultural awareness training), but it does not act as a central registry for information on O&Ps or as the centre for strategic planning for Aboriginal policing. Since 2004–05, the RCMP has had an Aboriginal Priority Strategic Working Group, chaired by a Deputy Commissioner and including representatives of all operations and support services programs.

Developing better communication networks and relationships of trust and respect with Aboriginal peoples entails collaboration and partnerships. As noted above, the RCMP since 1990 has had a national advisory council of some 20 Aboriginal leaders drawn from across Canada. It meets once or twice a year to discuss training issues, human relations issues, and other general policy matters (not operational issues, the focus of the comparable OPP Aboriginal advisory group). The hiving off of this advisory council from the multicultural advisory committee formed by the RCMP in 1988 reflects the emphasis accorded Aboriginal concerns and the diversity of Aboriginal peoples' issues and interests. In some RCMP divisions there is, also, an Aboriginal advisory council that may meet once or twice a year to discuss both policy and operational policing issues. Recently, too, the RCMP has encouraged all its CTA units to develop a community policing plan in consultation with the representatives of the community. In addition, the RCMP has been developing protocols for collaboration with First Nation leaders at both the federal and provincial or divisional levels (see below).

In an RCMP statement on strategic priorities and associated outcomes, a central place was given to achieving safer and healthier Aboriginal communities—"we will work toward safer and healthier Aboriginal communities by being involved in initiatives surrounding education, employment, health and cultural development. At the same time we will find ways to prevent/resolve conflict by focusing on crime prevention partnerships, restorative justice processes, and a holistic, culturally sensitive approach to problem solving." Another key concept advanced by the RCMP in recent years has been "integrated policing" and the same 2004 RCMP source stated that it means "working collaboratively with and in communities at all levels."

In the case of Ontario, there has been little visibility of the RCMP in First Nation communities since the transfer of jurisdictional responsibility to the province some 30 years ago. Field-level interviews with First Nation police officers and leaders in Ontario indicated that many were especially disappointed that certain RCMP crime prevention programs were not made more available to SA-policed communities' programs. Recently, however, the RCMP has teamed up with the OPP to form a small (six RCMP and six OPP officers) Integrated Special Services Unit (ISSU), which according to RCMP and OPP spokespersons, has the objective "to build up the crime prevention and community service capacity through the SA chiefs' of police vision and in that manner contribute to the greater building of a trusting relationship and partnership in areas where the SAs have primary jurisdiction"; in other words, what the ISSU officer does depends in large measure on the SA chiefs of police and he or she is subject to their direction while posted there. While the RCMP provides no conventional policing services in Ontario, it has an Aboriginal policing coordinator there (a staff sergeant, whereas in other provinces where the RCMP has provincial policing jurisdiction, the equivalent positions are often designated inspector rank). The RCMP, of course, has always maintained policing jurisdiction throughout Canada in some special areas (e.g., drug enforcement, organized crime). In recent years the RCMP has advanced the concept of Integrated Policing Services and, through such structures, has enhanced collaborative relationships with both the OPP and SAs in Ontario. Currently, for example, there is a Joint Investigative Team that involves the Akwesasne SA, an Integrated Border Enforcement Team that involves

SAs in the Walpole and Nishnawbe Aski Nation (NAN) areas, and an Organized Crime Team which includes the Six Nations SA. While it is argued here that these are positive developments, it should be noted that such engagement might sometimes be seen more as entanglements for SAs, in the sense that ISSU projects could be seen as reducing the need for more direct SA funding or that integrated enforcement could run afoul of First Nation political and/or constitutional positions (e.g., Customs and Excise issues).

Notwithstanding the above, profound evolution in RCMP policing related to Aboriginal peoples, there are some gaps and shortcomings that are significant. The headquarters-encouraged commitment for community policing plans being developed in consort with community leaders in CTA policing, and hence reflecting possible special cultural imperatives, appears to require more advocacy. While popular, it seems where the idea has been implemented, such plans were not found in the few First Nation communities closely studied. The resources available for the CTA policing units appear inadequate in many instances for the special circumstances of Aboriginal communities. Police have to deal with high crime levels and exceptional demands on operational policing occasioned by high community expectations for 24/7 policing, as well as the necessity of responding to time- and/or resource-consuming incidents that are much more common in First Nations, such as arrests under the *Mental Health Act*, where persons are threatening to harm themselves, or intra-band O&Ps. Often, too, the community capacity to deal with disputes and social order issues, apart from depending on the police service, is quite limited. It is not surprising then that country-wide research (Prairie Research Associates, 2005b) has found significant dissatisfaction with CTA policing on the part of First Nation leaders and community members with respect to the issues of presence and visibility, and the style of policing provided (“Are we getting the amount and kind of policing contracted for in the CTA?” is a common rhetorical question raised by First Nation leaders). These shortcomings were also cited in a recent review of RCMP policing in Aboriginal communities carried out by the office of the Auditor General Canada (Canada, Auditor General of Canada, 2005). It was indicated there that, while overall the police service has been successful in relation to FNPP objectives, there are questions, especially concerning the provision of the promised service and the accountability to chiefs and councils. Another 2005 report, one produced within the RCMP (North West and Pacific Region Aboriginal Policing Working Group), has cited a modest decrease in satisfaction with RCMP policing on the part of First Nations in western Canada. It drew attention to the resource issues noted above, and the challenges of achieving a police–First Nations relationship solidly rooted in trust, respect for constitutional rights and cultural differences, and understanding. The RCMP authors recommended a greater commitment by the RCMP in resources, program coordination, and dedicated high-rank positions to meet the challenges and to be more congruent with the priority formally attached to Aboriginal policing in the RCMP. Interestingly, a recent survey of officers in CTA (all RCMP) and SA units clearly underlined the greater concern among the former on the issues of communication and trusting relationships with the people they policed (Prairie Research Associates, 2005b).

Many police officers interviewed for this paper, in different regions and different types of police services, indicated that the best way to deal with the problem of O&Ps in

Aboriginal communities is to have effective community-based policing in the first place. The latter, it was held, effects an integrated reactive and proactive policing style that can “institutionalize” O&Ps, whereby, as noted in the introduction to the companion paper to this one, police and protestors can know and trust one another and can collaborate to achieve peaceful yet effective O&Ps from the protestors’ standpoint. Still, O&Ps, in frequency and intensity, depend on many factors well outside the police realm, so it is also important to consider the RCMP’s direct response to Aboriginal O&Ps. There are three chief strategies or policy areas that are most significant here, namely, protocol development, philosophy of intervention, and organizational innovation. These are discussed at length in the companion paper (Clairmont & Potts, 2006).

The RCMP is the major police service for Aboriginal peoples in Canada outside Ontario and Quebec and has made it clear that it intends to remain so. It has continued to emphasize recruitment of Aboriginal persons and to modify all aspects of the police service pertinent to Aboriginal policing. For example, its cultural awareness training has recently been reconceptualized to emphasize “Aboriginal perceptions,” Aboriginal policing has been identified as one of the four major RCMP priorities, and in 2006 a rank change was announced that would facilitate greater highlighting of Aboriginal issues in the RCMP (i.e., a change from inspector to chief superintendent for the role as head of the Aboriginal Policing Services unit). Certainly, the continued self-examination and adjustment to evaluations and audits such as the 2005 Auditor General report have not gone without notice in the First Nation communities as well. Outside Ontario and Quebec the ante has been raised for any sustainable SA, whether at the band or regional level. It will be interesting to see how the RCMP–SA relationship develops and whether SAs outside Ontario and Quebec will expand or decline and be replaced by the RCMP in the near future.

THE ONTARIO PROVINCIAL POLICE (OPP)

As the RCMP pulled out of policing in Aboriginal communities in Ontario, the OPP moved in. Between 1970 and 1974, for example, several detachments were set up for policing in First Nations in Northern Ontario, and the North West and North East Patrols, each consisting of 12 officers, were created to serve the “fly-in” First Nation communities. Currently, the OPP has a sophisticated and multi-level engagement with First Nation communities in Ontario. Interviews with a large number of senior-level OPP officers revealed that, in their consensus view, the Ipperwash incident was a watershed for the OPP as far as relating to First Nations was concerned and that now a more First Nation–empathetic orientation has become ingrained in the OPP organization. Prior to “Ipperwash,” there appears to have been not only much less First Nation–related programming but also less structure and more of an idiosyncratic response. For example, if there was an O&P, key people in the OPP (often Native officers with effective communication skills, good First Nation networks, and sometimes able to speak the local Native language and/or dialect) or from among First Nation leaders would be asked to make inquiries and assist the OPP in finding peaceful solutions. As one very senior, now

retired, OPP officer, stated, “When these [O&Ps] happened we’d send a liaison person to sort it out, whether X, Y or Z; sometimes we’d use others [non-members], such as the Anishnabek Police Service’s W, in this type of situation.” Looking at the OPP now, though, we see major organizational linkages to the First Nations and a host of new programming:

1. In the Commissioner’s Office, the commissioner herself has had prior extensive OPP experience directing its First Nation Programs unit. She is held in high regard and seen as a positive ally by virtually all the SA police chiefs and Native leaders interviewed. Indeed, a number of First Nation leaders both inside and outside policing expressed some concern as to whether the OPP would continue its recent thrusts under a new commissioner. Associated with the Commissioner’s Office is a well-known First Nation liaison inspector (also a lawyer), who links the OPP to First Nation leaders and who has been central to the development of the OPP’s Aboriginal Relations Teams (ART) and, along with those in the First Nation policing unit, in the cultural sensitivity and Native awareness training provided to OPP officers. The office also provides counsel to the other police services upon request and may be engaged in serious O&Ps or barricades. In 2006, the inspector was promoted to superintendent, signaling the importance of the office’s duties in OPP policy and practice.
2. In operational (field) posts, there are three Aboriginal superintendents now in the OPP and well over a hundred OPP officers who claim an Aboriginal heritage.
3. There are inspector-level liaison officers attached to the regional commands who liaise with Aboriginal communities and leaders in their area and who provide oversight for First Nation policing activities such as ART, a central operational program for the OPP in relating to First Nation people in its jurisdiction, and other special OPP initiatives that relate specifically to the First Nation “stand-alone” (SA) police jurisdictions, such as the Integrated Special Services Unit (ISSU) and the Investigative Support Unit (ISU).
4. OPP officers receive basic training of a half-day introduction to First Nation policing prior to attending the Ontario Police College (OPC), then two days on Aboriginal issues at the OPP academy after OPC. Among the other basic programs delivered to OPP officers are (a) cultural sensitivity and Native awareness training, as many as 10 one-week courses per year delivered by veteran OPP Aboriginal officers and often done in block format with SA and even Municipal Police Department (MPD) officers; (b) ART, which involves primarily First Nation OPP officers in a given region; and (c) an annual three-day conference organized by the senior First Nation liaison officer in the Commissioner’s Office for Aboriginal members of the OPP (attendance has increased and the pool of eligible applicants skyrocketed in recent years as a result of new hires and more officers proclaiming their Aboriginal identity). In addition, members of the OPP’s crisis negotiation unit usually have Aboriginal awareness as part of their training.
5. OPP programs of support for SA police services include the ISU six-person squads in the North West and North East assisting and mentoring Nishnawbe Aski Police Services (NAPS) officers, and the ISSU where the OPP, in collaboration with the RCMP, provides special, usually proactive, services to SA police organizations and their communities.

6. OPP officers also provide counsel upon request to municipal police services with respect to Aboriginal issues (e.g., as in the case of the Red Hill Valley O&P in Hamilton).

7. Symbolic perhaps of the OPP's post-Ipperwash approach to First Nations in Ontario has been the formation of the OPP drum group in the Western Ontario region. This volunteer grouping of 12 officers, mainly ART members, travels all over Ontario, drumming and singing at OPP functions and at the annual powwow in Toronto's Skydome. Additionally, they are frequently invited by First Nation leaders to participate at various First Nation functions and celebrations.

8. Since 1996, the OPP has had an Aboriginal Advisory Council ("the Commissioners' Select Liaison Council on Aboriginal Affairs") where a small group of OPP senior officers, including the commissioner, provincial government officials, and First Nation Elders and/or leaders meet for approximately a day and a half every seven or eight weeks to discuss a variety of policing issues, including operational issues. Though financed entirely by the OPP, this council was a joint initiative of the RCMP and OPP, and the RCMP's "O" Division leadership is frequently in attendance.

Although both the Ontario government and the OPP, subsequent to the federal First Nations Policing Policy in 1991, have encouraged the development of SA police services in First Nation communities and not supported the CTA model present in the rest of Canada outside Quebec, the OPP is still directly engaged in front-line policing in many First Nation communities. Some First Nation communities in Ontario have yet to opt for either an independent police service or for joining in a regional SA police service. In these instances, they may be policed under the Ontario First Nations Policing Agreement (OFNPA; 1991 to 1996 and renewed since) where the band council employs the officers and the OPP provides administrative support and consultation. The OFNPA was expected to represent a transition phase and indeed has functioned as such; as the large regional SA police services came into being, the First Nation communities and officers under the OFNPA shrunk and at this point in time only some 19 First Nation communities remain. Clearly, the OPP officers administratively responsible for the OFNPA have been in constant communication with First Nation leaders and police officers over the past 15 years, dealing with a variety of issues and smoothing the way for the transition to SA status. Apart from the OFNPA, there are a score of First Nation communities in Ontario that have not entered into any tripartite agreement as advanced under the FNPP and, accordingly, are policed under regular OPP arrangements in their area. It is anticipated that their numbers will continue to shrink.

The OPP provides backup and special investigative support for the SA police services in Ontario. The evidence suggests that this is a significant commitment as the OPP is often called in by the SA chiefs of police. It might well be expected that this OPP contribution could diminish over time as the SAs grow in numbers and experience, but it is very unlikely that this support role will ever become insignificant given the scale of SA policing in relation to the requisites for autonomous policing. There is strong evidence that at the field level there is generally very good co-operation between OPP and SA officers. This assessment is based on field observation as well as interviews with Native leaders, police governance board (PGB) members, and SA officers carried out for this project and other interviews done by other researchers (Prairie Research Associates,

2005b). In the Manitoulin area for example, there is deep collaboration among the SA police services (Wikwemikong and the United Chiefs and Councils of Manitoulin [UCCM]) and the OPP in providing backup, filling in for one another, transferring one another's prisoners to court, and so forth. In the North East NAN area, OPP and NAPS officers patrol the winter roads together in a car marked with both police services' logos. Generally, when the researchers visited SA police facilities, OPP members were seen mixing in friendly fashion with their SA counterparts. Outside Mohawk territory, all but one SA chiefs of police in Ontario have had long careers in the OPP and the exception was previously engaged as a First Nation officer under the OPP-administered OFNPA.

Senior OPP officers strongly affirmed that they were supportive of, and not in competition with, the First Nation SA police services. There was an appreciation of the latter's needs as is evidenced by the fact that all senior OPP officers interviewed contended that the SAs should be seen as replacements, not enhancements, and should be funded accordingly (i.e., funded for infrastructure and special services, not restricted to front-line funding). Moreover, they were of the view that the CTA model, with either the OPP or the RCMP as the contracted police service, would be destructive of the SA model of policing reserves, if adopted in Ontario. The senior officers, as noted, also believed that the post-Ipperwash OPP approach to First Nations and to SA policing was solidly imprinted and would survive transitions in senior management; as one top official said, "We've learned how to let go."

It should be pointed out that some of the initiatives, both in organizational structure and programming, have yet to be fully implemented. This is the state of initiatives such as the ART teams (it appears that all OPP regions have at least taken the first step by establishing an Aboriginal Relations Committee composed of detachment commanders and Aboriginal officers from the detachments), the liaison inspector role, and the ISSU initiatives, which hardly exist in some regions of the province and are evolving in objectives where they do exist. It is premature to assess how effective they will be and what objectives they will best succeed at. Presumably ART and the liaison roles will enable the OPP to provide improved, more First Nation-appropriate policing services and will enable it to better—perhaps proactively—respond to O&Ps in their jurisdiction by generating information and contacts. Presumably, too, the ISSU could assist in SA jurisdictions to generate community-based policing initiatives and perhaps alternative justice programs that could impact on social disorders that can develop into O&Ps. At the same time there do appear to be important limitations and gaps.

The OPP certainly has responded to a number of Aboriginal O&Ps in recent years. For example, in one region alone, namely the North West region (including Treaty 3, western NAN, and a portion of the Anishnabek Police Service [APS] territory), there were 17 incidents over the period from January 2003 to May 2005. These 17 incidents involved 13 different First Nations (four First Nations were involved in 9 of the incidents). The O&Ps were usually short-lived blockades of roads or highways but also included sit-ins at offices and marches. The reported reasons were resource issues, band election disputes, and communicating concerns over INAC policies. These O&Ps were commonly peaceful, requiring, from the OPP's perspective, only monitoring, but two required OPP

deployment and in one instance arrests were made. In 13 of these instances the OPP had front-line policing jurisdiction.

As noted elsewhere, many significant O&Ps occur in OPP jurisdictions but involve Native persons living on reserve and policed by SA services; consequently the OPP responders could have little knowledge of the protestors or any relationship with them. The ART program for instance is limited to OPP jurisdiction. While OPP officials indicate that, in practice, in such O&Ps, they collaborate well with their SA counterparts, it may be desirable to have a more formal acknowledgement of that collaboration (of police resources and knowledge of the players) through an integrated conflict negotiation team comprising OPP and SA officers. The OPP does not have a specially trained conflict negotiation team nor can it be assumed that First Nation officers in SA police services “naturally” have the appropriate disposition and skills, so some training (and resource allocation) would appear to be required for all members. Also, when the OPP are requested (usually by the SA chief of police) to come into a First Nation community policed by an SA to assist in dealing with an O&P, a more elaborate protocol for such intervention between the OPP and the SA might well ensure a more satisfactory outcome. Perhaps, too, OPP initiatives such as the ISSU program might offer to assist First Nations policed by SAs in developing a capacity for alternative dispute resolution in the community, something that could be helpful in peaceful resolutions of intra-band disputes. Interestingly, virtually all OPP officers who were interviewed were supportive of these possible developments.

At present, according to a senior OPP regional commander, “There is not any significant difference in the First Nation protocol agreements but they tend to be more comprehensive than the agreements with the mainstream services. Municipal police forces have been in existence much longer and tend to use some of our services while doing other things on their own. First Nation services, because they are newer and focused on front-line delivery, have not developed specialty services. There are also protocols on how two police services interact and partner. These would look the same whether a municipal or an First Nation service was signing with the OPP.” Our research has indicated that the potential significance of cultural differences and the police style preferences of both Aboriginal officers and the First Nation community leaders suggest a need for close examination of such protocol policies. Moreover, notwithstanding the recent OPP initiatives detailed above, which appear very well received by First Nation leaders, it was not uncommon to find, among First Nation leaders and SA officers, consciousness of a negative legacy and wariness concerning OPP assistance. For example, one veteran SA chief of police, asked about his experience in requesting OPP assistance, noted that the response varied and depended sometimes on what the OPP senior officer thought of the situation, while several constables in a different SA service referred to their embarrassment at not having a role in the OPP response to an O&P (a barricade crisis situation involving the OPP’s ERT teams) in their community. Of course, protocols can undoubtedly be a double-edged sword, providing an excuse for inaction as much as furthering collaboration and certainty, so careful consideration is appropriate.

Finally, there is the question of what leadership role the OPP has and might further assume in proactive and reactive policing related to Aboriginal O&Ps, not only in First Nations but also in the towns and modest-size urban areas of the province (e.g., Kenora, Thunder Bay) where there are significant numbers (and relatively high proportions) of Aboriginal residents and modest-sized municipal police services. In particular, as noted elsewhere, the towns and cities forming the southern rim of Northern Ontario, with their increasingly high proportions of First Nation young people, many of whom reportedly are increasingly alienated by their situation, would appear to constitute a significant challenge for proactive and peacekeeping policing. It is clear that many police services, large and small, look to the OPP for counsel and that the OPP—increasingly—has the expertise and resources to provide leadership in a manner not threatening to the relative autonomy of the other police services. The concept of integrated policing has become popular of late and has been especially conceptualized by the RCMP in relation to their partnering with other security and police services (Prairie Research Associates, 2005b). Perhaps a similar conceptualization building upon the initiatives already launched with respect to training and cultural sensitivity would be especially appropriate in relation to the OPP's leadership in Aboriginal policing in the decentralized Ontario policing system.

In January 2006, the OPP unveiled, at a special meeting held in conjunction with the Ipperwash Inquiry, a draft of its plans for Aboriginal-salient policing in Ontario. Two documents were released, namely, “Aboriginal Initiatives Building Respectful Relationships” and “A Framework For Police Preparedness For Aboriginal Critical Incidents.” Both documents significantly extended earlier thrusts of OPP Aboriginal policing policy. The former document highlighted more cultural awareness training, recruitment and employment practices, and mentoring OPP Aboriginal officers and Aboriginal liaison at all levels (overall policy, regional, and community-oriented) and in all regions of Ontario. It built upon the successful initiatives that have been noted above. The latter document detailed a more innovative OPP approach to critical incidents (i.e., O&Ps to use the discourse of our paper), highlighting a crisis negotiator program and the training of Aboriginal crisis negotiators; this initiative, too, had some earlier roots in OPP practice but clearly represented a significant enhancement. Underlying both documents and explicitly stated in the Introduction was “a commitment, to the fullest extent possible, to self-directed First Nations policing, that is First Nations policing themselves.” The OPP's ART program was a centerpiece in both documents. Since some of these proposed initiatives are more on the books than in the field, it is difficult to assess their implications for policing O&Ps. It is however not clear at all whether they will meet the challenges noted in the above analyses. For example, the OPP initiatives focus on the OPP but do not directly tackle issues of OPP leadership in dealing with O&Ps in the smaller Northern Ontario cities and towns, nor is it clear how they can successfully challenge the structural gap of major O&Ps occurring in OPP jurisdiction where the protestors live in SA jurisdictions and are largely unknown to the OPP. There is no mention of new protocols with SAs or MPDs nor of integrated conflict negotiation teams and training. It would appear that as far as dealing with O&Ps is concerned, OPP policies and strategies have to be more inclusive.

SELF-ADMINISTERED FIRST NATION POLICE SERVICES: ONTARIO

The two most significant developments for Aboriginal policing in Canada have arguably been DIAND's Circular 55 in 1971 and the FNPP set forth by the federal government in 1991. Not only did they result in major transformations in Aboriginal policing delivered by the RCMP and the OPP but they spawned First Nation-controlled policing in the form of band constable services in the 1970s and self-administered (SA) policing after 1991. Here the First Nation-controlled policing will be discussed in broad strokes and specifically with a view to implications for policing occupations and protests; a more detailed account is provided in the companion piece paper (Clairmont & Potts, 2006).

As noted earlier, subsequent to Circular 55, band constable services emerged in a small number of First Nations across Canada, such as among the Blood tribe in Alberta, the Dakota-Ojibway in Manitoba, and the Mohawks in Quebec. The band constables had limited resources and policing jurisdiction, received modest training, usually did not carry weapons, and had to call in the senior police service to effect arrests and lay charges under the *Criminal Code*. The band police services appear to have varied considerably in their effectiveness and efficiency but First Nation leaders have frequently commented, even in 2005 and with some justification, that had more adequate resources been allocated to such services, they would have been more successful. Indeed, the first band constable service to emerge as a fully empowered, self-administered police service was in the small, oil-rich Louis Bull First Nation (Alberta) in 1987. Little is known concerning how effective the band constable services were in dealing with social order and intra-band O&Ps. The band constables were a visible presence and presumably reinforced informal community controls, so their success in policing would be largely a function of the underlying factors (e.g., community consensus, respect for Elders) that account for social order. Where there were major divisions in the larger First Nation communities and struggles for power, perhaps abetted by organized crime, the band constable service would be out of its depth; that seems to have been the situation for example with the Akwesasne band constable police service in 1990 when the senior police services had to be called in, in large number, to help deal with serious discord (where automatic weapons and even grenades were utilized) that had resulted in two deaths.

A major evolutionary step in First Nation-controlled policing occurred with the FNPP. Through tripartite agreements among federal, provincial, and First Nation authorities, there was a significant increase in funding for band-based police services, now referred to as the self-administered or "stand-alone" services (SAs), and the SA officers were to be appropriately trained and as fully authorized as conventional police officers. In the years immediately following the creation of APD, the federal bureaucracy created to coordinate the FNPP and administer its budget, the federal priorities apparently were to get as many First Nations as possible into tripartite policing arrangements, to assist in the creation of an infrastructure for SA policing (e.g., a Canadian First Nations Chief of Police Association, some training initiatives), and to facilitate the development of a governance system (i.e., police governance boards) for the SAs. Provincial government authorities sometimes have contended (Prairie Research Associates, 2005d) that, in the years

immediately following the FNPP, too much emphasis was placed by APD on encouraging SAs and not as much on negotiating CTAs, which would continue senior-level policing of First Nation communities. Such a position does not appear to ever have been widespread in Ontario where both the provincial government and the OPP have been explicit supporters of SA policing for First Nation peoples. Currently, in Canada there are 48 SAs representing 197 First Nation communities and employing 775 officers. Quebec has the largest number of SAs, namely 29, where some 300 officers serve 50 distinct First Nation communities.

In Ontario, there are 9 self-directed police services representing some 114 First Nation communities and having roughly 375 officers. One, Mujikaning, which has 20 officers and 90 percent of whose budget is provided by Casino Rama, is technically still under the OFNPA; in the typical OFNPA arrangement, certain administrative and coordination responsibilities remain with the OPP, somewhat akin to OPP responsibilities under the earlier Ontario Special Indian Constable band constable program (Trivett, 2004). Table 1 provides a basic overview of the other 8 SAs. The data, collated over several sources, are advanced as close approximations since precise data have not been obtained on population (the data were not available to APD) and actual staff numbers occasionally diverge from the authorized complement in the basic tripartite agreement (e.g., Akwesasne has several officers engaged under special Joint Investigative Taskforce funding). As indicated in Table 1, the Ontario SAs range from the micro Lac Seul Police Service, which has 7 officers for a population of some 800 band members in three First Nation communities, to the largest regional First Nation police service in Canada, namely the Nishnawabe Aski Police Service (NAPS), which has about 110 officers engaged in 43 communities with a total population of 22,000 (only 4 of the 43 First Nations have a population greater than 1,000). The 3 smallest SAs and the 3 truly regional SAs share an ostensibly favourable police-to-population ratio compared to mainstream communities but that may be their only advantage given community expectations (e.g., 24/7 response to the calls for service), high crime and/or social order issues, minimal infrastructure, and limited community capacity with which to partner. The Six Nations and Akwesasne SAs have the size and police-to-population ratio of many small towns and urban areas that they both resemble in that the districts and diverse communities that they police are contiguous. They both had an incubation period in band constable policing; indeed, the Six Nations Police Service was participating in a pilot project with the OPP, making the transition to stand-alone status, in the 1980s, prior to the FNPP being developed.

Fully 96 percent of the First Nation reserve population in Ontario is now covered by a tripartite agreement, whether as an SA (regional or “single” community) or in the OPP-administered OFNPA. The latter, designed as a transition stage vehicle for Ontario First Nations developing some form of self-directed policing, was an umbrella tripartite policing agreement negotiated by federal, provincial, and First Nation authorities for the period 1991–96. As SAs came into being, the number of officers and communities administered by the OPP through the OFNPA shrank. All but one of the 8 SAs came into existence as a formal SA during that period, and the other, Treaty 3, a regional service in the Northwest corner of Ontario, was inaugurated in 2002. The OFNPA has been renewed several times and currently some 60-plus officers and 19 First Nations fall under

its administrative rubric. The pace of transition from OFNPA to SA status has slowed, partly it appears because of hesitancy on the part of the involved First Nation leaders to merge into regional services (regional police services usually have been formed from First Nations of the same treaty grouping) and partly because the federal and provincial authorities appear reluctant to spawn more small “single” community SAs. Also, a score of First Nations in Ontario remain outside any tripartite agreement, and there is much uncertainty about what their future preferences will be. The large majority of the 40 or so First Nations in the latter grouping or in the OFNPA have a reserve population of less than 1,000, but 4 each have roughly 2,000 members living on reserve.

In Ontario, all SA officers have the status of provincial peacekeepers. They are formally appointed as officers by the Commissioner of the OPP. The SAs themselves are not governed by the *Ontario Police Services Act* (OPSA), nor are they subject to the authority of the provincial Special Investigative Unit that investigates all police shootings, among other things. The appointment of SA constables outside the OPSA reflects a compromise reached by First Nation and governmental officials concerning the controversial applicability to First Nations of provincial jurisdiction.

APD officials have indicated in interviews that SAs in Ontario on the whole represent the success of the FNPP. As two such officials stated, “Ontario is our strongest.” The SAs in Ontario have indeed experienced reasonable stability and steady growth in complement. The contrast in these regards to SAs elsewhere in Canada outside Quebec is notable. Undoubtedly there are many factors that account for this difference, but a major factor has been the lack of competition from a senior-level police service. Both APD and Ontario government officials have supported the SA thrust, as has the OPP, and they have conveyed that position emphatically to various First Nation leaders who have explored the possibility of returning to the OPP fold or negotiating a CTA with the OPP as the contracted police service. Outside of Ontario and Quebec, as noted above, the RCMP provides provincial and territorial policing, and the RCMP has an explicit priority in maintaining and improving its policing in Aboriginal communities. Not surprisingly, then, while not instigating the changes, it has taken over when SAs have faltered in areas such as Alberta, Manitoba, and Nova Scotia.

The SAs initiative in Ontario can be described as fairly successful also from the perspectives of community residents and First Nation leaders according to a host of nation-wide evaluation studies carried out between 1995 and 2005. At the same time they remain vulnerable as organizations, and there is significant dissatisfaction with the range and quality of the policing services being provided. The Akwesasne and Six Nations Police Services, for example, have been accorded much praise by colleagues and government officials and in-depth research has emphasized their solid police management, effective police boards, well-trained officers, and crafted forays into specialized policing areas (e.g., traffic investigation by Six Nations, organized crime by Akwesasne). Still, both have had to contend—even in 2005—with serious, explicit challenges to their continuance and monopoly on policing from powerful interests within their communities. Among the regional SAs there remains much perceived divergence of interests among the participating First Nations and significant centrifugal pressures on the

police service itself (threats and efforts to break off). SAs in Ontario, and elsewhere in Canada, it appears, have yet to become fully institutionalized in the sense that their continued existence is unquestioned by First Nation community members. Some First Nation leaders are also of the view that their “project status,” reflected in the three- to five-year tripartite agreements, contributes to this air of vulnerability; as one OFNPA First Nation executive observed, “We have proven that we can do the work but the provinces and the feds still consider this a program.”

Generally the criticisms of SA policing from within First Nation communities have centred around police presence (visibility), inadequate specialized proactive services (e.g., crime prevention, restorative justice), and the desire for a more problem-solving policing—components that appear to typify what most leaders and/or residents would characterize as community-based policing. But there is no mistaking in their assessments that they also want solid professional policing. The latter demands alone are considerable, given not simply the high level of crime and social disorder problems but also the effort required of police to deal with frequent cases under the *Mental Health Act* (e.g., attempted suicide) and frequent intra-band O&Ps. The resources available to the SAs, and their accountability to expectations of not only 24/7 policing but also a policing that responds to a wide range of calls for service well outside the mandate of conventional mainstream police services, make these multi-dimensional demands very taxing indeed. Few SAs in Ontario have been able to deliver much community-based policing, at least in the sense of formal projects and programs (Prairie Research Associates, 2005a) but there are some such activities, such as restorative justice programs in Akwesasne, Wikwemikong, and United Chiefs and Councils of Manitoulin (UCCM). The priority clearly has been answering calls for service; for example, one Ontario SA chief of police commented, “Twenty-five percent of the calls responded to could have been dealt with over the phone by another agency and were not specifically police-related. To continue our culturally appropriate policing we respond rain and shine, as not responding causes issues, etc., that take more time to resolve than the issue in many instances.”

Field research among the SAs has consistently identified five major themes as central to the social construction of First Nation policing conveyed by the SA police managers. In each case the theme is captured in a succinct expression used by one or more of the police executives, namely:

1. “Setting us up for failure.”
2. “Policing isn’t a make-work project.”
3. “We seem to be the only ones concerned about problems in the community.”
4. “Aboriginal policing is different from small-town policing.”
5. “Aboriginal policing and politics are inseparable.”

These themes are elaborated elsewhere (Clairmont, 2000) but their essence is (1) a suspicion and sense of vulnerability that SAs have been established with lofty objectives and high community expectations but usually with such inadequate resources that community disillusionment and the SA’s failure to achieve even conventional policing objectives are likely (e.g. meeting governmental standards and mandates and avoiding

crushing liability claims), thereby leading to the resumption of policing by the provincial police organizations; (2) recruiting and maintaining high-quality members can be very problematic in small police services where promotion and job specialization are less likely, and especially where, understandably, there is strong pressure to hire local persons; (3) the community capacity for community-based policing may be lacking and apathy and limited civic culture (e.g., volunteering), the products of colonialism and dependency, mean that policing is largely reactive and “keeping the lid on” pending more macro-level social and economic development; (4) SA policing involves dealing with a much wider range of issues (e.g., social problems, mental health issues) in a much different and more demanding context (e.g., values, traditions, funding source) than mainstream small-town policing; (5) the political and constitutional context for SA policing is complex, and while some SA police executives might want to wish it away (“we have to deal with the province, so let’s get on with it”), the big picture of First Nation treaty rights and self-government is always prominent. Unraveling and responding to the nuances of politics—police perspectives among traditionalists, “mainstream” band council leaders, warriors, and others can be quite demanding and can embroil even the best-managed SAs in challenges to their legitimacy, jurisdiction, and monopoly over the use of appropriate force.

While there is significant variation among the SAs, even within the one province of Ontario, the above themes appear applicable across the board. The themes of “setting us up for failure” and “policing and politics are inseparable” are particularly salient for the SAs’ coping with O&Ps. The former highlights the problems of police capacity while the latter points to the complexity of policing O&Ps. Recent research (Prairie Research Associates, 2005a) has established that when asked what the central problem is for their policing effort, SA officers stressed “resources” whereas RCMP officers emphasized “communication with the Aboriginal people policed.” One SA police chief put it simply: “If they want us to play in the majors, give us the resources.” The lack of resources extends to facilities for the service as indicated in a recent assessment by Public Works Canada (Public Works and Government Services Canada, 2005), which rated one-third of all Ontario SA facilities as “poor” and another 40 percent as only “fair.” While the RCMP’s CTA policing, as noted above, also can properly claim to have resource shortfalls (in British Columbia and Saskatchewan, even in facilities according to the above cited Public Works assessment), the RCMP does appear to have been more successful in making their case, through tripartite agreements, for complement increases. While this may well reflect the greater status and credibility of the RCMP in the negotiators’ eyes, it undoubtedly has much to do with the APD position that SA policing is an enhancement and not a replacement of the pre-existing provincial policing for Aboriginal people. The enhancement thesis holds that the FNPP-inspired tripartite agreements are essentially to provide more front-line policing for First Nation communities. Such a position is tenable perhaps where, as with CTAs, the provincial police service is contracted for the First Nation community, but it is more problematic in the case of SAs. Certainly the SA officers see themselves as having replaced the provincial police in their jurisdiction and, accordingly, as requiring more funding for special services and for infrastructure. That view, in Ontario, is widely shared too by the senior OPP leadership as well as the field-level officers; one OPP sergeant commented,

“Of course it’s a replacement; we need permission and support now to go into those First Nations,” while another more senior OPP officer, very knowledgeable about the tripartite negotiations, disputed claims that the enhancement thesis was always presumed to be appropriate, contending, “I never heard of the concept, enhancement, until recently.” It is not only the concept that may be controversial but also the factual situation. One could point, on the one hand, to the fact that with the establishment of the Nishnawbe Aski Police Service (NAPS) self-administered service, the OPP eliminated its North East Patrol and reduced the complement of the North West Patrol (OPP, 2006); on the other hand, it is also a fact that the OPP subsequently posted investigative support units in both areas and that the OPP’s budget increased to enable it to respond to the tripartite policing agreements that came into force. At the least, the enhancement thesis needs some clarification, especially as what is defined as “front line” is ever-changing and also subject to cultural variation.

For the SA police services, of equal if not greater significance than the resolution of the enhancement–replacement controversy would be the general appreciation of the high expectations occasioned by the FNPP and the tripartite agreements. One SA chief commented, “When these SAs were started, they were supposed to be the next coming and would make everything better. That was wrong, and with increasing responsibilities in domestic assaults, school visits, just day-to-day responses, we fall short in the eyes of some.” Senior veteran OPP officers emphatically agreed that the expectations for policing have dramatically changed in the First Nation communities; one observed that the OPP would be hard pressed to provide the kind of policing services and programs that the First Nation communities now want, expect, and need. In Northern Ontario, for example, the former OPP style of “flying in and flying out” in response to calls remains commonplace today but such policing alone would, to use a colloquial expression, “no longer cut it.” Indeed, it would be insufficient not only among Aboriginal peoples but also by the principles of the FNPP.

