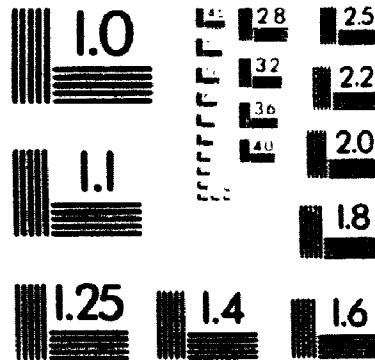




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**ABORIGINAL POLICE SERVICES BOARDS:**

**An Examination of the Effect of State Funding  
on the  
Development of Culturally Relevant Policing**

**by**

**Lauren Saunders, B.Soc.Sc.**

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

Master of Arts

Department of Sociology

Carleton University  
Ottawa, Ontario  
August 30, 1996



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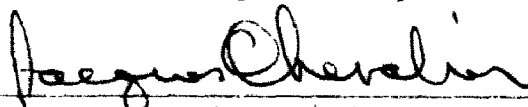
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submitted by Lauren Saunders, B.Soc.Sc.  
in partial fulfillment of the requirements for  
the degree of Master of Arts



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Tullio Caputo, Supervisor



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Chair, Department of Sociology and Anthropology

Carleton University

September 20, 1996

### **Abstract**

In recent years, an increasing number of aboriginal communities in Canada have assumed control of policing. The Federal First Nations Policing Policy provides interested aboriginal communities with the funding to establish and administer their own police services. The funding arrangement requires that aboriginal police services and aboriginal police services boards adhere to structural and operational guidelines that are determined by the federal and provincial governments. This study explores whether adopting a police governing model provided by the state achieves the desired outcome on the part of aboriginal people for cultural relevancy and accountability in policing. A comprehensive examination of aboriginal police services board operations will show that The Federal First Nations Policing Policy enables some aboriginal communities to administer policing. However, state control of funding provides aboriginal communities with a limited number of policing options from which to choose. In the end, this process may deny aboriginal people the chance to develop alternative and possibly more suitable methods of social control.

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## TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>1</b>
<b>CHAPTER ONE: THE POLICE ROLE</b>	<b>10</b>
1.0 Introduction	11
1.1 The Role Of The State And The Police	11
1.1.1 Coercive And Consensual Methods Of Social Control	13
1.2 The Historical Evolution Of Policing And Aboriginal People	15
1.3 Crime Control And Community Policing Approaches	22
1.4 Defining A Culturally Relevant Policing Model	26
1.5 Factors Influencing Police Governance And Accountability	27
1.5.1 Accountability	27
1.5.2 The Police Bureaucracy	29
1.5.3 Police Ideology	33
1.5.4 Police Subculture	35
1.5.5 Police Powers	38
1.6 Internal And External Regulation Of Police Activity	41
1.6.1 Police Professionalism And The Principle Of Legal Independence	45
<b>CHAPTER TWO: THE ROLE OF POLICE SERVICES BOARDS IN GOVERNANCE AND ACCOUNTABILITY</b>	<b>51</b>
2.0 Introduction	52
2.1 The Historical Evolution Of Police Services Boards In Canada	53
2.2 Roles And Responsibilities Of Police Services Boards	55
2.3 The Composition Of Police Services Boards	57
2.4 The Part Time And Short Term Nature Of Appointments	58
2.5 Critical Assessments Of Police Services Boards	59

**TABLE OF CONTENTS**  
**(cont'd)**

2.6	Aboriginal Police Services Boards _____	62
2.6.1	The AmerIndian Police Committee _____	67
2.6.2	The Dakota-Ojibway Tribal Police Commission _____	69
2.7	Key Questions Guiding The Research _____	71
<b>CHAPTER THREE: THE STUDY _____</b>		<b>78</b>
3.0	Introduction _____	79
3.1	The Research Strategy _____	79
3.2	Methodological Considerations _____	88
<b>CHAPTER FOUR: THE FINDINGS _____</b>		<b>93</b>
4.0	Introduction _____	94
4.1	Achieving Cultural Relevancy And Accountability In Tribal Policing _____	94
4.1.1	Roles And Responsibilities _____	94
4.1.2	Policy Development _____	96
4.1.3	The Short Term And Part Time Nature Of Appointments _____	102
4.1.4	Political Influence In Aboriginal Police Governance _____	104
4.1.5	Regulating The Conduct Of Aboriginal Police Services Board Members _____	109
4.1.6	The Training Of Aboriginal Police Services Board Members _____	112
4.2	Defining Culturally Relevant Policing _____	115
4.2.1	Police Ideology _____	116
4.2.2	The Training Of Aboriginal Police Officers _____	121

**TABLE OF CONTENTS**  
(cont'd)

4.2.3	Police Powers .....	125
4.2.4	Community Needs Assessment And The Development Of Police Strategies .....	128
4.2.4.1	Formal Community Needs Assessment Methods .....	130
4.2.4.2	Informal Community Needs Assessment Methods .....	138
4.3	Achieving Organizational Legitimacy Through Internal And External Regulation Of Police Activity .....	140
4.3.1	Internal Regulation .....	141
4.3.2	External Regulation .....	147
	<b>CONCLUSION</b> .....	<b>154</b>

**References**

**Annex A:** Consultations With Aboriginal Police Services Board Members

**Annex B:** Consultations With Police Chiefs Of Tribal Police Services

## **INTRODUCTION**

The police have a very important social function. So important that they have been granted coercive powers so they can maintain socially acceptable order and protect the security of the people. The task is multifaceted, what makes it most difficult is the fact it is defined by society and must meet the needs of the multiple legitimate groups which form that society.

(Martin and Richardson, 1985: 312)

Ongoing social change is a constant in advanced capitalist societies. According to Davis and Stasz, change in social structures occur through destructuring and restructuring phases (1990: 61). Destructuring occurs when groups marginal to the power structure of society threaten the prevailing political order. Dissidents accomplish their objectives by resisting laws, participating in criminal subcultures or partaking in violent activities to condemn what they consider a repressive political system (Davis and Stasz, 1990: 61). Restructuring occurs when the power elite in society acknowledge the grievances of dissident groups and initiate reforms that shift the distribution of power and resources in the social structure (Davis and Stasz, 1990: 61).

Social transformation occurs in a variety of ways. It can begin with an accumulation of micro events that bring about changes in formal policy. For example, Davis and Stasz cite the implementation of affirmative action programs by many police departments as a policy response to the demands from minorities that the police be more representative of the communities they serve (1990: 6). Another way social change can occur is through authority directives from within the system. The late 19th century shift from repressive punishment to correctional reform is an example of how structural transformation can serve progressive and repressive state objectives. Stasz and Davis cite a study by Garland that demonstrates how this shift in penal philosophy was a product of both enlightened administrative decision making and the states need to control the 'social dynamite' (1990: 61). Social change can also occur through sustained protest. This method is frequently characterized by persistent demands from groups marginal to society's power structure that may lead to the destructuring of a social system and at a later time contribute to its transformation (Davis and Stasz, 1990: 61).



Social change can challenge the ability of advanced capitalist states to maintain hegemony. Hegemony refers to "the social production of consensus that legitimates an existing power system" (Davis and Stasz, 190: 67). Advanced democratic capitalist societies derive their legitimacy from a responsibility that they owe to the general population. The equality of all citizens is a fundamental principle of democracy. Therefore, democratic states have a responsibility to assign legitimacy to the concerns of all citizens and to guarantee their welfare on an equal basis (Reiner, 1985: 170). However, advanced capitalist societies are challenged in their ability to appear democratic. The survival of advanced capitalist societies depends on their ability to create and/or maintain the conditions in which profitable capital accumulation is possible. In addition, the state must perform a legitimation function. It must try to maintain and/or create the conditions for social harmony in order to generate consensus for the existing social order (Panitch, 1977: 8). The state employs coercive and consensual methods to maintain hegemony. The police and the military are two agencies authorized by the state to legitimately use force to impose social order. As well, regulation of the population is achieved through consensual means that involve "the state co-opting deeply ingrained beliefs, myths, values, rituals and public images that various groups in society express through gesture, word, deed and institutional routines" (Davis, 1990: 65).

The police are created by the state to promote and maintain the conditions for political stability and to repress the conditions that lead to disruption and social change (Reiner, 1985). The police are not the states' only agency for regulating the population. However, their role as specialists in the enforcement of laws and the maintenance of order reinforce their status as society's most direct and potentially forceful agents of social control (Forcese, 1992: 5). According to Forcese a persistent dilemma challenging public police forces in western democracies is how to balance the authority of the police to employ their coercive powers with the public's welfare (1992: 57-58). In order for the police to execute their responsibilities in accordance with democratic principles, an equilibrium between these two competing principles should be established (Forcese, 1992: 58).

However, Forcese contends that this goal must be tempered with an understanding that society is not homogenous and that the interests of competing groups individuals are not equally represented by the legal system (1992: 58).

The police are a social organization invented and nurtured by the state to put into effect the dominant conceptions of public order (Reiner, 1985: 2). Law enforcement is in the interest of the privileged who demand personal and material protection and who want to ensure that the prevailing social structure remains the same (Forcese, 1992: 2). In many respects, police work reflects a power structure that symbolizes the authority of the privileged in the social order. However, while policing is fundamental in reproducing social inequalities it also "preserves the minimal conditions of civilized and stable social existence from which all groups benefit, albeit differently" (Reiner, 1985: 3). Police intrusions are more numerous and potentially coercive in societies that experience conflict associated with inequality. A decrease in social consensus increases the likelihood that police action against the disadvantaged members of society will be more forceful. Controlling the population through coercive means is one way in which the police respond to dominant class interests or to their own organizational priorities (Forcese, 1992: 5).

In the past, the Canadian state has employed coercive measures to impose order and to regulate the population. The police and the military have been used to promote political stability and to minimize the potential of social transformation occurring. For example, in the 1970's, the R.C.M.P. were involved in subversive activities aimed at sabotaging the separatist movement in Quebec. The state sanctioned the R.C.M.P.'s participation in mail tampering, illegal break ins, theft and arson. The McDonald Commission investigated the activities of the unit of the R.C.M.P. responsible for monitoring the activities of the F.L.Q. and found that the actions of the R.C.M.P. were illegal. However, the McDonald Commission's investigation revealed that members of the R.C.M.P. Security Service judged their actions to be consistent with government and general public will (Forcese, 1992: 205-207). Another example of the police and/or military being used for coercive

purposes occurred in the 1970's during the October Crisis. The War Measures Act was enacted by the Canadian state to maintain political and social order. The Act involved suspending the civil liberties of Quebec citizens and employing the military to ensure that it was properly enforced. In recent years, the Canadian state has used the police and the military to diffuse stand-offs led by aboriginal peoples in Oka, Ipperwash and Gustafsen Lake. The confrontations that have erupted between aboriginal peoples and the police/military in these situations have been violent, with both sides incurring casualties.

Despite these examples, the Canadian state resorts to coercive measures to impose social order only infrequently. If coercive powers were routinely employed to benefit the powerful groups in society, the Canadian state would lose its legitimacy and its basis for loyalty and support (Panitch, 1977: 18). In order for policing to be accepted as legitimate in society, the majority of the population must agree about the authority the police have to enforce laws and maintain order. Reiner contends that at the very minimum, consensus about the legitimacy of police action must exist among the majority of the population and among some of those who are policed against (1985: 4). However, policing is an activity that is geared towards controlling conflict in society. For this reason, it is not possible for policing by consent to receive universal approval in a society where conflict exists (Reiner, 1985: 50). The heterogeneous nature of Canadian society means that the police cannot take for granted that a social consensus exists about behavioural norms and that the majority of the population will conform or comply to the rule of law (Forcese, 1992). The diversity of Canadian society implies that the policing needs of communities will differ. Therefore, the delivery of appropriate and accountable police services requires that open communication exist between the police and the public.

In Canada, police activity is monitored through both internal and external means. In theory, regular monitoring of the police should assist in the identification of problem areas and the development of solutions that will lead to the delivery of more culturally and socially relevant police services. Internal regulation refers to procedures that are internal to the police organization and that are enforced through the chain of command. This

includes internal investigations and discipline as well as investigations by other police agencies (Forcese, 1992: 215). External methods of regulating police activity focus on direct interventions by individuals or organizations who are not affiliated with the police. Examples of external methods include control that is carried out by federal, provincial and municipal governments, and control that is exercised by ombudsmen, civilian and judicial reviews as well as task forces and royal commissions. Police services boards are another method that has become accepted as a legitimate institutional mechanism for police governance. Police services boards have a number of roles and responsibilities to ensure the police respect the cultural and social concerns of communities. Currently, however, some police services boards are experiencing a 'crisis of legitimacy' where their ability to secure accountability is at issue. Specifically, a general lack of police expertise among board members and ambiguous policy making powers have created doubts about their ability to ensure appropriate police conduct (Murphy and Muir, 1985: 7).

In aboriginal communities, police accountability takes on added significance. A number of federal and provincial government inquiries into the justice system and aboriginal people provides evidence of widespread disillusionment with existing police services. The historical legacy of colonization has compromised the faith of many aboriginal people in the integrity of present day police services. Specifically, perceptions are that policing is culturally irrelevant because the police are often not part of the community and the laws they enforce not indigenous to aboriginal people. To address these concerns, a number of aboriginal communities have expressed the desire to establish and administer their own policing. The state has responded to these demands and in 1991 released The Federal First Nations Policing Policy. The objective of the policing policy is to "find practical ways to ensure that First Nation communities can exercise greater control over the administration of justice" (1991: 1). The policy provides aboriginal communities with a choice of three policing options that are eligible for funding. The selection includes first, an aboriginal administered police service; second, a special contingent of aboriginal police officers employed within an existing police service and third, a developmental policing arrangement (1991: 7). The policing policy requires aboriginal communities interested in

the first option to establish police services boards/commissions to ensure that aboriginal police services are responsive to the communities they serve. In addition, the policy stipulates that these same bodies should “also ensure police independence from inappropriate partisan and political influences” (1991: 6).

The desire of many aboriginal communities to control policing interconnects with the politics of land claims and ‘self government.’ A number of aboriginal people contend that the feasibility of self government depends upon their ability to successfully reclaim their original territories. A prevailing sentiment among aboriginal people who want to be self governing is that control over their land base is fundamental to rebuilding their economic, political and cultural infrastructure. Many aboriginal leaders feel that self government will assist aboriginal people to develop culturally relevant services and will alleviate the injustices that they have experienced in Canadian society. Currently, aboriginal land claims and self government initiatives are challenging the ability of the Canadian state to maintain hegemony and support of the prevailing social order.

Entering into negotiations with interested aboriginal communities to assist them in establishing and administering their own policing is one way in which the Canadian state is attempting to address this predicament. This current practice provides a particular context where consent and coercion is negotiated at a local level. Providing aboriginal people with the opportunity to administer policing allows the state to continue regulating the aboriginal population, albeit through more consensual methods. Specifically, aboriginal police services and their governing bodies are funded through a cost sharing arrangement between the federal and provincial governments and interested aboriginal communities. State control of funding provides a preconstructed policing and police governance model upon which aboriginal police services and their governing bodies should be organized. In this way, an ideology premised on nonaboriginal conceptions of policing and police governance is imposed upon those aboriginal communities interested in establishing their own policing.

The Federal First Nations Policing Policy considers aboriginal police services boards to be integral in shaping appropriate, community based policing models. Policing is thought to be made more culturally responsive through the involvement of aboriginal police services boards in assessing community needs and representing identified needs in police policy. Of interest is how aboriginal police services boards are able to determine the nature of policing in their communities when their structure and operations resemble nonaboriginal police governing models. Accordingly, this study will examine an area where the Canadian state is actively involved in maintaining hegemony. An examination of the operations of aboriginal police services boards in select aboriginal communities will be undertaken to assess whether adapting a police governing model provided by the Canadian state achieves the desired outcome on the part of aboriginal people for cultural relevancy and accountability in policing.

In chapter one, a theoretical review of the literature dealing with the state and the role of the police is undertaken. In addition, a historical overview of policing and aboriginal people is presented. This discussion provides the basis for an examination of the crime control approach and the community policing approach and their applicability for policing aboriginal communities. In our discussion of the police role, the factors influencing how the police role is defined are examined. A discussion of how these factors interact to challenge the ability of police services boards to achieve accountability follows.

In chapter two a brief history of conventional police services boards is presented including an overview of their roles and responsibilities and a critical assessment of their operations. This is intended to provide insight into past and current challenges confronting the ability of police services boards to monitor police activity and to provide a community based service. In addition, the literature dealing with aboriginal police services boards is presented and issues specific to police governance and accountability in aboriginal communities is discussed. Chapter two concludes with a presentation of the key questions guiding the research.

Chapter three outlines the nature of the study undertaken to examine the issue of police governance and accountability in select aboriginal communities. This includes a description of the research strategy undertaken, the various groups participating in the study and a discussion of the methodological challenges involved in conducting the study.

In chapter four an elaboration of the results of the telephone and on-site interviews is presented to examine what influence federal control of funding has on the ability of aboriginal police services boards to achieve culturally relevant and accountable policing. The study concludes with a summary of the key findings and a brief discussion about the future direction of aboriginal policing and police governance in Canada.

**CHAPTER ONE: THE POLICE ROLE**



## **1.0 Introduction**

There are a number of major contemporary theoretical formulations that deal with the role of the state in relation to the police. Michael Brogden identifies the managerialist, pluralist, instrumentalist and structuralist paradigms as important contributions to the literature on state theory (1982: 4). The following literature review briefly focuses on instrumentalist and structuralist accounts of the state and the coercive and consensual methods the state employs to create and maintain the conditions for hegemony. This overview will provide the context for the discussion that follows regarding policing ideologies and their suitability for policing aboriginal communities.

### **1.1 The Role Of The State And The Police**

Critical theorists disagree about the nature of the modern state and its role in social control. Although the content of their ideas may differ, many critical theorists concur that "economic and power differences between those who control and those who are controlled create profound societal imbalance and disorder" (Davis and Stasz, 1990: 47). Conflict is a rational reaction by disadvantaged groups to pervasive inequality in the social structure. The instrumentalist perspective contends that the powerful classes in society create the state to protect their economic interests. In this way the state is characterized as a direct instrument of the ruling class. Laws are created by the state and the ruling class to nurture and preserve the prevailing economic and social order (Davis and Stasz, 1990: 70). To regulate conflict in capitalist society, the governing elite establishes and administers a number of institutions on behalf of ruling class interests.

The contradictions inherent in advanced capitalism can lead to profound social upheaval if the subordinate classes are not effectively regulated. Maintaining the conditions for profitable capital accumulation necessitates that the disadvantaged groups be oppressed through the coercion of the law (Davis and Stasz, 1990: 47). The police act on behalf of the state and ruling class interests to implement legislation that maximizes the social

reproduction of appropriate labour and represses the working classes. Hence, "the policeman is a state functionary necessary for the reproduction of capitalist social relations. He protects the property of the capitalist and secures certain conditions of labour discipline" (Brogden, 1982: 9). Instrumentalist versions of the state are criticized for the tendency to deal with everything as a conspiracy by the ruling class to consolidate their power and to oppress the subordinate groups in society. In reality, not all laws are an expression of the ruling class. Some laws reflect the interests of the non elites in society who wish to relieve human suffering and promote social justice and in some cases, the laws are applied against members of the ruling class (Davis and Stasz, 1990: 49).

The structuralist perspective attempts to address the weaknesses of instrumentalism. The structuralist paradigm portrays the state as the site of conflict between the social classes. The state is not an instrument of the ruling class to enforce their will upon subordinate classes nor is it a compilation of structures independent of social class. Brogden describes the state as relatively autonomous, somewhere in-between the two positions. The state represents the balance of class forces at a particular point in time. A unique feature of the state is its fluidity. Its fluidity allows different forms in the mode of production to influence the evolution of distinctive state forms (Brogden, 1982: 11). New conflicts in society are created when the mode of production enters into a different stage. Shifts in the mode of production require that the problems of production, distribution and consumption be renegotiated in order that the conditions for profitable accumulation are maintained (Brogden, 1982: 11). During these transition phases, the state works to contain social conflict. Hence, "the state increasingly intervenes but as an expression of class society. The state in practice acts according to the relations of force between classes and social groups, generally in favour of a hegemonic fraction of the dominant class" (Brogden, 1982: 11).

State intervention occurs through either the ideological state apparatus as represented by education, religious and welfare institutions or through the repressive state apparatus like the military and the police. During certain periods, the state may employ the police to

coercively impose social order. However, the state recognizes the intrinsic value of the ideological apparatus in promoting social harmony. Therefore, during other periods the state may resort to using welfare agencies or education bodies to mobilize consent (Brogden, 1982: 12). The authority of the police and the law to coercively impose social order does not imply that they are instruments of the ruling class. In fact, the ruling class subordinates itself to the rule of law as well (Havemann, 1987: 10). The policing of the ruling class may be less coercive than law enforcement efforts geared towards the disadvantaged in society. However, by submitting itself to the rule of law, the power elite are able to claim that the prevailing social order is legitimate, thereby making it easier to gain the compliance of the subordinate groups (Havemann, 1987: 10).

### **1.1.1 Coercive And Consensual Methods Of Social Control**

All modern social systems use coercive and consensual control to regulate the social order. When social control is coercively imposed upon groups/individuals, it becomes a tool of power. The authority of the police to employ coercion influences the way in which they interact with the general population. Sometimes, the authority to employ legitimate force may encourage the police to act in a manner that amplifies deviance (Davis and Stasz, 1990: 62). The subordinate classes in society may react to coercive social control by refusing to submit themselves to the rule of law or by initiating counter attacks. In situations where the subordinate groups refuse to comply with police demands, social control may become more repressive and potentially more forceful. Enhancing police powers to deal with conflict in society may increase the possibility that the public will come to view police activity as a threat to their civil liberties. A state that frequently employs the police and/or military to benefit the interests of one class over another, risks losing the basis of support for its legitimacy. Therefore, a state that claims to be democratic is one that exercises caution in its decision to employ coercive methods to regulate conflict in society.

The state also achieves social control through consensual means. Ideology plays an important role in the ability of the state to control its citizens. Davis and Stasz characterize ideology as consisting of mental structures that control deviance, impose social order and build consensus (1990: 65). These cognitions are made up of myths, beliefs, values, rituals and public images that individuals in society express through gesture, word, deed and institutional routines (Davis and Stasz, 1990: 65). The power of mental structures lies in its ability to promote mutual acceptance and a shared life. The state may elect to co-opt these rituals in order to manage the subordinate classes in society and to promote consensus for the prevailing social order (Davis and Stasz, 1990: 65). The state's ability to borrow rituals and to use them to manage the population implies that the production of hegemonic power requires the active participation of those who are being dominated. In this way, Davis and Stasz argue that modern society does not operate on the basis of genuine consensus that reflects the material needs of citizens. Rather, modern society functions to repress the politics of transformation by defining what the total social authority labels normal (1990: 67).

The transition to community policing, a less coercive form of policing than previous models, may present a challenge for some police forces because of entrenched organizational philosophies that are difficult to reform. In this chapter, an examination of police ideology, police subculture and police powers in relation to the internal structure of the traditional police bureaucracy provides insight into the challenges involved in achieving accountability. Finally, a discussion of internal and external methods of regulating police activity is presented to demonstrate how public perceptions are that internal control does not compel the police to account for their actions and how internal control may even promote organizational support for the abuse of police powers. An examination of external control will illustrate why public perceptions are that external regulation of police activity is more compatible with the principles of democratic accountability but how there are inherent limitations in the ability of external governing bodies to exclusively achieve socially acceptable police behaviour.

