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POLICING

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INTRODUCTION

The Commission on First Nations and Métis Peoples and Justice Reform was formed following the actions of two Saskatoon police officers who abandoned an Aboriginal man on the outskirts of the city on a bitterly cold January night in 2000. The circumstances were similar to the freezing deaths of other Aboriginal men in and around the city about the same time. Once the victim, Darrel Night, came forward with his complaint, a number of similar claims emerged concerning police conduct.

As a result of these actions, the Federation of Saskatchewan Indian Nations (FSIN) felt obliged to create its own special investigations unit. The unit looks at complaints against Saskatchewan's police forces and received more than 2,000 calls in the first two years of its work.

Coroners inquests were held into the deaths of Darcy Dean Ironchild, Lloyd Joseph Dustyhorn, Rodney Hank Naistus and Lawrence Kim Wegner. The Ironchild inquest, the first of these inquests, was held in December 2000. The jury in this inquest called for a committee to be established to oversee the carrying out of its recommendations. This committee was established in May 2001. The recommendations in the Dustyhorn, Naistus and Wegner inquests have been included in this committee's work. The committee monitors the progress of the recommendations and recently submitted a report to this Commission. The recommendations have not all been completely put into place; however, there is progress.

The deaths of Rodney Naistus and Lawrence Wegner and the Darrell Night case outraged the Aboriginal community. The FSIN described it this way: "This matter was so severe for our people that the establishment of a Commission was the only option we had to best describe the serious issues and determine solutions to alleviate our despair."

Many First Nations people, particularly those who are socially marginalized, have had to deal with clashes with police. Incidents are central in people's minds and none so critical as the recent incidents in Saskatoon involving outright racist actions by some members of the city police force. Although there have been inquests and analyses of the deaths of two men on the outskirts of Saskatoon in 2000, many First Nations people believe the truth has not come to light. (Submission from FSIN)



Metis Family & Community Justice Services Inc. (MFCJS) notes that previous commissions and inquiries have examined policing in Saskatchewan with little success. It says Metis experience with policing has been mostly negative.

Young Aboriginal men and women have been beaten, disappeared and died, while in police custody or after police contact. There have been far too many incidents and facts brought forward to continue to ignore this issue.

The tragic deaths of Neil Stonechild, Rodney Naistus and Lawrence Wegner have raised grave concerns within the Aboriginal community yet they've largely gone unanswered. The tragic experience of Darrell Night and the successful conviction of Dan Hatchen and Ken Munson has brought this issue to the forefront. Aboriginal leadership has been successful in lobbying for the establishment of this Commission, to ensure that these young men's unfortunate deaths are not in vain. We mourn the loss of these young Aboriginal men, with their families. We pay honour and respect to the following:

- Neil Stonechild
- Rodney Naistus
- Lawrence Wegner
- Darcy Ironchild
- Keldon MacMillan
- Melvin Bigsky
- Leanne Richardson
- All other unidentified Aboriginal men and women who have passed on to the Creator.

The deaths of these Aboriginal men and women are a burden that the Aboriginal community carries as a whole. These deaths are not faceless incidents but, rather, they were people with full lives as fathers, sons, brothers, and the women were mothers, daughters, sisters, that have left behind families that cared and mourn their death. (Submission from Metis Family & Community Justice Services Inc., 2004)

It was at this time of increased suspicion and mistrust of the Saskatoon Police Service and the RCMP that the FSIN and other Aboriginal groups began pressing the provincial government to hold an inquiry. The creation of the Commission on First Nations and Metis Peoples and Justice Reform was announced in November 2001. The province of Saskatchewan and the Federation of Saskatchewan Indian Nations established Terms of Reference that authorized the Commission to respond to justice-related issues of First Nations and Metis people. The Commission was asked to include in its examination all parts of the criminal justice system – policing, courts, prosecutions, alternative measures – and any other areas where it established inspection was needed. This Commission was directed not to investigate specific cases.



POLICING IN SASKATCHEWAN – AN INTRODUCTION

As Manitoba's Aboriginal Justice Inquiry noted in its 1991 report, much of the suspicion and hostility that exists between police and Aboriginal people is rooted in history. The troubled relationship between First Nations and Metis people and the Royal Canadian Mounted Police grew out of oppressive policies of the federal government – policies that it was the duty of the RCMP and its forerunner, the North West Mounted Police, to enforce. For Metis people, the role of the mounted police in the Northwest Rebellion of 1885 created animosity that has simmered for more than a century.

As First Nations and Metis people began a move to the urban centres of Saskatchewan in the second half of the twentieth century, they carried with them memories of harsh treatment at the hands of police agencies. Those perceptions lingered and have had a negative impact on the relationship between First Nations and Metis people and municipal police services.

The Commission heard many wise words from Elders on the subject of policing and its history. One Elder referred to the Treaty signing by his people in 1876 and the negotiations that took place. Speaking in Cree, he explained that “the Red Coats at that time were to be a servant of the people, not the dominator like we have been accustomed to all these years. The Red Coats were here in our community, our reservations, with the thought and belief from our people that they were there to protect us and to serve us and not to work against us.”

A speaker at the Meadow Lake community dialogue also spoke of the history and how the promises made at the time the Treaties were signed have not been honoured.

The government, or the Queen, had, they told these Indian people, we'll give you people to look after you. We'll give you people to protect you, to look after your better interests, you know. And to me, it's translated into the RCMP, Royal Canadian Mounted Police, that's the people that the government gave us to protect us. But it's turned around, it's really turned around now, they're abusing us instead of protecting us now.

For communities to be safe, Saskatchewan people, rural and urban, First Nations and Metis and non-Aboriginal, must develop close working relationships with police agencies to ensure that common goals are realized. It is not for the Commission or any government department or agency to determine the ideal policing arrangement or strategy. It is the responsibility of each community to determine what works best for it.

There currently exists in Saskatchewan, an atmosphere of distrust and fear that cannot be ignored. First Nations and Metis people in particular are fearful of police. Mothers of Aboriginal youth have spoken about the apprehension they



feel when their children leave the home at night. Their fears involve the possibility of police abusing their children. The Commission has heard accounts of very young children hiding at the sight of a passing police vehicle.