A further basic issue bearing on the SAs is whether small police services can survive in the modern era. The trend everywhere has been for small police services to disappear (Clairmont, 2002). Recent research has found that most governmental authorities across Canada considered the SA model inadvisable (Prairie Research Associates, 2005b) and of course even the regional SA, as currently constituted, is a small police service. SA police boards—some virtually resource-less—have to struggle with complexities of liability and police governance unlike their advisory group counterpart in the RCMP-policed CTAs. Small wonder then that several SA chiefs would have serious qualms about their police service’s future as indicated in the following exchange at the conclusion of a long set of interviews:

SA Chief: Can I ask you a question? Where do you see self-administered First Nation police services going and can they sustain an existence in today’s world or are we a token of politics?

Researcher: That is indeed the big question. There seems little doubt that if the police services were not First Nation–based, their future would be very

problematic. The small police service is increasingly a dinosaur in this era of increasingly high standards and demanding mandates and where liability issues are scaring the hell out of everybody. But the constitutional arguments and current political perspectives mean that there are reasonable odds, especially in Ontario and Quebec and especially if sufficient protocols can be established with other more resourced police services to satisfy standards and mandates. Outside those provinces I have strong doubts.

There have been significant O&Ps in recent years involving the Ontario SAs. One, the “Day of Rage” at Akwesasne in 2001, involved the Akwesasne SA and other police services, especially the OPP. More recently there was the 2004 O&P in the Fort Albany/Attawapiskat area where some members of one First Nation blockaded the path of trucks engaged in diamond mining in a nearby First Nation, demanding some compensation for access through their community. And, of course, there is the continuing (though much reduced since the Abitibi company has ceased logging operations there) protest at Grassy Narrows. O&Ps in OPP jurisdiction involving First Nation persons from contiguous reserves (where the wider area was traditional territory) would appear to be the context for these O&Ps over resource issues. Some of these resource-based O&Ps basically involve short-term blockades where, according to one veteran OPP officer, “really, they just want to get out a message ... 20 minutes of media attention ... communicated ... protest over”; however, other such O&Ps, as in Grassy Narrows and in the Sun Peaks area of British Columbia, may last several years.

Most police and First Nation leaders interviewed in this research expected that O&Ps akin to those in the Grassy Narrows and Fort Albany regions would flare up in Northern Ontario in the future as the economically depressed and often problem-plagued First Nation communities (e.g., there were 25 completed suicides among the 25,000 NAN residents in 2005 and presumably many more attempts at self-harm) in the North seek to get some benefit (e.g., jobs, royalties) from the extraction of wealth in their traditional territory. Intra-band O&Ps in SA jurisdictions have been frequent—especially at election time—though precise numbers are unavailable in part because of their short duration. Intra-band O&Ps with a potential to expand beyond the First Nation are also not uncommon in areas where there is ongoing challenge to the existing police service (e.g. in Tyendinaga territory, which is policed under the OFNPA arrangement). A number of intra-band O&Ps reportedly have been nipped in the bud by strategic police action (e.g., Wikwemikong, 2004). Intra-band O&Ps in drive-in First Nation communities in Northern Ontario policed by an SA have often elicited police intervention but, reportedly, for the most part, have been resolved by police exercising a calming, monitoring style of response; one regional chief of police noted that, in responding to an intra-band O&P where the chief and council demanded that the protestors be ejected from the band office, “I said that maybe they [the protestors] are not breaking any laws and the chief finally agreed.” There apparently have been few intra-band O&Ps in Northern Ontario, in part, it has been suggested, because the First Nation communities are small, homogenous, and isolated; as one knowledgeable observer rhetorically asked, “why have one [in these types of communities] if the primary purpose of such protests is to communicate a message”?

There appears to be quite limited capacity for SA police to respond to O&Ps. The more established SAs (e.g., Akwesasne and Six Nations), which have expertise and experience, would possibly have to deal with formidable protestors while the other SAs have little capacity in this area whether organizationally or by individual officer training. Many interviewed police officers and First Nation community leaders cautioned that it should not be assumed that First Nation officers are culturally aware or have the disposition or skills for peacekeeping. It was found, though—and this pattern is consistent with previous research where large samples were involved—that most interviewed SAs officers articulated the need for more resources and training in the area of peacekeeping and conflict negotiation; their preferences were usually congruent with that view (e.g., leave the crisis intervention such as ERT to the OPP). A social construction that appears common among SA officers is that they could bring something to the policing of O&Ps; as one senior SA officer commented, “some RCMP and OPP may be more of a kick-ass type so a liaison-oriented police could really help.” The officers, and others interviewed, frequently called attention to the limited community capacity with which to partner in responding to disputes, feuds, and social problems. Socio-economic and cultural changes were deemed to have had a destructive impact on informal social controls (e.g., several informants cited the popularity of “rap music” as an example of a growing divide between Elders and youth in values). Knowledgeable informants noted that in Northern Ontario it was the First Nations closest to the urban areas—the less isolated, “drive-in” First Nations—that were the most dysfunctional whereas many of the other First Nations were seen to be adjusting well to the changes (e.g., numbers of youth were achieving post-secondary education). Solid research is sorely lacking but the levels of unemployment, suicides, and attempted suicides, and other everyday problems among First Nations in Northern Ontario would suggest that community capacity is questionable.

Resources and training aside, as noted in the exchange reported above, it would appear that greater integration with senior police services, and at the community level with other services, holds the key to a secure SA system in Ontario. The SA model is the policing strategy for First Nation communities preferred by all the major stakeholders, so reducing the SAs’ vulnerability while ensuring that they can meet reasonable expectations of First Nation people and also contribute to the effective policing of O&Ps should be a priority. Almost all interviewees reported that the SAs have quite good relations with the OPP at all levels of the organization. That good relationship provides a solid basis from which to develop. The evidence is that the OPP and the SAs have collaborated well in recent years in responding to O&Ps, whether the O&P be intra-band or otherwise. The SAs, given their manpower and other resources, and sometimes given their officers’ concern to “remain above the fray,” have to call upon the OPP in many intra-band O&Ps. It is clear, too, that First Nation O&Ps in OPP jurisdiction usually require the collaboration of the SA officers who know the protestors and can network with them; as one OPP sergeant commented, “You can’t build relationships in times of crisis.” Virtually all interviewees, SA and OPP officers, First Nation leaders, and others, considered that an integrated conflict negotiation team would be a valuable initiative formalizing and resourcing the informal relations that have developed between the OPP and the SAs. Other integrative initiatives could follow upon the ISSU and ART programs noted above. Protocols may be

beneficial in detailing integrative links between the OPP and the SAs in other areas of policing as well. Moreover, while currently most SA chiefs have had extensive OPP policing experience, and at the highest level of the OPP, the sympathetic appreciation of SA and First Nation realities is widely acknowledged, neither of these pillars for the excellent informal ties may exist in the near future.

At the community level there would appear to be a need for more integration as well; otherwise the police service is drowned in high expectations and overwhelming demand. Community-based policing—problem-solving, engaged policing—requires the collaboration of residents and the inter-agency planning of service providers. In some First Nation communities across Canada, building capacity in areas such as alternative dispute resolution has become a major focus and inter-agency councils have been established to get at the underlying causes of substance abuse and other issues of social disorder. The federal government, through APD, has been exploring since 2005 the possibilities for more collaboration in targeted funding on the part of its own agencies. Building community capacity, like facilitating economic development, underscores the premise that policing at its core is concerned with the maintenance and temporary restoration of order; solving serious social problems requires much more than policing even while policing can make a solid contribution to that effort.

The SAs in Ontario exhibit much diversity but they share many commonalities vis-à-vis mainstream police services—constitutionally, culturally, economically, and in terms of community expectations and/or demands for policing. Their relationship as police services to the Ontario government is also unique (i.e., the SAs are not governed by the *Police Services Act*). There seems to be a need for a more formal organization to effectively represent their common interest and a need for a channel of communication to be formally established with the Ministry of Justice. There could be significant value for both parties then, the SAs and the Ministry, in the establishment of an Ontario First Nation Chiefs of Police Association (OFNCPA) to complement the national association of First Nation chiefs of police. In regular consultation, issues of standards, special circumstances, and responding to O&Ps could be advanced. An OFNCPA would require but modest funding. It would be a sound investment for Ontario.

TABLE 1 - ONTARIO SA POLICE SERVICES *

| POLICE SERVICE | YEAR SA ESTABLISHED | NUMBER OF COMMUNITIES | POPULATION ON RESERVE (TOTAL) | NUMBER OF OFFICERS | POLICE TO POPULATION |
|---|----------------------------|--|--|---------------------------|-----------------------------|
| AKWESASNE MOHAWK | 1994 | 3 CONTIGUOUS DISTRICTS, 1 COUNCIL | 9,000 | 27 | 1 to 330 |
| SIX NATIONS | (1989) 1997** | 6 CONTIGUOUS COMMUNITIES, 1 COUNCIL | 10,000 | 25 | 1 to 400 |
| ANISHINABEK | 1994 | 17 COMMUNITIES (3 OVER 1,000 POPULATION) | 9,400 | 65 | 1 to 145 |
| NISHNAWABE-ASKI | 1993 | 43 COMMUNITIES (4 OVER 1,000 POPULATION) | 22,000 | 110 | 1 to 200 |
| TREATY 3 | 2002 | 27 COMMUNITIES (NONE OVER 1000 POPULATION) | 12,000 | 60+ | 1 to 200 |
| LAC SEUL | 1995 | 3 COMMUNITIES | 800 | 7 | 1 to 115 |
| WIKWEMIKONG | 1996 | 1 COMMUNITY | 3,000 | 14 | 1 to 215 |
| UNITED CHIEFS AND COUNCILS OF MANITOULIN | 1995 | 6 COMMUNITIES (NONE OVER 1000 POPULATION) | 2,000 | 13 | 1 to 150 |

*These data are derived from three sources, namely APD (Ottawa), the OPP (Ontario), and personal research. They should only be viewed as close approximations.

** The Six Nations service was in transition to full self-administered prior to being officially labelled an SA by APD (Ottawa).

SUMMARY

This brief overview suggests that, over the past decade and a half, and especially since the Ipperwash incident, significant and basically positive changes have occurred in the quality of policing in Aboriginal communities and in the police response to Aboriginal O&Ps. The senior police services have evolved much along these lines and SAs have become established, though arguably not yet institutionalized. Insufficient research limits what can be said about municipal police departments (MPDs), especially the small and modest-sized services in the urban areas of Northern Ontario, but it is clear that they will increasingly encounter significant challenges in relating to Aboriginal people and dealing with O&Ps. Several major concerns can be identified for each type of police service in the two aspects of policing noted. For the RCMP, the key concerns arguably are (a) providing the policing promised and needed in the “seamless” context where the RCMP provides the federal, provincial, and CTA policing; the latter requires a lot of resources given the conditions in many First Nations, and these resource needs should be articulated better (perhaps with the RCMP at the table in the tripartite negotiation process), and the CTA commitment not be weakened or be drawn off in order to sustain other RCMP shortfalls elsewhere in its mandate; (b) continued improvement in accountability to chief and council so that there is excellent communication and buy-in on the part of the community members; and (c) more entrenchment of the “measured approach” philosophy of intervention and the companion organizational innovations (e.g., the conflict negotiation team), as well as the priority accorded First Nation policing (i.e., the APS dimension); as we have argued, there is much skepticism about the organizational entrenchment of these initiatives across divisions and regions, expressed by many of the key officers operationally associated with these developments.

For the OPP, the major concerns would appear to be (a) that the provincial and SA police services are different. There is a “seam” in the policing provided to First Nation people, a seam more fundamental than that which exists between provincial (OPP) and much municipal policing, as it is rooted in constitutional and cultural imperatives. The OPP clearly respects the seam but the challenge is to work more effectively and collaboratively within that context (e.g., integrating special services in conflict negotiation for responding to O&Ps); (b) the OPP to date has limited conflict negotiation training and no CNT team, as opposed to crisis negotiation, the tactical unit or the ERT unit, and needs to develop one and do more in this style of policing in concert with the SAs and MPDs; and (c) the OPP has to provide leadership in policing O&Ps, given the modest capacity of the SAs and the smaller MPDs, presumably in a manner that strengthens the viability of these latter types of police services.

The major O&P-related concerns of the SAs, as identified in this research, are (a) that they are small and with limited resources operating under an enhancement mandate (i.e., resources are targeted basically for front-line policing) and simply cannot specialize or hone their peacekeeping—O&P sophistication—even while having to deal more and more with intra-band O&Ps; (b) the generally expressed preferences of SA officers (and other First Nation leaders) appear to be for more training and organization in

peacekeeping, recognizing that just because they are First Nation people does not automatically give them appropriate skills and dispositions but also holding that this is an area of policing where they can “bring something to the table” in their collaboration with the OPP; and (c) small police services are a dying breed in the modern era where standards are always increasing, mandated police response frequently promulgated, and liability issues an increasing concern. Constitutionally and culturally the SAs have a reasonable basis for survival, and a just and responsive society acknowledges that and gets on with the job of facilitating it as much as possible. This requires more networking, integrative links with senior police services, and more integrative relationships at the local level with other agencies in order to get at community problems (what most First Nation leaders appear to mean when they request a more community-based policing).

With respect to the MPDs, it is clear that the OPP has the experience, expertise, contacts, and resources to provide leadership on issues of providing a police service for Aboriginal peoples and in responding to Aboriginal O&Ps. It would appear to have a special mandate and a special responsibility in these regards even with respect to the large urban communities. In the case of the urban communities that constitute the southern rim of Northern Ontario, that mandate and responsibility would be more far-reaching and perhaps intrusive. At the same time, the vulnerability of some MPDs and the territoriality issues for others requires a deft hand and the continuing cultivation of a relationship based on partnership, not domination.

V. THE SELF-ADMINISTERED FN POLICE SERVICE IN CANADA

FULL-SERVICE TOWN SA POLICING – SIX NATIONS AND AKWESANE

INTRODUCTION

The two SAs at Ohsweken (Six Nations of the Grand River) and Akwesasne have well-deserved reputation as well-managed, effective police services. Whether judged by conventional criteria of policing standards or in terms of sensitivity to issues of core First Nation identity (i.e., the RCAP criteria), they are impressive. The two police services share many other traits as well, including roughly the same complement size, stable membership, experienced leadership, effective police boards, and a sense of focus and direction in their policing objectives and strategy. An overview of their policing facilitates an understanding of First Nation policing issues beyond the usual problems of inadequate resources, instability, and socio-economic impoverishment associated with many SAs and their First Nation milieu. Issues such as competing local political ideologies, institutional legitimacy, unresolved sovereignty, and sophisticated organized crime raise many challenges. Focusing on the two police services enables one to appreciate both the achievement of SA policing and the continuing challenges to even the best among it.

Apart from Quebec, there is only one other SA in Canada that could be categorized as a full-service town police service type, namely the Blood Tribe Police Service of Alberta (BTPS). The BTPS polices a huge reserve several hundred kilometers south of Calgary near the American border; there are some 8,000-plus reserve residents. The BTPS, while having a similar police complement (some 22 officers in 2003) and organizational structure and coping with similar issues of sovereignty (and organized crime too) to those of Akwesasne and the Six Nations, has been much less stable in all respects (e.g., turnover in staffing, leadership). Also, there is significant socio-economic impoverishment among the Blood (i.e., high unemployment and struggling economic development). The BTPS's effective day-to-day policing also has been more problematic over the last decade. According to personal fieldwork and Canadian Police Resources 1999 to 2003, there has been a high level of violent crime and a comparatively high level of *Criminal Code* incidents per officer; on the plus side, the BTPS clearance rate has been average for SAs, and there was a decline in the number of violent crime incidents over the years 1999 to 2002. Moreover, like other Alberta SAs, there is always the option for the Blood First Nation of switching to the RCMP via a CTA, an alternative that has been seriously considered by some local leaders and which, at least in the recent past, has been a platform item for some candidates in band electoral contests. The issues for the BTPS, then, are less specialized than for the Six Nations Police Service (SNPS) and the Akwesasne Mohawk Police Service (AMPS).

SIX NATIONS POLICING

The Context for Policing at Ohsweken

The modern settlement of Six Nations people at Ohsweken, Ontario, dates back to the eighteenth century when the governor of Lower Canada (i.e., the Crown) purchased land from other Amerindians to give to Iroquois loyalists who had been displaced in the U.S. because they had sided with the British during the American Revolution. The land secured as compensation for the Mohawk Nation and others of the Six Nations—for them and their posterity to enjoy forever—was along the Grand River in what is now Southern Ontario. The promised tract of land was reportedly at least a million acres (Dickason, 1992 p.80) but only 674,910 acres were surveyed for the use and benefit of the Six Nations people. According to Dickason (p.190), “the largest grant, by far, went to chief Brant and his followers.” This land became the Six Nations reserve. Brant subsequently sold off some land and a later government survey reduced it further. The land claims issue became controversial even in Brant’s time as he subsequently contended that the purchase had been unnecessary since the lands had been Iroquois from time immemorial. Ironically, Brant later became the agent of the tribe that sold the land originally to the government, acknowledging its de facto title anyways. Land claims negotiations continue into the present. Currently, the Six Nations of the Grand River have two reserves, namely the main reserve Ohsweken (#40) and one within the municipality of Brantford (#40B). The present-day Ohsweken reserve covers some four townships and at least 45,000 acres, but clearly that is a far cry from the original “Haldimand grant” to chief Brant. The Six Nations leadership contends in its land claims research documents that the current site constitutes some 4.8 percent of the original holdings.

Subsequent to the *Indian Act* (1876) and its position concerning the election of band leaders, struggles developed on reserves, in both Six Nations and Akwesasne, between adherents of the hereditary system of selecting leaders and those who supported elections. Among the Six Nations people, the conflict continued from the 1890s till 1924 when the federal government implemented the elective system on the reserve, and the hereditary council was abolished (i.e., no longer acknowledged or recognized as the legal governing authority) according to the provisions of the 1920 amendment to the *Indian Act*. The communal divisions on this issue have persisted, and there are still the elective and the hereditary “Confederacy” factions, the latter claiming sovereignty. The most dramatic clashes of these political viewpoints in recent decades occurred in the 1960s in conjunction with the rise of a militant Amerindian movement in both Canada and the U.S. A related, but not fully overlapping, religious-based division also developed in the nineteenth century between Christian and Longhouse adherents and continues to be a significant factor in Six Nations life. A nativistic religious revival with Christian overtones occurred among the Six Nations at the turn of the century. It combined Christian ideas of heaven and hell, a strict code of ethics, and some Iroquois traditions of magic, and became known as the Longhouse religion. The Longhouse entails a clans-based collaborative organization and the Longhouse concept is rooted in

traditional patterns of residence. In the Longhouse meetings, the indigenous language is mostly spoken, men sit apart from women, and the various clans are grouped on either side of the room. In addition to weddings and funerals, adherents are brought together on the occasion of 17 major Longhouse events. It appears, on the whole, that Six Nations members defining themselves as Christian would be most likely to accept the new post-colonial order (e.g., band elections, increased autonomy, and so on “within the system”), and those defining themselves as Longhouse would be most likely to support the autonomy and sovereignty of the “Confederacy” and to question the legitimacy of the Canadian laws with reference to themselves. Still, nowadays, there are many nuances in perspectives and practices related to religious affiliation and political orientation and significant overlap in affiliation even within family groupings.

In addition to the political and religious bases for differentiation among Six Nations people, and apart from specific kinship-based groupings such as clans, the Six Nations is constituted of 13 bands with a total on- and off-reserve membership of roughly 22,000 persons in the year 2003. The four Mohawk bands account for about 9,500 of these members and 45 percent of the on-reserve residents, and the two Cayuga bands account for approximately 30 percent of the total and of the on-reserve memberships. It can be noted that there is another small First Nation, the New Credit First Nation, abutting the reserve but it is totally separate in administration from Six Nations and is policed by the Ontario Provincial Police (OPP).

The Six Nations today (i.e., #40) is a large reserve of over 11,000 people occupying some 45,000 acres with over 2,500 residential homes and roughly 91 miles of road. It is the largest reserve in Canada, population-wise, but much smaller in acreage than a number of First Nations such as the Blood and the Tsuu T’ina. While community informants reported that there are some pockets of poverty and areas where single parents on welfare are concentrated, there certainly is no glaring slum area, and there are also many newly constructed public buildings (e.g., schools, administrative complexes, and seniors’ residences) and attractive private homes on spacious lots. There are five elementary schools, one junior high school, and one high school where the indigenous language is the language of instruction. After elementary education, most children are bussed to schools outside the reserve. In 2002 a new post-secondary educational facility was erected at Ohsweken.

Apart from band administration, health, and educational and service agencies, until 2000 there was no major reserve employer but rather many small retail operations including gas stations, a few tobacco businesses selling high volume to non-residents, an inn, several auto repair operations, restaurants, technical services, crafts, and so forth. There were also a few small farms. The Six Nations Council Management develops and publishes an annual “Consolidated Work Plan,” which, among other things, lays out plans for economic development. The chief areas targeted in recent years have been forestry (there are 21,536 acres of forested land on reserve), tourism, and marketing commercial space for lease (e.g., the Iroquois Village Centre/Plaza). The level of economic activity has been insufficient to avoid significant underemployment. In 2000–01 there were 4,685 “regular unemployable Active cases” registered with the Six Nations Welfare Department. Since 2001 there has been some significant economic development led by Six Nations entrepreneurs; there is now, for example, a major employer of some 200 band members in cigarette manufacturing,

and the agricultural sector has been growing, reportedly “with expertise second to none.” Indeed, the changing economic scene has led to much optimism; one well-informed resident entrepreneur referred to the economic opportunities and opined in 2005 that “we are one of the wealthiest communities in Canada.”

The Six Nations reserve is in the midst of a well-built-up, highly populated area, surrounded by Metropolitan Hamilton, Halton Regional Municipality (whose component cities include Burlington and Oakville, where average household income is among the highest in Canada), the city of Brantford, and small towns such as Hagersville and Caledonia. For the most part, this entire surrounding area is quite prosperous, but the area most intimately connected to the Six Nations, in terms of band members living there and services being utilized there, is Brantford. It is an economically depressed city with high unemployment, which has a population of more than 100,000 and a police service of more than 100 members. Brantford is the centre for criminal justice system services (court, prosecution, legal aid, corrections, and victim services) for the Six Nations.

While at one time the Ohsweken reserve might have been considered rural, it is now in the midst of major metropolitan growth spreading rapidly, especially from the Greater Toronto area. New highways and housing developments on all sides of the reserve are being constructed or planned. This has implications for the SNPS conventional policing task, as indicated in the following remarks of one SNPS officer: “We are not just growing as a community and seeing more problems, but we are also urbanizing, and this requires different responses and tactics as criminal elements become much more sophisticated.” Indeed, not only is the whole region becoming urbanized but the spread of metropolitan growth has exacerbated unresolved land claims and treaty issues. Two recent protests have highlighted the latter issue, namely the Red Hill Valley Protest (see Clairmont & Potts, 2006) and of course the current Caledonia occupation.

The Six Nations with its educated people and strong assertive cultural style has always had a reputation for managing its own affairs. There is in place a fairly sophisticated bureaucracy to complement chief and council. The annual Consolidated Work Plan, noted above, lays out mission statements, objectives, and actions in all spheres of community activity, from band administration to social services and infrastructure. The Annual Report issued by the Six Nations of the Grand River is also a detailed accounting of all activities, programs and revenues. One is not surprised, accordingly, to find that the Six Nations was among the first First Nations in Canada to manage its own Indian and Northern Affairs Canada (INAC) funding. A related feature of the Six Nations is the spirit or ethos of individualism combined with communitarianism. Unlike many other First Nations, there is significant encouragement of entrepreneurial activity (e.g., the individually owned tobacco operations, consultants, and small businesses), stress on and respect for individual achievement in all spheres of life, individuals leasing farm or forestry areas, and renting homes. At the same time, and unlike mainstream society, there are also strong ties to various extra-familial entities such as the Longhouse, clans and bands, and the Six Nations itself (e.g., having Six Nations members in key organizational and leadership positions in the community is emphasized and preferred to outsiders, even if the members are associated with different factions than one’s own). No one extra-familial grouping or identity apparently dominates

the community. For example, all informants reported a rather even split, in terms of population, among Christians, Longhouse adherents, and the non-affiliated.

The Six Nations Police Service

In 1924, as noted above, the elective model of band governance was implemented at Six Nations. With it came policing by the RCMP, which continued until the 1960s at which time the RCMP began withdrawing as the primary police service of record from First Nation communities in Ontario and Quebec (where the provincial police services were not the RCMP). The OPP took over patrolling the Ohsweken reserve, and in 1982, set up a patrol unit specifically for the Six Nations First Nation. The starting point or inception of the Six Nations Police Service (SNPS) was in 1985, with band member officers policing under the umbrella of the OPP. In 1989, the SNPS took over as the primary police of record, policing in co-operation with the OPP, under a tripartite agreement (i.e., Canada, Ontario, and Six Nations). After three short-term, essentially one-year agreements, a five-year agreement was signed in 1991 that fully established the SNPS as a self-administered, stand-alone police service. Its chief of police had been with the SNPS since its beginnings and remains in that position today, and is the most senior (in terms of continuous role occupancy) First Nation police chief in Canada.

In the mid-1980s, as the SNPS was emerging organizationally, a Six Nations Police Commission was established in embryo to lay the groundwork in terms of objectives, hiring policies and other protocols. A document entitled “Six Nations Policing 1986–1990” was produced, which set out the development plan and has, with occasional updates, been the blueprint followed and the basis for tripartite negotiations. The 1989 tripartite agreement formally established the Six Nations Police Commission. In its mission statement the Police Commission has emphasized its responsibility for effecting “a level and standard of policing that can keep the peace and protect both person and property ... ensure the enforcement of legislated laws pertaining to the police service are carried out, and ensure the provision of preventative and community educational programs.” Initially, the Police Commission was composed of political appointments directly from the Six Nations council, but since 1994 there has been a more community-oriented approach and a composition of four community members, one elder, and two representatives from the elected band council. Community representatives are selected through a self-replacing procedure, whereby applicants respond to advertisements of vacancies and are interviewed by extant members. The Police Commission has its own modest budget and has an administrative office and office support. Its thrust in recent years has been more as an advocate and buffer, but some of its members are usually involved in personnel decisions, including hiring and promotions. Reportedly, the Police Commission has not been much involved in the oversight of SNPS finances nor in the setting of annual SNPS objectives and priorities.

Virtually from the onset, the Six Nations Police Commission worked toward the establishment of a police service that would be composed of and managed by band members, and would be competent and professional in delivering a service oriented to response, enforcement, and crime control. Proactive crime prevention and community

policing (including policing band bylaws) were acknowledged as objectives, as was “culturally sensitive” policing, but the major theme was the creation of a police service that could meet conventional standards for policing and would be free from political interference. Several informants emphasized this theme and in particular credited the advocacy of a few prominent community leaders in this regard. Indeed, one such highly regarded spokesperson, now deceased, was celebrated in the SNPS first yearbook, published in 2000, where a full page was given to his picture under which the caption read “Joe’s support and commitment to our *own* autonomous police service will always be remembered.” Another influential activist and long-time commission member reported how his own emphasis on professionalism and autonomy of the police service emerged over time:

Originally as a board member I was unsure of the direction and, due to inexperience, thought to hire local and non-trained persons. I later learned and re-evaluated this and chose to be part of development and growth. I took the approach of advocacy and promotion [of the police service]. As I moved along in background I felt that a large board was unnecessary and that political appointments to the commission should be changed to a community board, but I have to note that there were times when the council representatives were most beneficial.

The SNPS grew quite rapidly from two officers in the late 1980s to nineteen officers and a budget of roughly \$1.78 million in 1996, the last year of its initial five-year tripartite agreement. In 2001, in the midst of negotiating a third multi-year tripartite agreement, there were twenty-two officers, namely the chief, a three-person criminal investigations unit led by a sergeant, a community service officer reporting directly to the chief, and four platoons each with a sergeant and three constables (one platoon has an additional constable). There was also an impressive administrative support structure consisting of eight persons, including an administrator, three clerks, an administrative assistant who also acts as the Police Commission secretary, a maintenance technician, a civilian court officer, and a part-time financial consultant. The budget was roughly \$2.5 million, funded on a 52 percent to 48 percent basis by Canada and Ontario respectively. There were no additional regular budget resources (i.e., no topping up by the council) nor were there special security guards or auxiliaries complementing the efforts of the SNPS. There was an animal control officer hired by the Six Nations band council to deal with dogs and enforce the band bylaw on animal control. Patrol officers generally operated in one-person cars on twelve-hour work shifts. All twenty-two officers, two of whom are female, were band members. Virtually all these characteristics continue to describe the SNPS save that in the fiscal year 2004–05 it had a complement of twenty-five officers, thirteen civilians, more sophisticated policing equipment, and a budget of roughly \$3 million.

The SNPS officers are appointed under the *Police Services Act* and must receive the same basic recruit training, or equivalent, as any other Ontario provincial police officer. In the early 1990s the Ontario First Nations negotiated out of the *Ontario Police Act* except for three clauses relating to appointments, training, and credentials; the other clauses of the Act (e.g., conduct, disciplinary measures) explicitly exclude them. The SNPS has emphasized

post-cadet training and skill development among its members, and that appears to be a matter of considerable pride among the officers and community leaders. The specialized roles of full-time investigator, community service officer, and so forth basically emerged in the mid-1990s as the growth of the SNPS permitted some specialization. This harnessing and focusing of members' talents continues to be characteristic of the SNPS. Each sergeant, for example, has a special role (e.g., computer "specialist") apart from his formal responsibilities. The service now has four trained "scene-of-crime officers" (i.e., SOCO) who, in addition to their regular duties, attend to basic "ident" duties (the SOCO role was made necessary for all small Ontario police services when the OPP cut back on the identification services it offered free of charge to other police services). Officers have been sent for upgrading and specialization in such areas as auto theft, criminal investigations, and domestic violence (here, all officers received a multiple-day orientation put on by the reserve's women's centre and transition house personnel). The area of traffic investigation has been a major specialization thrust of the SNPS. It has officers trained in "total station" technology (an electronic surveying aid for mapping accident scenes among other uses), traffic reconstruction, and traffic accident investigation. It has also purchased the requisite sophisticated technology (additional to the sophisticated Intoxilyzer 5000, which measures alcohol concentration in the blood) to operationalize that training, enabling the SNPS to state without fear of contradiction that "our investigators rank amongst the best in the province." The recent appointment of a civilian court officer appears to have been another example of effective and efficient specialization, enabling members to concentrate on investigation and patrol (improving clearance rate and treatment of victims), while also ensuring better quality information for the courts (e.g., reducing charges dismissed for various reasons).

The main collaborative police service partners for SNPS are the Brantford municipal police service and the OPP (especially the Cayuga detachment). These services back up one another on patrol, and given that the SNPS usually has several one-person cars on patrol while the Cayuga OPP usually has only one car, it is clear that the SNPS contributes fully to this arrangement. The OPP provides "ident" and major crime services as is their obligation to all small- or modest-sized Ontario independent police services. The SNPS also benefits from its participation in the RCMP/OPP Integrated Special Services Unit (ISSU), whereby an officer is made available to SA police services for special, often proactive, activities; in the case of the SNPS, the ISSU officer is an RCMP member working within the SNPS's community service section. The SNPS has neither qualms nor reluctance in seeking these special services when needed. Occasionally the SNPS has become involved in joint force operations (JFOs) with the larger police services such as RCMP, OPP, Hamilton, and Halton for matters such as auto theft, but JFOs are not common since the six-month or longer commitment required of the partners places heavy strain on smaller police services such as the SNPS. Regular investigations at Six Nations First Nation are carried out by the three-person SNPS' investigative unit. They handle all "benchmark offences" (i.e., non-minor and routine offences) and are informed whenever patrol officers handle the other types. The calls for service and dispatch are effected through the OPP at London, Ontario (a SNPS proposal for handling its own dispatch was not funded).

Police informants indicated that the major social problems impacting on their work in the Six Nations First Nation have been family breakdown and, related in their view, the growth of single-parent households. Alcohol abuse was identified as a key problem while the use of soft drugs was seen to be a much smaller though still significant concern. Hard drugs (cocaine, heroin) and prescription drugs generally were not seen as significant problems at Six Nations in 2000, but by 2005, organized crime linkages between the reserve and the large surrounding urban areas had changed the view. Now drug abuse and/or trafficking is the number one “big problem” according to both police and community residents; indeed, community residents in a 2005 survey were more likely to emphasize the drug problem than alcohol abuse or burglary as a big problem in Ohsweken (i.e., 57 percent to 41 percent and 16 percent respectively).

The combination of family troubles and alcohol abuse was identified as being responsible for much of the interpersonal assaults that occurred. Youth infractions were not seen as being of crisis proportions, and the police programs for youth already in place were deemed to be quite effective in reducing youth crime. The policy of zero tolerance in schools has resulted in police being called upon to become more involved there, and a challenge for the SNPS has been how to respond to such requests without taking on excessive commitments in mediation facilitation and similar activities. The major offenders at Six Nations, and the serious recidivists, were identified by police and by local corrections officials as primarily young male adults. Dealing with such problem cases was seen as requiring both a tough policy of enforcing probation and other undertakings imposed on offenders, and inter-agency collaboration to get at underlying issues. Car theft, whether of the “steal and ditch” or the “chop-shop” pattern, was also seen as a major challenge for the SNPS.

Views and Assessments of the Policing Service

In 1996 external consultants conducted an assessment of SNPS as the first five-year tripartite agreement was coming to an end. The consultants (Perkins et al, 1996) concluded that the police had satisfactorily met the terms of the 1991–96 agreement, and that community leaders (25 such leaders were interviewed) and users of the service (20 community members who had requested assistance from the police) were in agreement that the SNPS was efficient, effective, and equitable in responding to community needs in policing. The authors reported that most interviewees considered that the police service was better than when the community was served by an OPP detachment (here the consultants also cited a mid-1980 community survey where residents were highly critical of the OPP service), and that the response times and police service actually provided by the SNPS were acceptable. Virtually all community respondents especially appreciated the greater police presence in the community (i.e., the police visibility), and commented on the value of having their own people as members and managers of the police service. Generally, there was much reported satisfaction and confidence in the capacity, professionalism, and commitment of officers and in the recognition by the service of the need to call on outside help when required. The police service was considered to be as good as that provided in nearby non-Native communities. At the same time, a significant minority likened the SNPS police activity to that of the OPP past, in being more reactive than preventative or peacekeeping.

The 1996 assessments were based on a small, non-representative sampling of views. It would be valuable to see whether there have been changes and also to elaborate on the assessment with a larger representative sample. The very limited non-police contacts made during the fieldwork in 2000–01 yielded views quite consistent with the 1996 study. The SNPS was seen as providing solid, professional, crime-control policing. One community official expressed the gist of the viewpoint as follows: “It’s been a struggle for the police to get credibility and acceptance but they have done a good job.” Several other people noted that part of the SNPS’s success is its willingness to call in the OPP when needed. The SNPS was seen as dealing fairly with the major factions in the community. Police and non-police informants indicated, for example, that differences between Christian and Longhouse adherents may have a few implications for policing (e.g., Longhouse adherents are reluctant to have autopsies and express more preference for non-court resolutions for family violence), but that, overall, there is little difference in their demands for and expectations of reserve policing; indeed, a strong consensus was that those residents objecting on “traditional” grounds to conventional police enforcement and charge policies were hiding behind tradition rather than exemplifying it.

In a 2005 telephone survey of Ohsweken residents, Prairie Research Associates (2005a) found that almost 90 percent of the 138 interviewees reported that they felt at least reasonably safe in their community and 66 percent held that the relations between police and residents were good if not excellent. They gave the police service highest marks for having an approachable, friendly style (76 percent), maintaining order (66 percent), and visible patrol (61 percent) while only 38 percent gave equivalent high marks for “solving crimes” and only 31 percent for crime prevention. Overall, a plurality of the sample (41 percent) considered that their police service was as good as those in neighbouring communities while about 25 percent considered that it provided superior service.