## **1.2 The Historical Evolution Of Policing And Aboriginal People**

During the initial phase of colonization, the Canadian state exercised coercive pacification over the aboriginal population. Pacification is the word used for establishing colonial control over a territory. It consists of:

cultural, military and commercial penetration of native territory, destruction and destabilization of traditional society, encouragement and manipulation of factionalism, the indigenization of the imposed social control apparatus, the creation and domination of surrogate governments, the institutionalization of these relationships through an imposed system of law, courts, police and treaties and the shaping of a hegemonic ideology to enable the rationalization of the total process on the grounds of racial superiority, the christian imperative, economic progress, mutual self interest, law and order...civilization.

(Havemann, 1987: 2-3).

The licence for coercive pacification as provided by the rule of law first occurred with the establishment of the Canadian Constitution of 1867. This document gave primary responsibility to the federal government for aboriginal people and the land reserved for them. Accordingly, for the first one hundred years of confederation, policing was a federal responsibility (Stenning, 1992: 4).

During this period, aboriginal people were most commonly policed by the North West Mounted Police, the Royal North West Mounted Police and after, the Royal Canadian Mounted Police (Stenning, 1992: 4). The N.W.M.P. was created prior to the impending entry of the North West Territories into confederation circa 1869/70. The North West Territories was an immense area of land populated primarily by aboriginal people. Prime Minister Sir John A. McDonald was concerned about having a territory within the jurisdiction of the Dominion without a strong Dominion presence to assert control and maintain order (The Aboriginal Justice Inquiry of Manitoba, 1991: 592). The Canadian state was interested in expanding its sovereignty over vast, underpopulated territories and accomplishing this objective meant that trade and settlement had to be regulated and the aboriginal population controlled (Forcese, 1992: 17). McDonald attempted to remedy

this situation by entering into treaties with aboriginal people in order to settle immigrants upon the land and by establishing a police force to patrol the area. The N.W.M.P. was essentially established to control the Indian and Metis population of the Northwest because:

the government feared an Indian war over the intrusion of whites from outside the area. Such a war would have been extremely costly to the authorities and could have delayed settlement, railway construction and economic development for many years. There was even the possibility of some form of American intervention should such a war continue for any length of time.

(The Aboriginal Justice Inquiry of Manitoba, 1991).

Following the establishment of the N.W.M.P., the federal government developed and implemented a number of repressive policies that were designed to regulate the aboriginal population. For example, in 1880 aboriginal people who graduated from university were automatically given the vote and lost their aboriginal status; between 1884 and 1951 aboriginal people who participated in ceremonies such as the Potlatch and Sundance were imprisoned for six months; until 1927 aboriginal people were not allowed to organize and participate in political associations and it was not until 1950 that aboriginal people were legislated the right to consume liquor on public premises (Havemann, 1988: 5-6). Even though the N.W.M.P. did not design the policies, they were the primary means through which government policies were enforced. Additional responsibilities of the police included moving aboriginal people to reserve lands, ensuring that aboriginal people remained on reserve lands and administering treaties and aboriginal affairs (The Aboriginal Justice Inquiry of Manitoba, 1991: 593). In addition to policing aboriginal peoples, the N.W.M.P. were also responsible for protecting the interests of aboriginal people from external interference. For example, officers of the N.W.M.P. regularly routed alcohol merchants and prevented squatters from trespassing on aboriginal reserve land. According to Forcese, this activity led the police to adopt a protective yet patronizing attitude to aboriginal people (1992: 20). However, these contradictory responsibilities did not prevent the federal government from employing the police to primarily colonize and assert sovereignty in Northwest Canada.

In addition to the state police, the Ontario Provincial Police and the Surete de Quebec are two provincial police forces that have been actively involved in policing aboriginal communities. The O.P.P. began policing aboriginal communities during the late 1960's as a result of a decision by the federal government to shift primary responsibility for policing aboriginal communities to the province. This arrangement has created resentment among some aboriginal people because it is perceived as an excuse by the state to avoid its historical and constitutional responsibility for the provision of policing and other services to aboriginal communities (Stenning, 1992: 5). Aboriginal peoples criticism of police services provided by the O.P.P. and Surete have been similar in nature to the complaints that have been directed at the R.C.M.P. Common concerns about the services provided by the two provincial police forces are that police officers are frequently unavailable to assist community members to deal with social problems and that when police officers are present it is only for the purpose of arresting individuals.

In recent years, the criminal justice system, in addition to the police, has come to exercise considerable influence in the social regulation of the aboriginal population. The research literature often characterizes the police as gatekeepers to the criminal justice system because their actions determine what type of experience aboriginal people will have with the criminal justice system. The police "make the decision on whether to intervene or not, shape the intervention, lay charges or not and help shape the prosecution" (Forcese, 1992: 51). The research literature demonstrates that aboriginal people experience high rates of arrests, are challenged as defendants in the criminal courts and are incarcerated in federal and provincial facilities in numbers that exceed those of the general population (Griffiths and Yerbury, 1988: 147). Griffiths and Yerbury suggest that systematic discrimination may be a contributing factor to the over involvement of aboriginal people in criminal justice processing. Systematic discrimination implies that the marginal status of aboriginal people impacts upon decision making at various points of criminal justice processing because the standards that are applied to nonaboriginal defendants during this phase are equally applied to aboriginal defendants. Treating 'unequals equally' would suggest that the marginal status of many aboriginal people in Canadian society makes it difficult for

them to meet the standard upon which others are judged. Accordingly, "this may result in more aboriginal people being charged rather than diverted from the system, being incarcerated rather than being placed on probation and being granted parole in lower numbers than the general prison population" (Griffiths and Yerbury, 1988: 148).

The dissatisfaction that many aboriginal people have about the state and provincial police forces and the criminal justice system have led them to pressure the federal government to reassess policing in aboriginal communities (The Aboriginal Justice Inquiry of Manitoba, 1991: 594). The federal government has responded to these demands and has made efforts to provide culturally relevant policing. During the 1960's the Department of Indian Affairs and Northern Development (D.I.A.N.D.) began to appoint aboriginal people as band constables through Circular 55. Circular 55 authorized band constables to enforce the bylaws passed by local aboriginal governments (Stenning, 1992: 4). In 1971, Circular 55 was amended to further enhance the responsibilities of band constables to include the authority to supplement but not supplant senior police forces at the local level (Stenning, 1992: 4).

During the early 1970's, the federal government continued to examine ways to improve police services provided to aboriginal communities. Indigenization of the social control apparatus evolved as an ameliorative policy within the criminal justice system, and became a favoured method of the state for policing aboriginal communities. Indigenization of the social control apparatus involves recruiting aboriginal people to enforce the laws of the colonial power. The policing of aboriginal communities by aboriginal police officers was considered by state policy makers to be an effective means through which to reduce the involvement of aboriginal people as offenders in the criminal justice system and to promote greater support of the justice system by aboriginal people (LaPrairie, 1990). In 1973, the federal government released a task force report that proposed a number of options for policing aboriginal communities. One option (option 3a) that was rejected proposed the establishment of autonomous aboriginal police services. Another option (option 3b) proposed the development of an aboriginal special contingent within existing



police services. The task force preferred the latter option and recommended that it be made available to interested aboriginal communities (Stenning, 1992: 4). In response to the task force recommendations, the R.C.M.P. established its special constable program in 1973. Presently discontinued, the program at one point employed approximately 250 special constables in all provinces and territories except Ontario, Quebec and New Brunswick (LaPrairie, 1990). In 1975, the O.P.P. established the Ontario Indian Special Constable Program. This program also reflected the option 3b approach, where aboriginal police officers provide responsive policing to aboriginal communities as "members of the existing police service" (LaPrairie, 1990). In 1990, the O.I.C.P. employed approximately 132 aboriginal constables who were responsible for the delivery of police services to 65 aboriginal communities in Ontario (Forcese, 1992: 285).

According to Havemann indigenization policies must be understood in terms of the tension between consent and coercion as a means of social control. Specifically, the recruitment of aboriginal people into the ranks of mainstream police forces promotes the appearance of consensual social control by offering policing for aboriginal people by aboriginal people (1985: 80). This demonstrates that the state acknowledges the intrinsic value of gaining compliance through consensual methods as a way to contain social conflict and to claim legitimacy for the prevailing social order (Brogden, 1982). Recruiting aboriginal people as constables into existing police services suggests that the state has found a method through which it can make its policing policies more acceptable and workable in aboriginal communities (LaPrairie, 1990). LaPrairie characterizes the indigenization approach to improving police services in aboriginal communities as a 'cultural response to structural problems.' Specifically, she argues that culture has been the primary distinguishing variable between aboriginal and non aboriginal society and that the objective of indigenization has been to eliminate this cultural gap. However, LaPrairie points out that cultural responses to structural problems are insufficient because they fail to address in a comprehensive manner the economic, political and social inequality that may play a more significant role in the overinvolvement of aboriginal people in the criminal justice system (1990). Indigenization policies are not designed to fundamentally alter the existing power

structure in society. Rather, indigenization of the social control apparatus allows the world 'as it is' to remain unquestioned. In this way, the uneven distribution of power in the prevailing social order is not challenged or acknowledged as an important contributing factor to the over involvement of aboriginal people in the criminal justice system (Havemann, 1987: 75-76).

Aboriginal peoples' continued dissatisfaction with policing has compelled the federal government to examine alternate methods through which interested aboriginal communities can assume control of policing. In 1991, the federal government released The Federal First Nations Policing Policy. This policy provides for the development of "professional First Nations police services that both reflect and are responsive to the communities they serve. It is an important step in ensuring that the criminal justice system better addresses the unique culture and needs of First Nation communities" (1991: 1). This is achieved through the negotiation of tripartite policing contracts between the federal and provincial governments and interested aboriginal communities. The Federal First Nations Policing Policy is composed of ten policy principles. They are as follows:

1. **Quality and Level of Service:** First Nations communities should have policing services that respect their culture and beliefs and which are equal in quality to policing services found in similar communities elsewhere in the region. First Nations communities should play a key role in shaping the level and quality of police service they receive.
2. **Jurisdiction and Responsibilities:** Police officers serving First Nations communities should have the full range of policing responsibilities and the authority to enforce provincial and federal laws (including the Criminal Code) and band by-laws.
3. **Responsive to First Nations Culture:** There should be enough First Nations police officers in each service to ensure that policing will be responsive and sensitive to First Nations culture and beliefs.
4. **Type of Police Service:** First Nations communities should play a key role in choosing the type of police service that best suits their needs.
5. **Selection Process:** The selection of a particular type of police service should balance the need for cost effectiveness and the special policing needs of First Nations communities.
6. **Implementation of New Arrangements:** New First Nations administered police services should be phased in over a number of years to ensure success.
7. **Police Accountability and Independence:** Police boards, commissions and advisory bodies should be set up to ensure that First Nations police services are responsive to

the communities they serve. These same bodies should also ensure police independence from inappropriate partisan and political influence.

8. **Police Governance and Oversight:** Policing arrangements for First Nations communities should include: mechanisms for the impartial and independent review of improper exercise of police powers; violations of codes of conduct; and mechanisms for grievance and redress on matters related to discipline and dismissal.
9. **Legislation:** New legislation for First Nations policing should recognize that the provinces have primary responsibility for the administration of justice. The federal government should keep its legislative role to ensuring that First Nations communities have the clear legal authority to sign tripartite policing agreements.
10. **Cost shared Arrangements:** The federal and provincial governments, because they share jurisdiction, should share the cost of First Nations policing services. The federal government should also contribute enough money to promote and sustain national standards.

(Federal First Nations Policing Policy, 1992: 5-6)

The First Nations Policing Policy is clear in the position that federal funding of aboriginal police services is contingent on policing and police governance models complying with state approved standards. Furthermore, in order for interested aboriginal communities to qualify for funding the policing policy stipulates that:

1. First Nations officers and civilian staff will make up more than 50% of First Nations administered policing services. The exact numbers will be worked out with each community.
2. All police officers in non First Nations administered policing services will be First Nations people allowing, where necessary, for exceptional cases.
3. The on reserve police service must meet the standards of the province or territory in which it operates.
4. First Nations police officers must be properly appointed as peace officers.
5. The on reserve police will enforce all applicable laws.
6. The police service will be responsive to the community through a police board, commissions or advisory body.

(Federal First Nations Policing Policy, 1992: 6)

A number of aboriginal communities have entered into negotiations with the federal and provincial governments to secure funding to establish their own police services. This would appear to represent a desire by aboriginal people to promote cultural relevancy in policing and to restore the faith of aboriginal people in their ability to govern themselves. In addition, the concessions that the federal government has made regarding policing

arrangements in aboriginal communities would suggest that the state appears conciliatory to the demands of aboriginal people that they have control of policing. However, the federal and provincial governments provide the majority of funding for aboriginal policing which allows them to exert significant influence over the type of police and police governing model established in aboriginal communities. In many ways, elements of pacification continue to shape the relations between the Canadian state and aboriginal people. Havemann characterizes the current relationship between the Canadian state and aboriginal people as the 'modernization phase of pacification.' He contends that current indigenized policing arrangements represent the integration model of social control where "the colonizer preserves aspects of the indigenous social control system, in order to utilize its authority to support the new pattern of domination" (1988: 82-83). Havemann argues that the promotion of consensual social regulation of aboriginal people enables the Canadian state to maintain hegemony because it is not forced to acknowledge another legal system in terms of aboriginal norms or dispute resolution mechanisms. In this way, the sovereign power of the Canadian state remains absolute (1985: 74).

### **1.3 Crime Control and Community Policing Approaches**

There are two divergent policing models that impact on the definition of the police role. The first is the crime control approach. This philosophy deals with the control of illegal acts through the employment of law enforcement activities. The second model is the community policing philosophy which promotes the maintenance of peace, order and security through the use of non-adversarial policing methods (Murphy and Muir, 1985: 70). An examination of the ideological differences between the two models will provide the basis for scrutiny of the aboriginal variant of community based policing: the tribal policing model.

A number of aboriginal communities have very different ideas about policing that conflict with state philosophies. As previously mentioned, government funding recommends that aboriginal communities employ a particular policing and police governing model that may

be inappropriate. Many aboriginal communities interested in establishing their own police services do not want policing in their communities to reflect the crime control and law enforcement approach because this policing style has many potentials for the abuse of power. The police role as conceived within this model, utilizes strict enforcement of the law for suppression and control of illegal activity (Murphy and Muir, 1985: 71-71). Adherence to the rule of law provides an authoritative basis for police activity that is focused on "the apprehension of criminals and the detection of crime through various investigative techniques and methods of law enforcement" (Murphy and Muir, 1985: 72).

The organization of contemporary Canadian police services has been largely influenced by the crime control model (DePew, 1986). Adversarial intervention styles and investigative techniques, rapid response requirements and an emphasis on internal discipline and management control are features associated with police agencies that adhere to this policing philosophy (Murphy and Muir, 1985: 170-71). The paramilitary bureaucratic character of many police agencies appears to be ideally suited to this policing style. Unfortunately, this organizational model is also associated with the development of the police officer as a "distant crime fighter and not an agent of social service and social order" (Forcese, 1992: 111). Many paramilitary police agencies are characterized by specialized task oriented units (Forcese, 1992: 111). According to DePew, police officers who work within these confines "have their responsibilities, obedience and loyalty to superiors in particular and to the police agency clearly defined and emphasized for them by the institution" (1986). Specialized task units are a product of the post World War 2 trend of centralization that many Canadian police forces underwent. Forcese notes that urbanization brought about an increase in the number of offences and violent crime, thus creating a requirement for larger police services (1992: 109). However, the increase in size of many police services has meant that the police have become less visible to the public. This has had the effect of decreasing public satisfaction with the quality of available police services (1992: 111).

The literature demonstrates that police services subscribing to the crime control model evaluate organizational effectiveness through a variety of quantitative indicators. For example: crime rates, clearance rates, arrest and conviction rates are considered evidence of effective police work and an organization successfully fulfilling its mandate (Murphy and Muir, 1985: 73). This often means that the social service role performed by the police is accorded secondary status because it is not considered "real" police work. Hence, the utility of the social service function may be infrequently evaluated by program managers and police officers dedicated to these duties rarely recognized for their efforts (Murphy and Muir, 1985: 77-78).

The crime fighting role is an important element of a police agency's mandate. However, it only accounts for approximately 20% of the activity that police officers engage in. Murphy and Muir contend that the crime fighting role tends to be overemphasized by "police administrators at the expense of the more frequently exercised functions of crime prevention, law and order maintenance and routine service delivery such as social assistance, referral and public education" (1984: 124). Contemporary demands upon policing are for more local responsiveness. The high cost of reactive policing, the redefinition of the police role to include responsibilities that are not crime related and general public dissatisfaction with the quality of police services has forced the police to reconsider their service delivery methods (Forcese, 1992: 115). Social change implies that the police have to adapt different methods of policing more suitable to the needs of heterogeneous communities (Forcese, 1992). Therefore, the employment of consensual policing methods to maintain order over the population is preferable to coercive methods that have proven invasive, oppressive, alienating and ineffective (Report of the Aboriginal Justice Inquiry of Manitoba, 1991). The community based policing philosophy is characterized as a proactive, preventive, policing approach predicated on the desire of the people to work with the police (The Race Relations and Policing Task Force, 1989: 158).

In community policing, the willingness of community members to participate in police policy development is recognized as having the potential to enhance the quality of

community life. As such, the community is perceived to be an integral component in the decision making process determining police priorities, the allocation of police resources, and the development and implementation of police services. Promoting community involvement in policing implies that the police have a responsibility to seek community input into policy decisions and that they must be prepared to adjust discretionary actions to reflect community needs (Murphy and Muir, 1985: 83). Community based policing acknowledges that the police perform a number of activities other than law enforcement and that their roles are determined by public perception. The provision of a socially relevant service is dependent on the police ensuring that their priorities are consistent with community needs. This necessitates that diversity is recognized as a legitimate aspect of the police role and that the general peace, order and security function of policing not be considered secondary to the crime control function (Murphy and Muir, 1985: 87).

Community based policing is premised on a shared responsibility for general order and security between the police and the community. In this respect, the police are but one element in an interrelated system of social control which includes schools, the church, social services and the family (Murphy and Muir, 1985: 89). Recognition of the integral role the police have in relation to other community sources of social control allows scarce policing resources to be maximized. By redirecting these resources towards referral, educational, prevention and planning functions, disorder problems may come to be recognized as also belonging to the community (Murphy and Muir, 1985: 90). In this way, the police role is redefined where the police have a special, but not exclusive role in addressing community problems (Murphy and Muir, 1985: 91). Increased emphasis on crime prevention, referral and educational activity demonstrates that the police are interested in developing strategies to impact on social problems prior to their occurrence (Murphy and Muir, 1985: 94). The redefinition of police service philosophies and operational priorities to legitimately encompass these responsibilities means that policing for and with the people needs to be recognized at all levels by police agencies as 'smart', not 'soft' policing (Task Force on Race Relations, 1989: 159).

#### **1.4 Defining A Culturally Relevant Policing Model**

Aboriginal people view the police as representative of a culture which is vastly different from their own. Their relationships with the police are framed by a history of cultural oppression and economic domination during which the use of aboriginal languages, governments, laws and customs was punished by the laws developed by the same legal structure the police now represent.

(Aboriginal Justice Inquiry of Manitoba, 1991: 596).

The incongruity of the crime control policing orientation and how it has been unfairly applied to aboriginal people in the past, has meant that external law enforcement agencies have had difficulty gaining respect in aboriginal communities. Aboriginal people consider these structures oppressive, because individuals employed are not aboriginal and as such "do not understand the Indian way of life nor respect our culture and traditions" (Frank McKay: Chief of Police, Dakota-Ojibway Tribal Police Service). Consequently, many aboriginal communities are making efforts to define culturally relevant community policing models that will promote harmonious relations between the police and aboriginal people. A number of aboriginal communities are examining contemporary nonaboriginal community based policing models and evaluating the benefits of this policing strategy. Two nonaboriginal community policing principles that aboriginal communities appear to support include encouraging police officers to be involved in peacekeeping and crime prevention activities and emphasizing co-operation between community social service agencies to comprehensively deal with crime.

A number of community based policing principles that tribal police services currently subscribe to originate from nonaboriginal society. A legitimate question regarding conventional community based policing principles concerns what relevancy it has in making tribal policing more appropriate for aboriginal communities. In recent years, a number of Canadian police forces have shifted their policing style to embody more consensual as opposed to coercive methods. In an attempt to make policing more relevant to the needs of aboriginal people, the state and provincial police forces have employed some community based policing principles in their delivery of police services to aboriginal



communities. However, efforts by non aboriginal police forces to provide a community friendly service to aboriginal communities has not been entirely successful. According to Forcece, community based policing should not be perceived as a comprehensive solution to all the problems inherent in policing. In fact, "more frequent contacts, if mishandled, may exacerbate prejudices and problems" (1992: 121). This is evident in that many aboriginal people continue to accuse state and provincial police officers of racist behaviour and unethical conduct. If nonaboriginal informed community based policing has met with limited success in some aboriginal communities how is this policing ideology legitimately incorporated within tribal policing? This dilemma speaks directly to the multifaceted and complex role of aboriginal police services boards in defining appropriate policing models that meet federally approved standards and that offer aboriginal people an acceptable alternative to policing by federal and /or provincial law enforcement agencies.

### **1.5 Factors Influencing Police Governance And Accountability**

The role of police services boards in achieving accountability and legitimacy of police operations is influenced by a number of internal organizational features of police forces. These include police ideology, police subculture and police powers. Prior to a discussion of how these factors challenge the governing authority of police services boards, the concepts of accountability and control of the police are examined to clarify the legitimate role of police services boards in monitoring police conduct.

#### **1.5.1 Accountability**

A police service that does not publicly account for its actions, cannot claim to be democratic. Resistance by many police forces to external regulation is not compatible with building consensual relations with the public nor enhancing the legitimacy of community policing. Acquiring social legitimacy in a democratic society implies that the police should be accountable internally to executive officers and be accountable externally to non police organizations for their activity. In theory, police services boards achieve

police accountability through their legislated authority to develop policy. However, an issue that complicates effective police regulation concerns how the authority of police services boards to develop policy often conflicts with the authority of the chief of police to operationalize policy. This conflict is central to the debate over whether the right of police services boards to demand accountability implies the right to influence how police policy is put into practice. Prior to an examination of how the police role is defined and how police services boards achieve accountability, it is useful to examine the two primary ways in which accountability and control are conceptualized in the literature.

One line of thought maintains that conceptual differences between accountability and control are purely hypothetical. Rather, both terms refer to the achievement of conformity by the police compatible with community definitions of acceptable conduct (Bayley, 1985: 160). Occasionally, a differentiation between controlling police policy and controlling the demeanour of individual police officers is made. In this case, the former is termed accountability. Regardless of the foregoing distinction, Bayley argues that in theory and practice the two concepts are one and the same because "accountability implies control and control achieves accountability" (Bayley, 1985: 160-61). Both concepts allude to processes where police behaviour is made to conform to community expectations. The second line of thought contends that accountability and control, though related, are fundamentally different concepts (Baldwin and Kinsey, 1982: 105-6). Accordingly, accountability is defined as the obligation to be answerable for a decision after it has been made. To demand accountability is to respect the autonomous status of the chief of police to make policy decisions and to require an obligation for the justification of any decision taken (Baldwin and Kinsey, 1982: 106). Conversely, control is defined as the exertion of influence during the decision making process. To demand control of the police service is analogous to claiming the authority to direct the chief of police in how policy decisions are made (Baldwin and Kinsey, 1982: 106).

