



First nation policing program and policy-making

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ABSTRACT

The well-being of Indigenous peoples in Canada has been impacted by the historical interactions between the federal government and Indigenous communities. There is currently an over-representation of Indigenous peoples in the justice system and a lack of police services meeting the cultural needs of First Nations communities. The Canadian government has instituted a program to assist in the appropriate delivery of police services to Indigenous communities through the First Nations Policing Program (FNPP). The purpose of this research is to explore how federal policing authorities make decisions about Indigenous policing, specifically the FNPP. Various methods of research were used, such as searching through publicly available federal policy documents and data. These resources were acquired by requesting information through the Access to Information and Privacy Act. The findings of this research demonstrate that the FNPP attempts to undertake consultations for the development of appropriate policies for First Nations communities. However, this consultation can be undermined by groupthink in small communities. Consultations might be improved using the Delphi principle, a method that assists in developing suitable policies for policing. The relevance of this discussion extends beyond the important issue of Indigenous over-representation in the justice system, also addressing the need for effective community policing for the unique circumstances of each community. Balancing community-focused expert advice using the Delphi method, and considering the risk of groupthink, consultation processes may allow individual communities to move towards effective policing using the FNPP.

Key Words Indigenous; community policing; policy-making.

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INTRODUCTION

Historical Context of the First Nations Policing Program (FNPP)

The relationship between the Indigenous Peoples of Canada and the Canadian government has been mired in distrust and mistreatment. Historically, the Canadian government instituted the residential school system, which removed children from their homes in First Nations communities to attend residential schools. The purpose of these institutions was to assimilate youth and disconnect them from their families and culture. The dominant European culture in Canadian society was foisted upon them (Truth and Reconciliation Canada, 2015), families of Indigenous communities often being forced to surrender their children to police acting as agents of the state. These children were abused physically, mentally, and emotionally at residential schools (Truth and Reconciliation Canada, 2015, p. 15). Indigenous peoples of Canada are still healing from the impact of forced assimilation, and the resulting social determinants of health continue to play a significant role in their health outcomes. This historical impact

has resulted in a cycle of abuse which has led to an increase in criminal and gang activity as Indigenous youth search for a sense of belonging (Christmas, 2012).

The lasting effects of colonialization are still felt throughout modern Canadian society. In the context of the justice system, Indigenous populations are over-represented. Despite consisting of only 3% of the national population, Indigenous peoples make up 18% of the population in federal correctional institutions (Reasons et al., 2016). Within provincial correctional centres, Indigenous populations consist of 24% of those in custody. The imbalance of Indigenous men and women in custody is even more striking in the Prairie Provinces. Indigenous peoples make up 16% of the population of Manitoba—but 71% of those housed in correctional institutions, according to 2005/2006 statistics (Reasons et al., 2016). The history and legacy of colonialism is still a prevailing factor within Indigenous communities. The role of the police in contributing to colonialization has resulted in distrust between Indigenous peoples and police organizations. To conduct change at a meaningful level and create inclusive policy between Indigenous peoples and police organizations, policymakers

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need to develop culturally appropriate policing measures addressing reconciliation and the needs of the Indigenous peoples of Canada.

Through the Truth and Reconciliation Commission in 2008, Indigenous peoples and the Canadian government began to construct a healing relationship (Truth and Reconciliation Canada, 2015). The Commission concluded that being aware of the past and establishing appropriate methods of change were needed to bring both groups together (Truth and Reconciliation Canada, 2015). One of the recommendations made by the Commission to the government is the need to address issues of over-representation of Indigenous peoples in the Justice system. In response, communities and leaders have requested an increase in the use of restorative justice and healing practices based on traditional Indigenous laws (Truth and Reconciliation Canada, 2015). The Government of Canada and police services throughout the country have recognized that increased community involvement would help them better meet the needs of the communities they serve.

METHODS

To further explore policy making regarding the recruitment of officers in the federal police force, an Access to Information and Privacy (ATIP) request was submitted. The request was to provide information regarding policy analysis, decision making, and what led to the development of policy in community policing and recruitment and retention of RCMP members and cadets from 2010 to the present. The request was made to demonstrate the need for transparency in policy making at the federal level especially regarding policy guiding police services for Indigenous communities. This information is not readily accessible, and sharing it provides an opportunity for ongoing reconciliation between the government and Indigenous communities. The information gathered from this ATIP request was useful for data collection and can inform our understanding of policy making at the federal level. One hundred forty-three pages of data, including emails, PowerPoint presentations, and various reports, were analyzed by independent reading, then comparing and amalgamating the findings. These results were integrated into the text to share the most important facts relating to the research question and information on community policing policy in Canada.

