A Search for Justice in First Nations Communities:

the Role of the RCMP and Community Policing

by

Dean Campbell, B.A., B.A. (Hons)

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfillment of
the requirements for the degree of
Masters of Arts

Carleton University
Ottawa, Ontario
24 January, 2000

Abstract

In this thesis, I examine the role that the Royal Canadian Mounted Police (RCMP) has played and is playing in the lives of Native peoples in Canada; furthermore, I argue that there is the need to refocus policing efforts. From its beginnings in 1873, the RCMP has slowly evolved as one of the most important institutions in the imposition of political destructive processes upon Native peoples. As the RCMP carried out its role, the wounds it inflicted upon Native peoples ran deep. Today, Native peoples have focussed themselves upon self-determination as the key to revitalizing their communities. In effect, there has been a call for policing in First Nations communities to respond more to the needs and aspirations of Native peoples. Within this context, I argue that the RCMP can best accommodate these efforts by becoming a valued partner through community policing initiatives.

For my Grandfather

Edward S. England

Table of Contents

Introduction

I still remember the day I sat down with my grandfather and discussed how he and my grandmother had met, and how long it was before they had married. My grandfather told me that my grandmother and he were married nine months after meeting each other at a local dance. I was astonished and asked him how he knew that my grandmother was the right person for him. My grandfather sat in silence for a period of time and then said, "you just know." He later explained that when a person meets their true love (soul mate) in life, they just know. When that true love comes along, it does not matter how long you know the person or at what age you meet them, you just know that they are the right person for you.

When I reflect upon what my grandfather said, I also look upon the relationship between the Native and European cultures. Upon first contact with the European colonial powers, Native peoples came forward and offered a relationship of peace and harmony through a variety of different agreements. For example, all agreements and treaties between the Haudenosaunee Confederacy (i.e., Confederated Iroquois Nations) and the European colonial powers were governed by the Gus-Wen-Tah (i.e., Two Row Wampum) (Williams, 1990:326-7). The principles of the Gus-Wen-Tah linked both peoples together in an unconditional relationship of trust and peace (Williams, 1990:327).

> Each was symbolized by the Gus-Wen-Tah, or Two Row Wampum. There is a bed of white wampum which symbolizes the purity of the agreement. There are two rows of purple, and those two rows have the spirit of your ancestors and mine. There are three beads of wampum separating the two rows and they symbolize two paths or two vessels, travelling down the same river together. One, a birch bark canoe, will be for the Indian people, their laws, their customs and their ways. The other, a ship, will be for the white people and their laws,

> their customs and their ways. We shall each travel the river together, side by side, but in our own boat. Neither of us will try to steer the other's vessel (Williams, 1990:327).

But the European culture did not see Native peoples as an equal partner and eventually tried to steer them in a different direction. As a result, the Native culture resisted. During their bitter separation from one another, Howard Adams (as well as many others) claims that the Native culture was exiled to reservations (which served as prisons) where they were forced to choose between assimilation into Euro-Canadian society or, if they continued to resist, eventual extinction under apartheid type conditions (Adams, 1995:197).

During the past century and a half of marriage and separation between the Native and European cultures of Canada, the Royal Canadian Mounted Police (RCMP) became a major source of contact and mediation between the two. In concert with the Federal Government's fiduciary role over Native peoples, the RCMP also became the powerful arm of government assimilationist initiatives (e.g., Indian Act) and an influential symbol of the European culture (Canada, 1996a:83). Unfortunately, this symbol of the European culture came to be characterized by First Nations communities as a ravaging wolf which tears everything apart in its path when provoked.

Today, it is understandable why First Nations people confront the criminal justice system and policing with cynicism (Mercredi and Turpel, 1993:160). Contrary to Native peoples' beliefs, many Euro-Canadians continue to ignore the reality of policing and justice in First Nations communities. When Native peoples do not heed "White ideal"

interests, Euro-Canadians still have the tendency to blame them for what the past has provided them.

Over the past few decades, the government and the policing services of Canada have made many efforts to better relations with First Nations communities. Many police/community relations programs such as Band Constables, Tribal Policing, and First Nations Policing programs have been initiated to give First Nations communities a sense of independence and self-determination. As a result, the government and policing institutions have reported a tremendous amount of success in their efforts, but many First Nations communities still continue to argue for a parallel justice system (Harding, 1994:347-8).

In their struggle for Aboriginal justice and self-determination, Native peoples view policing as one of the core areas which can alleviate a significant amount of social repression and injustice. Within the foundations of "political, cultural, and community revitalization" efforts by First Nations peoples, a report by the Corrections Service Division in the Northwest Territories states that "local control of justice related matters is often perceived by national and community leaders as the jewel in the self-determination crown" (Griffiths, 1994:121). With the recognition of Native peoples' right to control their own lives and communities through Aboriginal self-government, it has been argued that a traditional form of Aboriginal self-policing (autonomous policing) could provide a stronger support for "the value and importance of human respect, kindness and justice" (Mercredi and Turpel, 1993:49; Pasmeny, 1992:424).

Although Aboriginal self-government could provide an ultimate solution to justice and policing issues in First Nations communities, a political solution outlining and recognizing differential rights is far from near. Due to the lack of support by the Euro-Canadian population, academics and politicians will continue to debate the foundations of Aboriginal self-government for many years to come. Furthermore, Native peoples are still trying to heal from the effects of colonization in their communities. Although some argue that the path to healing the effects of colonization is Aboriginal self-government, others argue that Native peoples need to heal themselves first and then break down the divisions created by colonization (between Aboriginal peoples: Métis, Native, and Inuit) before an autonomous struggle for self-determination or "self-preservation" can become a reality (Adams, 1995:175; Mercredi and Turpel, 1994:107-8).

Keeping the above in mind, I will be putting forward the contention that Canada's police services could assist Native peoples' struggle for self-determination through the process of community policing. Community policing could very well provide a focal point or community forum for self-determination efforts in First Nations communities because it is a value-based approach which "emphasizes the needs, desires and dreams of individual citizens" and collective groups (Wilson, 1995:127). In Canada's politically fragmented society, "people value" could be a driving force towards a socially cohesive vision "based on the importance of people," and community policing is a progressive element in this philosophical shift (Wilson, 1995:127).

During the course of this paper, the main focus is upon the relationship between Native peoples and the Royal Canadian Mounted Police (RCMP) (for a definition of Native peoples see the glossary). The format of this paper consists of four chapters. Chapter I traces the role that the RCMP played in relation to Native peoples. In Chapter I, there is a detailed discussion of how the RCMP evolved into one of the worst institutions of systemic discrimination in the country. In concert with the origins of the RCMP, Chapter I also begins with a western Canadian theme where the focus is upon western Native tribes and the North-West Mounted Police (NWMP).

In Chapter II, the paper shifts to a national focus as the NWMP evolved into a national police service - when the NWMP and the Dominion Police Force amalgamated to become the RCMP in 1920 (Forcese, 1992:20). The main focus of Chapter II follows the political and social change of the post-war years (1950's and 60's) and their effect upon policing reforms for Native peoples until the present day. Chapter II also makes the argument that many of the current policies (revised in the early 1990's) surrounding Native policing have fallen short of alleviating the wounds of the past (systemic discrimination); furthermore, they have ignored Native peoples' self-determination efforts.

Chapter III begins the process of working towards reconciliation between Native peoples and the RCMP. Chapter III begins with a thorough discussion of traditional Euro-Canadian and Aboriginal methods of social control and the significant differences between the two. Later, it points out that new justice initiatives must address the clash

between traditional and contemporary values which has evolved in Aboriginal communities. In an attempt to accommodate Aboriginal peoples needs in contemporary (Aboriginal) communities, Chapter III brings forward the concept of popular justice.

In Chapter IV, one popular justice initiative available to both Euro-Canadians and Native peoples, community policing, is brought forward as a step towards community revitalization and healing in First Nations communities. Overall, the main focus is upon providing a more decentralized (one which centers around the community rather than the police) approach to community policing which can provide a forum (created by the RCMP and Native peoples) for community revitalization and self-determination efforts. It is important to note that Chapter IV does not attempt to make community policing into a closed set of regulations but attempts to leave community policing open to change and diversity.

Although the main focus of this thesis is upon the relationship between the RCMP and First Nations/Native peoples, there is periodic reference to two other state controlled police services in Canada, the Ontario Provincial Police (OPP) and the Sûreté du Québec (SQ). Both the OPP and the SQ have also served as instruments of provincial government control over Native peoples, but the main focus centers on the RCMP because they have played a longer and more pivotal role in police interactions with Native peoples in First Nations communities. There are also cursory references to northern Canada's Inuit population, but this paper refrains from a detailed examination because the relationship between the RCMP and the Inuit population was formed at a

much later date (i.e., 1890's) and was relatively peaceful until the later part of the 1920's (Dickason, 1992:366; Morrison, 1974:78-9). In the Appendix, I have provided a brief account of the relationship between the RCMP and the Inuit population. I have also made periodic reference to Canada's Métis population. On the same token, the Métis population has not been a major focus because it has also experienced a different history (politically and socially) and does not primarily reside on reservations (i.e., First Nations communities).

Chapter I

The Souring Relationship

Policing in Canada has been principally represented by the oldest national police service in the Western Hemisphere, the Royal Canadian Mounted Police (RCMP) [initially known as the North-West Mounted Police (NWMP)] (Forcese, 1992:20).[1] Throughout Canadian history, Canadians have come to believe the myth that the RCMP was established to protect Native people from whisky traders and White outlaws and to ensure that all on the western frontier - Natives, Métis, and European settlers - were able to live under an impartial justice system based on equality and liberty (Brown, 1973:7). Canadians have continued to believe this central theme, because Canadian settlement of the western frontier was peaceful in comparison to that of the United States, thus, indicating that Canadians possess more devotion to law and order (Horrall, 1972:179-80). But when we examine the political and economic issues that concerned the young and vulnerable Dominion of Canada, a great deal of evidence questions the RCMP myth.

i. Policing Native Peoples in Canada

Sovereignty and the National Policy

Shortly after Confederation in 1867, the Federal Government focused on extending its sovereignty over the western frontier, which included the former territory of the Hudson's Bay Company known as Rupert's Land and the British colony of British

---

[1] In recognition for its service to the British Empire during the Boer War in South Africa (1900-02), the NWMP were later renamed the Royal North West Mounted Police in 1904 (Brown, 1973:33; Nicholson and Saul, 1993:231). In 1920, the RNWMP and the Dominion Police Force were amalgamated under the RNWMP Amendment Act to create the RCMP (Forcese, 1992:20).

Columbia (Brown, 1997:324; Forcese, 1992:17). Canada's first prime minister, Sir John A. Macdonald, focused his attention on a philosophical shift in Canadian politics called the National Policy (Brown, 1997:340-1). The National Policy was based on developing and enhancing Canadian industry and on the peaceful exploitation and occupation of the western frontier (Macleod, 1976a:102). Charles Tupper summed up Canadian National Policy in his poem, *Grip* (1877):

> . . . You this great truth should know,
> Countries alone by manufactures grow . . .
> Your tools, your arms, your raiment, make hard by.
> Your farmers will your workmen all supply
> With food, your workmen them with all they need,
> Each helping each, and profits shall succeed . . .
> Strength shall arise, and Canada be known
> Not as a petty colony alone . . . .
> The present's here; the lazy past is done,
> We'll have a country, or we will have none (Brown, 1997:340).

Macdonald had the grand utopian vision to make the western frontier into a "new Jerusalem" or a "better Ontario" (Macleod, 1976a:102). The western frontier would be controlled by "strong government institutions based on law and order, with little or no local control" (Wallace, 1997:4). Once Canadian institutional control could be established over Rupert's Land, the crown colony of British Columbia could be connected to eastern Canada by way of a transcontinental railway (Brown, 1973:10; Brown, 1997:332). After the completion of a transcontinental railway, Macdonald envisioned settlers peacefully developing and "civilizing" the western frontier (Macleod, 1976a:102).

In contrast to Macdonald's National Policy, there was a formidable American presence on the western frontier who considered it their Manifest Destiny to conquer and control the entire continent (Forcese, 1992:19). The Americans had already "gobbled up Texas from the Spanish, Louisiana from the French, and Washington and Oregon from the British" (Cruise and Griffiths, 1997:31). Realizing that disagreements between American and British officials over the national boundaries would become increasingly commonplace, Canada became intent on claiming sovereignty over the west before the Americans could annex it (Forcese, 1992:19).

Since development was the key to the National Policy, a peaceful environment also needed to be maintained before settlement could arrive (Macleod, 1976b:3). If settlers pushed into Rupert's Land in an unorganized volley, the new Dominion might find itself suffering the same bloody and costly consequences the United States was experiencing during its invasion of Native lands in the American West (Horrall, 1972:180).[2] Since it was unable to finance a war, the Dominion decided that the second largest threat to settlement and the National Policy on the western frontier - the vast Native population - needed to be peacefully brought under the Canadian Yoke and placed on reservations (Brown, 1973:10).[3] In an effort to avoid as much expense and bloodshed as possible, Macdonald wanted to refrain from using the Dominion's military to fulfill his vision. Instead, Macdonald proposed to establish a federally controlled soldier-

---

[2] At the time, the United States was spending 20 million dollars - far more than the total Canadian annual budget (i.e., 19 million dollars) - to subdue and conquer Native tribes on the western frontier (Macleod, 1976b:3).

[3] The explorer John Palliser reported in 1857 that much of the western frontier was a vast desert populated by the ferocious Blackfoot and thirty thousand Natives of various tribes, Métis, French, and a few scattered English who were constantly quarreling (Cruise and Griffiths, 1997: 31).

policeman force to maintain law and order and to facilitate the transfer of Native lands to the federal government (Horrall, 1972:180-1; Macleod, 1976a:102).

At the time, Canada already had a national police force, the Dominion Police Force, which was created in 1868 (Forcese, 1992:16;20). The Dominion Police Force was mainly responsible for guarding the Parliament Buildings and, sometimes, enforcing criminal and other federal laws in Eastern Canada (Forcese, 1992:16;20). Although it was created to operate on a national basis and was subject to government control, the Dominion Police Force was not chosen for the task of pacifying the west because it lacked military organization and discipline (Brown, 1973:3). Also, Macdonald did not like the idea of using a police force which was organized according to a municipal (London Met) policing model where officers were free to resign from service and were disciplined by civil courts (refer to page 7-8) (Brown, 1973:3). Once it was decided that a federal mounted police force should be established to ensure the peaceful settlement of the North-West Territories, "true to his [i.e., Macdonald's] nickname 'Old Tomorrow,' he procrastinated" (Cruise and Griffiths, 1997:31).[4]

A Federal Police Force in the Wake of Setbacks

In 1868, a contingent of Canadian officials left for London to meet with Hudson's Bay Company and British officials (Brown, 1997:328). Canada's aim was to purchase

[4] Because he consistently procrastinated and went on drinking binges when vital political issues arose, Macdonald was publicly nicknamed "Old Tomorrow" during his time in office (Cruise and Griffiths, 1997:31).

Rupert's Land from the Hudson's Bay Company for a minor fee (Brown, 1997:328).[5] After a lengthy six month process, the Canadian government was able to buy Rupert's Land for £300,000 in March of 1869 (Cruise and Griffiths, 1997:31).

Following the land transfer, the Dominion was scheduled to begin asserting its control and sovereignty over the west on 1 December, 1869 (Horrall, 1972:181). In September of 1869, a small group of Canadian officials headed by William McDougall (Lieutenant-Governor-Designate for the North-West Territory and Rupert's Land) departed for the North-West Territories to assume control once the changeover was complete (Horrall, 1972:181; Ray, 1996:198). As part of McDougall's scheme to exert sovereignty and control over the west, many speculated that McDougall intended to use Macdonald's plan to establish a federal mounted police force (Horrall, 1972:181). In fact, in the plans which McDougall took with him, there was a copy of Macdonald's plan for a federal mounted police force (Horrall, 1972:181). But, McDougall never had the chance to carry out Macdonald's instructions because tensions flared up with the inhabitants residing in the Red River region (Horrall, 1972:181).

The Métis of the Red River settlement were enraged by the federal government's arrogance in regard to the issue of land and the rights of Métis people (Brown, 1973:9). The federal government kept the Métis in the dark and treated them as mere wards of the state during the land transfer (i.e., the transfer of Rupert's Land to the Dominion)

---

[5] Rupert's Land (named in honour of Prince Rupert) was all the lands which drained into the Hudson Strait and was chartered to the Hudson's Bay Company for exclusive trading privileges and colonization in 1670 (Brown, 1997:81). In today's terms, Rupert's Land consisted of northern Quebec and

(Horrall, 1972:181). Rumors flourished that McDougall's group came prepared to set up a military force in the west and, as a consequence, Métis rights (i.e., education, language, and land rights) would soon be unprotected (Horrall, 1972:181; Wallace, 1997:6). Immediately, the Red River Métis declared a provisional government and took up arms under the leadership of Louis Riel who then demanded self-government rights for the western territory (Brown, 1973:9). Once Riel seized control of the North-West, Macdonald postponed his plans for the establishment of a federal mounted police force and swiftly put together a force of 1,200 men from the British Imperial Army and two Canadian rifle battalions in order to calm tensions in the Red River region (Cruise and Griffiths, 1997:31; Horrall, 1972:181).[6]

Although the crisis in the Red River region continued throughout the winter of 1869-70, Macdonald sat down again to make plans for a mounted police force (Horrall, 1972:181). Macdonald appointed a new Commissioner, Captain D.R. Cameron, of the Royal Artillery (Brown, 1973:11). Instead of sending more armies into the North-West Territories, Macdonald instructed Cameron that the new federal mounted police force would be a small multiracial (i.e., Euro-Canadian, Métis, and Natives) contingent of men (similar to the version of policing used by the British in India) designed to hold the western frontier until settlement could be established (Brown, 1973:11; Macleod, 1976b:7). The new federal police force was to be modelled after a para-military calvary force which could carry out a traditional policing function and could also be called into

---

Ontario; the entire land mass of Manitoba; most of Saskatchewan; the southern part of Alberta; and a small portion of the North-West Territories (Brown, 1997:81).

[6] For a thorough discussion of the Red River Rebellion, see Arthur J. Ray's book, I Have Lived Here Since the World Began, pp. 195-203.

military service (Brown, 1973:3). Although they would be armed and trained as calvary, the main focus for the federal police force was to prevent crime and disorder without having to resort to military intervention (Macleod, 1976b:4).

In order to fulfill Macdonald's requirements, the method of policing needed to gain effective control of the North-West Territories also had to be based on a cheap and effective law enforcement model (Macleod, 1976b:8). Macleod states that Macdonald's model for a federal mounted police force was to focus upon the Canadian ideal of peace, order, and good government and the British norm and ideal to be neutral and objective (1976b:8). Overall, there were two models of policing to choose from: the London Metropolitan (Met) model and the Royal Irish Constabulary (RIC) model.

At the time, current policing methods in Eastern Canada were already fashioned according to the London Met model. The London Met model was used extensively in Great Britain as a blueprint for organizing policing in rural, municipal, and regional communities (Canada, 1996a:89). The main organizational concept was to make the police an integral part of the community they served (Canada, 1996a:89). As a consequence, constables were posed at a mid-point between the community and the Crown's law because authorization came from below by the community, who made constables "agents of their peers," and from above by the law, which "made them officers of the law" (Guth, 1994:5). As a result of serving two authorities, the police organization was characterized by "a simple, decentralized management and control structure and a reactive, discretionary and informal policing style which emphasize[d] order

maintenance" (Canada, 1996a:89).

On the other hand, the Royal Irish Constabulary model was formed against the backdrop of social and civil unrest "which was a common feature of nineteenth century Ireland" (Horrall, 1972:182).[7] Under the RIC model, the police organization did not focus upon the community or a civilian base but was designed as a hierarchical military unit which was subject to military discipline and accountable to a central authority (i.e., the Crown authorities) (Guth, 1994:18; Horrall, 1972:182).[8] As a result, police constables performed specialized roles which were "based on rule-governed responsibilities and obedience to superiors in the police hierarchy" (Canada, 1996a:90). The RIC model of policing also complemented criminal justice issues and goals of prosecution, deterrence, and punishment by incorporating a crime control role which focused upon detecting offences, arresting individuals, and laying charges (Depew, 1986:91). Overall, the RIC model provided police organizations with a "dual character, which combined the military capabilities of an armed force with the judicial functions of peace officers" (Horrall, 1974:15).

When Macdonald examined the London Met model, current examples of it in Canada and the United States proved to be less than satisfactory for a federal police force (Canada, 1996a:90). Eastern Canadian police institutions (e.g., the Dominion Police Force) were often rudimentary and more accustomed to policing older and well

---

[7] By 1870, the RIC model was used extensively throughout the British Empire, particularly India (Macleod, 1976:8).

[8] The RIC model was more similar to continental European policing than to the British tradition (Macleod, 1976b:4). In continental Europe, policing derived from Roman legal tradition as a separate

established communities; furthermore, the United States was suffering numerous complications with policing based on the London Met model (i.e., in local American communities, the police were usually used by the local political machine to carry out tasks other than those appointed by their office) (Forcese, 1992:17; Macleod, 1976a:102). On the other hand, the RIC model could easily facilitate "the colonization, 'pacification' and administration of Aboriginal populations" (Canada, 1996a:90). When the Dominion considered the National Policy objective, a centralized Canadian federal police force fashioned after the RIC model rallied a great deal of support (Macleod, 1976a:102).

Plans for the establishment of the new federal police force were revealed by Order-in-Council on 6 April, 1870 (Brown, 1973:11). Macdonald's main objective was to send the newly formed federal police force to the Red River region (to replace the Canadian Militia) (Horrall, 1972:183). But, by the end of April, after negotiating Riel's demands for a provisional government, Parliament agreed to admit the Red River region into the Dominion as the province of Manitoba (Horrall, 1972:183).

Due to the Red River Rebellion and the signing of the Manitoba Act in 1870, Macdonald's plan for a federal police force experienced a significant setback (Brown, 1973:11). When Manitoba gained provincial status, the provisions of the British North America Act (BNA Act) left the administration of justice and law enforcement within provincial authority (Macleod, 1976b:9).[9] If Macdonald formed a federal police force, it

---

institution (Greek *polis*) and also as an administrative component (Latin *politia*) associated with other branches of government (Macleod, 1976b:4).

[9] Under s. 92(14) of the BNA Act, the provincial governments have exclusive authority over the administration of justice in the province, which includes policing (Reesor, 1992:240). A province has the

could only operate in Manitoba in a restricted fashion; whereas, the Canadian Militia would have extensive authority (Macleod, 1976b:9). Since the Canadian Militia was seen as the only effective way for the federal government to protect and stabalize settlement in the new province, Macdonald once again shelved his plans for the establishment of a federal mounted police force (Horrall, 1972:183; Macleod, 1976b:9).

Mounting Political Pressure

Between 1870 and 1873, unrest continued in Manitoba, and political pressure to form a federal police force intensified (Brown, 1973:11; Macleod, 1976b:9). Warnings and reports flourished that Canadian National Policy initiatives would never succeed unless a federal mounted police force was sent into the western frontier to establish control (Brown, 1973:12). British Columbia was threatening to break away from the Dominion unless Macdonald breathed some life back into the dying transcontinental railway project (Cruise and Griffiths, 1997:34). The Hudson's Bay Company was also beginning to bring a great deal of political pressure upon the Canadian government (through powerful connections in the Colonial Secretary's office in Britain) because it feared that American free traders in the North-West Territories endangered its trading monopoly and the lives of its employees (Horrall, 1972:188). Moreover, many government officials began to make the call for a stronger military force because they

---

exclusive right to form its own police services, to instruct municipalities within its provincial jurisdiction to form police services, and also to hire a federal police service (e.g., RCMP) to perform a policing function in the province (Reesor, 1992:240). Today, when the RCMP are hired as a provincial or municipal policing service, they operate under provincial authority, but the province does not have authority over the organization, discipline, or management of the RCMP (since these three categories fall under the Royal Canadian Mounted Police Act, thus, falling under federal jurisdiction) (Reesor, 1992:240).

feared that the Métis of Manitoba would make alliances with Native tribes in the western territories and would initiate a war against the Dominion in order to preserve their way of life (Brown, 1973:11-2). For example, Administrator McKeagney of Government House at Fort Gary wrote to Macdonald on 1 May, 1873:

> I feel justified in saying that the presence of a military force in the North West is absolutely necessary. Not only shall we fail to attract Immigration to the North West, unless the due protection of Immigrants is thus ensured, but settlers now residing on the frontiers of Manitoba, will through fear of Indian hostilities be induced to leave the Province (Brown, 1973:12).

Lieutenant-Governor Alexander Morris of Manitoba and the North-West Territories (1872-77) also warned Macdonald in January of 1873, that:

> the most important matter of the future is the preservation of order in the North West and little as Canada may like it she has to stable her elephant. In short the Dominion will have to maintain both a military and police force for years to come (Horrall, 1972:193; Wallace, 1997:15).

Macdonald believed that many of the reports were exaggerated, but he decided to calm political pressure by cautiously gaining legislative authority to form a federal mounted police force (Horrall, 1972:189). Macdonald's bill to create a mounted police force passed unopposed in Parliament and received Royal Assent on 23 May, 1873 (Horrall, 1972:190). The *Act* of 1873, Statutes of Canada, 1873, 36 Vic., c. 35, did not create the North-West Mounted Police, but it simply enabled the federal government to organize it by Order-in-Council when it was felt appropriate (Horrall, 1972:191).[10] Since the Canadian government had committed the Canadian Militia to another year of service

---

[10] The *Act* of 1873, which outlined the creation of a federal police force and the Administration of Justice in the North-West Territories, was not officially labelled the North-West Mounted Police Act (Horrall, 1972:190). The term North-West Mounted Police was adopted later during the winter of 1874 (Horrall, 1972:190). The North-West Mounted Police were referred to by Parliament as the 'Mounted Police' or the 'The Police Force for the North-West Territories,' and the public often referred to them as the 'Manitoba Mounted Police,' the 'Dominion Mounted Police,' or as the 'Mounted Police' (Horrall, 1972:190). The Act was officially labelled the North-West Mounted Police Act when it was amended in 1879, 42 Vic., c. 36.

at Fort Gary and the government's financial resources were seriously strained, Macdonald was determined to wait until the Militia could be reduced in the spring of 1874 before the North-West Mounted Police would be put into service (Horrall, 1972:191).

The Act of 1873

Macdonald's *Act* of 1873 for the formation of the NWMP reflected the Royal Irish Constabulary model proposed three years earlier. But as a result of the Red River Rebellion (1869-70), special provisions were not made in the statute for Métis or Natives to be hired on as constables; their rebellious actions at Red River led the government to believe that they were not faithful servants of the Crown (Brown, 1973:13; Macleod, 1976b:9). In conjunction with the formation of the NWMP, Macdonald decided that a continued military presence would be needed in Manitoba because the Manitoba Provincial Police (consisting of six constables) were inefficient and were " . . . mainly recruited from the class who ma[d]e up the roughs" (Macleod, 1976b:13; 19-20). Furthermore, with a military presence close to the western frontier, Macdonald believed that the Mounted Police would be able to disperse in small numbers (instead of concentrating their force in particular areas) and perform a true policing function (Macleod, 1976:13-4).

The newly formed NWMP was to be made a semi-military body which would be directly accountable to the federal government (Brown, 1973:13). Thus, provincial, territorial, and municipal governments were not able to exert any control over the NWMP

(Brown, 1973:13). Aware that British tradition strongly supported local government control of law enforcement and that policing under the BNA Act was in the hands of the provincial governments, Macdonald stated that the establishment of a federal police force was only a temporary measure until sufficient colonization and settlement were able to establish "Canadian ownership beyond any doubt" (Macleod, 1976a:103; Macleod, 1976b:6).[11]

As a result, the federal statute of 1873 gave constables extensive powers over the administration of justice in the North-West Territories (Brown, 1973:17). Provisions in the statute allowed constables of the force to fill positions of sheriffs, bailiffs, customs officials, mailmen, magistrates, and justices of the peace (Brown, 1973:17; Horrall, 1972:191; Macleod, 1976:5). Consequently, "there were many instances in the first few years where the same police officers could arrest, prosecute, judge and jail an accused and . . . there was no appeal procedure" (Brown, 1973:17-8).[12]

The Cypress Hills Massacre

Shortly after Macdonald's Order-in-Council was passed, reports flourished (in early June of 1873) that a band of Assiniboine (approximately 200 in number) in the Cypress Hills area had been massacred by thirteen members of the Spitzee Cavalry and some American whiskey traders from Fort Benton, Montana (Cruise and Griffiths,

---

[11] Since the success of colonization and settlement was a "national concern," Macdonald was given legislative authority to create and provide the NWMP with exclusive powers for the "peace, order and good government" according to s. 91 of the BNA Act (Reesor, 1992:204-206; British Columbia, 1994:7).

[12] After many public outcries of injustice, the practice of constables serving many roles in the justice process gradually stopped (Brown, 1973:18). Furthermore, although the NWMP enjoyed excessive powers, Macleod states that they rarely abused them; in fact, he argues that they used their authority well and wisely (1976b:5).

1997:35; Horrall, 1972:192; Horrall, 1974:16).[13] The Cypress Hills Massacre provoked mass hysteria and reaction throughout the young Dominion because it increased the risk of armed conflict with Native tribes (Horrall, 1972:192).