The youth see the RCMP as bad people. They see their truck, they want to get away from them. I think the RCMP should be working with the youth, going into the schools, talking to them. They're scared, you know, it's in their mind. They're raised like that, they are bad people. I know children, violent children are scared of the RCMP. They see that vehicle, they want to turn around and run because of bad things that have happened. (Speaker, Black Lake Community Dialogue)

In the Saskatchewan of tomorrow, the Commission believes police leadership must set an agenda that rejects the notion of a police subculture that condones mistreatment of any segment of society. Dignity and respect must be the custom and practice of police officers in their dealings with First Nations and Metis people. Anything less than this should not be tolerated. The measure of success, and the ultimate objective in this area, will be a Saskatchewan in which “my grandchildren are not afraid of the police,” as stated by a Metis grandmother.

RACISM IN POLICING

The Commission began its work with the belief that racism is a factor in the delivery of a justice system that generally begins with police contact. While First Nations and Metis people have experienced difficulty with a system that is often foreign and oppressive, determining what role racism plays is difficult. Without direct evidence of racist actions, whether through the use of inappropriate language or behaviour, it is difficult to determine with any accuracy how significant racist attitudes are. There is no doubt that racism does exist. However, the Commission has also heard that most police officers perform their duties with fairness and professionalism regardless of the race of the person they are dealing with. Nevertheless, the Commission has concluded that racism in police services does exist and is a major contributor to the environment of mistrust and misunderstanding that exists in Saskatchewan. (The issue of racism is also addressed in Chapter 7 of this report.)

There is racism in the RCMP ... we've had problems in our marriage. I have phoned the police ... guess what? It takes them an hour to show up and we're only five minutes drive from the office. Not even. I could walk there in three minutes, I think. Anyhow, he has a problem, he phones the police. Guess what? Boom, they're right here. He puts the phone down, I go downstairs, they're at the door. That just goes to show you the difference between a Native person and a non-Native, how they respond. And it's true, because it happened to me. (Speaker, Pelican Narrows Community Dialogue)

In a study of racism and policing, the Canadian Race Relations Foundation (CRRF) said that: “One racist act by a police officer is one too many.” This attempts to



explain the uproar caused by racist accusations against police officers. It also exposes the reality that racism does exist within police organizations across Canada.

The Metis Family & Community Justice Services Inc. submission to the Commission indicating charges of racism are real and need to be confirmed. It says the deaths of First Nations and Metis men involved in the justice system is evidence of racism.

There are many reasons why racism exists in police forces today and to ignore this issue would be an injustice to all community members who have shared their stories of racism and policing. The Canadian Race Relations Foundation has identified six areas that may cause racism in police forces:

- **The strong police identity gives police officers a feeling of power; they are protective of one another and many sometimes abuse their power.**
- **Training to prepare police for work in a society with a large immigrant population remains inadequate.**
- **The real or perceived existence of a very wide social, economic and cultural gap between the origins and lifestyles of police men and women and the multi-ethnic neighbourhoods they patrol.**
- **The lack of effective mechanisms for identifying racist incidents, attitudes, and behaviours in institutions.**
- **The lack of appropriate corrective and disciplinary measures for abuses of a racist nature.**
- **Condescending treatment of complaints from racialized groups alleging racism.**

Racism is difficult to see and even more evasive when found in society's institutions. Systemic discrimination happens "when a specific act, policy or structural factor – intended or unintended – results in adverse effects from members of a certain group." Systemic discrimination is deeply rooted within the criminal justice system and though unintentionally built into the system, nothing is being done to reverse its adverse effects. The criminal justice system and the police, as its imposer are foreign and one that Aboriginal people cannot relate to. Therefore, they are distrustful of the system and do not view themselves as receiving equal access to justice, at the hands of the police. A relationship that is based on mistrust fosters a system of adversarialism and ignorance.



What has become apparent in the exploration of racism in policing is that ignorance plays a huge role in it. Not understanding people with whom you come into frequent contact with can be very detrimental. Stereotyping or pre-conceived notions further inflame ignorance which can lead to acting out based on that ignorance or lack of respect for members of a certain race, religion or sex.

The Saskatoon Police Service has taken several steps to eliminate racism within its ranks. In 1996, it appointed its first Aboriginal liaison officer, which has proven to be useful in building bridges with the First Nations and Metis community. The liaison officer's duties have expanded to include a leadership role in the Peacekeeper's Program, which has brought police officers into contact with Aboriginal youth in a positive setting. The Police Service has also started cultural training programs with the goal of "enhancing our ability to provide inclusive policing services by involving and reflecting our community multicultural mosaic," it told the Commission.

Chief Russell Sabo told the Commission that eliminating racism is an important goal of the Saskatoon Police Service and progress in this difficult area is being achieved:

We recognize that all of us, every one of us in this room, I don't care who you are, you're a racist. Everybody has that little segment. You just don't realize it until it hits you in the face. And what we have to do is, we have to understand where we have those feelings and overcome them and provide the training. We have a significant amount of effort, through the Provincial Police College, through our internal training processes, to give people the understanding of where they have some racist feelings and how to break down the stereotypes. We're working to that end. In addition to that we've taken our internal affairs area and expanded it to be a professional standards area. We are looking at best practices across the country to find ways of addressing those issues that come up and trying to break down some of the barriers, give people opportunities and move people around in the organization to different areas, give them opportunities. Of course like anything else, we have to work around collective agreements and our own staffing issues.

The Commission recognizes that the collective agreements can be used to eliminate racism and if the terms of these agreements are introduced in good faith, the partners in these agreements will be "Champions for Change."

Despite its obvious importance in this Commission's discussions, and the fact that racism is a major obstacle to healthy relations between the First Nations and Metis community and police organizations, the Commission finds it difficult to name



specific examples or to assign responsibility. Evidence of such activity, obvious as it seems from some perspectives, is just too difficult to verify. This Commission accepts that racism is a reality and supports the position of the Departments of Justice and Corrections and Public Safety in their presentation to the Commission. The Departments stated:

It must be stated that racist or abusive behaviour is never acceptable and is particularly inappropriate from officials in the justice system.

The Commission suggests that taking a proactive approach to eliminate racism is the best approach and that prevention can best be achieved through education.