For the purposes of discussion, a conceptual difference between the two terms will be made. Accountability will be defined as the authority of police services boards to make

the police answer for questionable conduct through the development of policy that imposes limitations on the employment of police discretionary powers. Control, on the other hand, will refer to the authority of police administrations to make policy decisions and to influence how police discretionary powers are carried out. The literature indicates that police services boards have experienced confusion regarding their legitimate role in police governance. Ambiguity about their responsibility for policy development has led the public to question the authority of police services boards to achieve accountable policing. A prevalent theme in the literature indicates that police accountability is a product of a variety of interdependent factors. This suggests that the belief that accountability is best achieved through exclusive reliance on either external or internal regulation structures is fundamentally misguided (Bayley, 1983: 146).

### **1.5.2 The Police Bureaucracy**

The structure of police organizations is an important factor that can challenge the ability of police services boards to effectively monitor police activity. The structure of many modern police departments is authoritarian and militaristic in character. As well, the operating procedures of many police forces embody a military orientation that may be characterized by a centralized hierarchy of authority, labour that is divided into functional specialities, career routes that are well established and that have a common entry point and promotions that are based on impersonal evaluations by superiors (Berkley, 1969: 32). According to Forcese, the military character of the police varies to the extent that in some societies making a distinction between the police and the military is difficult (1992: 100). In Canada, some police forces are more structurally and operationally military in character than other police forces. This is reflected in their training and manpower disposition as well as their dress and rank designation (Forcese, 1992: 100). Regardless, the majority of Canadian police forces adhere to the military model and have been slow to adapt alternate policing models more appropriate with the current policing needs of Canada's heterogeneous communities.

Within formal organizations there is a structuring of relationships. Most of these relationships are established through formal rules and in turn are elaborated through the structuring of communication and through authority, power, responsibility and accountability relationships (Hicks and Gullet, 1975: 71). In this way, authority is depicted as an institutionalized power, where individuals are given the power to execute tasks, to set out instructions or to command others. In Canada, many police departments can be characterized as bureaucratic organizations because their internal operations are conducted on a formal, rational and impersonal level. As well, the majority of Canadian police forces are organized on the basis of a comprehensive organizational hierarchy where supervision is structured to ensure that superordinate officers oversee the activity of subordinate officers (Grosman, 1978: 31). In theory police organizations are "based upon complete subordination maintained by a rigid chain of command and accountability by subordinates to their superiors" (Grosman, 1978: 31).

According to Berkley, rules, order and the formal insistence upon the maintenance of hierarchical structure and the line of command have a tendency to become ends in themselves. Police services that choose to interpret and to meet standards of performance through conformity to rules and regulations will be characterized by organizational rigidity and this may challenge them to swiftly adapt to unique circumstances not accommodated by the regulations (Berkley, 1969: 33). In addition, organizational inflexibility implies that a police agency may be incapable of reflecting the complexity of the society in which it operates (Forcese, 1992: 105).

The bureaucratic character of police organizations creates a social world apart from that of the general population. It is a world where control over membership is of primary importance in accomplishing the expansion of organizational powers and the attainment of organizational goals (Grosman, 1978: 31). The tendency of police management to neglect consulting with community groups prior to developing and implementing police policies is one problem associated with highly centralized police bureaucracies (Grosman, 1978: 53). Policy flexibility can be hindered by the inability of some police forces to

acknowledge the legitimacy of community involvement in policy development. In the end, a lack of community access to police agencies may compromise police and community relations which can lead to the development of strategies that fail to accurately reflect community policing needs (Grosman, 1978: 54). In this way, Grosman argues that the structure and philosophical orientation of highly developed police bureaucracies may cause some police forces to become socially irrelevant (1978: 54). This may result in the public voicing dissatisfaction with existing police services because of perceptions that the police have failed to satisfy a basic goal of democracy: that of guaranteeing every citizen access to and influence with governmental agencies. As well, under a highly developed police bureaucracy there is a tendency for the public to view the police as ineffective because of perceptions that the police are a foreign organization beyond the public's comprehension and control (Grosman, 1978: 54).

One important variable that has weakened the centralized administrative authority of police managers is police associations/unions. Over the years, police associations have secured the right to exercise a significant degree of influence in the conduct of policing and in police relations with the public (Forcese, 1992: 260). This has been characterized by the aggressive involvement of some police associations in ensuring that they have the means to influence departmental policy. This objective is primarily accomplished through their right to wage bargain which has a direct impact on departmental budgets. Some police associations also influence departmental policy through their authority to determine the disposition of personnel and the sanctions imposed upon police officers. In addition, some police associations have politicized policing by publicly commenting on various social issues. In many respects, police associations have assumed some of the role once considered the domain of the chief of police (Forcese, 1992: 241).

Many police chiefs have found the adjustment from a military tradition of command and deference to an industrial labour relations style difficult (Forcese, 1992: 243). Some police managers have reported feeling that the aggressive activity of police associations has weakened their authority and has compromised their ability to effectively control their

police officers. However, Forcese contends that this situation is mitigated by the fact that police association members and police management tend to share a conservative ideology that is protective of policing (Forcese, 1992: 258-59). Police associations and police management may conflict on various points of interest however, both are vigilant in defending police officers against public criticism. A conservative ideology that has support of the program manager and rank and file police officers may in effect shield police officers from public scrutiny and can make implementing change within police organizations a difficult and time consuming process.

Forcese notes that reform in policing has been slow because of the organizational structure of traditional policing. The paramilitary, hierarchical structure and bureaucratic character of many police agencies has been hesitant "to open the management and decision making processes to those not of appropriate status" (1992: 116). Many police organizations are inclined to resist change because organizational change "threatens established ways of working, of attitudes, basic assumptions and limited expertise" (Grosman, 1978: 138). To promote change, police bureaucracies need to be flexible enough to allow room for progressive organizational development and must accept involvement of the public in defining relevant policing strategies (Grosman, 1978: 50-51). In theory, police services boards are responsible for articulating community concerns to police administration and being politically responsive to their communities for police policy formulation. However, the literature suggests that ingrained organizational philosophies and attitudes may hinder the ability of some police services boards to achieve police accountability. When associated with a traditional police bureaucracy, police ideology and police subculture may allow the police to resist adapting more consensual policing models that would encourage public involvement. In the following section, an examination of police ideology, police subculture and police powers will demonstrate why policing that is associated with the paramilitary bureaucratic policing model is resistant to change and how as a result some police services boards are challenged in their ability to effectively govern the police.

### **1.5.3 Police Ideology**

Police ideology defines what the police believe about themselves, their roles and their interactions with people, other organizations and society in general (MacDonald and Dowling, 1983). Ideology also defines the type of policing orientation that is supported within the police department and by the general public. The literature indicates that people have accepted and feel comfortable with the paramilitary image of the police (MacDonald and Dowling, 1983; DePew, 1985). Public perceptions that laws are lenient and the justice system ineffective necessitates the reassurance that community safety will be guaranteed through aggressive policing (MacDonald and Dowling, 1983). Accordingly, the enforcement of law and the maintenance of order are acknowledged as fundamental aspects of the police role. Ideology is the action orientation toward the fulfillment of that role.

Ideology is a product of the dominant cultural heritage of the police service and is shared in character (MacDonald and Dowling, 1983). Ideology is conditioned in a variety of ways. It is shaped through police academy training; the early phase of orientation to the occupation; through the interaction and mutual interdependence of police officers; and the requirements of the police role (MacDonald and Dowling, 1983). Police academy training instills a collective sentiment among the recruits that is carried through to the initial period on the job. In the early stages of police training, research indicates that recruits actively seek out and adopt attitudes and behaviours that will contribute to their fulfillment of the police role (MacDonald and Martin, 1985). This is an informal process and involves experimentation with differing role model attitudes and manners of behaviour. Role models tend to be members of the police academy training staff. These individuals are integral to the development of organizational ideologies through the communication to recruits of their attitudes and philosophies pertaining to policing and the police role (MacDonald and Dowling, 1983; MacDonald and Martin, 1985). Ideology is further developed and reinforced during the initial period of field training. During this phase police officers learn and consolidate the technical skills and attitudes which are necessary

for effective role performance. Field trainers, through standard behaviour practices and corresponding action, communicate a consistent perception of the police culture which gives personal legitimacy to the involvement of recruits in their chosen occupation (MacDonald and Martin, 1985: 298).

Field training also socializes recruits to depend on their fellow officers in ambiguous situations where decisive action is required (MacDonald and Dowling, 1983). Dependence on the support of other police officers assists in the alleviation of occupational stress, enabling recruits to develop rationales for operational decisions which enhance both personal and social legitimacy of their occupation. In circumstances where the legality of police action is in doubt, the interdependence of police officers promotes organizational cohesiveness thereby establishing allegiance to fellow officers, a fundamental aspect of the value system (MacDonald and Dowling, 1983; Reiner, 1985; Sunahara, 1992).

In general, the literature indicates that ideology may provide attitudinal support for the abuse of police authority. However, Martin and Richardson (1985) contend that police ideology can be modified by the police having a realistic understanding of their role. They argue that police management has an important role in reforming prevailing ideologies and promoting a realistic organizational appraisal of policing based on their ability to enforce acceptable codes of conduct (1985: 312). MacDonald (1983) acknowledges that program managers have the authority to influence productivity and the service function of the police organization. However, he is significantly more critical than Martin and Richardson of management's ability to ensure better policing and hence accountability. MacDonald argues that the initiation of reform within policing is complex due to the fact that the composite behaviour of a police force tends to be more responsive to collective ideology than management's influence (1983). This suggests that even though police managers have an important role in the reform of policing, change will not occur unless the attitudes of street level supervisors and the rank and file adjust to "realign reward structures, community ties, service priorities and overall policing ideologies" (Forcese,



1992: 116). In general, the literature suggests that police ideology performs a protective function for the police organization. It is fundamental in legitimating the existence of a police subculture which perpetuates the myth of the police as a beleaguered group (Reimann, 1974; MacDonald, 1983; Bayley, 1985; Reiner, 1985; Goldstein, 1986). This may provide the police with the justification to treat public demands for external accountability as interfering with their legally independent status.

#### **1.5.4 Police Subculture**

The diverse and complex nature of the police role makes defining its parameters difficult. As such, uncertainty about their social responsibility can promote confusion and stress among police officers and cause them to be obsessively concerned with authority and personal legitimacy (MacDonald and Dowling, 1983). The development of a protective, supportive and shared belief system is a product of role ambiguity. Typically, a subculture evolves from the collective set of beliefs which assist police officers to cope with and adjust to occupational pressures. Ideology is influential in the development of a particular subculture. Depending on the nature and content of the collective belief system, a corresponding mutually supportive association among police officers evolves justifying questionable police actions, protecting them from external scrutiny, and providing personal legitimacy which is fundamental to occupational validity (MacDonald and Dowling, 1983).

Sunahara assesses the findings of five government inquiries into policing and misconduct issues and determines that the police subculture is an all encompassing environment with the socializing capacity to mold its members (1992). He argues that achieving police accountability is enhanced when deviance is viewed as a product of the organizational character of policing rather than as a product of the personality traits of individual police

officers (1992: 153-54).<sup>1</sup> Similarly, Nelson dismisses the 'bad apple' theory as inadequate for evaluating the variables contributing to police deviance. He argues that police deviance is better understood when it is located in the social context from which it emerges (1988: 115). In assessing organizational police deviance with regard to the socializing influence of the police subculture, it is important to acknowledge the fact that the occupational environment is neither monolithic, static nor universal (Reiner, 1985: 86). This suggests that organizational styles of police services vary between different places and periods. Accordingly, Reiner argues that the police subculture has developed as a "patterned set of understandings which help to cope with and adjust to the pressures and tensions which confront the police" (1985: 87).

The police subculture functions as a defence mechanism for easing the tensions of the police role; however, in a traditional police bureaucracy it may contribute to the notion that the problems of police work cannot be understood and evaluated by the public. This may challenge the ability of some police governing bodies to achieve accountability. Even though the police subculture is characterized by numerous variables that have a functional value, it can also make monitoring police activity difficult. First, the police subculture contributes to suspicion. Reiner argues that suspicion is socialized through the job and is reflected in the tendency of the police to observe for potential signs of danger (1985: 91). Barker and Carter (1986) contend that police inclinations to stereotype individuals based on subjective perceptions of race, gender, ethnicity etc. is a product of this suspiciousness. The signs that many police officers have internalized as indicators of trouble suggest that the police have the ability to make crime. Specifically, discretion allows the police to select, disregard, accentuate and in the end these subjective interpretations give the police the power to 'make crime' (Forcese, 1992). Stereotyped attitudes regarding certain

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<sup>1</sup>Sunahara examined five inquiries from an organizational perspective in order to analyze the cultural and structural criteria which facilitated deviance within the police subculture. Specifically, he examined the Royal Commission on the Donald Marshall Jr., prosecution, Alberta's Commission of Inquiry: Policing in Relation to the Blood Tribe, The Task Force on the Criminal Justice System and its impact on the Indian and Métis people of Alberta, The Manitoba Public Inquiry into the Administration of Justice and Aboriginal People and finally, The Report of the Honourable E.N. Hughes, Q.C. with respect to the process and procedure in the charge, arrest, prosecution, stay and subsequent actions of the October 3, 1990, Harvey Pollock, Q.C. case.

segments of the population can lead to misunderstandings and hostility between the police and the public. When community members feel that they are being unfairly policed, sentiments may develop where the community may choose to withdraw some of its support for the police (Forcese, 1992).

The second variable characterizing the police subculture is isolation. Isolation is a product of the many demands of the police role including shift work, erratic hours, various aspects of the discipline code and hostilities that citizens targeted for police action may exhibit towards the police (Reiner, 1985; Barker and Carter, 1986). As well, police dependence on one another in stressful situations may contribute to the insulating effect of the occupational subculture that convinces police officers that only they are able to comprehend the demands of the job (Reiner, 1985; Martin and Richardson, 1985; Barker and Carter, 1986). The belief that the public is incapable of empathizing with the demands of the police role may promote resentment by the police towards external governing bodies (Bayley, 1977; 1983; 1985).

Internal solidarity is another aspect of the police subculture which may make accountability difficult to achieve. Internal solidarity is a product of both occupational isolation and reliance on colleagues during tense situations (Martin and Richardson, 1985; Reiner, 1985; Barker and Carter, 1986). Internal solidarity functions as a defence mechanism, protecting the police from public knowledge of unethical activity. An important factor impacting on the extent to which internal solidarity finds support within the occupational subculture is the separation that occurs between police officers and management during public inquiries questioning police activity. In these situations, tensions between police officers and management may be generated due to the requirement that management project an acceptable visage to the public regarding their ability to internally regulate police activity and achieve accountable behaviour. (Shearing, 1981). Shearing argues that the contradictions inherent in the role of police officers and management during public inquiries is functional because it allows management to adopt presentational strategies that may conceal weaknesses in the internal structure of the

police organization while sacrificing individuals who they consider to be organizational liabilities (1981). This process is symbolically important for conveying to the public that the police are sensitive to their concerns. In addition, this strategy can appease public demands for comprehensive organizational reform, enabling the police to retain control of the methods through which their activities are monitored.

Conservatism is the final characteristic of the police subculture which can make achieving accountability difficult. Reiner argues that the police are a para-military, hierarchical organization that favour recruiting individuals who are of a moderate moral and political character (1985: 100). The issue with conservatism as it relates to accountability, concerns how it impacts on the general health of police-community relations. Specifically, the literature suggests that police officers are overwhelmingly recruited from the middle class and their attitudes are a reflection of the prevailing attitudes of the majority in society regarding race, ethnicity and gender (Reiner, 1985; Report of the Race Relations and Policing Task Force, 1989; Aboriginal Justice Inquiry of Manitoba, 1991; Sunahara, 1992). This implies that questionable police action toward individual/groups with the least power in society can be forgiven on the grounds that police officers are the product of a society that normalizes inequality. Regardless, the police have a duty to protect the public interest without bias. The authority the police have to employ coercive powers is a public loan and accordingly the police have a responsibility to exercise their discretion in a way that respects individual and collective rights.

### **1.5.5 Police Powers**

In their role as law enforcers, the police choose from several options regarding how and when to enforce the law (MacDonald and Martin, 1985: 312). When deciding appropriate action, the police must choose which ends they will pursue: law enforcement or order maintenance, and which means they will employ to achieve them (Bittner, 1985). The comprehensive enforcement of every law by the police is not possible nor infinitely desirable. Discretion accords the police autonomy in determining appropriate action for a

particular circumstance. In this way, police discretion prevents minor infractions from creating a backlog in the justice system and allows more serious offences to be dealt with swiftly. The public entrusts the police with the authority to employ discretionary powers and in return the public expects the police to exercise good judgement in their employment of discretion. The majority of police officers take this responsibility seriously. However, there are some police officers who abuse their powers violating the civil rights of those people they are paid to serve and protect. The literature suggests that the law may fail to provide a decisive framework guiding the discretionary powers of the police because it is ambiguous, open to interpretation, and contradictory (Ericson, 1982; Morgan, 1989; The Task Force on Policing in Ontario, 1974).

The autonomy the police have to make discretionary decisions can complicate the issue of accountability in two ways. First, discretion is often exercised by police officers without the scrutiny of senior officers. The majority of rank and file police officers work long hours without direct supervision. As such, police officers have considerable autonomy in responding to situations (Bayley, 1985: 49). How discretionary decisions are made can result in the complete lack of enforcement of some laws, for example, a police officer may choose not to arrest an individual when the situation would warrant otherwise (Kelly and Kelly, 1976: 199). Kelly and Kelly contend that the legitimacy of certain discretionary decisions relies on balancing the challenges of and circumstances surrounding how discretionary decisions are made with the best interests of policing and the organization (1976: 203). They suggest that it is vital that police interests acknowledge and conform to community expectations because congruency of the police role with community desires is an important factor in organizational legitimacy (1976: 203).

The issue of good judgement and fairness is the second aspect of discretion that can complicate how accountability is achieved. Depending on a police officer's subjective interpretation of a given situation, it is possible for discrepancy to exist in how two individuals having committed the same crime are handled (Kelly and Kelly, 1976: 203). Treating similarly situated people in like ways is one recognized aspect of justice. However, the methods in

which discretionary decisions are implemented can result in the inconsistent, unequal, and unjust treatment of citizens (Bittner, 1985: 11). According to Kelly and Kelly, the uneven enforcement of the law can lead to a violation of an individual's civil rights. They argue that the establishment of firm procedural guidelines delineating the terms for police employment of discretion should remedy the potential of this occurring (1976: 199).

Bittner argues that eliminating inconsistencies in the legislative definition of discretion and restricting its employment to ensure the equal enforcement of all laws would negate the possibility of injustices occurring. However, Bittner acknowledges a basic principle of justice would be violated if all laws were equally enforced: that of according to each individual what s/he is deserves (1985: 11). Legal limitations on police powers are important but are incapable of exclusively guaranteeing that the police behave in a manner consistent with democratic principles. Because police officers often have to make snap decisions in situations that don't allow time for reflection, resorting to regulations that excessively govern police behaviour would be inadequate (Forcese, 1992). Instead, Forcese and Berkley contend that quality recruitment and training, integration into the community combined with a legitimate desire to accept legal restrictions on their powers is probably the most effective way to ensure accountable policing (Berkley, 1969; Forcese, 1992). The issue of police powers takes on added significance in relation to the current shift in policing toward consensual policing models.

In a traditional police bureaucracy, the rigid chain of command demands complete subordination and accountability by subordinate officers to their superiors. The higher ranks primarily operate in a decision making capacity. Those in the lower ranks of police administration interpret the more general decisions into detailed and specific instructions and field officers carry out those instructions in the line of duty (Grosman, 1978: 31). This organizational feature of traditional police bureaucracies may make the discretionary decisions of police officers easier to account for (Murphy and Muir, 1985). In community based policing models the command structure is more decentralized which suggests that there is less direct supervision by superior officers of subordinates and field officers are

encouraged to interact with the community in a casual manner. These factors can challenge the ability of police governing bodies to make police officers accountable for their actions, because the police have significantly more freedom to exercise their discretionary powers. Where circumstances permit, the police can resort to dispute resolution and mediation strategies to deal with crime in place of arresting individuals. There are problems associated with the discretionary powers of police officers in community policing models. Specifically, community based policing means that there will be increased contact between the police and the community and that poor management of these contacts may create conflict. As such, "the impolite police officer in frequent contact with citizens will diminish the quality of citizen-police relations" (Forcese, 1992: 121).

### **1.6 Internal And External Regulation Of Police Activity**

No matter how efficient a police force may be, and no matter how careful it is to observe civil liberties of long standing, it will always have to fight its way against an undercurrent of opposition and criticism from some of the very elements which it is paid to serve and protect, and to which it is in the last analysis responsible. This is the enduring problem of a police force in a democracy.

(Berkley, 1969: 5)

Police accountability is critical to the democratic process in order that the police not function as a repressive extension of the state (Bent, 1974: 63). All Canadian police forces are regulated by legislation and are accountable either to local governments or police services boards (Forcese, 1992: 214). Forcese identifies the two main contexts through which accountability is achieved. External control is characterized by regulatory mechanisms found within organizations or groups who are independent of the police. They include municipal, provincial and federal governments, judicial reviews, task forces, royal commissions, provincial police commissions and municipal police services boards, civilian review boards and ombudsmen. Conversely, internal control is achieved through organizational rules and regulations promulgated within the police organization and

executed by those in command. This embodies internal investigations and discipline as well as investigations by other police forces (1992: 215).

Bayley perceives the relationship between the police and society as one of reciprocity. This implies that society shapes what the police are and that the police ultimately influence what society may become (1985: 159). Bayley argues that the primary objective of external supervisory bodies is to enhance internal methods for achieving acceptable conduct. He contends that external governing mechanisms are not as effective as internal mechanisms for achieving accountable police behaviour. Rather, the main value of external governing bodies should be to ensure police conformity to society's values and to reassure the public that the police are not isolated and insensitive to their needs (1983: 157).

A prevalent public sentiment exists that external accountability maximizes police accountability because it compels the police to justify questionable behaviour (Bayley, 1985). However, public support for external bodies to regulate police activity contradicts findings in the literature that suggest that internal regulation is better informed. In particular, internal regulation is characterized as having the potential to be more thorough and extensive in nature than external governing methods (Bayley, 1985: 177; Hann and McGinnis, 1985: 6; McMahon, 1984). Evidence suggests that the police are able to compromise the effectiveness of external regulatory bodies by selectively choosing what information to submit for public scrutiny (Bayley, 1985; Ericson, 1982). Due to a general lack of knowledge of policing issues and the internal operations of police departments, these governing bodies are none the wiser.

In addition, external regulation of police activity occasionally concentrates on episodes of misconduct that are sensational and considered media worthy. This ignores the reality that the majority of public complaints regarding police conduct involve minor infractions (Bayley, 1985: 178). The literature suggests that internal regulation is better informed of the variety of situations that result in questionable police behaviour because it is more



adept at focusing on the broad spectrum of police activities, and not solely on the more dramatic episodes (Bayley, 1985; McMahon, 1984). The literature indicates that over reliance on external governing bodies to regulate the police may in fact reduce the effectiveness of internal control. Hence,

effective regulation of police powers and accountability requires that rules of criminal procedure should be enforced in the sense that they are broadly acceptable to and respected by the police. If external controls are forced, they are likely to prove counterproductive.