Conscious of rising tensions and panic caused by the Cypress Hills Massacre, Macdonald hastened preparations for a federal mounted police force and officially constituted them by Order-in-Council on 30 August, 1873 (Horrall, 1974:18). But Macdonald maintained his original agenda to wait until the spring of 1874 before dispatching the NWMP to the North-West Territories (Horrall, 1974:18). Although popular fears of war were rising, Macdonald did not consider the Cypress Hills Massacre serious enough to send a federal police force; furthermore, he firmly believed that Native tribes were less likely to go to war during the upcoming winter months (Horrall, 1972:194; Horrall, 1974:18).

Aware of Macdonald's intentions, Lieutenant-Governor Morris pleaded repeatedly by telegram and letter for the Macdonald to send a federal mounted police force to the North-West Territories (Horrall, 1974:18). Although his many pleas fell on deaf ears, Morris made a final desperate attempt to call for a federal police force on 20 September, 1873, "What have you done as to Police Force. Their absence may lead to

---

[13] The sixty member Spitzee (a mangled version of the Blackfoot word I-*pit-si* which meant high) Cavalry were detested and feared by both Native tribes and European settlers because they were an organized group of bandits who thought they were the law in the American West on a crusade to defend settlers from murderous Native tribes and lying traders (Cruise and Griffiths, 1997:192). The Spitzee Cavalry were detested by more by Native peoples because their organization was mostly made up of wolfers (Cruise and Griffiths, 1997:192). At the time, wolfers hunted wolves by poisoning carcasses of dead animals with strychnine which, in effect, would kill a great number of hungry wolves, but would also unnecessarily take the lives of Native dogs and game such as prairie dogs, coyotes, and birds (Cruise and Griffiths, 1997:190-1).

grave disaster" (Brown, 1997:350; Horrall, 1972:195). Macdonald did not take Morris' persistent recommendations and warnings seriously, but he decided to speed up preparations for the establishment of a federal police force because he feared political reprisal if Morris was right (Horrall, 1972:195).

The Establishment of the NWMP

On 25 September, 1873, nine commissioned officers (who were later referred to as "The Nine" by the NWMP) and a temporary commissioner, Lieutenant-Colonel W. Osbourne-Smith, were appointed by Order-in-Council to the NWMP (Cruise and Griffiths, 1997:104; Horrall, 1972:195).[14] After their appointment, the nine officers were rushed off to Upper and Lower Canada to find new recruits (Cruise and Griffiths, 1997:35). Within a month, a hastily recruited and ill-equipped force of 150 men left for Lower Fort Gary (Cruise and Griffiths, 1997:35-6; Horrall, 1972:195-6).

On 18 October, 1873, Macdonald appointed George Arthur French, a lieutenant-colonel in the Canadian Militia stationed at Kingston, Ontario, as commissioner of the NWMP (Cruise and Griffiths, 1997:30). French was specifically instructed by Macdonald to promote the NWMP as a civil force and not a military one (Cruise and Griffiths, 1997:40). It was essential to promote the NWMP as a civil force because many of the Native tribes and Euro-Canadian settlers on the western frontier had come to loath

[14] Osbourne-Smith was appointed as temporary commissioner of the NWMP because Cameron had become impatient with Macdonald's delays and accepted the position to command the Boundary Commission survey corps (Cruise and Griffiths, 1997:35).

the heavy-handed tactics of American soldiers and calvary (Cruise and Griffiths, 1997:40).[15]

After his appointment, French headed for Ottawa to muster up as much political support as he could get for the NWMP. Upon his arrival, French found that Macdonald was trying to defend his office from bribery allegations brought about by the Pacific Scandal (Cruise and Griffiths, 1997:28). Macdonald, Cartier, and Langevin were accused of accepting $365,000 in bribes for Macdonald's re-election in 1872 from the Montréal financier and Canada Pacific Railway Company president, Sir Hugh Allan, in return for the federal government contract to build the transcontinental railway (Brown, 1997:335; Cruise and Griffiths, 1997:28).[16] In the face of overwhelming evidence supporting his guilt, Macdonald resigned on 5 November, 1873, and the Leader of the Opposition, Alexander Mackenzie, was called upon by the Governor General to form a new government (Brown, 1997:337). Since Ottawa was alternately buzzing with confusion and dismay over the government crisis, French found that any help available was already exhausted (Cruise and Griffiths, 1997:28).

On 1 December, 1873, Commissioner French, who was disgusted and annoyed by the political nonsense, left Ottawa for Lower Fort Gary to whip his new force into shape (Cruise and Griffiths, 1997:36). Upon his arrival, French quickly realized that 150 men would not be enough to police a territory the size of continental Europe (Cruise and

---

[15] Even though French was instructed to make the NWMP a civil force, the majority of the original top officers of the NWMP had former military careers (Brown, 1973:14). Out of the 300 men recruited for the NWMP, 174 had previous military experience (i.e., 87 had served in the Canadian Militia, 41 in the Regular Service, 32 in the Canadian Artillery, and 14 in the Royal Irish Constabulary) (Brown, 1973:14).

Griffiths, 1997:41). Immediately, he filed a request with Ottawa to bring the force up to the full strength (i.e., 300 constables) permitted under the NWMP Act (Cruise and Griffiths, 1997:32;41).

French was surprised to find that the newly elected prime minister, Alexander Mackenzie, was very supportive of his request (Cruise and Griffiths, 1997:42). Mackenzie's ease in granting French's request stemmed from his personal ambition to rid Canada of evil spirits (i.e., liquor); moreover, he increasingly became concerned about the mounting political pressure from the United States to deal with whiskey traders and warring Native tribes taking refuge in Canada (Horrall, 1972:198; Horrall, 1974:19). Although the United States doubted the ability of a mounted police force as compared to a military force, Mackenzie realized that the NWMP was a vital component in preserving the Dominion's sovereignty and her relations with the western Native tribes (Horrall, 1972:198). In order to assure American skepticism, the Governor General, Lord Dufferin, informed the British ambassador in Washington that the NWMP:

> expedition will be commanded by Col. French, an artillery officer, and though nominally policemen the men will be dressed in scarlet uniform, and possess all the characteristics of a military force (Horrall, 1972:199).

The Great March

In February, 1874, French departed for Toronto to begin recruiting 200 more men for the NWMP (Cruise and Griffiths, 1997:42).[17] On 6 June, 1874, the second contingent

---

[16] The $365,000 Macdonald, Cartier, and Langevin received would be equivalent to approximately $4.4 million in today's terms (Brown, 1997:335).

[17] French recruited 50 more recruits than the Act provided for because the extra men were needed "to make up for the anticipated desertions, medical discharges and dismissals" from the first contingent sent to Manitoba (Cruise and Griffiths, 1997:42).

of fresh recruits left by train from Toronto on a 2,100 kilometer journey to Fargo, North Dakota (Cruise and Griffiths, 1997:78-9). After their arrival at Fargo, they departed for Fort Dufferin where they met with the first contingent from Fort Gary (Cruise and Griffiths, 1997:108). From there, Colonel French and 274 men began their 1,450 kilometer trek, called the Great March, to Fort Whoop Up (Cruise and Griffiths, 1997:108; 206).

On the 18th of September, the NWMP arrived in the Sweet Grass Hills (Horrall, 1974:24). From here, French and Assistant Commissioner James Macleod left for Fort Benton, Montana, to get provisions and instructions from Ottawa (Horrall, 1974:24). Upon their arrival at Fort Benton, French received a telegram from Ottawa telling him to return at once to his new headquarters at Fort Pelly (Horrall, 1974:24). French left instructions with Macleod to take 150 men and continue the march to Fort Whoop-Up to subdue the whiskey traders and set up an outpost while French and his remaining troops returned to Fort Pelly (Horrall, 1974:24).

When Macleod and his men arrived at Fort Whoop-Up, they immediately took control of the abandoned fort (Horrall, 1974:24). After Fort Whoop-Up was secured, Macleod set up an outpost called Fort Macleod on the banks of the Old Man's River, which is roughly 45 kilometers from Fort Whoop-Up (Cruise and Griffiths, 1997:407). After the construction of Fort Macleod was complete, the NWMP began the onerous task of setting up other NWMP outposts and suppressing the whiskey trade (Jennings, 1974:58).

Conclusion

With the presence of the NWMP on the western frontier, Canada had a legitimate claim over the North-West Territories, and the NWMP could make way for the National Policy and settlement (Horrall, 1974:25). But before settlement could flourish and the transcontinental railway pass through, the NWMP needed to take care of one more potential threat to the National Policy: the vast Native and Métis population residing on the western frontier (Macleod, 1976a:102). Luckily for the NWMP, the formidable Native population saw the "redcoats" as friends instead of enemies (Wallace, 1997:112). In support, Macleod states that the Blackfoot Confederacy had taken heavy losses from the outbreak of smallpox in 1869, and the whiskey trade had effectively impoverished and demoralized their people (Macleod, 1976b:24). With the above in mind and aware of extermination efforts taking place south of the border, Chief Crowfoot of the Blackfoot Confederacy saw cooperation with the NWMP as the only possibility for the survival of his people (Macleod, 1976b:24).

Overall, as a vital component and instrument of Canadian National Policy, the NWMP was formed primarily to "penetrate Indian territory, stamp out the nefarious liquor traffic and bring law to a lawless land" (Cruise and Griffiths, 1997:4). As the years passed, the NWMP was never disbanded once settlement became firmly entrenched. Instead, the NWMP maintained its role as a direct military arm of the federal government which instilled law and order on the national level and represented "the government in the face of political threat" (Forcese, 1992:19). Likewise, the Native and

Métis population maintained their status as a political threat for many years to come, and in the process, walked a long "dark and desperate" path as payment for their survival (Cruise and Griffiths, 1997:409; Macleod, 1976a:102).

ii. Becoming an Institution of Systemic Discrimination

Once a sense of respect for law and order was implanted in the population on the Canadian western frontier, the North-West Mounted Police (NWMP) began introducing Eastern Canadian culture and economy (on a small scale) (Macleod, 1976b:21-2). During their quest to introduce Canadianism, the NWMP also began preparing the vast Native population for the many changes which lay ahead (Macleod, 1976b:21-2). In essence, the NWMP was the Canadian government's attempt at making the transition for Aboriginal peoples more humane (Longstreth, 1974:56). Unfortunately, since it was the authoritarian instrument of the government, the NWMP also gained the role of becoming a finely tuned institution of the worst type of discrimination: *systemic discrimination.*

Systemic Discrimination

Systemic discrimination occurs when intentional or unintentional discrimination by "a specific act, policy, or structural factor [institution]" leads to unfavourable conditions for individuals of distinct groups (Pasmeny, 1992:411). The Report of the Saskatchewan Indian Justice Review Committee states that systemic discrimination is a:

> social, political and economic system that perpetuates traditionally 'accepted' inequities. Even when everyone is treated equally, some groups still end up with fewer benefits than others (Pasmeny, 1992:411).[18]

Linden states that systemic discrimination evolved from two factors: cultural differences and political initiatives (1992:114).

---

[18] Since systemic discrimination has often been placed unintentionally within the foundation of social and justice systems, Pasmeny states that it has been very hard to eradicate (1992:411).

Cultural Differences

The first factor, *cultural differences*, stems from different cultural traits (strong ties or attachments to certain morals or traditions) which an individual or group will try to preserve at great length (Linden, 1996:114). Iris Marion Young states that "cultural differences include phenomena of language, speaking style or dialect, body comportment, gesture, social practices, values, group specific socialization, and so on" (Young, 1990:132). Even though many cultures share similar cultural traits, behavioural interpretation of these traits may be different within both social groups, thus, eventually causing the dominant culture of the two to force assimilation upon the other (Linden, 1996:114).

For clarity, one such area where cultural traits might be misinterpreted is social practices (Pasmeny, 1992:410). For example, when the social practices of Euro-Canadian and Native cultures are considered, barriers have a tendency to form (Pasmeny, 1992:410). Barriers are formed because cultural traits clash with the rules imposed by the dominant (Euro-Canadian) culture, thus, leaving the Native individual feeling defenceless and vulnerable (Pasmeny, 1992:410).

For instance, the "Ethic of Non-Interference," which has been generally practiced within traditional Native communities for thousands of years, is interpreted much differently in Euro-Canadian communities (Ross, 1992:12).[19] The principle of Non-

[19] Dr. Clare Brant states that there are four major ethics and four supplementary ethics of behaviour in traditional Native communities which still exist to a certain extent in modern day First Nations communities (Hamilton and Sinclair, 1991a:31). The four major ethics or rules of behaviour are "non-interference, non-competitiveness, emotional restraint, and sharing"; the four supplementary ethics are "a

Interference "essentially means that an Indian will never interfere in any way with the rights, privileges and activities of another person" (Ross, 1992:12). For example, within Native society, the Ethic of Non-Interference also extends to Native children. Although Euro-Canadian law states that it is an offence not to do so, a Native child can traditionally choose whether or not they wish to attend school at around the age of six (Hamilton and Sinclair, 1991a:31). Furthermore, the child may choose if they wish to do their homework, when they will get their assignments done, or even if they wish to see a physician (Hamilton and Sinclair, 1991a:31). Overall, "native parents will be reluctant to force the child into doing anything he [or she] does not choose to do" (Hamilton and Sinclair, 1991a:31).

In the Euro-Canadian sense, Euro-Canadians are often split between two ideals. Traditionally, Euro-Canadians also believe that they should not interfere in the affairs of another person because that person has the right to make their own choices and mistakes (Ross, 1992:12). But when a close relative (i.e., sister, brother, or child) or friend is concerned, Euro-Canadians generally feel obliged to interfere and to give advice freely, "whether it is welcomed or not" (Hamilton and Sinclair, 1991a:31; Ross, 1992:12). In the matter of Euro-Canadian children, they are generally told by their parents "what to do, when to do it and what will happen if they do not do it" (Hamilton and Sinclair, 1991a:31). Overall, Euro-Canadian "children are expected to conform, rather than to

---

concept of time, the expression of gratitude and approval, social protocols, and the teaching and rearing of children" (Hamilton and Sinclair, 1991a:33). It is important to note that the four major ethics and four supplementary ethics are generalizations about the Native culture and do hold weight with all Native communities.

experiment, and to learn by rote, rather than by innovation" (Hamilton and Sinclair, 1991a:31).

Within Native society, confronting a person about their personal affairs, no matter what the relation or how irresponsible the person's actions or behaviour may seem, is forbidden and disrespectful (Ross, 1992:12-3). To quote Dr. Clare Brant in Rupert Ross's book, Dancing with a Ghost: Exploring Indian Reality:

> *We are very loath to confront people. We are very loath to give advice to anyone if the person is not specifically asking for advice. To interfere or even comment on their behaviour is considered rude. (emphasis added)* (1992:13).

When advice is given, it often takes the form of a story or legend which provides a situation with many different options (Hamilton and Sinclair, 1991a:32). The advice provided is hidden within the context of the story or legend, and the person listening "is free to understand it as he or she wants to, and to act or to not act on that advice accordingly" (Hamilton and Sinclair, 1991a:32).

Overall, there are general cultural differences between the Euro-Canadian and Native culture, which have led to misperceptions, conflict, and barriers between the two cultures. Since the Euro-Canadian (dominant) culture has viewed and still views its own cultural traits as the norm, disadvantaged groups (Native peoples in this context) often fall prey to dominant norms and misinterpretations. Thus, Native peoples cultural differences were often seen (and are still seen) by Euro-Canadians as an essential area for change (LaRocque, 1990:77).

Historically, Euro-Canadians views and perceptions have evolved along the

guidelines of eurocentrism. Since eurocentrism dictates that Europeans are culturally and politically superior to all other peoples by rights of Manifest Destiny and Hamlite rationalization, Europeans considered themselves to have the superior right to bring colonization and Christianity to the infidel-held lands of North America (Adams, 1995:26; Williams, 1990:171).[20] European colonization and conquest of North America were considered a gift to the Native tribes because the 'savages' "would be brought from falsehood to truth, from darkness to light, from superstitious idolatry to sincere Christianity," and from chaos to law and order (Williams, 1990:171). Since Europeans saw themselves as possessing superior knowledge and attributes, they considered it their obligation "to shoulder the burden of guiding those less fortunate" (Adams, 1995:29). According to Europeans, it would be irrational for the Native people of North America to refuse their "White ideal" (Williams, 1990:172).

During Canada's infancy, the Fathers of Confederation hoped to make the new Dominion of Canada into a utopian society where capitalism would flourish and all of its lands would be conquered and settled by peaceful means. To succeed, the Canadian state realized that it needed to bring the masses together under one set of beliefs and values which would serve the interests of the common good (i.e., the ruling class notion of colonialism) (Adams, 1995:38). In order to create one set of beliefs and values, Canada developed a colonial ideology which could easily indoctrinate the nation's common sense or natural order of things (i.e., one that could be easily accepted and internalized into

---

[20] The Protestant ethics of Manifest Destiny were based on the work of Sir Thomas Smith's (1513-77) theory that Whites were destined by God to rule the world (Frideres, 1988:23; Williams, 1990:141-2). Hamite Rationalization is taken in the Biblical sense that Ham's son Canaan and all his descendents were destined by God to be cursed with dark skin and to be subservient (i.e., slaves) to Whites for all eternity

Canadian beliefs and values) (Adams, 1995:38). From the foundations of eurocentrism, the Canadian state chose the ideology of Canadianism. Canadianism was based on the conviction that Canadian society was more orderly and law-abiding than others. To quote Macleod:

> The society they envisaged was to be orderly and hierarchical; not a lawless frontier democracy but a place where powerful institutions and a responsible and paternalistic upper class would ensure true liberty and justice (1976a:110).

According to its ethnocentric and patriarchal roots, the Canadian government rationalized that the large population of Native peoples within its boundaries would not be able to participate in its National Policy dream (Adams, 1995:93). In order to participate in nineteenth-century wealth and prosperity and enjoy Euro-Canadian liberty and justice (i.e., Euro-Canadian customs, patterns, values, etc.), the Native population needed to first climb the evolutionary ladder (Adams, 1995:94; Carter, 1993:194; 212; LaRocque, 1990:85-6).[21] The government justified its opinions by using an evolutionary argument which stated that cultures needed to progress:

> through prescribed stages from savagery through barbarism to civilization. These stages could not be skipped, nor could a race or culture be expected to progress at an accelerated rate. The Indians were perceived to be many stages removed from the nineteenth-century civilization, and while they could take the next step forward, they could not miss the steps in between (Carter, 1993:212-3).

Thus, the federal government rationalized that removing Native people from a stage of barbarism into a stage of civilization with all its technological advantage and knowledge would be unnatural because Native people had not reached evolutionary maturity to compete in a Euro-Canadian social, political, or economic environment (Carter, 1993:213).

(Frideres, 1988:23; Genesis 9:24-27).

[21] The government and much of the Euro-Canadian population considered Natives' laziness to be the

On the other hand, Native people saw no need to step through an evolutionary ladder before they were able to participate in Canada's National Policy dream. In fact, the Native population was very capable and willing to participate. But, although "Native people[s] were not wedded to their past, nor were they blind to the future," they were not open to throwing away their cultural institutions and assimilating into the "White ideal" of Canadianism (LaRocque, 1990:77; Ray, 1996:212).

Political Initiatives

Overall, *political initiatives* have played a far more intricate role in the power/powerless relationship between Native and Euro-Canadian peoples than cultural differences could ever have accomplished (LaRocque, 1990:79). Political initiatives, such as colonization, imposed cultural suppression by various political institutions (religion, education, economics, policing, laws, policies [e.g., National Policy], etc.) (LaRocque, 1990:79; Linden, 1996:115). These political institutions, which were designed specifically to preserve the dominant population's power, focused on guaranteeing (by checks and balances) a power/powerless (social, legal, and economic) relationship between Euro-Canadian and Native cultures (LaRocque, 1990:79; Linden, 1996:115).

Throughout Canadian history, structural symptoms of systemic discrimination towards Native peoples emerged. Structural symptoms can be best explained as the social and economic inequality and dependence which Aboriginal people often endure in

---

cause of their failure to compete (Macleod, 1976b:30).

Canada (Linden, 1996:114). Much of this structural deprivation is based upon the colonial exploitation of Native peoples by the dominant culture and has been represented by Canadian laws which were based on the preservation of the dominant population's power and economic structures (e.g., the Indian Act) (Linden, 1996:115). In effect, many of the dominant population's institutions, enforced laws, and assimilationist policies have resulted in the "socio-structural and socio-political subordination" of the Native culture and have left the Native population socially, legally, and economically powerless (Pasmeny, 1992:413-4). When political institutions are seen as a product of the dominant population's socioeconomic power over the underclass, one can see that, in Canada, the police were able to evolve as one of the most powerful instruments of the Euro-Canadian political, social, and economic environment because they were (and still are) able to enforce Euro-Canadian values and ideals onto Native peoples through "'equal' applications of the law" (Linden, 1996:115; Pasmeny, 1992:411-2).

One of the most influential instruments by which the state imposed its political agenda upon Native peoples (i.e., National Policy, colonization, etc.) was the NWMP/RCMP (Hamilton and Sinclair, 1991a:592). Macleod states that the NWMP became very influential because it had firm convictions as to what Canadianism (i.e., the "White ideal") was all about (1976a:105). As for NWMP's constables, Macleod argues that they never doubted their interpretation of Canadianism, nor their determination to impose it in their day-to-day activities (1976a:105). Their missionary zeal to instill Canadianism stemmed from the fact that many of the personnel hired by the NWMP were

Canadian-born (Macleod, 1976a:105).[22] On the other hand, the many bureaucrats, teachers, and missionaries, who were largely made up of immigrants, often carried traditions and biases from the old country which could interfere with their interpretation of Canadianism (Macleod, 1976a:105). Thus, the background and roots of the NWMP's personnel ensured that they would be heard with a great deal of respect by settlers and would possess solid notions as to what Canadianism was all about (Macleod, 1976a:105).

The NWMP and Indian Affairs: Three Stages of Assimilation

While instilling Canadianism in the North-West territory, the NWMP mostly came into contact with Aboriginal and Métis people (Brown, 1973:18). When they dealt with the Native population, the NWMP operated within the confines of Indian Affairs policy (Macleod, 1976b:27). In his book, The NWMP and Law Enforcement, 1873-1905, Macleod states that Indian Affairs policy set out three basic stages for assimilating the Aboriginal population: the treaty-making process, encouragement to throw away cultural traditions, and integration into Euro-Canadian society (1976b:27). During these three stages of assimilation, the NWMP played a major role in the first stage, a complete role in the second stage, and only a partial role in the third stage (Macleod, 1976b:27).

The First Stage

In the first stage, the NWMP became intimately involved in the treaty-making process for Aboriginal lands (Macleod, 1976b:27). Although the Dominion believed that

---

[22] Although many texts state that the NWMP consisted mainly of British-born officers, Macleod states that between 1873 and 1905, 80 per cent of the officers were Canadian-born (1976:105). On the other hand, the non-commissioned ranks ranged from 31 per cent British-born in 1888 to 61 per cent in 1895, thereafter, significantly dropping off (Macleod, 1976a:105).

Rupert's Land belonged to them by rights of exploration and discovery, increasing pressures from the Colonial Office stressed that Native peoples residing on the western frontier had ownership rights (Wallace, 1997:15).[23] Title to Native lands was vested in the Crown, but the right for Aboriginal peoples to freely use the land was viewed as:

> . . . an encumbrance on that title which had to be extinguished before the Crown could alienate the land to private owners. Extinguishment required compensation, which might take the form of land reserves, money payments, educational or medical services, etc. (Wallace, 1997:15-6).

In order to gain control of Aboriginal lands, the Canadian government decided to negotiate treaty agreements with Aboriginal peoples which would extinguish Aboriginal title (Wallace, 1997:16).

During the 1870's, Native peoples were quite aware of the dramatic changes taking place on the western frontier and became concerned about their future well-being (Ray, 1996:206). When the Euro-Canadian state offered treaty agreements, most Native peoples willingly participated in an effort to gain concessions (e.g., education, training, etc.) against the economic hardships to come (Ray, 1996:206). More importantly, many Native tribes entered treaty agreements in order to preserve their valued traditions and political power (Ray, 1996:206).[24]

From 1871 until 1930, the Canadian government signed eleven treaties with Native tribes in the North-West Territories (Macleod, 1976b:27). But, before negotiations could proceed between the Lieutenant-Governor of the North-West

---

[23] For a more thorough historical account of English settlement and legal colonizing discourse, consult Robert A. Williams book The American Indian in Legal Western Thought, 151-286).

[24] It is important to note that Native tribes asked for treaty agreements long before the government was willing to grant them (Ray, 1996:211).

Territories and Native tribes, a relationship of mutual trust needed to be gained (Macleod, 1976b:27). Once again, the government sought the expertise of the NWMP in making treaty preparations (Macleod, 1976b27). Of the eleven separate treaties signed, Treaty Number Six (1876) with the Assiniboines, Chippewyans, and Crees of the northern prairies and Treaty Number Seven (1877) with the Bloods, Peigans, Sarcees, and Stonies of the southwestern prairies directly involved the participation of the NWMP (Macleod, 1976b:27).

During Treaty Number Six (1876), mutual trust was previously gained by missionaries and Hudson's Bay Company officials, and the role of the NWMP was reduced to providing escorts for officials, taking care of provisions for treaty payments, and discouraging Euro-Canadian traders from relieving Native people of their newly acquired wealth (Macleod, 1976b:27-8; Morse, 1991a:xli). On the other hand, during Treaty Number Seven (1877), previous relationships of mutual trust were minimal with tribes in the southwestern prairie region (i.e., the Blackfoot Confederacy), and the NWMP was designated the task by the government to make first and formal contact (Macleod, 1976b:28; Morse, 1991a:xli). After three years of contact, the NWMP established a trusting relationship and spent a considerable amount of time preparing the Blackfoot for treaty negotiations (Macleod, 1976b:28).[25] In September 1877, the close relationship formed between the Blackfoot Confederacy and the NWMP paved the way for the signing of Treaty Number Seven; in fact, relations were so good that the Blackfoot

[25] Much of the success of gaining mutual trust with the Blackfoot Confederacy can be attributed to Jerry Potts' (a Blackfoot Métis whiskey and horse trader) tutoring, and Assistant Commissioner (Major) James Macleod's respectful attitude and diplomatic skills (Cruise and Griffiths, 1996:408).

insisted that annual treaty payments be distributed by the NWMP instead of Indian Affairs (Macleod, 1976b:28).

The Second Stage

Once treaties were signed with Aboriginal peoples, the second stage was initiated. During the second stage, the NWMP was allocated the role of encouraging Native tribes to settle on reservations and trying to persuade them to give up their hunting lifestyle (Macleod, 1976b:27). Reservations were strongly supported by social reformers and missionaries because they became havens where Native people could be Christianized and could begin an agricultural lifestyle (Ray, 1996:153). As with the French in New France before them, Euro-Canadians also chose to place reserves far away from Euro-Canadian settlements so that Native development and advancement would not affect the Euro-Canadian market economy; moreover, the worst aspects of both cultures would not be able to influence the other (Ray, 1996:153).[26] The Canadian government hoped that reservations would serve as temporary "cultural waystations" where the Native individual would choose to escape the imposed apartheid type conditions (i.e., overcrowding, lack of proper facilities, starvation, etc.) by assimilating into Euro-Canadian society (Adams, 1995:197; Ray, 1996:192).

---

[26] The first reservation system in North America, the Sillery reserve, was established by the Jesuits near Quebec City in 1637 (Ray, 1996:63). With the placement of the Sillery reserve beside a French settlement, it was presumed that the Algonquin and Montagnais hunters placed there would be guided on farming methods by local farmers and would be spiritually watched over by the local clergy (Ray, 1996:63). Even though Sillery met with very little success, the clergy and colonial authorities concluded that reservations should be isolated far from French settlements because both groups passed on the worst traits of their culture to the other (Ray, 1996:63).

With settlement encroaching rapidly upon the western frontier, the NWMP was also designated the role of preventing conflicts which might ensue between Euro-Canadian settlers and Native peoples (Macleod, 1976a:103). Since the NWMP was a small force, it often treaded a thin line when trying to maintain peace between the two groups (Macleod, 1976a:103). According to the treaties, Native peoples were not compelled to stay on the reserves and had the freedom to hunt on any lands whether owned or leased by Euro-Canadian settlers (Macleod, 1976b:28). Furthermore, Native peoples understood that the treaties were agreements between both Euro-Canadians and Native peoples to share the land, not to own it individually (Brown, 1997:353).

The NWMP clearly informed settlers that Aboriginal people had first priority because treaties with Native tribes gave them exclusive hunting rights, and there was no legal justification for ordering them away from settlements or farms (Macleod, 1976a:103). When Native people were found hunting on ranchers and farmers lands, the NWMP would explain to the farmer or rancher that the treaties allowed Native people to hunt there (Macleod, 1976b:29). At the same time, a small contingent of constables was dispatched to escort Native hunters back to their reservations (Macleod, 1976b:29). Native hunters often respected and complied with the wishes of the NWMP;[27] in return, the NWMP warded off squatters on Aboriginal lands and tried to prevent alcohol from reaching Native communities (Macleod, 1976a:103-4; Macleod, 1976b:29;32).[28]

---

[27] Macleod states that Native hunters very rarely broke the law by hunting ranchers cattle (even in times of starvation) mostly because the NWMP kept a watchful eye on them (1976b:29).