SASKATCHEWAN POLICE ELIMINATION OF RACISM STRATEGY

The Commission believes racism is the underlying factor in the atmosphere of mistrust and conflict that exists between First Nations and Metis communities and police services. A broad strategy to address racism is needed. The strategy must include an examination of recruiting, hiring and training procedures. There must also be an effective monitoring and enforcement policy, which would include termination for racist acts. This program should be developed by police services, police associations, the Saskatchewan Police Commission, the Federation of Saskatchewan Indian Nations, the Metis Nation – Saskatchewan, Saskatchewan Justice and the RCMP.

Recommendation 5.1

This Commission recommends the implementation of a strategy to eliminate racism in policing by the Saskatchewan Police Commission. This strategy shall contain:

- 5.1.1 Police recruitment screening strategies specifically to prevent candidates with racist views on ethnic or religious groups from being offered employment.**
- 5.1.2 A complaints process that requires allegations of racist language or behaviour against individual officers to be reported to the officers' immediate supervisor and the chief of police.**
- 5.1.3 An intensive remedial training program for police officers who exhibit racist attitudes. This program must be successfully completed to the satisfaction of the officer's supervising officer and the program facilitator.**
- 5.1.4 The tools which would allow the immediate supervisor or chiefs of police to respond immediately to allegations of racism.**



- 5.1.5 A proactive First Nation and Metis candidate recruitment strategy.
 - 5.1.6 Employment assistance counselling for First Nations and Metis candidates that will assist them with the pressures of working within a police service that has traditionally been dominated by non-Aboriginal people.
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CULTURAL AWARENESS TRAINING

Previous commissions have approved the use of cross-cultural training programs, as have other studies and coroners' juries. This Commission agrees with these recommendations but questions the effectiveness of existing cultural awareness programs.

Participants in these programs doubt their value because they provide only minimal information in a short time. Other factors, such as participants' attitudes and the facilitator's skill influence their success.

The RCMP Training Depot and the Saskatchewan Police College provide cultural awareness instruction in their courses for police recruits. These courses appear to be in need of improvement. Police officers continue to be assigned to First Nations and Metis communities with minimal knowledge of the culture and history of the people they serve.

Although the training regimens at police colleges have incorporated First Nations education, to a small degree, the amount of time spent on this subject needs to increase. Training of all police officers should incorporate the idea that police officers can help be a part of the solution, be part of the healing process within communities, rather than part of the problem. Most of the police's clients are First Nations people, therefore, most of the training should be in relation to understanding First Nations worldviews and cultures. (FSIN Submission)

The submission from the Metis Family & Community Justice Services Inc. suggests cultural awareness training programs should be updated and broadened:

Many commissions and inquiries before have recommended cross-cultural training and employment equity as possible solutions to these problems. However, such endeavours have not been very successful in the past, as decades later, we are still facing the same issues. We recommend that the Metis Nation – Saskatchewan and appropriate affiliates develop a cross-cultural training package. Current cross-cultural training is out of date, First Nations focused and is not taken seriously by the recipients.

Development of a new program is needed that focuses on Metis experience and realities. Training must be more than just participating in cultural ceremonies. It needs to be updated to include: Metis identity, worldviews, values, beliefs, social structures, history and culture. It must be more than a one-day training, and should be flexible and adaptable based on the police organization's needs. Also, such programming should be offered on a continuous basis to new recruits, existing members and police management.

Requiring police recruits to take part in a cultural awareness program that consists of fewer than 20 hours of instruction may be a good start but falls far short of what is needed, particularly for police officers who will work in communities with a very high number of First Nations and Metis people.

Take the members from the detachment, new members who come out of training, they get a cultural awareness program, but it's based on Cree, Sioux, Sauteaux and medicine wheels and teachings. They don't know what the Dene nation is like ... We Indian people, we come out and say, let's have a cross-cultural exchange then, so you can be more sensitive to our cultures and our traditions. So we do that, we have everyone closed in a room for a couple of days and teach them what it means to be an Indian, right. (Speaker, Meadow Lake Community Dialogue)

Recommendation 5.2

This Commission recommends that all police services invite members of the First Nations and Metis communities to evaluate the effectiveness of existing cultural awareness programs and implement changes as required.

EMPLOYMENT EQUITY

As with cultural awareness training, employment equity on police forces is needed. However, it must be realized that simply having the police service reflect local race demographics does not lessen certain problems. There still can be confrontation between Metis and First Nations citizens and the police. Indeed, this Commission has learned of many situations where relations between Aboriginal citizens and the police have been strained despite and perhaps even due to the presence of Aboriginal officers. The Commission believes "police culture" has more to do with poor relations, which can override the benefits of employment equity.



As Frank Schmalleger and others say in *Canadian Criminal Justice Today: An Introductory Text for the Twenty-First Century*, policing has been identified as a subculture. It is often referred to as “The Blue Brotherhood” or the “The Blue Wall.” In Canada, the police subculture is defined as a particular set of values and beliefs and acceptable forms of behaviour. The police profession attempts to implant new recruits with it. Socialization within the police profession begins with training and is ongoing.

Schmalleger also found that certain groups, including First Nations and Metis people, remain suspicious of police regardless of community policing. No matter how inclusive community policing programs become, it is doubtful that the gap between the police and the public will ever be entirely bridged. To combat this, they argue, a diverse police force made up of a variety of social, ethnic, racial and religious backgrounds should be created.

What kinds of new policeman are they sending into our community? We’d like to have more input. My community at one time said we’d like to have an all-Aboriginal police force in our community. They haven’t been able to fulfil that. We have quite a few people from our community going to take that training in Regina. They’re all over the province right now, working as police officers in different parts of the province. We wanted to have an Aboriginal person to be the corporal in our community. They pulled a fast one on us. They said they offered him a position in a different community prior to that position being vacant in Ile-a-la-Crosse. He has to stay two years in that other position prior to coming back to your community. That’s what they told us. (Speaker from Ile-a-la-Crosse, Beauval Community Dialogue)

It is the opinion of this Commission that there needs to be more First Nations and Metis representation on municipal police services and within the RCMP because police services should reflect the population. Saskatchewan Justice reports the following as of November 2002:

	Number of Aboriginal Police Officers	Total Number of Officers in the Police Services	Percentage of Aboriginal Police Officers
Regina Police Service	30	337	8.9
Saskatoon Police Service	30*	378	7.9
Prince Albert Police Service	17	71	23.9
RCMP	155	998	15.5

Source: Police Services

* The number of Aboriginal police officers in the Saskatoon Police Service includes two Special Constables.