Among SNPS officers a widespread view of policing at Six Nations First Nation was that the SNPS had had to overcome a credibility problem and a poor police–community relationship inherited from the RCMP and OPP eras. There was a widespread confidence that they had succeeded. The officers felt that there was a much more positive image of policing now at Six Nations First Nation and strong community support for the SNPS. At the same time, the regular upgrading of members’ skills, the regular patrols, and especially the investigative capacity in traffic accidents and other areas were deemed to have earned respect from senior police services such as the OPP. There was acknowledgement that the service and the members were vulnerable to arbitrary action by the elected band council, but this was tempered by a confidence that a tradition was being established, putting the police force at arms-length from “politics.” Several officers pointed to incidents that sustained this non-political approach; for example, two cited a recent case of political conflict (e.g., a “blockade” of band offices) where the service was pressured to take sides but instead responded professionally by refusing to act unless and until an offence took place, and when the infraction actually occurred, by responding appropriately.

The perception of community acceptance, peer police respect, and minimization of “politics” may well account for the low turnover among SNPS staff. The capacity of the

service to allow for some specialization (horizontal mobility) and conventional investigative expertise (“handling our own investigations has been very important”) has followed as the SNPS has grown in terms of complement. That capacity, in turn, has had positive implications for job satisfaction, amongst other things. The fact that the SNPS is a modest-sized police force, however, does mean that promotions and other internal job ladders are limited, and some officers called attention to these limitations. While most officers indicated that the service was “almost there” in terms of appropriate complement or manpower, there was some divergence concerning where an additional position might be slotted, whether as deputy chief, in investigations, or in community (service) policing. There are some areas where the SNPS officers do not think they have as yet a community mandate, such as restorative justice or alternative measures, and other areas (e.g., victim services) where there is uncertainty as to what further response the police service might provide. The vision of policing in SNPS is, at present, primarily that of strong, conventional policing. As several officers observed, elaborating that vision can be problematic since the SNPS has to take into account community preferences, realistic resource allocation, and the visions of collaborative policing partners (e.g., the OPP’s changing views on supplying identification services, the requirement of a sex offender registry, and so on have implications for SNPS activity).

SNPS Crime Statistics and Police Activity

The 1997 Centre for Justice Statistics report on crime and police resources in Canadian municipalities indicated that the SNPS had much lower per capita police costs and a much larger population per police officer ratio than the average First Nation independent police service. Its incidents per officer (i.e., caseload) was much higher than average, while the rates of violent crime and property crime fell into the middle range. Among all Ontario police services operating in communities of comparable population size, the SNPS tended to be in the lower third in terms of population to police ratio, caseload and clearance rates, but it stood out by having the classic reserve pattern of higher violent crime and lower property crime.

Data were also available from three years (1998 to 2000) on the “Monthly Activity Report to the Six Nations Police Commissions.” In general, the level of reported crime at Six Nations First Nation was average when compared on a rate basis with other First Nation communities, and it has remained fairly stable. Property offences outnumbered person offences, but combined, they were exceeded by “other *Criminal Code* offences” such as mischief, breaches of probation, and so on. These data indicated that person offences have remained stable with the exception of assault, level one, where the steady, modest increase was perhaps a reflection of changing societal standards as well as a more zero tolerance policy by the police service. It can be noted, for example, that reported response to “domestic” incidents increased by almost 50 percent over the three-year period. The property offences of break and enter, and motor vehicle theft increased significantly, while theft, fraud, and possession all declined. Congruent with the increased burglaries and motor car theft, the SNPS security checks increased by 100 percent between 1998 and 2000. Activity data showed that another major focus of the SNPS has been in recovering stolen vehicles, especially “others” (non-residents’) stolen vehicles (i.e., some 300 such stolen

vehicles are recovered each year on the reserve). “Other *Criminal Code*” offences, always significant in number, as noted above, increased by 20 percent in 2000. Here, the reported offences of mischief and “other *Criminal Code*” infractions, such as breaches, especially increased. Increases in such offences are often related to more strict enforcement practices on the part of police. Dangerous driving and impaired driving offences declined over the three years, perhaps in response to SNPS’ focus on traffic issues. The overall pattern of average and stable reported offences applied as well to charges laid by the SNPS. In 2000, the police service made 503 charges per 10,000 offences while in 1998 there were 509 charges per 10,000 offences.

Patterns of offences and charges are clearly suggestive, if not indicative, of police policy and practice. The above discussion, for example, has pointed to the SNPS’s emphasis on crime control, effective enforcement, and traffic-related offences. Other patterns such as increased reported “domestics,” decreased police pursuits, and increased bylaw enforcement (still an infrequently reported infraction) also suggested changes in police policy as much as objective change in the amount of such infractions. The police activity data for the three-year period show a steady, modest (i.e., 5 percent per year) increase in investigative hours, and a substantial (i.e., 15 percent plus per year) decrease in court hours, an incongruity that might be explained by the SNPS’s appointment of a civilian court officer. The activity data indicated that there have been, on average per year, four complaints against the police service and four disciplinary matters.

Crime statistics for the years 2001 through 2003 indicate that the overall crime rate in Six Nations has been declining, though it remains high in comparison with comparably sized mainstream communities (Prairie Research Associates, 2005a). The SNPS clearance rate for criminal code offences has inched up modestly from 43 percent in 1999 to 47 percent in 2003 (Prairie Research Associates, 2005a).

Police activity data clearly understate the SNPS efforts with respect to crime prevention, community education, and problem solving (including inter-agency collaboration). The data also fail to provide any basis for assessment of the SNPS as providing a “policing for people” style (e.g., courteous, informative, informal policing contact, etc.). As noted earlier, there is an officer dedicated to full-time crime prevention, community liaison, and school liaison (i.e., Community Services Officer). Among the specific SNPS programs are P.A.L.S. (sports and other outings involving police officers and youth), the international D.A.R.E. (directed against drug abuse), and C.A.T. (combat auto theft). A number of informants indicated that it is this dimension of policing that could be profitably elaborated in the future.

Vulnerability

It is clear from the above detailed description and analyses that the SNPS is a very credible police service in virtually all respects, from the police board through to the office of the chief to the officers in the field. Despite the considerable achievement, several events over the past two years have indicated that the SNPS is nevertheless vulnerable in the Six Nations context. For example, a recent raid by the RCMP of an allegedly illegitimate tobacco

operation, where charges were laid under the Customs and Excise statutes, resulted in criticism of the SNPS for taking a “backup” role in the raid, and subsequently to threats by strong influential interests in the Six Nations that they might take over some policing responsibilities. The issues were complicated since not all tobacco entrepreneurs were on the same page, and there were evidently some shortfalls in communication between the RCMP and the SNPS. The SNPS is careful to respect all positions on the sovereignty issue—Customs and Excise laws are seen by some Six Nations persons as not applicable to Six Nations and the SNPS might have reconsidered its “backup” role if it had been aware of the type of charges laid by the RCMP. The SNPS is an excellent conventional police service but clearly it has to walk a fine line whenever issues of treaty disputes, sovereignty claims, and related matters crop up, and crop up they will under existing circumstances and the metropolitan spread. Walking that fine line can generate much resentment, whether by the residents served (and they, as noted, are quite diverse in their standpoints) or by the partners in other police services. At some point it could imperil the SNPS itself.

There is an additional kind of vulnerability that relates more to the limited resources available to stand-alone SA police services, namely legal support and liability. Like the Akwesasne police service discussed below, SNPS has serious concerns in this regard. The tripartite agreement provides funding for salaries and equipment, but there are no emergency dollars for handling legal fees (e.g., as was evident in a recent case involving two officers needing lawyers) and covering civil or criminal litigation proceedings (e.g., dealing with sophisticated lawyers representing organized crime). This is important because insurance covers only certain costs. One incident, according to SNPS interviewees, can jeopardize the police service.

Conclusion

The SNPS clearly seems to be a model for self-administered policing among First Nation communities. It is an effective, professional policing service, primarily, though not exclusively, emphasizing crime control; that is, response, enforcement, and investigation. With respect to this style of policing, the SNPS has focused on shoring up areas of policing that match the mandate and the milieu, namely highly visible patrol and accident (more generally, traffic) investigation. It is a well-managed police system, with well-trained officers, and enjoys the respect of its policing partners in the OPP and elsewhere. The Police Commission and the community’s formal commitment to a professional (“neutral” and relatively autonomous) policing service were established prior to the SNPS’s major growth so these components have become “institutionalized” in unison. Accordingly, the SNPS has been able to prosper and develop in an atmosphere relatively free from political interference and the ensnarement of community factionalism. Not surprisingly, the officers’ morale has been high and the turnover rate quite low. Crime control and social order, according to available statistical data, have both been successfully achieved. The bottom-line appears to be that SNPS is a stable, model, self-administered police service, which is effective, efficient, and equitable in service delivery and which enjoys high levels of community support. At another level where basic issues of treaty and sovereignty and of ideology are played out, the achievements of the SNPS in the conventional policing sphere do not enable it to avoid criticism and vulnerability, though one would think the accomplishments

certainly cushion the police service and its members from threats to its legitimation and high regard.

Can the SNPS be deemed a model for other First Nation police services? The answer depends perhaps on whether these latter match up on the chief requisites of the SNPS model. The Six Nations First Nation is a large, essentially single community of over 11,000 residents, and such concentrated size (and geography) allows for a modest-sized police force that can provide some specialization, round-the-clock service, and, with some collaboration from senior police services, a “full service” delivery mode. Most First Nations are much smaller in concentrated population, and their police services are more limited to a first-response style of policing. The Six Nations is a community well divided among religious groupings, clan or family groupings, and political orientations; moreover, it is peopled by well-educated residents, informed by local media and within a strong cultural heritage of what could be labelled “contextualized individualism.” Given these Six Nations features, the SNPS would hardly survive were it not strongly professional in style and seen to be such by the residents. The leadership of police managers and political officials has been an important factor in the evolution of the police service. Much planning and ideological struggle went on in the process of creating the SNPS and a tradition of professionalism and autonomy appears to have been established. The relatively sophisticated administrative apparatus that undergirds the SNPS may be another requisite of its success.

While the SNPS has met important challenges and could be considered a model for self-administered policing, there are areas where further development could be valuable without requiring profound new resources. Beyond continuing pressures to deal with crime and social order problems directly, there is some demand in the community and among leaders in the other local agencies for more proactive policing and more inter-agency collaboration in problem solving. Also, there is at present limited formal interaction with the elected band council (or other organized interest groupings for that matter). The role of the police board appears to be concentrated on advocacy and buffering (along with some participation in personnel matters) but to be much less evident with respect to the formulation of policing priorities and objectives. Becoming too autonomous and relying too heavily upon informal community contacts could result in complacency. Questions of priorities and strategies can be usefully considered and facilitate development, and these are often driven by formal accountability. In the case of the SNPS, there is a substantial base to continue to build upon. The SNPS management appears to welcome opportunities to challenge itself, as is reflected in the desire to have (and pursuit of) international accreditation. The SNPS itself has also considered a community survey and possibly focus groups to solicit community feedback and assist in strategic planning for the future.

AKWESASNE MOHAWK POLICE: POLICING ON THE EDGE?

The Context for Policing

Kahnawake, Kanesatake, and Akwesasne are three of the seven Mohawk communities in Canada. They occupy lands along the St. Lawrence River in the contiguous areas of Ontario, Quebec, and New York State. The three communities have a combined population of over

20,000 and are within an hour and a half of one another by car. The ancient settlement patterns in that region are controversial, but it is known that in the seventeenth century Mohawk people were located in the northern part of New York State and that, subsequently, a number of Mohawks converted to Catholicism and established themselves around the settlements of New France at Kahnawake and Kanesatake (Oka). Later still, by the middle of the eighteenth century, some of the Kahnawake Mohawk settled in St. Regis, Quebec, where the Akwesasne reserve was later created (Frideres, 2001).

The Akwesasne reserve in Canada today includes principally three districts, namely St. Regis (called “the village” and the hub of the band’s administration), Syne, and Cornwall Island. In addition, there is contiguous Mohawk territory in northern New York. The entire Mohawk lands in the area (i.e., Canadian and American) cover about 25 square miles and contain a population of about 15,000 people. The tribal authority is located on the American side, with the lands there consisting of property along both sides of State Route 37 where roughly 40 percent of the tribal population reside. The Canadian districts are governed by the Mohawk Council of Akwesasne. Many Mohawk people, most certainly the “traditionalists” (most if not almost all of whom are Longhouse adherents), do not recognize any constraint of international borders; indeed, the usual reference is to “the so-called borders”). There is a steady flow of Mohawk people throughout the area for housing, employment, and services, and of course much intermarriage between Canadians and Americans (though reportedly little intermarriage between Mohawk and non-Native people). Band membership is apparently not problematic (though entitlements in housing, etc., may be) for Mohawks moving from the U.S. to Canada or vice versa. Informants indicated that in previous generations there was much greater identification of Mohawks as being either American or Canadian, and the national identities carried greater social significance. Recently, however, it is reported that there has been much tribal revitalization and, consequently, a discounting of the national identities among the people in favour of tribal identity.

Akwesasne has a population of about 9,000 people in the three districts of St. Regis, Syne, and Cornwall Island. Other islands making up Akwesasne Mohawk lands in Canada include several sparsely populated, and some unpopulated, small islands, and Hamilton Island, which is basically populated by non-Native cottagers leasing the land. The St. Regis district is the area of greatest population concentration, and its central zone is crowded with single-family dwellings and administrative buildings, ringed along the water and in the woodlands by more spacious and attractive homes. There is no slum area nor high-rise apartments for welfare dependents. Indeed, there is only one three-storey building in the village, and it is an administrative building. There are several impressive new buildings including a school, a health and social services centre, and the facilities of the Akwesasne Mohawk Police Service (AMPS). The Cornwall Island district, roughly six by two kilometres, is an attractive residential area with mostly excellent housing, a spacious new arena, school, church, and several convenience stores and small businesses. Syne reportedly has some farmland but apparently the flooding for the Seaway and the pollution of nearby big plants have made farming unproductive.

There is little evidence of manufacturing or processing operations in Akwesasne, but there are the usual gas stations, tobacco retailers, craft boutiques, and small specialized services. The latter types of businesses, including restaurants, are more evident along Route 37 in the American territory. In this latter area, there are many signs of new economic developments, including tobacco manufacturing plants, and there is also a large casino. Despite the paucity of modest-sized businesses and industries, informants indicated that many employment opportunities are available for Akwesasne residents, and not only in the many band-based services (education, health, social services, police, etc). Akwesasne received over \$60 million in grants, over several years up to 2005, from the Quebec Aboriginal Development program, and, according to informed local leaders, most reserve businesses utilizing this fund have done well. Apart from these workplaces and the small businesses, including small construction operations and marinas providing summer jobs, respondents cited the jobs associated with the international bridge that spans Mohawk territory (e.g., collecting tolls, maintenance). Akwesasne leaders, including leaders in the core, reportedly several-hundred-strong, warrior society, emphasized the importance of such economic development as an alternative to the attraction of organized crime (especially smuggling) in the area.

The Akwesasne Mohawk First Nation has a sophisticated political-administrative organization. The Akwesasne Mohawk council is made up of 13 persons, with each of the three major districts electing 4 persons (district chiefs) and the entire Akwesasne Mohawk First Nation electing a grand chief. The council's policies and planning is effected through a complex bureaucracy that includes departments of administration, economic development, environment, housing, social development and health, justice, recreation, education, and technical services. There is significant institutionalization at the community level, whether it be Children and Family Services or Conservation services. As in the Six Nations of the Grand River, there is both expansive individual entrepreneurial activity and identification with extra-familial social organizations, what was referred to previously as "contextualized individualism." Individuals operate the tobacco, gas, and other tourist and craft businesses plus the construction companies and the marina; even the modern casino on the American side of the reserve is partly privatized. A non-band member with deep roots in the community observed that the community, individually and collectively, is "aggressively assertive and quite conscious of its growth and development." One prominent administrator commented in 2006 that "most of my directors have graduate degrees," underscoring his point that the community has capacity and is in the throes of realizing its potential.

While there is a strong sense of collective identity, there does not appear to be dominance on the part of any particular extra-familial affiliation. The Longhouse-Christian-Other split appears to be, as in the Six Nations, fairly equal in terms of numbers and influence, and the fiery clashes between different political factions that occurred in Akwesasne as late as the 1980s appear now to have been relegated beneath the surface if not to history. Several informants indicated that an interesting trend has been the increased popularity of the Longhouse position and the revitalization of tribal identity (e.g., while there is as yet no regular immersion school in Akwesasne, interest in the indigenous language has increased, and there is reportedly much activity in that sphere).

Two Key Contextual Factors for AMPS

The Akwesasne First Nation appears to be quite unique among First Nations in two respects that have considerable relevance for policing; namely geopolitical factors and justice programming. Its geopolitical situation is deeply complex, and its system of laws is becoming more so. The reserve is located, as noted, in the U.S. (technically not true but the Mohawk territory is contiguous) and in Canada, and in regards to the latter, in both Ontario and Quebec. By land and water it is involved in multiple jurisdictions and interfaces with multiple authorities. It is a natural conduit for people, goods and services, and contraband. The leaky borders and the ambiguities of jurisdiction, amidst still controversial “constitutional” positions, create not only opportunities for illegal activities but also ambivalences about what is legal and what the priorities should be for dealing with the illegal activities. The former—the opportunities—are profitable enough that organized crime becomes involved and local partnerships with such outsiders become established, requiring a sophisticated and multi-level police response. The latter—the ambivalences—necessitate considerable dialogue and socialization among the interlocked authorities and their police services. Geopolitically, as the chief of the AMPS noted, “We are in the centre of things,” even more so in the light of 9/11 and the increased focus on border traffic of all kinds.

The police and the residents of Akwesasne have to be well-informed about jurisdictional policies and, at the same time, have to convey to non-reserve authorities, whether national or state/provincial, their own Akwesasne Mohawk First Nation rights and preferences. On a simple level the complex informational requirements are illustrated in AMPS brochures on different topics such as, for example, operating all-terrain vehicles where the policies of Quebec, Ontario, and New York State are detailed. One could also point to liquor laws, where in Quebec the eligibility age is 18, while in Ontario it is 19, and in New York State, 21. On a more general level, considerable time has to be spent by AMPS management discussing policies and practices for responding to sophisticated crime with the RCMP, OPP, SQ, New York State Police, and various national-level American police officials. Ontario policies such as requiring local police services to provide basic “scene of the crime” “ident” work, or Quebec policies concerning the credentialization for a chief of police, or federal policies and/or practices for dealing with smuggling also impact profoundly on the AMPS, particularly an AMPS that is proud of its professional policing approach. In addition, the tribal policing authority is divided between the AMPS on the Canadian side and the Mohawk Tribal Police on the American side, and developments concerning the efficiency and effectiveness of one (e.g., downsizing, morale) can impact deeply on the other service. The AMPS officers also reported having an excellent relationship with the OPP based on mutual respect and sensitivity to jurisdictional issues; as one stated, “their [OPP] position is we’ll only go in [to Akwesasne] when you want us to go in.”

Collaboration, both formal and informal, among the police services is a fundamental requisite for effective policing. There are numerous formal and informal interactions among the police services leaders and among their staff. For example, the AMPS, like the SNPS, participates in the RCMP/OPP’s ISSU program and for years have had an RCMP member stationed there to assist in community policing programming. Undoubtedly the more

extensive collaboration has focused on smuggling and border security. The AMPS has been collaborating, under a multi-year agreement, with the RCMP in a joint investigative team (JIT) focused on the smuggling of drugs, weapons, and people. Since 2002 the border security program (based on special funding of \$4.6 million over a five-year period) has given AMPS as many as six additional officers to join in intelligence and investigation with the RCMP's Integrated Border Enforcement Team. These collaborative strategies have apparently strengthened the AMPS and have been cited in police circles both in Canada and the United States as "model collaborative policing." Such collaborations impact considerably on police resources and on the style of policing and type of police activity that develops on the reserve. This complex situation is rendered even more multi-layered by the close proximity of Kahnawake and Kanasatake, which raises issues concerning collaboration if not regionalization among the kindred Mohawk police services. While apparently little formal collaboration has occurred among these Mohawk police services there have been some discussions (e.g., considering a Mohawk emergency response team) and occasional collective action (e.g., policing the anti-globalization/Summit of the Americas protest in 2001).

Akwesasne is also unique among First Nations in having a long-standing, functioning community court and a Department of Justice. The Mohawk court has been operative in its current format for a decade but according to informants its roots go back much further, perhaps to the 1960s. The core court staff consists of two judges, an administrator, and a designated prosecutor. The court sits once a month and has a mandate to deal with community generated laws, peace bonds, traffic offences, and mostly summary *Criminal Code* offences. The mandate appears to be technically much broader than the actual range of matters dealt with. Peace bonds are common, but these are usually related to "neighbour-neighbour" disputes rather than domestic violence cases, which are handled in the provincial courts at either Valleyfield, Quebec, or Cornwall, Ontario. Handling traffic offences through the Mohawk court means that the fines stay in the community, but many traffic infractions are also handled in the provincial courts where fines are greater and the offender may lose points on his or her licence eligibility (i.e., the deterrent effect is seen by AMPS officers and others as much greater). Also, while the range of *Criminal Code* offences that could be dealt with through the Mohawk court is limited, it does include offences such as break and entry; in practice, however, the court only gets referrals for quite minor crimes. The court has a range of sanctions available to it, namely fines, community service orders, and the like, but cannot imprison an offender or place him or her on probation. Referrals to the Mohawk court may come from any level of the justice system but usually of course they come from AMPS officers or from the crown prosecutors in Ontario and, to a lesser extent, Quebec. The Mohawk court can be seen as a conduit for alternative justice. Accused persons, in the case of referrals involving *Criminal Code* and other federal or provincial statutes, can exercise the option of having the matter dealt with in provincial court. The judges of the Mohawk court are local, respected persons, non-lawyers provided with some orientation and training, who have the status of Justice of the Peace, and the prosecutor is a long-time, non-Native, band employee of the Akwesasne Department of Justice. Elders are usually available at the court. The Mohawk court and the community laws are only applicable for the Canadian tribal members.

The Akwesasne Department of Justice is an umbrella organization for a host of activities, including the Mohawk court, the development and codification of band bylaws and community laws, the Native courtworker program (whereby courtworkers serve as well in provincial criminal courts where accused Akwesasne band members may be prosecuted), processing and monitoring probation and community service orders from the provincial courts, and a mediation program. Its staff includes a director, coordinator, clerical staff, official for handling probation and community service work, courtworker, and prosecutor. According to its leadership, Akwesasne Justice is concerned with developing an effective community-based and Mohawk-sensitive justice system that is controlled by Mohawk people, encourages “digging deeper into the roots of crime and problems,” and reduces dependence on outside courts and incarceration; as one official observed, “We try to decriminalize.” In the mediation program, the mediators are trained (and upgraded occasionally) under the auspices of the Akwesasne Department of Justice. They receive a modest payment, and the participants pay a small fee for the service. There usually are one or two mediations a month as Akwesasne Justice tries to encourage “people to work out settlements as an alternative to court.”

Since 2003-04, there has been a community justice program that has a broad restorative justice mandate. Its model has been the RCMP’s community justice forum, and the RCMP provided initial training. The program—one full-time staff and a number of volunteer panel members—holds circles or sessions in response to referrals from the AMPS, crown prosecutors in provincial courts, and the Mohawk court at Akwesasne. While there have been a few pre-sentencing circles, the program basically deals with youth and adult offenders for relatively minor offences. According to AMPS officials, the AMPS referrals to the program largely go through the Akwesasne court. The program itself can draw upon support and referrals not only from the Akwesasne court but also through the advocacy of the Native courtworker program at the provincial court. Review of the outcomes of the community justice program—that is, the agreed undertakings arising from the sessions—indicate that the dispositions were quite conventional, namely the offender apologizes and/or writes an essay and/or does modest community service. Some officials have expressed disappointment that more “traditional” dispositions such as fasting did not pan out, suggesting that “people talk the talk but don’t walk the walk on traditionalism.” Nevertheless, the community justice program, in addition to the mediation program for civil and family issues, testifies to the increasing capacity at Akwesasne in the area of conflict resolution.

Unquestionably, the most significant and unique activity of Akwesasne Justice has been in the area of community laws. There are currently some 14 band bylaws dealing with the usual band bylaw concerns of public order. The band bylaws are generally in keeping with the Indian Affairs–*Indian Act* (INAC) requirements and have a clear legitimacy and authorization as well as a straightforward appeal process. But, unlike the situation in other First Nation jurisdictions, Akwesasne Justice has the court and designated full-time prosecutor to meaningfully implement and enforce these regulations. Akwesasne Justice, however, over the past several years, has gone well beyond band bylaws into the creation of community laws, rooted presumably in Mohawk customary law and justified not by resort to INAC (though INAC is advised and its comments and suggestions with respect to any

specific community law may be welcomed) but by claims for Aboriginal and treaty rights of self-determination. The Akwesasne Mohawk First Nation, through its Department of Justice, has put into place an elaborate multi-stage process for generating community laws, entailing initial member complaints or petitions, community input at several points, research work, and council and general assembly ratification. On paper, at least, these community laws, because of this detailed processual development and cultural legitimation, might well be expected to have more impact than band bylaws where the processes for formulation are less demanding (i.e., council and INAC). Thus far, there have been six such laws established, and a number of others are reportedly “in the pipeline.” In fact, according to informants in 2002, there was so much activity in this field of community laws that the legislative commission delegated authority by council to be the responsible directing agency met almost once a week.

Among the six community laws are the Akwesasne Banishment Law and the Akwesasne Drug Law. The latter successfully went through the elaborate process and was effective as of October 1999. It has been described as “the Warning and Conviction Law, being a law to stop the activities of people dealing with the traffic of drugs.” Under this law, drug manufacturers, traffickers, and so on would receive a warning to be followed, if unheeded, by the initiation of banishment procedures in Mohawk court pursuant to the Mohawk Banishment Law. Based on Mohawk customary law, specific groups of community members could be authorized via Akwesasne Justice to warn the culprits 18 years and older, and if the warning went unheeded, the banishment procedures would be activated by the Mohawk court prosecutor. Drug convictions, other than simple possession, in appropriate courts elsewhere would automatically bring the person into the banishment process (i.e., the procedures would be activated without the requirement of the individual warning). Thus far, neither the Drug Law nor the Banishment Law (which specifies causes for and processes to be followed in banishing persons) has apparently been successfully utilized. The law concerning the ejection of non-band members did result in ejection but the person appealed in regular court and won on procedural grounds (i.e., there was no ruling on the Akwesasne law itself). In the case of banishing drug smugglers and traffickers, the elaborate process described above did not gain the support of a majority in Akwesasne and the individuals targeted threatened legal action, so everything came to a halt. Clearly, though, the Akwesasne leaders see this type of initiative—community laws—as trail-blazing for First Nations in Canada and report much interest from other Native communities.

In light of the above, it is understandable then that informants noted that there are three kinds of laws at Akwesasne, namely outsider laws (e.g., the Canadian *Criminal Code*), band bylaws, and community laws. Among both police and other informants, there appeared to be consensus that the first type of laws are regularly policed by the AMPS, and that band bylaws have usually been accepted and policed by AMPS since their broad legal legitimacy is established (e.g., there is an appeal base in INAC, etc.). It is acknowledged that community laws are more controversial from a policing perspective since there is some ambiguity concerning whether police force can be used to enforce such laws, whether police might be personally liable in enforcement complaints (especially if force has had to be employed), and where community laws fit in the overall system of justice (e.g., what is the appeal process?).

The Akwesasne Mohawk Police Service

Policing in Akwesasne as in other First Nations was once carried out by the RCMP. In 1970 the elected band council passed a resolution calling for the formation of the St. Regis Akwesasne Police, and by the end of 1971, the AMPS was formed with a complement of 12 officers (AMPS Bulletin, 2005). The ultimate goal was to replace the RCMP with a self-administered service (ibid.). While the roots of the AMPS reportedly go back several decades, all informants indicated that it has evolved especially in the last decade and a half under the auspices of “quadpartite agreements” (Canada, Ontario, Quebec, and Akwesasne Mohawk First Nation) and the impetus of the First Nations Policing Policy (1991–92). In 1991–92, with a complement of 14 officers, the AMPS became a stand-alone police service. Immediately prior to that time, the police service liaised particularly closely with the Ontario OPP, being part of the First Nations Policing Program with the OPP. The AMPS in 2002–03 had a complement of 27 officers, namely the chief, deputy chief, four platoons, each with a sergeant and four constables, two officers collaborating with two RCMP counterparts in a long-term joint investigative team (JIT), the community relations officer, the court officer, and the fleet officer. In addition, there were seven support personnel, namely an office manager, clerk, maintenance person, and four dispatchers. The AMPS, in conjunction with fire, ambulance, and search and rescue, had its own 911 dispatch system that operated on a 24/7 basis. This call service was achieved in 1994–95 and was deemed by AMPS officers to have been a major accomplishment. AMPS officers worked a 10-hour shift, and there were usually at least two officers on duty each evening. The officers, all band members and all male (there is a female trainee), were, like their chief, well trained and credentialized. Four officers had been trained as SOCO (i.e., scene-of-crime officers), five had breathalyzer expertise (and access to sophisticated breathalyzer equipment), and three were qualified in marine operations. The community officer had training in media relations, and some other officers had had investigative training at the Canadian Police College. By 2006 the AMPS complement had increased to 30 officers, thanks in part to the 2002–07 border enforcement funding noted above.

Headquartered at St. Regis, the AMPS has no substations or community offices but, reportedly, patrol cars can reach Syne and Cornwall Island in 15 minutes and Hamilton Island in 30. The AMPS now has excellent facilities, a new, well-laid-out, spacious and attractive building, a new boat for water patrols carried out in collaboration with other police services (especially RCMP), skidoos for winter transportation, and, in collaboration with the RCMP, use of a helicopter for investigating possible hydroponic sites (i.e., marijuana production) on the islands. The negotiated budget (with Ottawa contributing 52 percent while Quebec and Ontario each contribute 24 percent) is over \$3 million annually. There are no supplemental funds contributed by the Akwesasne Mohawk First Nation but temporary AMPS deficits are covered by the First Nation, which (since 2003) is the recipient and administrator of all police funding. There are no special supplemental private security guards funded directly by the council, but council apparently does manage some security officers associated with Canada Customs.

Virtually all the usual indicators of effective policing indicate that the AMPS is providing a well-managed, quality police service. The AMPS produces annual operational plans that lay out the service's vision (i.e., "we envision a well-trained professional police service that is sensitive to the needs of Ahkwasahsronen people, working in partnership with the community to ensure a safe, healthy and responsible community"), identifies strategic goals, and specifies the corresponding tasks and performance measures for their realization. While full departmental meetings are uncommon, squad meetings reportedly are regular. Officers' input is said to be sought on new policies, and the latter are vetted with the members. There is a departmental manual (i.e., standard operational procedures), job descriptions for the various police roles, annual performance evaluations, and a subculture emphasizing training and upgrading for all members from the chief of police to the constables. Promotion procedures have become increasingly formalized, and sergeants are required to take the Ontario sergeant's examination. The AMPS not only collaborates well with the senior police services in the area but recognizes the value of further collaboration, whether by extending its JIT agreement with the RCMP or discussing joint actions with the other Mohawk police services.

The consequences of the solid management and strong professional orientation that the AMPS exhibits are manifested in the excellent clearance rates for violent and property crimes (see below), and in the low turnover among AMPS officers. Recruiting and keeping community members as police officers is something that many First Nation police services, such as neighbouring Kanasatake (and non-First Nation small-town services), have been unable to do, and attests perhaps to the success that AMPS has had in creating a strong professional image and substance for its service. In 2002 all AMPS members were band members, and only two persons had left the service in the previous four years. Since then, there apparently has been more difficulty staffing complement, especially as the border enforcement team led to the secondment of several senior AMPS officers. The AMTP officers have an association and are affiliated with the larger Ontario Police Association. The chief has held his office for nine years, much longer than his three immediate predecessors. It would appear, too, that having a deputy chief managing day-to-day operations has been a particular valuable strategy for maintaining a quality service, given that the chief has to attend so many community and extra-community meetings because of the complex context for policing that was described above.

It is unclear how effective AMPS has been with respect to community policing. The AMPS informants indicated that there are policies of keeping the victim informed of the progress of an investigation, and reference was made by informants, and in police documents, to several programs such as Community Watch, Crime Stoppers, mobilizing volunteers, and traumatic incident debriefing, all of which are classic strategies of good professional policing. It is unclear how much effort and priority has been accorded to collaboration with local service agencies or liaison with the women's and youth shelters, Elder groupings, and so forth, but some mutual training has been done alongside community agencies (e.g., women's shelter staff and police staff).

The Police Commission appears to have been an integral part of AMPS's success as a quality, professional police service. As in the case of the Six Nations, the commission

leaders over the past decade have had a vision of policing and of the commission's role that has emphasized advocacy for the service (i.e., validating and legitimating it in the community) and buffering it from any direct political interference. The commission chair, elected council members, have articulated, and argued for when necessary, a triadic social construction of policing as professionalism, policing focused on community needs, and policing that is arms-length from politics. In addition to the chair, who is always a council member, there are six members of the commission, two from each of the three principal districts that constitute Akwesasne. Consensus is the rule of decision making adopted, and the chair does not have a vote. The commission meets once a month. While the primary roles of the Police Commission are advocacy and buffering, commission members are also involved in some personnel matters (especially the appointments of chief and deputy chief and promotions) and hearing complaints against the officers. The Police Commission does not hold public meetings, but there are sessions with other community organizations, especially Akwesasne Justice.

As noted, the AMPS has to deal with significant organized crime (e.g., the bikers, mafia, Colombians) and their reserve associates. The main criminal thrust here is the smuggling of drugs, weapons, and people; alcohol and tobacco smuggling have faded in importance. In the opinion of the police interviewees, the smuggling problem is "far more important than other crime." There clearly is much money to be made in smuggling. One young officer noted in 2002 that community young men who were involved could be seen driving their fast new cars around the reserve, blatantly showing off their gains. In 2006 a prominent Akwesasne leader observed, "There are a lot of young guys into smuggling and the fruits of their work are the hummies they drive around. It's hard to get anyone to work for low wages, pumping gas ... my wife and I both work but we are among the working poor." The lure of the money can become entwined with issues of political rights and autonomy (e.g., to right to grow marijuana), which can make enforcement very difficult and dangerous, sapping community support for the police service. While such a development seems to have occurred in some First Nation communities (e.g., Kanesatake), it has been strongly contested in Akwesasne. Akwesasne's political and community leaders have generally condemned such thinking and practice with respect to smuggling. In the case of drugs, they have supported tough, zero tolerance policing practices. Still, the AMPS management noted in 2005 that the central safety and crime issues in Akwesasne "revolve around organized criminal activity in smuggling, whether of drugs, cigarettes or humans. The illicit gains from such activity are plentiful and create other problems as money gets laundered into legitimate economic enterprise and also influences some community politicians."

Conventional crimes such as theft, other property crime, and public disorder were said to be modest in number. Ironically AMPS officers held that one major reason for low levels of burglary and major theft may well be the presence of powerful criminal elements in the community. Person violence was identified as significant and increasing, according to most informants. Typically, assaults—especially domestic violence—were characterized as "high and steady," predictably occurring around certain times of the month (i.e., welfare cheque days). Generally, informants suggested that substance abuse (alcohol and drugs) and the breakdown of the stable nuclear family embedded in a supportive extended family network were the major problems in Akwesasne. The AMPS has a policy of charging for the

possession of soft drugs and a policy of sending all available officers to spousal and/or partner violence calls. Charges are laid in Valleyfield or Cornwall provincial court, depending on where the incident took place. AMPS members may take matters to the Mohawk court if they are infractions of band bylaws or very minor offences. The police service has determined that having a designated court officer to prepare files and attend arraignment has increased efficiency and effectiveness in processing cases.

The AMPS: Views and Assessments

As in most First Nation communities, the views and assessments of non-police informants convey a characterization of the police service as competent, effective, better than outside police services would be in responding to the community needs and expectations, and one with which they readily identify (i.e., “our police”). Also consistent with other First Nations, there is a call for more collaboration with local agencies, more involvement with youth and more peacekeeping; in general, a common critique, not expressed stridently but a critique nevertheless, has been that the policing has yet to capture the essence of Native differences or to distinguish itself from good professional mainstream policing. One non-police informant considered that the kind of cadet training officers received and the need for officers to establish their professional credibility have taken priority. Clearly, this view was common among Akwesasne Justice personnel who wanted more enthusiasm from police for—and more use by them of—the Mohawk court and the band bylaw/community law alternatives. For their part, the officers themselves did not challenge or object to the peacekeeping, inter-agency thrusts but, rather, were concerned about jeopardizing their own credibility and bringing policing and justice into disrepute by a too premature involvement. One senior officer commented, “We want to develop more culture aspects to reflect our uniqueness from non-Native police agencies.” Police were, however, skeptical concerning the community laws and even the enforcement of band bylaws, with several commenting that charges laid with the court are often withdrawn, so why bother, and that persons fined there often, with impunity, do not complete the disposition (e.g., do not pay the fine or do the community service work) or even show up at court. There are also outstanding issues, as noted above, concerning liability in enforcement of community laws. The general opinion from the police side was not one of hostility to the critique but rather a confidence in their current approach, and a sense that more work has to be done to clarify legal and related issues and to generate community consensus on the alternative justice policies and practices being advocated. This major issue concerning the preferred style of policing is being played out in many First Nations that have self-administered policing. The difference in the Akwesasne Mohawk First Nation is twofold, namely, that it has more salience here given the sophistication and the developments that have occurred over the past decade, and that the debate is engaged with mutual respect on all sides.