[28] Within history, Macleod argues that Aboriginal people were one of the few cultures who did not invent some sort of alcoholic beverage (1976b:32). As a consequence, the effects of alcohol sold to Native

On the other hand, the great influx of settlers often resulted in Native peoples being treated as mere obstacles which needed to be brushed aside in their quest for wealth and colonization (Ray, 1996:194). Many of the annexationists saw western Canada as a vast area to be exploited for its natural resources and a considerable opportunity for expanding trade and commerce (Ray, 1996:194). The memoirs of a NWMP constable Sir Cecil Denny (later appointed Indian commissioner at Fort Walsh) gave an astounding account of Euro-Canadian settlers' attitudes towards Native people (Snow, 1977:51). Snow states that:

> The white settler coming into the country to raise cattle or farm cared little what became of the poor Indian. If a cow was killed or a horse stolen, the Indians were to blame. Their land was looked upon with covetous eyes and they were regarded as a nuisance and expense. The right of the native red man was not for a moment considered or acknowledged, though more from ignorance than actual hard-heartedness. He was an inferior being to the lordly white man and doomed to pass before advancing civilization (1977:51).

Unlike American methods of extermination, which were supported by Indian Affairs agents and government officials, the NWMP took a more paternalistic or protective role (e.g., preventing contact with whiskey traders, etc.) towards Native peoples (Forcese, 1992:20; Macleod, 1976b:28). Although some constables of the NWMP expressed sympathies for the plight of Native people and tried to enforce government policy in as humane manner as possible, they still knew that they served the interests of the government; moreover, they knew that if they were "too soft on [the] Indians," they could jeopardize their careers in the NWMP (Brown, 1973:19). Some constables did sympathize with Native people, but very few of them objected to the ideal that the NWMP was a "civilizing force" whose main objective was to "tame the wild

---

tribes by traders were often devastating because the Native culture had no cultural devices in place to deal with it (Macleod, 1976b:32).

Indian tribes;" furthermore, many of them viewed the Native population in a paternalistic fashion as the "white man's burden" (Brown, 1973:19). There were also some members of the NWMP who saw the Native population in a racist fashion and supported the American slogan that "the only good Indian is a dead Indian," but none of the NWMP partook in massacres and racial genocide of the Native population, which was the norm in the United States (Brown, 1973:19).

Generally, the NWMP opted for a method of persuasion instead of enforcement when dealing with Native peoples (Macleod, 1976b:28). Macleod states that the NWMP often relied on basic tactics of "firmness, fair dealing, and compassion for the plight" of Native peoples which were often "supplemented where necessary by bluff and histrionics" when dissipating conflicts between Natives and settlers (1976a:103). The considerable amount of success the NWMP had in resolving conflicts with Aboriginal peoples can be mostly attributed to the fact that Native peoples "placed trust in the police as the only whites in whom they had any confidence" (Wallace, 1997:246). The Wesleyan Methodist Reverend George McDougall wrote "that if the good Lord had not predisposed the red man to look upon the troops as friends, very few of them would have gone back to tell of their adventures in the North West" (Wallace, 1997:112).[29]

In the course of persuading Native people to remain on reservations, the NWMP often found themselves in more confrontations with Indian Affairs agents and government officials than with Aboriginal peoples (Macleod, 1976b:28). Some of the

---

[29] In 1862, Reverend George McDougall, his wife, and five children were the first permanent Euro-Canadian family able to settle in Blackfoot territory (Cruise and Griffiths, 1997:165).

NWMP's best accomplishments in maintaining peace and dealing with Native people were their frequent triumphs over other government departments' determination and nefarious methods to civilize Native peoples (Macleod, 1976a:103). Fortunately, the Department of Indian Affairs often supported the decisions of the NWMP because if pressure was exerted on the large Native population present in the prairies, the Canadian government might have found itself in an expensive military conflict with a still formidable military force (Macleod, 1976b:29).

The Third Stage

Finally, in the third stage, the North-West was beginning to experience widespread settlement and industry, and consequently, the Native way of life (the buffalo hunt, etc.) began to disappear and starvation began to set in (Wallace, 1997:246). At the same time, the NWMP became a vital instrument and institution of assimilation as it was ordered by the federal government to peacefully encourage and enforce National Policy initiatives designed to integrate Native peoples into the Euro-Canadian economy and society (Macleod, 1976b:27). As a result, those good relations which existed between Native peoples and the Mounted Police deteriorated at a significant rate as the NWMP "were required to enforce unpopular measures" (Wallace, 1997:246).

By 1879, Euro-Canadian settlement and Native suffering began to reach unprecedented rates (Wallace, 1997:246). As a consequence, Indian Affairs began to take a more militant approach to civilizing Native tribes (due to public pressure), and Native leaders (e.g., Big Bear) began working towards Aboriginal autonomy (Snow,

1977:51). Aware of the problems arising within Native communities, Edgar Dewdney [who then was Indian commissioner for the North-West Territories and Manitoba (1879-1888)] worked to divide Native peoples by differentiating the distribution of rations to Native communities (Wallace, 1997:247). Furthermore, Dewdney pushed parliament towards an amendment to the Indian Act which would provide for the arrest of any Native individual found on a reservation that was not their own or where permission to be off their own reserve was not approved by the Indian Agent (Wallace, 1997:247).

The NWMP was "caught in the middle" (Wallace, 1997:247). The NWMP was ordered to enforce inhumane assimilationist policies and support incompetent and relentless government officials (Wallace, 1997:247). At the same time, the Native population was slowly being decimated by disease, alcoholism, and starvation. As a result, tensions steadily rose to the point that the initial respect and trust which had been so carefully forged between Native peoples and the NWMP was lost and eventually replaced with open defiance (Brown, 1973:20).

Riel Rebellion of 1885

In 1883, the threat of violence became more apparent after Métis and settler petitions (sent during the late 1870's and the early 1880's) to obtain title and to ward off further intrusions by land speculators and immigrants into the Saskatchewan River valley came to a stalemate (Ray, 1996:217). In a petition to Sir John A. Macdonald, three Cree chiefs, Bobtail, Ermineskin, and Samson wrote:

> if attention is not paid to our case now we shall conclude that the treaty made with us six years ago was a meaningless matter of form and that the white man has doomed us to annihilation little by little (Wallace, 1997:247).

At the time, the NWMP was quite aware of the potentially volatile situation; in fact, it had warned the government on several occasions that open conflict would soon result from the increasing tension caused by the federal government's deaf ear to Native grievances (Brown, 1973:21). The government's failure to take heed of the NWMP's warnings set the stage for the North-West Rebellion of 1885 (Brown, 1997:354).

As a last ditch effort, the English-speaking Métis of Saskatchewan called upon Louis Riel to come up from Montana and help rectify their grievances with Ottawa (Brown, 1997:353). Unable to ignore his roots and since he had just completed his five year banishment from Canada (for the Red River Rebellion), Riel accepted (Brown, 1997:353). Upon his arrival, Riel made one final petition to Ottawa (Brown, 1997:353). As in the past, the government ignored Riel's request and continued to take actions which were in violation of the law and, especially, the treaties negotiated with Native peoples (Brown, 1997:354; Wallace, 1997:248).

On 19 March, 1885, Riel and his armed followers seized a church in Batoche and general stores on both sides of the South Saskatchewan River; declared a provisional government; and demanded the surrender of Fort Carlton (Brown, 1997:354; Wallace, 1998:63). Later, Riel sent armed guards to prevent the NWMP from entering the area and to block all the supply lines into Fort Carleton and Prince Albert (Wallace, 1998:63).

Once reports of the incident reached Ottawa, Sir John A. Macdonald was enraged and refused to deal with Riel's "armed blackmail" a second time (Brown, 1997:354). Macdonald was quite aware that the western frontier,

> was not as isolated as it had been in 1870. Ottawa had built roads, steamship facilities, and railways needed to promote immigration, establish a viable agricultural economy, and protect their investments (Ray, 1996:219).

Aware of Otttawa's ability and might, Macdonald and Dewdney saw the perfect opportunity, despite the tremendous cost, to use force to suppress Métis and Native autonomy struggles once and for all (Ray, 1996:220).[30]

Immediately, the NWMP nearly doubled in strength overnight (from 557 to 1000) (Morton, 1998:13; Wallace, 1998:59). In reply to the increase, Riel stated:

> Our people have repeatedly sought redress from the Government of Canada, and every appeal has been answered by an increase in the police force. But what is the police force? Nothing but a myth, and before one month it will be wiped out of existence (Wallace, 1998:63).

As Riel's blockade continued, supplies and ammunition at Fort Carleton began to run low and the risk of defeat became more apparent for the NWMP and the Militia (Wallace, 1998:63). On 26 March, 1885, the NWMP sent a small contingent of men (18 in number) to obtain supplies and ammunition from one of the seized general stores (Stobart, Eden & Co. trading post) at Duck Lake (Wallace, 1998:63;72; McLeod, 1993:222). Before the small contingent reached Duck Lake, they were quickly forced to flee from a group of Métis defenders. Later in the same day, the NWMP regrouped and sent a much larger contingent to deal with the rebels at Duck Lake (Wallace, 1998:72).[31]

---

[30] Ray states that it would have cost the federal government a "few hundred thousand dollars" to address Métis grievances instead of the "$5 to $20 million that it cost" to suppress the Rebellion (1996:218).

[31] The contingent consisted of "[f]ifty-five policemen, 43 Prince Albert Volunteers, 20 sleighs and

Upon their arrival, the NWMP contingent was quickly outnumbered by a large force of Métis defenders and found itself in a vulnerable position with no cover (Wallace, 1998:74). As a result, the first shots of the Riel Rebellion were fired between the two parties (Ray, 1996:219). The Métis defenders were victorious and three NWMP constables and nine volunteers lost their lives (Ray, 1996:219; Wallace, 1998:76). On the opposite end of the spectrum, four Métis defenders and one Native warrior were killed (McLeod, 1993:223).

The NWMP was enraged at the disrespect the Native and Métis defenders showed towards its authority. Furthermore, the government and the NWMP viewed Native and Métis participation in the Rebellion as a defiance of law and order and as an open refusal to graciously accept the "White ideal" of Canadianism. In response, the federal government quickly raised an army and had it on route within eleven days, Canadian federal troops arrived in Qu'Appelle to help the NWMP suppress the Rebellion, and by 12 May, 1885, Riel and his followers suffered a crushing defeat at Batoche (Brown, 1973:21; Brown, 1997:354; Ray, 1996:219).

Punishment

Once Riel and his supporters surrendered, the NWMP was instrumental in apprehending and later administering punishment upon Native and Métis rebels (Brown, 1973:21). Magistrates sentenced 30 Natives and 18 Métis to prison terms; furthermore, they sentenced Louis Riel and eight Natives to death by hanging (Brown, 1973:21; Ray, 1996:220-1). Riel was hanged following his trial in Regina, but the eight other men were

---

wagons and one seven-pounder gun" (McLeod, 1993:222).

executed publicly in the Mounted Police stockade in North Battleford (Brown, 1973:21). Moreover, "the government 'encouraged' Indians from nearby reserves to witness the execution 'as it was held that such a tragic spectacle would be an emphatic deterrent against a repetition of such offences'" (Hamilton and Sinclair, 1991a:593).

When the smoke and blood of the North-West Rebellion subsided and the rebel Native and Métis leaders were dealt with, the Euro-Canadian public reacted with near hysteria and sought revenge and 'protection' from all Aboriginal peoples (Snow, 1977:50). In response, the military and, for the most part, the NWMP punished any Native or Métis persons who were suspected of participating in the Rebellion (Brown, 1973:22). The NWMP and the military burned and looted Native and Métis homes, confiscated their property (e.g., horses, weapons, tools, etc.), and withheld treaty payments to suspected Native band councils (Brown, 1973:22). Moreover, the NWMP began the process of restricting Natives to their respective reserves (prisons) and imposing what many would argue was an apartheid-type system upon them (Adams, 1995:197; Brown, 1973:22).

Howard Adams argues that the government's military campaigns were the most efficient and effective means of gaining social and political control because:

> extreme violence used by colonizers – that is, a particularly vicious attack on a community, a massacre, an execution, the imprisonment of leaders or the torture of a few people – serves to pacify large regions for long periods of time . . . (1995:202).

Overall, the North-West Rebellion paved the way for policing to become an insensitive and inhumane oppressor towards Native peoples (LaRocque, 1990:88). The new police

culture which arose did not need a large consortium of police constables to maintain "compliance and loyalty" because the military campaign and the violent aftermath eliminated much of Native peoples' willingness to resist in the future (Adams, 1995:202). In future encounters between the NWMP and Aboriginal peoples, Adams states that violence rather than persuasion became the norm if Aboriginal peoples failed to heed to the "White ideal" (Adams, 1995:202).

The Response of the Government

In further retaliation, the government used the Rebellion as an excuse to step up its efforts at turning the "Red Indian" into a "White European" (LaRocque, 1996:80; Ray, 1996:222). Ray argues that in an effort to destroy the economic, political, and social independence of Native peoples, the government took stricter measures to control Native movements, outlaw Native cultural institutions, and re-educate Native children (1996:222). The policies implemented by the Department of Indian Affairs and federal government politicians "at this time amounted to a plan for cultural genocide" (LaRocque, 1990:80; Ray, 1996:222).

In order to implement their assimilation policies, the government provided additional funding for a large number of new constables to be recruited into the NWMP in 1885 (Wallace, 1998:191). In the Spring of 1886, the new recruits were dispatched to "Indian country" to replace military personnel (Wallace, 1998:191).[32] In the years to follow, the new NWMP recruits and those who followed were chosen to undertake a long

---

[32] Dewdney suggested that the NWMP should replace soldiers on the Plains because the NWMP were more accustomed to Native peoples; whereas, the military might provoke further hostilities (Wallace,

mission (for close to a century) to enforce the government's rejuvenated assimilationist policies and to ghettoize the Native culture at "the peripheries of the economy" (Macleod, 1976a:104; Ray, 1996:243).

Controlling the Movements of Native Peoples

In an attempt to control the movements of all First Nations groups, Indian Affairs introduced the pass system in 1886 (Ray, 1996:233; Snow, 1977:52).[33] Under the pass system, anyone wishing to leave the reserve had to get permission from the local agricultural instructor and the Indian agent who would then issue a pass (Ray, 1996:233). Any Native person considered to be troublesome or a menace was quickly denied a pass, and the NWMP constantly patrolled the borders of reserves looking for Natives who were absent (Ray, 1996:233). If anyone was caught by the NWMP outside their reserve without a pass, they could be charged as rebels or as being hostile (Ray, 1996:231). Once in court, treaty Natives were ordered back to their reserves, and non-treaty Natives were asked to choose between settling with a nearby band of their choice or spending a considerable amount of time in jail (Snow, 1977:53).[34]

Outlawing Native Cultural Practices and Institutions

Indian Affairs also attempted to use the pass system in its efforts to control and eliminate Native cultural practices and institutions, most notably the potlatches and sun (thirst) dances (Ray, 1996:231). Native peoples in the Pacific Coastal region used feasts

---

1998:191).

[33] The pass system was originally introduced by Major-General Frederick Middleton as a temporary measure to prevent the spread of the North-West Rebellion of 1885 (Ray, 1996:231).

[34] When the memory of the North-West Rebellion of 1885 subsided, Arthur Ray states that the pass

or potlatches to "deal with any matters of general interest" (Ray, 1996:27). In some instances, potlatches were used to restore peace and harmony after acts of violence occurred within the community or between communities, but on the most part, potlatches "were held for pure enjoyment" and celebrate important events in peoples lives (Ray, 1996:27).

The sun (thirst) dance, which was practiced by Native peoples in the Plains region, also attempted to renew bonds or maintain ties between other satellite communities, relatives, and friends that took part (Ray, 1996:32).[35]

> Participants formed a circular camp with an opening facing the rising sun and erected a ceremonial pole and lodge at the centre. During the exciting three-day feast, the celebrants danced and consumed great quantities of meat, particularly buffalo bosses and tongues (Ray, 1996:32).

Usually, one person, aided by their relatives, hosted the ceremony and distributed gifts to those who attended (Ray, 1996:33).

On the first evening following the sun-dance, chiefs gave speeches summing up the accomplishments of the past year and offered advice to the community (Stobie, 1986:30). On the second day, the highlight of the sun-dance, "making a brave," was performed (Ray, 1996:33). Young men, who came of age, would fulfill vows to undergo self-inflicted:

> . . . painful trials as offerings to the spirits and proof of their own bravery. The men tethered themselves to the centre pole of the camp with lines attached to wooden skewers impaled under the skin of their pectoral muscles. They then

---

system fell into disuse during the 1890's, but Howard Adams states that the pass system was well into use until the 1950's (Adams, 1995:173; Ray, 1996:233).

[35] Europeans often labelled the sun-dances as thirst dances because the young men were not allowed to drink water while taking part in the dance (Ray, 1996:33).

> danced around the pole until the skewers tore loose. Often the dancers also fastened buffalo skulls or horses to their backs with skewers and ropes and dragged or led them around until they ripped free (Ray, 1996:33).

Later that evening came a general meeting about policies for the common good of the community or communities (Stobie, 1986:30). On the final day of the ceremony "came the war dance of the tired warriors" where warriors and braves would tell of their valiant battles and deeds (Stobie, 1986:30-1).

In Canada's west, the move to ban cultural institutions and practices was well under way long before the Riel Rebellion of 1885 (Ray, 1996:222). Concern over the potlatch came mainly from missionaries because potlatches were considered as a reinforcement of traditional beliefs and values that undermined efforts to Christianize and assimilate Native peoples (Ray, 1996:223). Furthermore, missionaries and Indian agents could not understand why Native people would bring themselves to the brink of financial bankruptcy to acquire tremendous material wealth and then redistribute it among others (Ray, 1996:223).

In order to gain political support, missionaries and Indian agents tried to draw the attention of political officials to any "aspects of feasts that seemed the most contradictory to the customs and values of their own society" (Ray, 1996:223). In 1879, after receiving a letter from Dr I.W. Powell (Indian superintendent for British Columbia) addressing his worries about the 'evils' of Native cultural ceremonies (i.e., the potlatch), Prime Minister Macdonald brought the issue up in the House of Commons (Ray, 1996:224). Fear and speculation soared. In response, Macdonald stated that even though many Natives were seen as properly assimilating into the Euro-Canadian culture and were working hard in

Canadian industries, he stressed that Euro-Canadians must remember that Native people "are not white men, and civilized, and must be strictly watched . . . They are very suspicious and easily aroused; the white population is sparse and the Indians feel yet they are lords of the country . . ." (Ray, 1996:225).

When tensions were flaring up in the west, the potlatch was first forbidden by an Order-in-Council in 1883 (Ray, 1996:226). In 1884, the Order-in-Council forbidding potlatches was written into the Indian Act, S.C. 1876, c. 18, under s. 3 "making it a misdemeanour for anyone to encourage or participate in the potlatch" (Ray, 1996:226). Violation of s. 3 was punishable by two months (minimum) to six months (maximum) imprisonment (Ray, 1996:226).

The ban on potlatches also included a ban on the sun (thirst) dances (Ray, 1996:230). Fears about sun-dances escalated after the legendary superintendent of the NWMP, Sam Steele, attended one in 1889 (Ray, 1996:230). In Steele's report back to headquarters in Ottawa, he wrote that the sun-dance was a vital threat to colonization of the west (Ray, 1996:230). Steele stated:

> [o]ld warriors take this occasion of relating their experience of former days counting their scalps and giving the number of horses they were successful in stealing. This has a pernicious effect on the young men; it makes them unsettled and anxious to emulate the deeds of their forefathers (Ray, 1996:230).

Indian Affairs shared the same concerns. In particular, officials at Indian Affairs were also worried that Plains Natives were neglecting economic and farming duties during the six weeks of the summer that the sun-dance was taking place (Ray, 1996:230).

As a result, section 3 of the Indian Act, R.S.C. 1886, c. 43, was amended in 1895 as s. 114 (Ray, 1996:227). Section 114 banned "any Indian festival, dance, or other ceremony of which the giving away or paying or giving back money, goods or articles of any sort forms a part, or is a feature, whether such a gift of money, goods or articles takes place before, at, or after the celebration" (Ray, 1996:227). In the 1895 amendment to the Indian Act, *supra*, section 114 also made the participation or the attempt to encourage potlatches or sun-dances an indictable offence (Ray, 1996:233).

In order to successfully implement the ban on potlatches and sun-dances, the NWMP was ordered to be present at all cultural ceremonies and festivals to discourage anyone from taking part in illegal rituals (Ray, 1996:233). Despite the efforts of the government (i.e., Indian Affairs) to ban potlatches and sun-dances, Native peoples continued to hold their ceremonies in secret (Ray, 1996:235). The NWMP did conduct raids and seize ritual paraphernalia, but its constables rarely took action against potlatches and sun-dances unless there was alcohol or the open distribution of gifts (Dickason, 1992:327; Ray, 1996:235).

Re-education of Aboriginal Children

When the government chose to intensify its efforts at re-educating Aboriginal children, the NWMP was chosen to play a vital role in enforcing one of the worst assimilationist policies Native peoples endured (Ray, 1996:235). As expressed in treaty negotiations, Native peoples wished to have access to educational opportunities, "but stipulated that in the matter of schools there should be no interference with their religious

beliefs" (Ray, 1996:236). Native peoples understood that educational rights meant a partnership between Native peoples and the government; whereby, the government promised to preserve Aboriginal "life, values, and Indian Government authority" (Dickason, 1992:333). But the government had different plans.

In 1879, Indian Affairs turned to the missionaries to provide schooling to Native children (Ray, 1996:236-7). Missionaries were seen as the best choice for schooling Native children because "they were best suited to root out 'simple Indian mythology'" and could provide education at a very low cost (Ray, 1996:237). Missionaries operated both day schools and residential schools, but residential schools became the most favoured system in the latter part of the 1880's because attendance on reservations was low and, moreover, Aboriginal children "were removed from the influence of the fathers, mothers, and elders" (Jaine, 1991:42; Ray, 1996:237).[36] In 1894, amendments to the Indian Act, S.C. 1894, allowed "the governor-in-council to make whatever regulations on the school question he thought necessary and empowering him to commit children to the boarding and industrial schools founded by the government" (Tobias, 1983:48).

Although residential schools gained some support from Aboriginal parents in the beginning, many became opposed to them during the 1900's (Ray, 1996:241). Aboriginal parents grew uncomfortable with losing their children for several years (Ray, 1996:241). In fact, Native children were often encouraged by missionaries and Indian Affairs agents not to visit their parents because it was believed that the parents would

---

[36] At their pinnacle, Canadian residential schools for Native children numbered sixty in all (Dickason, 1992:334).

expose the children to "undesirable influences" (Ray, 1996:241). Furthermore, parents began to hear and see evidence of abuse, suffering, and health problems (i.e., increased rates of tuberculosis and fatal diseases) that their children were experiencing at residential schools (Ray, 1996:241). Most of all, Aboriginal parents became very discontented with the fact that missionaries were teaching their children that everything about the Native culture was "bad and evil" (Jaine, 1991:44; Ray, 1996:241).

Eventually, Aboriginal parents began petitioning Ottawa to improve the harsh conditions that Aboriginal children were experiencing, and at the same time, many refused to send their children away to residential schools (Ray, 1996:241). In order to deter the parents efforts, the federal government revised the Indian Act, S.C. 1920, in 1920 (Ray, 1996:242). Since previous revisions were thought not to be strong enough, the 1920 amendment provided the superintendent-general with the ability to use the police (i.e., the RCMP) to search for truant pupils and to issue fines that would compel all Aboriginal children between the ages of seven and fifteen to attend school (Ray, 1996:242-3; Tobias, 1983:50). As a result, the RCMP played a vital role in forcing Aboriginal children to attend and forcibly returned runaways to residential schools which caused the demoralization, abuse, and deaths of so many.

In recent years, the reality of residential schools has come to light as many Aboriginal persons have stepped forward to tell of the hunger, culture shock, sexual abuse, torture, and other crimes they experienced (Ray, 1996:238). Many of the victims who lived through the "horror" have suffered from further abuse placed upon them by

alcoholism, poverty, and the lack of any sense of self-esteem (Jaine, 1991:43).[37]

The Effects of Punishment

The government's assimilationist policies were the source of "disorientation, grief, fear, and internalized rage [which] grew [and have grown] among [Native peoples]" (LaRocque, 1990:80). Many may ask why Aboriginal peoples did not resist assimilation and genocidal efforts, but the will to resist was largely eradicated by the police. By the use of terror and violence, state authorities (both the military and police) were able to instill a profound "mindset" or social conscious of fear and obedience to the "White ideal" and White authority upon Aboriginal peoples (Drakulic, 1993:xvii; LaRocque, 1990:77). According to Adams, "obedience to colonial authority and police was embedded in our social conscious. It needed only one red-coat Mountie to control hundreds of colonized Metis" (1995:199).

Much of my argument here has been developed from Slavenka Drakulic's book, How We Survived Communism and Even Laughed, where she writes about the influence of communism in Eastern Europe. Drakulic states that many people in Eastern Europe grew up being taught that the state was a very powerful force in influencing everyday lives (1993:xv). Furthermore, Drakulic states that the whole notion of communism does not fade away with the formation of new governments or economic and social changes because it is a state of mind/mindset which is imbedded in every person's personality (1993:xvii). A person's mindset or "consciousness is one's knowledge of what he or she

---

[37] Continued political pressure from Native groups did eventually force the closure of residential schools, with the last being closed in 1988 (Ray, 1996:242).

is thinking, feeling, or doing" and affects every moment of that person's life (Adams, 1995:37). Furthermore, a person's mindset consists of their experiences and defines reality for them (Adams, 1995:37). When a person's mindset has been moulded by the state, proposed change or resistance to the existing system happens at a much slower pace (Drakulic, 1993:xvii). In light of Drakulic's notion that the communist government and its state authorities established an effective mindset for the control and domination of its Eastern bloc population, I argue that the Canadian government and its agents have done the same thing with First Nations communities.

LaRocque states that Native people's mindsets were constantly conditioned and moulded by Euro-Canadian institutions (e.g., schools and policing) to believe that White people (French, English, Ukrainians, Middle Eastern, etc.) were the *ooh-gu-mow-wuk* [the governing ones (*Cree*)]. Any positive aspects of the Native culture were destroyed by institutions (e.g., residential schools, policing, etc.) because they might serve as a source of power and confidence which could challenge the authority of the state (Adams, 1995:121). Euro-Canadian institutions instilled a profound mindset which reinforced the notion that any wrongs done to Native peoples by the *ooh-gu-mow-wuk* were to be answered with phrases such as *keyam, keyam* [let it be (*Cree*)] because things could be worse (1990:82). Fear was instilled in every Aboriginal person not to resist because any resistance would only encourage the police to use violence against them (LaRocque, 1990:82). Since institutions constantly conditioned each generation "to fear and obey ooh-gu-mow-wuk and to keyam," racism and injustice were able to rip Native communities apart and break the spirit of those who were willing to take a stand

(LaRocque, 1990:84). In support, the Report of the Aboriginal Justice Inquiry of Manitoba states:

> [a]boriginal people view the police as representatives of a culture which is vastly different from their own. Their encounters with police are framed by a history of cultural oppression and economic domination, during which use of Aboriginal languages, governments, laws and customs are punished by laws developed by the same legal structures police now represent (Hamilton and Sinclair, 1991a:596).

Conclusion

For the past 150 years, the Canadian state has exercised absolute rule over the Native population, and policing has played a significant and instrumental role in guaranteeing that rule (Adams, 1995:200). As a powerful manifestation of dominant Euro-Canadian "institutions, customs and laws," the NWMP/RCMP was:

> . . . a crucial part of a conscious scheme by which powerful economic and political interests destroyed the economy and way of life of entire peoples and wrested a vast territory from its inhabitants for a pittance (Brown, 1973:23; Griffiths, 1994:123).

Furthermore, this newly formed police culture of "repression and terror" played a major role in colonizing the Native population of Canada, and any who opposed were quickly met with violence and brutality (Adams, 1995:198). As observed by Eldridge Cleaver:

> Which laws get enforced depends on who is in power . . . . The police do on the domestic level what the armed forces do on the international level: protect the way of life for those in power (Pfohl, 1985:334).

Chapter II

Trying to Mend Old Wounds

Over the past three decades, the government and the policing services of Canada have come to recognize the tremendous amount of pain and suffering that they have inflicted upon Aboriginal peoples. While trying to amend the wrongs of the past, they have made considerable efforts towards bettering relations with and providing service delivery to First Nations communities. In their efforts, the government and the policing services have reported a great deal of success in their affirmative action programs (e.g., Band Constables and Tribal Policing) (Harding, 1994:347-8). On the other hand, in the Aboriginal context, Canada's state police services (i.e., RCMP, OPP, and SQ) have become such an entrenched visible symbol of "government failures, misunderstandings, and broken promises" (Griffiths, 1994:121-3). As a consequence, community and political leaders within First Nations communities still question whether the Canadian government and its policing services can accommodate their healing and self-determination efforts.

i. The Evolution of Native Policing Programs

Getting Organized

After both the First and the Second World Wars, Native communities began to experience a "change of attitude" and started to question the "White ideal" mindset (Dickason, 1992:328). During the First World War, many Aboriginal men (totalling

4,000 in number) served overseas in the Canadian Expeditionary Force (Ray, 1996:317). While overseas, Aboriginal servicemen found that they were well treated and were able to speak with other Aboriginal men from various tribes across Canada (Ray, 1996:317). When Aboriginal veterans returned home from their service in Europe, their wartime experiences changed the way that they viewed the inequities and restrictions placed upon their peoples (Dickason, 1992:328-9). At the same time, Aboriginal peoples realized that they needed to organize collectively in order to be heard by the Euro-Canadian population and its government (Ray, 1996:317).