(Reiner, 1985: 178)

Regardless, a prevalent theme in the literature on accountability is that certain segments of the population perceive the police to be incapable of self regulation. These interest groups feel that they should have more input into the complaints and discipline process to ensure that the police account for their activity. However, the literature is also clear in the position that external governing bodies should never function as a replacement for effective internal control. The current shift in policing towards consensual models indicates a need for the police to be more receptive of public input in policy and to be more accepting of having their internal operations publicly scrutinized. In order for the police to derive legitimacy in a community policing model, Berkley contends that their internal control system should satisfy three criteria. This includes working to impartially and swiftly deal with police abuse of power while protecting the rights of accused police officers, determining punishment that is compatible with the gravity of the offence and finally promoting public awareness of the complaints process and maximizing the visibility of internal investigation units so that the public are able to see that justice is accomplished (1969: 136).

As previously demonstrated, external and/or internal governing mechanisms are incapable of exclusively achieving accountability. Neither are adept at eliminating entrenched behaviour patterns. Specifically, the attitudes of police officers are shaped by life long socialization processes and are reinforced within the occupation (Lundman, 1980; MacDonald and Dowling, 1983). The literature indicates that policing generally provides

attractive wages and retirement benefits and these advantages entice a wide variety of people to consider policing as a viable career choice (Bayley, 1985: 169). Some individuals will be recruited who view policing as an honorable profession while other people will regard policing as a job and will demonstrate a corresponding poor personal commitment to the occupation. The literature suggests that police administration have the ability to manage weak job commitment through promotions and increased pay, rewarding deserving police officers for superior job performance (Goldstein, 1986: 276). This implies that recognizing individual police officers who provide a standard of policing consistent with community expectations may assist in the development of a progressive organizational ethic. However, rewarding committed individuals through wage and promotion incentives is not an exclusive guarantee that police officers will carry out their duties in an ethical manner.

In Canada, it is presumed that the police will not participate in politics. In turn, the police want protection from political interference (Forcese, 1992: 223). In general, society tends to be apprehensive of police forces that are independent of political responsibility because of the fear that the police will use their powers to violate civil liberties (Report of the Royal Commission on Metro Toronto, 1977; Waterloo Region Review Commission on Police Governance, 1979; Stenning 1981a, 1981b, 1981c; Henshall, 1983). However, the research literature indicates that the police feel more comfortable accounting for their activity to internal regulatory bodies (Lundman, 1980; Normandeau, 1990; Sunahara, 1992; Yeager, 1978). The police report that they prefer to internally monitor their activity because they feel that their expertise exclusively qualifies them to evaluate the appropriateness of police action (Stenning, 1981a; 1981b). The literature suggests that sole reliance by the police on internal regulation can compromise community involvement in the accountability process (Murphy and Muir, 1985; Sorochan, 1992). Specifically, in the past, internal investigations of police activity has demonstrated the tendency to exonerate police officers of any wrongdoing. Public mistrust of internal investigations is further compounded by the fact that many program managers have failed to inform complainants of the status of internal investigations or notify them of disciplinary action.

Failure to inform the community of how their complaints are managed, has resulted in some segments of the population questioning the ability of the police to self regulate (Murphy and Muir, 1985).

Contradicting general public consensus, Bayley argues that insistence on direct and active political supervision may jeopardise police objectivity in regard to job performance. He contends that external attempts to control the internal operations of the police can engender hostility and demoralization among police force members (1977: 227). Several experts question whether police desires for operational autonomy reflect a genuine challenge to democratic control over their operations. Specifically, is it possible for the police to remain external to the usual checks and balances of political responsibility and still claim to be democratic? The issue of independence from political responsibility is better contextualized in reference to the notion of police professionalism and the principle of legal independence. Both concepts impact significantly on the authority of police services boards to regulate police activity.

### **1.6.1 Police Professionalism and the Principle of Legal Independence**

The principle of legal independence of the police has created some ambiguity about the authority police services boards have to achieve accountability resulting in poorly defined responsibilities. Legislation recognizes that police officers are subject to the orders of their chiefs of police regarding their roles and responsibilities. However, the same legislation also authorizes police services boards to monitor police activity. In Canada, the judicial system has failed to decisively clarify its position regarding what authority the principle of legal independence provides police services boards with to regulate police activity. For example, many Provincial Police Services Acts authorize police services boards to develop policy for the effective management of the police. In practice, some boards have little authority in this area. In situations where the legitimacy of police activity is in question, some external governing bodies have had their operations critically scrutinized. Unfortunately assessments of where external controls may have failed has not

resulted in the courts explicitly clarifying what role police services boards have to achieve accountability in relation to police management.

Provincial legislation is vague regarding the principle of legal independence and the authority police services boards have to achieve accountability. The interpretation of the status of constables in Ontario reinforces that police services boards have no legitimate authority to control how policy decisions are made. The legislation states that: "the relation of master and servant does not exist in law as between a municipality or a board and a member of the police force... his authority is original, not delegated and is exercised at his own discretion by virtue of his office. He is a ministerial officer exercising statutory rights independently of contract" (sic Stenning, 1981a: 114). The Alberta Police Act Section 25(4) is also clear on the authority of police services boards to direct police force members in the performance of their duties. Specifically, it states that, "no member shall issue or purport to issue any order, direction or instruction to any member of the municipal police force relative to his duties as a member of the force" (sic Stenning, 1981a: 11122).

The principle of legal independence is explicit in the position that civilian accountability is not to be achieved through police services board attempting to control how program managers operationalize policy. Some policing experts argue that such attempts reflect a desire on the part of police services boards to act in the capacity of police manager. This is considered an undesirable role for police services boards to appropriate because it is analogous to them assuming the authority of the office of the chief of police, for which they have neither the time nor the expertise (Ontario Police Commission, 1978: 116). Furthermore, a serious conflict of interest can occur when police services boards attempt to control how program managers put policy into effect. As civilian representatives of the public, police services boards have a responsibility to objectively monitor police activity. A police services board that interferes in police operations may find it difficult to satisfy this obligation. Under certain conditions, the desire to maintain organizational legitimacy may result in police services boards protecting individual police officers or the police

service from external scrutiny. In this way, a police services board that assumes the prerogative of the chief of police may no longer be in the position to objectively evaluate public concerns regarding the integrity of policing methods.

Professionalism is the primary method through which many police forces articulate their desire for independence from political accountability. The research literature suggests that police demands for exemption from having to externally account for their activity is influenced by the desire that policing become a self regulating occupation. In this capacity, professionalism can be characterized as "the vehicle through which the police can define a sphere of autonomy or independence for itself" (Hann and McGinnis, 1985: 9). Yeager and Brown define professionalism as:

referring to an abstract ideal...which occupations strive to achieve because the attainment of professional status involves a great deal of autonomy in the way the occupation carries out its work...knowledge in this context is assumed to be so specialized that only members of the profession can deal authoritatively with problems in their own jurisdiction.

(1978: 273)

Forcese notes that the paramilitary structure of many contemporary Canadian police services is characterized by numerous variables that contradict professional status. For example, he cites the demand for conformity and discipline, the poor level of recruit qualification and training, the internal command officer selection and the absence of lateral entry as evidence that the police fail to qualify as a profession (1992: 101). Haring argues that professionalism is a myth designed to legitimate the police function in society. It is a method of presenting to the public, the image of the police "as honest, well trained, neutral and independent individuals dedicated to the highest standards of public service when in fact they are none of these" (1986: 135). Bent employs a similar perspective in his assessment of police professionalism. He contends that professionalism involves the ascendancy of moral values in the work place and the use of controls to ensure that these moral imperatives are preserved (1974: 155). He implies that the police need to embody the moral values of society, and be accountable to the law before they can be accorded

professional status. He concurs with Haring's observation that the police fail to satisfy the criteria associated with professionalizing an occupation. Even though the police are not organized as an independent, self regulating occupational group, some experts argue that they do possess professional attributes. Some criteria associated with the designation of professional status include:

- lengthy period of training for candidates;
- higher occupational admission standards;
- a special body of knowledge and theory;
- altruism and dedication to the service ideal;
- a code of ethics;
- licensing of members;
- autonomous control;
- pride of members in their profession;
- publicly recognized status and prestige.

(Marin, 1991: 206)

A significant problem associated with professionalizing policing concerns the belief that it decreases rather than increases restraints on police employment of coercive powers (Lundman, 1980: 177). Lundman argues that police demands for professional recognition may result in the elimination of external restrictions on police powers because the police present themselves as experts with regard to evaluating the conditions under which force is used. Accordingly, support for professionalism may insulate the police from external pressures and accountability to the public (1980: 177). Reimann argues that police resistance to external control is not a legitimate justification for professional autonomy and greater self regulation (1974: 226). He maintains that attempts by the police to eliminate external monitoring of their activity represents a blatant attempt to shift police powers from a public loan into a private right. Reimann contends that professionalism is analogous to:

reposing in a group of individuals the awesome power to curtail the freedom of others to be exercised according to the private judgement of the police organization.

(1974: 231)

A prevalent sentiment in the literature dealing with accountability concerns how the police view increased public support for external control as anti-professional. The police perceive external monitoring of their activity as interfering in their ability to effectively carry out their duties. In general, the police argue that operational policy and procedures should not be submitted for external scrutiny to police services boards because individuals populating these bodies are generally inexperienced and incapable of evaluating the legitimacy of police action. Contradicting this position is Perrier's view that police commissions/services boards have an important role in professionalizing the police (1978). He cites selective recruiting practices, standardized recruit training, and sophisticated administration as examples of the diverse role police services boards have in promoting professional standards of policing (1978: 65). Perrier argues that the interdependent nature of the relationship between police commissions/services boards and the police is conducive to achieving a high level of police accountability (1978: 66). Conversely, other policing experts maintain that the intimate relationship that exists between many police services boards and police services may compromise the ability of the former to satisfy their responsibilities. Specifically, in Canada the police have been accused of employing techniques emphasizing the amateur status of their governing bodies. Perceptions by the police that police services board members are inexperienced in dealing with police issues implies that they are also incapable of evaluating the legitimacy of police activity (Stenning, 1981a; 1981b; 1981c).

In professionalizing an occupation the question of whose interests are primarily served is fundamental. Does the occupation or the public benefit from the designation of professional status? Aucoin argues that authority for self regulation must never be used to exclude the profession from public accountability (1978: 50). Aucoin feels that in order for an occupation to self govern in the public's interest, citizens must have the right to demand accountability and to seek redress for infringements of their civil liberties. As public servants, the police have an obligation to carry out their duties in a manner that respects the individual and collective rights of citizens. In this regard, police services boards have an important role to ensure that the police deliver a service that is consistent

with community expectations. The key principles of community policing are premised on the legitimate authority of the public to participate in defining relevant police strategies and to make the police accountable for their actions. The benefits of community policing may not be fully realized if the police fail to reflect community needs in the strategies they develop. Even though the police have expertise in identifying problems and developing solutions to remedy some social problems they should not have exclusive jurisdiction in this area. Effective community policing involves the participation of competing interest groups to ensure that the most pressing social problems are identified and are dealt with in a manner that community members consider satisfactory.



**CHAPTER TWO: THE ROLE OF POLICE SERVICES BOARDS IN  
GOVERNANCE AND ACCOUNTABILITY**

## **2.0 Introduction**

In Canada, three basic models of political structures exist for governing the police. The first involves accountability of chiefs of police to municipal councils indirectly or directly through a committee. The research literature indicates that police accountability is most commonly secured through this method. The second way in which accountability is achieved occurs through senior police officers having the responsibility to answer to their provincial Attorney's-General for the conduct of police officers and the police service. Finally, police accountability is also achieved through chiefs of police answering to special purpose governing bodies as represented by provincial police commissions and/or municipal police services boards (Hann and McGinnis, 1985: 2). According to Stenning, there are approximately 130 police services boards in Canada, with more than half located in the province of Ontario (Hann and McGinnis, 1985: 2).

Although the legislation regarding the governing authority of police services boards varies, the majority of police services boards are responsible for monitoring police activity and initiating policy development that reflects community policing needs (Grosman, 1978: 112). Grosman contends that community members expect police services boards to satisfy two responsibilities. First, there is an expectation that police services boards will articulate community concerns and complaints to the police and second, that police services boards will be politically responsive to the public for police policy development (1978: 115). According to Grosman, police services boards, in their present form, fail to promote the communication of community concerns to police administrations. Rather, they tend to act as a buffer between chiefs of police and the public, thereby inhibiting the participation of community members in the development of relevant police strategies (Grosman, 1978: 115).

Prior to a discussion of the roles and responsibilities of police services boards, a historical overview of police services boards is presented to provide insight into the evolution of

police services boards into their present form and the current challenges confronting their operations.

## **2.1 The Historical Evolution Of Police Services Boards In Canada**

Policing systems were well established in many regions in Canada, circa 1867. Evidence of this is found in historical records that document the existence of a policeman in Quebec city and Montreal by 1651. By 1793, each of the four districts of Upper Canada employed individuals to act in the capacity of special constables (Forcese, 1992: 15). During the early to mid 1800's the police functioned in an auxiliary capacity, additional yet complimentary to the judicial system (Stenning, 1981b: 14). Police services were typically delivered by individuals acting in the capacity of a civilian watch or in some situations by special constables reporting to a chief constable. Individuals who performed these duties did not wear a uniform and were unarmed. In addition, because they were not full time paid employees of the municipality, local watchmen/special constables were not in the contemporary sense police officers (Forcese, 1992: 15-16).

The development of urban communities during the 18th and 19th centuries necessitated the establishment of law enforcement bodies responsible for protecting the public interest and maintaining order. The complimentary development of elected governing bodies signified a transformation in the administration of urban police services from the judiciary to municipal councils. During this period, the police were classified as a municipal service (Stenning, 1981b: 14). Principles of police governance were stipulated in statutes of general application that established the framework of local government in the latter half of the 19th century (Stenning, 1981b: 14-5). These statutes empowered municipal councils to authorize by-laws establishing municipal police services. As well, these statutes permitted municipal councils to influence the composition of the police as well as determine police operational policy and procedures (Stenning, 1981b: 14-5).

The presence of municipal council in policing and police governance signified a transformation in the administration of policing from the judiciary to the political sphere of control. However, the authority of municipal councils to establish and to govern the police created some fear that partisan political influence would compromise the ability of the police to remain neutral. To address these concerns a compromise was reached where the judiciary participated in monitoring police activity to ensure that the police were insulated from political interference while still accountable for their activity to the public. The establishment of police services boards was a result of this arrangement (Stenning, 1981b: 16; 1981c: 169).

Canada's first municipal police services board was established in 1858 in Upper Canada. Municipal police services boards were also established in Winnipeg and Vancouver in 1886, and in New Brunswick, Saskatchewan, Prince Edward Island, Alberta and Nova Scotia in 1907, 1908, 1938, 1951 and 1974 respectively (Forcese, 1992: 226). The Upper Canada governing body was structured on a similar governing body established in New York City in 1853. The New York police commission was concerned with "the elimination of political favouritism and word control, which prior to that time had dominated the police department" (Stenning, 1981c: 171). The creation of a similar institution in Upper Canada was informed by a corresponding desire to remove control of the police from political interference.

A significant development impacting on the evolution of municipal police services boards regards the incremental transfer of police governing powers that occurred between the municipal and provincial spheres of influence. The Municipal Act of 1938, which restored to the province of Ontario jurisdiction in the appointment of individuals to police services boards, initiated this power shift (Stenning, 1981a: 118-19). In addition, the enactment of the Ontario Provincial Police Act in 1948, consolidated provincial influence in the area of municipal police governance.

Specifically, the 1948 Act ratified:

transfer of statutory provisions governing municipal policing from a local government statute; the Municipal Police Act, to a comprehensive Provincial Police Act dealing with all aspects of policing in the province.

(Stenning, 1981a: 119)

Accordingly, the first provincial police commission was established in Ontario in 1962. Quebec and Alberta established provincial police commissions in 1968 and 1971 respectively (Forcese, 1992: 226). Stenning argues that the desire to shift municipal police governance from local to provincial control was not concerned with decentralizing politics from policing as was the original contention. Rather, the transfer of authority for control of police governance was the product of a power struggle between the provincial and municipal governments for political dominance of policing. Stenning argues that this political manoeuvring has provided the police with the opportunity to pursue autonomy and political independence because the issue of accountability has been effectively confused (Hann and McGinnis, 1985).

## **2.2 Roles And Responsibilities Of Police Services Boards**

Legislation regarding the governing authority of police services boards varies across provinces and municipalities, however, police services boards are generally responsible for overseeing the police through action in four critical areas:

- they develop policies and provide direction congruent with the long term objectives of the police service;
- they are the employer of the chief of police, constables and civilian staff;
- they develop the budget and administer finances, ensuring adherence to expenditure guidelines;
- they establish criteria for the administration of the public complaints system; monitor administration of the public complaints system; and receive regular reports from the chief of police on any matters relating to public grievances. (Overview: Structure of Policing and Police Accountability in British Columbia, 1992)

Specific responsibilities of police services boards vary and are detailed in the Police Services Acts of each province. However, the police services board model detailed most recently in the 1992 Ontario Police Services Act is commonly referred to by many police services boards across Canada when developing, revising and/or enhancing responsibilities. The following list are legitimate roles and responsibilities of Ontario police services boards. Since a number of police services boards across Canada are structured on the Ontario model, their governing responsibilities are relatively similar and may involve:

- appointing the members of the municipal police force;
- determining after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;
- establishing policies for the effective management of the police force;
- recruiting and appointing the chief of police; any deputy chief of police and annually determining their remuneration and working conditions, taking their submissions into account;
- directing the chief of police and monitoring his/her performance;
- establishing an employment equity plan in accordance with section 48 and the regulations, review its implementation by the chief of police and receive reports from him/her on that subject;
- receiving regular reports from the chief of police on disclosures and decisions made under section 49 (secondary activities);
- establishing guidelines with respect to the indemnification of members of the police force for legal costs under section 50;
- establishing guidelines for the administration by the chief of police of the public complaints system under part 4;
- reviewing the administration by the chief of police of the public complaints system and receiving regular reports from him/her on that subject.

(Ontario Police Services Act, 1993: 21-22).

Police services boards in Canada vary considerably in composition, mandate, assumed role, authority, status and level of activity in municipal police governance. Therefore, it is not possible to speak of a typical police services board or a typical style of governing authority (Hann and McGinnis, 1985: 12). The literature indicates that police services boards with authority for policy development and collective bargaining tend to be more influential in police governance (Stenning, 1981c). However, the majority of police services boards have authority only in a few of the foregoing areas and this appears to be

associated with their experiencing more difficulty in regulating police activity and achieving accountability.

### **2.3 The Composition Of Police Services Boards**

Police services boards in Canada differ in size however, the majority of police services boards are composed of three to five members. In Ontario, guidelines exist dictating the size of boards. In municipalities where the population does not exceed 25,000, three member boards are the norm. In municipalities where the population exceeds 25,000, five member boards are required (Ontario Police Services Act, 1993: 19). The majority of membership on police services boards is composed of individuals representing the professions. These include politicians, lawyers, businesspersons and school principals. Conversely, women, ethnic minorities and persons under the age of thirty-five are under represented (Stenning, 1981c: 178-79). The literature indicates that mayors, lawyers or other senior persons in municipal government tend to act as chairpersons on police services boards (Hann and McGinnis, 1985; Stenning, 1981c). The majority of chairpersons serve on a part-time basis, however, the chairperson of the Metro Toronto Board of Commissioners of Police is an exception to the norm. His/her position is designated full time status (Stenning, 1981c: 178-79).

Membership terms of police services boards vary and are determined by the nature of the appointment process (Stenning, 1981a: III6). Appointments to police services boards occur in a variety of ways. Individuals can acquire their positions either ex officio or by appointment by provincial authorities or municipal councils. In British Columbia, New Brunswick and Nova Scotia provisions are made for provincial appointments. All eight provinces with provisions for police services boards permit the appointment of municipal council members to police services boards with various rules as to whether and how many councillors may be appointed (Hann and McGinnis, 1985: 18). In Alberta, Saskatchewan and Prince Edward Island there are no provincial appointments to police services boards while in Ontario and British Columbia provincial appointees hold the majority of seats. In

Alberta and New Brunswick the majority of seats are held by municipal council citizen appointees (Hann and McGinnis, 1985: 16). The literature indicates a general concern among police officers regarding the appointment process being influenced by political agendas. Specifically, a number of police officers feel that the determination of police services board appointments by political bodies increases the potential for the selection of individuals with anti policing philosophies. Some policing experts support this view and contend that police services boards are better able to govern objectively when appointment processes are not directly influenced by political processes (Stenning, 1981c: III7-8).

Regardless of this position, the literature implies that policing is inherently political in character. The police role is determined by society's prevailing power structure and is defined in relation to its existing social, political and economic realities. Currently, the police role is concerned with regulating conflict in society through activity that focuses on law enforcement and crime control. Certain segments of the population suspicious of police activity have questioned the social relevancy of policing. Addressing public challenges to their authority implies that the police need to take seriously their responsibility to externally account for their activity. In this way democratic control of the police implies that politics are an integral element in monitoring police activity. That appointments to police services boards are influenced to a significant degree by politics reflects a general desire by society that the police not operate independent of civilian interests.

#### **2.4 The Part Time/Short Term Nature Of Appointments**

The literature indicates that the part-time and short term nature of appointments to police services boards may compromise the ability of individuals to develop expertise regarding their governing responsibilities (Stenning, 1981c: 180). Specifically, Grosman identifies the important relationship between the part time nature of police services board membership and the role it assumes in monitoring police activity. He contends that the



part time and short term nature of appointments predisposes some boards to leave key governing issues to their chiefs of police. Even though police services boards have a responsibility to represent community concerns to the police, Grosman concludes that their inexperience combined with their dependence on police management suggest that they fail to achieve these goals (1975). The inability of some police services board members to develop relevant expertise appears to contribute to a reliance on the knowledge of police chiefs for policy development. A number of experts contend that the dependency of some police services boards on their chiefs of police for assistance may allow the police to define their own policing priorities, strategies and goals. In situations where public perceptions are that police services boards have failed to reflect their concerns to police management, the legitimacy of their operations may be jeopardized (Stenning, 1981c).

## **2.5 Critical Assessments Of Police Services Boards**

As previously stated, a number of police services boards are challenged in their ability to develop policy. The literature demonstrates that dependence on police administration for assistance in this task can deprive police services board members of the opportunity to gain relevant knowledge. In addition, the legally independent status of the police can make achieving accountability difficult because in theory the police answer exclusively to the law and the judiciary (Hann and McGinnis, 1985; Murphy and Muir, 1985; Stenning, 1981b; 1981c). In the past, a number of inquiries have examined municipal police governance in Ontario and many have recommended the abolition of police services boards in favor of returning control over municipal police services to municipal councils (Hann and McGinnis, 1985: 13). The report on Metro Toronto and the Waterloo Inquiry are two inquiries that recommended direct control of the police be returned to municipal councils. The demand for municipal control of policing reflected a general frustration on the part of many local politicians who perceived themselves lacking control over policing (Forcese, 1992; Hann and McGinnis, 1985).

The 1977 Report of the Royal Commission on Metro Toronto (The Robarts Report) investigated what police governing model was the proper managing authority for the metro Toronto police and was, in general terms, concerned with the place of policing in the metro system of municipal government (1977, Vol. 2: 96). The report argued that:

policing is too important to be left to the police, too important even to be left to the schools. This does not mean it is not a special art...what it does mean is that all of us -police and non police alike, have a continuing interest in the quality and effectiveness of our police system, particularly because our form of political organization through which we give expression and force to our law, is based on public participation in political and social processes, on freedom to debate public issues, freedom to examine and evaluate public institutions including the policing of the community.