FNPP and Community Policing

The FNPP is based on the idea that police services are more effective if provided by officers with language skills and cultural values similar to the Indigenous community being policed (Ruddell & Lithopoulos, 2011). Therefore, to better meet the needs of First Nations communities across the country, the Canadian government began implementing the FNPP in 1992. The goal of this program was to ensure that sufficient policies and strategies were established to meet the needs of Indigenous peoples involved in the justice system and law enforcement. The Government of Canada sought to develop self-determination within these communities through a joint effort across all levels of government (Lithopoulos & Ruddell, 2013). On the road to self-determination, the FNPP emphasizes the need to assist Indigenous communities in the development of their own self-administered police services,

which would replace current policing agencies in some communities (Ruddell & Lithopoulos, 2011). A primary component of the FNPP is the responsibility of the Government of Canada to establish financial relationships with provincial and territorial governments in order to institute tripartite policing agreements between Indigenous communities, provincial/territorial governments, and the federal government (Kiedrowski, Petrunik, & Ruddell, 2016). The financial cost of these agreements is shouldered by the federal government assuming 52% and the provincial and territorial governments paying 48% (Kiedrowski et al., 2016). This financial agreement is an incentive for First Nations communities to establish their own self-administered policing services (Kiedrowski et al., 2016). By 2016, the FNPP had grown to cover 453 communities of the total 686 in Canada (Kiedrowski et al., 2016).

Decision making in the FNPP is achieved through the "Logic Model" of policy theory. The Logic Model's intended purpose is for the successful delivery of policing services to ensure public safety through the FNPP (Kiedrowski et al., 2016). The Logic Model is broken down into three components: policy formulation, program development, and program delivery. During the formulation of policy, consulting stakeholders are identified as an essential step to effectively implement the FNPP. Reaching out to stakeholders ensures that the resulting policy becomes evidence-based and grounded in lived experiences (Kiedrowski et al., 2016). Stakeholder consultation is maintained throughout the delivery of the agreements (Kiedrowski et al., 2016).

Throughout its existence, the FNPP policy has been amended on multiple occasions to ensure continued delivery of effective service. In 1996, three components were included within the pre-existing policy to ensure the public had access to police services with appropriate standards to ensure public safety. The police providing services to Indigenous communities are required to meet necessary elements of effective service to communities to ensure a strong sense of public security and personal safety (Kiedrowski et al., 2016). The FNPP is committed to increasing the promotion and aid to communities on their journey to self-governance. This engagement has been demonstrated by the creation of an atmosphere that fosters a police service accountable to its communities. In addition, the FNPP continues to strive to implement programs in ways that foster mutual respect and the involvement of First Nations people in decision making (Kiedrowski et al., 2016). When the FNPP was updated in 2014, additional policies were put in place stressing the need for professional, dedicated, and responsive policing to Indigenous communities. While serving these communities, officers must be self-aware and react to the cultural needs and characteristics of the communities they serve (Kiedrowski et al., 2016).

The FNPP actively engages the population in the justice system through its Self-Administered Agreement with the federal and respective provincial/territorial governments. However, it remains unknown whether Indigenous officers provide more effective services to First Nations communities than do non-Indigenous police officers. Despite attempts put forth by the federal government, the FNPP has been criticized as not currently meeting the needs of or providing adequate resources to the communities that receive services through the program. The Minister of Public Safety, Ralph Goodale,

has promised that consultation with leaders of Indigenous communities will be conducted along with a review of the FNPP (Parry, 2016). Communities not satisfied with services provided under a Community Tripartite Agreement have opted not to renew contracts to receive policing from the Royal Canadian Mounted Police (RCMP). Opaskwayak Cree Nation, a community located in northern Manitoba, recently chose to pursue a police service outside those provided by the federal government. This community will now be receiving policing services through the Manitoba First Nations Policing Services (MFNPS). A contributing factor in this decision was the composition of the MFNPS being 70% Indigenous officers. The community stated that Indigenous officers will better understand the needs of their community, which will assist them in building trust (Opaskwayak Cree Nation, 2019). Further, due to budgetary restrictions, the FNPP has not been fully implemented in Indigenous communities throughout Canada. In 2014, the FNPP had reached agreements in 60% of 688 communities. Funding to the FNPP stalled in 2007, preventing access to communities needing the provided service (Public Safety Canada, 2016).

A solution to the gap in the establishment of the FNPP is instituting community policing, allowing police to work alongside communities in areas outside of law enforcement. At the local level, community policing varies from region to region; therefore, it is important to strengthen local policies to reflect local issues (Linden, Clairmont, & Murphy, 2001). Community policing policy has allowed the RCMP to increase the recruitment of officers who can relate to the needs of local communities. A goal of this policy is to increase the accountability of police agencies and the involvement of the community in the justice system (Glowatski, Jones, & Nicholas Carleton, 2017). Furthermore, the federal government has modernized its recruitment process to reduce barriers to joining its federal police force. For example, they have eliminated the physical abilities test, increased resources for recruitment of applicants, and increased human resources. This move aims to recruit a diverse pool of applicants including Indigenous peoples in an effort to better connect with First Nations communities and improve police services. In 2017–18, 453 of the 11,335 applicants to the RCMP self-identified as Indigenous. Of those applicants, 32 Indigenous applicants were selected to complete police training, demonstrating a 7% acceptance rate. Community policing allows for a strong connection to be formed in the communities and a rebuilding of trust between Indigenous communities and law enforcement.