In 1918, Frederick Ogilvie Loft established the League of Indians of Canada to promote Aboriginal rights (Ray, 1996:317). But, Loft and the league came "at a perilous time for political radicals" (Ray, 1996:319). In the aftermath of the Winnipeg General Strike of 1919 and the Bolshevik revolution in Russia, Parliament made an amendment to the Criminal Code which banned any group meeting which could be labelled seditious (Ray, 1996:319). After Parliament's amendment, the RCMP, missionaries, and Indian Affairs agents kept a watchful eye on Loft and the league. The league survived, but the RCMP and Indian Affairs eventually forced Loft to withdraw from the public sphere.[1]

After Loft's withdrawal, the government again stepped up its efforts at enfranchising and assimilating Native peoples. However, the federal government experienced limited success. Interest in Native matters dropped after the New York stock market crashed in October of 1929 (Brown, 1997:442; Tobias, 1983:51). The Canadian

---

[1] For more information on Loft and the League of Indians, see Arthur J. Ray's book, I Have Lived Here Since the World Began, pp. 315-319.

economy began to spiral uncontrollably downwards and drought beset the Canadian prairies. As a result, Canada experienced a decade of "deprivation, unemployment, and human despair" known as the Great Depression (1929-1939) (Brown, 1997:444; 454). As for Native peoples, the Depression years left them in a state of "marginal existence" (Ray, 1996:262). Eventually, salvation (for non-Aboriginal Canadians) from the Great Depression arrived as Europe renewed its thirst for war in 1939 (Brown, 1997:454).

From 1933 until 1945, policy regarding relations between the government and Native peoples experienced "a state of flux" and was not revisited until the post-war years (Tobias, 1983:51). Following the Second World War, public interest in Native affairs grew at unprecedented rates. This interest was largely attributed to the overwhelming contribution Aboriginal peoples once again made to the Canada's war effort (6,000 Aboriginal men served between 1940-45) (Tobias, 1983:51). The time was ripe for Native peoples to make a move. The world's thirst for conflict and destruction was exhausted, and the western powers' populations began promoting democracy and equality for all and "a return to more congenial pursuits" (Tindall, 1988:1235).

Upon their arrival home, Native veterans found an audience who supported their refusal to be treated as second-class citizens (Dickason, 1992:328). Immediately, Native veterans organizations, citizen associations, and church groups formed and began petitioning Parliament for equal rights and a royal commission investigation into the administration of Aboriginal affairs and the condition of Native peoples residing on reserves (Dickason, 1992:329; Tobias, 1983:51). A royal commission was never formed,

but a Joint Senate and House of Commons Committee was established in 1946 to hold hearings on the Indian Act (Dickason, 1992:329). The Committee held hearings for two years before they made a number of recommendations for future Native policy and a new Indian Act (Tobias, 1983:52). A new Indian Act, S.C. 1951, c. 29, reflecting the committee's recommendations was passed in 1951 (Dickason, 1992:329). Although many of the revisions made in 1951 were merely cosmetic and the government still focused upon transforming Native peoples "from the status of wards to that of full citizenship" (i.e., assimilation), Dickason argues that the revised Indian Act, 1951, "heralded the dawn of a new era" (1992:329).

Under the new Indian Act, *supra*, the powers of the minister for Indian Affairs "'were reduced to a supervisory role' but with veto power" (Tobias, 1983:52). Bands gained authority over the "management of surrendered and reserve lands, band funds, and the administration of by-laws" (Dickason, 1992:329). Although bands did not acquire control over funding until 1958, authority over funding (as long as the spending of funds provided was in the general interest of the community) provided Native peoples with the opportunity to advance their claims by financing their own lawsuits (Dickason, 1992:329-31).

Following the 1951 amendment of the Indian Act, "Red Power" emerged during the 1960's (Adams, 1995:75). The American civil rights movement in the United States sent a message to disadvantaged groups throughout the world to mobilize and act against inequality and dispossession (Tindall, 1988:1370-1). As African-Americans cried for

"Black Power", Native peoples began to cry for "Red Power" (Adams, 1995:75; Tindall, 1988:1372). During the "Red Power" movement, Aboriginal peoples experienced a great deal self-awareness as they brought forward claims of injustice, discrimination, and oppression by the Canadian state and its authorities (Dickason, 1992:331). During the late 1960's and early 1970's, Aboriginal peoples' protests against assimilation and "White" ethnocentric ideology saw the repeal of many restrictions (e.g., the Potlatch and sun-dance) and a step forward in the long battle for self-determination and self-government (Dickason, 1992:331; Dyck, 1992:12).

Multiculturalism

In response to Native peoples' disapproval of White ethnocentric ideology and a gradual change in Euro-Canadian perceptions, the government began to change its views during the 1970's (LaRocque, 1990:84-5; 87). When the government made steps to change its views, government institutions reacted by introducing a number of new initiatives in an attempt to accommodate Native interests; however, many institutional efforts were/are often "uncoordinated" and "haphazard" (Nielsen, 1994:447). For the most part, Nielsen argues that institutional efforts were "reactive" because "governments only act on Native issues when forced to and then have 'invariably done so in White interests'" (1994:447). As a result, Euro-Canadian or "White interests" flourished and continue to flourish because state institutions and policy are often linked to a multiculturalism discourse (Jackson, 1993:181).

Iris Marion Young states in her article, ""Polity and Group Difference: A Critique

of the Ideal of Universal Citizenship," that modern concepts of multiculturalism often promote the general will and avoid reference to "the particularities [race, gender, group differences, or ethnic background] of individual and group histories, needs, and situations" in order to ensure equal treatment and recognition of all persons (Harding, 1994:346; Young, 1990:129). Although today there is the social and legal consensus that all persons should be treated equally, some individuals and groups still find themselves being treated as second-class citizens. These group inequalities still remain because multiculturalism eventually creates a paradox where a "natural racial [biological] difference" is promoted (Jackson, 1993:181).

Although the law is generally blind to biological differences, society is not. Society still makes assumptions about disadvantaged groups "in everyday interactions, images, and decision-making" (Young, 1990:130). This promotion of a natural racial difference soon labels cultural differences as deviance or as a weakness in relation to the dominant norm which, in turn, feeds discrimination and racism (Jackson, 1993:181; Young, 1990:130). Thus, when the governing elite, state institutions, and the public depend on dominant norms as the basis for legal decisions and policy making, equal treatment reinforces and justifies "exclusions, avoidances, paternalism, and authoritarian treatment" (LaRocque, 1990:87; Young, 1990:131).

Instead of assimilating into the dominant norm, many Aboriginal groups asserted pride and positive reinforcement of their own culture by calling for self-government. At the same time, Aboriginal peoples began to question "whether justice always means that

law and policy should enforce equal treatment for all groups" (Young, 1990:115). As a result, Aboriginal groups brought a series of mounting pressures on federal, provincial and territorial governments to address the "inequities in the administration of justice to Aboriginal people and to explore ways to devolve the delivery of justice to Aboriginal bands and communities" (Griffiths, 1994:121).

Since Aboriginal self-government and justice were widely unpopular with the Euro-Canadian population and the politics of the 1960's and 70's, it is not surprising that the government's first steps at Aboriginal policing often contradicted differential treatment and focused more upon multicultural and/or neocolonial views (Harding, 1994:345; 347). Overall, instead of acknowledging Aboriginal peoples' right to self-government and justice, the federal government decided to accommodate Aboriginal peoples interests with indigenization of state police services (Harding, 1994:347).

Indigenization is the process whereby non-Aboriginal programs (i.e., criminal justice system) are repopulated with Aboriginal peoples "in hope that it will in some way render this system more effective and more relevant" to Aboriginal peoples (Dickson-Gilmore, 1997:47). For the most part, indigenization of policing was favoured by the federal government as a method of reducing Native over-representation in the criminal justice system (Depew, 1986:27). The rationale was based on the premise that over-representation is largely caused by cross-cultural differences between Euro-Canadian police constables and Native peoples (Depew, 1986:27).

In relation to policing, the Manitoba Justice Inquiry states that indigenization supports the rights of disadvantaged groups, but more importantly there a number of other reasons for adopting indigenization into policy (Hamilton and Sinclair, 1991a:601). To quote the Manitoba Justice Inquiry:

> - Aboriginal people will have more confidence that the police force is interested in them.
> - Aboriginal youth will see such officers as excellent role models.
> - The general population will benefit from seeing Aboriginal people in positions of responsibility, protecting the public peace.
> - Aboriginal police officers will be able to assist other officers in a better understanding of Aboriginal culture and behaviour.
> - If an Aboriginal person is being arrested and needs family or community support of some kind, an Aboriginal officer will likely have a better idea of where that support might be available. The same will be true of recommending services for victims of crime.
> - Within the force, there will be officers who speak Aboriginal languages.
> - Aboriginal officers will be able to do preventive policing more effectively among Aboriginal community members.
> - Because Aboriginal officers will have a better understanding of Aboriginal culture, they will be better able to determine whether a situation they encounter requires an arrest or can be settled in an alternative way.
> - When making an arrest, Aboriginal police will be better able to make certain that Aboriginal people understand their rights and what is happening.
> - Aboriginal police officers will be better able to assist those wishing to give statements in ensuring that their true intent is reflected (Hamilton and Sinclair, 1991a:601-2).

It is presumed by many that maintaining Euro-Canadian police constables in Aboriginal policing would do little to alleviate bias, prejudice, and Native mindsets in First Nations communities. It is firmly believed that since Euro-Canadian police constables are largely products of Euro-Canadian society, they often carry the biases and prejudices of that society (Depew, 1986:27). In support, L'Heureux-Dube and McLauchlin JJ. state in *R. v. S.(R.D.)*, [1997] 3 S.C.R. 504, that:

> [d]eep below consciousness are the other forces, the likes and the dislikes, the predilections and the prejudices, the complex of instincts and emotions and habits

> and convictions, which make the [person].[2]

Therefore, cross-cultural differences between Euro-Canadian and Native peoples may cause bias and prejudice on the part of the Euro-Canadian police officer, thus, causing more arrests and wider representation of Native peoples in the criminal justice system (Depew, 1986:27).

Although some believed that indigenization of policing was a step towards self-government, Harding states that indigenization of policing gained overwhelming support from the government because it was seen as an effective method of social control and multicultural assimilation for Aboriginal communities (Harding, 1994:347). In his article, "Policing and Aboriginal Justice," Harding quotes a 1966 United States review of Native police officer programs by William Hagan (1994:347).

> It provided that they should be employed also for the purposes of civilization of the Indians which eventually was to inspire some of the most interesting, if debatable, duties of the Indian police (Harding, 1994:347).

Comparable to the United States, Dion Stout argues that during the 1960's and 70's the federal government also became aware that violence might erupt in First Nations communities because of high levels of unemployment, poverty, and racism (Dion Stout, 1993:71). In reaction, the Canadian government laid the foundations for a petty bourgeoisie class which could monitor, control, and manipulate social conditions of Aboriginal peoples (refer to pages 109-113) (Dion Stout, 1993:71). As a result, Howard Adams argues that the Canadian federal government strongly supported indigenization of policing because the education and training of a few can serve to pacify (i.e., revolt) many (1995:167)

---

[2] Cited from Benjamin N. Cardozo in The Nature of the Judicial Process (1921) at p. 167.

Reforming Native Policing

Over the past 30 years, a number of Aboriginal policing initiatives have taken shape; unfortunately, a good many of them have reflected the interests behind multiculturalism and neocolonialism (Harding, 1994:347). In its 1967 report, Indians and the Law, Corrections Canada made the proposal to improve policing services in Aboriginal communities by incorporating the use of more Native band constables (Canada, 1996a:83). Immediately after the Corrections Canada report was released, the Department of Indian Affairs and Northern Development (DIAND) reacted by seeking Treasury Board approval to refine the band constable system (Canada, 1990:7). DIAND's refinement of the band constable system was published on 28 April, 1969, as Circular 34 (Canada, 1990:7). As a result, the use of band constables in First Nations communities from 61 in 1968 to 110 in 1971 (Canada, 1990:7). On 24 September, 1971, DIAND further defined Circular 34 through Circular 55, which stated that the objective of the band constable system was to support senior police officers in Native communities and by no means was to replace them (Canada, 1990:7; Canada, 1996a:84).

The 1973 Task Force Report

In 1973, a new report by DIAND, the Report of the Task Force: Development of Alternative Methods for Policing on Reserves, was published (Canada, 1990:7). The Task Force report examined different ways and means of providing better policing services to First Nations communities. A number of policy alternatives were provided to Native communities. The list of alternatives was divided into three areas which were

further subdivided into a number of options "in terms of the institution that would be the principal authority for policing functions" (Depew, 1986:37). Within each area, the institution would decide the basic nature of the police service to be provided (Depew, 1986:37). Area 1 was based on the Circular 55 band constable model which was under the authority of the Band Council; Area 2 was based upon the municipal policing model where authority was vested in the municipality; and Area 3 [commonly known as Options 3(a) and 3(b)] was an evolutionary program which transferred control from non-Native control to Native control over an extended period of time (Canada, 1990:7; Depew, 1986:37-9). Under Area 3, Option 3(a) was for autonomous Native police services; whereas, Option 3(b) was for Native band constable programs (Harding, 1994:347). Depew details and lists the available options as follows:

Area 1: Band Council Policing
- (a) Civil by-law enforcement constable;
- (b) Supernumerary Special Constable enforcing by-laws and federal and provincial laws with respect to minor offences; and
- (c) Supernumerary Special Constable with authority to enforce all federal and provincial laws.

Area 2: Municipal Policing
- (a) Purchase of police services from existing forces;
- (b) the Band is considered, for purposes of policing, as a municipality; and
- (c) the use of existing police services.

Area 3: Provincial Policing
- (a) A separate Indian police force; and
- (b) an Indian branch or contingent of an existing police force of which it would be and integral part (1986:38).

While the Task Force was deciding between Options 3(a) and 3(b), the Task Force's survey of Natives and non-Natives concluded that Option 3(b) was the preferred method and should be made available to First Nations communities wishing to start independent police services (Canada, 1996a:84; Depew, 1986:38). Provincial

governments and police services also strongly advocated Option 3(b), but Depew states that "it is questionable whether the survey reflected truly representative community preferences among Natives" (1986:38). The effects of the survey were felt later when First Nations communities in New Brunswick and Saskatchewan advocated Option 3(a) and were flatly rejected because First Nations communities were considered not to have enough experience with policing their own communities (Harding, 1994:347). Instead of approving Option 3(a), DIAND obtained approval for an experimental Native band constable program and began negotiations with the Solicitor General and the provinces/territories for a cost-sharing agreement whereby Native band constables could be used within the various policing services of the provinces and territories (Canada, 1996a:84).

In a review of the 1973 Task Force Report, Indian Affairs did put emphasis on bringing policing closer to Aboriginal communities, but it still reduced Aboriginal peoples' problems to those of a minority group (Harding, 1994:347). Ironically, both Options 3(a) and 3(b) classified Native peoples as minorities within a multicultural and neocolonial view by focusing on the indigenization of policing and structuring non-Native controlled (i.e., band constable) programs within the current criminal justice system (Canada, 1990:7; Harding, 1994:347). Furthermore, the report lacked any "clear and coherent policy under which they [could be] operated and funded" (Canada, 1990:7).

The RCMP Special Constable Program

Once the Task Force program got underway, many band constable programs

which followed were designed merely to replace criminal justice staff with Native people (i.e., indigenization) in order to promote social control instead of self-determination in First Nations communities (Harding, 1994:347; Pasmeny, 1992:417). For example, one Native band constable program designed under Option 3(b) was the Royal Canadian Mounted Police (RCMP) Native Special Constable program (Pasmeny, 1992:416).[3] When the RCMP Native Special Constable program was developed, the RCMP and the band selected a member of the community which the RCMP was serving and provided them with police training and peace officer status (Pasmeny, 1992:416). The overall hope of the RCMP was to establish better relations with First Nations communities and to reduce crime rates, but the RCMP met with little success for several reasons:

(a) the Special Constable program's training period was shorter than the regular training period, Special Constables were unable to be promoted within the RCMP, and the pay was significantly less than a regular member, which ensured a lower status in the RCMP ;

(b) when Special Constables were sent back to Native communities, they often became isolated from the community because they had to enforce laws on their own friends and family;

(c) many of the Special Constable members were confused as to their role within the RCMP, not knowing whether to follow RCMP training or to follow the ways of their communities;

(d) there was little community involvement in developing the program;

(e) more importantly, many Aboriginal intellectuals were highly critical of the

---

[3] The Ontario Provincial Police and the Sûreté du Québec also developed Native band constable programs similar to the RCMP Native Special Constable Program (Griffiths, 1994:128).

> Native Special Constable program because its complement of Native band constables was made up mainly from the more affluent socio-economic and educated class within the "band population, not the traditional or poor families, and it is mostly the latter groups of Indigenous peoples who are in conflict with the law" (Griffiths and Verdun-Jones, 1994:647; Harding 1994:347; Pasmeny, 1992:416-7).

Finally, "in 1990, official recognition of the problems inherent in Option 3(b) resulted in elimination of the program," and the RCMP acknowledged that the Native Special Constable program was very unsuccessful because of its limited career path, low rate of pay, and lower status (Pasmeny, 1992:416).

Tripartite Agreements

In addition to band constables provided by Circular 55 and Option 3(b), a small number of other policing arrangements (i.e., tripartite agreements) evolved under Option 3(a) in the later half of the 1970's and were classified as tribal police services/Native controlled programs which operated "pursuant to a variety of federal and provincial agreements, Indian Act band by-laws, and provincial legislation" (Canada, 1996a:84).[4] Initially, tripartite agreements for Native controlled programs were conducted between DIAND, the provincial government, and First Nation community involved; furthermore, DIAND assumed full financial responsibility (Canada, 1996a:84; Depew, 1986:57). Some programs which evolved were "the Dakota Ojibway Tribal Council (DOTC) in

---

[4] It is important to note that the term Native controlled programs does not mean autonomous police services, but simply refers to the separation of an indigenized police service "responsible for the policing of native communities, from federal, provincial or municipal police forces in matters of police administration and operations, policy strategies and program planning, and management issues" (Depew, 1986:55).

Manitoba, the Amerindian Police Force in Québec, the Louis Bull Police Force in Alberta, the Aboriginal Peace Keeper Force in British Columbia, and the Mohawk/Kahnawake Peace Keeper Force" in Québec" (Harding, 1994:349).[5] Within the above tribal policing programs, tribal police constables often served a number of social justice functions whether peace officer, conflict resolver, or community service provider (Harding, 1994:349).

For example, the Amerindian Police Force was first established in 1978 to provide policing services to 23 Québec First Nations communities (Canada, 1996a:84). The Amerindian Police Force was independent from the Band Council in its policies, decision making, operation, and management (Depew, 1986:56; Pasmeny, 1992:418). A 20 week training program for its officers (similar to that provided for Québec police constables at the Institut de police du Québec) was provided by an autonomous Native training centre largely staffed by Native instructors (Depew, 1986:56). Also, the Amerindian Police Force enjoyed full jurisdiction on the reserves and was able to enforce band by-laws, provincial laws, and federal laws (Pasmeny, 1992:418). But in practice, the Amerindian Police Force only concentrated on the enforcement of a few written band by-laws and the highway code; intervention in family disputes and violence; and investigation of theft and mischief (i.e., damage or destruction of property) (Depew, 1986:57; Pasmeny, 1992:418). Since the Criminal Code was difficult to enforce in most situations, serious crimes were investigated by the Sûreté du Québec (Depew, 1986:57).

---

[5] Although Harding states that the Kahnawake Peacekeepers were formed according to a tripartite agreement, the Kahnawake Peacekeepers were initially "appointed and organized solely on Mohawk

The 1990 Task Force Report

Until the mid-80's, Native constables were the preferred method of policing by the government, but First Nations communities increasingly placed more emphasis on developing autonomous tribal policing programs (Harding, 1994:345). Native calls for autonomy in policing and justice derived from a number of factors: First Nations communities were experiencing rapid increases in crime; current policing services were consistently being questioned in light of self-government proposals being conducted at the time [e.g., The Royal Commission on the Donald Marshall, Jr., Prosecution (1989); and Report of the Aboriginal Justice Inquiry of Manitoba (1991)]; the costs of policing First Nations communities were escalating; and government policy for policing First Nations communities was considered haphazard and uncoordinated (Canada, 1990:1). The federal government also experienced a growing concern over the same factors, but it became more concerned that increased calls for autonomous police services might also reflect the role of social class in First Nations communities, which was experienced in the (RCMP) Native Special Constable Program (see pages 111-114) (Harding, 1994:349).

In response, the Federal Interdepartmental Task Force was established in 1986 to conduct a review which stated the federal government's position on First Nations (i.e., on-reserve) policing policy (Canada, 1990:1). The Task Force's report, Indian Policing Policy Review (1990), recognized that Native policing rights included a broad range of policing powers to enforce all laws (i.e., federal, provincial, and band by-laws) (British Columbia, 1994:9). The 1990 Task Force report also indicated that First Nations communities should have full input and involvement in deciding how they should be

---

empowerment" (Mandamin, 1993:284).

policed; equality in access and levels of policing services comparable to those provided to broader Canadian society; and "must be allowed to generate innovative models of policing that are appropriate to their circumstances" (Murphy and Clairmont, 1996:9).

Finally, the Task Force report stressed that all First Nations policing initiatives must be achieved within the confines of the current Canadian justice system and, at the same time, be independent from band governance authorities (Murphy and Clairmont, 1996:9). According to s. 88 of Indian Act (which only applies to status Indians), s. 35 of the Constitution Act, 1982 (which applies to all Aboriginal peoples), and the division of powers [i.e., s. 92 (14) which places policing under provincial authority] in the Constitution Act, 1867, the report concluded that First Nations policing included a wider range of legislative authority than previous policing arrangements and, thus, should be included within the framework of the Canadian justice system (British Columbia, 1994:6-10; Murphy and Clairmont, 1996:9).[6] Since the federal, provincial/territorial, and Native governments each had a legitimate role in policing First Nations communities, the Task Force also concluded that any revised federal policy dealing with First Nations policing should be phased in by the process of tripartite agreements between the federal government, the province/territory, and First Nations authorities (Canada, 1990:21).

After the Task Force's report was released, there were mixed reactions (British Columbia, 1994:9). Aboriginal communities accused the Task Force of being motivated more by financial concerns than human rights issues (British Columbia, 1994:9). On the

---

[6] For more information on the legal ramifications of Aboriginal policing consult the British Columbia Commission of Inquiry, Closing The Gap: Policing and the Community, Vol. II, pp. 3-9; and the

other hand, the federal government saw the Task Force Report as an important step forward in Aboriginal policing.

First Nations Policing Policy

After the Task Force's report, Indian Policing Policy Review (1990), a number of Commissions and Inquiries followed: the 1991 Law Reform Commission report [which reiterated much of the points in the 1990 Task Force Report]; the 1991 Alberta Task Force on the Criminal Justice System [which was also similar, but placed emphasis on community-based policing]; the Osnaburgh-Windigo Report [also supported the 1990 Inquiry, but emphasized more community control mainly in response to alcohol abuse and family violence]; the 1991 Blood Inquiry [which is critical of RCMP policy for policing Native peoples]; and, the 1991 Manitoba Justice Inquiry [which calls for sweeping changes in policing Aboriginal peoples (i.e., more autonomy) but stays consistent with the 1990 Task Force Report] (Murphy and Clairmont, 1996:9-10). In response to the above Commissions and Inquiries and the acceptance by the government of the 1990 Task Force Report, the federal government announced another policing initiative in June, 1991, called First Nations Policing Policy (FNPP), which was to be placed under the authority of the Solicitor General of Canada (where it is today administered by the Aboriginal Policing Directorate) (Research Directorate, 1993:30).[7]

In the spring of 1996, FNPP underwent a number of minor changes (Canada,

---

Task Force Report, Indian Policing Policy Review, pp. 9-11 (British Columbia, 1994:6-9).

[7] Aboriginal policing was officially handed over from the DIAND to the Solicitor General on 1 April, 1992 (Research Directorate, 1993:30). As a consequence of the new First Nations Policing Policy, the Ontario First Nations policing program under the supervision of the Ontario Provincial Police was also

1996b:1). Currently, FNPP attempts to acknowledge cultural and historical differences and the diverse policing needs of First Nations communities (Murphy and Clairmont, 1996:4). FNPP also tries to ensure that Native peoples are provided with equitable policing services (equal to those provided to communities in the region with similar conditions) consistent with provincial standards (Murphy and Clairmont, 1996:4).[8] Under FNPP, the key to providing equitable policing services to First Nations communities is to increase the number of First Nations police officers and create more Native controlled/autonomous policing services in First Nations communities (Murphy and Clairmont, 1996:4). Furthermore, FNPP aims to design representative commissions, police boards, and advisory bodies which "should ensure police independence from partisan and inappropriate political influences" (Canada, 1996b:5).

As noted above, FNPP also has the goal of improving policing for First Nations communities and other non-treaty Aboriginal communities on Crown or Inuit lands through the establishment of tripartite agreements with the provincial or territorial governments, the federal government (i.e., Solicitor General), and the First Nations community or communities involved (Research Directorate, 1993:30). The tripartite agreements are designed to provide a larger role for First Nations communities in selecting policing models more responsive to their community and cultural needs:

> . . . and may include such elements as purpose, legal and constitutional guarantees, mandate of police service, police governance authority, management of the police service, staffing and training, supplies and equipment, finance and administration, term of agreement, and provisions for the amendment or

---

handed over to Native control by a tripartite agreement in 1992 (Griffiths, 1994:129).

[8] The old 1992 definition of equitable policing services, which stated that First Nations communities should be provided with equal policing services "to those provided in non-First Nations communities," was dropped in the Spring of 1996 and replaced with "communities with similar conditions" (Canada, 1992:2; Canada, 1996:1).

termination of the agreement (Research Directorate, 1993:30).

Furthermore, FNPP provides more money to First Nations policing programs whereas the federal government contributes 52 per cent of the cost towards Aboriginal policing initiatives; the provincial or territorial government is expected to provide 48 per cent of the cost; and any contribution by First Nations communities is discussed during negotiations (Research Directorate, 1993:30). The amount of funding provided to First Nations communities is based on crime rates/crime prevention activities, geographical territory, and population (Canada, 1996b:7). Under First Nations Policing Policy, the following First Nations policing approaches [which are a reiteration of Options 3(a) and 3(b) in the Report of the Task Force: Development of Alternative Methods for Policing on Reserves in 1973; see page 63] are available for federal funding (Mandamin, 1993:1993).

1. First Nations Administered Police Service: organized on a band, tribal regional, or provincial basis, including arrangements providing for one First Nation to contract for the policing services of another.
2. Special Contingent of First Nations Officers: within an existing police service, including:
   a. First Nations officers employed within a provincial or municipal police service with dedicated responsibilities to serve a First Nation community.
   b. A group of First Nations police officers employed through a contractual arrangement to provide a policing service to a First Nation community.
3. Developmental Policing Arrangement: designed to smooth the transition from one type of policing arrangement to another (Canada, 1996b:6).

Option 1

Today, under Option 1 (known as stand alone police services), the administration of Native policing programs (i.e., band constables or tribal police services) is negotiated under tripartite agreements (Canada, 1996a:84). A First Nations community may choose policing services to be provided by either band constables or a tribal policing service

during negotiation of tripartite agreements (British Columbia, 1994:19). If chosen during negotiations, band constables, who are fully accountable to the band council, are employed and appointed by the band under s. 81 of Indian Act, R.S.C. 1985, c. I-5 (British Columbia, 1994:19).[9] But, unlike regular peace officers, band constables are restricted to enforcing only band by-laws (British Columbia, 1994:19).

If band constables are not the preferred method chosen during negotiations, First Nations communities may also choose to establish a tribal police service which would be employed by and accountable to the community (British Columbia, 1994:19). Unlike band constables, tribal police officers gain full peace officer status, powers, and jurisdiction under the various provincial Police Acts, but jurisdictional authority may be restricted by a protocol negotiated between senior police officials or commission representatives of Aboriginal police services and the RCMP, OPP, or SQ during tripartite agreement negotiations (Canada, 1996a:84; Mandamin, 1993:283).

Relations between First Nations police services and the RCMP, OPP, or SQ are usually set out in a protocol which describes the responsibilities that concern each police service in maintaining peace and order in the region (Mandamin, 1993:283). Within the agreements, there is usually acknowledgement of the RCMP, OPP, or SQ's experience in law enforcement and Aboriginal police services understanding of traditional and cultural values of the community (Mandamin, 1993:283). Furthermore, the protocols assign specific investigative and geographic responsibilities which "provide for emergency

---

[9] Section 81(1)(c) of the Indian Act, *supra*, states that a band council may make by-laws for "the observance of law and order."

response measures, exchange of information and mutual assistance" (e.g., investigation of serious Criminal Code offences are usually investigated by the RCMP, OPP, or SQ) (Mandamin, 1993:283).