Employment equity policy has resulted in an encouraging increase in the number of First Nations and Metis police officers in recent years; however, the Commission supports the need to further increase the ratio of First Nations and Metis officers in Saskatchewan, particularly in urban areas with large First Nations and Metis populations. There were also calls for the hiring of more women to work as police officers. The ultimate goal is a police force that is representative of the population.

Metis Family & Community Justice Services Inc. regards employment equity as a goal that can be realized in the short-term.

A high number of government, private and public organizations have enacted employment equity programs. The MN-S expects more institutions to attract greater Metis representation at all levels in police forces. An important requirement of programming should include intensive recruiting from the Metis community. Efforts need to be directed at recruiting Metis people according to the newly accepted definition of who is Metis by the Metis National Council and the Metis Nation – Saskatchewan. The Linn Report also recommended, “a minimum target would be the percentage of Aboriginal people in Saskatchewan; the optimum, a percentage of Aboriginal staff equal to the percentage of Aboriginal offenders served.”

A recommendation for improved policing involves policing pre-employment programs to be developed and designed to train Metis people in the area of policing. Such programming needs to be established by Gabriel Dumont Institute or Dumont Technical Institute in conjunction with a university or Saskatchewan Police College. Such a program may assist in preparing Metis individuals for successful completion of policing entrance exams. Development of such programming may increase the amount of Metis police officers in police services across the province.

Recommendation 5.3

5.3.1 This Commission recommends that urban police services have a First Nations and Metis staffing component that is equal in percentage to the respective populations.

5.3.2 This Commission recommends to the RCMP that Community Police Boards and Police Management Boards participate in the selection, posting and orientation of RCMP members to detachments that serve their community.



COMMUNITY POLICING

This Commission has heard a great deal of discussion about the subject of community policing in both urban and rural communities and in First Nations and Metis communities. Over the past two decades the subject has been widely discussed in all parts of Canada and various definitions and concepts for community policing have emerged.

In Saskatchewan, the RCMP defines community policing as a “partnership between the community and police in the delivery of policing services.” Their service delivery model is based on the principles of community policing: knowing and working with communities, identifying common problems and concerns, resolving problems, effective and directed enforcement. The Commission accepts this definition as a reasonable approach to community policing. Other definitions have been presented and all reflect the hopes of individual communities and are valid for their circumstances.

The definition of Community Policing stated by Susan Trojanowicz in *The Theory of Community Policing* is:

...any method of policing that includes a police officer assigned to the same area, meeting and working with the residents and business people who live and work in the beat area. The citizens and police work together to identify the problems of the area and to collaborate in workable resolutions of the problems.

The success of community policing comes from the joint effort between the people in the community and the police working to solve neighbourhood problems. The main areas to consider when looking to see if community policing is effective are:

- Community input into defining the problems that need to be solved.
- Community involvement in the planning and putting into practice of solutions.
- Community feeling that needs have been met.

Often, individual police officers are able to bring their own style of community policing to their job by simply using their personal skills and interest in the community. The results can be positive.

Community policing is another thing that's positive, but the only problem sometimes is they got to be out there, they got to be in the community, they got to live where they are and they got to work with those people. (Speaker, Battleford Community Dialogue)



Going back to the late 1970s we had a member of the RCMP, I don't even remember his name, he was a tall fellow, that was the first RCMP person that I ever knew that used to come to hockey games, activities ... he came to the band hall, he would come and participate. This was a person who made this effort to be part of the community, to get to know the community, and the people respected him because I remember when he walked in, the band members were surprised, but they welcomed him, and we saw him in an entirely different light. We have community events. They live here but there's a difference between living and residing. (Speaker, Beardy's & Okemasis First Nation Community Dialogue)

In many communities, particularly in the North, there were concerns raised about the image being projected by some members of the RCMP. Residents feel the officers build barriers between themselves and the people they are supposed to serve and protect. Often, communities suspect, the style and degree of enforcement is driven by the need for officers to lay charges to satisfy their superiors.

RCMP that are driven by statistics is not something that is user-friendly for Aboriginal people. The pressure is on the officers to keep up their stats. This forces the officers of the law to become creative in laying charges. Police relations with local people are often not pleasant and this has a lot to do with the attitude of the officers that are coming into the community. Officers coming into the community often come into the community and the first thing they do is build a chain link fence around their home. What kind of message does that send? They walk around in schools, offices, restaurants, [wearing] bullet-proof vests, with a pistol. What's the message? (Speaker, Beauval Community Dialogue)

This Commission supports the concept of community policing and endorses the efforts that have been made to improve the relationship between community – individuals, local government, community organizations, schools – and the various police services. It is clear to this Commission that true community policing has much to offer in reducing crime rates, police abuse, racism and imprisonment rates. It can also lead to healthier and safer communities.

Recommendation 5.4

This Commission recommends that the Government of Saskatchewan, in view of the fact that it invests in community policing initiatives, conduct province-wide surveys every two years to monitor the degree of public satisfaction regarding community policing within all communities.



Examples of community policing have been presented to the Commission. One such example is the McNab Park Youth Project in Saskatoon. This innovative program brings together a number of partners, such as police, service clubs, community associations, the business sector and educators, to put on various recreational and cultural events. Before the initiation of the McNab Park Youth Project, crime had been increasing dramatically. In this small neighbourhood, there were 270 reported crimes against persons and property in the period between September 2000 and September 2001. After two years of operation, what began as a community policing idea has developed into the McNab Park Community Centre. Approximately 60 crimes were reported in the year ending September 15, 2003. This is an overall reduction of 77.8 per cent over two years. (Lockwood, 2003)

Communities and police services support community involvement. The Commission believes that a continued effort towards community policing would help to provide greater understanding between the police and First Nations and Metis people.