Generally the informants, police and non-police alike, considered that Akwesasne is a rather difficult community to police for several reasons, namely, organized crime, high demands and expectations concerning the police service, diverse community factions, and the Mohawk subculture (i.e., assertiveness). Nevertheless, they all pointed out aspects of the community that have facilitated policing. It was observed, for example, that the Longhouse–Christian–Other religious divisions have no negative impact for policing. There are

apparently no differences among adherents in these groupings with respect to calling for police assistance, co-operating in investigations or testifying/witnessing in court. Moreover, all informants emphasized that the troubles in neighbouring Mohawk communities concerning factional disagreements over policing in the drug trade, and other problems that have generated much violence even against the police officers, do not apply to Akwesasne. Akwesasne was seen as having gone through that phase (“we’ve been through that”; “that was us in the 1980s”) and as now having a strong community consensus that supports the current police approach. At the same time, especially among the officers, there appeared to some anxiety that the consensus could fracture and significant chaos ensue.

Among the police informants there appeared to be a sense of accomplishment and pride in the AMPS. The AMPS management had the confidence to criticize itself on some of the standard police functions. For example, they considered the service strong on partnerships with other police services and with community agencies and on enforcement, while on the other hand, needing improvement on patrol and response time, and on crime prevention. The members characterized the AMPS as being a well-managed organization with an appropriate organizational structure and high morale. There appeared to be good co-operation and rapport among the members, with a focus on performance; one officer conveyed this style in his remark, “Rank means little here.” The officers interviewed considered that the AMPS was about where it should be with respect to appropriate complement or size. The chief uncertainty regarding complement concerned the future development of the JIT and whether additional members would have to be seconded to that collaborative undertaking. The members valued their current collaboration with the RCMP and other police services and were positive about future collaboration with the other Mohawk police services. The strengths of the police service according to the police informants were identified as leaders in council and the Police Commission who have advocated and protected a professional autonomous police service, and the quality and commitment of the members.

Crime Statistics and Police Activity

Limited hard data were obtained during the fieldwork at Akwesasne, and apparently there are no audits or reports that detail these aspects of the AMPS. The most recent data available through the Canadian Centre for Justice Statistics (CCJS) indicate that conventional criminal offences and infractions—assaults, property crimes, and other *Criminal Code* (i.e., mischief, public disturbance, /breaches)—occur at a quite modest rate. For example, in 1997 the Six Nations’ rates of violent crime, property crime, and total *Criminal Code* offences were all well above those at Akwesasne. The rate of violent offences was 1,354 per 100,000 for Six Nations First Nation but only 562 for Akwesasne, and for property crimes the respective rates were 2,677 and 1,178, respectively. Consistently, the incidents per officer were almost three times as great among the SNPS (i.e., 41 to 14). Indeed, almost all communities in Ontario of similar population size (whether First Nation or mainstream) had higher rates of conventional offences. In terms of per capita costs and police per population ratios, the AMPS was in the lower half among First Nation police services but well above most of the other Ontario police departments. The trends in these measures, according to informants, are however for a convergence of Akwesasne and other Ontario communities. The CCJS data

also indicate that the AMPS has had an above-average clearance rate for property offences and an average rate for violent crimes (and in both instances above the SNPS and most First Nation police services' clearance rates). The data on conventional crime, occurrence and cleared, do not do justice to the effort that AMPS has to expend in dealing with smuggling and organized crime; in these areas there is no comparison between Akwesasne and Canadian communities of comparable size. The experience of police services, such as the Hamilton Police Service in dealing with the mafia, has been that with such sophisticated criminal activity, gains and effectiveness have to be measured in different ways since much surveillance and other police work may impact by deterring and driving away rather than by laying charges.

Vulnerability

The factional violence of the 1980s in Akwesasne culminated in 1990 when, upon the killing of several persons, outside police services had to come into the community to restore order. That violent episode has left its mark in Akwesasne consciousness, and the AMPS has an acute sensitivity to any stirring of factional sentiments. In the Day of Rage incident in 2001, such a perceived threat was dealt with quite adroitly (see Clairmont & Potts, 2006). Economic development appears to have been a major factor in muting factional strife and in mitigating the influence of organized crime. Still, like its Six Nations counterpart, there are periodic challenges to AMPS's legitimacy and continuity by different groupings, whether "traditionalists," crime-based interests, or people arguing for RCMP policing on reserve. A senior Akwesasne political and administrative leader, interviewed in 2006, observed that criminal linkages enhance the prospects for protests and disorder where the focus is as much or more on band policies and policing as it is treaty issues. A senior AMPS officer echoed these views. He noted that smuggling remains in 2006 the number one issue for both security and organized crime. While acknowledging that a "Kennedy bootlegging" type of transition has been occurring among key crime figures in the community (i.e., those with ill-gotten gains turning to legitimate business), "many still keep a hand in and some are still all in [smuggling]." The AMPS official also considered that the politics of smuggling—whether it should be even pursued by Mohawk police—has become more problematic, noting "it [local views] used to be 60 percent to 40 percent positive regarding the AMPS position on crime and/or smuggling issues; now it is about 50–50." The change, he felt, has been because the "traditionalists" have been influenced more by the economic power of the smugglers than by traditional values. Without the strong support of its board and the collaboration of other police services, this outstanding SA police service would be even more vulnerable.

Perhaps even more than the SNPS, the AMPS management expressed the problem of SAs not having the ready access to legal support. As one noted in 2006, "I can't phone up any legal people to get their views [without costs]." This SA limitation is compounded in Akwesasne by community laws whose implications are unclear jurisdictionally and where police action (such as evicting someone) would certainly be challenged by the affected parties. Moreover, affluent organized crime reportedly can access "high-priced" Montreal lawyers, which has been daunting for political leaders as well as the police service. Quick

access to first-class legal advice and being able to call upon, in a crisis situation, experienced and respected Native officers would be very beneficial. The concept of an Ontario First Nations Chiefs of Police office, which might facilitate both basic legal staff and crisis intervention capacity for all Ontario SAs, was advanced as a possible benefit in reducing SA vulnerability.

Conclusion

The AMPS certainly has one of the most challenging policing responsibilities among First Nation police services in Canada. It operates in a milieu where organized crime, of various stripes, represents a serious threat, where multiple jurisdictions create major opportunities and difficulties for effective policing, where there has been a recent history of serious community divisiveness, and where there have been widespread problems of unemployment, poverty, and interpersonal violence that have shown signs of abatement only in the last few years. As the above description and modest analyses have shown, the AMPS has been reasonably successful in meeting that challenge, largely for two reasons, namely, (1) its effective police management and the quality of the officers themselves, and (2) strong political leadership at the community level, which has buffered the police service from political interference and community factionalism.

From the AMPS perspective, the major challenges have been indeed major and go to the very base of policing, namely, ongoing struggles with organized crime, jurisdictional disputes and sovereignty issues, and the threat of major incidents. The spectre of policing chaos in neighbouring Kanestake, the memories of Akwesasne's own violent factionalism, and challenges such as the Day of Rage in 2001 are quite prominent in police consciousness. The AMPS in Akwesasne has singularity in First Nation policing and indeed in Canadian policing, making it informative of "policing on the edge" with respect to both the possibilities of the modest-sized police service and the future of First Nation policing.

THE NICHE MODEL: WIKWEMIKONG, HURON-WENDAKE, AND TSUUT'INA

INTRODUCTION

The trends in modern policing have clearly been toward the large police service, which can provide the full range of mandated police responsibilities. For example, in Quebec in the last 15 years the number of police services—apart from the SAs in First Nation communities—has dwindled from well over one hundred to roughly a dozen or so. A similar evolution has taken place, as noted above, in Ontario. Given this pattern and given the expectations and demands for policing in First Nation communities, clearly the micro department where the police complement is but a handful of officers would not be expected to have a long life expectancy. Still, some First Nations may insist on a police service tailored to their specific values and needs, and some such police services may be able to survive if they can find an appropriate niche where they can focus their limited resources and develop efficient and effective linkages with other police services in their

area. Two cases of such SA niche policing in Ontario appear to be the Wikwemikong Police Service and the Rama (Mnjikaning) Police Service. The former, discussed below, is an interesting example of conventional policing in a First Nation that takes great pride in its independence and sovereignty, while the latter, not discussed here, has a niche centred on the policing demands—and funding possibilities—of the large and profitable Rama casino located on reserve. Reportedly there are some 20 officers associated with the latter police service and 90 percent of the police service's budget is provided by Casino Rama.

Two other examples of niche police services are discussed here, namely the Huron-Wendake Police Service (HWPS) in Quebec and the Tsuu T'ina Police Service (TTPS) in Alberta. They are an interesting contrast in that one, the Huron-Wendake, appears quite secure and is assessed very positively by the First Nation residents in a 2005 survey (Prairie Research Associates, 2005a), while the other, the Tsuu T'ina, appears to be quite vulnerable, having much more significant crime and social problems to contend with, experiencing more instability in its staffing, and being assessed rather negatively by its clients in the same 2005 survey. The Huron-Wendake Police Service does well what a micro niche police service can do, namely provide first-response policing. The TTPS's niche is not yet well delineated. Moreover, in Alberta several SAs have subsequently been replaced by the RCMP, the provincial police service, whereas in Quebec, as in Ontario, the government policy discourages such absorption of First Nation SAs. Both the Huron-Wendake and the Tsuu T'ina First Nations have positive economic prospects, and these could ensure sustainability for their niche police services in that funding resources could be available apart from FNPP tripartite agreements for further staffing and other policing initiatives.

THE WIKWEMIKONG POLICE SERVICE

The Wikwemikong Police Service (WPS) is a self-administered First Nation service, established in 1996, with some 14 officers and 3 civilian employees in 2005. It was established under a tripartite agreement in 1996. It polices a single First Nation (though the residents see the reserve as multi-site, the areas are contiguous and there is only one band council), one which prides itself on occupying the only unceded territory in Ontario. Its website conveys the following message

Wikwemikong is Canada's only officially recognized unceded Indian Reserve. Unceded means that we never relinquished our ownership to Manitoulin Island and the surrounding islands. We are the people of The Three Fires Confederacy, the Ojibwa, known as the faithkeepers, the Odawa, known as the traders, and the Pottawatomi, known as the firekeepers.

The WPS provides 24/7 policing in a large reserve that doubles in population (from 3,000 to 6,000 or more) during the summer when tourism is extensive. All officers, save the chief, are members of the Wikwemikong First Nation. The chief, a non-Native, spent many years as an OPP officer in the area prior to the emergence of self-administered policing there. There is a well-functioning police board constituted of five members, one

of whom is a councilor with the Justice portfolio (including policing). The board has achieved a strong position and responsibility as a buffer between chief and council and the police service. Observation indicates that the board members—essentially volunteers—take their responsibilities very seriously and strive to improve their competence and effectiveness. The WPS has its own financial management. In 2006 a new and more adequate police facility was opened in Wikwemikong and the WPS's complement was increased to 16 officers.

Views of Key Informants

There was consensus among the informants that Wikwemikong is well policed in a conventional sense (i.e., reactive 9/11 policing) and that community residents have very high expectations for response and visibility in particular. There was also agreement that the future direction of the police service should be in the area of crime prevention and proactive policing. There was, however, some significant diversity between the police informants and the others with respect to what can be realistically accomplished by the police service and whether the expectations for policing foster a criticism of the police service that is inappropriate. Some non-police informants criticized the police for attending to unwarranted requests for service and thereby limiting their role in fostering proactive policing programs. Police leadership, on the other hand, noting that the police service is the only 24/7 local service provider, seems to have come to a realization that it is better to handle all calls than to become embroiled in complaints. A senior police officer commented:

My best guess on the level of police response to non-emergency and non-criminal incident for the community would be 15 percent to 20 percent of our call responses, meaning that it could have been dealt with over the telephone, via another agency, and so on. To continue our culturally appropriate policing, we respond rain or shine as not responding causes issues, and so forth, that take more time to resolve than the issue itself in many instances.

Divergent perspectives between community residents and mainstream justice policies are often played out at the policing level (e.g., policies for young offenders, for domestic violence) where criticism is directed at the policing service though it is only carrying out “mandated” provincial policies.

The Police Functions

Aside from its focus on responding to calls for service, the WPS has done a very credible job in dealing with crime in Wikwemikong. Compared with other SAs (see *Police Resources in Canada, 1999 to 2003*) it has a slightly above-average crime rate and is in the middle range in terms of *Criminal Code* caseload per officer. Both WPS officers and board members indicated that the WPS has a caseload equivalent to the combined total of UCCM and OPP jurisdictions on Manitoulin Island. The WPS now has to contend with a comparatively low level of violent crime, a dramatic reduction from the first several years

of its existence (e.g., the violent crime rate declined by 80 percent over a four-year period from 1999 to 2003). Its clearance rate is comparable to that of the OPP, according to WPS officials.

Overall Impression

The WPS Police Service is well managed in all respects—by its chief of police, its board, and its financial manager. It provides solid OPP-type policing with a strong service orientation in responding to requests for assistance. There is a consensus that the service and the officers need more training in community-based policing and in responding to their own community in culturally appropriate ways. The police service serves a strongly independent-oriented First Nation, and that has significant bearing on expectations regarding the police service. Collaboration with other nearby police services, such as the UCCM police service, and with the OPP, is quite extensive and much valued both by the WPS police officers and by the board members. At the same time there is some deeply felt angst among police leadership, at least, over whether such a small police service with its limited resources can survive in a world of high expectations, ever-increasing high standards and mandates, and frequent liability challenges.

In terms of effectiveness in responding to occupations or protests, the WPS clearly depends on the OPP and the excellent relationship it has with that service, from the chief of police (a long-time former OPP officer) down to the constables on patrol. There were two recent disturbances in the community where the OPP was called in by the WPS. In one instance intelligence and rumour suggested that a faction protesting the election results would prevent the elected chief and council from convening a council meeting. The WPS chief had the OPP come into the community in visible strength as a preventative move and it worked; nothing happened. The other incident was a barricade over a domestic matter. The OPP special response team was called in and the incident was dealt with quickly and without violence. Some members of the WPS board and some police officers reported that there was modest dissatisfaction among WPS officers that they were essentially spectators and had played no significant role in responding to the incident. A police board member commented: “Our police were upset that they did not have a major role” in a recent barricade situation (a domestic-type situation), but we don’t have an ERT [Emergency Response Team] and we are very aware of liability issues, so we depend on a protocol with the OPP.” The board members liked the recommendations concerning an Ontario First Nations Chief of Police Association and thought that a CNT (Conflict Negotiation Team) special team might work well in the case of intra-band disputes.

THE HURON-WENDAKE POLICE SERVICE

The Huron people have always identified the area along the north shore of the St. Lawrence as their “ancient territories,” and the Huron Confederacy was a major partner of the French in the colonial period. The Huron village at Wendake is an urban enclave situated on the bank of the Saint-Charles River and in the heart of what became, on January 1, 2002, the

newly amalgamated City of Quebec. It is the site of the Huron-Wendat Nation, relatively autonomous while totally surrounded, a situation that has led many residents to describe it with the metaphor “the hole in the donut.” The First Nation community covers a quite modest geographical area of several square kilometres, and in 2005, had approximately 1,500 band residents. Another 1,700 band members live outside the reserve. Officially, according to INAC in April 2005, the registered population was 1269 on reserve and 1728 off reserve. The demographic profile of the community indicates that 75 percent of the on-reserve band members are over 18 years of age and only slightly more than 20 percent are aged 16 or less. The off-reserve membership is significantly older in its demographics, with almost 60 percent of its population over 40 years of age (compared to 45 percent of the on-reserve population). Clearly, this First Nation has modest population growth (an increase of at most 70 over the period 1999 to 2004) and is unlikely to experience the population explosion that is in the immediate future of most First Nation communities.

The council of the Huron-Wendat Nation is made up of a grand chief and eight tribal chiefs, one of whom carries the responsibility (portfolio) for public safety and facilitates liaison between the police organization and the council. The council presides over an economically prosperous community. There are many small businesses, including several modest-sized manufacturing operations (e.g., furniture manufacturing) and a food processing plant. There are also two long-standing financial institutions in the community, namely the Bank of Montreal and the Caisse Populaire, both of which do the majority of their business with the Native residents while also catering to many non-Natives. There is virtually full employment and in fact a need to recruit employees from the surrounding populations. The living standards, according to experts, are equal to, if not higher than, those in the surrounding non-Native communities. The community also offers a full range of services, including a private medical practice and an administration overseeing health and social affairs, a primary-level school (and secondary and post-secondary educational institutions in the region abutting the community), a youth centre and an Elders’ residence (for persons who have reportedly “lost autonomy” or need short-term lodging), and a senior citizens’ club.

The Huron-Wendake community is well-known in Quebec, among Natives and non-Natives, for also being a major centre of development and training for Quebec Native people. Its Centre de développement de la formation et de la main d’oeuvre (CDFM) offers full-time (138 full-time students in fiscal year 2000–01) and part-time training programs for French-speaking Native students. Students attending these courses may also obtain individualized, quasi-professional preparation as well as employment counselling. Businesses are recruited to identify opportunities and are matched up with student employment choices. The CDFM Huron-Wendat in August 2000 became the first adult Native academic institution in Quebec to be completely independent from the Ministry of Education, while nevertheless being recognized by them. It is now recognized as the French point of entry by the Quebec Commission of First Nations Human Resources Development. There is also a trades school section. Overall, through such programs the Huron at Wendake maintain high levels of employment, and provide human resource development and training for band members, as well as many other Native persons (especially Montagnais people). One implication of this activity is that many young adult Natives and some displaced youth

(there are some courses devoted to this population as well) from other bands are involved in community life, whether for work or training, and this generates significant demand for policing services. Wendake is an urban community with, for its size, an unusually large, fluctuating population of older youths and young adults.

In 2004–05 Huron-Wendat interviewees indicated that the social problems and issues in the community centre on the large transient young adult population accessing Huron-Wendat programs and services. Given the large young adult population—and some rivalry between Huron-Wendat young people and those from other bands (plus of course the non-Aboriginals)—it is not surprising that alcohol and drug problems can be problematic, as well as assaults. In 2004–05 there was some community perception that property crimes, such as break and enter, were on the increase.

The Huron-Wendake Police Service

Even though public security had certainly existed in earlier times, it was in 1971 that a formal police organization was established, providing a police presence and involving local band members. Until the mid-1990s the Huron-Wendake police were band constables, not First Nation Independents. They functioned under the broad policing umbrella, and with the support, of the Surêté du Québec (SQ). During the nineties the per capita cost and police-to-population ratio of the Huron-Wendake Police Service (HWPS) were both at the average among the more than 50 police services in Quebec First Nation communities. In 1996 the first tripartite agreement was signed among the federal government, the Quebec government, and Huron-Wendat Nation. In 1999 a second, five-year tripartite agreement was signed. In the framework of that agreement, according to the police director, “Our police force is distinct and autonomous and enjoys the support of the Surêté du Québec and the Royal Canadian Mounted Police.” The agreement authorized one director and five full-time officers, and allowed for the hiring of auxiliary officers within the limits of the allotted budget. The HWPS has been quite stable and has become a seven full-time officer complement (including the director or chief) in addition to its auxiliaries. The police director is in his seventh year as head of the service and there has been little turnover among the officers.

Like the Cree at Whapmagoostui, the Huron-Wendake Police Service is, technically, in terms of the current Quebec police act, a police force (i.e., a force has more jurisdiction than a police service). Its police director is sworn in by the First Nation chief, and the constables are sworn in for the duration of their employment by the police director. The officers exercise “show badge” jurisdiction throughout the province. The police director, a band member, had some 30 years of experience with the SQ prior to assuming the direction of the Huron-Wendake Police Service seven years ago. There are six patrol officers, two of whom possess over 25 years of police service within the community. There are also five supernumerary agents. They are engaged as replacements for members on sick leave, vacation, and so forth. In 2001, for example, three of the six permanent officers were either on extended medical leave or unpaid leave of absence and were replaced by three supernumerary officers. The HWPS has two patrol cars (with mobile computer terminals)

and provides 24/7 policing; as the director reported, “Our territory is covered 24 hours a day.” In July 2000 the HWPS moved into its present quarters in the centre of Wendake, becoming more accessible to community residents. The police service has one secretarial employee.

The HWPS does not have a police board or police commission apart from the band council, but the management subcommittee of the latter assumes the responsibility of the required “public security committee” (Prairie Resource Associates, 2005a). The latter has responsibility for identifying public security priorities but is to adopt a hands-off approach in investigations or day-to-day police operations.

Police Activity

The crime control emphasis of the HWPS, focusing on patrol, response, and enforcement, is reflected in its mission statement: “Our mission is to maintain peace, order and public safety in the Wendake territory, and to prevent crime or infractions against the applicable laws of the territories and to search for the perpetrators.” In 2000 the HWPS reported 30 offences against persons (9 common assaults, 18 threats, 1 homicide, and 1 assault with a weapon); 52 property crimes (42 burglaries and 10 frauds); and 100 other infractions (29 misdemeanours, 15 “impaired,” 8 breaches of undertakings or probation, and 44 “other”). No specific mention was made of band bylaw infractions. The total number of files at court for 2000 was 51 or one a week on average. Being urban, it is not surprising that the HWPS in 2000 recorded a large number of incidents (i.e., 623), a fair amount of traffic tickets issued (i.e., 248), and false alarms (i.e., 124). Overall, given the small population of the Huron-Wendat First Nation, even the modest, absolute numbers of violent and property crimes translate into a rate above average for Quebec communities. In the subsequent years up to 2003 the level of reported crime remained modest. The Prairie Research Associates (PRA) study indicated that the HWPS had the lowest rate of crime among the First Nations examined and also had the lowest level of violent crime (Prairie Research Associates, 2005a). Indeed, the modest rate of crime in the community is perhaps surprising, given the population characteristics identified above (e.g., fluctuating population, many young male teens and adults). The relatively modest level of crime is perceived by council to be a function of the 24/7 service; as noted in one council document, “the active presence of officers at all times of the day and in every section of the Community, certainly helps to uphold a peaceful and safe environment for the adults and children of our Community.” Clearly, the HWPS deals with few major crimes but there are enough crimes and incidents of various sorts to keep the small HWPS focused on response and enforcement, especially as the police provide 24/7 service in an active urban enclave.

The focus of the HWPS is evident in their reporting in 2004 (Prairie Research Associates, 2005a) that they had none of the usual crime prevention programs (e.g., Elder Watch, Neighbourhood Watch, D.A.R.E.), nor did the police service have formal referral processes in place with community groups such as women’s organizations or school programs. The police service also reported no regular contact with the community through public meetings, local cable and/or radio shows, or newsletters. Police management reported in 2004–05 that the senior police services and the Association of First Nation Quebec Chiefs of Police are

developing crime prevention programs accessible to all communities, and they will take advantage of these programs. Similarly, they acknowledge dependency on the senior police services for the more serious investigations, since they have limited resources for training the HWPS front-line officers. As for band bylaws, HWPS managers reported that Huron-Wendake residents do not take the bylaws seriously and there is no proper system in place to enforce them.

The HWPS clearly provides its niche policing in collaboration with other larger police services. It uses the 911 call system of a neighbouring police service and refers serious crimes (i.e., major crimes whether person or property offences) to the SQ as provided for under an existing agreement. It has limited “ident capacity,” and even sobriety tests are administered by the SQ. It might be characterized as being a competent, well-trained, and well-managed police force providing effective first-line police response. It is also a well-regarded police service, enjoying excellent relations with the surrounding municipal forces and the SQ. The direction of change for the HWPS appears to be not one of replacing these collaborative links and becoming more autonomous in all policing respects, but rather, and wisely it would seem, to becoming more active in terms of peacekeeping and problem solving. The HWPS plans to work more closely in the sponsorship of the Youth Centre, which attracts a lot of non-residents, to generate an information program especially for the vulnerable elderly, and to effect inter-agency collaboration to deal with problems of social order and non-residents. Preliminary fieldwork suggests that more strategic planning might be necessary in order for this small police service to husband its modest resources effectively and in keeping with the high community expectations and demands. Such strategic planning (e.g., establishing priorities in relation to community realities and demands, developing a communication plan, etc.) would be required if the HWPS is to achieve these additional objectives without sacrificing its reputation for providing solid conventional crime control.

The view of Huron-Wendake policing from the perspective of the police themselves is consistent with the above social construction gleaned from reports and interviews with others. The director of policing reported that the HWPS did not face the problems of extensive distances to patrol, a high rate of violent crime, much social disorder, gangs, high unemployment, turnover among officers, or inadequate protocols for collaboration with other police services. Certainly the police officers identified the non-resident factor as a problem for police; as one described it, “Manqué d’organisme d’hébergement pour autochtones des autres réserves qui sont en boisson ou sous l’effet des drogues.” But the challenges that were highlighted concerned meeting the high demands for service from community residents and the need to buffer the officers from the pressures of family groups and some local influentials. Indeed, meeting the challenge of being people-oriented (considered by many to be a major requirement in First Nation policing) while being professionally disinterested was considered by the police director to be his major accomplishment as a manager. Asked whether there was a special style and aptitude necessary for a First Nation chief of police, he responded, “Oui, être près des gens et surtout être capable de défendre ses membres face au conseil de Bande et face à la population (clans) ... donner un sentiment d’appartenance aux membres de notre corps policier.”

The HWPS officers, including the director, were quite realistic about resources. They considered that they had sufficient resources to do conventional crime control policing but that there was a need for one additional officer to facilitate the 24/7 mode of policing to which HWPS is committed. The director considered that the general strategy concerning resources entailed making better use of local community resources and collaborating even more with other police services. Neither regionalization nor amalgamation with other police services was deemed to be a desirable or useful strategy (it may be noted that the closest First Nations community is over 150 kilometres from Wendake).

Assessments of Policing

Modest fieldwork and interviews in 2001/02 with a council representative, directors of community agencies (i.e., the Youth Centre, Health and Social Services, Training Centre), and staff of the Wisdom Circle indicated that the HWPS enjoys the respect of the community. A consensus was reported that the HWPS is effective and responds to the basic needs as these relate to police presence (visibility) and management of calls for service. The widespread view appeared to be that HWPS provides an adequate “policing for people,” first-response policing. Informants emphasized too the importance of round-the-clock policing for providing residents with a sense of safety. The relatively affluent community residents are quite sensitive to the large number of youth and young adult non-residents, belonging to different Quebec First Nations, who are temporarily involved in their community. They are also sensitive to their central location within the larger Quebec metropolitan area, which brings traffic and threats of crime. Under the circumstances it is not surprising that community expectations for policing are quite high, and there is a modest demand for more preventative police programs, more information and feedback from the police service and problem solving with respect to the “non-residents problem.” The Huron-Wendake community is dynamic and thriving, and its leaders have high expectations in relation to its status as a progressive community in policing as well as in other areas. For a variety of reasons, then, while reasonably satisfied with the police service, residents talk, too, of the need to fine-tune community needs with overall police objectives, and of wanting to be more involved in setting policing priorities.

The PRA community survey of 2004–05 underlined the successful achievement of “niche” status on the part of the HWPS. The 130 respondents were more likely than any other First Nation grouping surveyed to consider themselves at least reasonably safe on reserve and also to hold that their police service was effective in addressing the reserve’s policing problems; on the latter issue, for example, fully 96 percent of the respondents answered in the affirmative, compared to an average of 65 percent among other First Nation groupings, and 89 percent among non-Aboriginal communities. The Huron-Wendake respondents were also more likely to consider that the relationship between police and community members was good or excellent (i.e., 90 percent, compared to a First Nation average of 65 percent, and a non-First Nation average of 84 percent), that the police did a good job on the basic reactive police functions (i.e., response and enforcement), and that in their last encounter with the HWPS, they were treated “extremely well” (i.e., 92 percent, compared to 56 percent and 29 percent among the samples in Timiskaming and Tsuu T’ina, respectively, and 61 percent in comparable mainstream communities). Not surprisingly, then, the Huron-

Wendake respondents considered that the police service they received was as good or better than that received by their neighbours in other communities.

Conclusion

The Huron-Wendake Police Service has a good reputation in the community and among neighbouring police services for providing good quality, first-response policing. It functions in a potentially quite volatile milieu in terms of geography, fluctuating non-resident young adult population, and so on. It maintains order, responds well, and is highly visible on a round-the-clock basis. There is little serious crime. Beyond the first-line response and visibility, it depends heavily on senior, larger police services for major crime investigation, “ident” services, and other specialized services. Its evolutionary trajectory is to develop its peacekeeping and problem-solving capacity, a direction of development that is consistent with community concerns and expectations and within the reach of its resources. The HWPS appears to be a good example of effective First Nation niche policing.

The police service director and other community informants were quite receptive to their policing service being part of a larger research agenda aimed at understanding the issues and improving the quality of SA police services. They identified such participation as hopefully assisting them in finding ways to improve their policing effort, already regarded in the views of some knowledgeable policing experts as a point of reference for other First Nation police directors. The informants suggested a case study methodology featuring both a community survey via questionnaires and focus groups (perhaps staff persons from the various community agencies) that could vet the findings and prioritize community demands and preferences. They suggested also that competent “experts” carry out the work in collaboration with resource people familiar with the community. Finally, the informants stressed the valuable process implications of such a case study, namely, collaborative planning, liaison with resource persons, discussion of results, and widespread communication and feedback with all community residents. In sum, the HWPS and local leadership exhibited a confidence in and a willingness to improve their niche policing.

THE TSUU T’INA: AN EVOLVING MICRO POLICE SERVICE?

Materials used in this account of the Tsuu T’ina Police Service (TTPS) come from two sources. In 2001–02 a modest amount of field work was undertaken. There were two site visits totalling six days, and one-on-one interviews were carried out with three police officers (the chief and sergeant of the TTPS, and the sergeant in command of the RCMP detachment there), two police commission members (one of whom was the chair), two provincial and federal government officials responsible for reserve policing, the coordinator of Peacemaker Justice System for the Tsuu T’ina First Nation, and the coordinator of the Tsuu T’ina Corrections Society. In addition, the researcher attended a meeting of the TTPS Implementation Committee (it was not yet an authorized self-administered police service), gathered available pertinent materials and secondary data, and toured the reserve several times. In 2004, the PRA research team, following on the schema advanced in the earlier 2002 work, spent a week at the Tsuu T’ina First Nation, conducting five one-on-one

interviews and discussing policing issues with seven small groups. In addition, a mail-back and telephone survey of residents was undertaken, which yielded 72 respondents.

The General Context for Policing at Tsuu T'ina

The Blackfoot were probably the first of the historic Plains people to arrive there and probably came from the Eastern Woodlands. The Sarcee (the former post-colonial name of the Tsuu T'ina), were Blackfoot who spoke Athapaskan. Different from other Plains Amerindians who spoke either Algonquin or Sioux, they had broken away from the northern Beaver Amerindian grouping shortly before the arrival of the Europeans. The classic bison hunting Plains cultural style developed between 1600 and 1750 and more toward the latter date. It was based on the horse, reintroduced into the Americas by the Spaniards in the mid-sixteenth century. There were well-known buffalo "jumps" in the area, and the last known use of this hunting technique by the Blackfoot occurred in 1873. As Dickason (1992, p.202) has observed, "the combination of the horse and the fur trade fostered the florescence of the Plains cultures whose 'golden years' were 1750 to 1880."

In Alberta now, there are 42 First Nations with a population of roughly 40,000. The Tsuu T'ina people are part of the Treaty 7 group, which include the Blood, the Stoney, and the Peigan. The Tsuu T'ina First Nation occupies a large reserve of 108 (6 by 18) square miles, the equivalent of four townships. The reserve population until the settlement at Black Bear Crossing in 1998 (see below) was about 1,000 to 1,200 people; the latter development, usually referred to locally as the BBC, added another roughly 800 people to the reserve, and with it, informants say that now 95 percent of the band members live on reserve. In 2004, then, the total reserve population was roughly 2,000 of whom as many as 350 were non-Tsuu T'ina people living mostly in the BBC area. As in many other First Nations in Canada, there is a growing gap between INAC-registered Native persons and band members; the former totals roughly 1,300 while the latter totals roughly 1,700. INAC funding for many programs is limited to registered persons. The reserve abuts metropolitan Calgary and is contiguous with several Calgary neighbourhoods. Indeed, on three sides, it is surrounded by the sprawling metropolis (Calgary is one of the fastest growing regions in Canada, in terms of both population and economic development). A corner of the reserve features an up-scale, non-Native housing complex on land leased from the Tsuu T'ina First Nation on a long-term basis and which is currently outside the jurisdiction of the Tsuu T'ina Police Service (TTPS). One informant observed, "We are increasingly surrounded by development." Most homes on the reserve, apart from the BBC area, are set well apart, are single-family dwellings with long driveways, and are serviced by wells and septic tanks.

Having such a small population and being so intertwined with metropolitan Calgary, it is not surprising that cultural retention has been problematic. Although there is a school on the reserve (actually two, one for Grades K to 4 and one for Grades 5 to 12), it reportedly attracts only a minority of eligible students, as most parents have their children bussed into the Calgary schools. Interestingly, in 2000, two-thirds of the Tsuu Tina First Nation adults 25 years of age or older had had some post-secondary education (Aboriginal Population Profile, 2001). The Tsuu T'ina First Nation is officially "dry" and has a limited range of social and other services, so people regularly get special health services, shop, eat, and

amuse themselves in Calgary. There is little retention of the traditional language; several informants contended that no more than 30 or so persons speak the language fluently. Several reserve leaders expressed concern that traditional communitarianism has been lost or greatly diminished and that people have become more materialistic and individual-oriented (as one active person surprisingly said, “I mind my own business and am not too involved.”). Interestingly, a significant part, if not most, of the land lease payments is received by individual band members rather than the band council. Still, virtually all informants talked of the reserve as comprising four major family groupings that tend to live in different geographical areas of the reserve and who have to be taken into account in any community activity. Several large billboards in the administrative centre of the reserve specifically emphasize the importance of community, kinship, and ancestors.

In recent years, in particular, the reserve has experienced dynamic development. Lands have been leased for farming as well as housing, gas has been discovered (and there is continuing gas and oil exploration), a gravel operation has flowered, two golf ranges have been opened (one of which recently hosted the Alberta Open championship), and other projects are being planned, including a toll highway through the reserve and a casino (there are already five casinos in the Calgary area). According to PRA (2005a), the Tsuu T’ina Nation currently runs 21 companies on the reserve and has plans for a major commercial development that will include the proposed casino. The involvement in the metropolitan complex can thus be seen as both an opportunity and an engulfment. Numerous public buildings (e.g., school, health services) also have sprung up on the reserve in recent years, and perhaps representative of the new Tsuu T’ina First Nation dynamism is the band administration building. The huge, beautifully designed building is shaped in the form of giant beaver dam (the beaver being a major traditional symbol for the Tsuu T’ina First Nation), and its facilities include meetings rooms, administrative offices, INAC-rented offices, and the council chamber in the “beaver lodge” area. The Tsuu T’ina First Nation is governed by a chief and 11 band councillors.

Specific Contextual Factors for Policing

There are four recent contextual developments that have special implications for policing, namely, the BBC development, the Jacobs Inquiry, the establishment of the Peacemaker Court, and recent developments in First Nation policing in the rest of Alberta. In March 1998, a young mother and her son were killed on reserve in a confrontation with police called in to provide assistance to a social services official who, in turn, was responding to complaints about possible child neglect. The shotgun-armed woman fired at and then was shot by an RCMP officer backing up a TTPS constable. The young boy, standing beside his mother, was also killed by the shot. An inquiry was conducted into the incident in 1999–2000, and a report with recommendations was released in May 2000. The recommendations dealt with a range of issues, namely policing, child and welfare services, treatment of women and children, alcohol dependence, and tripartite agreements (i.e., federal, provincial, and Tsuu T’ina First Nation). The policing recommendations, well received by the community leaders and the TTPS, noted that at the time “the Tsuu T’ina Nation was in the process of setting up a police service which would work along with the RCMP,” and its recommendations centred on the requirements (e.g., holding facilities, types of personnel,

equipment) that should be met before a stand-alone First Nation police service could become the primary police service on the reserve. There were other policing recommendations, including more training in domestic violence, duty roster considerations (e.g., minimum of three officers, 24/7 availability), protocols concerning emergency response teams, and so forth.