An example of such a tribal policing arrangement can be found in the current Amerindian Police Force in Québec. The Amerindian Police Force now services 14 of 38 reservations in Québec and provides full peacekeeping services to those Native communities (Canada, 1996a:85). But, in accordance with a renewed tripartite agreement and revisions to sections 80 and 83 of the Québec Police Act, R.S.Q. c-P13 (2 February, 1995), Amerindian police officers are sworn in as regular peace officers with a status similar to that of regular municipal police services in Québec (Canada, 1996a:85; Dubé, 1995:8-9). The tripartite agreement between the federal Solicitor General, Québec, and the Amerindian Band Council stipulates that the Sûreté du Québec must cooperate with Native communities and police services by providing:

1. expertise and technical support needed to administer funds designated for policing;
2. policing manuals and policies to Band Councils; and,
3. operational support to maintain effective police services (Dubé, 1995:9-10).

Option 2

Currently, the RCMP has complemented Option 2 by developing community advisory groups (i.e., a national Aboriginal Advisory Committee of Aboriginal elders) to

increase police contact and accountability, setting up satellite detachments in First Nations communities, establishing an Aboriginal Policing Branch at "E" Division Headquarters, and moreover, creating the First Nations Community Policing Service (FNCPS) and Aboriginal Constable Development Program (ACDP) programs (British Columbia, 1994:12; 15; Griffiths, 1994:130). The FNCPS provides a contingent of fully-trained RCMP regular members of Aboriginal ancestry who possess full peace officer status and powers of authority under the (RCMP) FNCPS program (British Columbia, 1994:12). The FNCPS offers policing services to First Nations communities based on "the principles and objectives of the First Nations Policing Policy, including: service levels equivalent to those of non-First Nations communities; compatibility and sensitivity to First Nations culture and beliefs; flexibility to accommodate local variations in policing needs; and a framework which allows for transition to an independent First Nations-administered police service where this is desired by the community."[10]

The FNCPS is governed by two separate agreements: a Community Tripartite Agreement according to First Nations Policing Policy, and a Framework Agreement between the federal government and the province/territory outlining managerial and funding arrangements for RCMP services. The levels of baseline service to be provided to First Nations communities are also developed in accordance with standards outlined in FNPP: population, crime rates, and any special needs of the community. Furthermore, responsibility for recruitment, training, supervision, and appointments rest solely with the RCMP.

---

[10] Information regarding the FNCPS is quoted from: Royal Canadian Mounted Police Public Affairs Directorate for Aboriginal and Community Policing Directorate. RCMP First Nations Community Policing

To further increase Aboriginal police constable recruitment, the RCMP developed another Native band constable program called the Aboriginal Constable Development Program (ACDP) in 1990 (Griffiths and Verdun-Jones, 1994:647) The ACDP is designed mainly to encourage and prepare Aboriginal people for a future constable role in the RCMP (Griffiths and Verdun-Jones, 1994:647). Within the program, Aboriginal individuals who do not meet the entrance requirements for recruitment into the RCMP are placed on a two year work and study period where they are provided with courses to upgrade their educational abilities and are given job training and guidance by regular members of the RCMP (Griffiths and Verdun-Jones, 1994:647). If and when the program is successfully completed, the Aboriginal individual is offered recruitment training in Regina (Griffiths and Verdun-Jones, 1994:647).

Currently, the federal government has signed 111 policing agreements with First Nations communities and provinces involving 296 out of approximately 600 First Nations communities (Mehta, 1993:5).[11] Of the 111 agreements, 52 are self-administered police services, and 59 are RCMP First Nations Community Policing services; and there is one province-wide tripartite agreement for Saskatchewan.[12] Furthermore, there are over 800 Aboriginal police officers and band constables (affiliated with Stand Alone, RCMP, OPP, SQ, or Band Constable police services) serving First Nations communities (Murphy and Clairmont, 1996:1).

Service. <http://www.rcmp-ccaps.com/ccaps.htm>. No date.

[11] The Honourable Andy Scott. "Notes for a Statement by the Honourable Solicitor General of Canada to the Assembly of First Nations 19th Annual General Assembly." <http://www.sgc.gc.ca/ehome.htm>. 23 June, 1998, at 7.

Conclusion

As seen above, Native policing programs have evolved significantly over the past twenty years because Native peoples have found a greater need to "assert ownership of problems in their communities and reserves" (Griffiths and Verdun-Jones, 1994:652). Many of the Native policing programs developed have formed better relations and have complemented the interests and needs of First Nations communities (Pasmeny, 1992:417). More importantly, Native policing programs have been given more independence from Euro-Canadian domination and control (Harding, 1994:349). As a result, the federal government has shown a great deal of pride in its efforts to pass over control of Native policing to First Nations communities, but it is important to note that much of the move towards gaining control over Native policing can be associated with the "political, cultural, and community revitalization" efforts of Native peoples (Griffiths, 1994:121).

---

[12] *Ibid.* at 9.

ii. Equality or Inequality?

Many critics would argue that the government and the policing services of Canada have made significant progress over the past thirty years in adapting Euro-Canadian policing to First Nations' concerns and justice issues. First Nations Policing Policy (FNPP) programs have begun to turn away from the professional/reactive crime control model of policing (for a definition, refer to pages 125-126) and tried to better relations with First Nations communities by ensuring their participation (Pasmeny, 1992:415). Moreover, FNPP programs have tried to provide Native communities with a sense of self-control (Pasmeny, 1992:415).

Although FNPP programs have encouraged better proactive relations and involvement with the community, some still criticize them as being insufficient because they maintain a link to outside government controls which produce inequality (Pasmeny, 1992:418). In essence, many have argued that FNPP programs have only tried to create a false sense of security for Native peoples and have fallen far short of giving Native people complete control over their communities and adequate resources to develop a true self-policing function (Pasmeny, 1992:415). As mentioned earlier in this chapter, policing policy and initiatives introduced by the federal government to accommodate Native policing efforts have often tried to create a false sense of security because they reflect multicultural views. As a consequence, Harding argues that multiculturalism reduces Native peoples status to that of a minority, and ignores the problems of self-determination which are "peculiar to colonized peoples" (1994:346). In support, Iris

Marion Young states that many areas of social policy have a tendency to make equal treatment unjust because they either deny cultural differences or they make them a liability (Young, 1990:132). Within law and policy, there are a number of areas that address cultural differences, such as "affirmative action; comparable worth; and bilingual, bicultural education and service" (Young, 1990:132). Within the scope of this paper, affirmative action programs will be the central issue.

Indigenization

Although they are designed to promote equality, Young argues that affirmative action programs actually violate the "principle of equal treatment because they are race or gender-conscious in setting criteria for . . . admissions, jobs, or promotions" (Young, 1990:133). Within the scope of Aboriginal policing, current Aboriginal policing policy and programs (Band Constables, First Nations Policing Policy, etc.) make cultural differences a liability by stressing indigenization. For instance, FNPP emphasizes that First Nations police constables must have Aboriginal ancestry unless the First Nation community specifies that it wishes non-Aboriginal staff (Canada, 1996b:7).

Although placing an Aboriginal police officer into a First Nations community is often seen as an ideal shift, Depew states that substituting a non-Aboriginal police officer for an Aboriginal officer within current ". . . police structures has little impact on policing problems . . ." (Canada, 1996a:91). It is highly unlikely that an Aboriginal person can work within a criminal justice system which is highly bureaucratic and adversarial "and not be, to a certain extent, co-opted by that system" (Dickson-Gilmore, 1997:47).

Hamilton and Sinclair state that, "research has shown that police officers from minority groups who are trained and supervised in a traditional manner may act in the same way as white police officers" (Hamilton and Sinclair, 1991a:600). This is not surprising because the majority of police officers from Aboriginal or minority groups "experience the same job socialization as their white peers. Overall, indigenization of policing is very limited in impact unless there are significant structural changes to the organizational model of policing (Canada, 1996a:90).

Dominant Interpretations and Qualification Standards

Within affirmative action programs, Young also claims that there is a tendency to provide compensation either to cultural groups who have been discriminated against or excluded in the past or to groups who still suffer the effects currently (1990:133). Although benefits and compensation are provided by affirmative action programs, there is still the threat that the dominant society's interpretation and qualification standards will be placed upon them (1990:133). For example, FNPP stresses equality in policing services for Native peoples to those presently enjoyed in other communities [in essence, meaning other First Nations communities (refer to p. 71)] in the region which have similar social and economic conditions (British Columbia, 1994:11). Although FNPP emphasizes equal treatment, some may argue "that equality means uniformity, and others argue that uniformity in the face of different needs is not equality, but oppression" (British Columbia, 1994:11).

Under FNPP, policing services to First Nations communities must recognize and "respect [Native] culture and beliefs," but this recognition can be limited by provincial policing standards and qualifications which may be unsuitable to certain First Nations communities (e.g., recruitment standards and training may be inappropriate to some First Nations communities) (British Columbia, 1994:11). Ontario First Nations Police Commissioner (Wally McKay) stated at the round table meeting for A Report on Aboriginal People and Criminal Justice Canada: Bridging the Cultural Divide that all First Nations constables have the goal of ensuring social harmony and regulation according to traditional Aboriginal methods in First Nations communities, but:

> . . . they are doomed to frustration. It is not, as it turns out, realistic for them to expect to be able to make that kind of contribution . . . . That is because they function still within another society's system. They have been indigenized . . . . The job of these recruits becomes subject to two separate authorities representing two different world views, not to mention differences in specific laws, relationships, goals and expectations. Has it not been said in times of old that no-one can serve two masters? (Canada, 1996a:86-7).[13]

For example, in 1992, the Dakota-Ojibway Tribal Police found itself caught in the middle of band initiatives and federal/provincial policy when the Roseau River Indian Reserve in Manitoba was trying to establish gambling on their reserve despite government opposition (Griffiths, 1994:132). In January, 1993, the Dakota-Ojibway Tribal Police was evicted from Roseau River by the band council after it assisted the RCMP in a raid on the reserve in which gambling equipment was seized (Griffiths, 1994:132). Later the DOTC members were replaced by members of the Young Warrior Society (Griffiths, 1994:132).

---

[13] At this round table meeting some of the most experienced Aboriginal police constables in Canada gave their views on the limitations of further developing Native policing services within an integrated justice system (Canada, 1996a:85).

Jurisdictional Authority

Although FNPP recognizes that "police officers serving First Nations communities should have the same responsibilities and authorities as other police officers in Canada," tripartite agreements may still place limits upon the jurisdictional authority of First Nations police officers (Canada, 1996a:86; Canada, 1996b:4). For example, the Dakota-Ojibway Tribal Council (DOTC) program was established in 1978 and is an almost independently Native controlled policing service which serves eight communities within Manitoba and consists of 25 constables (Pasmeny, 1992:417). DOTC constables have peace officer status and are able to enforce all legislative and state laws, "but their jurisdiction is limited" under the tripartite agreement with the DOTC, province of Manitoba, and the federal government (Canada, 1996a:86). According to the tripartite agreement, the DOTC is able to share its investigative responsibilities with the RCMP when minor Criminal Code offences are concerned, but "major offences are turned over to the RCMP in accordance with written protocol" (Canada, 1996a:86).

As a consequence, restrictions on jurisdictional authority under tripartite agreements may leave First Nations police officers helpless to react to crucial situations or serious incidents in their communities. For example, the recent case (28 March, 1998) of a pregnant Native woman, Connie Jacobs, and her nine-year-old son, who were shot to death by a Royal Canadian Mounted Police constable on the Tsuu T'ina reserve in Alberta, has shown how Native band and tribal policing programs are left helpless when social problems and major offences arise in the community (Durkan, 1998:7).

When a social worker and tribal police constable came to remove Connie Jacobs' six children from her home, Connie Jacobs threatened them with a rifle (Durkan, 1998:7). Immediately, the tribal police officer called for the assistance of the RCMP because jurisdictional authority under tripartite agreements states that the RCMP must deal with major offences [e.g., threat of bodily harm with a deadly weapon under s. 267(1) of the Criminal Code, R.S.C. 1985, c. C-46] (Canada, 1996a:86; Ottawa Citizen, 1998:A3). When the RCMP arrived, there was a four hour stand-off which was followed by the death of Connie Jacobs and her son Ty (Ottawa Citizen, 1998:A3). Overall, the T'suu Tina tribal police constable was left helpless in a serious time of need, and was forced to call upon outside intervention.

Funding

First Nations Policing Programs also suffer from financial limitations because qualification standards, such as demographic characteristics, the geographical territory, and crime rates/crime prevention activities determine the number of constables and support staff, and the amount of equipment, which will be supported by federal and provincial funding (Canada, 1996b:7). At the Royal Commission round table on justice, Chief McKay stated that one of the major problems is the "pilot project mentality" in government funding for the DOTC police force (Canada, 1996a:86). Under this pilot project mentality, funding provided only on a yearly basis has severely limited any future long-term planning or strategies in the DOTC police force (Canada, 1996a:86). For example, lack of long-term funding has resulted in lower salaries and lower training standards which have caused a high attrition rate of highly qualified DOTC police

constables into other police services (e.g., RCMP) and placed First Nations police services into a subsidiary or secondary position to regular police services (Canada, 1996a:86; 88). Commissioner Wally McKay also stated that First Nations constables are constantly pressured to enforce the Western adversarial model (i.e., crime control model) in their communities instead of traditional Aboriginal methods (Canada, 1996a:88). Seeking crime and making arrests is often promoted because "police funding agencies rely on crime and enforcement statistics" (Canada, 1996a:88).

Self-government

First Nations communities have emphasized the importance of Aboriginal self-government in policing arrangements (Canada, 1996a:92). Wally McKay states that for policing to be relevant to First Nations communities it:

> . . . necessarily implies legitimizing and restructuring the justice system as a whole within the revitalization of self-government, our inherent and never extinguished right, that is currently in progress . . . . *Jurisdiction is the central crux of self-government.* The first essential and immediate priority is that we must have jurisdictional framework agreements in place and I would like to qualify that . . . we are not talking about delegated responsibilities. It is a federal responsibility, a provincial responsibility and a First Nations responsibility (Canada, 1996a:92).

The importance of linking Aboriginal self-government and Aboriginal policing together is emphasized in First Nations Policing Policy. FNPP's objectives aim at supporting "First Nations in acquiring the tools to become self-sufficient and self-governing through the establishment of structures for the management, administration and accountability of First Nations police services"; furthermore, it aims at ensuring "police independence from partisan and inappropriate political influence" (Canada,

1996b:2-3).[14] Although FNPP promotes Aboriginal self-government and First Nations independence in policing, "it has sometimes been difficult to achieve balance between police forces' accountability to elected politicians and their capacity to conduct day-to-day operations free from political interference in a non-Aboriginal context" (Canada, 1996a:93). Ensuring independence from partisan and inappropriate political influence could very well be in contradiction with traditional Aboriginal policing "practices in which community leadership is directly involved in the peacekeeping process" (Canada, 1996a:93).

Equal Treatment vs. Self-determination

Overall, Young states that affirmative action or indigenization only addresses Native policing problems according to dominant interpretations and regulations instead of according to the cultural differences of the specific cultural group (1990:133). Furthermore, in a group differentiated society, neutral standards and interpretation of affirmative action programs are impossible because Native cultural experiences and the dominant Euro-Canadian culture are unable to develop a common measure.

When considering First Nations policing, the Native peoples of Canada should be able to preserve their own culture and traditions. Since Native peoples represent a significant population within Canada, they should not be subject to cultural assimilation when considering full social participation (i.e., through self-policing) because assimilation calls for Aboriginal people to reject all notions of cultural and self-identity.

---

[14] Before FNPP was revised in 1996, FNPP of 1992 stated that it aimed "to support and encourage evolving self-government in First Nations communities" and to ensure that First Nations police services

Overall, Aboriginal peoples should be able to participate in the public sphere without having to shed "their distinct identities or suffer . . . disadvantage because of them" (Young, 1990:134). The answer to providing the ability for all groups to participate in the public sphere is not based upon providing compensation to groups until they assimilate into the dominant norm but focuses on how the institutions can change their rules and standards in order to accommodate different groups (Young, 1990:134).

Although some may suggest that special rights will leave room for oppression and stigma in regard to Aboriginal groups, Young states that there is a need for "self-organization and representation" of Native people (1990:134). Thus, if Native peoples are able to discuss which policies and methods will better help their way of life and are given access to certain public mechanisms (e.g., self-government and self-policing), then "policies that attend to difference are less likely to be used against them than for them" (Young, 1990:134-5). Furthermore, if Native peoples are provided with "the institutionalized right to veto policy proposals that directly affect them," the danger of further discrimination would be reduced (Young, 1990:135).

Conclusion

In an attempt to reconcile the past, many Native policing initiatives undertaken over the last thirty years have only provided a false sense of security for Native peoples (Pasmeny, 1992:423-4). As a result, critics have accused past Native policing programs of being guilty of "indigenizing" the problem in order to gain social control, and many today still question whether current policing alternatives provided by FNPP might be

---

were "independent of the First Nation or band governance authority" (Canada, 1992:2).

guilty of the same thing (Griffiths, 1994:129). Today, First Nations policing services, which are implemented with governmental support, are limited in their efforts because there is still the lack of "luster, administrative will and funding" from the federal and provincial governments that are essential in making these programs a success (Pasmeny, 1992:418). As a consequence, FNPP still subjects Aboriginal peoples to the will of the dominant Euro-Canadian population and still denies "social needs, development, culture, or the right to self-determination" (Pasmeny, 1992:424).

Chapter III

Walking Two Separate Paths

Today, it is inconceivable to believe that Native peoples should embrace Euro-Canadian concepts and models of policing. Much of the misconception regarding the implementation and definition of policing has stemmed from many ethnological differences (i.e., racial differences) between Aboriginal and Euro-Canadian peoples. Traditionally, Aboriginal and Euro-Canadian peoples have a great deal of differences in the way they perceive the police and institutionalize policing (Depew, 1993:251).

Within all traditional human societies, there has been some form of social control, whether achieved by individuals, norms, customs, or laws, which has ensured conformity (Forcese, 1992:1). Within simpler and smaller traditional societies, "more homogenous socialization and relatively slight role specialization and lifestyle options minimized deviance or non-conformity" (Forcese, 1992:1). When an individual broke moral traditions, the community, clans, families, or other individuals simply reacted in self defence (Forcese, 1992:1).

As societies grew more complex and increased in population size, maintaining social control and conformity became more complex, and the role of the community in maintaining law and order diminished. When traditional methods of maintaining social control and conformity diminished in European societies (mainly in reference here to Great Britain), policing evolved into an institution of occupational specialization where certain individuals (i.e., police constables) were selected to act on behalf of the

community (Forcese, 1992:1). These individuals or constables eventually became subject to two authorities: the community and the executive authority (initially the landlords of feudal lands and later the Crown) (Guth, 1994:5). As mentioned earlier in Chapter I, the community made constables "agents of their peers," and the law "made them officers of the law"; thus, constables became positioned at a mid-point between the community and the Crown's law (Guth, 1994:5).

After its beginnings in Europe, the institutionalization of policing followed in the wake of colonization and became the norm for enforcing social control, conformity, and order in many of today's western nations (Depew, 1986:90). In the Canadian context, policing followed in the path of Great Britain's London Met and Royal Irish Constabulary (RIC) models (see pages 7-8) (Guth, 1994:4). Later, the institution of policing became a symbol of Canada's devotion to law and order and an intricate part of her heritage.

But today's western view of policing has been criticized as the eurocentric tradition of social control and falling far short of correlating with other cultural groups' traditional methods of conformity and regulation. These criticisms are highly relevant to Aboriginal peoples because they did not experience the urban environment "with the same intensity or conviction" as Euro-Canadians; also, Aboriginal peoples had "developed their own cultural approaches to social regulation and control" (Depew, 1986:90). Thus, it has become apparent that the Aboriginal culture conceptualized and institutionalized the police and policing far differently from the Euro-Canadian culture

(Depew, 1986:90). At the same time, it has become overwhelmingly apparent that traditional Aboriginal concepts of social control have situationally and culturally-specific definitions of social regulation and order which "should not be predefined within existing" Euro-Canadian models (Depew, 1986:90; Depew, 1993:251-2).

Although traditional methods of social control in Aboriginal societies were far different than Euro-Canadian traditional methods, Depew also emphasizes that it should not be assumed that traditional forms of Aboriginal social control would apply to today's modern Aboriginal communities (1986:100). In contemporary Aboriginal communities, a number of environmental factors have affected traditional Aboriginal concepts and methods of policing which have, in turn, made social control in these communities increasingly problematic (Depew, 1993:251). This does not mean that Aboriginal policing policy should ignore traditional methods of social control in Aboriginal communities, but in concert with traditional concepts, "culturally distinct [Aboriginal] approaches to policing must be developed in view of changes in local circumstances that will greatly influence what is desirable, possible and probable in [Aboriginal] policing arrangements" (Depew, 1986:100).

i. Traditional Euro-Canadian and Aboriginal Models of Policing

Traditional Euro-Canadian Policing

In traditional Euro-Canadian society, DeLloyd J. Guth states in his article, "The Traditional Common-Law Constable, 1235-1829: From Bracton to the Fieldings to Canada," that the British magistrate-constable model became the norm (1994:17). Under

the magistrate-constable model, special constables gained a predominantly urban identity "based on community, crown, courts, and a civilian character" (Guth, 1994:8). In this manner, special constables did not have a distinguishable uniform or symbol and were unarmed; furthermore, they held their office in the courts and were subject to the magistrate's authority (Guth, 1994:8; Forcese, 1992:15). The magistrates controlled the criminal proceedings and appointed and delegated powers of arrest to special constables. In turn, special constables served the magistrates by their powers of arrest and the collection of information. If serious matters or circumstances erupted within the community or while a special constable was carrying out their duties, the militia would be called in to resolve the situation (Forcese, 1992:15).

In England, Sir Robert Peel's Metropolitan Police Improvement Bill, 10 George IV, x. 44, brought an end to the magistrate-constable model in 1829 (Guth, 1994:17). Peel's London Metropolitan (Met) model established a more permanent, paid professional policing service. Accountability was vested in the "cabinet-level, political, executive authority at the central Home Office," which appointed police commissioners as an intermediate control (Guth, 1994:17). The London Met model also stressed that constables should be civilian agents of the community, but the community aspect of the London Met model quickly eroded with "open and outside recruitment" (Guth, 1994:17). Furthermore, similar in tradition to the magistrate-constable model, the authority of London Met constables was still vested within the Crown's common law.

The Effect of the London Metropolitan Model on Canadian Policing

The British colonies did not adopt the London Metropolitan model until much later. In Canada, the magistrate-constable model remained the norm until the mid-1830's when a few police services embraced the Lo.ndon Met model (Guth, 1994:17). In 1835, Toronto hired one High Constable and three full-time constables, and a reserve of fourteen special constables (Guth, 1994:17; Forcese, 1992:16).[1] Some Canadian cities, such as Québec City (1838) and Montréal (1843), followed soon after (Forcese, 1992:16). Other Canadian cities did not follow suit until much later.

By 1859, when the provinces required that all their cities and towns have a chief constable and at least one constable, London Met style police forces started to emerge [e.g., Victoria (1862), Winnipeg (1874), Calgary (1885), and Vancouver (1886)] (Guth, 1994:18; Forcese, 1992:16). In 1868, Canada also formed the Dominion Police Force which was designed to act on a national level, subject to government control, and organized according to the London Met model (Brown, 1973:3; Forcese, 1992:16). After it was established, the Dominion Police Force saw service only in Upper and Lower Canada and the Atlantic provinces (Forcese, 1992:16).[2] By the turn of the century (1900), most Canadian cities had adapted the London Met model to their needs:

> . . . or at least its common-law spirit, to their separate needs. This 'blue' tradition was common law in several senses, but originally because its constable worked directly for the magistrate and was integral to that court-based, judge-made law that is common law (Guth, 1994:4).

---

[1] The Toronto Metropolitan Police Service claims that this force was established in 1834, and there were initially one High Constable, five full-time constables, and 14 special constables (courtesy of the Toronto Metropolitan Police Service Human Resources Department).

[2] The Dominion Police Force joined ranks with the (Royal) North West Mounted Police in 1920, to form the Royal Canadian Mounted Police (Forcese, 1992:20).

The Effect of the Royal Irish Constabulary Model on Canadian Policing

During the 1840's Sir Robert Peel developed the military model of policing, the Royal Irish Constabulary (RIC), which resembled the French *gendarmerie* (Guth, 1994:17). With the establishment of the North-West Mounted Police (NWMP) in 1873, Guth states that Euro-Canadian policing in Canada experienced two separate traditions: the London Met model and the RIC model (1994:4). Although the London Met model of policing was used extensively in various eastern Euro-Canadian regions, municipalities, and rural communities, the RIC model was the foundation for Canada's state police forces (the NWMP/RCMP, the OPP [1864] and the SQ [1870]) (Canada, 1996a:89; Forcese, 1992:21;23). As a result, the RIC model displaced the police constable's role from a municipal community authority to that of a central state authority which enforced laws. Although eastern Euro-Canadian communities were still able to enjoy a long history of policing under the London Met model, the RIC model was used extensively throughout the Canada's western frontier. More importantly, the RIC model became the method of choice for policing Aboriginal peoples and First Nations communities (for a thorough discussion, refer to Chapter I) (Canada, 1996a:89-90).

Overall, the formation of policing in Canada (in both the London Met and RIC context) was consistent with the wider criminal justice system, which focussed upon prosecution, deterrence, and punishment (Depew, 1986:91). As a consequence, policing eventually shifted towards a crime control model where the police gained the role of detecting offences, arresting offenders, and laying charges (Depew, 1986:91). Furthermore, policing institutions increasingly became organized in a military fashion

(by implanting a hierarchical rank and file structure) which allowed firm control of a police constable's behaviour, actions, and ability to pass on information (Depew, 1986:91). When police organizations became centered around a crime control model, the level of service provided became consistent with the needs and requirements of the criminal justice system (e.g., investigation, adversarial roles, rapid response, control of management, and internalized discipline) (Depew, 1986:91).

Traditional Aboriginal Social Control/Policing

Long before the European colonizers reached North America, Aboriginal peoples had traditional methods of social control in place. In Canada, Aboriginal peoples, "including the nomadic hunter-gathers of the eastern woodlands, great plains, arctic and sub-arctic, and the more sedentary village-dwellers of the Pacific Northwest Coast and lowland Ontario," generally saw themselves in relation to the larger community with whom they interacted (Depew, 1986:94). Informal and formal interaction, which involved "social, political, economic and religious considerations," were able gave "structure and meaning to events and activities of daily life" which, in effect, maintained conformity and social control (Depew, 1993:253; Depew, 1986:94). This is not to say that Aboriginal communities were a picturesque harmony. In fact, Ray states that crime, disorder, and warfare were not uncommon to Aboriginal peoples (1996:22).

But, unlike traditional European methods of policing, Aboriginal peoples chose not to maintain order and cohesion by the use of a centralized police agency. Instead, Aboriginal peoples often sanctioned breeches of social morals and norms by various

social relationships. Depew states in his working paper, Native Policing in Canada: A Review of Current Issues, that these social relationships formed the basis for a number of reciprocal restraints which were based upon *conceptual/symbolic systems* and various aspects of traditional *social organizations* which existed in First Nations communities (1986:95).

Policing by the Means of Conceptual/Symbolic Systems

Depew states that activity and interaction in traditional Aboriginal communities has often been associated with "a system of categories, values and beliefs that involve[d] an important symbolic dimension and which enable[d] people to interpret their behaviour and the behaviour of others" (1986:95). Thus, systems of thought and understanding in traditional Aboriginal communities reflected a more religious or "holistic" approach (Depew, 1986:95). Every activity in Aboriginal communities had its own form of reference, but it was also understood and "integrated with other key aspects of the culture" (Depew, 1986:95). Therefore, any violations of customs outlined in the overall conceptual/symbolic system often reflected as breeches of moral issues not only on the community level but also on the spiritual level. In order to stabilize peace and harmony in the community, such breeches of customs and social order were commonly dealt with on the spiritual level, but if spiritual intervention failed, Aboriginal "social organization provided scope for individual and group intervention" (Depew, 1986:95).

Policing by the Means of Social Organization

Generally, Aboriginal communities were small in size with varying population numbers, patterns of settlement, and ecological conditions (Depew, 1986:95-6). Within these small scale communities, consistent interaction with other members or relatives helped individuals form a sense of shared cultural values and norms which were defined in political, social, and economic relationships (Depew, 1986:96; Ray, 1996:25). Unlike Euro-Canadian tradition, these norms and values were not codified into laws or enforced by a policing agency, rather customary laws were frequently restated in moral and spiritual teachings which were modified in public contexts and with public consent (Depew, 1986:96; Mercredi and Turpel, 1994:163). According to social situations and influences, discretion was used extensively by the community in interpreting and enforcing customary laws (Depew, 1986:96).

However, those Aboriginal cultures who did choose to establish enforcement (i.e., police) agencies or "associations of adult male warriors, popularly known as 'warrior societies,'" only used them for the purpose of enforcing rules and maintaining social control during certain ceremonial activities or buffalo hunts (Depew, 1986:96). During such occasions, warriors were chosen to guard/police vulnerable tribal members and communities against attack from neighbouring tribes. Furthermore, warriors were chosen to maintain order in the community or to enforce hunting norms during buffalo hunts. If members of the community chose not to heed the norms and morals of the community, warriors were empowered to enforce punishment. For example, Ray states that within traditional Plains Native communities, warriors "could seize a defiant person's property

and impose physical punishment; however, this was rarely necessary" (1996:29). Overall, police agencies were not the norm for policing on a continuous basis in First Nations communities. Instead, structures and models of kinship and marriage provided a continuous basis for policing.