Community policing has also been defined as involving the following:

- **Community involvement in decisions about policing** The community members who receive police services should help set policing priorities and influence the policies of police departments. The police should not just have a one-way relationship with their communities. They must develop regular ways of consulting with their communities and they should actually *listen* to what the communities say.
- **Decentralized management** Communities and neighbourhoods vary widely and policies that are good for one area may not work in another. In recognition of this diversity, a community policing program should assign responsibility and authority to the police at the community level. This means that officers must be trained to handle this responsibility and authority and must be held accountable for their work.
- **Problem orientation** Problem-oriented policing means that police are encouraged to work with the community to solve local problems rather than focus on enforcement. In addition to their traditional task of reacting to calls, the police work with the community to identify and resolve the problems behind the service calls. This proactive, preventive approach has great potential in some First Nations and Metis communities where social and economic problems lead to high levels of calls.

We have noted earlier that while the police have been trying to put community policing into practice for nearly two decades, very few police forces have changed their operations to incorporate these three elements. Even police agencies that have publicly committed themselves to community policing typically give the community only token involvement in determining policies and programs. They retain high levels of centralized control over



operations, and pay little attention to solving the problems that underlie crime and disorder in the community. This is particularly true in deployed forces such as the RCMP where significant policy decisions are made at divisional headquarters or in Ottawa. It is apparent that there is a need for 'community conversations' to determine community priorities and to help determine what can realistically be expected from a police service. (Linden, Clairmont and Murphy, 2001)

In Saskatchewan, community policing was described as a relationship of trust between the community and the police. The police do have a responsibility as leaders to assist in solving problems that lead to criminal activity:

Community policing, yes, we should be there in the forefront and starting that, looking at the problems and putting prevention measures in place and working with the community to address those problems. (Speaker, Saskatchewan Association of Chiefs of Police presentation)

One of many positive examples of community policing in Saskatchewan is the partnership between the Saskatoon Tribal Council and the Saskatoon Police Service and more than 15 other community, private and government organizations. The program, called Peacekeepers, uses First Nations cultural approaches and teachings. Using role models, respected Elders teach at-risk youth the consequences of crime. The objective is to help these youth choose to be healthy and productive members of their community. In the year 2000 this program had over 800 participants. This is but one example of a meaningful choice that can make a difference for First Nations and Metis youth and adults.

The community-police partnership role is not new. It is the foundation of community based policing. "Community policing," according to Chief Cal Johnston, Regina Police Service, "refers to a particular kind of relationship between police and community. This relationship is complex and plural, for there is no single community but rather a collective of diverse communities (with membership defined by such variables as location, gender, age, culture, race, language, sexual orientation, ethnicity, occupation, political orientation, education and socio-economic status). The dominant characteristics of the community-police relationships are: openness (communication and behavior), responsiveness, co-operation, trust, respect, partnership (mutual assistance and support), closeness (concern and consideration), understanding (knowledge and awareness) and commitment. These characteristics exist for and apply mutually to the police and the communities." (Johnston, 2003)

An important element of effective community policing has been the creation of police management boards and community police boards.



POLICE MANAGEMENT BOARDS & COMMUNITY POLICE BOARDS

Background

The First Nations policing policy was created in 1991 to provide improved policing services in First Nations communities. The objective was to make police services professional, effective, culturally appropriate and accountable to the community. Both the federal and provincial governments supported Aboriginal policing initiatives.

In 1993, a basic agreement was made between the federal and provincial governments and the Federation of Saskatchewan Indian Nations. It provided the foundation to negotiate Community Tripartite Agreements with the RCMP.

In September 1996, the federal government stated that “the renewal of the First Nations policing policy was a key role for First Nations communities in choosing a police service which respects their culture and traditions and accommodates their desire for increased authority and greater control over matters affecting their communities.”

In addition, in 1999 an arrangement referred to as the New North Agreement was adopted through a memorandum of understanding between the federal and provincial governments and the 35 northern municipalities in Saskatchewan with extensive community involvement. Under this arrangement, community police boards have been developed, with roles similar to that of the police management boards.

There are 30 Community Tripartite Agreements in place in Saskatchewan, including 45 of a total of 72 individual First Nations. All community tripartite agreements are required to have police management boards.

Importance of Community Police Boards and Police Management Boards in Community Policing

The development and evolution of police management boards and community police boards has been called vital to the continued development of community policing. These boards are important building blocks for communities wishing to take responsibility for the criminal activities and social disharmony in their communities. They are also a means for communities to have a say in developing the manner in which they are policed. This is an essential step in the process of returning justice to the communities.

Police management boards were created under the First Nations policing policy and are an important component of the Community Tripartite Agreements. They receive support in the form of honoraria for board members and Elders. The federal and provincial governments share the cost.



The ultimate goal of police management boards and community police boards is to put into place self-administered policing in First Nations and Metis communities throughout Saskatchewan. Here's how communities go about setting up locally controlled policing:

- Local control of policing in First Nations communities begins with a band council resolution, expressing a wish to enter a policing agreement with the federal government.
- This resolution is forwarded to the federal solicitor general and provincial Department of Justice for approval.
- If the resolution is approved, the RCMP tells the community the number of officers and support staff needed to provide police services.
- Funding for an Aboriginal Elder is included in policing agreements, in order to have culturally sensitive policing, and to help new officers adjust to their roles.
- Funding also provides office space and personal lodging for the officers.

The community police boards provide the same service but were created through an agreement with the province and New North. The boards are volunteer operated and Saskatchewan Justice and the RCMP provide a comprehensive training program and ongoing support to the community police boards.

It has been stated that these boards are more effective than an external complaints process as they can respond immediately, the members have knowledge of the community and the relationship between the parties involved is needed to promote police-community relations.

I think just being able to have the police people be part of our community has made a big world of difference for us.
(Speaker referring to Montreal Lake, Saskatchewan Police Commission presentation)

In promoting community policing, a desired and likely result will be lower levels of crime and improved quality of life. When communities take responsibility, relationships are developed with community members and everyone, including the police, becomes accountable.

First Nations and Metis communities should have an effective and appropriate role in directing their policing services. Therefore, police management boards and community police boards must represent the communities they serve. In addition to police management and accountability, these bodies should ensure police independence from inappropriate political influences.

Concerns were raised with the Commission with respect to the training and support needed to ensure that community based policing continues to develop. To ensure this objective is met, these boards require adequate training and support.