Community policing is a unique approach to law enforcement in which not all communities require an identical level of service by law enforcement. The FNPP has established that there is a need for the involvement of First Nations peoples in the development of policy in relation to policing. When developing policies, it is recommended to locate and involve “experts” who can assist in developing policy for the intended communities and those that deliver police services. Experts are not limited to scholarly individuals and, in the context of Indigenous communities, may include a wide array of individuals to involve in the process. Teachers, elders, community members, and the chief and council can be consulted to formulate policy. By consulting the targeted communities of policy, decision-makers can gather information about their world view and culture that will influence the delivery of police services.

Delphi Technique

The Logic Model used in the development of policy in relation to the FNPP has identified the need to consult Indigenous stakeholders. Questioning experts within the context of information gathering in methods such as the Delphi technique helps guide discussion in relation to the proposed problem. Using techniques such as the Delphi method will assist decision-makers in drafting suitable policy. The initial step in this technique is to determine a clear problem and define it (Loo, 2002). Defining a specific problem allows policy makers to determine a projected outcome of the exercise. Throughout the process, policymakers may conduct several rounds of questions to stimulate discussion. In relation to the delivery of police services within Indigenous communities, policymakers may probe firsthand accounts from the experts. Considering the world view of the participants is essential to ensure the relevance of policy in the real world. Recruitment of participants from both sides of the service provided, for example, both civilians and law enforcement, will ensure the moderator will have a broader view of the problem and possible outcomes.

The Delphi technique can be used to propose possible scenarios to the participants. These proposed scenarios give each participant the same foundation on which to build their response and reasoning (Loo, 2002). Within the context of police service delivery, the cultural background of responding officers has been identified as a critical issue to Indigenous communities. As stated previously, the Opaskwayak Cree Nation community has decided to not renew their contract under the Community Tripartite Agreement and to instead seek services from the MFNPS, which is composed of 70% Indigenous members (Opaskwayak Cree Nation, 2019). The moderator may pose the question of how a police officer's ethnicity and cultural background affects the delivery of police services. The moderator may use probing questions to prompt answers concerning the reactions and perceived view that civilians have of officers and vice-versa.

Organizational values also have an impact on organizational atmosphere and structure. Large police organizations, such as the RCMP, have historically been configured according to a bureaucratic-military model that persists in the modern structure of the organization. The military model is centered on a strong central government, with a focus on control, discipline, and training (Linden et al., 2001). To better meet the cultural needs of communities through the delivery of police services, decision makers and individuals implementing and executing policy must have a shared understanding of the intended outcome of policy. Further, the organizational setting and background of individuals within an organization can affect the thought process behind decision making. Homogeneous ethnic and cultural organizations and groups containing individuals with specific world views can result in the conformity of groupthink. Police services in Canada suffer from a lack of diversity within their organizations. As an example, 90% of the Nunavut territory is populated by Indigenous peoples while only 12% of the police in the region are of Indigenous descent (Marcoux, Nicholson, Kubinec, & Moore, 2016). Without the evaluation of alternative approaches to a solution, groupthink can develop. Symptoms of

groupthink involve the isolation of policymakers from outside consultation and individuals with a differing world view (McConville, 2011). With a large majority of police agencies consisting of individuals from a non-minority background, there is a prevailing outlook stemming from similar beliefs. This sharing of similar beliefs results in policy making that excludes outside thought and potential problem-solving avenues. Consultation of culturally diverse groups and outside agencies assists policymakers in the prevention of groupthink. It is necessary to raise objections and provide alternatives to policymakers (Janis, 1971). The inclusion of Indigenous peoples in policy making allows for the representation of outside views in decision making.

CONCLUSION

The Canadian government has increased its consultation with Indigenous peoples in the development of policy making. Indigenous communities historically have a difficult relationship with the federal government; these experiences have resulted in a negative view of authority and law enforcement. To assist in the delivery of police services in these communities, policymakers have identified the need to consult with community stakeholders. This has led to the inclusion of cultural practices in decision making. The FNPP attempts to undertake consultations for the development of effective policies for First Nations communities; however, this consultation can be undermined by groupthink in small communities. Consultation might be improved by the Delphi technique, a method that can help develop an effective policy for policing. This discussion addresses not only the issue of Indigenous over-representation in the justice system but also includes the need for effective community policing for the unique circumstances of each community. Using community-focused expert advice through the Delphi method and taking into account the risks of groupthink, consultation processes may allow individual communities to move towards effective policing using the FNPP.

CONFLICT OF INTEREST DISCLOSURES

The authors declare that there are no conflicts of interest. The opinions and ideas expressed in this research do not represent the views of the Royal Canadian Mounted Police or the Government of Canada.

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