Kinship and Marriage

Since none of the inhabitants in most traditional Native societies possessed any legal coercive authority, kinship and peer pressure were often preferred as a method of enforcing social control, compliance, and loyalty. Ray states that many Aboriginal communities were organized into one of two types of societies (1996:25). The first represented a clan or large kinship group with a common mythical ancestor, and the second type "emphasized small groups of closely related families" (Ray, 1996:25). The Iroquois Confederacy/League of Houdenosaunee (initially known as the "Five Nations" which consisted of the Cayuga, Mohawk, Oneida, Onondaga, and Seneca and later to become the "Six Nations" which saw the addition of the Tuscarora) in the southern part of Ontario and Québec, and northern New York state and the Pacific Coastal Native tribes organized themselves into clans which were represented by totems (Ray, 1996:6;25;58). For example, the Huron (the Hochelagans, Huron, Neutral, Petun, and Stadaconans who were also Iroquian-speakers) organized themselves into eight clans - Bear, Beaver, Deer, Hawk, Porcupine, Snake, Turtle, and Wolf - and the Tsimshian on the Pacific Coast organized themselves into four clans - Eagle, Fireweed, Raven, and Wolf (Ray, 1996:6;25). On the other hand, Aboriginal peoples within the Subarctic and Arctic organized themselves into small groupings "composed of a few closely related

hunters and their wives, children, parents, and grandparents" instead of clans (Ray, 1996:27).

Generally, Aboriginal communities consisted of family or extended family/clans which were held together by cooperative ties which bound individuals to the group by mutual expectations and respect. Since the members of Aboriginal communities were highly committed to the social group, they were subject to the authority and reprimand of the group in matters of deviance and misbehaviour. For instance, when traditional Native community members broke moral laws and caused social disruption, disapproval was felt by the offenders from their family, clan, friends, and/or other members of the community (Depew, 1993:253).

When members committed a deviant act or disrupted the social fabric of the community, their actions were often seen by other members as "a misbehaviour which require[d] teaching or an illness which require[d] healing" (Ross, 1996:5). Generally, the community reacted to an individual's deviance and misconduct by refusing social and economic services to them. In matters of serious deviance (e.g., rape or murder), the offender might be banished from the community, required to provide compensation or restitution, forced to endure physical punishment, or (very rarely) simply killed (Depew, 1986:98). Overall, the severity of punishment offenders received usually depended upon the amount of distance in relationship or kinship between the offender and the victim (Depew, 1986:96; Ray, 1996:27).

Although it may seem that the offender was able to get off lightly in some instances of deviance, escaping retribution easily was uncommon because of the varying degrees of allegiance that existed between clans and families (Ray, 1996:31). The most common method of reinforcing allegiance to the wider community was by marriages. Depew states that "different types of marriage exchanges introduced variable levels of complexity, stability and continuity into inter-group relations" (Depew, 1986:97). In effect, marriages became a very powerful deterrent against crime because a spouse's actions within the relationship "often subjected both husband and wife to more inclusive and comprehensive levels of group expectations and control" (Depew, 1986:97).

Since an Aboriginal person's clan or family commonly swore varying degrees of allegiance to other clans or families, individuals were often bound by mutual respect to the wider community and failure to maintain that respect would not only affect the individual and the victim, but the community as a whole. For example, within the Mohawk justice system, the whole clan had to accept responsibility for an individual's deviance and was required to make reparations to the injured clan and the larger community (Dickson-Gilmore, 1997:52). Since Mohawk communities emphasized that the resolution of deviance or disputes had to be acceptable for both parties involved, an individual's failure to provide fair compensation or reprieve to the victim or aggrieved relations could result in a "feuding cycle with [or within] a group" (Dickson-Gilmore, 1997:54; Ray, 1996:31).

Politics and Leadership

Although the politics of the community were directly linked to kinship and marriage, political mechanisms and authority figures in the community could also play a role in social control when a series of environmental factors created an imbalance in community relationships (Depew, 1986:97). But, depending on how strong political institutions or organizations of policing were in Aboriginal communities, political intervention by authority figures varied in intensity and effectiveness. For example, within Plains Native tribes and tribes of the interior, chiefs and/or councils would provide a significant amount of involvement and decision making in policing matters. When individuals or groups were unable to reconcile disputes and all other possibilities had failed, political or community intervention would be considered necessary. As a result, Plain's chiefs (sometimes incorporating the coercive authority of police/warrior societies) would step forward and make a peace offering in order to reestablish harmony between the offender and the victim/group (Ray, 1996:31).

Unlike Plains tribes and tribes of the interior, the Iroquois and Pacific Coastal Native tribes lived in more permanent settlements (Depew, 1986:99). Since their settlements were more permanent in nature, Iroquois and Pacific Coastal tribes had strong social institutions (e.g., the clan) which enabled chiefs and councils to exert a larger amount of authority in maintaining social order and customary law. The intervention of community leaders in resolving serious offences or persistent deviant behaviour was considered necessary in these communities because built up tensions in permanent village

settlements could lead to destructive social ramifications (Depew, 1986:99; Dickson-Gilmore, 1997:53).

Generally, if matters escalated to the point that they threatened the collectivity of the community, public meetings with all factions would be conducted until the matter was resolved by consensus, a majority vote, or (very rarely) violence (Depew, 1986:99). Sometimes, meetings did result in a stalemate because there was a lack of evidence or information which could be unavailable until a later date (Dickson-Gilmore, 1997:53). In such matters, a resolution was often set aside for a certain period of time until additional evidence or information could be brought forward (Dickson-Gilmore, 1997:53).

On the other hand, the Inuit, Algonquian, and the Sub-Arctic Athapaskans (which consist of many different branches/tribes such as Beaver, Chipewyan, Dene, Gwich'in, Inland Tlingit, Slavey, etc.) were often associated with individual autonomy rather than well organized institutions and stable leadership (Depew, 1986:97; Dickason, 1992:366).[3] Although stable institutional structures were not in place, strong leaders did exist, but their strong leadership was directed towards collective harmony rather than for personal gain or political influence. As a result, community leaders were often seen as peers who deserved respect and admiration and who were appropriate members to consult in an individual's search for companionship and advice.

---

[3] As a consequence, Depew states that cultural traits such as self-reliance, tolerance, and attentiveness have often been attributed to these Aboriginal groups (1986:97).

Although strong institutions and leadership were not firmly imbedded in their culture, the Inuit, Algonquian, and Sub-Arctic Athapaskan did stress peaceful relations between individuals and sensitivity to community pressures. Overall, the northern climate, respect for individual autonomy, and the emphasis on personal discipline (individual achievements were based upon "reputation and respect gained within the community") were the main factors in rendering deviance and disputes uncommon in these communities (Depew, 1986:97; Dickson-Gilmore, 1997:49).

When misdemeanors or deviance did occur, the matter was usually dealt with privately (Dickson-Gilmore, 1997:49). But, if the individuals were unable to resolve the issue themselves they may have chosen to consult with community leaders for guidance and mediation. If a community leader chose to intervene, they would attempt to mediate the dispute. During the mediation process, Inuit, Algonquian, and Sub-Arctic Athapaskan leaders' influence often "depended on a combination of shrewdness and self-confidence and derived from a vitality and assurance that sometimes reflected their mastery of something approaching the totality of traditional culture" (Depew, 1986:98). If these charismatic leaders were unable to resolve the dispute, the whole community would become involved (Dickson-Gilmore, 1997:49). After community consensus settled on a resolution, the offender would be forced to take appropriate measures and resolve the issue. In order to remedy the deviance or dispute, the offender would commonly be refused the benefits of community services, forced to pay restitution, or simply banished from the community (Depew, 1986:98; Dickson-Gilmore, 1997:50).

Conclusion

Overall, traditional Aboriginal communities had a variety of social control methods which were entrenched in community life (Depew, 1986:100). Depew states that:

> [Aboriginal] concepts of justice, expressed through the principles of restitution, compensation, reconciliation and general reciprocity emphasized the maintenance and restoration of community harmony, peace, collective traditions and customary rules (Depew, 1986:100).

Moreover, the adversarial concepts of justice (i.e., law and order) that are the basic foundations of the Euro-Canadian criminal justice system were foreign to Aboriginal peoples (Depew, 1986:100).

ii. Working Towards a Cultural Differential Model of Policing

With the imposition of Euro-Canadian values, laws, and assimilationist policies over the past two centuries, it has been widely accepted that most concepts of traditional Aboriginal policing and justice were lost forever (or were lost from view) (LaPrairie, 1995:524; Mercredi and Turpel, 1994:163). For those traditions which have not been lost, many individuals and groups have stepped forward and emphasized their preservation (Mercredi and Turpel, 1994:163). In the process, some Aboriginal peoples have sought to regain control over policing and justice, which appear to be "the moral road to repudiation of previous government policies" (LaPrairie, 1995:525). During their struggle for repudiation, some suggest that Aboriginal peoples should simply return to tradition, and others suggest that the current Euro-Canadian justice system could sufficiently accommodate Aboriginal peoples needs. Both are wrong. Repudiation can neither be viewed as just simply returning to tradition nor maintaining the current system of policing and justice (LaPrairie, 1995:525).

In relation to First Nations communities, Carol LaPrairie states in her article, "Community justice or just communities? Aboriginal communities in search of justice," that "the complexities of [contemporary Aboriginal] communities must be accommodated and the search for justice must acknowledge and reflect these complexities" (1995:525). The issues brought forward by LaPrairie emphasize that the search for justice needs to reflect upon a broader understanding of Aboriginal communities rather than seeing them simply as havens for "traditional or contemporary

values" (1995:525). During the course of her paper, LaPrairie lists a number of environmental conditions, "value-conflict," "social and economic conditions," "social stratification," and the "impact of state laws," which should be considered if justice in contemporary Aboriginal communities is to be more than a mere reflection of the current state system or an instrument "for maintaining local power arrangements" (1995:526).

The Conflict of Social Values

In the search for justice, LaPrairie states that any justice initiative must first consider the conflict between Aboriginal and Euro-Canadian social values. The National Forum on Health states that values "are deep, beneath-the-surface convictions that may or may not be consistent with attitudes and behaviours but that will, ultimately, drive them" (NFH, 1997a:3). The difference between values and similarly associated concepts such as attitudes, beliefs and opinions is often shady.[4] The most basic difference is that "values are features of society and not specific to any object or situation[; whereas], attitudes are understood at the level of the individual and organized or oriented toward a particular object or situation" (NFH, 1997a:4). The National Forum on Health also states:

> [a]lthough values are relatively permanent features of the societal landscape, individuals will appropriate values to form their attitudes to a given issue. The particular attitudinal combination varies through time and reflects an uneasy mixture of images, beliefs, interests and values (1997a:4).

But, the particular attitudinal combination is important to reflect upon because it influences behaviour (e.g., support, opposition, and participation). Moreover, values are not shared by all the members of the "group and attitudes are mediated to a certain extent

---

[4] The National Forum on Health states that "[a] belief is any simple proposition, conscious or

by strategic interests" (NFH, 1997a:4). As a consequence, "an individual's attitudes are the product of a unique configuration of values and strategic interests, and the relative prominence given to each" (NFH, 1997a:4).

As for Aboriginal communities, change is occurring at many different levels, and its impact has altered Aboriginal communities at many different levels. As a result, individuals in the community have been bombarded by a plethora of internal and external values which force them to choose between two extremes or to simply cope within a gray area between the two. For example, mass communication (telephones, television, radio, computers, and video) provides evidence that modern life has reached the farthest and remotest Aboriginal communities (LaPrairie, 1995:527). The impact of mass communication has overwhelmed Aboriginal communities with outside values which are unrelated to their social makeup and, in effect, have changed the way Aboriginal people interact socially with one another.

In concert with mass communication, "education and wage-labour have [also] altered the economic relationships within and between families" and genders (LaPrairie, 1995:527). For example, Aboriginal communities traditionally practiced the ethic of "sharing" (e.g., Potlatch and Sun-dance) which ensured that no one in the community "became too poor or too powerless" (Hamilton and Sinclair, 1991a:32-3). Today, pursuits of individual prosperity have seeped into Aboriginal communities, and in effect,

---

unconscious; inferred from what a person says or does; whereas an opinion is a verbal expression of some belief, attitude or value" (1997a:4).

the ethic of community wide sharing has in some cases been lost or generally been "restricted to the nuclear family" (Hamilton and Sinclair, 1991a:33; LaPrairie, 1995:527).

Discussions in First Nations communities about local justice issues have often assumed there is a consensus in values and that traditional norms are widely accepted (LaPrairie, 1995:527). Beliefs in value-consensus have minimized the impact of external forces and influences of modernization and changes which have occurred in Aboriginal communities. Much of the change has occurred from mass communication, wage labour, and education have taken the place of traditional pursuits. Therefore, LaPrairie suggests that when designing and defining justice structures in First Nations communities, it is important for new initiatives to acknowledge that these differences may cause "a struggle between competing interests" (1995:528). But, if new initiatives are too narrowly defined and restrict themselves to the justice system, they may lose credibility and effectiveness in Aboriginal communities.

Social and Economic Factors

The second environmental condition which needs to be addressed are the social and economic factors generally present in Aboriginal communities. First, the Aboriginal population is growing at a much faster pace than the non-Aboriginal population (NHF, 1997b:4). Mehta reports that the birth rates in Aboriginal communities are currently three times that of non-Aboriginals, and the Aboriginal population is expected to increase to 6.5% of the overall Canadian population by the year 2010 (currently, the Aboriginal population makes up only 3% of the overall Canadian population) (Mehta, 1993:13). As

a consequence, the Aboriginal population on a whole has become youthful with the average being 20 years of age in comparison to 30 years of age for the non-Aboriginal population (Mehta, 1993:15).

Secondly, most contemporary Aboriginal communities are characterized by low education levels, high rates of unemployment, welfare dependency, geographic isolation, and lack of resources and opportunities (LaPrairie, 1995:528-9). Education within Aboriginal communities has improved over the past two decades, but Aboriginal peoples today still suffer from a culturally biased education system which is taught in a second language (i.e., English or French) and according to Euro-Canadian standards (Hamilton and Sinclair, 1991a:94). Overall, Aboriginal peoples have been placed into an education system which is foreign to their culture and beliefs, thus, causing alienation and confusion. As a result, Aboriginal peoples remain an under-educated population.[5]

In Canada, the unemployment rate for Aboriginal peoples is four times higher than it is for non-Aboriginal Canadians (Hamilton and Sinclair, 1991a:92). Mary Ellen Turpel states that more than 70 percent of populations in some First Nations communities are unemployed (Mercredi and Turpel, 1993:141). At the same time, since many Aboriginal communities are geographically isolated in remote areas, Aboriginal peoples have not been able to find sufficient employment and opportunities.[6] As a consequence of unemployment and lack of opportunities, Aboriginal peoples have been pushed to the

---

[5] The Manitoba Justice Inquiry states that in 1986, 32.2% of the Aboriginal population in Manitoba over the age of 15 has less than a grade nine education level in comparison to 18.2% of the total population of the province (Hamilton and Sinclair, 1991a:94).

[6] In fact, some Aboriginal communities are completely cut off from other Canadian communities;

welfare ranks (Mercredi and Turpel, 1993:141).

Thirdly, as a result of low income levels, welfare dependency, geographic isolation, and "substandard living conditions," Aboriginal communities have also experienced higher rates of suicide, alcohol and solvent abuse, violence, and crime than experienced in non-Aboriginal communities (LaPrairie, 1995:529; NFH, 1997b:4). The "Canadian Institute for Child Health reports that between 1986 and 1990, the suicide rate for Indian children 10 to 19 years of age was more than five times the rate of non-Indian children" (NFH, 1997b:6). As for alcohol and solvent abuse, the Law Reform Commission of Canada reported in The Native Offender and the Law (1974), that one of the main reasons that Aboriginal peoples are admitted to provincial prisons is for offences related to alcohol abuse (Linden, 1996:113). On the federal level, the Task Force on Aboriginal peoples in Federal Corrections reported that in a 1983-84 survey of federal Aboriginal inmates, "76% . . . experienced alcohol abuse in comparison to 64.6% of non-Aboriginal inmates" (Pasmeny, 1993:413). In addition, Aboriginal communities have suffered from extremely high rates of violent crimes. Mary Hyde and Carol LaPrairie state in the Manitoba Justice Inquiry that "a very high proportion of Aboriginal violent crimes [are] directed against family members - a minimum of 41.4%" (Hamilton and Sinclair, 1991a:88).

In concert with high rates of suicide, alcohol abuse, and violence, Aboriginal peoples have also become disproportionately represented within Canada's criminal

---

for example, within British Columbia, 14% of Aboriginal communities "can only be reached by air, boat or snowmobile" (British Columbia, 1994:24).

justice system. For example, Aboriginal peoples makeup a significant proportion of today's penitentiary population (i.e., 32%) and an overwhelming proportion of the provincial correctional services (i.e., 40% in Manitoba and 60% in Saskatchewan) (Pasmeny, 1993:403). With a predominantly youthful population, Aboriginal peoples have become susceptible to crime because persons between the ages of 15 and 34 are more likely to come into contact with the law (Mehta, 1993:16). As a consequence, Ovide Mercredi states that a sixteen year old Native treaty male has a 70 percent chance of becoming incarcerated within a provincial or federal prison by the age of twenty-five as compared to a non-Native male who has a 9 percent chance (Mercredi and Turpel, 1993:161).[7]

LaPrairie states that the disproportionate number of youth and children in Aboriginal communities has also had an effect upon social and economic conditions (1995:529). The impact of the youth culture has altered family and community relationships. Also, the youth culture has weakened "traditional social control mechanisms and traditional economies" by replacing of "family or communities pressures for conformity" with peer pressure (LaPrairie, 1995:529).

Overall, the social despair in Aboriginal communities is unparalleled in wider Canadian society (LaPrairie, 1995:529). Community justice systems have been seen as part of the solution to the problems and despair which exist in Aboriginal communities. But, it is important to note that if the lack of infrastructure, equal opportunities and

---

[7] The Manitoba Justice Inquiry states that in 1989-90 the crime rate on reserves was 15,053 offences per 100,000 persons in comparison to 10,025 offences per 100,000 persons in non-Aboriginal communities

resources are ignored, then any initiatives in Aboriginal communities to remedy problems will fail.

Social Stratification

In attempts at searching for justice, LaPrairie also states that there should be a strong emphasis on addressing social stratification in Aboriginal communities. The combination of legislation and lack of employment opportunities has led to social stratification in Aboriginal communities. Furthermore, over the past few decades, traditional requirements for high status in Aboriginal communities have been almost completely replaced by educational requirements (LaPrairie, 1995:530).

One of the effects of the Indian Act on Native peoples is that "power and status are now garnered through resources located at the level of the elected chief and council" (LaPrairie, 1995:530). Under the Indian Act, the Band Council is first accountable to the Department of Indian Affairs and second to the people of the community (Mercredi and Turpel, 1994:84). Since funding for Aboriginal organizations comes from the federal and provincial governments, Band Councils often feel obligated to follow the state's strict guidelines (Adams, 1995:151). Thus, LaPrairie states that the Chief has become nothing more than a "liaison to regional, provincial and federal authorities" and a "conduit to various funding agencies" (1995:530).

At the same time, indigenized managers and bureaucrats within Aboriginal communities try to preserve their power and material benefits by adhering to the wishes

---

(Hamilton and Sinclair, 1991a:87).

of the state (Adams, 1995:163). Since the Indian Act leaves the door open for Chief's and Band Councils to make arbitrary decisions and perform unaccountable acts in their communities, dominant elites or a new petite bourgeois class have become one of the main features of Aboriginal communities (Adams, 1995:165; Dion Stout, 1993:61; LaPrairie, 1995:530; Mercredi and Turpel, 1994:84). Dominant Aboriginal elites are commonly characterized as "worldly, well-educated, English speaking and involved in band politics" (Dion Stout, 1993:61). Adams argues that this "Native petite bourgeois have internalized the consciousness of the colonizer as their own consciousness" and have tried to keep one foot in traditional Aboriginal culture and one foot in Euro-Canadian culture (Adams, 1995:44).

In today's political climate, Dion Stout argues that Aboriginal peoples generally approve this type of leadership and see it as a sign of progress and hope (1993:61). But, traditional ethics in Aboriginal communities are often in conflict with the current political economy of the reserve because the political economy is "anti-traditon and pro-rich" (LaPrairie, 1995:523). Dion Stout argues that when traditional knowledge is discounted, the level of control that the community has over elites is lost (1993:61). In the process, Howard Adams states that dominant elites continue to subjugate and oppress Aboriginal peoples in order to prevent "political awareness and mobilization" (1995:163).

Howard Adams further argues that dominant elites do not wish to create a counter consciousness against colonialism, but only wish to reform colonialism; thus, reinforcing and supporting the dominant Euro-Canadian ideology by trying to persuade others to

conform (1995:44). Dion Stout states that leaders (i.e., dominant elites) have often been accused of swaying away from the political arena and holding separate meetings with "isolated individuals who support them or whom they otherwise wish to co-opt" (1993:63). During the course of isolated meetings, agreements (i.e., deals) are made which give some community members a significant advantage over other members.

As the Aboriginal culture has increasingly become wage-orientated, youthful, and sedentary, they have come to realize that employment opportunities and limited Band Council budgets are not equally distributed among the communities population (LaPrairie, 1995:530). When other members of the community object to petite bourgeois norms and practices, they often later meet resistance to their participation in the community forum (Dion Stout, 1993:63-64). At the same time, many people within Aboriginal communities have come to realize that their concerns and interests are being ignored and that administrative positions are increasingly becoming "a position of influence without status" (LaPrairie, 1995:530). As a consequence, disadvantaged people within Aboriginal communities "have been silenced and pushed to the welfare ranks, jails and suicide because 'they are not smart enough to speak for themselves'" (Dion Stout, 1993:58).

Today, Aboriginal peoples have lost a significant amount of trust and respect for their own local governments and have tried to cope with the lack of leadership (Dion Stout, 1993:63; Mercredi and Turpel, 1994:84). When community participation is only open to a small majority, "it constitutes an abuse of power because transgressing the

traditional view that 'leadership is a burden upon the selfless, an obligation for the most capable but never a reward for the greedy' . . ., the trust ordinary people invest in Chiefs and Councillors is destroyed" (Dion Stout, 1993:65).

Even if Aboriginal controlled/autonomous programs are able to exert more direct community accountability, Harding states that there still exists the dilemma that "Aboriginal people are increasingly stratified in terms of both poverty and economic and political power" which, in turn, will shape the kinds of interests that influence justice methods and priorities (1994:349). LaPrairie states that it will be a major challenge for local justice systems to protect victim's rights and to balance power differentials which exist between groups, especially those which are most vulnerable to gender intolerance and family power groupings (1995:531). Thus, a local justice initiative which is fashioned according to "local tradition is an option for individuals and communities so long as it is not a romantic longing for the past rather than a realistic search, it reflects the opinions of more than elites, it is not used to entrench existing class divisions or leadership, it is workable in diverse communities and it is a path indigenous elites will follow" (LaPrairie, 1995:523). Overall, it is important for Aboriginal justice initiatives to focus upon one moral truth, "A house divided against itself cannot stand" (Stampp, 1986:80).[8]

---

[8] In Springfield, Illinois (1854), Abraham Lincoln made this statement in his speech at the Kansas-Nebraska debate (Tindall, 1988:631). Abraham Lincoln's speech in Springfield was again repeated in Peoria, Illinois, where it became known as the "Peoria Speech" and ultimately led to his nomination for presidency (Tindall, 1988:631; Stampp, 1986:80).

Impact of State Law

The fourth environmental condition of First Nations communities which should be addressed is the impact of state law. LaPrairie states that Aboriginal peoples have increasingly become dependent on "state law and state criminal justice processes" (1995:531). Mercredi states that some Aboriginal peoples have become accustomed to the state's system of justice and policing, and self-justice "frightens them" (Mercredi and Turpel, 1994:90). LaPrairie argues that some Aboriginal peoples are frightened of self justice because either the legal consciousness (feelings of hopelessness about a community justice system's ability) or resources in Aboriginal communities are not available to handle self-justice matters (1995:532). For example, when Aboriginal communities deal with repeat offenders, serious offences, and breaches of local dispositions, they still look towards the external system (LaPrairie, 1995:532).

Although "legal pluralism is the key concept in a post-modern view of law," national interests strive towards unification and standardization of local communities and justice systems (LaPrairie, 1995:531). In Aboriginal communities that are working towards autonomy in criminal justice, LaPrairie argues that unification and standardization have become overwhelmingly apparent (1995:531). But, if Aboriginal peoples try to "survive or make progress" through the state's system, the result is that local justice comes to reflect state justice (LaPrairie, 1995:532; Mercredi and Turpel, 1994:90-1). Overall, survival and progress need to made through the free will of Aboriginal peoples.

Popular Justice

Today, there is the call internationally for new justice initiatives (LaPrairie, 1995:533). The most popular expressions of justice are "'empowerment,' 'healing,' 'enabling,' and 'participation'" which literally mean that justice is now becoming "everybody's business" or popular justice (LaPrairie, 1995:533). In Robert Depew's article, "Popular Justice and Aboriginal Communities," he states that popular justice, in the communitarian sense:

> embraces an ideology and assumption set which promise a quality of justice and a range of related practical benefits that cannot be achieved or are difficult to achieve through the more conventional, formal justice apparatus of the State (1996:23).[9]

The distinctive feature about popular justice under a communitarian tradition (hereafter, referred to as "popular justice") is that it is more social than legal in nature. In the above context, popular justice "is primarily concerned with the complexities [i.e., social histories, individual, and community circumstances] of disputes" that arise within the community, how they are resolved within the community forum, and how social harmony is resumed and maintained in the aftermath (Depew, 1996:23). Thus, popular justice is assumed to function as an order maintenance and preventative strategy "within a framework of proactive and socially relevant and meaningful justice" (Depew, 1996:23).

---

[9] There are four traditions of popular justice: socialist, reformist, communitarian, and anarchic (Depew, 1996:23). Reformist and socialist traditions place popular justice in the state's legal and judicial system. On the other hand, the communitarian tradition emphasizes community-based institutions and initiatives which are closely linked to community-based methods of social control and order, but lack in chaos and disorder which are "characteristic of anarchic traditions" (Depew, 1996:23).

Popular justice also provides a community justice forum where disadvantaged groups (ethnic minorities, the uneducated, the disempowered, and the poor and unemployed) are able to easily address their concerns. In order for community justice forums to achieve a system which is accessible and available to everyone:

> popular justice organizations theoretically rely on relatively unprofessionalized personnel recruited on a voluntary basis from the community itself, eliminate or reduce costs by charging no or minimal fees for service, maintain flexible hours by conducting 'hearings' or sessions at times that are convenient for the disputants, and operate with rules and procedures that are based on common, lay understandings (Depew, 1996:24).

Depew states that the effectiveness of popular justice is based upon two "assumptions": the psychological and the sociological (1996:24-5). First, the psychological "involves empowering, 'improving' and healing the individual" (Depew, 1996:24). Empowerment means that the individual takes greater responsibility for their actions and a larger role in resolving their own disputes rather than relying on the criminal justice system. As a result, individuals are forced to become more self-reliant and strongly encouraged to take control of their own lives. Therefore, Depew states that "popular justice seeks to maintain adequate personality adjustment (or 'health') by incorporating personal and social, rather than legal meanings and constraints into conflict management" (1996:24).

Secondly, popular justice involves "sociological assumptions" (Depew, 1996:25). Popular justice works to develop "a model *of* or a model *for* society" (Depew, 1996:25). As a model *of* society, popular justice focuses upon natural "'human' feelings, emotions and interpersonal relationships that are believed to be the foundation of community life" (Depew, 1996:25). In this context, popular justice is directed at the personal attributes

which may cause disputes and, in effect, have destructive consequences for the community. Popular justice as a model *for* society aims to promote community values and norms which individuals should address when confronted with disputes and conflict in their daily lives. In order to provide credibility and legitimacy,

> popular justice claims to articulate a model of dispute resolution and conflict management that can, on the one hand, counteract the feelings of anomie, alienation, isolation and fear that are believed to lie between disputants and to (temporarily) sever their relationship, and, on the other hand, to draw the disputants, justice administrators and concerned public into a re-emergent sense of community, a reaffirmation of individual self-worth and self-esteem, and an invigoration of the existing civic order" (Depew, 1996:25).

As a result, justice is able to be "fashioned by and for the community" (Depew, 1996:25).

Furthermore, Depew states that it is very important that popular justice initiatives and organizations should be designed in a fluid sense, so they can adapt to environmental changes and circumstances (1996:25). These initiatives and organizations should also be able "to conform to a number of forces that, taken together, determine a low degree of complexity, low formalization (i.e., little standardization and few formal rules) and decentralized or localized decision-making and judgements" (Depew, 1996:25-6).