(1977, Vol. 2: 105)

The argument by the police that policing is too important to be left to politicians and should be protected from political influence was ignored. The Royal Commission rejected the notion that politics is an inherently menacing process and would jeopardise the independent status of the police. Rather the report characterized policing as a local responsibility and recommended that municipal council be empowered to establish a police services board and to determine its composition, roles and responsibilities (Report of the Royal Commission on Metropolitan Toronto, 1977, Vol. 2: 277). The Royal Commission recommendation that municipal council have the authority to establish a police services board was an attempt to resolve public dissatisfaction with the ability of the established police governing board to achieve police accountability. The recommendations of the Robarts Report inferred that municipal council representatives, by virtue of their elected status, would better ensure the delivery of relevant police services in metro Toronto. Following its release, the recommendation that municipal council take control of police governance in metro Toronto was not acted upon.

The 1979 Report of the Waterloo Region Review Commission on Police Governance (The Palmer Report) concurs with many of the observations contained in the Robarts Report.

The Palmer Report argues that police perceptions regarding the undesirability of political influence in policing are fraudulent.

Rather, the report contends:

no matter how the system is structured, the police governing body must ultimately be responsible to the public- that is accountability and that is politics. The present system where the provincial government elected through a party system appoints the majority of police commissioners is every bit as political and more potentially dangerous than a situation in which a government composed of 24 separately elected individuals with at least 3 different political and 7 different factions appoints the police governing body.

(1979: 156)

The Palmer Report rejects the argument that municipal council is incapable of managing police activity due to the special powers conferred upon the police by their legally independent status (1979: 157-58). Specifically, the commission contends that the problems of police governance are not associated with the bodies established to regulate police activity but rather are directly related to the authority conferred upon the police by virtue of their special status. As previously demonstrated, the nature of police powers presents unique challenges with regards to police governance. To remedy the challenges involved in police governance, the Palmer Report advocated political involvement in monitoring police activity. The report argued that political participation in police governance would ensure relevancy of the police role with community expectations because municipal council members are democratically elected by the people and theoretically represent community interests. Hence, "political control of the police would show the high priority which the community places on the police and also how public accountability for the police and vigorous police operations go hand in hand" (1978: 101). However, similar to the Roberts Report, the recommendation that municipal council assume responsibility for police governance was not implemented.

The shift towards consensual policing models places additional emphasis on the community as an integral element in police governance. The recommendations of the

1989 Report of the Race Relations and Policing Task Force contend that police services boards can no longer act as civilian apologists for the actions of the police and that their primary allegiance must first and foremost be to the communities they represent. The Race Relations Task Force cites an urgent requirement for civilian direction in policing, informed by democratic principles of the legitimate role of the police in contemporary Canadian society (1989: 192). To further ensure that police services boards carry out their legislated responsibilities, the task force recommended that the Provincial Police Acts be revised to comprehensively define the legitimate roles and responsibilities of police services boards in monitoring police activity (1989: 193-94).

Similar to past government inquiries, the Race Relations Task Force advocates the involvement of provincial influence in the governing of police activity. Specifically, political involvement is seen as having the best potential for establishing uniform criteria regarding the administrative and operational policy of the police (1989: 193). Furthermore, this type of involvement is considered an effective means through which to place limitations on the authority of police managers to develop administrative and operational policy and to ensure that policy is developed that accurately reflects the diverse needs of Canadian citizens. The research literature indicates that some segments of the Canadian population question the ability of police services boards to achieve police accountability. In *Police Challenge 2000*, Normandeu argues that police accountability is assuming a different meaning with regard to the evolving role of the public into mass consumers of police services. Increased public support for both an agenda setting role and direct voice in operational matters is a product of this transformation (1990: 73).

## **2.6 Aboriginal Police Services Boards**

The desire to meaningfully shape policing has led a number of aboriginal communities to assume an active role in administering policing in their communities. Many aboriginal people feel that federal and provincial police services have consistently failed to meet their needs. The increasing popularity of tribal policing reflects a general trend among some

aboriginal communities toward exerting greater control over justice initiatives. A prevalent theme in the literature dealing with aboriginal policing is the perception among aboriginal people of their limited opportunity for developing police models sensitive to their diverse needs (Indian Policing Policy Review, 1990; Justice for the Cree, 1990; Moyer and Singer, 1979; Report of the Aboriginal Justice Inquiry of Manitoba, 1991; Trudeau, 1979; Woods Gordon, 1982). The inability of many aboriginal communities to shape relevant police models can result in policing that is poorly informed of community priorities (Report of the Aboriginal Justice Inquiry, 1991, Vol. 1: 595). Some aboriginal communities that administer policing report that they attempt to make tribal policing culturally relevant by encouraging community participation in modelling appropriate police strategies.

In the past, federal and provincial governments favoured using non aboriginal police services to patrol aboriginal communities rather than empower and provide funding to encourage aboriginal involvement in this area (Aboriginal People and Justice Administration, 1991; Canadian Corrections Association, 1967; Harding, 1991; Havemann, 1989; Indian Policing Policy Review, 1990; Loree, 1985; Policing on Reserves, 1973; Report of the Aboriginal Justice Inquiry of Manitoba, 1991; Trudeau, 1979). During the 1970's and 1980's, employing aboriginal people in federal and/or provincial police services was the preferred government method for encouraging aboriginal involvement in policing. This method is commonly referred to as indigenization. The literature indicates that a number of problems are associated with the policy of indigenizing police services.

One criticism of indigenization concerns the fact that the majority of aboriginal police officers recruited into federal and/or provincial police services originate from the elite segments of their communities. These individuals may be unsuitable to police aboriginal communities because of perceptions that they may be incapable of comprehending the prevailing social problems affecting aboriginal communities and insensitive to their diverse needs. Furthermore, evidence suggests that aboriginal police officers serving within

federal and/or provincial police services are challenged in their ability to command respect of their people. Specifically, a number of aboriginal people feel that aboriginal police officers represent the continued imposition of the dominant societies legal structure. Therefore, hostility may be directed at the aboriginal police officer who enforces non aboriginal laws on aboriginal territory. In addition, the literature implies that the potential benefits of indigenization can be negated during recruit training in government administered facilities. Similar to non aboriginal police officers, aboriginal recruits are socialized during training to accept the dominant ideologies of society's power structure. As a result, many aboriginal police officers lose touch with the prevailing concerns of their communities and are hindered in their ability to effectively address social disorder problems because they are forced to provide a service that adheres to non aboriginal philosophies of policing.

A number of recent federal and provincial government policy papers appear to continue to support indigenization as the preferred method through which to improve policing in aboriginal communities. These documents generally acknowledge the need to rethink the delivery of police services in aboriginal communities. However, state policy continues to stipulate that models of aboriginal policing and police governance reflect non aboriginal institutional forms. For example, the 1992 Report of the Saskatchewan Indian Justice Review Committee was commissioned to "make recommendations relating to the delivery of criminal justice services to Saskatchewan Indian people" (1992: 1). The report made numerous recommendations regarding youth justice, policing, court services and corrections. With regard to accountability the report advocated active participation of aboriginal people in determining relevant policing models. The report acknowledges that police services boards are integral in shaping policing and recommends aboriginal involvement on non aboriginal police services boards as a means through which to achieve cultural relevancy in policing (1992: 30-32).

This recommendation is a form of indigenization and is congruent with past government policy positions regarding what is considered legitimate involvement of aboriginal people

in policing. This observation is not meant to denigrate the value realized by recruiting aboriginal people into non aboriginal police services or police governing bodies. Specifically, indigenization policy has enabled aboriginal people to assert a degree of ownership in how policing is realized within their communities. However, the inclusion of aboriginal people on non aboriginal police services and police commissions fails to create the incentive for comprehensive reform of policing. Governing bodies overwhelmingly composed of non aboriginal individuals and whose role is primarily concerned with developing policies congruent with non aboriginal philosophies of policing may be compromised in their ability to ensure culturally relevant policing for aboriginal people.

Aboriginal People and Justice Administration: A Policy Paper, contends that the federal government has a responsibility to acknowledge the right of aboriginal people to determine relevant policing models. The policy paper argues that future government policy must be receptive to the desires of aboriginal communities to "contribute to decisions concerning the level and quality of policing, to select a police service model from a range of options and to ultimately exercise direction over their policing service" (1991: 35). With regard to policing, the policy paper supports the objective of the First Nations Policing Policy to "facilitate the development of professional policing services to Indian bands consistent with the fundamental principles that govern the exercise of the police function in Canada" (1991: 35).

The 1990 Indian Policing Policy Review acknowledges that available opportunities through which aboriginal people can develop appropriate policing models are limited (1990: 15). Accordingly, the policing policy review recommends enhanced aboriginal peoples involvement in policing in the following areas: community needs assessment, recruitment and training of aboriginal police officers and identification of preventive community based policing strategies. This document was the forerunner of The Federal First Nations Policing Policy and its position is consistent with past state policing policy regarding aboriginal people. Even though the report supports aboriginal peoples

involvement in justice initiatives, how this is accomplished is questionable. Specifically, the policing policy review acknowledges the need for aboriginal people to contribute to decisions about police services. However, the document sets the boundaries in which this involvement should occur. Specifically, aboriginal people are provided with three policing options from which to choose, effectively eliminating the opportunity for the exploration of alternative and maybe more appropriate methods to deal with social disorder.

The report of the Manitoba Justice Inquiry was one of the first documents that examined aboriginal peoples complaints regarding policing and the criminal justice system and followed up with a number of recommendations that stressed the importance of interested aboriginal people having the opportunity to establish and administer policing in their communities. Specifically, to promote aboriginal ownership of policing, the Manitoba Justice Inquiry recommends the establishment of a well trained and equipped police service under aboriginal direction (1991: 597). As well, the justice inquiry advocates the creation of an aboriginal police services board responsible for co-ordinating and managing a regional aboriginal police service. However, consistent with state policy, the justice inquiry conceptualizes aboriginal police services and governing bodies as structurally and operationally similar to nonaboriginal institutional forms. It is not surprising that the roles of the proposed aboriginal police services board include:

- Supporting the establishment of aboriginal police forces;
- Establishing a training facility, standards, curriculum and continuing education for aboriginal police officers;
- Supervising the operation of aboriginal police forces, receiving and hearing complaints and dispositions, and offering assistance to police forces within their sphere of influence;
- Assisting other police forces recruit aboriginal police officers;
- Receiving submissions and recommendations from aboriginal communities, their chiefs and councils, concerning the needs assessments of communities with respect to their law enforcement priorities.

(1991, Vol. 1: 626-27)

Prior to the development of the current policing policy, the state had made some attempt to accommodate a select number of aboriginal administered police services. The



AmerIndian Police Service in Quebec and The Dakota-Ojibway Tribal Police Service in Manitoba are the best known examples of this type of policing arrangement. LaPrairie notes that although 'aboriginal controlled' these programs are very similar in character to non aboriginal institutional forms where the dominant western model of policing with its emphasis on law enforcement and crime control prevails (1990). The literature dealing with aboriginal administered police services and police services boards is limited. The majority of current material is derived from past government evaluations regarding the general effectiveness of aboriginal police services boards for ensuring cultural relevancy in policing. The AmerIndian Police Committee and the Dakota-Ojibway Tribal Council Police Commission are two aboriginal police services boards that have had their operations publicly scrutinized. Results of the evaluations are presented below.

### **2.6.1 The AmerIndian Police Committee**

The AmerIndian Police committee was established in 1978 to assist in the development of an independent aboriginal police service. The development of an independent police service was geared towards making policing on AmerIndian Territory less repressive. AmerIndian police officers were to regard their occupation as a social responsibility and to act in a manner congruent with the philosophy of tribal policing (Woods Gordon, 1982: 57). To ensure cultural relevancy of policing on AmerIndian reserves, the police committee is authorized to supervise the administration and operations of the AmerIndian police service. As well, the police committee participates in the promotion of crime prevention and maintenance of peace on AmerIndian reserves (Woods Gordon, 1982: 1-3).

A federal government sponsored evaluation of the AmerIndian police service was undertaken by the Woods Gordon Consulting Firm in 1982. The evaluation concluded that the police committee had failed in its responsibility to provide definitive policy direction to the police service. Hence:

in absence of strategies which should have been provided by the police council, the police service in essence has been operating ever since the creation of the program, by developing its own objectives and directing and training the police officers according to its view of the police officer.

(1982: 57)

Exclusive jurisdiction in policy development allowed police administration to assume the role of the police committee. The literature indicates that it is undesirable for chiefs of police to have sole power in policy development because of the potential that is introduced for the creation of organizationally self serving police initiatives insensitive to community needs (Hann et al., 1985; Murphy and Muir, 1985). The lack of available mechanisms through which the Amerindian police can effectively identify community needs implies that the development of inappropriate police policy is possible. As such, ineffective needs assessment methods would seem to suggest that the AmerIndian people have not been provided a legitimate voice in the development of a relevant policing model (1982: 58-61).

The evaluation recommends that the police service recognize the inherent right of the community to participate in the development of police policy. Implementing an effective strategy that recognizes the community as having a legitimate voice in policing necessitates that a clarification of the police committee's role be made in relation to that of the police service. A vague understanding among police committee members of their governing authorities compromised their ability to shape a culturally relevant police service which permitted the program manager to assume exclusive jurisdiction in this crucial area (1982: 125-28). Consequently, the evaluation contends that a clear understanding between the police committee and police administration of their roles would assist each of them to have a better understanding of their responsibility to the community. Implicit throughout the document is the idea that policing can be improved if the police committee takes seriously its responsibility to communicate community needs to the police and confirm that identified needs are reflected in police policy.

### **2.6.2 The Dakota-Ojibway Tribal Police Commission**

The Dakota-Ojibway Tribal Police Commission was established in 1977 "to reduce crime on the reserves, reduce the number of prison terms received by reserve residents and improve policing services received by band members" (Moyer and Singer, 1979-81: 1). In their evaluation of the Dakota-Ojibway Tribal Police Commission, Moyer and Singer contend that effective police governance is dependent on the ability of police commission members to balance community interests with the general welfare of the police program. Moyer and Singer identify a number of variables challenging the ability of the Dakota-Ojibway Tribal Police Commission to provide a relevant policing model to their people. First, the police commission members were incapable of developing an operational definition of preventive policing. Their inability to articulate a concise definition of preventive policing promoted a poor understanding among police commissions members of the police role (1979/80: 32). In addition, ambiguity regarding the role of the police created confusion among police personnel of their legitimate responsibilities. The evaluation contends that community involvement in defining the police role would assist the police commission to more effectively assess prevalent social disorder problems and to develop appropriate strategies.

The second factor impacting on the ability of the police commission to define a relevant policing model concerned the nature of its membership. The literature indicates that membership inexperience is a common weakness characterizing non aboriginal police services boards. The tendency of board members to depend on the knowledge of their chiefs of police is a product of this inexperience. However, evidence suggests that membership inexperience did not prevent the Dakota-Ojibway police commission from interfering in the police chief's mandate. Interference by the police commission into how the chief of police performed his job appeared to have compromised the operations of the police service. Specifically, Singer and Moyer found that the police services boards lack

of respect for the authority of the police chief in matters related to policing created tension resulting in low morale among the police officers (1979/80: 29).

The formidable size of the Dakota-Ojibway Tribal Police Commission is the final variable that impacted on their ability to achieve culturally relevant policing. At the time of the evaluation, the police commission consisted of 10 voting members, 3 ex-officio members and a chair person. The evaluation determined that the large size of the police commission impeded the swift resolution of police policy issues. Their inability to reach consensus on important issues led to disagreements over the legitimate role of the police, thus compromising the quality of policing delivered to the Dakota-Ojibway people (1979/80: 35). Furthermore, Singer and Moyer contend that a distinction between democratic control and overt political interference in police activity is required in order that the Dakota-Ojibway Tribal Police Commission govern in a manner that respects the operational autonomy of the police. It appears that the inability of the Dakota-Ojibway police commission to differentiate between democratic control of the police and political interference compromised their ability to achieve police accountability. Accordingly, Singer and Moyer contend that a better understanding of what their legitimate governing authority entails may lead to a more positive working relationship between the police commission and the police service.

The experiences of the AmerIndian Police Committee and the Dakota-Ojibway Tribal Police Commission have not adversely affected some aboriginal peoples support of aboriginal administered police services for achieving culturally relevant policing. In fact, a 1979 proposal to establish an aboriginal police service and police services board in Alberta, cited the Dakota-Ojibway Tribal Police Commission and service as an outstanding example of a police system that works for aboriginal people. The Dakota-Ojibway police service is described as "providing an excellent example of what a well trained, fully empowered, equipped, aboriginal controlled and employed police force on reserves can do if given half the chance" (Trudeau, 1979: 6). That a number of aboriginal communities have entered into negotiations with the state to establish their own police

services suggests that a definite desire exists on their part to assume control over justice initiatives.

As previously, stated, federal funding of aboriginal policing arrangements stipulates that aboriginal communities interested in administering their own policing must put in place a police service and governing body that complies with government standards. A number of questions are raised regarding the applicability of non aboriginal police governing models for monitoring aboriginal police services. Specifically, how is the support for informal community approaches to justice reconciled with the employment of non aboriginal justice approaches for achieving cultural relevancy in policing? Is it possible in theory and in practice to reconcile the tribal policing philosophy with non aboriginal justice approaches to policing and police governance?

## **2.7 Key Questions Guiding The Research**

This study examines an area where the Canadian state is actively involved in maintaining hegemony. The federal governments involvement in funding aboriginal self policing initiatives permits the state to influence the type of police service and governing model that are established in aboriginal communities. The main areas of inquiry examine how the objectives of tribal policing are reconciled with nonaboriginal policing philosophies. Specifically, what impact does the requirement that aboriginal police services boards pattern their structure and operating procedures on mainstream governing models have on the legitimacy of tribal policing? Are aboriginal police services boards able to reconcile their philosophies and practices with the governing model the state provides? In sum, the key questions guiding the research undertaken in the course of this study examine whether it is possible for aboriginal police services boards to develop culturally relevant and accountable policing within the context of non aboriginal governing models.

The first area of inquiry deals with the roles and responsibilities of aboriginal police services boards and whether patterning their governing authority on nonaboriginal models

is conducive to achieving culturally relevant and accountable policing. Tribal policing represents a shift from the coercive social regulation of aboriginal people to more consensual means of maintaining social order. Aboriginal police services boards are one method employed by aboriginal communities to shape police services that are culturally relevant and respect the needs of their communities. To assess how effective aboriginal police services boards are in achieving culturally relevant policing, key actors were asked questions about their roles and responsibilities. Specific areas of inquiry focused on the authority of aboriginal police services boards to develop policy and how this responsibility promotes the development of relevant and accountable police services.

An issue that has compromised the ability of nonaboriginal police services boards to achieve accountability is how their responsibility for policy development is sometimes confused with the authority of chiefs of police to implement policy. The structural similarity of aboriginal police services boards to nonaboriginal governing bodies leads one to question the extent to which aboriginal police services board members experience role confusion and how they remedy the problems associated with ambiguous policy making powers. To address this issue, key actors were asked questions about the authority aboriginal police services boards have to develop policy, the authority aboriginal police services boards have to determine the objectives of their police services, the nature of the relationship between aboriginal police services boards and chiefs of police and the methods through which differences between policy promulgated by aboriginal police services boards and implemented by chiefs of police are mediated.

A number of variables impact on the integrity of tribal policing as a community driven enterprise. Similar to nonaboriginal police services boards, appointments to aboriginal police services boards are part time and short term in nature. To assess what influence these variables have on the ability of aboriginal police services boards to provide culturally relevant policing, the following questions were asked about their structure: What is the size of the police services board? Is membership full or part time? What is the length of membership terms and what is the eligibility for re-appointment? Questions about

operating procedures focused on how many times a year meetings are held, who is generally in attendance at police services board meetings, what are the predominantly discussed issues at police services board meetings and what the status of meetings are with respect to public disclosure.

The political nature of the appointment process is another issue around structure and operations that influences aboriginal police governance. The tripartite funding arrangement stipulates that aboriginal police services boards operate independent of political influence. However, this condition ignores the fact that appointments to aboriginal police services boards are inherently political in character. In order to determine what influence politics has on the appointment process questions were posed about the methods employed by aboriginal police services boards to appoint members and the nature of the relationship between aboriginal police services boards and band councils. Another way that tribal policing attempts to generate social consensus for policing is through the requirement that aboriginal police services board members publicly account for their actions. To determine how the accountability of aboriginal police services board members to their communities enhances the legitimacy of tribal policing, key actors were asked questions about the methods aboriginal police services boards employ to ensure membership accountability and the type of disciplinary measures imposed.

Finally, federal and provincial government funding of tribal policing implies that the state has a vested interest in its success. The training of aboriginal police services board members is one method through which the success of tribal policing may be enhanced. Currently, the training of aboriginal police services board members is provided by the state and deals with governing issues of primary interest to nonaboriginal police services boards. To assess how useful police governance training is to overseeing tribal policing, key actors were asked questions about how relevant they found training workshops, how training assists aboriginal police services board members to have a better understanding of their roles and responsibilities and how aboriginal police services board members modify the knowledge gained in training to better suit their needs.

The second area of inquiry undertaken by this study focuses on tribal policing and how aboriginal police officers and their governing bodies work within the tribal policing model to provide a culturally relevant, community based service. As previously stated federal and provincial funding of tribal policing requires that aboriginal police services adhere to nonaboriginal institutional forms. Furthermore, aboriginal police officers are required by federal and provincial legislation to impose upon aboriginal people what many consider a foreign law. Tribal policing is concerned with the promotion of consensual means to maintain social order. Consensual regulation of aboriginal people requires that they participate to some degree in how policing is carried out in their communities. In this way, community involvement in policing is seen as a means through which to promote a realistic understanding by the people of the police role thus minimizing the potential for conflict occurring between the police and community.

Aboriginal police services are structured on nonaboriginal police models, therefore, their policing philosophies may be influenced by conventional police practices and ideologies. At issue is the compatibility of nonaboriginal police models for policing aboriginal communities and what impact this may have on the delivery of culturally relevant police services to aboriginal communities. The para-military, bureaucratic character of many Canadian police forces fosters the development of specific occupational ideologies that may be inappropriate for policing aboriginal communities. To examine what impact conventional police ideologies has on tribal policing, key actors were asked questions about the role of aboriginal police services boards in promoting organizational philosophies conducive to the development of culturally relevant policing, the authority of aboriginal police services boards to recruit chiefs of police and police officers, the nature of the relationship between aboriginal police services boards and chiefs of police, the methods aboriginal police services boards employ to make chiefs of police publicly accountable and the extent to which chiefs of police influence aboriginal police services board operations.



As well, police ideologies are formed during recruit training and on the job. Aboriginal police officers receive their training in federal and provincial police facilities and they may be exposed to occupational ideologies that are inappropriate with tribal policing philosophies. To examine the influence of conventional recruit training on tribal policing, aboriginal police services board members were asked questions about the value and the relevance of training that aboriginal police officers receive in federal and provincial facilities, the measures taken to orient police officers to their role as tribal police officers and their influence in determining culturally relevant in-house training strategies.

The powers that police officers have to enforce the law and maintain order is another variable influential in the definition of their role. Community policing decentralizes the decision making authority of police administration and permits police officers greater latitude in their discretionary powers. A problem associated with enhanced discretionary powers is how to make police officers accountable for their decisions. This is important because the legitimacy of community policing is dependent upon the police employing their powers in a consistent manner. Similarly, an objective of tribal policing is to facilitate harmonious relations between the police and the community. Police discretionary powers are an integral element of tribal policing because it allows police officers to avoid resorting to coercive measures when dealing with social problems. To determine how discretion is employed in tribal policing and what challenges exist with how to make tribal police officers accountable for their actions, aboriginal police services board members were asked questions about the objectives and goals of tribal policing, the roles and responsibilities of tribal police officers, the problems associated with police discretionary powers in tribal policing and how the problems associated with police powers are remedied.