In addition, due to the proximity of many reserve and municipal communities in Saskatchewan, many on-reserve and off-reserve populations use the same police members and grapple with the same policing issues, but have two separate boards with different resources and training capacity.

The management of the RCMP's F Division (Saskatchewan) encourages the use of community discussion groups to bring together various groups within a community. These include Elders, youth, business people and teachers. They assist the detachment in understanding the needs of the community in relation to crime prevention and enforcement.

Recommendation 5.5

5.5.1 This Commission recommends that Saskatchewan Justice and the Aboriginal Policing Directorate in the federal Solicitor General's office ensure that Community Police Boards and Police Management Boards receive adequate resourcing and training to ensure that community based policing is supported and successful in all communities.

5.5.2 This Commission recommends that Police Management Boards and Community Police Boards that share one police service be amalgamated and ensure equal representation.

5.5.3 This Commission recommends that police officers working in First Nations and Metis communities, including urban neighbourhoods with high First Nations and Metis populations, be required to meet regularly with Elders and other community leaders in order to learn more about the culture of the people they are working with.

MORE DISCRETION

One of the important features in the *Youth Criminal Justice Act* is the need to consider alternative measures when dealing with youth. The legislation directs police officers to use discretion when dealing with youth, such as warnings, cautions and referrals to community agencies. The *Act* further instructs police to consider community referral for non-violent, first time offenders. The *Act* states:

A police officer shall before starting judicial proceeding or taking any other measures under this Act against a young person alleged to have committed an offence, consider whether it would be sufficient, having regard to the principles set out in section 4, to take no further action, warn the young person, administer a caution, if a program has been established under section 7, or, with the consent of the young person, refer the young person to a program or agency in the community that may assist the young person not to commit offences.

The success of the *Youth Criminal Justice Act* in keeping young people out of custody depends to a large extent on how police exercise their discretion, according to the Canadian Training Institute's resource manual, *Youth Justice in Canada*. (Kappell & Reid-MacNiven, 2003)

Police have always exercised their discretion, what this *Act* does is legitimize referrals to community programs. There are indications that the use of police discretion and extrajudicial sanctions has increased. This means that more youthful offending is being handled in the community, outside the court system and through the use of discretion. Police must be aware of the programs in the community and be able to identify with community areas that require program development. While the ability to refer youth to community programs is legislated, the value of doing so raised concern. Public education on the value of such measures is needed.

In Nova Scotia, police must fill out a report to explain any failure to refer matters to restorative justice measures. This is a rational approach, given that police may have some difficulty deciding whether to lay a charge after an intense arrest. (Clairmont et al, 2002)

Recommendation 5.6

This Commission recommends that all police services be required to prepare reports to justify any decisions that do not divert matters extra-judicially.

ALCOHOL AND DRUGS

Alcohol and drugs were identified across Saskatchewan as a main contributing factor in initial contact with the police:

We have seen a large increase in alcohol and substance abuse, drugs, street prostitution, assaults, street gang activity and property related crimes. In many incidents the victimization occurs within the Aboriginal community itself. The police, when called upon to deal with these reported crimes have done so, and in far too many cases our involvement has resulted in criminal charges and incarceration within the Aboriginal community. This increasing involvement has caused frustration for the police and obviously, has created a very strained relationship between the Aboriginal community and the police services. (Speaker, Prince Albert Police Service presentation)

The root of the problem in the justice system, [is] alcohol and drug abuse. Those abuses do happen in our communities. These are just some of the symptoms of the socioeconomic realities of the region. And we need to provide education to youth on what the damaging effects of alcohol and drugs are, that it's not just a person's own physical biology that is being damaged, it's families and communities as a whole that are being damaged. So we need to somehow convince government that this needs to be looked at as a holistic approach and not just one issue, the individual. (Speaker, Beauval Community Dialogue)



Whether alcohol or drug abuse is a root cause or a symptom, the Commission recognizes that it is an urgent issue that must be dealt with more effectively. The Commission heard alarming stories of the use of the “drunk tank” by some police. Putting individuals into a cell to sober up or go through withdrawal is inappropriate, traumatic and even deadly. There must be a more effective response that includes health professionals. The Commission is recommending that emergency detoxification centres be built immediately in La Ronge, Prince Albert and Regina, and the immediate opening of the facility in Saskatoon. In addition to these facilities, long-term resources must be available for those who suffer from alcohol or drug addictions. The Commission applauds the building of a “brief detox” unit for adults at Larson House in Saskatoon. This unit will house four females and eight males for 12 to 24 hours. These patients will be offered referrals to the Larson House social detoxification setting, or to other services, when the need is shown.

In remote areas the Commission recommends that emergency detoxification facilities be incorporated into the local hospital as was done in the newly constructed hospital in La Loche.

Centres to help people to recover from addictions must be available. The nearness of such centres is particularly important in the North. Many people stressed the importance of detoxification programs being available immediately when people are eager to take part in such a program.

The biggest challenge that our young people are up against today is dealing with addictions and battling with addictions. And do we have the resources in this community? Not very much resources have we here.
(Speaker, Montreal Lake Community Dialogue)

Addictions are viewed as problems that people must deal with before other types of help can be effective.

If there’s an addiction present, no program in the world is going to make a difference. And that’s part of that readiness thing. We have never been able to affect someone who’s been addicted, in spite of our best efforts over two or three years of consistent involvement. And the reason is, to me it’s very clear, that young person has given up their education, their family home, their children, their boyfriend or girlfriend, any authority in their lives, all in pursuit of the drug, whatever that drug is. So I want to caution that I’m not fooled to think that I can create the program that’s going to address the issue if the issue is addiction based. If it’s addiction based we step out of those young people’s lives because we know we’re going to lose 100 per cent of the time ... our best program is to take young people on the road and travel around Saskatchewan. But you know, the moment we return, they drink that night and they’re arrested the next



day. Because all we did was we created a very fragile balloon around these young people, with good intentions, but if the primary issue is addiction we're never going to affect them in the long term. (Speaker, Restorative Justice Roundtable)

The Commission finds it unacceptable that Saskatchewan does not have detoxification centres especially for youth who come in contact with the law while under the influence of alcohol.