The Black Bear Crossing (BBC) development occurred in the summer of 1998. The Department of National Defence (DND) had had a small base with a residential complex for service personnel and their families (the Harvey Barracks) on leased reserve land and in 1998 it turned the entire property back to the Tsuu T'ina First Nation. The latter refused to accept responsibility for the property until certain conditions were met by DND (e.g., ensuring the property was environmentally safe since there had been much use of the site as a live ammunition range). The vacant dwellings were quickly occupied on a pell-mell basis by band members, returning band members, and even non-Natives from the Calgary area. The sole DND security official (an MPP) on site could not control the situation and withdrew under DND orders while the reserve police were not called upon by the band council to take any responsibility because council stressed that dealing with squatters was the lessee's problem. In a few short months about 800 people were living in the abandoned housing complexes, which, all told, had 204 units (basically row housing). The situation was chaotic, and much crime and social disorder ensued and continue to the present. The properties have deteriorated; at least 10 units have been boarded up but are still heated since the heat cannot be disconnected without turning off the heat for all units. The band is paying for utilities but receiving no rental income. Little maintenance appears to be provided by the band, so, not surprisingly, the BBC complex exhibits garbage strewn around, broken windows, and hanging eaves. Even the boarded-up units have been reopened by squatters. Tsuu T'ina First Nation residents frequently complained about the noise and the partying in the BBC area.

It is unclear whether there has been a backup strategy or policy developed by the Tsuu T'ina First Nation to deal with the situation. Apparently there was no response to a TTPS proposal to have it oversee an orderly settlement plan there, and there has been much ambivalence and ambiguity concerning expectations and policies for policing the area. It appears that most BBC residents are band members who seized this opportunity to return to the reserve that has had a problem of adequate housing supply, but informants were divided in their assessments of the number of non-band members and non-Natives who became squatters there (e.g., some informants said that only 30 percent of the residents were band members but most others suggested a much high ratio). There was also little consensus about how the BBC situation was evolving. Police informants suggested conditions there were deteriorating and becoming increasingly criminogenic while some other informants cited events suggesting the seeds of community were being gradually planted. By late 2004, according to the PRA (2005a) research, it was increasingly being realized by Tsuu T'ina First Nation leaders that police activities alone could not resolve the problems generated by the BBC developments. The TTPS was under great strain responding to calls and trying to maintain a community office in the BBC area. Many leaders acknowledged the need for effective band bylaws but little has been done. And there remains much skepticism about the

value of a “band bylaw” approach (e.g., Who would prosecute? Band bylaws have been difficult if not impossible to effectively enforce, etc.).

The Tsuu T’ina Peacemaker Justice System (TTPJS), cost-shared by the governments of Alberta and Canada, was launched in the fall of 2000. Its two interrelated components are the Tsuu T’ina Provincial Court and the Office of the Peacemaker. There is an explicit attempt to combine contemporary justice standards and the special values of the Tsuu T’ina First Nation. In addition to being administered largely by Native people, there is a significant involvement of community Elders in both TTPJS components, where their role is to provide advice, comfort, and support. The provincial court sits twice a month and, reportedly, usually has a large docket to attend to. Associated with the court are community probation and courtworker services.

The Peacemaker Office provides an alternative measures intervention for referrals coming to it from the police and the Crown prosecutors. Thus far, Crown prosecutors have provided the bulk of the referrals while police have referred less than one case a month and, then, usually involving only very minor offences. The Peacemaker program can provide sentencing circles as well as diversion, but there have been few sentencing circles since the program began. Its two formal criteria for accepting a criminal justice system (CJS) referral are that the accused takes responsibility for the incident and that the complainant or victim agrees to participate. The CJS referrals are primarily first-time offenders committing minor crimes but, as a spokesperson contended, “We can get repeat offenders referred by the Crown if a case can be made for it.” In the diversion activity, the TTPJS follows the usual procedures and policies of restorative justice programs elsewhere. The Peacemaker service also is available to deal with a wide range of community disputes and interpersonal issues. The Peacemaker facilitators are all local band members (the key court roles are held by Natives who are not band members) who have been trained by outside experts in mediation and by the internal program resource people in sentencing circles. There is no court house on the reserve (though one will be opening soon), and both activities take place in the band administration complex but the diversion sessions may take place at different sites throughout the reserve.

It is not clear whether the TTPJS is a direct result of the Jacobs Inquiry; non-police informants suggested that it was, while the police informants suggested that “it had been in the works” before the Inquiry. The TTPJS is gradually establishing itself. Its modest diversion program appears to have been successful. Most diverted offenders complete their agreements and if not, the program coordinator sends the case back to court if the incomplete disposition cannot be otherwise handled. Being firm is seen by the program directors as important to the credibility of the initiative within the community. Recidivism by diverted offenders reportedly has been less than 10 percent. The program leaders are hoping for an increase in police referrals in the future.

The fourth important contextual consideration concerns Aboriginal policing in Alberta. Throughout the 1990s there was significant growth of First Nation self-administered policing services in Alberta. In general there are three levels of credentialism that a new service has to pass through, namely, A level, which focuses on basic cadet-level training of

the personnel, B level, which includes upgrading and performance and where successful attainment indicates that an officer can function at the typical RCMP level, and C level, where the police service itself is deemed to be “fully exempted” and authorized as the stand-alone, primary police service for a First Nation. In 2002, in Alberta, only two First Nation police services had attained the latter status, namely the Louis Bull Police Service and the Blood Tribe Police Service. The TTPS attained that status in 2004. The milieu for First Nation police services in Alberta, especially the sense of an orderly progression through the requisite stages to “stand-alone” status, has been somewhat shaken by the many problems that these services have encountered. Of the 10 such services in 2001, three had regressed to being managed on a day-to-day basis by the RCMP, and several of the others were considered by government and police informants to be quite unstable. Several informants indicated that a certain “gallows humour” has become prevalent among First Nation police service officers, to wit, “Who is going to fall next?” Such a context puts much pressure on a First Nation police service and its officers, generating poor morale and turnover, and causing the police service itself to be vulnerable as it deals with a variety of tough community issues and the pressures of becoming institutionalized. It is a reality that the TTPS has always to contend with.

Tsuu T’ina Policing: History and Current Scene

In 1997 the TTPS was formally established, under an FNPP tripartite agreement, with a Police Commission and an Implementation Committee to guide and monitor its evolution into a self-administered, stand-alone status. In 1996–97 three Native persons, two of whom were local band members, were sent to the Alberta Justice Staff College for basic cadet training to be followed by field training and co-policing with the RCMP. Prior to this dawning of a new First Nation police service, the Tsuu T’ina First Nation had experience with band constables—referred to by some residents as tribal policing—operating with a limited jurisdictional mandate under the general umbrella of RCMP policing. Earlier in the 1990s, there were two band constables, operating under a bilateral agreement where the government of Canada provided all the funding (approximately \$40,000). The RCMP policed the reserve from their detachment at Okotoks 40 kilometres away and did not have an on-site base. In 1998, the year of the Jacobs incident and the BBC development, the TTPS consisted of a chief and four constables, one of whom was female (actually at the time of the Jacobs incident in March 1998 there were two female officers). The TTPS chief was an experienced veteran officer, formerly an inspector with the Calgary Police Service. The primary police of record for the reserve was the RCMP, but there was clearly a co-policing model of operation.

The objectives of TTPS, until 2004 when the SA status was attained, remained the same as they were in 1997, namely,

- (a) To create a Tsuu T’ina police service with the goal of being a stand alone police service within a reasonable time frame, and until that time working in conjunction with the RCMP to achieve that goal;
- (b) To ensure that the Tsuu T’ina police service functions in a professional manner in meeting the needs of the community;

- (c) To put in place crime prevention programs, working with and consulting the elders and the youth of the Nation in addressing the social problems within the Nation.

Between 1997 and 2004, the Implementation Committee, consisting of federal and provincial policing representatives, the TTPS police commissioners, and the RCMP and TTPS police leaders, met regularly to monitor if the TTPS was proceeding appropriately in terms of the above objectives, and of course to facilitate that development however it could. The committee was responsible for making a determination of the TTPS's readiness to be "fully exempted" and thus become the primary police of record. During that period, all the police commissioners, one of whom was a councillor and one of whom was formerly a band constable, had remained in their posts since their initial appointment. The commission met regularly with the two police commanders and kept minutes of its sessions. The police commission's responsibilities included selecting the chief of police with the approval of chief and council. Constables in turn were hired by the police chief in collaboration with the police commissioners. The police commission had some delegated budgetary responsibilities too; the chief of police could sign expenditures up to a certain amount but, beyond that level, the chair of the commission must co-sign. The TTPS police commission continues to function in 2006 in the manner noted above, save of course that now that the TTPS is a self-administered, stand-alone service, there is no direct connection to the RCMP. Currently, there are six appointed members, two of whom are also elected councillors; all appointments are made by the Tsuu T'ina First Nation chief and council.

The key events for the TTPS since its launching, then, could be indicated as follows:

- 1996–97: The Police Commission is established and first recruitment occurs.
1997–98: The chief of police for TTPS is hired, and the Jacobs incident occurs.
1998–99: The new TTPS police building is erected, the BBC squatters move into the Harvey Barracks, the RCMP set up a separate Tsuu T'ina detachment (a corporal and four constables) and brings in portable holding cells; the TTPS secure temporary funding from Alberta and Canada to hire two additional full-time constables; the Tsuu T'ina First Nation passes a traffic band bylaw that is enforced by police, and the Jacobs Inquiry begins.
1999–2000: The Jacobs Inquiry continues; a TTPS community sub-office, shared with Tsuu T'ina Corrections Society, is operational at the BBC site.
2000–01: The Jacobs Inquiry recommendations are announced, and the Tsuu T'ina Peacemaker Justice System becomes operational.
2001–02: The RCMP closes down its holding cells for health and safety reasons; the RCMP reduces its complement at Tsuu T'ina; the TTPS secures funding to maintain its enhanced complement of officers, and the chief of police submits his resignation.
2003–04: The TTPS attains formal status as the self-administered, primary police service for the Tsuu T'ina.

As noted earlier, the Jacobs Inquiry's recommendations had significance for policing at Tsuu T'ina. One immediate implication of the Jacobs incident, according to police

informants, was that the TTPS chief of police had a freer hand in running the police service, since the incident underscored the need for competent professional policing. The Inquiry's recommendations were welcomed by police and community leaders, but soon there was some skepticism that the recommendations, apart from sending TTPS officers for training to the RCMP depot at Regina, would be fully implemented. The implications of the BBC situation have been much more evident. The challenges for policing have been considerable and have increased over the years. As a TTPS spokesperson commented, "the BBC absorbs 80 percent of our policing resources." The community policing office set up by TTPS at the BBC site has been largely abandoned. The ambivalence of the band council concerning the BBC situation and the pressures of crime control has forestalled any effective problem-solving policing there. Indeed, after 2002, the declining RCMP presence, the RCMP closing of the holding cells that had been a great convenience for the TTPS (e.g., saving long trips away from the reserve, etc.), and the increasing problems of crime and social disorder related to the BBC squatting have created a very demanding and stressful situation for the TTPS.

Clearly, though, significant progress has been made in terms of the basic objectives for the TTPS set out in 1997. The TTPS did achieve SA status, has grown in size (full complement is now seven officers), has developed an appropriate organizational structure (i.e., chief, sergeant, and constables), and the TTPS officers are all appropriately credentialized. The second objective, professionally competent policing, also appears to have been modestly accomplished, from both an audit perspective (e.g., response time, clearance rates, etc.) and the assessments of many informants. In the case of the crime prevention objective, it is difficult to assess whether achievement has been significant. The TTPS has school liaison and special crime prevention programs such as D.A.R.E., some outreach to the BBC area, and does occasionally refer offenders to the Peacemaker alternative justice program, but its major thrust, given the demands for 24/7 policing and high levels of crime and social order problems, has been to provide professional crime control policing.

In the fall of 2004 the TTPS complement stood at seven members, a chief (the first First Nation police chief in the TTPS), a sergeant and five constables, two of whom were band members; six of the seven members were Aboriginal. In addition, the TTPS hires, as necessary, auxiliaries, who have to have spent one week training at the RCMP depot prior to taking any employment. In a further effort to meet the BBC challenge, the TTPS has launched a "citizens on patrol" program where two community members, after some training, are out on patrol in the BBC area and report "all suspicious and criminal activities to the on-duty TTPS police officer who will decide the appropriate action/follow-up"; the community members receive some pay for this part-time work. During the period leading up to TTPS attaining SA status, the RCMP complement diminished gradually until only two constables were available for active duty. The RCMP sergeant retained supervisory responsibility for the incident files, which were well-distributed between the police services (i.e., in 2001 the RCMP members dealt with 41 percent of the files and TTPS members with 59 percent). It was noted at that time that both services handled calls and cases essentially on a "roll of the dice," "who is here and free" basis. There appeared to be consensus among police and other informants in 2001-02 that there was no substantial difference in quality or competence between the TTPS and the RCMP constables at Tsuu T'ina. In sum, then, the

transition from RCMP to co-policing to SA policing appears to have been a good example of what federal FNPP officials call a “tripartite framework agreement” under which the emerging SAs are mentored and gradually assume responsibility as the primary police service in the First Nation communities.

Crime Statistics and Police Activity

There are very limited secondary data available to delineate police activity at TTPS since 1997. Annual reports provide some details. The reports state the goals and objectives of TTPS, which have been noted above, and the substantive objectives have remained the same since the TTPS became operational in 1997. The reports give the number and names of the different police role players (i.e., chief, officers, support staff, and commission members), the number and types of vehicles, information about the communications system in place, the police building, training, citizen complaints, and crime prevention programs. It can be noted that the Police Commission has remained basically intact since it was established in August 1997, though the number of commissioners increased from five to six when TTPS became a full stand-alone service. There has been some modest turnover among the officers, averaging one resignation a year from a TTPS that grew from three to six members (in addition to the chief constable) between 1997 and 2001 and subsequently to seven officers. The police building, erected in 1998, and estimated to be sufficient to satisfactorily house the police service for at least a decade, was overcrowded within a year of construction, primarily because, subsequent to the Jacobs Incident, the RCMP created a stand-alone detachment (a corporal and four constables) that also operated out of the TTPS building. Nowadays, even with the RCMP gone, it appears crowded. Crime prevention activity over the years has centred on school liaison (including a D.A.R.E. program) and activities with respect to the BBC complex (e.g., a community police office, citizens on patrol). The annual reports also call attention to an interesting pattern wherein, despite no formal citizen complaints being lodged against members or the service itself, “there continue to be a number of informal or third-party complaints alleging excessive use of force particularly.” The indications are that when residents do have a complaint they are more likely to approach chief and council than go to the police or the Police Commission.

RCMP “detailed mayor’s reports” for the period from 1997 to 2003 provide crime statistics that highlight the significant impact of the BBC situation. In the year 1997–98, prior to the development of the BBC complex, the Tsuu T’ina First Nation had a crime problem centred around common assaults and social order infractions, both usually connected to alcohol abuse. There were 53 assaults, mostly common assaults, but 17 were sexual offences. “Other *Criminal Code*” offences, mostly disturbing the peace and vandalism, accounted for 71 cases. Provincial infractions, primarily Liquor Act violations, accounted for 44 charges. Property crime was modest, with only 44 instances, and the large majority of these were theft under \$5,000 incidents. The pattern of crime was generally typical of that found on many First Nation sites, and by those standards, occurred at modest levels, with the exception of the sexual assaults.

The crime picture changed dramatically with the BBC development. All offence categories saw huge increases. In 1998–99 common assaults doubled to 65 cases and, more strikingly,

there were 13 serious level 2 assaults compared to zero in the previous year. Property crime almost doubled from 44 to 78 cases, with break and enter particularly increasing. Disturbing the peace and vandalism (property damage) increased significantly, with the former tripling in frequency. Provincial infractions, again primarily liquor violations, also increased, though less dramatically by only some 30 percent.

The startling change in crime occurrences in 1998–99 apparently led to the practice of reporting crime statistics for the BBC complex separately from the rest of the Tsuu T’ina First Nation community in the years 1999–2000 and 2000–01. The split yielded interesting analyses. The crime statistics for these two years reflected the large and growing crime control problem at the BBC complex while, for the most part, the level of the various offences in the rest of Tsuu T’ina (the “old” Tsuu T’ina First Nation settlement) declined. In 1999–2000 the amount of actual offences against persons was roughly the same (i.e., 48 cases) in the traditional Tsuu T’ina First Nation residential zone and in the BBC zone, though the latter had certainly no more than 60 percent of the former’s population and so a higher rate of offences. The 2000–01 data show that the BBC level of person offences had increased by 20 percent (i.e., 57 cases), while in the old Tsuu T’ina First Nation zone there was a 10 percent decline (i.e., 44 cases). The same pattern occurred for property crimes, with the BBC numbers increasing by 30 percent over the two years while for the traditional Tsuu T’ina First Nation settlement, the numbers declined by 10 percent. For social order–type offences, such as vandalism, disturbing the peace, and breaches of probation or undertakings, the BBC data showed a 35 percent increase, while for “old” Tsuu T’ina First Nation settlement the 1999–2000 numbers remained the same (i.e., 92 cases) in 2000–01. Overall, in the BBC, total offences increased by 35 percent between the two years while total offences declined by 15 percent in the traditional settlement area.

Clearance rates for the Tsuu T’ina reserve are only available for the years when the RCMP was the primary police service there. These RCMP reports indicate that the clearance rates for the various offences over the four-year period were typical for small communities. Moreover, there were no discernible differences in clearance rates between the BBC and the traditional Tsuu T’ina First Nation settlement area. Tsuu T’ina policing has apparently responded well, from a crime control perspective, to the BBC development, but there is little doubt that the workload increased considerably. And given that, it is easy to appreciate in 2002 the TTPS leaders’ concern about the diminution of RCMP availability, the uncertainty of their obtaining supplemental funds to deal with the unforeseen BBC development, and their frustration over not having lock-up facilities on the reserve, which necessitates round trips of 80 kilometres to the RCMP holding cells at Okotoks.

PRA (2005a) data on “police response stats” for the years 2002 to mid-2004, while less complete, point to a continuation of the patterns described above. Common assaults remain the dominant criminal offence reported, followed by breach of the peace and liquor violations. The data are not disaggregated by area but key informants indicated that the main settlement–BBC variation, as noted above, continues on.

Views and Assessments on Policing at Tsuu T'ina

For several informants, crime and social problems at Tsuu T'ina had been rather modest until the "squatters" took over at the BBC complex. Certainly most informants referred to the current crime and problem levels as serious. Police, and those directly involved in policing, reported that violent crimes have increased and that the situation is getting worse because the BBC situation is deteriorating. Generally, all informants considered that there were many assaults on reserve, though some qualified that observation by suggesting the level was "average for reserves." Some informants suggested that much family violence and related offences go unreported, something facilitated by the geographical distances among the clusters of homes. In that regard, it was also noted that the density of population at the BBC site probably means that fewer offences there are either unnoticed or unreported.

Most informants cited problems or shortfalls with respect to personnel, facilities, and other resources. The TTPS officers expressed disappointment that the recommendations of the Jacobs Inquiry were not implemented for the most part, and some police and commission members echoed a common sentiment found among other First Nation police services, namely, that the self-administered First Nation service was so inadequately resourced that it was in effect "set up for failure." In 2002, it was generally held that the tripartite contract that called for a total TTPS complement of five members was inadequate, but that with the additional two officers hired through temporary, supplemental funding, the police service could provide 24/7 policing at Tsuu T'ina. In the fall of 2004 the general view was that the current seven full-time member TTPS was insufficient, given the crime and disorder and the expectations for service. Funding levels and the requirement of short-term renewability of funding commitments were deemed by the informants to create poor morale (e.g., low salaries, job insecurity) and interfere with long-range planning.

Informants connected directly with the policing effort agreed that Tsuu T'ina residents had high expectations about the quality of the service. One informant commented that Tsuu T'ina was like an urban community in that people expected 24/7 policing and fast response to calls for service. From the policing perspective, there was concern about the commitment of community leaders to "professional policing" and a sense that the autonomy of police operations was not yet institutionalized. There was reference, too, to the difficulty of getting reserve residents to volunteer for committees and crime prevention initiatives. The police commanders appeared to have had little formal interaction with chief and council. One police leader, in musing about his tenure at Tsuu T'ina, remarked that it certainly did not turn out to be a peaceful hideaway as some had suggested to him, but it was interesting and challenging, adding wistfully, "How good the police service could be if all the ducks had lined up properly."

Generally, in 2001–02 the small number of non-police informants agreed that the TTPS provided a good and culturally sensitive policing service but their enthusiasm was muted. As in most other First Nation communities, there was a desire for more community-based policing, and more inter-agency collaboration. It was not a matter of blaming the police service for these shortfalls as much as it was simply stating their preferred style for policing.

The PRA interviews and focus groups in 2004 yielded very similar assessments. Key informants gave quite varied assessments of how effective the TTPS was in terms of response time, generally holding that responsiveness was an area that needed improvement while acknowledging that the police service was often quite busy. That same view characterized assessments of patrol visibility and law enforcement (here the small sample was more polarized in its views). Undoubtedly because of the regency of the TTPS attaining full SA status, a surprising number of the informants wondered whether the officers even had jurisdiction or authority to make arrests! Another problematic issue in law enforcement concerned band bylaws, especially related to the possibility of evicting the BBC “squatters.” There was some criticism directed at the police for not doing anything about “squatters and trespassers,” but more commonly the reportedly frustrated informants acknowledged that the inability of the band to create effective enforceable band bylaws was the more fundamental problem.

The 2004 interviewees also were quite critical about the adequacy of crime solving and investigation, with many suggesting that, given current complement size and officer training and/or experience, the TTPS officers should draw more for investigative assistance and mentoring on the RCMP and Calgary Police Service. As in many other communities, these interviewees, while appreciating the police service’s Drug Abuse Resistance Education (DARE) and Citizen On Patrol (COP) programs, also wanted more crime prevention activity. Related to the latter assessment, the informants generally held that the public education and community engagement police functions needed more attention. In respect to both crime prevention and public education and contact, interviewees generally emphasized the need for police to relate more to youths and to elders.

The objectives of the TTPS, explicitly stated in 1997 when formally established and again in 2004 when formally authorized as a stand-alone service, called for a culturally sensitive policing in partnership with the community. The TTPS now has an Aboriginal chief and six Aboriginal officers, but beyond that it has yet to exhibit any distinctive non-mainstream style, perhaps because of its newness and the heavy reactive demands this micro police service has to respond to. While some interviewees in both 2001–02 and 2004 raised this “cultural sensitivity” issue, there was much more emphasis directed at professional policing and effective performance of the standard police functions. Ownership and collaboration in the policing effort was also still problematic. In 2004 a number of informants and survey respondents still thought that the RCMP was the primary police of record on reserve, and the RCMP frequently received calls for assistance (they referred the caller to the TTPS); while somewhat surprising it is important to note that at that time the TTPS had only been an authorized stand-alone for several months. Collaboration with other local agencies—apart from Children and Family Services, where ties were mandated by the Jacobs Inquiry—was quite limited.

The PRA survey in late 2004 indicated that Tsuu T’ina First Nation residents may have quite critical views about the TTPS. These assessments were clearly among the poorest of all police services examined in that research and also in research undertaken by this researcher. The sample may not have been especially representative but it was of reasonable size (N=72). The respondents were mostly female (66 percent), and roughly 50 percent

reported some post-secondary education. Only 10 percent of the sample indicated that they felt very safe on the reserve while another 46 percent claimed to feel reasonably safe. The respondents reported that alcohol and drug abuse were “big problems” (68 percent and 63 percent respectively), as were vandalism and property destruction (51 percent), fighting among groups or families on reserve (42 percent), and spousal abuse (35 percent). Only 26 percent of the sample considered that the TTPS were effective in responding to community problems while 56 percent said “no”. The major reasons given for the perceived ineffectiveness were poor responsiveness to calls for assistance and insufficient involvement with the community (Prairie Research Associates, 2005a). Only about one-quarter believed that the relationships between the police and Tsuu T’ina First Nation residents were either good or excellent. In terms of the standard police responsibilities, the respondents’ plural response was “a poor job” with respect to TTPS’s providing information and consulting with the residents, working with local groups in problem solving, response times, patrol activity, traffic enforcement, and ensuring residents’ safety. When the sample respondents had complaints about the police service, they typically went to chief and council to get satisfaction. Asked how their police service compared with that of their neighbouring communities, only 7 percent said “better” while 35 percent said “poorer.” While the TTPS may well be able to carve out a sustainable niche in the future, it is clear that in the assessments of the residents the current situation is quite problematic for the TTPS.

Conclusion: Challenges and Opportunities

There is little doubt that the TTPS has yet to establish a secure and sustainable niche. The reserve residents have some serious reservations about the quality of the service provided and doubts about its effectiveness on a variety of issues. Looming in the background is the provincial police (i.e., the RCMP), which could resume responsibility as it has in the case of other Alberta SAs. Clearly the BBC situation is an enormous police burden and something quite unusual for any police service to have to deal with. Were it not for the BBC situation, the police resources could perhaps be deemed quite adequate. The BBC problem transcends policing responsibilities and reflects the ambivalences and limitations of current band governance. The expectations for 24/7 policing add to the difficulties of the TTPS, as does the complex development opportunities for Tsuu T’ina First Nation associated with the rapid, engulfing growth and affluence of Calgary. On the other hand there are good prospects for a sustainable niche. The First Nation has its own court and justice apparatus. It is on course for a major economic boom, which could yield more resources for policing as well (e.g., the casino and mall policing). There are good networks established with both the RCMP and Calgary city police. If the TTPS leadership is effective and if the BBC problems are at least diminished by band governance action, the TTPS should be as sustainable as the Huron-Wendake in the Quebec City area.

THE REGIONAL SA MODEL: NISHNAWBE ASKI AND ANISHNABEK

INTRODUCTION

Perhaps the most vulnerable type of SA police service in Canada is the regional police service. There are three in Ontario, namely the Anishnabek Police Service (APS), the Nishnawbe Aski Police Service (NAPS) and the Treaty 3 Police Service (T3PS). Outside Ontario there are four regional services, namely the Dakota-Ojibway Police Service in Manitoba, the Stl'atl'imx Tribal Police Service (STPS) in British Columbia, and, in Alberta, the Lesser Slave Lake Regional Police Service and the North Peace Tribal Council Police Service. A fifth non-Ontario regional service, the Unama'ki Tribal Police Service (UTPS), was launched in 1994 and officially disbanded on April 1, 2002, when, upon the UTPS slowly fragmenting, the Cape Breton Nova Scotia First Nations opted for RCMP policing under tripartite CTAs. The regional SAs have had to deal with many challenges including start-up problems, underresourcing associated with how the service has been conceptualized by government (i.e., as an enhancement, not a replacement of the pre-existing police service), providing service to many small First Nations dispersed over large areas, isolation, turnover associated with working and living conditions, increasing demands and expectations among the people served, and, certainly not least, the centrifugal pressures in a regional organization made up of somewhat autonomous First Nations. In addition, of course, SA regional services outside Ontario and Quebec always face the distinct prospect of their First Nations returning to the RCMP fold. In Ontario both the OPP and the provincial government have discouraged First Nations in a regional police service from entertaining any possibility of being policed alternatively by the OPP.

While the focus here is on NAPS and APS regional police services, T3PS and STPS are interesting cases as well. T3PS, the newest Ontario regional police service, was established in 2002–03 under a FNPP tripartite agreement. Its jurisdiction in North West Ontario is extensive as the Treaty 3 grouping stretches over 55,000 square miles. Twenty-three of the 28 First Nations (the 23 accounting for 30 communities in 2005, according to APD records) constituting the T3 grouping are policed by the T3PS, so there is some growth potential in that regard. All of the First Nations policed by T3PS have less than 1,000 reserve members, and the total population served is slightly over 12,000. The T3PS has grown in complement from 30 officers at onset to 55 in 2004–05 and 68 now. The administrative headquarters are in Kenora, with a deputy chief stationed at and responsible for the Fort Francis region. The policing challenges for the T3PS would place them in the middle of a continuum with APS at the low–modest end and NAPS at the high end. Like NAPS, the policing jurisdiction covers small, widely distant communities but, like APS, they are mostly readily accessible by car. In terms of economic development and general socio-economic well-being, the T3PS communities are akin to NAN in having high levels of unemployment and being in a region where economic stagnation appears to have set in (e.g., major declines have occurred in the pulp and paper industry). A major difference, though, is that there is much out-migration to small urban areas such as Kenora and indeed much movement back and forth between reserves and

these urban enclaves. The T3PS area and the neighbouring area (ceded treaty area) are quite different from that policed by either APS and NAPS in that there have been many occupations and protests there, ranging from the well-known 1974 occupation of the park at Kenora to the continuing occupation outside the Grassy Narrows reserve (the latter is muted since the forestry activity has been halted for several years); indeed OPP senior management in the area have reported at least 17 significant incidents in recent years in North West Ontario, mostly in Treaty 3.

Many of the more conventional problems with which T3PS must contend are common for SAs in the area, whether the regional NAPS or the micro Lac Seul Police Service. The enhancement premise of federal FNPP policy limits resources for capital requirement and constrains the police service from going beyond a reactive 24/7, “answer all calls” style of policing. As of 2005 there was little formal crime prevention programming nor any special investigative unit, though both are in the strategic plan that the chief of police has developed. There has been little alternative or restorative justice activity according to police and prosecution interviewees. Domestic violence issues and the associated provincial mandates have been quite taxing for T3PS as they have for NAPS and Lac Seul (OPP, 2005); one senior T3PS police manager, pointing to the resource demands and the cultural issues commented, “The domestic violence policy of the Justice system is driving us crazy.” The T3PS managers pointed with pride to their functioning large police board (one representative from each of the 23 First Nations) and to its buffering the service from any political interference (one officer commented, “There are no chiefs on the board and the board is even concerned about having any councilors.”). In the fall of 2005, while waiting for its new police facility to be built, T3PS field officers shared OPP work facilities in Kenora, and these officers as well as the T3PS police managers (whose offices were in a Kenora office building) reported excellent cooperation with the OPP, who provide special support services (investigative and other) for the T3PS. T3PS management is quite realistic about their current capacity (“as a police service, on a scale of 1 to 10, we are about a 6”) but optimistic about the future. They did advance the idea that a conflict resolution and peacekeeping team—with OPP partners—would be important, given the high likelihood of Native occupations and protests in the area, especially off-reserve and in urban centres such as Kenora.

The STPS is currently the only SA in British Columbia, and all First Nation communities not policed by it are policed by the RCMP. The STPS in many respects has been similar to the Unama’ki Tribal Police Service on the other coast of Canada (Cape Breton, Nova Scotia), which, while it existed, was the only SA east of Quebec. Both were regionals and faced challenges to their sustainability given minimal resources, centrifugal forces among hard-to-please member First Nation reserves, and the necessity of policing communities scattered over a large geographical area. The UTPS, as noted, did not survive. Within months of becoming established under a tripartite agreement, one of the five First Nation member reserves withdrew and went back into the RCMP fold. Over the remaining years the threats by other First Nation members to withdraw were also frequent. UTPS management problems were aggravated by insufficient complement, and it is interesting that two years after the UTPS demise, the RCMP complement in the Cape Breton First Nations was 40 percent greater than the UTPS complement had been. The STPS has

faced as great if not greater challenges in its mountainous British Columbia locale, and its survival is surprising. With but 10 officers, including the chief, it has policed 10 Stl'atl'imx First Nations (out of the 11 in the tribal grouping) with a total population of about 4,000 people, scattered over rough terrain where the distance from the Lillooet headquarters to the most distant Douglas band is 334 kilometers. The UTPS was hard pressed to meet the demands of its First Nations, though it had 14 officers and dealt with only 4 First Nations less distanced (i.e., 200 kilometers) via a reasonably good highway.

It is puzzling to account for the STPS sustainability. Expectations for service are high and the level of crime, especially in the Mount Currie area, has been quite high. Turnover among police officers has been significant; for example, at the Lillooet headquarters only one of the officers (and not the chief) has been there since 2000. The area around the two central police offices—Lillooet and Mount Currie, on either side of a major mountainous divide—has not experienced much economic development, and there is a major unemployment problem, so social problems abound. Moreover, the area has been a scene of significant occupations and protests (highway and railway blockades plus warrior “protection camps”) for years, with the underlying issues remaining unresolved. The current chief, like his predecessor, a non-Native from outside the area, has made a strong effort to implement a community policing style, to the point of providing funeral escorts if requested and having open police board meetings rotate among the member reserves, but essentially the complement constrains anything beyond a 911 reactive style of policing. There is good co-operation with neighbouring RCMP units. The key to the STPS survival appears to lie in the strong commitment to a tribal police service on the part of Stl'atl'imx political leaders. This sentiment has roots. A band-based police service was established in Lillooet in 1986 and two years later became a tribal police service. There was a rocky relationship with the provincial government and the RCMP over the jurisdiction of this tribal police service (e.g., at one point, members' guns were seized by the RCMP). In 1992 a FNPP tripartite agreement established the STPS as a pilot project, and in 1999, it was designated under the *British Columbia Police Act* as a self-administered, fully authorized, police service for the 10 participating Stl'atl'imx communities.

THE NISHNAWBE ASKI POLICE SERVICE

The account below is based on limited fieldwork including three short trips in 2004–05, one to Thunder Bay, the administrative headquarters of NAPS; one to Toronto to meet again with the NAPS chief of police; and one to Sault Ste. Marie, Ontario, to attend a weekend meeting of the Ontario self-administered First Nation police boards and interview senior NAPS police officials (i.e. the retiring chief of police and his successor who were overlapping for a few months) and three First Nation chiefs (one a chief-in-waiting) who were NAPS police board members. Unfortunately there are no Nishnawbe Aski First Nations policed by NAPS in the Thunder Bay or Sault Ste. Marie areas—the policed communities are distant and, apart from a handful, isolated fly-in communities—so it was not possible to visit a First Nation policed by the service. Telephone interviews and e-mail exchanges were carried on with the two OPP superintendents collaborating

with NAPS who are stationed in Thunder Bay and North Bay and are responsible for policing North West and North East Ontario respectively; these organizational segments are paralleled in the NAPS organizational structure. It was also possible to draw upon reports and other descriptive materials provided by NAPS. It would have been preferable to have visited some First Nations serviced by NAPS since there appeared to be a widespread grievance among NAPS officials that government officials never visit their communities, although they police such a vast territory in Ontario. Such visits, they believe, would capture, better than a long-range interview could, the realities of the often impoverished northern communities and the resource-starved policing service.

The NAPS Context

Canada's largest self-administered regional First Nation police service, NAPS has policing responsibility for 44 First Nations (Aboriginal Policing Directorate, 2005) widely scattered over Northern Ontario. Its jurisdiction extends from James Bay to the Manitoba border. In 2004 it has a policing complement of over 110 officers and policing responsibility for an on-reserve population of approximately 22,000. Only a half dozen of the 44 First Nations have a population greater than 2,000 and, outside of winter roads, transportation by air and boat among the First Nations is costly and time-consuming. Most First Nations under NAPS jurisdiction have only one or two officers but several of the larger communities, such as Sandy Lake and Attawapiskat, have detachments of five or six members. The challenge for NAPS is immense. Supplying a modern policing service under such conditions in an era of increasingly high standards and mandated procedures, and in milieus where expectations for service are high and community capacity and other local services to partner with are scant, would seem to require profound human and infrastructural (housing, facilities, management) resources and organizational skills. Yet, to ratchet up the challenge further, the self-administered police service is defined in federal policy as an enhancement, not a replacement, of the police service that preceded the tripartite agreement. This characterization means that funding thus far has been essentially restricted to front-line policing and basic management to coordinate the complement, not specialty support services, whether major investigations, emergency response, proactive initiatives, or special training. Essentially, then, NAPS presumably has to call out the OPP for assistance in most of these respects.