Generating social consensus for tribal policing implies that the majority of aboriginal people should support the police and their policies. Community needs assessments are integral for identifying the policing needs of aboriginal communities and developing relevant strategies to address identified needs. To examine the role of aboriginal police

services boards in promoting community involvement in the definition of relevant police strategies, key actors were asked questions about the importance of establishing police priorities in accordance with community needs, the forums that exist for the community to articulate their concerns and complaints about policing and the methods employed by aboriginal police services boards to assess community satisfaction with tribal policing.

The final area of inquiry undertaken in this study concerns the efficacy of internal and external methods for regulating the police and how both processes are integral to promoting social consensus for the legitimacy of tribal policing. Tribal policing advocates public involvement in the accountability process in order to facilitate open communication between the police and the community. Internal regulation of police activity has been traditionally favored by many nonaboriginal police forces for achieving police accountability. However, the literature suggests that internal regulation is associated with the promotion of coercive policing methods because often police activity is shielded from public scrutiny. To examine how internal regulation of police activity is achieved in tribal policing, aboriginal chiefs of police were asked questions about the role of police chiefs in regulating the conduct of police officers, the methods available for the community to file complaints against police officers, the strategies employed by chiefs of police to determine the legitimacy of public complaints, and the methods through which complainants are kept informed of the status of disciplinary investigations and their outcome.

Accountability of the police to police services boards is one method through which the police are made to externally answer for their actions. The responsibilities of aboriginal police services boards are numerous and include encouraging public involvement in shaping a culturally relevant police service and promoting community participation in monitoring police activity. To determine the effectiveness of aboriginal police services boards for achieving accountability and cultural relevancy in tribal policing, key actors were asked questions about the primary objective of aboriginal police services boards to ensure accountable policing, the methods aboriginal police services boards employ to facilitate police accountability, the type of grievance mechanisms in place for the

community, the appellate role of aboriginal police services boards and the authority of aboriginal police services boards to impose disciplinary sanctions.

Community involvement in monitoring police activity is a cornerstone of the tribal policing philosophy. Police services boards are not the only method available for achieving police accountability and they may not be the most effective way to represent community concerns and complaints to the police. Monitoring bodies that are controlled by the community may prove to be more appropriate in achieving police accountability. The agenda of community monitoring groups tends to be concerned with representing community complaints to the police and ensuring that the police publicly account for their actions. In this way, community monitoring bodies may be more successful in representing a community perspective to the police because they are not burdened with the myriad of governing responsibilities that can compromise the ability of police services boards to effectively represent community concerns. To explore how aboriginal police services boards encourage community involvement in the complaints and discipline process aboriginal police services board members were asked questions about the methods they are examining or currently employing to make the complaints and discipline process community friendly.

**CHAPTER THREE: THE STUDY**

### **3.0 Introduction**

This chapter will review the nature of the study undertaken to examine the issue of police governance and accountability in aboriginal communities with self administered police services boards and police services. The review of the study will include a description of the research strategy undertaken, the various groups participating in the study and the methodological problems associated with the study.

### **3.1 The Research Strategy**

Police services boards in aboriginal communities differ in levels of development. However, since the study is an exploration of general issues pertaining to the developing roles of aboriginal police services boards, it is important to document the experiences of the existing models. Nonetheless, a comprehensive examination of those aboriginal police services boards with demonstrated competence in police governance is of primary importance. An analysis of the factors that impact on how accountability is achieved provides an opportunity to explore whether aboriginal police services boards effectively represent community concerns and whether their authority to develop policy reflecting community concerns is legitimate.

This study was made possible through a research grant from the Solicitor General of Canada. I was provided with funding to attend an Aboriginal Justice conference in Squamish, British Columbia and an aboriginal police services board training seminar in Waterton, Alberta. As well, funding arrangements were made for on site visits in Brandon, Manitoba; Akwesasne and Maniwaki, Quebec to interview key individuals involved in aboriginal policing. Prior to commencement of the study, I arranged to view federal and provincial government documents discussing the history of policing in aboriginal communities. As well, representatives of the Solicitor General's office permitted me access to a number of media articles dealing with the current state of policing in aboriginal communities. The articles provided an insight into general policing

problems plaguing aboriginal communities and how aboriginal leaders were working to remedy this situation.

The aboriginal police services boards participating in the study were selected based on recommendation of the Solicitor General's office. These governing bodies are not the only existing examples of aboriginal police services boards that govern aboriginal police services in Canada. However, the Solicitor General's office felt that these governing bodies would be ideal for the study because they had completed or were close to finalizing tripartite negotiations with federal and provincial authorities and had established self administered police services. The aboriginal police services boards participating in the study are as follows:

- Akwesasne Mohawk Police Commission: Ontario.
- Anishinabek Police Services Board: Ontario.
- Blood Tribe Police Commission: Alberta.
- Dakota-Ojibway Tribal Police Commission: Manitoba.
- Kitigan-Zibi Anishinabeg Police Committee: Quebec.
- Nishnawbe-Aski Police Services Board: Ontario.
- Siksika Nation Police Commission: Alberta.
- Six Nations Police Commission: Ontario.
- Stl'Atl'Imx Nation Tribal Police Services Board: British Columbia.
- Wikwemikong Police Services Board: Ontario.

The study consisted of consultations with key actors in selected communities in order to document their experiences and to explore the roles and responsibilities of aboriginal police services boards. A total of seventeen (17) persons were interviewed, including eleven (11) police services board members, five (5) police chiefs and one individual whose involvement in the establishment of an aboriginal police service was essential. The individuals selected for the study were chosen based on recommendation of regional Solicitor General representatives. Because of their experience dealing with key actors involved in aboriginal police governance, the regional representatives were able to inform me who would be the best individuals to interview for the study. The chairpersons of aboriginal police services boards were considered the best subjects to interview because of their knowledge of police and police governance issues. A number of aboriginal police

services board chairpersons had been intimately involved in negotiating tripartite agreements and in establishing police services in their communities. Their involvement in this complex process increased the probability that they would be more comfortable participating in a study sponsored by the federal government.

In addition, the individuals selected to be interviewed were chosen to gain representation from different segments of each community. Limited funding and a compressed timeframe for completion of the study meant that random interviewing of community members would not be possible. To ensure that a community perspective informed the study it was important that key actors be well acquainted with community members and knowledgeable of community issues. Chairpersons of aboriginal police services boards generally meet this criteria because their appointment to the position of chairperson is influenced to a certain degree by the level of respect they command from community members. Representation from different segments of each community was made possible by referrals from a number of chairpersons to police services board members whom they felt would provide a different perspective about aboriginal police governance. Prior to contacting the individuals to be included in the study, a semi-structured interview schedule was developed embodying criteria identified as important in the review of the literature. The questions varied depending on whether the individual to be interviewed would be a police services board member or chief of police. Overall, an effort was made to include a diversity of individuals from each community, to ensure broad representation and a more complete picture of the challenges confronting aboriginal police services boards in communities across the country.

The data gathered reflected a combination of experiences and opinions of individuals experienced and not experienced in aboriginal police governance. A number of key respondents have substantial experience in monitoring police activity and answered the questions based on what they have learned in the past and what they know in the present. There were some questions in the interview schedule that elicited responses of a more opinionated nature. This usually occurred when the individual was unable to respond to

the question based on experience but rather responded based on how s he would deal with a certain situation if it occurred. The responses of individuals from recently established aboriginal police services boards tended to be based more on opinion than experience. This is understandable given that the individuals from recently established aboriginal police services boards have minimal experience and are in the process of defining their roles and responsibilities.

Prior to attending the justice conference in British Columbia, the Solicitor General's office provided me with a list of key contact people involved in aboriginal policing. Included in the list were aboriginal chiefs of police and police services board members of the communities selected for the study. Initial contact with a number of these individuals occurred at the aboriginal justice conference in British Columbia. Representatives from Stl'Atl'Imx Nation, Akwesasne, the Blood Tribe and Siksika Nation were in attendance. Before initiating contact, a Solicitor General of Canada representative informed me of the possibility that some individuals would be suspicious of my agenda. Accordingly, I was cognizant of the potential hazards associated with identifying my employer as the federal government. Specifically, a number of aboriginal people distrust representatives of the federal government and would possibly refuse a request to be interviewed. Conversely, introducing me as a university student collecting data for a study creates problems in that many aboriginal people feel that their culture has been exhaustively and inaccurately studied by academics.

To remedy this situation, a representative of the Solicitor General's office spoke with the key contact people. She informed them of my intentions stating that I was producing a manual that detailed the roles, responsibilities and operating procedures of aboriginal police services boards. She assured the individuals that my agenda did not include evaluating the strengths and weaknesses of aboriginal police services boards or making recommendations for improved operations. Initial introductions to key individuals involved in aboriginal policing was made by the same Solicitor General representative. She introduced me to the co-ordinator of the Stl'Atl'Imx Nation Tribal Police Service,



Mike Leach and the chairperson of the police services board, Ernest Armann. As well, I was introduced to the Akwesasne Mohawk chief of police, Bill Brant.

Mike Leach was the first person I interviewed. Our meeting took place in a busy restaurant and was three hours in duration. In retrospect, Mike Leach was the ideal person to be my first interview. He was personable, knowledgeable and forgiving of any misconceptions that I had of aboriginal policing. Extensive reading about aboriginal people and policing did not completely prepare me for what transpired over the course of the interview. Specifically, the literature details the injustices experienced by aboriginal people but it fails to put a face to their involvement with the criminal justice system. My time spent with Mike Leach clarified many of the nuances associated with aboriginal policing that the literature had neglected. Through him I gained a better understanding of policing from an aboriginal perspective. Interestingly, I was warned by a number of people to scrutinize information conveyed by aboriginal people that pertained to policing. I was informed that many aboriginal people have an agenda and would manipulate others to accomplish their objectives. This position is ironic when you consider that aboriginal people have accused the federal government of similar behaviour for years. Maintaining objectivity over the course of the interviews was a challenge but was integral to ensure reliable responses. However, isolating oneself from the politics surrounding aboriginal policing to ensure objectivity is impossible. Aboriginal policing is a self government initiative and accordingly is fraught with the tensions of competing interest groups and their objectives.

The British Columbia justice conference occurred over a two day period. The individuals I was scheduled to interview were busy delivering presentations; therefore, I was only able to interview one person. However, I made verbal arrangements with the chairperson of the St'At'Imx Nation Tribal Police Services Board to interview him by phone at a later date. I also made tentative arrangements with the Akwesasne Mohawk chief of police to visit Akwesasne in July of 1994. The justice conference was an ideal forum for making acquaintances with key individuals involved in aboriginal policing. However, the

conference was not an ideal place to schedule and administer interviews. A number of individuals were pressed for time, forcing me to make interview requests at inopportune times. As well, relations between aboriginal people and federal provincial government representatives at the conference were tense. Many participants were curious about the pending release of the Opall Inquiry and what recommendations would be made regarding policing in British Columbia. Rumours circulated that one recommendation of the inquiry would be to establish a provincial police service in British Columbia. A number of aboriginal people expressed concerns about receiving police services from the provincial government. Specifically, they argued that policing is a fiduciary responsibility and negotiations regarding police services to aboriginal communities must occur nation to nation. As such, shifting the responsibility for policing to the provincial government is a blatant attempt by the federal government to abandon their treaty responsibilities.

Tripartite negotiations was another issue contributing to tense relations between aboriginal people and government representatives at the justice conference. A number of aboriginal people argued that tripartite agreements fail to provide aboriginal people with control of policing in their communities. Tripartite agreements provide interested aboriginal communities with funding to establish police services and governing bodies. However, to receive funding aboriginal people must put in place police services that meet with federally approved standards. Funding would be otherwise terminated if aboriginal people developed policing models that deviated from government regulations. Some aboriginal people at the conference argued that the tripartite agreements fail to provide aboriginal communities with the opportunity to develop a service that aggressively addresses and provides solutions to social disorder problems.

During my stay in British Columbia, I informally interviewed two regional Solicitor General representatives. Both individuals were intimately involved in tripartite negotiations between the federal and provincial government's and aboriginal representatives. Accordingly, they were knowledgeable of pertinent aboriginal policing issues and were aware of the political minefields associated with the negotiations. The

British Columbia Solicitor General representative loaned me an aboriginal police service program evaluation and other internal documents pertaining to my area of interest. Two of the documents were of particular value and not publicly available. One report was a program evaluation of the Stl'Atl'Imx Nation Tribal Police Service and the other outlined a proposal for the establishment of an aboriginal administered police officer training facility.

The second conference I attended during my stay in western Canada was at Waterton National Park in Alberta. This conference dealt with common problems involved in aboriginal police governance and made recommendations for improved operations. Specifically, the conference was an interactive workshop to assist aboriginal police services board members to have a better understanding of their governing responsibilities. Key individuals involved in aboriginal policing in Alberta attended the conference including the Blood Tribe chief of police, Wayne Hamby and the Siksika Nation chief of police, Bob Reid. As well, individuals from the Blood Tribe Police Commission and the Siksika Nation Tribal Police Services Board were in attendance including Marie Smallface-Marule and Amy Melting-Tallow.

The regional Solicitor General representative for Alberta accompanied me to the conference. Prior to my arrival, some participants had expressed reservations about my involvement in the conference. Accordingly, at the beginning of the conference I kept a low profile and became acquainted with the names of individuals, their positions and responsibilities. My first contact was with the Siksika Nation chief of police, Bob Reid. After a brief conversation regarding my study, I was advised that Amy Melting-Tallow would be the ideal person to interview. Even though she was a recent police services board member, she was active in community affairs and had a comprehensive grasp of policing issues and general community concerns. The interview with Amy Melting-Tallow took place in her hotel room and was 2.5 hours in duration.

During the Alberta aboriginal police services board training seminar, I spoke with the chiefs of police of the Blood Tribe and Siksika Nation police services and made

arrangements to interview them by telephone at a later date. As well, I made arrangements to administer a telephone interview with the chairperson of the Blood Tribe Police Commission, Marie Smallface-Marule. As the study progressed, time constraints and limited funding dictated that the majority of interviews would have to be administered over the telephone. Telephone interviews are convenient, but are not an adequate substitute for on site interviews. Interviewing an individual over the telephone does not permit the development of a comfortable rapport. As well, it is more difficult for the interviewer to control for external exigencies that may effect the quality of responses. As previously stated, many aboriginal people are suspicious of people who study their culture. I feel that these perceptions created a barrier when administering telephone interviews with aboriginal police services board members that I had not previously met.

The majority of data generated for the study occurred through telephone interviews in late June and mid to late July of 1994. A total of seven (7) police services board members and one (1) chief of police were selected to be interviewed. The chairpersons of the Anishinabek, Nishnawbe-Aski, St'At'Imx and Wikwemikong Police Services Boards, the police chief and the chairperson of the Dakota-Ojibway Tribal Police Service and Police Commission and the chairperson and the former chairperson of the Six Nations Police Commission were interviewed between June 24th and July 16th 1994.

The interviews were 1.0 to 2.0 hours in duration. The lengthier interviews occurred with individuals who were serving on mature governing bodies. Individuals from experienced police services boards are generally more knowledgeable of police governance and skilled in public relations. Accordingly, interviews with these individuals yielded more information about aboriginal police governance than did interviews with individuals from recently established police services boards. Interviews with the individuals from western Canada occurred during the same time frame. These telephone interviews were easier to administer because I was acquainted with the individuals and felt a basis of trust had been established. A significant problem with interviewing people that I had not previously met is how they expressed concerns about my intentions. They questioned who would have

ownership of the data generated from the interviews and the use made of the material. Only one individual refused my request for an interview, citing the latter concern.

Three on site interviews occurred in Akwesasne and Kitigan-Zibi in late July with the chief of police of the Akwesasne Mohawk Tribal Police Service and a police commission member of the Akwesasne Mohawk Police Commission and the chief of police of the Kitigan-Zibi Anishinabeg First Nation Police Service. These communities were selected because of their close proximity to Ottawa, which made on site interviews convenient. The three interviews took place at the police departments in Akwesasne and Kitigan-Zibi. The intimate nature of the interviews meant respondents were more forthcoming with information than respondents whom I interviewed by telephone. Accordingly, the interviews were 2.0 to 3.0 hours in duration. Administering on site interviews gave me a first hand view of aboriginal police services in action. Both chiefs of police introduced me to a number of police officers and gave me a tour of their facilities. Personally interviewing both chiefs of police and a Akwesasne Mohawk Police Commission member put into focus the challenges of policing aboriginal communities and how delivering a community based service can be compromised by the agenda's of competing interest groups.

Overall, the majority of key respondents were satisfied with the questions contained in the semi-structured interview. Only three aboriginal police services board members expressed reservations about one question that dealt with crime in their communities. One aboriginal police services board member refused to respond citing that questions dealing with crime in his community was inappropriate and an invasion of privacy. In order to eliminate apprehension regarding the question, the term crime was replaced with social disorder. I felt that the question dealing with crime was integral to the study because it provides context for the questions that deal with the tribal policing philosophy, community needs assessments and the development of pertinent crime prevention strategies. Accordingly, the question was modified without sacrificing its original intent.

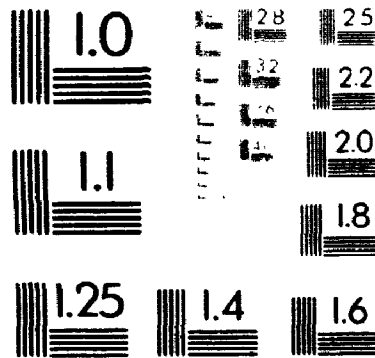
### 3.2 Methodological Considerations

Researching policing in aboriginal communities revealed that no single source of information is completely reliable and that a comprehensive examination of aboriginal policing requires employing various approaches. A review of the relevant literature and semi-structured interviews with the chiefs of police of five (5) aboriginal police services and the eleven (11) members of ten (10) aboriginal police services boards was the primary method used to gather information about aboriginal police governance. The qualitative nature of this approach presented a challenge when attempting to determine whether the responses of the interviews reflect an accurate picture of aboriginal police governance. The type of questions that were posed to key actors were designed in a general way to derive information about the experiences of individuals serving on aboriginal police services boards. The questions specifically addressed the challenges that confront the operations of aboriginal police services boards and how aboriginal police services board members are working to develop appropriate and accountable police services within guidelines established by the federal government.

Assessing the validity of the data presented a challenge because the responses were primarily based upon the experiences, opinions and feelings of the key actors. However, the majority of the responses were generally consistent on several key points. This does not imply that the experiences of the respondents can be regarded as fact. What it does suggest is that the responses appear to support the theory that current aboriginal policing arrangements allow the Canadian state to maintain hegemony through the promotion of consensual social regulation of aboriginal people. In this way, providing the funding for aboriginal policing arrangements permits the state to retain control of how policing is developed within aboriginal communities. This suggests that the state is not compelled to acknowledge the legitimacy of another legal system in terms of aboriginal norms, thus the 'world as it is' remains unquestioned (Havemann, 1988).

# 2

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**PRECISION<sup>SM</sup> RESOLUTION TARGETS**

The aboriginal police services boards members and chiefs of police participating in the study were selected based on recommendation of the Solicitor General's office. The majority of respondents have extensive police governing experience and considered themselves to be respected members of their communities, therefore, the integrity of these individuals can be assessed as above average. In general, the majority of respondents were very forthcoming with information and appeared to be at ease with the interview process. This observation is supported by the fact that only one individual involved in the study could be identified as a difficult interview. He attributed his reticence to concerns about the nature of the study and how the information would be used. A number of key actors spoke about their personal experiences governing an aboriginal police service and about community issues that often made fulfilling their role difficult. Overall, the good reputation of the individuals involved in the study and the general consistency of their responses on a number of key points would seem to suggest that their responses present a reliable picture of the challenges involved in governing aboriginal policing.

The consistency of many of the responses allowed some general conclusions about the nature of aboriginal police governance to be drawn. However, the consistency of the data on these key points does not imply that the experiences of the aboriginal police governing bodies participating in the study are universally experienced elsewhere in Canada. The sample involved in this study was relatively small which decreases the probability that the findings would deviate substantially. A larger sample may have increased the potential for the documentation of a considerable variation in the experiences of aboriginal police services board members. Regardless of this shortcoming, I feel that overall the findings of the study are a relatively accurate reflection of the challenges that confront aboriginal police services boards in developing appropriate and accountable policing for aboriginal people.

In the course of the study, a number of variables were introduced that may have impacted on the quality of the responses and to a certain degree may have weakened the study. One weakness of the study is how community perspectives regarding aboriginal police



services boards are not documented. Time constraints and limited funding prevented extended stays in aboriginal communities which would have provided a community informed perspective regarding aboriginal policing and police governance. However, the community perspective was not completely neglected. Specifically, individuals serving on aboriginal police services boards are members of their community and have many of the same concerns regarding policing as the general population. In general, aboriginal police services board members are active in the community, are aware of a diversity of community concerns and claim to have the resources to effect change. Accordingly, their participation provided the study with a well informed community angle. I was also able to gain a community perspective regarding policing from elders. Two elders at the Waterton, Alberta conference made presentations about community breakdown and how the ways of the past and technologies of the present may be compatible for resolving social disorder in their communities. Interacting with elders requires that respect be accorded their position. As such administering an interview to an elder is considered inappropriate because their knowledge is not conveyed through definitive answers but rather through oral dialogues that contain seeds of wisdom.

A number of methodological considerations challenged the study. First, aboriginal people and non aboriginal people conceive of time in different ways. Sometimes this made the scheduling of interviews difficult. Specifically, it was common for interviews to be cancelled without notice and rescheduled at times that were personally inconvenient. One individual rescheduled an interview four times which created frustration regarding whether the interview would ever take place. The rescheduling of interviews resulted in a number of interviews occurring one after the other. This compromised the quality of some responses because some interviews were rushed in anticipation of the next interview to be administered.

Another methodological consideration concerns how securing interviews was a challenge because of the pervasive mistrust of aboriginal people towards individuals who study their culture. A number of aboriginal people contend that many studies fail to incorporate an

services boards to effectively develop policy has led them to rely on their chiefs of police for this purpose. The responses of the interviews suggested that this dependence can cause problems if chiefs of police come to interpret policy development as their exclusive responsibility. The general consensus of the key actors is that the authority to develop policy should never be seen as an exclusive responsibility of police administration and where this occurs, it may compromise the ability of aboriginal police services boards to achieve accountability.

It appears that a clear demarcation regarding responsibility of the program manager for operations and the police services board for policy development may assist some aboriginal police services boards to have a better understanding of their responsibilities. In fact, representatives from five (5) aboriginal police services boards reported that they are currently in the process of defining their roles and are struggling with the clarification of governing responsibilities. The five (5) respondents agree that well defined responsibilities would simplify the process of allocating duties to police services boards and police services. They felt that when police services boards and chiefs of police are aware of their responsibilities, the potential to interfere in the others mandate is significantly reduced.

The interviews revealed that negative consequences can result when aboriginal police services boards attempt to interfere in how chiefs of police implement policy. For example, one (1) aboriginal police services board member discussed how a poor understanding of governing responsibilities amongst the police services board members led to interference in how the chief of police put policy into practice. The board in question challenged the authority of the chief of police to direct his police officers in their interpretation of police policy on a regular basis. Accordingly, morale problems were created within the police service as a result of role ambiguity and confusion over what was expected of the police in terms of job performance. This sequence of events resulted in the chief of police resigning from his position. He eventually returned under the condition that limitations be placed upon the governing authority of the police services board. The

in the study. I was only able to obtain copies of policy and procedure manuals of three. One chairperson supplied a copy of his police services board policy and procedure manual with provided a policy and procedure manual with the provision that it not be reproduced or shared with other individuals because extensive work had been spent on its development and he was concerned that its content would be plagiarised.