Recommendation 5.7

This Commission recommends that the Government of Saskatchewan establish emergency detoxification facilities in cooperation with municipalities immediately in La Ronge, Prince Albert, Saskatoon, and Regina. In remote areas, the Commission recommends that these facilities are incorporated into the local hospital, or in these remote communities, provision be made for sobering up houses as an alternative to drunk tanks.

Recommendation 5.8

This Commission recommends that the Government of Saskatchewan, in cooperation with municipalities, establish detoxification facilities for youth in Saskatchewan.

FIRST NATIONS POLICING

The Federation of Saskatchewan Indian Nations has been considering the merits of a "First Nation Controlled Police Service" for more than a decade. In 1993 the Chiefs-in-Assembly passed a resolution that stated the FSIN Justice Commission's strategic thrust should be towards the development of a First Nation controlled police service. That was followed by a 1999 resolution which stated that the Chiefs-in-Assembly support the establishment of Independent Tribal Policing on-reserve and direct the FSIN Policing Directorate to negotiate for increased funding to expand the mandate to develop stand alone police services. In February 2003, the Chiefs-in-Assembly passed a resolution that gave the Justice Secretariat the mandate to begin exploration and development of a provincial model of a First Nation Police Service.

The FSIN reports that the development of province-wide tribal policing has been slower than anticipated. The FSIN believes this development must come from the community up through the Police Management Board to the leadership for ratification. It suggests the police management boards need to consult with their communities and recommends that coordinators at the tribal council level be sought to assist the police management boards with the development and delivery of a community consultation process. The FSIN says this will ensure community support when the actual developmental/transitional process is implemented.



EXCESSIVE FORCE AND ABUSE

The Commission has heard many accounts of abusive treatment of First Nations and Metis people at the hands of municipal police officers and members of the RCMP. In their discussions with their respective communities, the Federation of Saskatchewan Indian Nations and the Metis Nation – Saskatchewan have also learned of numerous allegations of abuse.

The Federation's Special Investigation Unit has received more than 2,000 calls and investigated several hundred complaints from individuals who have had contact with police officers and others in the justice system. Some of these complaints are about physical abuse, intimidation, neglect of duties and racist behaviour. This unit has also received allegations of sexual and physical assaults.

I got to think about this RCMP cruising around with yellow stripes going down their pant leg, sidearms, night stick. They're supposed to be good people. Supposed to be. In the fall of 2000, there was a social going on in Stony Rapids. One of my daughters was intoxicated. Two members grabbed her by each arm, one on each arm. She kind of resisted a little bit. They smashed her right into the frozen ground, head first, smashed her nose. She was picked up the next day, got a medical record that her nose is broke. They did an investigation. You know what they call it? Police technique. Police technique applied to her. If that's police technique, I'm afraid of them. (Speaker, Black Lake Community Dialogue)

The FSIN stated that First Nations people believe that police harass them and use excessive force with them, and they resent the fact that police are most visible in the poverty-stricken areas of urban centres that are home to a large percentage of First Nations people.

Police, having high status in society, are granted flexibility with regards to societal norms of behaviour as they uphold Canadian laws. This leniency applies to even those officers who do not live a value-based life. Consequently, some of them cross the line to excessive force, an abuse of power which First Nations people perceive themselves to be the victim of, all too often. (Federation of Saskatchewan Indian Nations Submission)

In its consultations with the Metis community, Metis Family & Community Justice Services Inc. heard many stories of community members "being beaten after being picked up, threatened and too much force used in their handling." It noted the following comments from Metis people in Saskatchewan's North.

- **Police assaulted a ten-year-old girl and broke her arm. The police were attempting to get access to her parents and she "got in the way."**



- Elder removed from her bed and taken to jail in her nightgown, released and left to find her own way home.
- Poor conditions in RCMP holding cells. People in jail only allowed to shower once a week. People getting scabies while in custody.

Metis Family & Community Justice Services Inc. suggests people in Aboriginal communities do not view police as a resource in the way that non-Aboriginal people do. Rather, they prefer no contact with the police even when the police are there to help.

This Commission has heard complaints of police abuse in the detention areas of police facilities. Greater use of video recording equipment would discourage such activity and help determine the facts in any alleged abuse complaint. Prisoners and police officers would also benefit from the presence of an Aboriginal liaison worker or volunteer who could assist in easing volatile situations that occur shortly after a person is taken into custody.

The RCMP doesn't treat us with respect and often looks down upon us until we sign a statement admitting to the charge we don't understand. It is common for us to be held at the station without parents being notified and subjected to scare tactics and threats of being locked up for a long time if we don't co-operate. Our rights are not explained to us and oftentimes innocent until proven guilty is just a pipe dream in our Native communities. If we are expected to respect the law, then it must be returned, the law must respect the youth and their needs. We are not born bad, we just learn how to behave from our leaders, our parents and our peers. (Speaker, Beauval Community Dialogue)

Recommendation 5.9

5.9.1 This Commission recommends the increased use of video recording equipment by RCMP and municipal police services.

5.9.2 This Commission recommends that an Aboriginal liaison worker or volunteer individual be available for First Nations and Metis people upon their arrival at a police station or detachment office.

COMPLAINTS AGAINST POLICE

Individuals wishing to lodge complaints of mistreatment by police officers have several options available. They can file a complaint directly with the police service, contact the Saskatchewan Police Commission, the Commission for Public Complaints Against the RCMP or the Special Investigation Unit of the Federation of Saskatchewan Indian Nations.



It is abundantly clear that First Nations and Metis people have no faith in the traditional complaint mechanisms, if they are even aware of their existence. For example, the Commission for Public Complaints Against the RCMP has received virtually no complaints from First Nations or Metis people in Saskatchewan despite the enormous presence of the RCMP in their communities. Similarly, the Saskatchewan Police Commission receives few complaints from Aboriginal people. In the year ending March 31, 2003, the Saskatchewan police complaints investigator received 130 complaints involving the eleven municipal police services and two rural municipal police services in the province. The Saskatchewan Police Commission does not identify the ethnic background of the complainant.

Any assumption that the lack of complaints from First Nations and Metis people was due to a high level of satisfaction with the services being provided by Saskatchewan police organizations was destroyed with the creation of the Special Investigation Unit of the FSIN in 2000. This office received an immediate barrage of calls, mostly from First Nations people.