In 1875 Treaty 5 was signed by the Canadian government and the Saulteaux-Cree of what is now Northern Ontario and Manitoba. In 1905 Treaty 9 was signed by the Canadian government, the Ontario government, and the Cree-Objiway of what is now Northern Ontario. The Nishnawbe Aski Nation (NAN), was the name given in 1982 to the Grand Council established in 1973 as a regional organization representing 49 First Nations in Northern Ontario who are signatories to Treaty 9 and Treaty 5 (the Treaty 5 segment in Ontario). The terms "Nishnawbe" and "Aski" refer to people and land, the symbolic expression of core Aboriginal beliefs. The two main language groupings are Cree and Ojibway, both belonging to the Algonkian group of languages. The NAN treaty area occupies between one-half and two-thirds of Ontario, and its population in 2004 was roughly 25,000. A handful of First Nations in NAN territory are not currently served under NAPS jurisdiction; still, as noted, NAPS is the largest self-administered First

Nation police service in terms of both complement size and geographical area in Canada. The police officers have a major task in serving such an immense area where, apart from certain times of the year, the basic way into and out of the detachments and/or communities—for 80 percent of these units—is by airplane.

NAN communities typically have extensive unemployment and underemployment, hovering in the 80 percent range and basically within a very high range of 65 percent to 95 percent (Aboriginal Policing Directorate, 2005). Virtually all respondents identified the lack of employment as the major macro-level social problem in NAN. There has been a rapid disappearance of a traditional way of life, which included the pursuits of hunting, fishing and trapping. Beyond government transfers, governmental and/or band administration, and health, education, and social services, economic opportunities have been sought in resource development and tourism. Several development funds have been established, such as the continuing Nishnawbe Aski Development Fund started in 1987 and projects such as INAC's 2003 funding for "a strategic planning workshop aimed at developing resource and economic development opportunities in northwestern Ontario" (INAC, 2003), but, while northern resource development has long been a dream of Canadians, and remains a major theme or hope of leaders, First Nation and mainstream alike, there have been few developments. When the latter do occur, as in the diamond mines in the Attawapiskat/Fort Albany region, there are sometimes occupations and protests over the sharing in jobs and revenue benefits since no NAN First Nation can afford to let the scant opportunities pass its people by. Tourism is another potential growth area but apparently has been limited to a few NAN sites. The correlates of the macro employment and/or economic development problem continue to be inadequate housing, poor quality water, and a pervasive social malaise. These sets of factors, in interaction with the isolation and high cost of living (from food costs and household items to repairs), have correlated with health problems, suicide problems, and substance abuse. In some communities the suicide level has been characterized as "among the highest in the world" (see www.hartford-hwp.com/archives). Of course, some NAN communities, as informants indicated, have been progressing quite well both in community vitality and in socio-economic terms but they appear to be a small minority.

According to government documents (Aboriginal Policing Directorate profiles, 2004), there is low educational attainment among NAN residents (i.e., a mean attainment level of less than Grade 9), though definite signs of improvement in that regard and some significant variation by community. Most communities (90 percent according to NAPS police) are officially "dry" but alcohol abuse, and, according to some informants, dangerous binge drinking patterns, are commonplace. Attention to these prohibition band bylaws consumes considerable police effort. Typically, according to informants, police seize contraband but do not usually lay charges. Increasingly, too, there have been concerns raised about growing drug abuse, involving both soft and hard drugs and prescription pills.

The Police Service

NAPS was established as a self-administered police service under an FNPP tripartite

agreement in 1993. There was a phased-in growth plan. In 1994 NAPS had a complement of 33 officers but was on a trajectory for its current complement of roughly 110 officers. The number of NAN communities represented grew from a handful to 35 by 1999 and to 43 in 2004. The number of NAN First Nations under its jurisdiction increased to 44 when Muskrat Dam rejoined in May 2004, and there are prospects for adding a few other NAN First Nations in the near future. Its retiring chief, an Aboriginal with over 20 years experience with the RCMP, was hired in 1998; the new chief, also Aboriginal, spent many years as an OPP officer and served in recent years in the OPP unit responsible for the administration of the Ontario First Nations Policing Agreement. NAPS has two main segments (East and West), with their sub-headquarters, and 35 detachments. In addition to its police officers, NAPS has 27 civilian support positions for its three administrative headquarters, namely, at Thunder Bay, Sioux Lookout (the North West), and Cochrane (the North East). Its budget in 2005–06 was \$14,312,000. Travel and training items are generally agreed to be inadequately funded; for example, as of 2004, NAPS did not have dedicated training officers (Luloff, 2004), and no budget for transfers (i.e., officers move at their own cost).

Housing for officers has been problematic, the detachment buildings have been described as “very poor,” and, until a tripartite agreement in April 2005, there was no “northern allowance” to assist officers in meeting the high cost of living (e.g., food items alone usually cost as least twice that of items in Thunder Bay). The last two years have seen some improvements. In addition to the northern allowance (4 percent of base salary so worth roughly \$2,500 annually, far below the \$12,000 OPP officers receive, according to NAPS officials), an amendment to the NAPS tripartite agreement called for a significant \$3 million capital construction fund for “minor capital costs ... largely temporary, relocatable facilities” for a host of NAPS detachments. Nevertheless, in March 2006, NAPS officers obtained approval from the Canadian Industrial Relations Board of their application to switch from the Canadian First Nations Police Officers Association to the more powerful Public Service Alliance of Canada. In that petition it was argued that NAPS officers experience working conditions among the worst in Canada and that there are serious health and safety concerns.

The 44 First Nations that NAPS polices are grouped into eight tribal groups and the board for NAPS consists of one representative, usually a chief, from each of the tribal groupings. The board meets regularly (four times a year) and, according to the police managers, it functions reasonably well as a sounding board for issues and as a conduit for tribal policing concerns. According to NAPS police managers—and borne out in the few interviews with board members—the concerns usually deal with visibility and enforcement and the absence or shortfall in the First Nation’s authorized complement (some chiefs in the past have petitioned the OPP as a replacement for NAPS, but the OPP have discouraged such talk). The fact that board decisions have to have widespread support reportedly keeps the representatives in check since any one making especial demands would have to convince the other representatives of their need and wisdom given NAPS practical constraints. It is quite common for a community resident to take complaints about policing to his or her chief and council; typically, then, they get to the tribal council, and there the matter is usually resolved quite satisfactorily, according to

NAPS police managers.

Governance training via annual sessions of the SA police boards has been an emphasis for over a decade of the federal Aboriginal Policing Directorate, but informants were rather critical of this thrust. It was considered that information, not training, is provided at these annual APD-sponsored sessions and that the payoff is minimal while the costs are high—“a lavish waste for the most part” in their present format. The informant making the latter remarks, which may not be typical among police board members in NAPS and elsewhere, suggested that if APD really wanted to make these governance systems work better, they should go (i.e., send their experts) to the specific First Nation police services. The current situation, from his standpoint, reflects the broader pattern of the federal authorities being more interested in getting as many of the First Nations as they can, and as quickly as they can, under contract, rather than paying attention to quality issues and operational issues. In any event, the board has a limited capacity and few administrative resources, and increasingly faces major responsibilities with regard to mandated policing policies (e.g., bail, victim rights, domestic violence zero tolerance), which, along with personnel issues and enhanced court standards for investigative quality, present daunting issues of responsibility, liability, and so forth. Under the tripartite agreement, the police service board has an annual budget of roughly \$300,000 for travel, honoraria, and other expenses.

The police service, as noted, faces many challenges, not the least of which is that the communities policed are essentially fly-in communities and thus taking persons into custody, attending court, doing follow-up investigations, and so forth are very costly. NAPS essentially is the only police service with some day-to-day visibility in this vast northern area. The RCMP has virtually no presence, and the OPP basically fly in as required. The First Nations in the NAN area, in addition to being small in population and having modest if any infrastructure of social service agencies, as well as limited community capacity to partner proactive police initiatives, typically, as noted, are in economic stagnation and feature much malaise, with the result that local officers find it difficult to mobilize voluntarism. At the same time, it is important to reiterate that there is much diversity among the NAN communities, and some are reportedly doing very well, and exhibit capacity and confidence despite the remoteness and the economic hardships.

There is little doubt that for NAPS officers, policing the small communities can be very difficult. Usually the young officer is on his or her own, without backup, and having to occasionally contend with forceful local leaders. Moreover, the cost of living is great and the housing market virtually non-existent, resulting in odd living arrangements, frequent residential changes, and little privacy. One NAPS report (Luloff, 2004) noted that “sometimes the recruitment of officers [is linked to whether] they have housing and not on qualifications.” Typically, too, “officers have no place to go on their rest days or cannot afford to travel out and therefore work 24/7.” To top it all off, the Aboriginal officers are in a “seller’s market”; as one police leader commented, “RCMP, OPP and regional police services all have Aboriginal policing recruitment drives to meet their own diversity goals and steal our cream of the crop. We cannot compete with them.” Not surprisingly, then, NAPS has had problems in securing and retaining officers. In the fall

of 2005 there were reportedly 10 vacancies (9 percent of the complement). Still, many officers can often relate well to NAPS policing conditions; one such officer, after listing some issues such as undrinkable water, went on to comment: “Let’s not focus on the negative. The opportunity to live and work in some of the most remote beautiful locations in Ontario is truly a unique opportunity . . . and I consider my time spent in the north something I can’t put a price tag on” (Luloff, 2004). In a variety of ways—“northern allowance,” better detachment facilities and housing arrangements, more effective communication systems linking officers with headquarters—NAPS management believes it is making inroads on the officer attrition problem. Additionally, NAPS has attempted to create a management approach, which, while acting quickly on community complaints about policing, is not quick to fire or reprimand. Moving officers among the different communities is also considered, but it is expensive and not always feasible.

The Policing Problem

Crime statistics indicate that NAPS had a modest rate of crime to contend with over the years from 1999 to 2003 compared to other SA police services (Police Resources in Canada, 1999 to 2003). Its clearance rates over these years were average (ibid.), and the modest level of *Criminal Code* offences per officer was declining. Indeed, these same data indicate that there was a sharp decline in the level of violent crime in the NAPS jurisdiction over this time period (Prairie Research Associates, 2005a). Aside from an occasional major crime, the challenges for NAPS policing would appear to lie less in *Criminal Code* matters than in areas such as interventions under the *Mental Health Act* (responding to calls for distressed persons), dealing with band bylaws and contraband, and issues of social disorder.

All the interviewed persons reported that the main focus for policing centres on substance abuse and related social disorder. The board members indicated that in their tribal grouping there was little crime outside the context of substance abuse, and it is therein where the assaults and property offences occur. There were quite different opinions on the extent of child abuse and domestic violence, but, whatever the context, NAPS police themselves regard domestic violence as common enough, especially since officers usually have to respond to such potentially dangerous incidents without backup. The prohibition band bylaws appear to be of uncertain value and certainly appear to be the bane of NAPS’ everyday operations. Searching planes and so forth for contraband is time-consuming and the ineffective sanctions for violators are frustrating for the police. Some NAN local leaders (*Globe and Mail*, October 17, 2005) have contended that their presumably more well-adaptive communities are such because they do not have such prohibition, and a leading NAPS board member reported that among some tribal groups (including his own), leaders are considering a social experiment of having one community not be “dry” in order to see what happens. Aside from crime and social disorder, NAPS police officers are called upon to assist community members on a wide range of issues as they are the only 24/7 local service.

The Police Functions

Senior NAPS management emphasized that there is still some ambiguity concerning the assessment of functions of First Nation police services. The only part of the *Ontario Police Services Act* applicable to First Nation police services is section 54, which gives SA police officers the authority of a police officer through appointment by the Commissioner of the OPP. Moreover, no standards have been defined for self-administered policing by the federal government (perhaps because the administration of policing is constitutionally the province's prerogative). NAPS leaders argued: "We strive to meet the standards of the province but lack the funding and resources to do so." The current federal policy's focus on enhancement and "on reserve, front-line units" means, in their view, that NAPS cannot employ specialized officers, cannot develop a corporate structure (e.g., career development, promotional routines, employee assistance programs), and must rely on an operational protocol with the OPP for many aspects of policing, including major investigations, emergency response teams (i.e., Emergency Response Team [ERT] and Tactics and Rescue Unit [TRU]), and other specialized support and backup. As one NAPS officer argued, "We are a new policing system, a replacement, and should be funded as such." Indeed, NAPS officers noted that the OPP never had much presence in most of NAN territory. Some progress has been made, it is claimed, in putting the new police organization on an independent basis especially in the accreditation of NAPS officers performing supervisory roles. Indeed, NAPS management proudly claimed that NAPS was the first self-administered First Nation police service to develop a study package, examination, and interview panel that has met the provincial standard for such accreditation.

As regards the response and patrol police function, it was noted that the NAN First Nations are basically small communities, and the officers are virtually always there unless in transit with an accused or on temporary absence. Pointing to the more than one hundred NAPS officers, police managers confidently asserted that the response and patrol provided is superior to that earlier provided by the OPP—"they did not have a major everyday presence in NAN territory." Moreover, the police managers observed that NAPS officers respond to a wide range of requests for service.

With respect to enforcement of the laws, police managers observed that the police service responds to federal laws, provincial mandates, and band bylaws but that the latter two pose considerable problems. Giving the example of provincial justice policy concerning "domestics," it was noted that NAPS does comply with Ontario's domestic violence policy (zero tolerance) but, like other police services, officers find big problems in getting testimony and so forth. In addition, the circuit courts serve most of the NAN communities, and they do not work well for "domestics" nor is an alternative at hand. The time between court sittings is so long that "simple cases of domestic violence take up to a year to deal with through the courts, and by that time the husband and wife would have fought and made up another six times." Police authorities noted too that justices of the peace are not available in NAN communities and that, while in some places a televideo system can be used, this cannot be accessed for summary offenses, which, of course, would be very much the lion's share of the offences. In the case of, say, a

domestic violence charge, the person usually would have to flown out for a show cause (bail) hearing and maybe flown to another site to be put in a cell while that matter is delayed or being considered, then flown back again to court and, of course, all under police guard. One NAPS officer commented, “[Domestic violence cases] put a great strain on us in all respects, financially, culturally, and so on.” In other words, enforcement of provincial mandates is very hard, very expensive, and very time-consuming. Policing band bylaws is equally problematic. Typically, apparently, the contraband is simply seized, if that. The usual sanction for violating the prohibition of alcohol and drugs, common throughout NAN, is a fine, but fines apparently are rarely collected; moreover, any prosecution under the band bylaws is rare for many reasons. Traffic infractions are also problematic since the only effective sanctions according to police are provincial (one cannot get a licence or insurance if fines are not paid), but First Nations balk at such enforcement given that the fines are paid to the provincial government; the result according NAPS managers is that “we do not do much enforcement of provincial regulations.”

As of mid-2005 there was no specialized investigative unit in NAPS but three officers in each division (East and West) are “lead hands” available for consultation and taking charge. Detachment officers themselves, reportedly, vary in their investigative skills but, apart from contact with the headquarters for advice, in the most serious matters there is OPP backup as specified in the protocol that NAPS and other First Nation and municipal police services have with the OPP. Clearly NAPS police leaders believe there is a need for more investigative capacity for NAPS, especially with respect to investigations of sexual assault and also to respond to the drug smuggling and traces of organized crime that have set in some NAN communities.

Crime prevention and public information in any formal program sense are barely visible according to all informants, police officers, and board members. NAPS has neither a specialized crime prevention officer nor a dedicated training officer. On the other hand the officers presumably may be heavily engaged informally in the communities since in most detachments there really is not any alternative given that they are essentially confined there. There also appears to be little in the way of alternative justice activity (e.g., restorative justice, sentencing circles). In the 1990s under the impetus of NAN Legal Services Corporation, formed in 1990, there were modest initiatives along this line in both Sandy Lake and Attawapiskat (Clairmont, 1996); NAPS management indicated that insofar as such programs continue at all, they remain very modest, irregular, and dependent on volunteers. NAPS management indicated that since no resources were provided for the implementation of the Youth Criminal Justice Act (YCJA), which encourages alternative justice activity, there has been little impact of this new policy in NAN territory. The limited social agency infrastructure in most NAN communities severely constrains any formal collaborative problem solving at the local level.

The FNPP Policing Objectives

In addition to assessing SA police services in terms of the standard police functions, it is salient to ask how the police service measures up in terms of the FNPP objectives of (a) a

level of police service comparable to mainstream counterparts, (b) cultural and community responsiveness, and (c) establishing a sense of partnership and ownership with the First Nations policed. These FNPP objectives are well reflected in the mission statement of NAPS, which calls for the employment of a community-oriented style of policing, appropriate law enforcement, being representative of the communities served, and a standard of police service the same or higher than that found elsewhere in Canada. There seems to be general agreement that the policing in terms of presence and basic functions is better than was formerly available in most of NAN while comparing less well in terms of other police functions. Sensitivity to band bylaws, especially prohibition, could perhaps be seen as culturally significant policing. Police and other informants related this prohibition policy in part to the sustained generational contact with alcohol, which is relatively recent, and other aspects of European and/or Canadian culture. It was also noted that “there are other cultural differences that require a police presence, and most are in the manner of a community problem that has been passed on to the police as we are often the only service provider that operates on a 24/7 basis.” Other interviewees point to the fact that virtually all officers are Aboriginal persons (and a good number were born and raised in the communities policed) as indicative of cultural engagement. NAPS management commented that the issue of cultural sensitivity has never been raised by the First Nation leaders on the police board and stressed that language, not powwows, smudging, and the like, is crucial to cultural sensitivity.

Formally there is little question of community ownership since tripartite agreement have clearly made the police board responsible for the NAPS police service. The board members and the tribal groupings they represent have the formal responsibility (and liability). There is too a sense that the community members and the First Nation leaders can input and readily criticize policing priorities and practices, something quite unlikely in the OPP era. Such sense of ownership and partnership does not preclude some ambivalence on the part of board members and community residents over the desirability of being policed by NAPS. Indeed, a NAPS manager noted that liability issues and the fact that officers are organized with collective agreements have tempered any enthusiasm about First Nation ownership among the tribal leaders.

Partnerships

In discussing partnerships, NAPS management commented that a reading of the First Nations Policing Program (FNPP) shows that “the FNPP is intended to enhance public safety in communities, particularly to vulnerable groups, and that it is not acceptable that the level of safety should deteriorate as a result of a FNPP agreement.” Further, “the FNPP is not intended to replace provincial or territorial police services—the PPSA/TPSA (Provincial Policing Services Agreement and Territorial Policing Services Agreement) arrangements remain in place, and non-FNPP services (e.g., identification, dive team, lab analysis) remain available to First Nation communities on the same basis as they were prior to the FNPP agreement.” In the NAPS view, that has not happened and the First Nation police service has been in actuality more a replacement than an enhancement. While generally positive about the collaboration of the OPP, NAPS pointed to their lack of presence in the NAN area and significant delays in accessing the OPP services because

of the NAPS detachments' isolation. Ironically too, perhaps because of the above FNPP principles, the Canadian government through its Aboriginal Policing Directorate, and unlike the Ontario government, has been reluctant to provide funding for support positions, targeting instead more police front-line activity. This does make some sense from the point of view of FNPP, but not if one considers that First Nation policing is indeed a replacement. As one NAPS leader commented, "We are police services and need to be recognized like any other police service in legislation. That legislation needs to mandate standards that we First Nation police services would have to maintain, and with that requirement there needs to be additional funding for quality control." The NAPS leader continued, "We are starting to see a small shift to allow support services."

An irony may well be that even prior to NAPS there was little presence of the OPP and RCMP in the NAN territory, but that while there is much more policing now, unfortunately it is dwarfed by rising expectations among residents and by the more demanding standards and mandates of Ontario policing policy. As for partnerships, NAPS management contend that the RCMP has no presence at all in the NAN area ("they are totally invisible"), and attempts to secure RCMP collaboration in providing DARE (drug awareness and resistance programming) in some NAPS areas, and other crime prevention programs that the RCMP has implemented elsewhere, have not been successful. There are no border security arrangements with the RCMP, and indeed NAPS has no joint task force with either the OPP or RCMP. There is an RCMP member attached to NAPS through the OPP/RCMP special service program. The relationship with the OPP is of course more significant and indeed crucial for NAPS. In parts of NAN, the OPP and NAPS engage in joint patrols on the winter roads and the OPP provides a six-person Investigative Support Unit (ISU) in both the East and West regions (a byproduct of the ISU occasionally, according to OPP informants, has been some respite or downtime for the 24/7 NAPS officers). OPP block training is also usually open to NAPS officers. There were quite positive views expressed about "ground-level" collaboration on the part of the OPP as well as about the sensitivity of top OPP leadership; one NAPS manager summed it up succinctly: "The OPP would like to see us succeed and we have good relationships with them."

Views of Key Informants

Under the circumstances described above, it is not surprising that one can detect among NAPS management a vacillation between pride in meeting the profound challenges as a new police system (in the face of so many problems and where the police service is provided with limited resources and an ambiguous mandate of an enhancement in funding but a replacement in practice) and major anxiety about its sustainability. Knowledgeable OPP management seemed to be quite empathetic. A number of informants, including the senior OPP officers for the area, indicated that the police service has accomplished much under adverse conditions and in the face of expectations far exceeding those associated with the previous OPP policing arrangement. One senior OPP officer, a veteran in the region, noted, "Basically we flew in for a call for assistance then flew out again." Asked whether NAN expectations have been ratcheted up for NAPS, he replied, "That is absolutely true." As for NAPS basically doing reactive, 911

policing, the OPP officers held that without major increases in complement that is all any police service could do in NAN territory.

The NAPS board members shared most views regarding NAPS policing and the problems for policing. They agreed that the substantive police problem was not crime as much as substance abuse and social disorder. They identified the macro-level causes of the latter as social malaise, hopelessness, and boredom caused in turn by the collapse of the traditional economy and the failure of any replacement (i.e., massive unemployment and economic stagnation). All identified the unavailability of adequate housing as a major problem for securing and retaining NAPS police officers. Basically they agreed that outsiders have to scramble if they are going to find accommodations other than their own cells or detachment building while insiders (community residents) face different issues, including threats to their person and/or property. Turnover among the officers and the difficulty of getting even temporary replacements were depicted as commonplace. The three board members concurred in the view that often communities did not have their authorized complement of officers, which led to significant dissatisfaction with NAPS. Clearly the police service was considered a vital part of the community's quality of life. These leaders all commented that NAPS was underresourced and provided only basic reactive policing. In their view there was virtually nothing in the way of community-based policing or crime prevention programming. While there was a rather muted satisfaction with NAPS, there was a consensus that NAN people received more police presence and day-to-day enforcement with NAPS than they previously had with the North West Patrol of the OPP. One board member noted: "There is a fair amount of bitching at board meetings, but I say look what we have accomplished in 10 years." That same informant contended that NAPS has provided some culturally salient policing (largely in his view a consciousness of being Aboriginal and a sense of legacy) and a greater sense of ownership than people had with the fly-in OPP.

Major Incidents

In the event of major occupations and protests, NAPS would of course depend on the services of the OPP as provided for in Ontario protocols, but the TRU and ERT teams of the OPP are about five or six hours away. As regards the likelihood of major incidents such as occupations, blockades, and protests, unlike British Columbia and Atlantic Canada, there are specific land and resources treaties but there is also much "contested terrain," and many NAN leaders raise issues about the validity or legitimacy of the treaties. In the view of NAPS interviewees, the treaties are still problematic. It was anticipated too that the NAN zone will probably "heat up" in the future as resource issues, hydro electric issues, oil and gas developments, diamond mining, sports and/or tourism activities, all make the area a hotbed for activity and conflicting claims. NAPS police indicated that there was no warrior presence in NAN but hinted that some Native police might well play a role like that or at least similar to that of the Listuguj police officers at Burnt Church, who travelled there, where the RCMP had jurisdiction, from Quebec at the request of some Burnt Church leaders. Also, urban-based upheavals may be "in the cards" as areas such as Thunder Bay, Timmins, and Kenora become increasingly populated by off-reserve natives who may be forming an urban underclass.

One NAPS manager claimed that in 10 to 15 years more than 50 percent of the Thunder Bay population of over 120,000 will be Aboriginal. The Thunder Bay police service has hired a number of Native persons in recent years and has an understanding with NAPS whereby each service is bound to notify the other if negotiating employment with an officer from the other's police service. Over 30 percent of NAN band members reportedly live off-reserve in the cities that constitute the southern rim of Northern Ontario.

NAPS management could readily envisage another Oka, this time involving NAN people, with strong support from First Nation activists all across the country. Apparently, two years ago, there was a bridge blockade at Fort Albany in NAN territory that shut down crucial traffic flow in that isolated area. It lasted three weeks. NAPS did not negotiate with the protestors but "we kept the peace." It was also noted that a key bridge just east of Thunder Bay is on reserve land, and a blockade there could be very disruptive for the Trans-Canada Highway. It would be a strategic blockade point. Occupations at band administration offices are common enough in NAN territory according to NAPS police—"We stay out of negotiations but keep the peace. Usually there are allegations of financial shenanigans but we let INAC officials sort those out." In the police view there is not much community capacity for alternative dispute resolution (ADR) in NAN territory. There was some support in NAPS management for a trained First Nation rapid deployment peacekeeping team—not a TRU or an ERT team—which would do public liaison and perhaps conflict resolution intervention. According to NAPS police and board members, there is no protocol as yet between the NAPS police and the OPP regarding their respective responses and collaboration in the event of a major incident.

Challenges and Opportunities

Regional self-administered First Nation police services have had a troubled history so far in Canada. The challenges are immense in so many respects. NAPS, as the largest, and operating in the socio-economic and geographical context in which it does, faces all the challenges of regionalism magnified. Government documents (APD, 2003; OPP, 2004) have identified the central challenges for NAPS as capital requirements (facilities for the 35 detachments), recruiting and retaining officers, inexperienced front-line officers, service levels and the quality of investigations, logistics associated with policing widely scattered, isolated small communities, and social problems such as suicide and substance abuse. These are quite valid comments but stop short of the fundamental need for "new thinking" on the part of federal and provincial authorities. On the federal side, there has to be more focus on the fact that NAPS and other SA police services, certainly in Ontario and Quebec, are here to stay and have replaced OPP policing, not just enhanced it. There has to be more consideration, then, to standards, corporate structure, specialized support systems, and so on. On the provincial side, there may have to be negotiations with First Nations concerning the incorporation of SA policing under the *Police Act* legislation so as to ensure accountability and the resources that go with the maintenance of standards.

The issues of resources, band bylaws, basic conception of self-administered police services held by the different stakeholders and government authorities, and the

requirements for effective reactive and community-based policing are all central concerns for this police service and the NAN communities it serves. In addition, a number of informants predicted that the NAN area would see significant occupations, protests, and blockades in the future over forestry, mining, tourism development, and other matters related to resource development and land use. NAPS has no specialized capacity to respond to such incidents nor those that may be more of an intra-band or inter-band sort, though, as noted above, NAPS officers have intervened effectively in the recent past in such incidents. NAPS interviewees, while expressing little interest in collaborating in an OPP emergency response team (an option reportedly presented to them after Ipperwash), emphasized the importance of a conflict negotiation approach (and the resources to train officers), especially given ambiguous treaty issues and the obvious need for the NAN communities to share in whatever wealth generation occurs in their territory. Clearly the challenges are immense, but there is justifiable pride in surviving and improving as a police service over the 12 years of NAPS' existence; one can appreciate the sentiment of the retiring NAPS' chief: "Any one of my officers can stand up to high standards of policing."

THE ANISHNABEK POLICE SERVICE

At the time of the interviews in 2005, the Anishnabek Police Service (APS) was in transition from the strong leadership of a First Nation chief essentially compelled to resign to that of a new young First Nation chief with long ties to the OPP. The jurisdiction of the APS stretched from the outskirts of Greater Toronto to Thunder Bay. It was established as a regional service in 1994. It has struggled financially in recent years and in fact suffered some attrition in First Nations policed. Still others threatened to pull out as a result of these financial problems. These centrifugal pressures in conjunction with allegations of misconduct led to the former chief's resignation. The APS, under its former chief, had played a crucial role in the stabilization process after the OPP's shooting of Dudley George at Ipperwash in 1995. In the APS brochure, in the mission statement, the APS referred to striving to provide "a culturally sensitive policing, one equivalent to that of similar non-Aboriginal communities, and with the goals being increasing visibility, effective enforcement, community partnership, and public education about law enforcement and safety concerns." There are several references to traditional values and once to "the Creator." Interestingly, a stated objective of APS has also been "to eventually provide 24-hour police coverage to each First Nation Territory under the Anishnabek Police Service's jurisdiction."

The APS was established under a tripartite agreement in 1994 for communities of the Anishnabek Nation associated with the Robinson Treaties. APS went from an original grouping of 4 communities in 1994 to 11 in 1996 and then to 19 in 1997. Currently, the APS polices 17 First Nations and boasts a complement of 66 officers and 22 civilians, excluding guards and matrons. Its structure consists of a chief plus a senior management team of four inspectors and a civilian administrator. There are directors for North and South Regions, Community Relations, and Support Services, plus a director of finance who is a civilian. Specialized units include a firearms officer, a two-person criminal

investigations unit, and representation with the RCMP's IBET (i.e., Integrated Border Enforcement Team). The APS administrative offices are in one new building while the host Garden River detachment is in an older, rather cramped building in the same policing complex. Reportedly there are at least 5 officers in the latter. The largest APS detachment, at Kettle Point, has one more officer. The other 15 First Nations have mostly 2 or 3 officers. All police applicants must have a "valid Ontario Association Chiefs of Police certificate prior to submitting a resume to APS."

The Police Functions

Concerning the six police functions, the APS officers indicated that response and patrol might well be their biggest headache in most APS communities, though not in Garden River, one of the larger and more "densely settled" First Nations under APS. Generally though, the manpower situation means that response times are slow or at least not up to the community's expectations. As the acting chief indicated in 2004, "We are always having to apologize." Enforcement can be a problem. Traffic issues—speeding through the Garden River reserve, as it features a major highway—had created a lot of safety concerns; indeed, there was a major protest a few years back when a car driven by a non-Native crashed into a band member's vehicle and killed five family members. Still, nowadays both the APS and OPP do highway patrol so the situation is in hand in Garden River. Enforcement of band bylaws remains a problem throughout APS territory. Indian Affairs (INAC) and the Ontario Attorney General have nothing worked out, no arrangement regarding prosecution, so band bylaws are basically not policed. There is a loose dog problem too in several First Nations, though a few do have a dog control officer. Enforcement regarding drugs is an issue, especially prescription drugs. As for investigation, the APS does have a two-person unit for special investigations such as sexual assault. Generally all officers do investigations for break and enter and minor matters. Crime prevention is evolving. There is now an officer who, while not full-time, does do crime prevention work; the officer has some training in it and some responsibilities but unfortunately, at present, the officer is on leave. APS collaboration at the community level is quite modest in any formal sense. The APS informants decried that Children and Family Services seem to operate on a 9 to 5 basis, that there was little ongoing with respect to youth programs, that the youth child worker was ineffective, that there is no crisis intervention program, and that "no one is sure what the health centre people are up to"—overall they did not speak positively of the local agency partnerships. It was thought by the APS officers that local committees for crime prevention would be a good initiative, but they do not currently exist. Nor apparently is there any extensive alternative justice program. As in the case of NAPS, it would be difficult to argue that the service, in actuality, has been more of an enhancement than a simple replacement of the former OPP service, since the only OPP presence is at the patrol and/or enforcement level.

As for their style of policing, the APS seems clearly to be engaged in reactive 911 policing, though the patrol officers indicated that they do not stress laying charges. Nine of the current officers are female, and all officers are Native though not necessarily band members. Turnover has been minimal in the last few years. Typically when a position is

available the APS management check with local elected officials in the First Nation community where the vacancy exists, but if no suitable candidate exists, they post the position, and finally they may advertise more generally.

There is a police board which meets quarterly. It is composed of 17 First Nation representatives (one from each First Nation). There are no criteria for membership selection and as one senior management officer reported, “Our board has chiefs, councilors and community members.” This big board wisely spawns three subcommittees, namely, operations, finance, and discipline. The officers reported that, though there may not be much actual training for board members, there is usually representation from the APS board at the APD-sponsored annual governance meetings. Subsequent to the resignation and/or firing of the former chief where the board found itself—the 17 First Nations—on the hook for a deficit of over \$2.3 million rather than the \$1.7 million they had anticipated, the board has been very much holding tight reins on the APS. However, that situation is now easing somewhat as the deficit has shrunk; in 2006 the deficit was only \$65,000. APS officers indicated that there is no community advisory committee in any of the individual First Nations. It was acknowledged by the senior APS management that it is hard to placate the 17 First Nations, and there are centrifugal forces at work, but the position seemed to be that the “bitches were fairly common” so no particular threat to withdraw was emphasized. The board meets quarterly at Garden River. There is not much of a buffer between the APS police service and the political leaders, since many chiefs or other elected council members sit on board.

According to APD’s Ontario Police Facts (2005) the APS has a very serious problem of violent crime to contend with. APS officials challenged those data but did indicate in 2006 that “assaults are our big ticket, common assaults being #1.” It is not clear where the violent crime is concentrated in terms of member First Nations. It is acknowledged too that there is a problem with domestic violence in some APS communities, and senior APS officers indicated that “many of the assaults captured by our stats are domestic violence-related.” The police service follows Ontario’s zero tolerance policy. There is much unreported domestic violence as well, according to APS officers. Policing “domestics” is costly to the community and also to the police—sometimes the APS officers (usually a single officer in a single car is on call) get OPP backup, a factor which undoubtedly contributes to the good relations between APS and OPP field-level officers. Do the women victims subsequently co-operate? Are the cases mostly thrown out post-charge? While a senior police manager said no to the latter question, an interviewed patrol constable said that has been his experience without doubt. It was not clear whether the APS officers believed there was much youth crime or property crime. According to senior APS managers in 2006, “organized crime has not been an issue,” but certainly there was a drug problem and officers generally agreed with the observation of one that they “are seeing more prescription drug abuse and now crack and oxycontin and the spin-off from that in increases in b&e to pay for drugs.” Garden River itself, as patrol officers said, has a low crime rate and is not considered hard to police. Of course, there would be differences in First Nation communities within the APS framework. The officers indicated that there was little in the way of restorative justice programs, and one of the

senior police managers reported that there was little in the way of a safety net anywhere in the APS area.

The police service has grown over the years. All but one of the member First Nations are in the Robinson Treaties area but one is in the Treaty 9 classification. Some of the First Nations currently policed under Ontario's FNPA may well be attracted to the regional APS in the future. Indeed, one such First Nation abuts the Garden River detachment. It is tentatively in the Association of Iroquois and Allied Indians (AIAI) grouping but is not Iroquois. Apparently, it has moved around in different policing groupings for political reasons. It would seem to make sense for it to be with APS, and the APS officers think that is likely to happen. According to APS management, "Once we get our deficit situation resolved, we may attract other First Nations." Senior management explained the huge deficit, which led to the former chief's downfall, as the result of "sweetheart" leasing deals with a non-Native "wheeler-dealer" in the Garden River area (e.g., leasing vehicles to the APS). Apparently the chief had arranged it so that he could sign contracts under \$50, 000 on his own, and "wouldn't you know it, there were many commitments undertaken just under 50K!"

In the course of the interaction with APS officers, including an evening ride-along, it was found that there seemed to be an easy camaraderie among the officers, evidenced by the interaction in the interview room. The APS leaders indicated that there is a problem of recruiting non-band members in an area since housing is difficult—there is no rental housing on the reserves.

Partnerships

The APS officers believed that the OPP is not competitive with the stand-alone First Nation services and has made that clear to the First Nation communities. When something happens to the First Nation police services, and there is even a temporary cessation of police services, the OPP will only provide 911 services (but some officers themselves see this OPP practice as denying service to the affected reserves). The relations between the APS and the OPP, at the everyday policing level, have been very positive according to all informants. Still, some APS managers expressed concern that the OPP was not hiring enough Natives and that there has been no replacement for inspector Jim Potts, who was a key OPP link to First Nation and SA concerns. There was praise for the current OPP leadership and concern about what will happen when the current commissioner leaves. There is a policing protocol with OPP, but an updated protocol is in its third revision and is still under consideration—according to the APS officers, the OPP is holding things up. The OPP does provide backup for the APS as it does to other small local police services, and the APS in Garden River use the OPP cells. In general discussions about the OPP with all three senior management officers, it was reported that many of the OPP "native" officers may not be band members and certainly have not been raised on reserve (the conversation dwelt on the politics of identity). On the whole, the interviewed APS leaders felt that there is good collaboration, but occasionally a problem at the field level, among OPP shift supervisors. The APS has two officers working with the RCMP in a border security operation. APS officers also held that the APS has good

relations as well with municipal police services (especially Sault Ste. Marie police) abutting their jurisdiction. Recently, two APS constables did plainclothes work with local Sault Ste. Marie police concerning a drug dealing ring.