An issue that initially created problems concerned how contact with individuals involved in aboriginal policing occurred. I was under the assumption that Solicitor General representatives would contact the key actors and inform them of my study. As well, I expected tentative interview dates to be scheduled. This was not the case. Initial contact with key actors took place at the justice conferences in British Columbia and Alberta and over the telephone. The hectic atmosphere at both of the conferences was intimidating and I was unable to foresee how it would be possible to complete all of the interviews in a one week period. A significant readjustment of my expectations was required in order for me to function in a manner conducive to achieving success. It was imperative to accept that certain matters would not be within my control. Specifically, interviews would not always occur when scheduled, individuals would not always respond to the questions and individuals would even refuse my requests for an interview. Once these issues were put into perspective, I came to the realization that both justice conferences were in fact the ideal forums to become acquainted with key actors and their points of interest.

Overall, the individuals interviewed were articulate and expressed very diverse ideas about aboriginal policing and how to govern to ensure cultural relevancy. It was apparent during the course of the interviews that a number of police services board members were experiencing difficulties in executing their responsibilities. Some individuals reported being overwhelmed with their governing duties. However a common theme of the interviews was that perfection in police governance would not occur overnight and that mistakes would be made. Of particular relevance is how one aboriginal police services board member spoke of how the lessons learned from their mistakes would be integral to improving policing and police governance in the future.

## **CHAPTER FOUR: THE FINDINGS**

## **4.0 Introduction**

In this chapter the key findings of the study are presented. The findings are organized into three sections that deal with how aboriginal police services boards achieve accountability and cultural relevancy of tribal policing in the context of working within a governing model provided by the state. The first area examines the roles and responsibilities of aboriginal police services boards and what impact patterning their structure and operations on nonaboriginal governing models has on their ability to oversee tribal policing. The second area explores the philosophies of tribal policing and how nonaboriginal policing philosophies and practices may influence the definition of the police role and impact on the delivery of culturally relevant policing. The third area assesses the efficacy of internal and external regulation of police activity for promoting tribal policing as a legitimate community driven enterprise.

### **4.1 Achieving Cultural Relevancy And Accountability In Tribal Policing**

Police services boards have a legislated responsibility to provide accountable police services to their communities. It is their duty to see that policing is employed in a non-prejudicial manner and that the plurality of interests that inform community service delivery needs are respected. In this section a discussion of the roles of aboriginal police services boards is undertaken to provide insight into the extent to which they are able to direct tribal policing and by extension achieve accountability.

#### **4.1.1 Roles And Responsibilities**

To determine the governing authority of aboriginal police services boards, key actors were asked questions about their roles and responsibilities. The responses of the eleven (11) key actors indicated that the responsibilities of aboriginal police services boards are comparable to those of non-aboriginal police services boards and vary in much the same way. A number of aboriginal police services board members reported that their governing

bodies exercise a significant degree of authority to direct policing while others find that their authority to govern is minimal to non-existent. The latter may be a result of the relative youth of some aboriginal police services boards and the corresponding inexperience of members, indicative of the fact that they are currently in the process of defining their roles. In general, the interviews revealed that aboriginal police services boards function in one or more of the following areas

- to develop policy;
- to review, revise and update policy;
- to oversee finances to ensure that the police service is adequately resourced;
- to periodically review the operations of the police service;
- to supervise and monitor the work of the chief of police;
- to evaluate performance appraisals of officers and civilian staff;
- to ensure that police officers are properly trained and that they continue to receive training beneficial to their ongoing development;
- to ensure that the public complaints system dealing with the conduct of the police service and/or individuals is effectively administered.

The interviews revealed that one factor impacting on the governing effectiveness of aboriginal police services boards is how their various responsibilities are acknowledged as legitimate in practice. Four (4) aboriginal police services board members felt that in theory, a significant degree of power is conferred upon them to direct their police services. However, in practice the interviews revealed that the governing authority of some aboriginal police services boards is circumscribed due to the interplay of a variety of factors. These include the part time and short term nature of appointments and the lack of available training for board members. As a result, some aboriginal police services boards are challenged in their ability to develop a comprehensive knowledge base from which to draw upon when developing policy. This means that a number of aboriginal police services boards are put in a position where they have to depend upon the expertise of chiefs of police for policy direction and development.

The findings of the study demonstrate that considerable debate exists among key actors about the role of aboriginal police services boards to achieve accountability. Specifically, a number of respondents questioned the scope of their authority to ensure that the diverse

cultural and social needs of their communities are acknowledged and reflected in police policy. To determine the authority of aboriginal police services boards to provide appropriate policing to aboriginal communities, a number of key areas need to be explored. These include whether achieving accountability implies that aboriginal police services boards have the legitimate authority to develop police policy and whether the power to develop policy implies that aboriginal police services boards are also authorized to direct the day to day operations of their police services. In the following section, an exploration of these issues is undertaken and some insight provided about what aboriginal police services board members consider their legitimate governing roles and responsibilities.

#### **4.1.2 Policy Development**

The relationship between the development of police policy and how it is put into practice is crucial when considering the authority aboriginal police services boards have to realize accountability. Specifically, policies set the goals and objectives, clarify roles and create a framework for police services boards and the police (Ontario Association of Police Services Boards, 1994). To assess how the responsibility for policy development results in culturally relevant policing, key respondents were asked questions about the authority of aboriginal police services boards to develop policy, the nature of the involvement of chiefs of police in policy development and how differences between policy promulgated by aboriginal police services boards and implemented by chief's of police are mediated.

The interviews revealed that in tribal policing, the relationship between the chief of police and his/her police officers is of particular importance in community needs assessment. By virtue of the fact that police operations are relatively small in most aboriginal communities, the chief of police has the opportunity to work closely with his/her subordinates. Consequently, the chief of police is able to obtain first hand information about community problems which may need to be addressed in policy. Interviews with the eleven (11) aboriginal police services board members revealed that those experienced in police

governance tend to work on a co-operative basis with chiefs of police in developing policy. This ability to work in co-operation with the chief of police, without his/her dictating the agenda is attributed to the fact that police services board members are experienced and relatively knowledgeable of their role in policy development. As such, information is freely exchanged regarding community needs and reflected in what policies need to be developed. Furthermore, the findings of the study suggested that a co-operative relationship between police administration and aboriginal police services boards may contribute to a better understanding of the other's expectations. Ideally, this would result in chiefs of police working to ensure that policy decisions are made within a framework that respects the long-term vision of their police services boards.

Three (3) key respondents from recently established aboriginal police services boards reported feeling uncomfortable with chiefs of police having exclusive jurisdiction in policy development because of the potential that exists for him/her to control the process and to shape a policing model that may be incompatible with community needs. Two (2) aboriginal police services board members identified membership inexperience and a corresponding lack of knowledge of policing issues as creating what they considered to be an unhealthy dependence on their chiefs of police for policy development. One (1) aboriginal police services board in particular has experienced problems due to this dependence. Specifically, the police service was established prior to the police services board which meant that the majority of policy was developed by the chief of police in association with senior government and police officials and in place when the police services board became operational. The fact that the chief of police developed the majority of policy meant that he also significantly influenced the value orientation of the police service. The respondent reported feeling that this compromised the ability of the police services board to achieve accountability because they were denied an active role in the development of organizational objectives, an element he felt was crucial to realizing a culturally relevant police service. Furthermore, the respondent reported that the chief of police did not regard the police services board as having legitimate authority to develop policy. This lack of respect contributed to a poor working relationship between the chief



of police and the police services board, which further compounded confusion of their roles and responsibilities. The respondent admitted that this situation could have been avoided had the police services board been more aggressive in taking responsibility for defining its role in policy development. This may have resulted in the chief of police having no choice but to recognize policy development as a legitimate responsibility of the police services board.

Seven (7) aboriginal police services board members interviewed felt that reliance on police administration for policy development is undesirable. However, one individual from an experienced aboriginal police services board countered that comprehensive knowledge of community issues can place the chief of police in an advantageous position to develop policy. He maintained that the possibility of the chief of police developing and implementing organizationally self serving policy would be unusual because final approval of all police policy rests with the police services board. The respondent argued that any policy that is developed must be viewed in terms of its application and perception by the community. Theoretically, as guardians of the public interest, the police services board would be unwise to authorize questionable policy. Regardless of this view, the majority of the respondents indicated that aboriginal police services boards not actively involved in policy development may lack the resources and authority to achieve police behaviour that is congruent with community expectations.

The interviews revealed that the majority of aboriginal police services board members view policy as a tool through which to govern their police services, represent community concerns and complaints to the police and achieve accountability. The respondents also acknowledged that having the authority to develop policy that imposes limitations upon police action is an important way through which police accountability can be achieved. The previous discussion illustrates how important it is for aboriginal police services boards to assume a proactive role in policy development. However, the findings of the study indicated that a number of aboriginal police services boards have encountered difficulty with defining their role in policy development. The inability of some aboriginal police

services boards to effectively develop policy has led them to rely on their chiefs of police for this purpose. The responses of the interviews suggested that this dependence can cause problems if chiefs of police come to interpret policy development as their exclusive responsibility. The general consensus of the key actors is that the authority to develop policy should never be seen as an exclusive responsibility of police administration and where this occurs, it may compromise the ability of aboriginal police services boards to achieve accountability.

It appears that a clear demarcation regarding responsibility of the program manager for operations and the police services board for policy development may assist some aboriginal police services boards to have a better understanding of their responsibilities. In fact, representatives from five (5) aboriginal police services boards reported that they are currently in the process of defining their roles and are struggling with the clarification of governing responsibilities. The five (5) respondents agree that well defined responsibilities would simplify the process of allocating duties to police services boards and police services. They felt that when police services boards and chiefs of police are aware of their responsibilities, the potential to interfere in the others mandate is significantly reduced.

The interviews revealed that negative consequences can result when aboriginal police services boards attempt to interfere in how chiefs of police implement policy. For example, one (1) aboriginal police services board member discussed how a poor understanding of governing responsibilities amongst the police services board members led to interference in how the chief of police put policy into practice. The board in question challenged the authority of the chief of police to direct his police officers in their interpretation of police policy on a regular basis. Accordingly, morale problems were created within the police service as a result of role ambiguity and confusion over what was expected of the police in terms of job performance. This sequence of events resulted in the chief of police resigning from his position. He eventually returned under the condition that limitations be placed upon the governing authority of the police services board. The

respondent felt that the police chiefs demand that the powers of the police services board be restricted has meant that the board solely exists to lend credibility to departmental policy. In addition, the respondent reported that a community perspective has been neglected in police policy as a result of the police services board failure to participate in policy development. The experience of the police services board in question illustrates how policy and operational matters are intimately intertwined. Specifically, it is difficult for a police services board to develop policy that recommends the employment of certain action without risking the potential for making suggestions to the chief of police on how the procedure should be discharged. Conversely, how the day to day operations of a police service are defined impacts on policy in that the employment of specific procedures should adhere to the fundamental philosophy of the organization and reflect the value orientation of the established policies.

Nine (9) aboriginal police services board members interviewed for the study agreed that controlling how chiefs of police implement policy is undesirable. One (1) individual from an aboriginal police services board in western Canada spoke of how tension is created between police services boards and chiefs of police when the former attempts to perform the management function. He felt that this type of interference is common when the allocation of responsibilities between police services boards and chiefs of police is poorly defined. The respondent suggested that these situations could be averted if a process existed that assisted police services boards to understand their role in monitoring police activity. One (1) individual from an aboriginal police services board in Ontario suggested that a solid policy and procedure manual combining input from various sources, that is well written and regularly reviewed and revised, would partially assist board members to avoid confusion of responsibilities. This individual felt that policy and procedure manuals should include the provision that boards operate as a collective and that the interests of any one individual not be paramount over the whole. This may assist aboriginal police services board members to avoid confusion of their responsibilities and to avoid interfering in police operations.

Furthermore, this aboriginal police services board member felt that recognition by board members of the intensely personal nature of business conducted on reserves would assist boards to avoid confusing their responsibilities. The majority of aboriginal communities are small and it is common that people are either related to each other or intimately acquainted. Consequently, the dynamics of personal relations in aboriginal communities can create difficulties for police services board members in terms of meeting their obligations. Three (3) key respondents spoke of how community accusations that police services board members act in a manner that favours close relations and or friends are common and often places them in a difficult position to govern effectively. Two (2) board members interviewed maintain that police services board business necessitates that issues of personal interest remain external to their affairs. They felt that the integrity of tribal policing is dependent on the ability of board members to compartmentalize personal issues in order that they can objectively monitor police activity.

Interviews with the eleven (11) key respondents indicated that aboriginal police services boards experienced in police governance are at increased risk for attempting to control police operations. This may be a product of stable, long-term membership which places board members in an advantageous position regarding knowledge of policing issues. Three (3) aboriginal police services board members experienced in police governance spoke of how extensive knowledge of policing issues correlates with a definite vision of what police service governance should entail. An individual from an aboriginal police services board in Ontario acknowledged that those with extensive experience have a propensity to want to see a problem resolved effectively and have set ideas on how certain issues should be dealt with. It is difficult for them to leave an issue for someone else to manage, hence, their inclination to become involved in police operations. However, the majority of the responses demonstrated that experienced police services boards tend to mitigate the potential for interference through strong leadership and comprehensive discipline policies.

The issue of whether achieving accountability implies authority to control how policy is implemented challenges both experienced and inexperienced aboriginal police services boards. Whenever two bodies share complimentary yet contradictory objectives the potential for interference in the other's mandate may exist. As one individual from an aboriginal police services board in Ontario states, "it is not an unforeseen contingency that police services boards and chiefs of police will butt heads. It will occur given the nature of the business and the fact that if police services boards are busy, a lot of issues may come up that we will not be in agreement over and we will be at each others throat over" (Mark Manitowabi: Chairperson, Wikwemikong Police Services Board).

#### **4.1.3 The Short Term And Part Time Nature Of Appointments**

To evaluate what impact the nature of the appointment process has on the ability of aboriginal police services boards to shape culturally relevant policing, key actors were asked questions about the numerical composition of aboriginal police services boards, the methods through which members are appointed, the length of membership terms and the eligibility for re-appointment. The interviews revealed that appointments to aboriginal police services boards are generally short term, averaging two to three years in duration. However, the interviews indicated that long term membership via the re-appointment of popular board members provides police services boards with some opportunity to develop expertise. This appears to enhance the governing ability of some aboriginal police services boards. Members of recently established aboriginal police services boards reported not having the expertise of long-term associates to depend on for guidance. As a result, they reported being challenged in their ability to develop a solid knowledge base from which to articulate and operationalize comprehensive police policy. In order to facilitate the development of membership expertise, one (1) recently established aboriginal police services board has implemented guidelines that dictate initial terms of membership. This governing body requires that members serve an inaugural term of five years in order that a comprehensive organizational philosophy can be developed that will provide guidance to the police service in the present and the future. The respondent felt that the governing

ability of his police services board would be enhanced if a strong organizational philosophy existed that provided the framework for comprehensive policy development.

Another way in which some aboriginal police services boards reported facilitating membership expertise and remedying the potential for instability occurring is by mandating flexible membership terms. Specifically, one (1) aboriginal police services board provides that a member can be re-appointed to a subsequent term if a lack of community interest exists in filling a vacancy. The board member claimed that the flexibility of such a policy is informed by the desire to ensure fair representation of community interests. He felt that neither the community nor the police services board would benefit if an individual who has performed well, is knowledgeable of policing issues, and gets along with other board members, were not re-appointed. The staggering of membership terms is another method that six (6) aboriginal police services board members reported employing to minimize the ill effects of the short term and part time nature of appointments. The responses suggested that the staggering of terms is an effective method through which to ensure stability because the entire board membership is never replaced en masse. This increases the chance that people with experience will constitute the membership majority which should assist police services boards to operate smoothly during periods of turnover. One (1) aboriginal police services board member participating in the study reported that his governing body does not stagger its membership terms. Rather, board members are appointed through a community election process that occurs every three years. The respondent noted that one drawback associated with community elections of board members is the possibility that they could be replaced at the same time, thus contributing to instability of the governing body.

A final method that some aboriginal police services boards employ to deal with this problem is by having in place specialized working committees to which individuals with relevant expertise are assigned. Three (3) key actors reported that working committees are invaluable because it allows a police services board to be involved in all aspects of police governance thus reducing the need for them to delegate some of their

responsibilities to external bodies. These individuals felt that working committees contribute to a governing body that is knowledgeable of the complexities involved in police governance. The general consensus among the three (3) board members is that a governing body is significantly more effective in providing appropriate police services to aboriginal communities when it is knowledgeable of its responsibilities.

#### **4.1.4 Political Influence In Aboriginal Police Governance**

The issue of political influence in aboriginal police governance has created some confusion about the legitimate role of chief and council in this area. The Federal First Nations Policing Policy is clear in the position that political influence in aboriginal police governance is undesirable. The policing policy states that:

the desire to work to achieve optimal band involvement in policy and operational levels must be undertaken in a manner which recognizes and respects the need to ensure independence from political interference in the discharging of political duties.

(The Federal First Nations Policing Policy, 1992: 2)

The policing policy suggests that one method through which to ensure independence from political interference is by restricting the participation of people with political affiliations on aboriginal police services boards. However, the federal government's position regarding political influence in aboriginal police governance ignores the fact that appointments to aboriginal police services boards are inherently political in character. In general, appointment processes vary, however, the majority of individuals serving on aboriginal police services boards are appointed by political bodies, namely chief and council.

In order to examine what type of influence politics exerts in aboriginal police governance, key actors were asked questions about the appointment methods aboriginal police services boards employ and the nature of the relationship between aboriginal police services boards and their chiefs and council. The interviews revealed that some aboriginal police services

boards have little influence regarding the type of individual appointed by chief and council. However, even though many aboriginal police services boards are not intimately involved in the appointment process, some retain the right to approve the individual/s selected by chiefs and council. The findings of the study indicated that problems can result where chief and council do not respect the right of the police services board to approve its choice. Two (2) aboriginal police services board members felt that chief and council have a responsibility to acknowledge the right of police services boards to approve potential board members because it can ensure the selection of a suitable individual with a value orientation that is compatible with the policing philosophy of the police services board. In the end, the interviews revealed that a police services board with the authority to approve the appointment of board members is in a favorable position to ensure that the individual/s chosen will work to realize the goals of the community.

Three (3) aboriginal police services board members experienced in police governance reported that they exert a significant degree of control over the type of individual/s appointed. The interviews indicated that jurisdiction by aboriginal police services boards in the selection of board members appears to reduce the possibility that the process may be influenced by the political agendas of chief and council. As well, the interviews revealed that aboriginal police services boards with control over the appointment process tend to select individuals who possess relevant policing knowledge; who have similar value orientations and who are capable of working co-operatively with other members to provide culturally relevant policing.

One (1) aboriginal police services board participating in the study elects not to involve chief and council in the appointment process. Rather, a community election process is employed in the selection of board members. The individual serving on this police services board felt that this method maximizes community participation in policing by making the community aware of the existence of a governing body with the responsibility to objectively monitor police activity. However, the respondent acknowledged that a



fundamental weakness of this appointment method is that there is no guarantee that individuals knowledgeable of police issues will be appointed to the police services board.

The influence of politics in aboriginal police governance is also evident in the type of individuals appointed to aboriginal police services boards. Specifically, a common theme of the interviews is how the involvement of band councillors in aboriginal police governance is both beneficial and contentious. Eight (8) aboriginal police services board members reported having council representation and seven (7) respondents contend that it can be beneficial when majority interest remains with the community. Three (3) key respondents felt that political representation on aboriginal police services boards is necessary and provides a valuable liaison function between the police service and chief and council. The liaison function provided by virtue of council participation is important in order that the government responsible for developing the by laws and the police service enforcing the laws are engaged in a supportive working relationship. The findings of the study indicated that aboriginal police services boards are better able to develop policy when a positive working relationship between the by law making authority and the police services board exists. Co-operation between aboriginal police services boards and chiefs of police implies that policies germane to the by laws are created and practical to implement. In addition, seven (7) aboriginal police services board members felt that political representation guarantees a valuable link to the people. They contend that it allows boards to be well informed of a diversity of community perspectives. As well, council participation is seen to keep police services boards informed of the status of chief and council activities and to develop policy that realistically reflects what is occurring at the community level. Seven (7) aboriginal police services board members interviewed felt that the inclusion of politically affiliated individuals should be respected if the community feels that these individuals are capable of representing their interests.

The interviews demonstrated that political participation is also beneficial in that it provides some police services board members with insight into community concerns that they otherwise may not be privy to. Specifically, one (1) individual from an aboriginal police

services board in Ontario noted how his board members are busy and are often employed in occupations not associated with policing. He spoke of how the majority of board members are professionals and as a result many do not have the time to spend socializing with 'regular' community members. The lack of available opportunity to socialize with community members, suggests that many aboriginal police services board members may have a poor awareness of community concerns. The respondent felt that chief and council are a good source through which to assess community concerns because the nature of activities chief and council manage necessitate that they work in close contact with the community. As well, chief and council work co-operatively with the various community social service agencies to develop comprehensive strategies designed to address prevalent social problems. As such, their involvement on police services boards is considered essential because it guarantees the inclusion of a diverse community informed perspective.

A problem associated with council participation can occur when the position is used to compromise the integrity of the police service. Specifically, the interviews revealed that a loss of public confidence in the legitimacy of the police services board and the police is possible when council members use their position to obtain favors for relatives or close acquaintances. Five (5) key respondents acknowledged that council members can experience conflicts of interest as a result of the dual nature of their role. However, they felt that council members can avoid conflicts of interest if their role on the police services board is kept separate from their political responsibilities. The respondents noted the importance of council members having a clear understanding of what their role entails as police services board members. A comprehensive understanding of their governing responsibilities is imperative because aboriginal police services boards are responsible for ensuring non politicization of policing by acting as a buffer between chief and council and the police. The interviews revealed that success in this endeavour requires that aboriginal police services boards have a well defined mandate and are clear on their responsibilities. One (1) chief of police from an aboriginal police service in western Canada, spoke of a recent upheaval where it was important that the police service remain neutral and not act in the interest of chief and council. The police services board was responsible for

preventing the co-optation of the police service for political ends by insisting that directives from chief and council be initially submitted to the governing authority.

However, two (2) individuals from different aboriginal police services boards in western Canada reported being unsuccessful in their attempt to control the arbitrary exercise of political influence by their chiefs and council. In one particular situation, community complaints regarding police activity were felt to not have been fairly investigated by the chief of police. Rather, chief and council appeared to unilaterally exercise their influence by discharging police officers from their duties without first informing the police services board of its decision. The respondent noted that the police services board has had a difficult time managing chief and council's interference in police operations. The respondent further noted that chief and council consistently challenge the authority of the police services board to monitor police activity and to manage the complaints and discipline process. This lack of respect for its governing authority has meant that the police services board has been unsuccessful in shielding the police service from the influence of chief and council. The respondent noted that this situation has compromised the delivery of a responsive police service to the community.

Three (3) aboriginal police services board members interviewed for the study suggested that overt political interference maybe a product of the unwillingness of chief and council to delegate authority. Where this occurs, the legitimacy of boards to effectively represent community concerns can be challenged. One (1) individual from an aboriginal police services board in Ontario spoke of how chief and council fear having its authority usurped and perceive the establishment of a strong governing body as a threat to its influence. However, the respondent contends that the existence of a knowledgeable police services board should be perceived as strengthening the power of chief and council because "the drudgery of day to day details is removed from chief and council while at the same time their responsibilities are placed at a higher level" (Mark Manitowabi: Chairperson, Wikwemikong Police Services Board). The respondent felt that by virtue of the fact that police services boards are ultimately accountable to chief and council and by extension the

people, demonstrates that chief and council have significant power in ensuring accountable policing. However, to ensure that police services boards are able to satisfy their civilian obligations, chief and council should respect their authority to govern policing.