First Nations and Metis people have no confidence that investigations of police complaints are fair or effective. The submission by the Metis Family & Community Justice Services Inc. states that Metis people believe it is “criminal that police are investigating police.” The practice of police investigating themselves leads to questions regarding the validity of the whole exercise. The Metis Family & Community Justice Services Inc. would like to see a special investigations unit devoted strictly to complaints from Metis people.

FSIN’s Special Investigations Unit

In February 2000, soon after the deaths of Lawrence Wegner and Rodney Naistus and the Darrell Night incident, the Federation of Saskatchewan Indian Nations established a Helpline for calls from First Nations people who contended the police had mistreated them. This quickly developed into the Special Investigation Unit and the hiring of two investigators who worked out of an office at the Federation of Saskatchewan Indian Nations building in Saskatoon. The mandate of the unit was:

- To provide First Nations people who have been mistreated by law enforcement officers with a complainant-friendly alternative to mainstream complains offices.
- To ensure that complaints are investigated thoroughly and that complainants are informed accordingly.
- To provide complainants with protection from retaliation.

A key component of the unit’s structure was First Nations staff with experience in police and justice matters. As well, the unit was committed to establishing working relationships with local communities that would enable the investigators



to respect cultural sensitivities and languages. The investigators were also committed to developing positive working relationships with police agencies and other non-police organizations such as the Saskatchewan Human Rights Commission, Coroners Branch and the College of Physicians and Surgeons. In the first weeks of operation, the unit worked with the RCMP Task Force that Saskatchewan Justice had established to investigate the deaths of Rodney Naistus, Lawrence Wegner and other Aboriginal men in and around Saskatoon.

Three years after its creation, the Special Investigation Unit has been successful in several areas. Most important, it has earned the trust of First Nations people, something mainstream complaints bodies have been unable to accomplish. There is now a widespread spirit of co-operation and respect amongst unit investigators, senior police management and police officers. The success of the unit has prompted Metis and non-Aboriginal people to seek out its services.

Perhaps most important is that First Nations people feel they have some place to go when their vulnerability has been exploited and mainstream justice institutions offer little hope or encouragement. The unit has received more than 2,000 calls since April 2000. It opened and investigated 695 files, as of December 2003. Covering 310 complaints involving the RCMP, 265 concerning municipal police forces and 120 related to other agencies. Approximately 65 per cent of the complaints have been concluded, with the balance still under investigation by the unit or other complaint bodies.

The Commission commends the Federation of Saskatchewan Indian Nations for setting up this important agency. In the short term, the unit must receive the necessary funding to continue its vital work. In the longer term, a plan to combine the resources of existing complaints agencies and the methodology and spirit of the unit must be considered.

Recommendation 5.10

This Commission recommends that representatives of the Federation of Saskatchewan Indian Nations, Metis Nation – Saskatchewan, governments of Canada and Saskatchewan work together to develop an independent complaints investigation agency that will meet the needs of First Nations, Metis and non-Aboriginal people with the objective of having such an agency in place by April 1, 2005.

Recommendation 5.11

This Commission recommends that the Implementation Commissioner monitor and oversee the establishment of a complaints agency that will reflect and respect the spirit and intent of the existing Special Investigations Unit.



CONCLUSION

Many individuals, organizations and government leaders have said that this Commission was created in response to the actions of police officers in Saskatoon. The Commission acknowledges this fact. The Commission also acknowledges that in order to transform the justice system a new vision must be put into place in Saskatchewan, not singling out police, but including them. The focus of this vision must be on justice as a means of providing healing, compensation and understanding, instead of the traditional goals based on punishment and retribution. In this way, a focus on returning justice to the community will benefit all citizens of Saskatchewan, including First Nations and Metis people.

Police will need to re-evaluate their role within this new vision. Priority needs to be given, by police, to assisting individuals and communities to work together while ensuring that communities and individuals are safe. The Commission recognizes that this dual role can be very difficult at times for police, and it requires superior skills of judgment and dispute resolution. The Commission recognizes that police will continue to need to use force and detention as a tool; however, it must be emphasized that use of these tools must be as a last resort.

Police must be prepared to act as peacekeepers, educators and role models. They must continue to be willing to be involved in the community and be encouraged to attend schools and take an active part in the education of youth. Community policing must be the objective. The Commission finds it ironic that as we prepare this final report, the leadership of the City of Saskatoon appears to be turning away from community policing and reverting to a crime and punishment model. The Commission believes this to be the wrong direction. It firmly believes that such a move will not lead to healthy communities working together.

Police cannot accomplish this vision alone, although they have a vital role to play. However, in order for this vision to become a reality police need the support and encouragement of individuals, communities and all levels of government. Police need alternatives, which they do not have now.

When the Commission travelled the province it heard stories from children and adults who were afraid of the police. Children who would hide under the bed when the police drove by their house because they were afraid of them. This mistrust, and fear of police must change. Police and the authority which they have must be respected, not feared. Police need to show leadership and demonstrate that they have earned this respect. This can occur if police show respect in performing their duties. The Commission has seen and heard of many instances where police are helping communities by showing respect and gaining acceptance. This model of mutual respect must be copied throughout Saskatchewan. A realistic re-evaluation of police culture, which traditionally has seen police exclusively as law enforcers, or as simplistically as in the childhood game of good guys verses bad guys, must be conducted. Police leadership needs to address racism as a priority and be prepared to deal with it swiftly and decisively.

In addressing this culture of policing, the Commission recognizes that police leadership will also need to address the public perception of police. The public is overwhelmed with negative examples of police conduct.

Throughout this report, the Commission has stated its overarching vision of “returning justice to the community.” This theme is essential to any discussion of policing and its relationship to the First Nations and Metis communities. No amount of legislation, watchdog agencies or well-intentioned programming is going to make a difference if it is not presented in an environment that brings about understanding and trust within the various communities. It has been stated that a police service is a reflection of its community, enforcing its legal and moral standards. One model, despite its success in a given community, may not fit in a neighbouring jurisdiction. Allowing local government to act as the agency in policing matters should be the objective and the strategy for truly “returning justice to the community.”