With the above features in mind, popular justice initiatives should also be "designed to embody community power and control in the form of local political and 'judicial' institutions, and patterns" of community intervention which focus upon community values and norms (Depew, 1996:26). Popular justice would appeal to "local governance" and community intervention in relation to autonomous community authority which support "legitimate, independent, locally determined judgements" in the administration of justice (Depew, 1996:26). As a consequence, Depew states that the

"exercise of control may be located at individual or group levels" (1996:26). At the individual level, popular justice initiatives and organizations may involve community leaders and, moreover, individuals who are able to exercise control in resolving disputes and conflicts. At the group level, the different features of the community may also exercise control.

For the most part, popular justice assumes that participants share the same cultural values and are thus more "willing to accept the structure, process, leadership, etc., as legitimate, and to comply voluntarily with their requirements" (Depew, 1996:26). Voluntary compliance with requirements and acceptance of structures, processes, and leadership make popular justice possible when strong common social and cultural bonds exist, and community norms and values support a shared commitment to popular justice. Overall, "strong consensus and cultural homogeneity permit individuals and the community to work together in support of popular justice goals and objectives" (Depew, 1996:26).

Popular Justice Initiatives in Aboriginal Communities

Popular justice has been embraced by many advocates of alternatives to the criminal justice system as a solution to a good portion of the problems facing justice in Aboriginal communities. Popular justice intiatives have much in common with the theory and practice of current justice reform approaches: peacemaking, restorative justice, reconciliation, etc. (LaPrairie, 1995:533-4). Although popular justice can not heal the divisions between individuals and families nor can it remedy the lack of

economic resources and employment opportunities, it can provide a forum where existing opportunities can be shared and discussions and negotiations about community and cultural values can be expressed (e.g., modern vs. traditional, individual vs. collective, etc.). As a result, LaPrairie states that "[m]odels of value-systems in a range of contemporary aboriginal communities might assist the community consultation process to move beyond the narrow vision of new justice structures" (1995:534).

Current models of popular justice are often traditional or informal processes to deal with disputes (LaPrairie, 1995:535). LaPrairie states that:

> [t]he social and economic processes or the clash of values, which contextualize disputes or offenses, are either ignored or considered marginal to resolving the problems at hand. Promoting the transformation of popular or community justice - from a narrow structure for dispute resolution to one which also encourages structural and value considerations in communities, and where the growing dissensus and divisions between individuals and groups can be negotiated - is the challenge for communities" (LaPrairie, 1995:535).

Furthermore, a wider concept of popular justice is not something the state can provide. The state can only provide the resources and legal mechanisms "that permit communities to build on their own traditions and values in their attempts to respond and adapt to an everchanging world" (LaPrairie, 1995:535). Providing strategies for community consultation which expand justice to include discussion and negotiation about sharing and distributions of power and resources, "may not only change community life but may also influence the wider state system of justice" (LaPrairie, 1995:536). Overall, only negotiation and acceptance of common definitions of "justice" and "values" at the social and political levels about the type of communities Aboriginal peoples want will allow their communities to transform (LaPrairie, 1995:537).

Conclusion

The main focus of popular justice is not to transform the state but rather to transform "communities by responding more realistically and effectively to community inequalities, needs, and conflicts" (LaPrairie, 1995:537). In relation to policing, Depew emphasizes that:

> . . . changes in environmental conditions strongly suggest that strictly traditional forms of native policing may be inadequate, insufficient, or inappropriate in dealing with new and changing patterns of native crime and deviance. This does not mean, however, that we should ignore the ways in which native communities assume and assert local authority and control. The point at issue is to capture principles of community involvement in the policing enterprise which may also reflect unique community configurations with distinctive cultural and historical roots and characteristics (1993:264).

Thus, when policing is undertaken in Aboriginal communities, the ideal centralized *status quo* program does not suffice because there should be a wider focus on different strategies of service delivery and organization programs which are able to adapt to change and diversity (Depew, 1993:253-4). Overall, Carol LaPrairie stresses that "a lot of community development is deemed to be required" for policing to experience any success in Aboriginal communities (Murphy and Clairmont, 1996:12).

Chapter IV

A Step Towards Peace and Harmony

One popular justice initiative that has been identified as essential in developing a working relationship between the police and First Nations communities is community policing (Hamilton and Sinclair, 1991a:597). Community policing is essential because it places a tremendous amount of emphasis upon how "a different policing style, one informed by native traditions and 'communitarianism' can be developed and autonomously sustained" in First Nations communities (Murphy and Clairmont, 1996:11). Furthermore, community policing has been identified by many researchers as one model (similar in principle and theory to traditional Aboriginal policing) that has the ability to adapt to change and diversity (Depew, 1993:254). Since "the structure and values" of First Nations communities are similar in principle to communitarianism, it has often been argued that community policing would be a step forward in the evolution of autonomous First Nations policing services. In support, the Manitoba Justice Inquiry states that only by the means of community policing "can the original concept of police, as a support structure for a community's system of laws and customs, be realized for Aboriginal communities" (Hamilton and Sinclair, 1991a:597).

For Euro-Canadian police organizations, the multicultural fabric of Canadian society has proven to be one of the biggest challenges they have to face (Griffiths, 1994:127). As for First Nations peoples, the response of Canadian police organizations to their needs has mainly resulted in increased centralization of policy and program

delivery, further alienation of communities by rising costs, and the reluctance of police services to alter their organizational structure and delivery of services (Griffiths, 1994:127). As a result, police organizations have consistently maintained ownership over "policing priorities and the manner in which resources and personnel are allocated" (Griffiths, 1994:128).

Furthermore, the role of the community in contemporary policing continues to be unclear and ill-defined. Griffiths states that:

> [p]ublic participation has generally been limited to crime prevention activities, with little or no provision for increasing citizen involvement in other facets of policing, including determining priorities for allocating resources or evaluating police effectiveness (1994:128).

The former Chief of Police for the Akwesasne Mohawk Police Service, Bill Brant, has pointed out that past problems with policing "have related to: the police neither feeling nor being very effective; the 'inequities in the so-called system' and the lack of respect for people in the communities as well as their views and culture" (Canada, 1995:3).

Overall, continued conflicts between the police and Native peoples still suggest that the full potential of community policing "has not yet been realized" (Griffiths, 1994:128). This is not to suggest that community policing is unable to support policing in First Nations communities. The basic tenets of community policing do focus upon "crime prevention and finding alternative solutions to traditional policing methods" and the ability to adapt to change and diversity (Canada, 1995:3). In effect, since it is open to change and diversity, community policing does have the potential help mend old wounds between the police and First Nations communities.

But, the Euro-Canadian definition of urban community policing can not just be incorporated into First Nations communities. First Nations communities have suffered enough from the effects of colonization and cultural ties to traditionalism. Thus, First Nations communities are in need of new approaches to policing. In order to accomplish such a task, community policing needs to be redefined so that it may apply to the needs of First Nations communities.

i. Community Policing

Community policing is an umbrella term which encompasses a wide number of strategies: "foot patrol, crime prevention, problem-oriented policing, police-community relations and more" (Friedmann, 1992:2). As a result, many academics and scholars have reviewed the research related to community policing and have simply become their own judges as to what a proper definition of community policing would be (Bayley, 1998:139). For example, Charles DeWitt defines community policing as simply "whenever citizens and police . . . band . . . together to fight crime" (1992:1). The Royal Canadian Mounted Police (RCMP) states in its mission statement that community policing "is a partnership between the police and the community, sharing in the delivery of police services."[1] In Community Policing: Shaping the Future, by the Ministry of the Solicitor General and Correctional Services of Ontario and Ministry of the Solicitor General of Canada, community policing is defined as a:

> police/community partnership [which emphasizes] the crucial role of the community in the business of community policing. In this model, the public plays an influential part in the development of policy, the design of policing strategies and when appropriate, participate[s] actively in the implementation of

[1] RCMP Mission Statement. <From http:www.rcmp-grc.gc.ca/html/mission.htm>. 26 November, 1999.

> those strategies. The ultimate goal is that this co-operative partnership between the community and the police will achieve peace and security (Leighton and Mitzak, 1991:5).

Evidently, a clear all-inclusive definition of community policing is virtually impossible, but by incorporating the theoretical research of one community policing scholar, Robert R. Friedmann, this section will attempt to provide a definition of community policing.

The Evolution of the Professional Policing Model

From the early 1930's until the late 1980's, American police services isolated themselves from the community in an attempt to limit "problems of corruption [caused by political ties] and inefficiency which plagued their departments" (Hamilton and Sinclair, 1991a:597). Although the magnitude of corruption and inefficiency present in Canadian police services was nowhere near that experienced by their American neighbours [because the Royal Irish Constabulary (RIC) model followed by the NWMP/RCMP had already entrenched a professional policing role], Canadian police services soon followed suit (Hamilton and Sinclair, 1991a:598).

Eventually, in both Canada and the United States, a "professional model" (i.e., crime control model) of policing based upon frequent patrols, rapid response, crime control, and maintenance of law and order evolved (Friedmann, 1992:18; Leighton and Normandeau, 1990:18). Under the professional model, the police emphasized a reactive policing role. The performance of police officers was based solely upon "the proportion of charges laid to offences reported by the police" and their ability to rapidly respond to calls for service (Leighton and Normandeau, 1990:19). At the same time, the police also became more dependent upon new developments in technology (motor vehicles,

communications, etc.). As a result of technology and the reliance on the professional model, the police became distanced from the community at accelerated levels. Furthermore, the citizen's participation in policing their communities was discouraged and their input into the types of policing services they received was reduced to a minimum (Hamilton and Sinclair, 1991a:598).

Over the past two decades, evaluations have proven that the professional policing model has limits in effectively controlling crime (Leighton and Normandeau, 1990:19). As a result, there has been a strong call for police services to follow a more proactive social service model (Friedmann, 1992:18). In response, police managers have begun the process of moving away from a crime control model of policing and are beginning to move more towards partnerships with the community. However, the nature and the meaning of the "partnership" between the police and the community has been contested.

Community Policing

Unlike the professional policing model, community policing stresses that the "police have to and do initiate organizational and operational ties with a much wider set of public and private agencies, volunteers and neighborhood associations and maintain ties with the community" (Friedmann, 1992:18). In this manner, the police will not be seen by and known to the community's residents as those authorities who only carry out arrests (even if some residents only wish the police to carry out arrests). As with the professional policing model, community policing also stresses that good public relations must be maintained between the police and the community, but it goes one step further.

Community policing stresses that there is also "an attempt to highlight the importance of interdependence, of mutual understanding and of mutual responsiveness and support" (Friedmann, 1992:19). In other words, community policing aspires to a police-community partnership where the police are not merely a "thin blue line" against crime control but are also a new "blue line" with a general role (Leighton and Normandeau, 1990:20). Although the above notions about community policing are:

> . . . a backdrop to more systematic theoretical conceptualizations, it was not until the development of the idea of *coproduction* that systematized the notion of [a partnership between citizens and police; whereby, they can develop] a set of activities together to produce security and public safety (Friedmann, 1992:19-20).

Coproduction

The concept of coproduction attempts to better understand and explain the process of producing service (i.e., public safety) in the community by centering around production strategies and organizational arrangements "that can be easily evaluated as coproduction's effect on the production of public safety" (Friedmann, 1992:21). Although advocates of coproduction theory often suggest linking coproduction activities to public safety and community security, they have realized that the effect of coproduction is often hard to separate from other programs which simultaneously act upon and affect public security and safety (Friedmann, 1992:21). Coproduction does not necessarily mean immediate or all-intensive cooperation. Whether coproduction is planned or not, the community coproduces crime reporting and assistance in solving crimes through prolonged interaction with the police, requests for service, and through the provision of information.

In order to understand community policing, Friedmann states that it is essential to describe "three different configurations [models of policing] on a continuum:" *regular enforcement, public relations cooperation, and grassroots cooperation* (1992:21). In the *first* model, regular enforcement (i.e., professional policing), the police concentrate on law enforcement, service requests, and the performance of their duties 'by the book' (Friedmann, 1992:21). Concurrently, the only task of citizens in the community is to request assistance from the police. Thus, there is little or no cooperation between the police and the community, which often causes resentment from the community. In effect, the community may sometimes react in a grudging manner by forming other programs and initiatives which might focus upon other aspects and directions "than the police's definition of law and order" (Friedmann, 1992:21).

In the *second* model, public relations cooperation, the police tend to focus upon providing a good image of themselves to the community (Friedmann, 1992:22). At the same time, the community is expected to initiate or provide assistance to the police. Overall, this method of cooperation with the public is not very successful unless the police make structural and procedural changes in conjunction with their efforts at image building.

The *third* model, grassroots cooperation, provides the ideal model of cooperation because the police and the community work in concert with one another (Friedmann, 1992:22). If the community structure is fairly homogenous and it is provided with the opportunity of giving opinions on crime control efforts, grassroots (community)

cooperation with the police will often be present. Even if communication and community cohesion are present, grassroots cooperation will not be successful unless the police make efforts to address public concerns. In other words, the police have to make more of an effort than mere 'cosmetic changes' (Friedmann, 1992:22).

> This is not merely a case of citizens pushing the police 'to do something' but an attempt at a more planned and structured approach to achieve viable change through increased participatory decision-making and some power-sharing (Friedmann, 1992:22).

Friedmann states that the above three models (regular enforcement, public relations cooperation, and grassroots cooperation) "were conceptualized in the work of Whitaker (1980) as three themes or components of cooperation" and have been labeled as 'coproduction':

1. *Where citizens request assistance from public agents.* Here the agency depends on service requests.
2. *Where citizens provide assistance to public agents.* Here citizens initiate or are expected to help an agency perform its work.
3. *Where citizens and agents interact to adjust each other's service expectations and actions.* Here agents and citizens interact to establish a common understanding of citizens' problems and possible solutions (1992:22).

The first two themes of coproduction stress that the community should assist the police in performing their service duties - where citizens supply information (either requested or volunteered), use the police to resolve disputes, and make emergency calls - which creates the atmosphere of the service provider (i.e., police) and the client (i.e., citizen/community). Hence, both the police and the citizen/community cooperate "to the extent of enabling a legitimized civil exchange" (Friedmann, 1992:22-3). But, real community change lies in the third theme of coproduction because strong police-

community programs improve cooperation between the police and the community, thus, enabling trust and cooperation.

Friedmann emphasizes that the above three models (regular enforcement, public relations cooperation, and grassroots cooperation) of coproduction are 'ideal types' of police-community cooperation but are not mutually exclusive (1992:23). Elements of each of these three models exist whether the relationship between the community and the police is highly cooperative or in turmoil. In all communities citizens make requests for emergency assistance, police stop people and ask them for identification, and citizens are expected to provide information and assistance during police investigations.

Citizens' willingness to comply with "police requests, provide information and be more alert to crime, depends not only on the type of community or type of police service but also on the type of crime" (Friedmann, 1992:23-4). First, different communities respond to and respect authorities differently (Friedmann, 1992:24). Second, victims vary from the victimized in their willingness to report certain crimes (e.g., rape) (Friedmann, 1992:24). Third, planning between the community and the police is often difficult because it does not usually take place between the police and individual citizens; planning often takes place between the police and community organizations (i.e., voluntary organizations, neighborhood watch associations, self-help groups, etc.) (Friedmann, 1992:24-5).

Police-Centered Coproduction

Evidently, the concept of coproduction needs to be expanded upon to include "the social, public, and private environments police interact with" (Friedmann, 1992:25). Within a police-centered coproduction model of community policing, the police become the center of community solutions and resources. As a result, the police have to widen their mandate to include social services and organizations rather than simply criminal related activities. Although the police will begin to interact with a large variety of individuals, most of the police interaction will be with community services and organizations.

Hastings and Saunders argue that there are currently two police-centered coproduction models of community policing - community-based policing and problem-oriented policing - which are merely police/public relations programs (1998:22).[2] First, *community-based policing* focuses on initiating a shared responsibility with the community in providing police services and programs (Hastings and Saunders, 1998:23). Within this model, the police realize the importance of strong relations with the community when seeking information in order to maintain order and crime control. Furthermore, there is a strong emphasis on bettering relations and forming contacts with the community through the use of volunteers, foot patrols, police storefront operations, and zone/team policing (policing is decentralized into teams of police officers who are permanently assigned to small areas or neighbourhoods) (Hastings and Saunders, 1998:23; Griffiths and Verdun-Jones, 1994:180). Within community-based models of

policing, there is also a tendency to equate police popularity "with the public with accountability of the police to the public" (Hastings and Saunders, 1998:23).

The second police-centered coproduction model of community policing is *problem-oriented policing*. Problem-oriented policing emphasizes that the police have to take a proactive approach to "crime and disorder" (Hastings and Saunders, 1998:23). Within this model, the basic premise is that crime and victimization are not random occurrences, and many calls for service by the police are repetitive. When the police identify recurrent "offenders, victims, and situations," a proactive approach is taken by the police to alleviate demands on police services, to ensure public safety, and to improve police/community relations (Hastings and Saunders, 1998:23-4). In other words, Griffiths and Verdun-Jones state that problem-oriented policing can be divided into four different stages:

- *scanning:* police constables decide whether the proposed issue (e.g., criminal activity) is considered a problem in the community;
- *analysis:* the police gather as much information about the problem as possible (i.e., nature, cause, and extent);
- *response:* police officers begin a consultation process with other police officers, community leaders, groups, organizations, and citizens in order to enact upon and solve the problem; and,
- *assessment:* the response is evaluated for its effectiveness "and, if required, adjustments to the response are made (1994:183).

---

[2] In Hastings and Saunders article, "Strategies for Police Accountability and Community Empowerment," they argue that there are three models of community policing: community-based policing,

In effect, the practical consequence of problem-oriented policing model is "a tendency to equate accountability with the appropriate forms of community consultation during the stages of identifying problems and designing, implementing and evaluating solutions" (Hastings and Saunders, 1998:24).

Overall, community-based policing focuses upon strong relationship building with the community. On the other hand, problem-oriented policing focuses upon public consultations about criminal activities and then reacting to the issues. Chris Braiden states in his article, "The Realities of Community Policing - Bringing the Village to the City," that the distinction between community-based policing and problem-oriented policing is that "community[-based] policing is the vision that tells us the right things to do. Problem-oriented policing is *how* we get those things done right" (1989:10-11).

Decentralized Coproduction

Instead of being viewed with a centralized approach, if community policing is viewed from a decentralized perspective (from the community point of view where the community is at the center), coproduction is not seen as police activities alone (Friedmann, 1992:26). Within a decentralized coproduction model of community policing, coproduction is viewed differently because "the 'community' provides and expects services and results on a scale much larger than that of the police as a bracketed agency" (Friedmann, 1992:26). Overall, this provides the challenge of broadening police mandates to include "police jurisdictions, activities and networking" (Friedmann, 1992:26). Friedmann states that:

---

problem-oriented policing, and community policing (1998:22).

> [a]ccordingly, community policing receives its authorization from community support and from police professionalism. Its function is a broad provision of services in a decentralized taskforce environment that features intimate, informal and formal relations with the public (1992:26-7).

Hastings and Saunders state that a decentralized coproduction model of community policing - *community policing* - is a more political and democratic method of public policing (Hastings and Saunders, 1998:24). The emphasis of community policing is that the community has the right:

> to participate in and influence decisions related to police policies and practices. The goal is to include the community as fully and as actively as possible as a partner in the co-production of order and control (Hastings and Saunders, 1998:24).

The difference between community policing (i.e., decentralized coproduction model) and police-community relations programs (i.e., police-centered coproduction models) is that a community policing model involves "accountability to both the police organization and the community, articulation of civic-oriented values, decentralization of authority and structure, shared decision-making with the community and empowerment of police officers" (Friedmann, 1992:31).

Defining Community Policing

Thus, when trying to define community policing as it would apply to community policing as a decentralized coproduction model, Friedmann attempts to provide an all-encompassing definition:

> Community policing is a policy and a strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police services and police legitimacy, through a proactive reliance on community resources that seeks to change crime-causing conditions. It assumes a need for greater accountability of police, greater public share in decision-making and greater concern for civil rights and liberties (1992:4).

ii. Community Policing and First Nations Communities

Many First Nations communities in Canada have argued for a different approach to policing their communities instead of the status quo programs and "have placed questions on policing within a broader context of social, cultural, economic, demographic, political, and indeed spiritual change" (Canada, 1995:4; Murphy, 1993:17). Allowing wider involvement of the community in policing and crime prevention can be very beneficial, but "the police have little experience in working actively with individuals who do not have police training" (Canada, 1995:4). With the above in mind, policing in First Nations communities must involve "more than simply changing how" police officials respond to the needs of the community, but "it also means changing the very culture of police organization in support of this type of policing" (Mehta, 1993:43). As a result, the place of the Native person in contemporary approaches to policing and the very status of police agencies assigned the task of providing services to Native peoples must now be carefully considered from first principles (Mehta, 1993:43).

Implementing Community Policing in First Nations Communities

Many would ask how policing could adapt to the needs of First Nations communities. Since it is constantly open to change and improvement, Friedmann's decentralized coproduction model of community policing (hereafter, community policing) could accommodate "social, cultural, economic, demographic, political, and . . . spiritual change" in First Nations communities (Murphy, 1993:17). The Manitoba Justice Inquiry emphasizes that a community policing model would be more adaptable to First

Nations communities cultural standards than professional policing models or public relations models because community policing "can accommodate the wide variation which exists in Aboriginal communities" (Hamilton and Sinclair, 1991a:599). Since it centers around "community problems and provides community members with a real say in policing, community policing is much more effective than traditional public relations programs for strengthening relations between the community and the police" (Hamilton and Sinclair, 1991a:599).

The Twelve Main Ingredients to Community Policing

When trying to implement community policing and trying to accommodate Native peoples interests, Leighton and Normandeau's "twelve ingredients of the 'new blue line'" in their discussion paper, "A Vision of the Future of Policing in Canada: Police Challenge 2000," would serve as a guide model to policing in First Nations communities (1990:20). First, the key role is that of the *peace officer* (Leighton and Normandeau, 1990:20). Here, community peace officers still help "maintain peace, order, and security" in communities but are not exclusively responsible for crime prevention and the maintenance of "public order and individual safety"; the community bears some of the responsibility (Leighton and Normandeau, 1990:21). Thus, the police become a service to the public for problems with crime and disorder; not the sole force against crime.

The second main ingredient is the *strategy of community consultation* (Leighton and Normandeau, 1990:21). The strategy of community consultation helps the police to

identify short-term objectives for tackling crime and disorder problems in the community and helps orient and gain public support and consent for their mandate.

Third, the police need to embrace a *proactive stance to policing* (Leighton and Normandeau, 1990:21). Here, the police identify crime and disorder problems and bring them to the attention of neighborhood (band) constables, police managers, community leaders (i.e., elders), band councils, the police commission, and community members.

The fourth ingredient of community policing is the initiation of a *problem-oriented policing strategy* to deal with problems of crime and disorder and their root cause (Leighton and Normandeau, 1990:22). A variety of proactive and reactive strategies (foot patrols, team/zone policing, volunteers, mini-stations, etc.) may be chosen to address specific crime and disorder problems. Although professional policing has often been criticized for its approach, a community policing strategy will still use reactive methods of crime control when they are deemed absolutely necessary by the public and the police (e.g., controlling alcohol and narcotics distribution).

Fifth, Leighton and Normandeau emphasize that there must be the implementation of a wide variety of *police responses to the root causes of crime and disorder problems* (e.g., crime prevention strategies) (1990:22). A number of methods may be used such as crime prevention through environmental design, "target hardening", and the development of long-term social programs.

Sixth, *interagency cooperation* is implemented (Leighton and Normandeau, 1990:22). In order for the police to divide the work-load of crime prevention, they need to make contacts and partnerships with various social agencies which are better able to tackle the root causes of crime (i.e., unemployment, poor education, poverty, etc.).

The seventh ingredient to community policing is *interactive policing* where peace officers also serve as information managers (Leighton and Normandeau, 1990:23). As information managers, the police regularly exchange information with "formal contacts and informal networks;" consequently, the police are able to keep the public informed of their efforts and are able to gain more knowledge about the community they serve. The benefit of interactive policing is felt later on when the police need information or police "intelligence" to prevent or solve crimes (Leighton and Normandeau, 1990:23).

The eighth element to community policing is *reducing public* (mostly concerns children, socially disadvantaged people, and the elderly) *fear of crime* (Leighton and Normandeau, 1990:23). The main tactic of the police for reducing fear of crime is to promote crime prevention strategies which help protect individuals from crime and make them feel more secure.

The ninth factor is the ability of police officers to move away from career specialization and to move towards a *generalist* function (Leighton and Normandeau, 1990:23). Thus, there is a move from a "blue-collar worker" perception of police to a

well trained white-collar professional police service with the respect from colleagues and the community (Leighton and Normandeau, 1990:23).

Tenth, peace officers gain *greater responsibility and autonomy* through a decentralized police management and resource distribution structure which is based on neighborhood needs instead of shifts in crime rates (Leighton and Normandeau, 1990:24).

The eleventh ingredient is the implementation of a *changed organizational structure* (Leighton and Normandeau, 1990:24). Within this ingredient, the former hierarchical para-military structure is flattened out so that front-line police officers become the main concern. Furthermore, there would more emphasis on better hiring practices and cross-cultural training where police officers would undergo an intense training period (which a one or two year training period which would emphasize the values, history, language, and cultural practices) before they would serve in a First Nation community.

Finally, there is *accountability to the community* (Leighton and Normandeau, 1990:24). Here, the police are subject to a public assessment of whether community priorities have been attained by the police (usually done through consultations with the public).

Accommodating LaPrairie's Four Environmental Conditions

As mentioned in Chapter III, LaPrairie states that for a popular justice initiative to succeed in a First Nations community, it needs to first accommodate four environmental conditions: value-conflict, social and economic conditions, social stratification, and the impact of state law. Thus, when community policing is viewed as a popular justice initiative, Leighton and Normandeau's twelve ingredients do have the potential to accommodate LaPrairie's four environmental conditions because they are modern in context, but at the same time, many of them link to traditional policing practices which were/are used in First Nations communities.

When considering LaPrairie's *first* condition, value-conflict, six ingredients (i.e., first, third, seventh, eighth, ninth, and twelfth) in Leighton and Normandeau's model attempt to accommodate conflicts of social values. Leighton and Normandeau's first ingredient attempts to make police officers into peace officers. Making police officers into peace officers would alleviate value-conflict because many First Nations communities traditionally emphasized the maintenance of social norms by conceptual/symbolic systems and traditional social organizations instead of police agencies. If police officers were required to maintain order in traditional Aboriginal societies, the role of the police (e.g., warriors in Plains Native communities) was not coercive rather it was that of a peace officer (refer to pages 96-97).

Leighton and Normandeau's third ingredient also attempts to reduce value-conflict by embracing a proactive stance to policing. In a proactive stance to policing,

the main focus "is on resolving underlying community problems proactively, rather than simply reacting to calls for service"; furthermore, police mandates are expanded "to enhance the community's quality of life" (Hamilton and Sinclair, 1991a:598). In traditional Aboriginal policing, a proactive stance to policing was strongly emphasized. In most traditional Aboriginal societies, when problems were unable to be solved at the individual level, the community would become involved in conflicts in order to prevent an escalation of differences within the community.

In Leighton and Normandeau's seventh ingredient, the implementation of interactive policing, would attempt to form a bridge to social barriers. In this sense, interactive policing would help form relationships and understanding between the police and Native peoples through the exchange of information. Moreover, interactive policing would not be an alien form of policing to First Nations communities because it was common practice in traditional Aboriginal communities to provide information and updates to the community by the way of public meetings and ceremonies (Refer to pages 43-45).

Leighton and Normandeau stress in their eighth ingredient that the police need to reduce public fear of crime (eighth ingredient). As for Native peoples, since there has been a long history where the police have taken part in conditioning their social conscious to bide by the "White ideal" and to respect and fear Euro-Canadian authority, the police need to reduce Native peoples fears that confrontations with the police will be violent. For example, in the case of Helen Betty Osborne in The Pas, Manitoba, there

were allegations that the police often harassed and over-arrested (for public drunkeness) Aboriginal males walking downtown and often treated them as vagrants (Hamilton and Sinclair, 1991b:91).[3] In order to alleviate such conditioning, community policing would place a strong emphasis on reducing Native peoples' belief that they are second class citizens and are constantly "victims or targets of police officers" (Mehta, 1993:44) (Refer to pages 47-49).

Leighton and Normandeau's ninth ingredient tries to alleviate value-conflict by providing peace officers with a generalist function. Within a generalist function, community policing would emphasize that the training of peace officers would reflect upon Native peoples concerns and cultural needs (Hamilton and Sinclair, 1991a:599-600). Hamilton and Sinclair state that "providing different training to enable officers to adopt the new style of policing will be necessary if the goal of increasing sensitivity to Aboriginal concerns is to be met" (1991a:600).

Leighton and Normandeau's twelfth ingredient, accountability to the community, would also attempt to address value-conflict in First Nations communities. Within such an approach, the police would be accountable directly to the community for their policies and actions. In a traditional sense, police accountability through public consultation would directly link to Aboriginal tradition because public consultation about community

---

[3] In November, 1971, in the town of The Pas, Manitoba, a 19 year old Native high school student, Helen Betty Osborne, was sexually assaulted, beaten, and murdered with a screwdriver by four men, Dwayne Johnston, James Houghton, Lee Colgan, and Norman Manger (Hamilton and Sinclair, 1991b:1-2). Other examples include the Oka crisis in Québec in 1990; Connie Jacobs case in Alberta in 1998; and continuous logging disputes over clear-cutting in British Columbia.

issues was a fundamental principle of traditional Aboriginal communities (e.g., Potlatch and sun-dance ceremonies).