A Ride-Along

Basically the ride-along was spent exploring the Garden River reserve—it is big, with over 25 miles on the woods side of the highway—and chasing down “speeders” on the main highways (in all cases the speeding was rather modest). The constable, a four-year veteran, lived in the “Soo” because “there is very little equity built up in reserve housing” and plays on sports teams with town people. He reiterated that there was not much restorative justice programming in Garden River, but there was some such activity in a few other communities policed by APS. He indicated too that there is not much crime, and police respond mostly to “domestics” and drug trade and/or use. Apparently in Garden River, as elsewhere, there is only a one-person patrol at night. The APS officers interact much with their OPP counterparts who also police the highway. He indicated that the APS use OPP cells for drunks and so forth but use the Sault Ste. Marie cells for bail or show cause cases. He is a job-satisfied APS officer and wants to remain there. He reiterated that there is not much in the way of centralized services for APS but there is some modest investigative specialization. Apparently there are no scene-of-crime (SOCO) trained officers in the APS. There are at least 12 sergeants plus the North and South inspectors. Formerly there were three divisions, North, South, and Central in the APS, but now there are just the two, North and South. It is a large area that APS polices, and it takes some two hours to get to Kettle Point from Garden River. The constable emphasized that the collaboration with the OPP and municipal (local) police is significant, and indeed, after being with him for a few hours, that was quite evident. He wants even more collaboration since he believes this is a crucial way for First Nation officers to get more experience and also to gain respect in the larger policing community.

Major Incidents

The constable noted that recently the Garden River First Nation had traded off some land to the province to facilitate a highway bypass. He did not think there were any major land claims controversies at the moment. He could recall no protest or sit-in or blockade aside from a protest a few years ago when a non-Native person caused five deaths in an automobile accident but had his charges stayed by the Crown prosecutors. He said there were no warriors in the APS area (note that it is a small world, though, and the APS officers were quite familiar with the Native protest leadership and the Quebec Summit protest). As for dealing with such major incidents, he liked the idea of a rapid deployment peacekeeping grouping, skilled in negotiations and made up of both SA and OPP officers.

At the major interviews, the APS leaders noted that most protests and sit-ins were of the “band administration office occupation” type, but there have been a few roadblocks—“they tell us well in advance and usually it is only for a short time so there’s no problem.” They held too that there are no warrior types to speak of: “If there are, we don’t know about them.” They also knew specific Native protest leaders by name, and were familiar

with the leadership and developments in the protest concerning the Quebec Summit (the Day of Rage) in 2001. In general, they indicated that their strategy in such incidents is to “keep talking.” Initially, they indicated that they do not see themselves as facilitators (“it’s not our role”) and said that while the RCMP might be conflict negotiators, “they are outsiders but we are not.” Also, there was some skepticism regarding a province-wide First Nation peace force (“certainly not a riot squad, not ever,” one said), noting that there would be tribal objections to different tribal police coming onto the territory. Subsequently that view has changed somewhat and it was said that “we—First Nation police services—need to do more sharing,” and now such co-operation may be possible. They believed that an Ontario First Nations Chiefs of Police Association (OFNCPA) would be a good idea if resourced and that then a mandate for a trained peacekeeping grouping could be activated. Here it was held that conflict resolution training could weed out those who do not fit in and are “the kick-ass type.” They believed that the APS probably could find 10 or so possible candidates for such training, creating a First Nation version of a rapid-response conflict negotiation team. A senior police manager commented that he would like to see the APS come fully under the *Ontario Police Services Act* for a number of reasons, including dealing with potential occupations and protests. In his view there would be two crucial implications, namely, there would be specific criteria for the makeup of the police services board, and “if we are mandated by legislation to meet a standard, then it’s easier to lobby the federal and provincial governments for more adequate funding.”

Conclusion

The APS officers did not think there were profound social problems or a major crime problem in their communities. Garden River itself apparently had a low crime rate, but there was some domestic violence and some drug abuse. They identified response and patrol as a difficult area but pointed positively to their other specializations in investigation, border security, and crime prevention. At present, crime prevention appeared quite limited, and though they do have a specialist in place, there is minimal police-related local community organization (no advisory committees at the local level). The collaborations with the OPP and other police services were seen as being quite good. While noting variation among the First Nation communities served, nothing special was suggested in terms of reasons for the variation. APS has been in existence for 10 years and the officers exuded a certain sense of stability. There has been and remains a deficit problem for the APS, but the officers did not seem especially worried about it and in fact considered that now that the deficit is being handled, the organization has growth potential. At present, from an outsider’s perspective, APS delivers a basic “bread and butter,” 911 policing service. No information is available concerning how local leaders, and clients generally, regard the APS service.

THE MICRO TRANSITIONAL MODEL: TIMISKAMING, WHAPMAGOOSTUI, AND LAC SEUL

INTRODUCTION

There are some SAs that might be labelled micro police services in transition since they are too small to offer anything approaching quality full-service policing, and there is no especial niche that they occupy nor network of integrated policing into which they fit snugly. Also, there appears to be no obvious obstacle, cultural or political, that would account for their isolation. In Ontario the Lac Seul Police Service, where seven officers (chief included) serve a community (or three contiguous subcommunities) of roughly 800 people, might be so categorized. Lac Seul is part of the Treaty 3 grouping in North Western Ontario but remains independent from the T3PS. It was established by tripartite agreement in 1995 (APD, 2004) when, according to many police and governmental informants, the federal government was eager to sign up First Nations in such agreements and so was more willing than it appears to be now to support micro, stand-alone police services. There are a number of similar SAs in Quebec, which has more than 60 percent of all SAs in Canada. Outside Ontario and Quebec, the only other such micro SA is where the autonomous SA took seed, namely, the Louis Bull Police Service in Alberta. Based in part on the oil wealth of the Louis Bull First Nation, its police service was launched in the late 1980s and since then has had several episodes of instability.

The two such SAs discussed below are both in Quebec, namely the Timiskaming Police Service (Algonquin) and the Whapmagoostui Police Service (Cree). Both these police services might well be expected to become part, one day, of regional Algonquin and Cree police services, respectively. In each case there are nine distinct First Nations that constitute the tribal group, and each First Nation has its own police service. The Timiskaming and Whapmagoostui police services are arguably the best among those in their respective tribal grouping. While both deliver a surprisingly effective first-response police service, as independent micro services they are hard-pressed to go beyond that, and indeed, both appear to have excellent veteran police chiefs who would be difficult to suitably replace. Accordingly, as will be noted below, both can be quite vulnerable as police organizations. Their sustainability would be in jeopardy—as would the Lac Seul Police Service—if they were fully subject to the provincial Police Acts. Even without that entailment, factors such as community expectations, mandated policing, and liability challenges threaten their continued existence. The regional police service approach might well be the best way to deal with some of these threats and challenges.

POLICING IN TIMISKAMING: WHITHER THE MICRO POLICE SERVICE?

Timiskaming First Nation

The Timiskaming First Nation is located in the north-western portion of Quebec (i.e., the Abitibi-Temiscamingue area), in a semi-rural area near the Quebec–Ontario border. It abuts

the small town of Notre Dame du Nord. Studies indicate that there may have been as many as 5,000 Algonquin people in the area of Ontario and Quebec at the time of Champlain's founding of Quebec in 1642. The population numbers declined to 1,500 by the mid-nineteenth century, but since then they have rebounded and the Algonquin population is now estimated to be about 8,000 in Quebec, on and off reserve. There are nine Algonquin communities in Quebec and three in Ontario (these latter have a combined population of roughly 1,000). The nine Algonquin communities in Quebec are Timiskaming, Lac Simon, Pikogan, Kitigan Zibi, Long Point, Rapid Lake, Wolf Lake, Kipawa (Eagle Village), and Grand Lake. The Algonquins in Champlain's time were patrilineal, semi-nomadic foragers and referred to themselves as Anishinabeg (i.e., the people). In recent times many males worked in the woods or on the river with wood or in the hydro operations (e.g., power plants) in the area.

A number of methods were employed in this brief study of the contemporary Timiskaming First Nation and its police service. During the week of fieldwork at Timiskaming in 2002, all but one of the six available Timiskaming police officers were interviewed, usually several times, and police statistics and related materials were gathered. Others interviewed included the council representative who had the liaison role with the police service (i.e., the public security portfolio), another councillor, the local courtworker (who also contributed valuable statistics on court cases), a social services employee, the director of the Native Alcohol and Drug Awareness Program (NADAP) (i.e., alcohol and drug prevention), the director general for the Timiskaming First Nation, and the Surêté du Québec (SQ) commander at Ville Marie. There were many informal brief discussions with a number of community residents. In 2005 Prairie Research Associates followed up on the 2002 research, spending two days in Timiskaming and interviewing a handful of police officers and others. In addition, a telephone survey was conducted in which 63 residents were queried on their views about the police service. This write-up draws upon both sets of data.

Timiskaming is a small reserve of about 543 people, plus several hundred living off-reserve in the surrounding area. The band membership list has roughly 1,500 people. The reserve has been moved at least three times over the last hundred years, going from the Ontario side or boundary to the site of Notre Dame du Nord and finally to the present location, an area of roughly 18 (6 by 3) square kilometres. Even in its present, sparse site, the Timiskaming Algonquins have been persuaded to cede land to the non-Native community for purposes such as a cemetery (one section of the cemetery serves the Algonquin and the other serves Notre Dame du Nord and other Quebec residents). The reserve land is poor and basically non-arable scrubland, though some Algonquin veterans of the Second World War apparently did some small farming there for a short time post-war. While the reserve abuts the water at several points, the lake lies at the bottom of steep, forested cliffs and is not readily accessible, unlike the waterfront properties of their French neighbours in Notre Dame du Nord (population 1,200) which surround Lake Timiskaming (the Algonquin word for "deep lake"). A two-lane provincial highway bisects the community, taking one some 30 kilometres south to the small, 2,500-resident town of Ville Marie where the court house and the local SQ are located, and 120 kilometres north to Rouyn-Noranda, regional headquarters for Crown attorneys, SQ, and the RCMP. The reserve's modest wooden bungalows (there are several more elaborate homes as well), concentrated along both sides of the highway,

appear well kept, as is the community as a whole. There are several new and attractive facilities for elementary school children, seniors, health services, and band administration. There is also a small local radio station, operated under band authority, in the community. The larger Algonquin Tribal Council has a presence on the reserve with its own administrative building.

There is little economic activity on the reserve and much unemployment (a rate of roughly 30 percent in the early 2000s) and underemployment. Informants typically described the reserve as an economically depressed community in an economically depressed region. Government transfers account for a significant portion of total family income. Reserve businesses include an eatery, a craft store, greenhouse sales, and several small businesses (trucking, construction, gas bar, firewood for sale) on the road to New Liskeard, Ontario ("the Ontario Road"), most owned by the reserve's major entrepreneur. There are ongoing land claims negotiations involving all the Algonquin bands, but most Timiskaming informants were not optimistic that these talks would yield a significant resource-base or a rich monetary settlement (most informants reported there had been an informal overall offer from Quebec of \$30,000 per head for all the Algonquin bands). There are few jobs to be had in the surrounding area nowadays. Notre Dame du Nord has but a few small business and small farms. Several informants noted that their most ambitious offspring had left the area for higher education and/or to seek employment in large metropolitan centres such as Toronto. Band leaders emphasized the employment strategy of securing governmental commitment to have reserve members hired in forestry projects, nearby Hydro Quebec operations, and the like, either on an affirmative action basis or at least where the economic activity directly impinges on Algonquin territory.

The Timiskaming community is not isolated in social and institutional terms. For secondary schooling, students are either bussed 25 kilometres into New Liskeard where the instruction is in English or go to the Notre Dame du Nord's French-language school. The majority of secondary students go to New Liskeard as English is the language of home, though apparently a good number of reserve residents speak French as well. The indigenous language is typically not spoken but efforts are being made to have early instruction in that language. Many reserve residents attend church in Notre Dame du Nord and go there for entertainment and other services. The reserve itself is "dry" and has no video gambling machines. Notre Dame du Nord, on the other hand, has three bars, strip dancing, and video machines. There is much interaction between Natives and non-Natives in these and other establishments, and from all accounts (and limited personal observation) the relationships appear to be friendly and free of violence, a marked improvement over the situation of the recent past according to reserve informants. The reserve and the town have collaborated on a number of matters, including joint sponsorship of a recurring "Guardian Angels" project wherein youths have been hired for the summer period to assist in the maintenance of social order in the area. Interestingly, band members have been increasingly buying houses and moving into Notre Dame du Nord, where the aging population and lack of economic opportunity have created good buying opportunities. One informant half-jokingly commented that it was an Algonquin "revanche des berceaux," wherein band members were re-acquiring ceded lands by out-populating the others. A few informants, Native and non-Native, reported that there has been much ethnic intermarriage in recent years.

Political–Administrative Organization

The Timiskaming First Nation is directed by a small band council consisting of a chief, deputy chief, and six councillors, one of whom has special responsibility for public security. In addition, there is an impressive bureaucracy that includes a non-Native director general who oversees the work of various departments and programs, and recommends to, and evaluates policy directions on behalf of, the band council. Other departments, such as education and policing, are outside the line of authority to the director general but their budgets and some other matters are managed by that band office structure. The annual band budget in the early 2000s was roughly \$7 million and the band's current debt load is \$1.3 million, near the INAC "takeover point," according to politico-administrative informants. There are a few band bylaws for elections and housing but others "on the books" are unclear and not well-known, and in general Timiskaming First Nation documents report that the rules for enactment and amendment of band bylaws are arcane. The band council has recently funded and received a major consultancy assessment of accountability and management.

Family groupings, according to informants, are significant players at the community level; frequent reference was made to the Temiskaming First Nation being constituted of five quasi-clans. The overriding social policy concern identified by virtually all informants was the lack of employment. A myriad of social problems were related to this factor, including widespread depression and boredom, which fuels substance abuse (especially alcohol and soft drugs) and seems to particularly affect young adult males and interfere with their raising stable families and having positive self-images. Informants also identified the apparently rapid growth of single-parent, female-headed families as a major problem for the Temiskaming First Nation. Political–administrative informants reported that such households account for roughly a third of all reserve households.

The Temiskaming Police Service

The Timiskaming Police Service (TPS) was established in 1978 with one constable, under the umbrella of the Amerindian Police Service. It remained part of that larger police organization until 1999 when it became an independent First Nation police service under a tripartite agreement among the Timiskaming First Nation, the Solicitor General of Canada, and the Public Security Ministry of Quebec. In 2003 the TPS officially was designated by Quebec authorities as "a police force," a formal upgrade from "a police service" (the label TPS will continue to be used in this write-up). The TPS is headed by a chief constable with over 30 years of policing experience who had been on the directing administrative council (i.e., the executive) for the Amerindian Police Service. He has continually upgraded his policing skills and management expertise through participation in programs at the police training centres in Ottawa and Nicolet. In addition to the chief constable, there are three full-time officers (two of whom have been with the TPS for 15 years), and three auxiliaries. All of the former, one of whom is female, are fully credentialized officers who have upgraded their skills in special areas (investigation, sexual assault, firearm training), and the senior of them is a well-regarded investigator with more than a dozen years of police experience. Two

of the auxiliaries are also fully credentialized police officers who have had cadet training at Nicolet and who are authorized to carry weapons. The auxiliaries' involvement in the TPS is as temporary replacements for permanent members and/or was contingent on TPS securing various project funding on a year-to-year basis until 2003 when they became incorporated in the authorized TPS budget. In addition, there is a full-time secretary, janitorial service, and occasional jailors as required. The commitment to round-the-clock policing necessitates extensive use of the auxiliaries and consequently a major task of the chief constable has been to be aware of and respond to opportunities for short-term special funding.

The annual police budget in 2005–06 is roughly \$450 thousand, up significantly from the Amerindian era when Timiskaming had three officers and an annual budget of about \$200,000. Approximately 10 percent of the budget goes to the band coffers for handling TPS finances and related matters. Full-time permanent officers' salaries in the early 2000s were quite modest, in the mid-\$20,000 range, while the chief constable earned about \$10,000 more and the auxiliaries earned under \$20,000.

In 2002 TPS officers worked an odd, and reportedly stressful, shift schedule inherited from the Amerindian policing era, namely, "seven days on and seven days off" with 24-hour responsibility when on duty. On duty officers worked roughly 8 hours from the TPS office and then took the patrol car home and were on duty from there. Calls for service were transferred automatically to the officer's home. That schedule, with modest modifications, continues in 2006, though some strategies and practices have been developed in the small TPS to enhance the quality of the police service and the job satisfaction of its members. The permanent members have developed special niches within TPS (e.g., expertise in family violence and sexual assault, investigative practices, firearms, crime prevention); officers follow a practice of not attending family violence (primarily spousal or partner violence) calls for service without a backup; investigations in sexual assault usually involve both a male and a female officer, and the practice is to minimize favouritism by having the member least connected by family or friendship ties assume the lead in the investigation. There is a small amount of proactive policing—crime prevention, problem solving and community-based policing—being conducted by TPS, which includes bike rodeos, school liaison visits, and collaboration in various crime prevention events. More ambitious plans, in terms of community policing style, have been developed but remain essentially unimplemented and may not be feasible given the small police numbers and the commitment to 24/7 policing.

The TPS has an excellent working relationship with the local SQ policing out of Ville Marie. Their collaboration is a two-way street. The TPS polices the provincial highway and provides on-the-spot availability in Notre Dame du Nord, securing the scene (usually traffic incidents) while waiting for the SQ to arrive. The SQ provides lock-up facilities, identification and special investigative services, and sometimes training opportunities for upgrading police skills and information, all generally free of charge. The TPS itself has no special written protocol with neighbouring police services, but the heads of both local services, the TPS and the SQ, are long-time friends with a proven record of collaboration and trust. Despite advertisements on the local radio and via pamphlets, the TPS has been apparently unable to find enough competent, interested people to constitute a public security committee, but establishing one remains a stated priority of the chief constable. In 2005

there was an embryonic committee made up of the chief of police, the councillor with the public safety portfolio, and a few citizens at large, but it was unclear if it was actually functioning and, in any event, there was as yet no formal structure as required under the tripartite agreement.

The TPS officers until December 2003 worked out of a small, cramped wooden bungalow. The chief's office contained a walk-in safe for securing evidence, and there was a basement office (used by the investigator and a possible interview room), but most officers, visitors, and the TPS secretary interacted in a small open space where there were three desks. There were two small holding cells but one was packed with other materials, and the other was only infrequently utilized. Anyone jailed for the weekend or more than one day was usually transferred to the SQ facilities at Ville Marie, partly for economic reasons and partly to avoid the incessant pressures from the accused family supporters to visit or to have the prisoner released. A new police facility, on a lot right alongside the police building, had been on the drawing boards for several years and finally in the winter of 2003–04 it became a reality. The TPS moved into a new facility that conforms to labour laws, building codes, and average standards for good policing. Along with the new building came new equipment (e.g., four new computers, two new police cars) such that the TPS conveys a more professional image.

Police Activity and Crime Statistics

In both 2002 and 2005 the non-police informants reported that there was a modest level of crime in the area but that alcohol and drug abuse were significant, and these in turn led to dangerous and illegal driving practices and a small but steady stream of assaults. Several informants suggested that there was more unreported interpersonal violence and substance abuse. In 2002 the drug problem was depicted by all informants as a “soft drug” problem, and the use of hard drugs (heroin, cocaine/crack), prescription drugs, and gas sniffing was generally considered to be rare though a few non-police informants thought some “coke” was being sold in town. The location of the reserve (i.e., on a major highway on the Quebec–Ontario border) and the strip bars in the area (sometimes with a number of motorbikes parked in front), have made for ready access to drugs, and some informants in 2005 held that the drug problem had worsened in all respects and presented more serious challenges now for police crime prevention activity. A number of informants indicated that, while there were still problems with alcohol abuse, that situation had improved dramatically over the years; some evidence for this contention is that there have been no Temiskaming First Nation members in “detox” for “some time” according to knowledgeable informants in 2002. Video lottery terminal gambling has become a problem in recent years, with some negative multiplier effects on family violence and thievery. Generally, respondents indicated that the crime problem has been especially a problem of a small number of young adult male repeat offenders. Overall, non-police informants suggested that the TPS officers were being kept reasonably busy but were not overwhelmed by crime and related police services. They generally considered that police could do more in community-based policing (e.g., riding bikes, walking, visible crime prevention).

TPS members themselves also considered crime levels to be modest and identified the same issues of alcohol abuse, soft drug use, common assaults, and driving offences. They reported that there were no gangs or quasi-gangs but that a small number of “repeaters” accounted for a significant amount of the crime (“5 percent of the offenders account for 33 percent of all the crime”). The members indicated that there were no clear, agreed-upon band bylaws to enforce so enforcement for traffic issues was based on provincial statutes and the fines went into provincial coffers. Moreover, as found in many other First Nation communities, band bylaws had been difficult to enforce as many community members openly challenged their legitimacy, and the prosecutorial pursuit of such infractions in court, requiring special arrangements, was far too expensive to justify. In 2002 the SQ commander for the area acknowledged a limited SQ presence or visibility in Notre Dame du Nord—“we drive through every day”—but observed that there was very little crime either there or on the reserve, and that the strip bars generated few problems.

The general consensus, then, among police officers and other influential and knowledgeable informants in both 2002 and 2005 was that there were only modest crime and social order problems in Timiskaming and the surrounding area. The statistics bear out that consensus. In 2002 there was little proactive, preventative policing though plans have been developed to do more in this area. In 2005 there was more evidence of some proactive policing (e.g., school visits, Elder visits) and, in its five-year strategic plan, the TPS adopted an ambitious objective of having a major crime prevention project each year up to 2009. The biggest challenge for the TPS, in evolving beyond its present style of service, is not high levels of crime nor the formal requests for service from reserve residents, but rather the commitment to meet demands for 24/7 service and perhaps the informal and unrecorded pressures that the officers experience.

Cumulative criminal statistics and TPS police activity reports were available for the four-year period from 1997 to 2000 and also for 2003 and 2004. For the period from 1997 to 2000, no homicides, attempted homicides, or robberies occurred. On average there were, per year, 11 assaults (the victims were almost equally male and female), 4 sexual assaults (girls outnumbering women among the victims), 4 burglaries, 10 theft under \$5,000, and 9 incidents of mischief. There have only been a handful of impaired driving offences since 1997, when there were a dozen. The year 2000 saw a major increase in the number of actual crimes but this largely involved the minor crimes of theft under \$5,000 and mischief. In subsequent years, up to the end of 2004, essentially the same patterns held, with no homicides or robberies and slight increases in other crime categories—assaults (including sexual assaults) hovered around 15 a year, burglaries increased from 4 to 8, mischief from 10 to 13, and so on.

The offenders identified in the police statistics have been mostly young male adults. Male adults accounted for roughly 70 percent of offenders in all police recorded crime statistics over the four-year period from 1997 to 2000, while female adults accounted for 9 percent and youths accounted for roughly 20 percent of the incidents. Police officers identified alcohol and/or drug abuse as a major contributing factor in roughly 60 percent of the assault cases. Clearly, then, the crime occurring on the reserve was basically minor property crime and common assault where substance abuse has occurred. The more serious and police

resource-demanding offences have been the few sexual assaults, which, as TPS police statistics show, require much more investigation (most of these crimes were still under investigation at the end of the calendar year in which they occurred). It appears that the TPS had an adequate record of crime solving over the years from 1997 to 1999 since more offences were reported to have been cleared by charge, cleared otherwise (e.g., the offender may have confessed to crimes other than those for which he is charged), or be still under investigation than the number of reported offences considered founded in each of those years. The year 2000 data were more ambiguous on these designations. In subsequent years the clearance rates recorded in official Canadian Police Resources documents are hard to fathom, with some figures as low as 5 percent and others missing. Unofficially, according to Prairie Research Associates (2005a), the clearance rate has been between 45 percent and 60 percent but no breakdown has been given for person offences and property offences where clearance rates vary profoundly in virtually all policing milieus, and without that breakdown it is difficult to assess TPS's crime-solving effectiveness.

The police statistics for the entire period from 1997 to 2004 indicate that the TPS dealt with no band bylaw infractions at all. In each of the years 1997, 1999, and 2000, TPS officers issued about one hundred traffic tickets using provincial laws; these matters were settled at the court house in Ville Marie. On average, over the four years, the TPS officers assisted other organizations 30 times a year, provided public assistance on at least 50 occasions yearly, and had about the same amount of "intervention reports" (i.e., being called out for preventative measures to help a person in distress). The reported calls for service were also modest but steady in number; these calls for service were most frequent in the time period from 10 a.m. to 5 p.m., but even here there were usually only one or two calls for service in any specific hourly period over the entire year. The activity sheets provided no information on crime prevention and related police projects, and it appears reasonable to assume that such activities consumed little police resources over the four years. Data for the period from 2002 to 2004 indicate these patterns generally continued with slight increases (e.g., interventions increased from roughly 50 to 65, assistance to other organizations from 30 to 40, etc.). There does appear to have been more effort directed at peacekeeping (not defined but reported as distinct from response, enforcement, and investigative work) and community contacts in these latter years; these categories in fact reportedly consumed more officer time than the reactive police functions according to the TPS officer activity sheets. It is unclear how much of a change in behaviour—as opposed to awareness and recording—these figures represent.

A different data source, namely court docket data, available through the Timiskaming courtworker in 2002, underlined the portrait of offences conveyed by the respondents. The data, available for the year 1999–2000, included a few other small Algonquin communities, and there was significant missing data, but the overall patterns are clear. Among males, repeat offenders dominated the statistics, accounting for 106 of the 123 adult offenders and 6 of the 8 young offenders. In the case of females, first-time offenders outnumbered repeat offenders among both adults (53 vs. 25) and youth (3 vs. 1). There were few young offenders, just 12 across several communities, a pattern that perhaps attests to the diversion system noted by social service personnel. The two most frequent offences were assault and impaired driving/refusing breathalyzer, each accounting for about 25 docket cases. The

formal caseload for the courtworker was modest (i.e., about four court interventions per week but there were about five times as many out-of-court interventions (e.g., phone calls, face-to-face meetings). Overall, then, these data also depict a crime problem that is of modest dimensions where the problem basically concerns young male adult repeat offenders engaged in assaults and driving offences occasioned by alcohol, and to a lesser extent other substance, abuse.

Assessments of the Police Service

Non-police informants generally praised the TPS and considered that the police service provided was basic and adequate. The officers were considered friendly, competent, and cognizant of when it was necessary to seek outside police assistance on more serious crimes. The chief constable was considered to be an excellent manager, who exercised effective budget control and related well to all community interests. One informant, professionally involved in several sexual assault cases, observed that the TPS investigators devoted more time and effort on such cases than outsider investigators tended to do. Another informant commented that in recent years the TPS has become representative of all family groups in the community and less vulnerable to accusations of favouritism. As in many other First Nation communities, the informants did contend that the TPS should do more in terms of community-based and/or preventative policing, and walk and bicycle more instead of just doing car patrol. There appeared to be an implicit demand for more peacekeeping to supplement professional crime control, since otherwise it is difficult to understand complaints about police visibility and “knowing the community” where the community is so small and the officers so thoroughly integrated in terms of residence and kinship ties. It may be noted, too, that the non-TPS police informants spoke highly of the service, especially of the chief constable and the senior investigator; and one such officer reported that a Quebec audit carried out several years earlier had found the TPS to be one of the better small departments in Quebec.

The TPS officers, on the whole, considered that the TPS provided solid policing to the community but fell short in yielding high job satisfaction. The workload was not in itself considered overly difficult to deal with. Several officers in fact suggested that the modest crime levels allowed the TPS to devote more time in doing quality investigations. Officers not involved in the few serious investigations were, however, likely to report significant boredom, a pattern reflective perhaps of their general orientation to professional crime control policing. There is little doubt that driving a 3 by 6 kilometre patrol in the Temiskaming First Nation could be quite frustrating given that approach to policing. The small TPS was seen by several police informants as not being able to provide alternative, desirable career paths, something that added to their ennui. A number of officers also reported that the shift schedule was very stressful because of the requirement of 24/7 availability. The chief constable and the officers were quite aware of their vulnerability. The former noted that he had little job security in that council could dismiss him “just like that.” The other officers expressed concern about the future of the police service and the absence of any obvious successor to the effective current chief constable. Several officers reported that while the formal workload was reasonable, the community was hard to police since “so many people act like lawyers (e.g., “We know our rights,” etc.)”; on the plus side, the

officers indicated that the residents co-operated with investigations and also did not hold grudges. There was much discussion about the possibility of a regional Algonquin police service as a way of reducing vulnerability, facilitating career paths, and relieving the boredom. The large geographical distances between the reserves and the difficulty of securing collaboration among the bands were seen as major roadblocks. Another obstacle to regionalization was the remembered experience of having previously been in the Amerindian regional service where, reportedly, decisions about policing were made with little input from or sensitivity to Temiskaming First Nation needs and wishes.

In the 2005 telephone survey there were 63 respondents, 62 percent of whom were female, 50 percent of whom were between 40 and 64 years of age, and 40 percent who had some post-secondary education. The Temiskaming First Nation respondents conveyed a social construction of the reserve as having modest levels of crime and social problems, and being quite safe for residents. For example, only some 45 percent considered either alcohol or drug abuse to be a big problem (a figure much lower than in many First Nations and mainstream communities), and 92 percent reported that they felt at least reasonably safe on reserve; indeed, 72 percent considered that the TPS were effective in addressing the reserve's problems. A strong majority (73 percent) held that the relationship between police and residents was good or excellent. In terms of the standard police functions, the sample respondents gave rather typical First Nation responses, as about 80 percent said that the police officers were approachable and easy to talk with, 66 percent held that the police service did a good job in terms of patrol and ensuring community safety, but only some 25 percent reported that the TPS did a good job in terms of crime prevention and in terms of securing public feedback on priorities and wishes. Eighty-one percent of the sample considered that the policing service they received was either the same (48 percent) or better (33 percent) than that received by their neighbours in other communities.

Challenges

The TPS is well appreciated by Temiskaming First Nation residents and by knowledgeable others in and outside the police community. In terms of the federal FNPP criteria, it has provided policing comparable to neighbouring mainstream communities (arguably much better than the SQ service provided to the larger neighbour, Notre Dame du Nord), is seen by Temiskaming First Nation residents as "their own policing," and is sensitive to the multiple needs of reserve residents. It also appears that the TPS has been quite successful, especially for a micro-sized police service, in meeting reasonable standards for the six police functions. The police deal adequately with the modest level of crime encountered, respond to a wide variety of calls for assistance, most of which do not involve *Criminal Code* matters, and increasingly are sensitive to formally respond and record with regard to issues of crime prevention and "people policing." Additionally, in principle, the TPS has concern for cultural style. It has, as a stated objective, "to be open-minded and approachable and to use traditional values where appropriate." There are, however, many challenges. One challenge concerns funding problems for micro departments, such as absorbing the costs of delays in accessing government funds and justifying additional funding for effective full-service, 24/7 policing where the population base is so small. Another challenge is maintaining officer satisfaction and motivation where compensation is low, promotion

limited, and 24/7 imperative can lead to what one informant correctly labelled “gruelling work conditions.” It is testimony to the chief of police and the officers themselves that the TPS has done so well with respect to this challenge. A third challenge is being able to realize policing objectives with respect to crime prevention, formal community consultation, and perhaps a distinctive policing style. There is little question that the desire to do these things is strong but the combination of reactive policing demands, the expectations of residents for assistance of all kinds, and increasing mainstream mandates for policing make the desire difficult to realize.

Conclusion

The TPS appears to be at a crossroads. It is a micro police service that is well managed and staffed by dedicated, competent officers. Its chief and officers have earned the respect of community residents and neighbouring police services, and formal audits have attested to its adequate level of performance. At the same time, it suffers from all the disadvantages of being a micro service, namely, much perceived vulnerability on the part of the members, potential succession problems in management, difficulties in accommodating to the special policing skills and preferred career trajectories of all the members, and having to stretch resources to the utmost in order to satisfy community expectations and demands while delivering an adequate professional policing that residents, the larger society, and the members’ own standards demand. It is not likely that the police resources for such a small community (with such modest levels of crime) could be much greater than they are at present. Nor is there an evident, feasible strategy for growth through securing contracts to police in the surrounding areas such as Notre Dame du Nord. The TPS, until recently, was part of a larger police organization (i.e., the now-defunct Amerindian Police Service) and more recently provided temporary police service to another nearby Algonquin community. One wonders whether its future might be more secure as part of a regional Algonquin service. The relationships among the Algonquin First Nations appear to be much more determinant of this possibility than the factor of geography, since these First Nations are more closely clustered than the Cree communities to their north who appear to be gravitating toward a regional police organization.

Informants were all interested in improving their police service and in having more information on which to evaluate future directions and engage in strategic planning. Some work has already been done by the TPS to gauge community views and preferences. Moreover, all informants, including the police officers, agreed that there is a need to develop an active and informed public security committee.

THE CREE: AN EMERGING REGIONAL POLICE SERVICE?

There are nine Cree communities in Northern Quebec, and an overall Cree population of 12,000. The population is growing rapidly and some two-thirds are under 30 years of age. In the sixties the Cree of Quebec were largely living in the bush in decentralized camps, whereas now they are concentrated or centralized in the nine settlements. As a result of two major agreements with the Province of Quebec, in 1975 and 2002 respectively, the Cree have achieved significant economic security and acknowledgement of political and

administrative autonomy in their own territories. Among the Cree the links to traditional culture and life style remain significant, and steps have been made to ensure continuity in core cultural areas even as the Cree people and their communities are increasingly drawn into the mainstream of modern industrial capitalism. In the Cree communities, many persons are still involved in the traditional pursuits of hunting, fishing, and trapping (e.g., roughly one-third of the labour force in the largest Cree community of Mistissini, which has a population of over 3,000). The Cree school system emphasizes the importance of the Cree language, making it the exclusive language of instruction in the first three years of primary school. And it appears that many persons continue to live their lives in traditional styles, such as having many of their regular meals in their tents rather than in their wooden suburban-type homes. The communities are quite diverse in population, geographical setting (e.g., some inland, some coastal), and, of pertinence here, in their community problems and in the level and quality of their police services.

Any meaningful examination of policing among the Cree has to be provided in the context of what is happening at the level of the Cree nation as a whole, that is, how it is evolving as a political, economic, and administrative unity. Another significant context is what is happening in the field of policing itself. As elsewhere in Canada, and indeed throughout the Western world, there has been a continuing process of amalgamation and concentration of policing services fuelled by several factors, most noticeably in Canada by changes in provincial Police Acts. The trend in Quebec is clearly toward the elimination of smaller police services and the assumption of their police services by the *Surêté du Québec (SQ)*. Of the over 120 police services, independent of the SQ, that existed in Quebec in 1990, it is expected that no more than a dozen or so will survive (i.e., Montreal Urbain, Quebec City, and perhaps a dozen others). Police services in Quebec are ranked in terms of the level of police activity for which they are deemed to be responsibly autonomous, and in that respect, there are three key service strata, namely the SQ, Montreal Urbain, and the other independents (usually called MPDs or municipal police departments).

First Nation police services, certainly the Cree, are specifically excluded from the *Quebec Police Act*. And the normal situation has been for the SQ to provide services to the First Nation police services without cost. Accordingly, the continued existence of small First Nation police services is less threatened by the trends identified above. Nevertheless, public expectations about policing and the need to relate effectively to the senior police services (given that few if any Quebec-based First Nation police services can be expected to provide themselves what the *Police Act* and likely their own publics would consider full, satisfactory policing service) create powerful demands for a level and quality of policing service that requires proactive, “networked/connected,” and possibly regional First Nation policing.

In Quebec there are 54 First Nation communities, 50 of which have either “a police service” or a “police force” with the others being policed directly by the SQ. The labels are quite important since “police force” status carries more autonomy (i.e., a police director sworn in by the First Nation chief, constables sworn in by the police director for the duration of employment), and the sworn members have jurisdiction throughout the province (i.e., must simply show their badge). On the other hand, a “police service” has a chief constable sworn in by a judge, and other constables considered to be “special constables,” who are sworn in

by a judge for a three-year renewable period and whose jurisdiction is limited to the confines of their specific communities. All nine Cree communities now have a “police force” in the above sense, as do ten other Quebec First Nation communities. For continuity in this report, we will continue to use the term “police service.” The nine Cree police services have over 40 sworn members in total.