Secondly, when trying to accommodate the social and economic condition of First Nations communities, three of Leighton and Normandeau's ingredients would apply. Leighton and Normandeau's fourth ingredient states that the police need to emphasize a problem-oriented strategy. In First Nations communities, the police could very well:

> play a role in community development by mobilizing the resources of the community itself. This may involve a diverse range of strategies and activities, including community-based prevention programs, as well as alternative means of resolving disputes and dealing with offenders [(e.g., restorative justice, circle sentencing, etc.), and] utilizing a broad array of community support mechanisms (Hamilton and Sinclair, 1991a:599).

Furthermore, in order to alleviate social and economic conditions in First Nations communities, Leighton and Normandeau's fifth ingredient stresses that there needs to be the implementation of a wide variety of police responses to the root causes of crime and disorder problems. In such a way, community policing can adapt to changes taking place in First Nations communities (as mentioned in Chapter III, Aboriginal communities are undergoing significant changes) (Hamilton and Sinclair, 1991a:599).

Leighton and Normandeau's sixth ingredient tries to accommodate social and economic conditions by implementing interagency cooperation. With high rates of unemployment, alcohol/solvent abuse, and soaring birth rates in First Nations communities, it would be essential for police to develop partnerships with social agencies such as, family services, churches, the courts, alcohol/drug rehabilitation centers, and band councils. Griffiths states that policing in First Nations communities:

> will require the development of collaborative initiatives involving the community and other criminal-justice and social-service agencies and a focus on the etiology of crime and trouble, rather than merely formulating responses to it (Griffiths, 1994:129).

Furthermore, although tripartite agreements often provide for interagency cooperation between Aboriginal and non-Aboriginal police services, there is also the need for a strong emphasis on full cooperation in all tripartite agreements (Refer to pages 73-74).

Two ingredients (i.e., second and eleventh) in Leighton and Normandeau's model would tackle LaPrairie's *third* environmental condition, social stratification. Here, Leighton and Normandeau emphasize a strategy of community consultation (second ingredient). The benefit of community consultation is that community leaders and citizens can better understand police issues and problems with public policing; furthermore, community leaders and citizens are able to voice their opinions and agenda for better security and safety in the community (Leighton and Normandeau, 1990:21). The benefit to First Nations communities is that a partnership is formed between the police and the community (Hamilton and Sinclair, 1991a:598). In a sense, the police are responsive to community concerns and the community takes its share of responsibility for dealing with problems of crime and order (Hamilton and Sinclair, 1991a:598). Overall, Adams states that, "[d]ecision-making must be made from the local village level, community, street and ghetto level" (1995:194).

In Leighton and Normandeau's eleventh ingredient, they also emphasize that the organizational structure of police institutions needs to be changed. For example, the RCMP still maintains a strict rank and file structure and:

> continues to train and deploy officers within a generalist framework - a 'McPolicing' model in which line-level officers, communities, and policing strategies are viewed as interchangeable. Officers are to be equally at home working in Igloolik, NWT, Burnaby, BC, or undercover in Toronto. Such an approach ignores the unique requirements of Aboriginal policing, particularly in remote areas of the country (Griffiths, 1994:130).

In First Nations communities, there has been a long history of policing by conceptual/symbolic systems and social organization rather than a hierarchical para-military structure (refer to page 95) (Depew, 1986:95). Hence, the police can not be responsive to First Nations communities needs unless the hierarchical para-military structure is decentralized, thus, allowing "responsibility and resources" to be managed as much as possible at the local community level (Hamilton and Sinclair, 1991a:598). In support, Howard Adams states that "[a]ny organization must be very loosely structured, so as to prevent any one or few persons from gaining all the power" (1995:194).

Lastly, LaPrairie emphasizes that any popular justice initiative must also consider the impact of state laws. Leighton and Normandeau's twelve ingredients attempt to accommodate LaPrairie's fourth condition by emphasizing that the police need to gain greater responsibility and autonomy (tenth ingredient). In First Nations communities, there is the need to provide police officers (moreover, organizations) with more autonomy from federal and provincial limitations. Currently, the police have very little control over the demands placed upon them and they play a very limited role in defining legislation, which dictates funding limitations, jurisdictional authority, and qualification standards (Griffiths, 1994:130).

Conclusion

Overall, Leighton and Normandeau's twelve ingredients to community policing could contribute to Native peoples self-determination efforts and changing environmental conditions presently being experienced by First Nations communities. Depew states that community policing does link with Aboriginal Self-Government:

> The desire to participate in both the development and operation of policing institutions and services has been articulated by Aboriginal people in conferences, research reports and justice inquiries, both provincial and federal. At the root of this is the belief on the part of Aboriginal people that long-lasting solutions to policing programs are grounded in the people and the communities themselves. Obviously, Aboriginal self-government offers the greatest scope for community involvement in policing. This is not simply because it is the most promising - although not the only - avenue to change in existing arrangements, but because it promises a coherent and comprehensive foundation for community governmental structure, decision making and law making authority, all of which are prerequisites for the development, implementation and operation of truly autonomous Aboriginal police forces (Canada, 1996a:92).

Conclusion

When assessing the RCMP's role in Native policing today, institutional survival has become overwhelmingly apparent (Harding, 1994:353). As Assistant RCMP Commissioner Head stated in his 1989 report, Policing For Aboriginal Canadians: The RCMP Role:

> We will either adapt and change or we will be out of the policing business as we know it, for there are many tribal groups who are looking for alternative methods. The opportunity for us is now and the time is relatively short (1989:19).

The RCMP has initiated a number of programs (e.g., FNCPS and the ACDP) in an effort to adapt to change and diversity in First Nations communities. These programs may not ensure that the RCMP will continue to be in the business of policing in First Nations communities, but it will still continue to be involved in policing Native peoples, "even if such contact is restricted to off-reserve and urban areas" (Griffiths, 1994:127).

At the same time, it is a misconception that all Aboriginal peoples are demanding a separate system of policing (Dickson-Gilmore, 1997:48). Dickson-Gilmore states that "[t]here are Amerindian People who feel that the system to varying degrees works for them and that improvements can be made within it" (Dickson-Gilmore, 1997:48). In fact, many bands have expressed satisfaction with the RCMP's new proactive approaches to Aboriginal policing (British Columbia, 1994:12). In the British Columbia report, Closing the Gap: Policing and the Community, some bands even claimed that "upon the attainment of self-government, they would in all likelihood enter into agreements with

the RCMP rather than encounter the problems of establishing their own police forces" (British Columbia, 1994:12).

Although it may slowly lose its role as the main source of policing for First Nations communities, the RCMP still does have the potential to play a role in policing some First Nations communities struggle for self-determination. But, the RCMP will fail to play a significant role in Native peoples struggle unless it makes significant structural changes, decentralizes its authority, devolves the "'ownership' for strategies and programs to line-level officers and community residents, and increase[s its] awareness of the changing policing environment" in First Nations communities (Griffiths, 1994:133). Bill Brant states that the police (i.e., RCMP) need to focus upon more than setting "themselves up as 'the professionals that know it all'" (Canada, 1995:3). When the police make themselves the central focus of the community, "they do not prevent anything;" instead, they become part of the problem by not listening to the community's needs and trying to make partnerships with the community (Canada, 1995:3-4).

Today, Native peoples are willing to work towards partnerships with policing agencies. There has increasingly been a push towards the revival of consensus decision-making (involving everyone). Mercredi states that "[c]onsensus democracy means that responsibility is put back where it belongs - in the hands of the people" (Mercredi and Turpel, 1994:90). With the implementation of Friedmann's decentralized coproduction model of community policing, the RCMP has the potential to become involved in

consensus democracy from where Native peoples and the RCMP can work as partners in building the future of policing in First Nations communities.

The process of completely overhauling a police organization and implementing a decentralized coproduction model of community policing is not an easy task (Moore, 1992:148). In fact, since not one police organization in Canada or the United States has successfully completed the transition from a professional model to a community model, it is quite clear how hard it is (Moore, 1992:148). Community policing may seem to be a panacea, but "if we do not work together, if we do not lift each other up and find a common understanding," there will always be a gap between Native peoples and the police (Mercredi and Turpel, 1994:159). Despite the outcome, any effort made by the RCMP "can make a very positive contribution, and the partnerships can be beneficial" (Canada, 1995:4).

Bibliography

Adams, Howard. A Tortured People: The Politics of Colonization. Penticton: Theytus Books Ltd., 1995.

Bayley, David H. What Works in Policing. New York: Oxford University Press, 1998.

Braiden, Chris. "The Realities of Community Policing - Bringing the Village to the City." 1.10 *Blue Line Magazine* 10, 1989.

British Columbia. Policing in British Columbia Commission of Inquiry. Closing the Gap: Policing and the Community, vol. II, *Report*. Victoria: Queen's Printer, 1994.

Brown, Craig. The Illustrated History of Canada. Toronto: Key Porter Books Ltd., 1997.

Brown, Lorne, and Caroline Brown. An Unauthorized History of the RCMP. Toronto: James Lewis & Samuel Publishers, 1973.

Canada. Royal Commission on Aboriginal Peoples. Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada. Ottawa: Dept. of Supply and Services, 1996a.

Solicitor General of Canada. First Nations Policing Policy. Ottawa: Dept. of Supply and Services, 1992.

Solicitor General of Canada. First Nations Policing Policy. Ottawa: Dept. of Supply and Services, 1996b.

Task Force Report. Indian Policing Policy Review. Ottawa: Minister of Indian Affairs and Northern Development, 1990.

Solicitor General of Canada. Proceedings from the Second Annual First Nations Police Governance Workshop: August 17-18, 1994. Ottawa: Dept. of Supply and Services, 1995.

Carter, Sarah. Lost Harvests: Prairie Indian Reserve Farmers and Government Policy. Montreal and Kingston: McGill and Queen's University Press, 1993.

Chacko, James, and Stephen E. Nancoo. Community Policing in Canada. Toronto: Canadian Scholars' Press, Inc., 1993.

Cruise, David, and Alison Griffiths. The Great Adventure: How the Mounties Conquered the West. Toronto: Penguin Books Canada Ltd., 1997.

Depew, Robert. Native Policing in Canada: A Review of Current Issues. Ottawa: Dept. of the Solicitor General, 1986.

Depew, Robert. "Policing Native Communities: Some Principles and Issues in Organizational Theory." Community Policing in Canada.. Eds. James Chacko and Stephen E. Nancoo. Toronto: Canadian Scholars' Press, Inc., 1993.

Depew, Robert. "Popular Justice and Aboriginal Communities: Some Preliminary Considerations." (1996) 36 *Journal of Legal Pluralism and Unofficial Law* 21.

Dewitt, Charles B. Community Policing in Seattle: A Model Partnership Between Citizens and the Police. Washington D.C.: US Department of Justice, 1992.

Dickason, Olive Patricia. Canada's First Nations: A History of Founding Peoples From Earliest Times. Toronto: McClelland & Stewart, Inc., 1992.

Dion Stout, Madeline. "The Ethical Dimensions of Participatory Development in Reserve Communities." Dissertation. Carleton University, 1993.

Dickson-Gilmore, Jane. "The Incentive for Separate Justice Systems." Justice For Natives: Searching For Common Ground.. Eds. Andrea P. Morrison with Irwin Cotler. Montréal & Kingston: McGill-Queen's University Press, 1997.

Drakulic, Slavenka. How We Survived Communism and Even Laughed. New York: Harper Perennial, 1993.

Dubé, Yves. Policing Options Available to First Nations in Canada. Ottawa: Dept. of the Solicitor General, 1995.

Durkan, Sean. "Mom, son killed by RCMP." *The Ottawa Sun*: Ottawa, Ont.] 24 March 1998: 7.

Dyck, Noel. Indigenous Peoples and the Nation State: 'Fourth World' Politics in Canada, Australia and Norway. St John's: Memorial University, 1992.

Forcese, Dennis P. Policing Canadian Society. Scarborough: Prentice-Hall Canada, Inc., 1992.

Frideres, James S. Native Peoples in Canada: Contemporary Conflicts. 3rd ed. Scarborough: Prentice-Hall Canada Inc, 1988.

Friedmann, Robert R. Community Policing: Comparitive Perspectives and Prospects. New York: St. Martin's Press, Inc., 1992.

Grant, Shelagh D. Sovereignty or Security: Government Policy in the Canadian North: 1936-1950. Vancouver: UBC Press, 1988.

Griffiths, Curt Taylor. "Policing Aboriginal Peoples: The Challenge of Change." Police Powers in Canada: The Evolution and Practice of Authority.. Ed. R.C. Macleod & David Schneiderman. Toronto: University of Toronto Press, Inc., 1994.

Griffiths, Curt and Simon Verdun-Jones. Canadian Criminal Justice. 2nd ed. Toronto: Harcourt Brace, 1994.

Guth, DeLloyd J. "The Traditional Common-Law Constable, 1235-1829: From Bracton to the Fieldings to Canada." Police Powers in Canada: The Evolution and Practice of Authority.. Ed. R.C. Macleod & David Schneiderman. Toronto: University of Toronto Press, Inc., 1994.

Hamilton, Associate Chief Justice A.C., and Associate Chief Justice C.M. Sinclair. Report of the Aboriginal Justice Inquiry of Manitoba. The Justice System and Aboriginal People. Vol. 1. Winnipeg: Queen's Printer, 1991a.

Report of the Aboriginal Justice Inquiry of Manitoba. The Deaths of Helen Betty Osborne and John Joseph Harper. Vol. 2. Winnipeg: Queen's Printer, 1991b.

Harding, Jim., "Policing and Aboriginal Justice." Readings in Critical Criminology.. Ed. Ronald Hinch. Scarborough: Prentice Hall Canada, Inc., 1994.

Hastings, Ross, and Ron Saunders. "Strategies for Police Accountability and Community Empowerment." Discussion Paper. Carleton University, 1998.

Head, Robert H.D. Policing for Aboriginal Canadians: The RCMP Role. Ottawa: Dept. of Indian and Northern Affairs, 1989.

Horrall, S.W. "Sir John A. Macdonald and the Mounted Police Force for the Northwest Territories." (1972) 53(2) *Canadian Historical Review* 179.

Horrall, S.W. "The March West." Men in Scarlet.. Ed. Hugh A. Dempsey. Calgary: Historical Society of Alberta/McClelland and Stewart West, 1974.

Jackson, Peter. "Policing difference: "race" and crime in Metropolitan Toronto." Construction of Race, Place and Nation.. Eds. P. Jackson & J. Penrose. London: UCL Press, 1993.

Jaine, Linda. "Industrial and Residential School Administration: The Attempt to Undermine Indigenous Self-Determination." (1991) 2(2) *Journal of Indigenous Studies* 37.

Jennings, John. "The Plains Indians and the Law." Men in Scarlet.. Ed. Hugh A. Dempsey. Calgary: Historical Society of Alberta/McClelland and Stewart West, 1974.

LaPrairie, Carol. "Community Justice or Just Communities? Aboriginal Communities in Search of Justice." (1995) 37(4) *Canadian Journal of Criminology* 521.

LaRocque, Emma. "Tides, Towns and Trains." Living the Changes. Ed. Joan Turner. Winnipeg: University of Manitoba, 1990.

Leighton, Barry, and Marsha Mitzak. Community Policing: Shaping the Future, Introduction, Community Policing: An Introduction to the Philosophy Principles of Community Policing. Toronto: Queens Printer for Ontario, 1991.

Leighton, Barry, and André Normandeau. Solicitor General Canada. "A Vision of the Future of Policing in Canada: Police Challenge 2000." Discussion Paper. Ottawa: Depart. of Supply and Services, 1990.

Linden, Rick. Criminology: A Canadian Perspective. 3rd ed. Toronto: Harcourt Brace & Company Canada, Ltd., 1996.

Longstreth, T. Morris. The Scarlet Force: The Making of the Mounted Police. Toronto: Macmillan of Canada, 1973.

Macleod, R.C. "Canadianizing the West: The North-West Mounted Police as Agents of the National Policy, 1873-1905." Essays on Western History.. Ed. Lewis H. Thomas. Edmonton: The University of Alberta Press, 1976a.

Macleod, R.C. The NWMP and Law Enforcement, 1873-1905. Toronto: University of Toronto Press, 1976b.

Mandamin, Leonard (Tony). "Aboriginal Justice Systems: Relationships." Royal Commission on Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues. *Report* .. Can. ed. Ottawa: Dept. of Supply and Services, 1993.

McLeod, D.F. "Fort Carlton 1885" Red Serge and Stetsons.. Ed. Donovan T. Saul. Victoria: Horsdal & Schubart Publishers Ltd., 1993.

Mehta, Vijay. Policing Services for Aboriginal Peoples. Ottawa: Canada Research Institute, 1993.

Mercredi, Ovide, and Mary Ellen Turpel. In The Rapids: Navigating the Future of First Nations. Toronto: Penguin Books, 1994.

"Mountie kills mother, child." *The Ottawa Citizen*: Ottawa, Ont.] 24 March 1998: A3.

Moore, Mark Harrison. "Problem-solving and Community Policing." *Modern Policing* 15 (1992): 99-158.

Morrison, W.R. "Native Peoples of the Northern Frontier." Men in Scarlet.. Ed. Hugh A. Dempsey. Calgary: Historical Society of Alberta/McClelland and Stewart West, 1974.

Morse, Bradford W. Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada. Ottawa: Carleton University Press, 1991a.

"Aboriginal Peoples and the Law." Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada.. Ed. Bradford W. Morse. Ottawa: Carleton University Press, 1991b.

Morton, Desmond. "Calvary or Police: Keeping the Peace on Two Adjacent Frontiers, 1870-1900." The Mounted Police and Prairie Society, 1873-1919.. Ed. William M. Baker. Winnipeg: Hignell Printing Ltd., 1998.

Murphy, Chris. "The Development, Impact and Implications of Community Policing in Canada." Community Policing in Canada.. Eds. James Chacko and Stephen E. Nancoo. Toronto: Canadian Scholars' Press, Inc., 1993.

Murphy, C.J., and Dr. D. Clairmont. First Nations Police Officers Survey. Ottawa: Dept. of Supply and Services, 1996.

National Forum on Health. "Values Working Group Synthesis Report." Canada Health Action: Building on the Legacy, vol. II, Synthesis Reports and Issues Papers. Ottawa: Dept of Government Works and Public Services, 1997a.

"The Need for an Aboriginal Health Institute in Canada." Canada Health Action: Building on the Legacy, vol. II, Synthesis Reports and Issues Papers. Ottawa: Dept of Government Works and Public Services, 1997b.

Neilsen, Marianne O. "Canadian Correctional Policy and Native Inmates: The Control of Social Dynamite." Readings in Critical Criminology.. Ed. Ronald Hinch. Scarborough: Prentice Hall Canada, Inc., 1994.

Nicholson, L.H. and Donovan T. Saul. "The Mounted Police at War." Red Serge and Stetsons.. Ed. Donovan T. Saul. Victoria: Horsdal & Schubart Publishers Ltd., 1993.

Pasmeny, Erica. "Aboriginal Offenders: Victims of Policing and Society." (1992) 56(2) *Saskatchewan Law Review* 403.

Pfohl, Stephen J. Images of Deviance and Social Control: A Sociological History. Toronto: McGraw-Hill, Inc., 1985.

Purich, Donald. The Inuit and their Land: The Story of Nunavut. Toronto: James

Lorimer & Co., 1992.

Ray, Arthur J. I Have Lived Here Since the World Began: An Illustrated History of Canada's Native People. Toronto: Lester Publishing, 1996.

Reesor, Bayard W. The Canadian Constitution in Historical Perspective. Scarborough: Prentice-Hall Canada, Inc., 1992.

Research Directorate, Royal Commission on Aboriginal Peoples. "Aboriginal Justice Systems: Relationships." Royal Commission on Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues. *Report* .. Can. ed. Ottawa: Dept. of Supply and Services, 1993.

Ross, Rupert. Dancing with a Ghost: Exploring Indian Reality. Toronto: Reed Books Canada, 1992.

Ross, Rupert. Returning to the Teachings. Toronto: Penguin Books Ltd., 1996.

Royal Canadian Mounted Police Public Affairs Directorate for Aboriginal and Community Policing Directorate. RCMP First Nations Community Policing Service. <http://www.rcmp-ccaps.com/ccaps.htm>. No date.

Smith, Derek G. "The Emergence of 'Eskimo Status': An Examination of the Eskimo Disk List System and Its Social Consequences, 1925-1970." Anthropology, Public Policy, and Native Peoples in Canada.. Eds. Noel Dyck and James Waldram. McGill-Queens University Press, 1993.

Snow, John. These Mountains are Our Sacred Places: The Story of the Stoney Plain People. Toronto: Simmuel Struens, 1977.

Stampp, Kenneth M. The Causes of the Civil War. Rev. ed. New York: Simon & Shuster, Inc., 1986.

Stobie, Margaret R. The Other Side of Rebellion. Edmonton: NeWest Publishers Ltd., 1986.

Tester, Frank James and Peter Kulchyski. Tammarnit Mistakes: Inuit Relocation in the Eastern Arctic 1939-63. Vancouver: UBC Press, 1994.

The Honourable Andy Scott. "Notes for a Statement by the Honourable Solicitor General of Canada to the Assembly of First Nations 19th Annual General Assembly." <http://www.sgc.gc.ca/ehome.htm>. 23 June, 1998.

Tindall, George Brown. America: A Narrative History. 2nd ed. New York: W.W. Norton & Company, Inc., 1988.

Tobias, John L., "Protection, Civilization, Assimilation: An Outline of Canada's Indian Policy." As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies.. Eds. Ian A. Getty and Antoine S. Lussier. Vancouver: University of British Columbia Press, 1983.

Wallace, Jim. A Double Duty: The Decisive First Decade Of The North-West Mounted Police. Winnipeg: Bunker to Bunker Books, 1997.

Wallace, Jim. A Trying Time: The North-West Mounted Police In The 1885 Rebellion. Winnipeg: Bunker to Bunker Books, 1998.

Wilson, Dr. Laurie J. "Placing Community-Oriented Policing in the Broader Realm of Community Cooperation." (1995) April *The Police Chief* 127.

Whitaker, Gordon P. "Coproduction: Citizen Participation in Service Delivery." (1980) 40(3) *Public Administration Review* 240.

Williams, Robert A. The American Indian in Western Legal Thought: The Discourses of Conquest. New York: Oxford University Press, Inc., 1990.

Young, Iris Marion. "Polity and Group Difference: A Critique of the Ideal of Universal Citizenship." Throwing Like a Girl and Other Essays in Feminist Philosophy and Social Theory.. Ed. Iris Marion Young. Indianapolis: Indiana University Press, 1990.

Appendix

Inuit Peoples and the Royal Canadian Mounted Police

Upon first contact with the Inuit, the RCMP was virtually the only Euro-Canadian presence in the north and, in fact, they became very dependent on the hospitable Inuit population for survival and travel in the harsh conditions of the Arctic (Morrison, 1974:92). As a result, the RCMP gained a great deal of admiration and respect for the Inuit's self-reliance and, in turn, had a more liberal view towards their culture (Morrison, 1974:88;91). By 1910, the liberal views of the RCMP slowly faded to a mixture of paternalism and disregard (Morrison, 1974:91). The whalers and traders stopped coming north, and the Inuit population, who increasingly became dependent on European goods (tea, flour, sugar, etc.) and seasonal employment, began to experience demoralization and starvation (Morrison, 1974:91). For the next forty years, conditions for the Inuit population continued to deteriorate, and the RCMP increasingly became a source of relief (Morrison, 1974:91). By the 1950's, only to make things worse, the government stepped in to relocate many Inuit settlements farther north in order to debauch international doubts over Canada's sovereignty in the Arctic and to provide better subsistence for the Inuit population (Tester and Kulchyski, 1994:136; Grant, 1988:157).

The government selected the Royal Canadian Mounted Police (RCMP) as the perfect administrative tool to carry out relocation experiments because the Inuit saw that "white men were authoritative and fearsome . . . especially policemen" (Tester and Kulchyski, 1994:143). In support, Theresa Kimmaliardjuk (from Chesterfield Inlet), who

was also forced to participate in government relocation experiments, states, "We were scared of the White people and the RCMP because they were mean to us. The RCMP even arrested my father for asking for food when we were starving" (This statement was cited with the permission of Mrs. Kimmaliardjuk). Many accuse these government relocation projects of being genocidal because they resulted in disease, famine, and eventual death for a large number of Inuit peoples (Tester and Kulchyski, 1994:154). The perilous conditions and the psychological impact the Inuit population experienced over the past seventy years is only now being addressed with the emergence of the new Canadian territory of Nunavut (1999) (Purich, 1988:75).

Glossary of Terms

Aboriginal peoples - refers to the original people of North America and is meant to include four categories: Native peoples who are registered under the Indian Act; Native peoples who are not registered under the Indian Act, the Métis, and the Inuit (Adams, 1995:175; NHF, 1997b:4). My reasoning for grouping these various Aboriginal peoples of Canada under one term is based upon Howard Adams statement:

> We must come together as a nation of race/class colonized people and map out a plan of action for genuine self-determination and autonomy in our reserves, colonies, communities and nation (Adams, 1995:175).

Aboriginal self-policing - used to explain an autonomous policing agency or service under Aboriginal self-government which is run specifically by the Aboriginal community (similar to a municipal police service) and reflects Aboriginal justice and customary laws but, also, enjoys minimal interference from provincial or federal government administrators.

Canadians - refers to all citizens of Canada including the Aboriginal, English, and French cultures, and the many other diverse minority groups within Canada.

Community-based policing - a police-centered program which emphasizes the shared responsibility with the community in providing order maintenance and crime control. The main emphasis is to better relations with the community and to from contacts.

Community policing - a decentralized approach to policing where decisions about policing priorities and activities are decided at the local level instead of the

institutional level. In essence, community policing provides a more democratic and political method of public policing where the community has the right:

> to participate in and influence decisions related to police policies and practices. The goal is to include the community as fully and as actively as possible as a partner in the co-production of order and control (Hastings and Saunders, 1998:24).

Euro-Canadians - is referred to as the citizens of Canada from European ancestry (English, Irish, Scottish, French, German, Dutch, Ukrainian, etc.) which have been classified as the dominant hegemonic population of Canada.

First Nations communities - refers to those communities which are currently called reservations and other Aboriginal communities placed on Crown Lands; the choice of wording (i.e., First Nations communities) was chosen as an alternative to the European reference (i.e., reservations).

First Nations Native peoples - are Aboriginal peoples who have often been referred to as "status Indians" under the Indian Act with lands reserved for them and "are represented by over 100 Tribal 'Nations' situated on approximately 600 reserves across Canada" (Mehta, 1993:5). The term also includes "non-status Indians" who lost their status by certain provisions of the Indian Act, but the scope of this paper mostly refers to Native peoples residing in a First Nations community. In respect for the original people of North America, I have refrained from using the term "Indian" which has been denounced as a European term, and since there has been a lot of conflict over the use of the terms Native and First Nations, I have used them interchangeably (Ray, 1996:xvii).

Inuit peoples - are Aboriginal peoples of the High Arctic who were once referred to as the Eskimaux/Esquimaux Indians (Dickason, 1992:366). Since the federal

government did not interfere with the Inuit population in a substantial way until after the Second World War, they were unaffected by early legislation and were not included under the provisions of the Indian Act (Morse, 1991b:5). Until the creation of Nunavut territory in 1999, the Inuit have had "no reserves, no significant treaties with the Crown, and no legislative guarantees to protect them" (Morse, 1991b:5).

Métis peoples - refers to the Aboriginal population of Canada which possess a mixed ancestry (i.e., Native/Inuit and Euro-Canadian). This particular group was traditionally called mixed-bloods or country born by English speaking Canadians and *bois-brûlé* (burnt wood) or *Métis* (half-caste) by French speaking Canadians (Ray,1996:89). Métis traditionally meant a "half 'mixture' of French and Indian" but the term has been broadened to include all people who possess some Aboriginal ancestry (Morse, 1991:4). Today, the Métis are classified as "non-status Indians" without treaties and land reserved for them and are not covered under the Indian Act (British Columbia, 1994:4). The Métis are also sometimes referred to as Canada's true Canadians because they were the Canadian creation of the European colonial powers and the Aboriginal population.

Problem-oriented policing - a police-centered proactive program designed to address certain problems in the community. After recurrent offenders, victims, and situations have been identified, an approach is initiated in order to alleviate the demands on police services, re-enforce public safety, and improve police/community relations.

Professional policing - a reactive form of policing based upon rapid response, frequent patrols, crime control, and the maintenance of law and order, which follows a client-based system where the public only requests service from the police and is encouraged not to participate.

Systemic discrimination - intentional or unintentional discrimination by "a specific act, policy, or structural factor [institution]" which leads to unfavourable conditions for individuals of distinct groups (Pasmeny, 1992:411). The Report of the Saskatchewan Indian Justice Review Committee states that systemic discrimination is a:

> social, political and economic system that perpetuates traditionally 'accepted' inequities. Even when everyone is treated equally, some groups still end up with fewer benefits than others (Pasmeny, 1992:411).

values - are the strong ties or attachments to certain morals or traditions which an individual will try to preserve at great length. The National Forum on Health Report, Canada Health Action: Building on the Legacy, states that "for a new vision to be acceptable by Canadians, it must resonate with the values accepted as relevant, valid and important in their lives" (1997a:3).