As noted, research for this project, as well as previous research (Brodeur, 1991; LaPrairie, 1991; MacDonnell, 1991), has indicated significant variation among the Cree communities in terms of crime and social problems and also with respect to the quality of service provided by the extant Cree police forces. The other main findings have been: (1) there is much underreporting of family violence offences; (2) there is extensive use of police for needs having little to do with crime or maintaining social order, and police officers are expected to informally mediate disputes; (3) there is much attrition of cases at the court (i.e., prosecution) level as there is apparently a reluctance by victims and witnesses to pursue the court process; (4) interpersonal incidents dominate police records whereas property crimes dominate the court records; and (5) there is a serious problem of repeat offenders, especially among the young adult males. In general, it appears that the policing is of the mainstream mould in its emphasis on professionalism and crime control. There appears to be modest formal public input and few formal community-based policing or crime prevention programs. Not all Cree communities have bylaw enforcement or diversion programs for minor crimes. Not all Cree police services have a functioning public security and/or advisory committee. The community that is highlighted in this research, namely Whapmagoostui, does have all those features and has a reputation of being among the best of the Cree police services. Informants indicated that it could be a leader in any subsequent (and expected) move toward a regional Cree police service. Negotiations for the establishment of such a service have been ongoing for several years now.

Whapmagoostui Policing

Whapmagoostui (formerly called Great Whale) is the northernmost coastal Cree community in Quebec, located above James Bay and some 1,600 kilometres from Montreal. There is no road access. The population at this location is comprised equally of Cree and Inuit, each having populations of approximately 700 and having their own police service (the Inuit are policed by the Kativik regional police service). At any given time, the non-Native population adds from 200 to 300 more people (teachers, nurses, Hydro and construction workers, etc.). In October 2000, the SQ closed down its police station, which had been located in Great Whale for more than 30 years.

Interviews with key Whapmagoostui officials (chair of the Community Justice Committee, executive director of the band, the housing administrator, the public safety officer, the director general and the chief of Whapmagoostui) indicated a high regard for the local police service. The level of satisfaction with the police service, according to a knowledgeable outside expert familiar with almost all the Cree communities, was exceptional at Whapmagoostui. The interviewed local influentials reported much collaboration, especially between the police and the Community Justice Committee that provided a diversion program for youth through the offices of the Director of Youth Protection (DYP). At the

same time, they indicated that there were serious crime and/or social problems in the community that needed attention over and above what police can do directly and by themselves.

Several stakeholders mentioned the problem of assaults and conjugal violence but were also quick to note that “the police are stuck with the problem too.” These matters were deemed to be often unreported, and, when reported, often not followed through by the complainant or victim, whether for fear of testifying or other reasons (e.g., forgiveness, pressure from others). It was considered by some informants that, as in the mainstream society, conjugal violence is tolerated by some cultural patterns of gender roles (i.e., how men and women may be expected to behave under some conditions); as one person put it, “male inadequacies are compensated through violence, and silence is symbolic of general social acceptance.” Here some interviewees also advanced the idea of a clash between old and new ways and the continuance of a pervasive mindset among some community influentials that a woman’s place is at home, which, in turn, appears to abet spousal or partner violence. It was suggested that conjugal violence has always existed and was considered normal so there is a need for conveying that such practice can no longer be tolerated. As another leader put it, “Women are entering the workforce and not accepting the passive roles they once did, and Elders are learning to accept this fact.” Other factors said to account for these serious problems include unemployment among males, poor housing (overcrowding, etc.), and drug and alcohol abuse.

Other social problems and crimes were highlighted by these well-informed local leaders, such as drug and alcohol abuse and youth crime (especially property crime and mischief). Several informants cited the problem (and some related community confusion or lack of consensus) of a lack of public legal awareness and education, occasioned by the generational transition to a settled community life heavily permeated by mainstream culture—“Elders do not understand the police, legal problems, and youth protection programs.”

The Whapmagoostui Police Service includes the police director, five constables, and a secretary. The support police receive from the community and chief and council is indicated by the fact that federal–provincial funding covers the cost of only four of the five constables employed, so one officer position is sustained by council funding. In response to extensive vandalism and theft, security guards have also been hired by the band to patrol all band buildings at night; in the nine months subsequent to their deployment not a single case of vandalism was reported. Interestingly, the security guards were placed under the authority of the police director, who had them take a 45-hour training course. There is also a public safety officer who acts as fire chief and emergency response official. There is an active Public Security Committee working closely with the policing service. Among the police members, training and educational levels have improved considerably in recent years and turnover has been sharply reduced. Whereas previously the turnover rate was 50 percent per year, over the entire last three years it has only been 40 percent, a sharp decline indeed.

The police director was proud of his department and cited a number of accomplishment, including hiring a university graduate as senior constable, sending candidates to college and

then to the police academy, having training on the operation of public security committees provided to chief and council and active community members, personally obtaining a university certificate in police management, taking disciplinary action when required and even when it reduced available manpower, establishing and maintaining a regular talk show on local radio, obtaining full support from the band council on all police-related matters including the new police station (despite being over budget), taking control over the security guards, establishing a good working relationship with the Katavik Regional Police Force (Inuit), and sending fully trained police officers to three other Cree communities.

Police, like the community influentials interviewed, identified interpersonal assaults and conjugal violence as the chief community problems and indicated that the solution rests in preventive measures and guidance more than direct police action. In terms of conventional crime patterns, they emphasized that there was no solvent abuse, a relatively modest number of property and mischief acts, and a fair number of minor assaults. The statistical data available generally support that description. The data from 2001 and 2002 indicated a quite modest number of recorded offences (including band bylaw infractions) per officer, namely, about 40 per officer per year. There were, roughly, equal numbers of property and/or mischief crimes (where young offenders dominate) and crimes against the person (mostly committed by adults). In both instances, and in each of the two years, there were about 60 recorded cases. Most “other crime or offences” were breaches of probation, usually on the part of young male adults. Police in Whapmagoostui do enforce band bylaws, especially concerning the operation of all-terrain vehicles, where the violators are usually youth and young adults and mostly male. These bylaw infractions amounted to about 50 recorded cases per year.

Few criminal cases are processed through the provincial courts. Approximately 20 have been prosecuted in each of the past three years, while a small number of others filed by police have been dropped due to insufficient evidence or deemed “prescribed” (e.g., not filed in time). Police regularly refer a small number of youth cases—no more than a dozen per year—to the Director of Youth Protection (i.e., diversion). While police records make no reference to community-based policing programs, there are some school liaison activities and other programs (e.g., hockey coached by police officers). There also are many “interventions,” where police respond to calls and assist the Katavik police serving Inuit at Great Whale. Despite the modest staff complement, the police service tries to be a 24/7 police service. This provision, in addition to the interventions and informal interactions with community residents on a host of matters, would appear to limit the police service’s capacity to provide more than quality first-line response. Formal community-based programming, formal restorative justice roles, and other specialized services (e.g., investigative and identification) would be difficult to mount. Clearly to move more in those directions there would have to be a regional Cree police service, especially as the SQ has adopted a non-interventionist approach, and the Cree police services are not fully under the provincial *Police Act*.

Conclusion

Both police officials and community key leaders were very co-operative in an earlier (2002) research initiative and quite willing to participate in further research that could improve the police service. In fact, chief and council at that time passed a formal motion welcoming such a follow-up, especially one that was truly collaborative and focused on some of their major concerns. The chief in a letter to the researchers commented, “We understand that this study is being undertaken, not as another academic study on First Nations people for the benefit of scholars, but to help us find ways to improve the way we deliver policing services in our community.” The Whapmagoostui Police Service clearly is a well-regarded, effective service offering residents quality first-response policing in a “policing for people” style. Still, it has a small complement, which does not really allow for much specialization, and it could be seen as vulnerable to the disadvantages of isolation (e.g., lacking familiarity with policing developments, conflict of interest, etc.). Its excellent veteran chief of police might leave big shoes to fill for the next chief. Under these circumstances the value of being embedded in a larger regional policing service may be considerable, and indeed knowledgeable observers have suggested that this police service will likely form part of a regional Cree police service in the near future. Certainly, there are issues about formal community-oriented programming, networking with other services, and proactive policing that are important to its future.

VI. FUTURE DIRECTIONS

It has been observed that, for self-administered police services in First Nations, the major issues for the effectiveness and sustainability include the following:

1. Is the SA an enhancement or a replacement of the pre-existing police service? The governmental policy appears to be that it is an enhancement, and while the definition of what is basic and what is an enhancement may be changing, an enhancement apparently merits less resources for infrastructure and support (including specialist police roles) services. Enhancement can be likened to the often-articulated governmental policy of “more cops on the street.” The constraining impact of this interpretation is most noticeable in, but not limited to, the regional and more isolated SAs. As noted, the First Nation position is that SAs are replacements and in Ontario that appears to be the view as well of the OPP leadership and field supervisors.
2. Issues of legitimation contribute significantly to the vulnerability of the SAs. They all are basically “projects” to be renewed every so many years, and nowhere is there a specified inherent right for First Nations to have their own police services if they wish. There are also factional and ideological forces internal to First Nations, which frequently challenge the legitimacy of the SA police service. Such a continuing threat to the police service’s mandate and exclusive use of force—rare if at all extant in mainstream society—occasionally threatens even outstanding SA police services, as has been described in the case of the two most sophisticated and credible SAs in Canada, namely the Six Nations Police Service and the Akwesasne Mohawk Police Service.
3. There are issues too, perhaps reflecting another aspect of legitimation, with respect to what laws the SAs police and what principles characterize their policing. Offences defined under federal jurisdictional powers are almost always acknowledged (save Customs and Excise for some First Nations, such as the Mohawk) and principles such as the *Charter of Rights and Freedoms* are adhered to. Among many SAs, unlike the CTAs or RCMP policing, there is much ambivalence concerning their policing responsibilities in regard to provincial statutes. There is perhaps even more ambivalence—this time shared by both SAs and CTAs—concerning band bylaws. Recent research has established that SAs are wont to disregard band bylaws for many reasons (e.g., uncertainty about the validity of the band bylaw, prosecution problems, lack of an appeal process). Despite the fact that the *Indian Act* does specify the detailed process whereby First Nations can generate valid band bylaws and despite the considerable

effort by INAC to inform First Nations about the “correct” process through workshops and other means, virtually every study has found that policing bylaws is almost non-existent even where there is a court sitting on reserve with a reputation for sensitivity to Aboriginal ways (e.g., the Tsuu T’ina in Alberta, the Mohawk in Akwesasne, and the Mi’kmaq in Eskasoni). Policing band bylaws has often been touted, in theory, as a way in which police services can respond directly to the concerns and authority of the First Nations. The practice belies that viewpoint, even where SAs are extant.

4. A major issue, also with some linkages to the legitimation issues, concerns the preferred vision of the appropriate SA policing style. Are the SAs supposed to be manifesting a different approach to policing, capturing some different values than police services in the mainstream? There has been little articulation of a desired difference or different police standards on the part of First Nation leaders and stakeholders, other than an ambiguous reference occasionally to less focus on individual rights and more attention to familial and community imperatives. Native police services and officers, in both Canada and the United States, have been preoccupied with reactive policing, given the high levels of crime and social malaise on reserves (e.g., compared to mainstream society, many police services in First Nations, of both SA and CTA types, deal with vastly more “arrests” under the *Mental Health Act*, which are very time-consuming), and reactive policing is especially the domain of conventional police standards. Moreover, SA officers appear to have no strategic vision for translating Aboriginal traditions or culture into everyday policing. Indeed, they appear to be as deeply committed as mainstream officers to the “police culture” and to conveying to other officers that they are competent in conventional policing practices (to some extent this standpoint may be imposed on them by the need to secure services and other support from the senior police services).
5. Another major issue for the SA police services concerns the demands for policing services in their communities. Studies have generally found that the public expectations and demands for police services in First Nations, especially those policed by “our police,” are heavy, far-ranging, and increasing. Generally, too, research has shown that, while reserve residents identify with their SA, they are also quite critical of the services, especially when compared to mainstream views of local policing. The implications for funding and for clarity of the replacement versus enhancement issue are obvious. There are several factors fuelling the heavy expectations and/or demands. One is the “lack of institutional completeness” in many First Nations. This refers to the relative absence of effective local agency and organized voluntary activity (on an informal, interpersonal level there is much

generosity and mutual assistance), which leads to residents depending on the police for all kinds of issues and problems (“We’re the only 24/7 organization here,” is a common police comment.). There is usually no alternative justice agency (collaborating with police in delivering alternative justice such as “justice circles” or restorative justice), and effective inter-agency coordination is only beginning in the largest and most sophisticated First Nations. Other factors include the deep and extensive social problems (e.g., unemployment, family disorganization, mental health issues, and increasing socio-economic differentiation) that greatly complicate the policing effort.

6. SAs often exist in a First Nation environment where there are significant fiscal and/or financial and administrative concerns. The police services may carry significant debt loads, forcing them to play “catch-up” from year to year. Increasing fears concerning liability threaten to overwhelm the legally responsible but essentially voluntary police boards. Recently an SA was shut down as a result of a liability claim.

The above issues are significant in all SAs but there appears to be systematic variation by type of SAs, as discussed earlier. The regional SAs have to contend with the more basic issues of complement, infrastructure inadequacies, lack of institutional completeness, and centrifugal pressures (i.e., the political autonomy of each First Nation). The paramount issues for “full service town model” of Six Nations and Akwesasne appear to be more ideological (in the broad sense) differences, the nature of the policing mandate, and organized crime. For the niche and transitional SA services, the more central issues appear to be the classical problems of the micro police service (e.g., community consensus on policing priorities, networking, and protocols with senior police services in the area).

Given the challenges facing the self-administered police services in Ontario, it seems evident that their future as police services acceptable to First Nation residents and meeting provincial standards will depend on several factors. These include stabilization, Six Nations and Akwesasne apart, as either niche or regional police services, and, for all SAs, the institutionalization of collaborative networks with the OPP. In addition, the creation of an Ontario First Nation Chiefs of Police Association (OFNCPA) could provide a forum and/or conduit for special First Nation policing issues and continuing improvement of the SAs, as well as an effective voice on behalf of the SAs in dealing with the OPP and directly with the pertinent Ontario ministries. While these developments could bring benefits to both First Nation and mainstream Ontario society (e.g., see Clairmont and Potts, 2006, for potential impact related to policing Aboriginal occupations and protests), there is no doubt—as is evidenced in the current situation in Caledonia, Ontario, and Six Nations Police Service—that continuing issues of land claims and other treaty disputes create considerable pressures on the SAs (as well, of course, on the OPP), leading to “legitimacy” challenges for the police service and “personal conflict” among the officers.

Outside Ontario and Quebec the future for the SAs would appear to be bleak. The challenges to the SA police services are profound. For example, there is the issue of liability, which SAs and their governing boards increasingly have to contend with. In First Nations where the RCMP is the contracted police service (i.e., a CTA agreement), liability is not a concern and the First Nations' formal responsibility in directing policing is quite limited (i.e., residents are represented through a community consultation group). In the case of SAs, First Nations may deal with liability threats through liability insurance and hiving off the police board from the band council authority, but these strategies do not resolve the problem for police services that have limited resources and/or capacity and where liability issues can range from wrongful dismissal to inadequate criminal investigations.

Most importantly, the RCMP is clearly a formidable alternative to the SA police service. As noted, it has evolved considerably in terms of responding to Aboriginal concerns. A significant proportion of RCMP officers report Aboriginal status, and the RCMP now provides at least a mix of Aboriginal and non-Aboriginal officers, if not a majority of the former, in the First Nations where there are policing under the tripartite CTAs. Through policies such as co-partnering a community policing plan with the First Nation policed under a CTA, programs such as cultural awareness training for the RCMP members, and the reorganization of its organizational structure to give more voice and prominence to issues in Aboriginal policing, the RCMP has improved its policing in Aboriginal communities, and our research indicates that this has not gone unnoticed by First Nations. The RCMP not only can offer a police service that features much indigenization, formal crime prevention programs, and seamless policing among jurisdictions, but, as “the federal police service,” it has special attraction for many First Nations. Moreover, on a practical level, the RCMP, for a variety of reasons (e.g., its high status in governmental eyes, the lack of salience here of the enhancement versus replacement thesis), has had much better success than SAs in securing police complement. It has certainly raised the bar for alternative SAs wherever it provides provincial or territorial policing. It would be surprising if new SAs developed outside Ontario and Quebec and if those currently in existence there did not decline, as has been the case in Nova Scotia, Alberta, and British Columbia. There are some areas, as noted above in the 2005 Auditor-General assessment and as articulated by First Nation leaders, where RCMP policing might be seen as insufficient, such as in accountability to chief and council, and in visibility and/or presence, since few RCMP officers live in the First Nation they police and the “seamless policing” may frequently draw them outside the reserve. It could also be contended that RCMP policing would perhaps be more strongly rooted than SAs in mainstream justice values and principles, which some First Nation leaders might challenge.

The OPP, like the RCMP, has evolved in terms of its complement of First Nation police officers, its administrative focus on Aboriginal issues and liaison, and its programming with respect to First Nations (e.g., ART, Critical Incident Response). As for directly policing Aboriginal communities, currently some 40 First Nations in Ontario (several with more than a thousand band members) are not in the SA mode but are policed either under the Ontario First Nation Policing Agreement umbrella or under conventional OPP

arrangements. There are no tripartite CTAs in Ontario, and the OPP and the Ontario government has not supported such a model nor apparently actively encouraged First Nations to retain their OPP policing arrangements. In other words, the OPP is not advancing any challenge or alternative to SA policing. While the approximately 40 First Nations noted above remain outside the SA framework, the expectations appear to be that they will evolve into either niche or regional SAs. Clearly, the federal and provincial governments prefer the regional option. All this means that the OPP role with respect to First Nations and Aboriginal people in Ontario—unlike the RCMP elsewhere—is one of nuance, of networking, of support and leadership, rather than of day-to-day policing. The OPP has to be an advocate of quality and culturally sensitive policing in First Nations, even while its direct policing role there is more and more modest. Its support of the SAs will be crucial given the limited capacity and multi-faceted problems and issues they face, as identified above. Its leadership with reference to the municipal police services, especially outside Southern Ontario, in areas of awareness, sensitivity, and support on Aboriginal matters, is crucial. As noted in the text and as elaborated in the Clairmont and Potts companion Ipperwash paper (2006) there is no doubt that the major Aboriginal occupations and protests, such as the current one in Caledonia, will occur off-reserve where OPP have jurisdiction, so the OPP leadership and networking on Aboriginal issues is crucial for the OPP itself as well.

In the Clairmont and Potts companion paper (2006), there is much discussion of future directions for policing, especially as pertaining to Aboriginal occupations and protests. There the authors referred to a number of themes, including building community capacity to deal with disputes, institution building (e.g., an OFNCPA, a conflict negotiation team), re-examining the mandate of SA police services (e.g., reconsidering the enhancement versus replacement premise of SA policing), providing an integrated peacekeeper police capacity for responding to occupations and protests, considering changes in the *Police Services Act* as applied to SAs, developing protocols especially between the OPP and the SAs, generating greater clarity concerning the police role in occupations and protests, and focusing on special roles for the OPP and the federal Aboriginal Policing Directorate. The reader is advised to refer to this document, appended to this paper, for elaboration of these themes. That paper closes with a call for quicker governmental response to treaty claims and a commitment to a program of major social– economic development in areas that could impact on the quality of life on reserve. This paper closes with the same message.

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APPENDIX A

MAJOR MEETINGS AND DATA SOURCES

TWO IPERWASH INQUIRY MEETINGS, TORONTO, 2004, 2005

CONFERENCE ON POLICING ABORIGINAL COMMUNITIES, OTTAWA, 2004

ABORIGINAL POLICING DIRECTORATE REPORTS, PRA CONSULTANTS' EVALUATIONS, 2005, RCMP, OPP, AND SA REPORTS

PERSONS INTERVIEWED BY ROLE (FORMAL INTERVIEWS, TOPIC IN BRACKETS)

NEWFOUNDLAND AND LABRADOR: *RCMP SERGEANT (INNU O&Ps)

PEI: RCMP CORPORAL, *CONSTABLE, 2 FIRST NATION COUNCILLORS (RCMP POLICING, COMMUNITY CAPACITY)

NOVA SCOTIA: 2 RCMP SUPERINTENDENTS, 1 INSPECTOR, 2 SERGEANTS, *CORPORAL, *2 CONSTABLES; HALIFAX POLICE SUPERINTENDENT, SERGEANT; FIRST NATION CHIEF, FIRST NATION BAND MGR, FIRST NATION BUSINESSMAN (SW NOVA O&P, INTRA-BAND O&P, MEASURED APPROACH, POLICE MANDATE & STYLE RE O&PS)

NEW BRUNSWICK: RCMP INSPECTOR, SERGEANT, *2 CORPORALS, FIRST NATION CHIEF, WAR CHIEF, FIRST NATION COUNCILLOR, FIRST NATION POLICE BOARD CHAIR, FIRST NATION ENTREPRENEUR AND ACTIVIST, DFO OFFICIAL, MNR OFFICIAL (TYPES OF O&Ps, WARRIORS, RCMP POLICING, COMMUNITY CAPACITY)

MANITOBA: 6 RCMP, 2 FIRST NATION CHIEFS, 2 GRAND CHIEFS, 3 FIRST NATION ACTIVISTS, FIRST NATION JUSTICE OFFICIAL.(O&PS, PROTOCOL, ACTIVISTS' APPROACH)

BRITISH COLUMBIA: 3 RCMP INSPECTORS, SERGEANT, *2 CONSTABLES; SA CHIEF OF POLICE, FIRST NATION CHIEF, 3 WARRIORS/PROTESTORS (LOWER MAINLAND O&Ps, WARRIORS/ACTIVISTS, PROTOCOLS AND CONFLICT NEGOTIATION, POLICE-PROTESTORS PERCEPTIONS, NUANCES)

OTTAWA: RCMP SUPERINTENDENT, *2 INSPECTORS, 3 APD OFFICIALS (FNPP, POLICING O&PS, RCMP'S APS)

ONTARIO: OPP COMMISSIONER, ASS'T COMMISSIONER, 2 SUPERINTENDENTS, *4 INSPECTORS, *2 SERGEANTS, CONSTABLE, RCMP STAFF SERGEANT (OPP AND FIRST NATION-RELATED PROGRAMS AND POLICIES, POLICING STYLE, O&PS, RELATIONS WITH SAs)

ONTARIO: HAMILTON—DEPUTY CHIEF HAMILTON POLICE, ETHNIC DIVERSITY COORDINATOR, HAMILTON POLICE, 2 SENIOR HAMILTON CITY OFFICIALS, PROFESSOR/ENVIRONMENTAL ACTIVIST, NEWSPAPER REPORTER, FIRST NATION LAWYER, CONFEDERACY SPOKESPERSON, CONFEDERACY DISCUSSION GROUP (RED HILL VALLEY O&P)

ONTARIO: METRO TORONTO DETECTIVE SERGEANT, *2 METRO TORONTO CONSTABLES, 2 FIRST NATION PROGRAM DIRECTORS

ONTARIO SAs AND FIRST NATIONS: *7 SA CHIEFS OF POLICE, * 3 SA DEPUTY CHIEFS, *3 SA CONSTABLES, 5 FIRST NATION BOARD MEMBERS, 2 FIRST NATION COMMUNITY JUSTICE PROGRAM COORDINATORS, 3 FIRST NATION COUNCILLORS, FIRST NATION JUSTICE OFFICIAL, CROWN PROSECUTOR, 2 FIRST NATION CHIEFS, 2 FIRST NATION WARRIORS/PROTESTORS, FIRST NATION ENTREPRENEUR/ACTIVIST (SA POLICING, O&Ps, BEST PRACTICES, ENHANCEMENT-REPLACEMENT CONTROVERSY, CAUSES OF O&PS)

* An aboriginal person.

APPENDIX B

FUTURE DIRECTIONS (extracted from “For the Nonce: Policing Aboriginal Occupations and Protests”)

In the section “Policing Styles” the authors discussed the key challenges derived from the fieldwork for the RCMP, the OPP, the SAs, and the MPDs in policing O&Ps. Since these challenges were detailed in the summary to the chapter, they will not be restated here. Instead, some more generalized suggestions for future directions will be advanced.

BUILDING COMMUNITY CAPACITY TO DEAL WITH DISPUTES

The most common type of Aboriginal O&P appears to be the intra-band type, usually involving disputes among band factions. Typically these involve housing and job issues or distribution of band funds (e.g., stumpage revenue) or gaming revenue issues. These may well be couched in a different rhetoric (e.g., Native rights) or may evolve into “contested terrain” conflict with mainstream society as when persons dissatisfied for example with quota allotments stake their claim for individual treaty or constitutional Aboriginal rights. Such O&Ps were common during the course of the fieldwork. It may well be that some explosive O&Ps could be nipped in the bud were the First Nations involved able to access their own credible alternative dispute resolution (ADR). Currently there appears to be very little ADR available in First Nations. Apart from a few instances where highly organized factions engage in costly litigation against one another (e.g., Kanesatake) there appears to be little recourse to courts for civil matters in First Nation communities, which adds to the problems at the community level and increases the need to build dispute resolution capacity there. Certainly as the First Nations develop economically, accumulate more assets, and become more diversified in socio-economic terms, one could expect intra-band conflict to increase and to be expressed sometimes in terms of Aboriginal rights and effected with blockades and so forth. Increasing co-management responsibilities will underline the First Nation’s role in monitoring and enforcing regulations, and, given the total lack of success in policing band bylaws through conventional courts, some alternative ADR capacity seems needed as a pre-prosecution intervention. In different parts of Canada (e.g., New Brunswick, Quebec, Prince Edward Island) there are some initiatives underway to develop ADR capacity at regional and community levels. Supporting such initiatives might well repay investment by senior levels of government. In terms of policing, there are some possibilities of facilitating such First Nation ADR. The OPP–RCMP ISSU initiative in Ontario assists First Nations in developing restorative justice in the criminal field and without any stretch of mandate could provide conflict negotiation and ADR assistance in the civil justice area. Conflict negotiators in the RCMP and some ISSU officers considered such programs feasible and potentially valuable in early intervention.

INSTITUTION BUILDING

As noted in the text, there does not exist at present any direct formal consultative link between the First Nation police services in Ontario and Ontario's Justice Ministry. Establishing (modest resources would be required) an Ontario First Nations Chiefs of Police Association (OFNCPA) could fill this void. There would likely be benefits for future prevention and effective intervention concerning O&Ps, and the OFNCPA would be a valuable conduit to provincial justice authorities. In Ontario the First Nation police services are here to stay, and their recognition and routine consultation are crucial. As noted in the section on policing styles, their special needs and circumstances require a direct link to senior government. This requirement is especially so given the nature of Aboriginal O&Ps and the structural problem identified in the section on policing styles concerning the policing of O&Ps in Ontario (i.e., the jurisdiction issues that can spawn misinformation and ineffective police response). Another kind of institution building would be the creation of a conflict negotiation team at the police level. This fieldwork has found that current activity in this area, whether manifested in the "measured approach" or actual conflict negotiation, is individually-driven and institutional support is quite limited especially in the early intervention stage.

RE-EXAMINING THE MANDATE OF FIRST NATION POLICE SERVICES

As noted in the section on policing styles, there is an enhancement-replacement controversy concerning the place of First Nation police services, from the perspective of First Nation chiefs of police and some senior OPP officers as well. While documentation is ambiguous, it appears, in Ontario and elsewhere, that funding for First Nation police services has been largely restricted to securing front-line officers on the grounds that the OPP retains significant policing responsibilities for First Nation communities. This is the enhancement thesis, which is rejected by those arguing that the First Nation service has replaced the OPP in these First Nation jurisdictions and requires funding for support services and other specialized roles. Under the present definition of the situation and funding decision making characteristic of the tripartite agreements that provide the funding for self-administered First Nation policing in Ontario, the capacity of the First Nation police service to effectively deal or even partner with the OPP in responding to the challenge of O&Ps is very limited. In light of predictions noted above concerning the likelihood of O&Ps in Ontario, particularly Northern Ontario, this shortfall could be quite serious. It would seem that the replacement thesis has merit, especially as the OPP fully respects the jurisdiction of First Nation services and does not enter the communities formally without request and notice. There could be many benefits for police response to O&Ps if the characterization of First Nation policing were more appropriate.

PROVIDING AN INTEGRATED PEACEKEEPER POLICE RESPONSE TO O&Ps

The structural problem of policing Aboriginal O&Ps in Ontario has been identified above, namely First Nation reserve-based protestors blockading and so on in "ceded" territory policed under OPP jurisdiction; as well, there is the problem of First Nation police services not having the capacity to respond effectively to some intra-band disputes

played out entirely within the jurisdiction of the First Nation police services. Under these circumstances a strong case could be made for the establishment of an Ontario, Aboriginal-focused, police peacemakers/keepers special team. Such an initiative was strongly supported by most Native officers interviewed, whether in the OPP or the self-administered services and by other OPP officers. It was considered not only practical but also more consistent with Native preferences than the participation of First Nation officers in the OPP's Emergency Response Team (ERT) or Public Order Unit (POU) teams (not necessarily to exclude First Nation police in these units). It should be an integrated team drawing on both OPP and First Nation police officers, and both Native and non-Native officers, for both practical and value-based reasons. Resources would have to be provided for training and so forth as in the case of ERT and POU special teams, and officers would presumably be selected for their disposition and skill in peacekeeping. Training would include understanding Native communities, customs, issues, role of warriors, and so forth, as well as conventional dispute resolution awareness (not necessarily or even preferably having police do mediation themselves) and appreciation of the legal and practical issues around policing Aboriginal protests (e.g., "the civil disobedience-plus" concept cited above). In general an integrated team along the lines suggested would lead to better exchange of information, comparable training among the different police services, and an appropriate mechanism for disseminating classified information, circumventing jurisdictional barriers.

CONSIDER CHANGES RE THE FIRST NATION SERVICES AND THE *POLICE SERVICES ACT*

There is agreement among all police officers interviewed in Ontario on the desirability of replacing the current two-track certification or authorization of provincial police officers (self-administered First Nation police service officers are appointed by the OPP Commissioner), but beyond that there is much divergence with all mainstream police and most First Nation police officers, but not all, in favour of incorporation of First Nation police services fully under the OPSA. The benefits are presumed to be that the First Nation police services would then receive adequate resourcing to meet the provincial standards, readily access the SIU services for special investigation where deaths occurred and police were involved, enhance equality and the respect for First Nation police officers in the Ontario policing society, and so on. The argument against incorporation under the OPSA is largely based on cultural and political grounds (e.g., treaty rights); as many informants noted, the current situation developed as a compromise between these divergent views.

CONSIDER DEVELOPING PROTOCOLS

As noted, there is evidence that RCMP protocols with AFN and with DFO and BCAFC have been effective. It has been noted too that in Ontario OPP and First Nation police services have to collaborate given the nature and location of O&Ps in Ontario. At present there are apparently good field-level and management-level relations between OPP and First Nation police services but no special protocols exist specifying how they should collaborate in Aboriginal O&Ps. Most respondents—and the researchers—believed that such a protocol would be beneficial but some respondents raised concerns that protocols

might be inflexible and actually limit effective collaboration and response. The weight of informed opinion would suggest that having signed agreements and strategic plans underline commitment and collaboration and should be pursued.

GENERATING GREATER CLARITY RE THE POLICE ROLE IN O&Ps

Whether it be police officers, the protestors, First Nation leaders, the impacted citizens, the larger society, or other governmental officials, the level and extent of collaboration and/or communication is a major task for officers responding to Aboriginal O&Ps. There are special features, special considerations that are associated with policing Aboriginal O&Ps. That was very evident not only in the words of most respondents but also in the actions taken by police as discovered in the fieldwork (e.g., the different response of Hamilton police to Aboriginal and environmentalist protestors). Greater clarity of these implications on the part of all stakeholders would be very beneficial. Beyond this particular issue, evidence from Britain, Australia, and Canada (e.g., recent G-8 meetings and events such as President Bush's visit to Halifax) shows that, in responding to significant O&Ps, whoever the protesting group, greater effectiveness and less escalation of tension and harm is associated with informing (proactively if possible) the parties about various options they could exercise in peaceful protesting, the expectations that the police have of them and that they might have of police, police obligations and practices with respect to injunctions, and so on. In these ways collaboration becomes possible, O&Ps become "institutionalized," and the basis is laid for enmeshing police and others in webs of mutual support.

THE SPECIAL ROLE OF THE OPP

In the section on policing styles we discussed the concept of integrated policing advanced by the RCMP and the special leadership role of the OPP in connection with Aboriginal O&Ps vis-à-vis the self-administered First Nation police services and the smaller municipal police services along the southern rim of Northern Ontario. A number of recommendations and possible future directions were detailed with respect to the OPP's ART program, conflict negotiation training, and the like. In a recent document (Ontario Provincial Police, 2006) the OPP laid out its plans for policing Aboriginal communities and responded well to many of the issues raised in the earlier draft, especially announcing a "new critical incident response" strategy (rooted in an earlier OPP review of officers' response to Aboriginal protests or crises). One crucial area that was little mentioned and still requires attention concerns the more effective collaboration and leadership required with other police services in Ontario serving concentrations of Aboriginal peoples.

THE SPECIAL ROLE OF OTTAWA'S ABORIGINAL POLICING DIRECTORATE

The APD, established in 1991–92 has been very successful in securing tripartite agreements with provincial governments and First Nations across Canada. It has as well aided considerably, both in funds and in leadership, in the development of an infrastructure and organizational context for First Nation governance in self-administered policing and for a national-level framework for SA police services. Looking to the future,

to what might be the new APD's objectives, it might well be in improving the capacity of the police services in a variety of ways, such as reconceptualizing the SAs as replacements, not enhancements, and facilitating the integrated response of federal agencies at the First Nation level. New initiatives among APD, INAC, and Health Canada—the federal agencies—indicate that this is indeed something that has become a possible agenda. Another area that APD might develop more concerns better realization of an Aboriginally characterized police service. The Royal Commission on Aboriginal Peoples emphasized that justice and policing issues were at the core of Aboriginal culture and identity yet little has been done, outside very limited managerial orientation, to explore the needs and possibilities in this regard. Many Native informants have recommended that an Aboriginal police training centre be established as an adjunct at the Canadian Police College in Ottawa. While it is unclear whether that particular strategy would be efficient and effective, some consideration has to be given to the underlying issues at stake.

SPECIFIC IDEAS/SUGGESTIONS RE POLICING PRACTICE

There are Inquiry papers on intelligence, commanding critical incidents, and so forth, which undoubtedly will advance useful ideas concerning policing policy and practice in O&Ps, but from this fieldwork research, there have been a number of useful suggestions, such as encouraging the approach of community-based policing, which can provide a solid initial basis for proactive and reactive police work in O&Ps; and dedication to developing, on all sides, respect, knowledge, and trust through more regular interaction and mutual awareness (e.g., one shortfall noted is that police contacts (even those of Native and First Nation police) seem quite limited to elected band officials, neglecting the dissidents who may constitute the source for protestors). There seems to be little doubt that Native O&Ps will be frequent over the next decade in Ontario and that culturally and community aware, professionally committed, well-trained and organizationally supported everyday policing will be crucial in contributing to their peaceful channeling.

Many interviewees have claimed it is “hard to built up relationships in crises”; perhaps, but even there debriefing and follow-up can be helpful for responding to future O&Ps as shown in the RCMP's post-Oka contact with the Mohawk warriors noted in the text (i.e., the contacts proved helpful in preventing the escalation of other conflicts in different areas). A fairly common policing approach, advanced by front-line officers, has been effective in band-level disputes, namely, having another detachment or police unit take responsibility for investigating allegations, leaving local police to liaise more disinterestedly with all the parties. Specific, on-the-scene policing conflict management tactics have been formulated from the very in-depth experience in O&Ps by retired Inspector Potts and are included in Appendix A of this report. From the reflections of ex-RCMP Commissioner Phil Murray and those of Potts to field-level officers in diverse police services across Canada who have been the “point persons” for their service in responding to O&Ps, an impressive body of considered experience exists for policing Aboriginal O&Ps, the “Canadian Way,” as it were. It would be valuable to marshal this

valuable knowledge more effectively, whether through periodic meetings or some other means, thereby making it available, explicit, and incremental.

THE CENTRAL FOCUS

The central focus for responding to Native O&Ps should be quicker resolution of treaty issues, special claims, residential school claims, facilitating the implications and implementation of extant judicial decisions, and so forth. Providing avenues for economic development and employment opportunities is crucial in reducing marginality, the growth of a reserve underclass, and deep feelings of estrangement. Providing people with a stake in the social order has always been a key to peaceful negotiation of conflict. As noted in the findings, such gains for Ontario's Natives may well initially generate more O&Ps as expectations and capacity to effectively protest also increase with greater well-being, but the O&Ps will likely be much more "institutionalized" and feature less violence and unpredictability. There may well be significant issues of racism to deal with as well. These may be at both individual and institutional levels, especially in Ontario's northern cities (where the Aboriginal population is increasingly dominant while the changes in political and economic power and decision making have been much slower to take place). The more that these macro-level factors are successfully challenged, and the more the above-mentioned future directions are taken into account, the more we can anticipate a positive future despite the legacy of past injustices and despite the real challenges to harmony that we have discussed in this report.