The experience of some aboriginal police services boards would seem to reinforce the position that they remain non politicized, however, this should not imply that political participation be eliminated. The majority of aboriginal police services board members interviewed maintained that political participation is valuable, with the benefits outweighing the problems that may arise. They argued that eliminating political involvement in police governance is not possible nor infinitely desirable. In general, the interviews revealed that chief and council participation is beneficial when community concerns are legitimately represented to aboriginal police services boards. However, when attempts are made to interfere in police operations the ability of some aboriginal police services boards to govern in the public's interest may be compromised.

#### **4.1.5 Regulating The Conduct Of Aboriginal Police Services Board Members**

The findings of the study indicate that aboriginal police services boards employ numerous methods to avoid organizational instability and to facilitate the development of expertise among members. However, attempts to enhance the knowledge of police services board members does not imply that governing responsibilities are always well defined or understood. Four (4) key respondents acknowledged that inadvertent involvement in how policy decisions by chiefs of police are made can occur due to their desire to achieve accountable policing for aboriginal people. Disciplinary regulations are one method employed by some aboriginal police services boards involved in the study to discourage the involvement of members in police operations. Such measures are supposed to ensure that boards govern with integrity through an enhanced awareness of their responsibilities.

To explore how the accountability of aboriginal police services board members to their communities enhances the legitimacy of tribal policing, key actors were asked questions

about the methods aboriginal police services boards employ to ensure membership accountability and the type of disciplinary measures that can be imposed upon members for misconduct. Four (4) key respondents reported their desire to develop suitable behaviour regulations as a fundamental obligation to aboriginal communities. A number of aboriginal police services board members stated that they employ code of conduct and conflict of interest policies to ensure that board members act in accordance with their legislated responsibilities. Code of conduct policies are supposed to assure communities that aboriginal police services boards are performing their mandated responsibilities ethically. The respondents reported that the principles contained in rules of discipline are meant to inspire respect among board members which they felt is a prerequisite to the establishment of a co-operative working environment. A number of key respondents felt that code of conduct policies are important to have in place because they assist board members to reach a consensus on important issues and to avoid introducing personal points of interest that may compromise their ability to objectively monitor police activity.

Conflict of interest policies are similar in nature to code of conduct policies in that they are meant to ensure that the role of aboriginal police services boards as guardians of the community interest is not jeopardised through membership action which may be perceived as conflicting with its intendant governing responsibilities. Conflict of interest policies usually stipulate that individual board members are not to use their positions for personal gain. To ensure that this does not occur, some aboriginal police services boards revealed that their conflict of interest policies stress the importance that aboriginal police services board members act in accordance with the 'one voice rule'. The 'one voice rule' principle requires that police services board members act as a single entity in the articulation of policy or other issues pertaining to the governing of a police service (Carver, 1990). With this in mind, a number of aboriginal police services board members felt that it is unacceptable for any one member to speak on a policy issue or unilaterally attempt to direct the police service. They felt that when police services boards act as a unified body, the potential for members to interfere in day to day police operations is significantly reduced.

One (1) individual from an Ontario aboriginal police services board stated that discipline regulations will not exclusively prevent aboriginal police services board members from abusing their authority. He noted that discipline policies are not designed to clarify the legitimate responsibilities of police services boards but rather function to deter members from extending their authority into areas external to their mandate. Another key respondent was significantly more critical of the utility of discipline policies for achieving accountable behaviour of police services board members. He argued that discipline policies cannot deter police services board members from interfering in police operations if board members are unclear about what action constitutes interference in this area.

In addition to discipline policies, nine (9) aboriginal police services board members identified the chairperson as having primary responsibility for ensuring that board members are aware of their obligations and that policy is developed and communicated to police administration consistent with the 'one voice rule'. The findings of the study indicated that chairpersons are responsible for the co-ordination of police services board affairs. Additional responsibilities of the chairperson include scheduling the times and locations of meetings; communicating commission directives to the chief of police and chief and council; and working with other police services and police services boards on an educational basis. Five (5) aboriginal police services board members reported that their chairpersons are actively involved in the orientation of police services board members. As such, there is a general awareness among members of the importance that they work together in a co-operative manner.

Though the interviews revealed that chairpersons should have responsibility for the credible conduct of board members, three (3) aboriginal police services board members spoke of how their governing ability is compromised because their chairperson lacks knowledge of his/her role and fails to accord respect to the position. In particular, one (1) individual from an aboriginal police services board in western Canada spoke of the disorganization that prevails during police services board meetings due to the chairperson's frequent absence. The decision of who will chair board meetings is made at the last

minute and often the chief of police is selected for the honours. The key respondent reported being uncomfortable with the police chief presiding over board meetings because he felt that it jeopardises the ability of the police services board to deal objectively with policy issues. Furthermore, the respondent reported feeling uncomfortable with the chief of police leading board meetings because he is a take charge individual and police services board members are frequently intimidated about raising concerns they have about the police service.

The interviews revealed that organizational instability characterizing the operations of some aboriginal police services boards is a result, in part, of poor leadership. It appears that the legitimacy of aboriginal police services board operations is somewhat dependent upon chairpersons providing decisive leadership in order that police services board members have a basic understanding of their roles and responsibilities. Chairpersons who fail to educate police services boards members about discipline policies and the grounds for their employment, may risk compromising the ability of their boards to provide a relevant, community based service. In this way, discipline policies appear to only be as effective as the individuals who understand their terms and enforce their terms when the need arises.

#### **4.1.6 The Training Of Aboriginal Police Services Board Members**

The interviews indicated that individuals from recently established aboriginal police services boards are slightly apprehensive about the responsibilities involved in governing a police service. Indeed, individuals from experienced aboriginal police services boards revealed that learning the techniques of how to govern effectively is a time consuming process. One (1) individual from an aboriginal police services board in Ontario spoke of how every experiences growing pains when it is attempting to define its identity and it is negotiating its roles and responsibilities. Eight (8) key respondents acknowledged that one way in which roles and responsibilities can be better defined is through police services board member training. However, the majority of available training is provided by the

federal/provincial governments and a number of key respondents identified this training as failing to provide information relevant to governing aboriginal police services.

To explore the impact that the training available to aboriginal police services board members has on the provision of culturally relevant policing to aboriginal communities, board members were asked questions about the relevancy of government sponsored training, how training promotes an enhanced awareness of their responsibilities and how training is modified to compliment tribal policing. The findings of the study indicated that a number of aboriginal police services board members have accessed federal and provincial seminars pertaining to the following police governance issues: policy making; directing the chief of police and monitoring performance; budgeting from a policy driven point of view; community based policing and determining community needs; the importance of strategic planning and personnel relations. Some aboriginal police services board members that have participated in government sponsored training forums reported that the strength of these programs lay in the knowledge that the various issues confronting them are not restricted to their situation. One (1) board member stated, "it is enlightening to see that non native police commissions too are struggling to make sense of their diverse and complicated responsibilities" (Marie Smallface-Marule: Chairperson, Blood Tribe Police Commission).

Another aboriginal police services board member felt that such programs are beneficial not only for the potential for learning from other's experiences, but also the opportunity provided to educate other non/aboriginal police services boards of their existence, roles and responsibilities, current challenges and points of interest. However, in general, the interviews revealed that aboriginal police services board members do not consider federal and provincial training seminars relevant. The rationale informing this position is the perception that many issues addressed in government sponsored forums fail to address the diverse challenges currently confronting aboriginal police services boards. For example, one (1) key respondent spoke of how it is common for the community to demand that the police services board address issues that pertain to how the police carry out their duties.



In particular, community members often ask board members to second guess the discretionary powers of police officers regarding their decision to arrest individuals. The respondent stated that his police services board members are not comfortable with this role and are unsure of how to inform the public that it is not a legitimate police services board responsibility.

All eleven (11) aboriginal police services board members reported an urgent need for in/formal training that takes into account the heterogeneity of aboriginal communities and that addresses the diverse roles and responsibilities inherent in governing an aboriginal police service. Specifically, they indicated that training is required to differentiate between the responsibilities of police services boards and those of police administration. The interviews indicated that a potential source of tension between boards and chief of police can exist if the former attempts to appropriate the management function. A number of key respondents felt that it was important that training address how to clarify the relationship between the two bodies in order that police services boards not attempt to manage police operations. One (1) key respondent suggested that police services boards could avoid this temptation by insisting that training address the role of the police chief as program manager. He felt that a police services board cognizant of and respectful of its police administrator's authority, affords itself the opportunity to develop relevant expertise and to become more influential in policy development.

In general, eight (8) key respondents reported feeling that well trained individuals are an organizational asset in that they can enhance the ability of aboriginal police services boards to provide appropriate police services to aboriginal communities. In addition, four (4) of the eight (8) respondents felt that the integrity of tribal policing is dependent on the ability of well trained aboriginal police services boards to monitor police activity and to ensure the community that their needs are reflected in police policy. The experience of some key respondents indicates that a governing body made up of individuals with limited knowledge of policing issues or of the responsibilities inherent in police governance will have their authority consistently challenged by police chiefs, chief and council and the

community. Accordingly, a number of key respondents felt that training that respects the cultural heterogeneity of aboriginal communities and addresses issues specific to aboriginal police governance is an area in need of urgent attention.

#### **4.2 Defining Culturally Relevant Policing**

We want to provide a service in our community that will satisfy our people. We have to maintain credibility. Community policing means the police are involved in the community and the community is involved in the police.

(Bob Reid: Chief of Police, Siksika Nation Tribal Police Service)

To eliminate apprehension of what policing has meant historically, aboriginal people are making concerted efforts to define a culturally relevant community based policing model. A number of aboriginal police services board members and chiefs of police involved in the study consider the community policing model applicable to tribal policing because of the emphasis that is placed on preventive policing and the requirement that the police work co-operatively with other community social service providers. However, they also felt that some elements of this policing model are not adaptable to tribal policing because they are based on non aboriginal assumptions not relevant to aboriginal value perspectives. In this regard, an important issue for a number of aboriginal communities is how to define an appropriate model of policing. To this end, tribal policing is perceived as a distinctive and culturally relevant variant of the community policing model where the professed aim is to enhance the spiritual and cultural integrity of the communities. In terms of culture, spirituality, customs, language, socio-economic and political development, aboriginal communities exhibit considerable diversity (Normandeau, 1990: 105). Therefore, it is not possible to create a single model of policing and expect it to be appropriate for all aboriginal communities in general. One key respondent noted that preventing the development of irrelevant policing models means acknowledging the legitimate right of the community to participate in the development of policing. Hence, "the growth of developing a police service to fit a community has to come from within the community" (Mike Leach: Co-ordinator, Stl'Atl'Imx Nation Tribal Police Service).

The interviews revealed that the policing needs in aboriginal communities differ and as a result key respondents felt that the police role should be defined in accordance with prevalent community social disorder problems and the expressed community preferences for the way they are addressed. However, marked similarities exist regarding general community expectations. Specifically, a number of key respondents spoke of how aboriginal people want the police to become more proactively involved in the community in order that fear of the police can be eliminated. In addition, some respondents felt that it is undesirable for the police exist to act as an external agency isolated from the community, only visible for the purposes of law enforcement. The interviews suggested that aboriginal police services board members feel that they have an integral role in ensuring that the police are actively involved with the community. One way in which some aboriginal police services boards accomplish this objective is through needs assessments that acknowledge community desires and through the legitimate representation of those priorities in police policy.

The following discussion will examine the factors that impact on how the police role is defined and realized within aboriginal communities. Specific attention will be placed on the role of aboriginal police services boards in developing appropriate police services, to assess the extent to which tribal policing accords legitimacy to community concerns and whether these concerns are reflected in the development of police policy.

#### **4.2.1 Police Ideology**

To evaluate how conventional police practices and ideologies impact on the development and delivery of culturally relevant police services to aboriginal communities, key actors were asked questions about the role aboriginal police services boards have to promote organizational philosophies conducive to the development of culturally relevant policing, the authority aboriginal police services boards have to recruit chiefs of police and police officers, the nature of the relationship between aboriginal police services boards and chiefs

of police and the extent to which chiefs of police influence police services board operations.

The interviews revealed that aboriginal police services boards are responsible for monitoring policing in their communities to ensure its cultural and social relevance. A number of aboriginal police services boards achieve police accountability by developing policy that establishes role requirements of the police. All eleven (11) aboriginal police services board members participating in the study, identified the recruitment of the chief of police as key to the development of a culturally relevant police service. They stated that the type of individual selected is crucial as s/he is responsible for providing guidance to police officers in how policy is interpreted and operationalized in the execution of their responsibilities. The identification of suitable individuals with both administrative and policing experience has proven a challenging endeavour for six (6) of the aboriginal police services boards involved in the study. These individuals felt that building an effective police service depended upon the chief of police having senior level management experience as well as intimate knowledge of policing issues. These requirements reinforce the importance that the individual selected to be chief of police has a similar value orientation with regard to policing philosophies as the police services board. Three (3) key respondents stated that similar belief systems would enhance consistency between policy promulgated by the police services board and its implementation by the police chief.

Interviews with the eleven (11) key respondents revealed a shortage of aboriginal individuals with a combination of administrative and policing experience. As a result, seconding chiefs of police from federal and/or provincial police services or recruiting chiefs of police from an outside police agency are favored recruitment options among the majority of aboriginal police services boards involved in the study. A number of key respondents indicated that seconding chiefs of police is a popular recruitment method because the individual chosen is certain to have extensive policing experience from which to build and guide a police service.

There is some associated apprehension of this recruitment option, however since chiefs of police can have an established organizational ideology inconsistent with the philosophies of tribal policing. One (1) individual from an aboriginal police services board in western Canada reported experiencing problems with its chief of police regarding his policing philosophies. The key respondent stated that the chief of police was recruited from a non aboriginal police service and that his style of policing appears to isolate the police from the community. In addition, the respondent felt that the chief of police places minimal emphasis on developing harmonious relations between the police service and the community. A general apprehension regarding this individual's management style is how his policing philosophy is felt to be jeopardising the integrity of the police service. Accordingly, "we moved away from the R.C.M.P. style of policing and established our own police service to overcome the old style of policing. Therefore, it makes no sense why we would employ the same policing style" (anonymous). The respondent reported that open communication between the police and the community is necessary in order for tribal policing to derive legitimacy in the eyes of aboriginal people. He felt that open communication with the community would educate the police that the unilateral employment of police powers is undesirable and that their role in tribal policing should be geared towards developing a working relationship aimed at enhancing the general health of communities.

Overall, the aboriginal police services board members participating in the study reported general satisfaction with the method of seconding chiefs of police and/or recruiting chiefs of police from external law enforcement agencies. They attributed success in the selection of suitable individuals to their employment of rigid recruitment criteria. Specifically, an experienced Ontario aboriginal police services board member emphasized the importance of the individual chosen to administer the police service as having a balanced view of the world. In this regard, he felt that recruitment criteria should address whether the individual in question is comfortable working in the community and working with his/her subordinates to facilitate a healthy partnership with the community. The respondent stated that aboriginal police services boards can avoid selecting an individual who may engender

**an unhealthy organizational ideology by having in place coherent objectives regarding how the police service should be governed in the present and the direction it should take in the future. In fact, three (3) aboriginal police services board members stated that a comprehensive organizational philosophy clarifying the expectations of police services boards may assist their chiefs of police to respect community involvement in defining the police role.**

**Three (3) key respondents felt that it was necessary to recruit an aboriginal person to administer tribal policing. They argued that an aboriginal chief of police administering an aboriginal police service would be in a favorable position to facilitate community acceptance and lend credibility to the police service solely by virtue of its aboriginal administration. However, the interviews revealed that police chiefs of aboriginal origin who manage tribal police services acquired their experience in non aboriginal police services. As such, no guarantee exists that their policing philosophies may not result in the development of an organizational ideology incongruent with tribal policing. In order to compensate for the possibility of police chiefs and police services boards having philosophical differences regarding policing styles, three (3) aboriginal police services board members identified the importance of establishing a strong chain of command that clarifies the role of the chief of police as an employee of the police services board. The respondents felt that having guidelines in place that clarify their expectations of the program manager is invaluable, because it compels chiefs of police to assume responsibility for the entire actions of the police service.**

**The terms of the aboriginal policing funding arrangement requires that aboriginal police services model their structure and operations on nonaboriginal police services. Therefore, it is not surprising that similar to their non aboriginal counterparts, aboriginal police officers wear badges and uniforms, carry side arms, and utilize motorized vehicles to patrol their communities. Furthermore, a number of aboriginal police officers spend a significant amount of time involved in what is traditionally defined as 'police work.' If aboriginal policing resembles non aboriginal policing, how is it possible for aboriginal**

police services boards to define the police role consistent with aboriginal 'policing' philosophies? Furthermore, how is it possible for aboriginal police officers to avoid adopting an organizational ideology which may promote intra occupational cohesion and in the process marginalize community involvement in developing a relevant police service?

To promote the development of responsive police services, five (5) aboriginal police services board members spoke of the importance of identifying and defining the police role prior to the development of the police service. Community diversity influences how policing is conceptualized therefore, it should not be an unexpected occurrence that some communities will be more concerned with emphasizing the aboriginal component. However, the interviews revealed that a number of key respondents were adamant that aboriginal centred approaches not be the focus to the exclusion of what community needs indicate. Four (4) key respondents noted that aboriginal police services boards have an important role in promoting community involvement in the definition of the police role. The respondents felt that community involvement in this process can result in the police service having the opportunity to develop an organizational ideology that reflects community expectations of what policing should resemble. The interviews suggested that the small size of many aboriginal communities affords aboriginal police officers the opportunity to develop close relationships with the people. The requirement of many aboriginal police services boards that the police establish a working partnership with the community suggests that attitudes of solidarity and isolation among tribal police officers may not have the opportunity to develop. Nine (9) aboriginal police services board members interviewed for the study reported that they want their police officers to originate from the general community they reside within or live in close proximity. They feel that this requirement promotes an understanding by the police of community concerns and results in a shared understanding with the community of prevalent social problems.

A number of key respondents acknowledged that the existence of an organizational ideology that isolates the police from the community can negatively influence the working relationship between the two. In fact, six (6) aboriginal police services board members felt

that the legitimacy of tribal policing as a community driven enterprise can be compromised when the police are unable to identify with the community and empathize with its concerns. One (1) key respondent noted that the entrenchment of the colonization process has challenged a number of aboriginal communities to define a working concept of policing significantly different from the mainstream. Having been policed by the R.C.M.P., this individual spoke of how aboriginal people in his community are accustomed to a reactive style of policing. As a result, the policing style currently employed by the aboriginal police service in his community is influenced by the crime control/law enforcement ethic that prevails in many nonaboriginal police services. He stated that the police services board has had little success in discouraging this style of policing, because the chief of police refuses to work with the board to promote more consensual policing methods. The key respondent reported feeling that the police service and the board are not respected by the people, and that this lack of public support has compromised their ability to define a more culturally relevant policing model.

#### **4.2.2 The Training Of Aboriginal Police Officers**

A common theme of the interviews concerns how a number of aboriginal police services boards are challenged with regard to the training of police officers. To evaluate the appropriateness of police recruit training provided in federal/provincial training facilities with tribal policing philosophies, aboriginal police services board members were asked questions about the relevance of training aboriginal police officers receive, the measures taken to orient police officers to their role as tribal police officers and the influence of aboriginal police services boards in developing culturally relevant in-house training programs. In general, the findings of the study indicated that the type of instruction offered in federal and provincial facilities is incongruent with the policing philosophies that many aboriginal police services boards report supporting. A number of aboriginal police services board members reported feeling that it is important that the orientation of aboriginal police officers be culturally sensitive and responsive to the complex issues that confront their communities.



The interviews revealed that a general consensus exists among aboriginal police services board members that aboriginal police officers be of the same skill level as police officers from nonaboriginal police service. Police officer training is an important consideration due to the requirement that police officers be knowledgeable of their diverse responsibilities and confident in their interaction with the community. That training is necessary in order to ground tribal police officers in the basics does not suggest that cultural and social relevancy are not important considerations. In fact, nine (9) aboriginal police services board members maintained that an urgent need exists for the policing philosophy they support to be reflected in the instruction that police recruits receive in federal and provincial training facilities. They feel it is pointless for boards to advocate policing premised on a community centred approach if the available police officer training reinforces a law enforcement/crime control orientation. In particular, nine (9) aboriginal police services board members and four (4) chiefs of police interviewed for the study felt that the majority of aboriginal police officer training reinforces qualities that are incongruent with the type of policing desired in aboriginal communities. Specifically, one (1) chief of police stated that it is common for police officers to return from recruit training overconfident and with an inappropriate image of policing necessitating that these individuals be reoriented to a role consistent with community expectations.

In general, the majority of aboriginal police services boards participating in the study are not involved in the development of in-house training curriculum's to make the training police officers receive more culturally relevant. Even though the majority of aboriginal police services boards do not participate in developing police officer training programs, four (4) key respondents reported having clear ideas regarding methods through which police officer training can be made more socially relevant. These individuals serve on aboriginal police services boards that are involved to a varying degree in the development of in-house training programs which socialize aboriginal police officers to a realistic understanding of their role. As a matter of policy, one (1) Ontario aboriginal police services board requires that its police officers participate in in-house training programs that are identified by police administration, chief and council and the governing body as

both appropriate and available. The respondent felt that this requirement would better assist police officers to fulfill their responsibilities in accordance with the objectives of tribal policing and in congruence with community expectations.

In order that policing become more culturally relevant, three (3) key respondents advocated complementing in-house training programs with traditional aboriginal approaches. These individuals felt that the employment of traditional methods in training is beneficial because it minimizes the influence of the crime control ethic that may be conveyed during basic recruit training. To illustrate this point, one (1) individual from an aboriginal police services board in western Canada reported that part of their police officers orientation process occurs in a traditional circle. The circle encourages police recruits to deal constructively with personal issues in order that they can come to an understanding of who they are as individuals. In this forum, police officers are expected to disclose information of a personal nature that will assist in their emotional, spiritual, physical and mental development. The key respondent reported that emphasizing aboriginal spirituality in the orientation of police officers is important because it enables a tribal police officer to have a better understanding of his/her culture which may result in the delivery of a culturally appropriate service.

The interviews revealed that in-house training also occurs in conjunction with other community social service agencies. Four (4) key respondents revealed that a comprehensive understanding of community problems may be promoted when police officers are provided the opportunity to access educational programs developed and sponsored by these agencies. Aboriginal police officers deal with a number of problems for which they have minimal expertise, therefore, three (3) aboriginal police services board members noted the importance of boards, the police, and social service agencies co-operating with each other to effectively identify social problems and develop solutions that holistically address the identified problem. In this way, in-house training can be characterized as an ongoing process and is designed to reinforce the idea that the police have a primary responsibility to the community.

Another way in which aboriginal police services board members reported gauging whether the police role is congruent with community expectations is through monitoring public complaints. Three (3) key respondents noted that situations where people complain can be indicative of areas that police officers require work, therefore, in-house training programs can be developed to address areas that aboriginal police services boards feel that the police need improvement. However, four (4) key respondents contend that the knowledge police officers gain from in-house training programs can be negated in the working environment. They noted that the knowledge gained from in-house training will be of minimal value if it is not reinforced by a police administration intent on assuring that his/her officers adhere to the philosophies of tribal policing. They felt that organizational legitimacy depends upon police services boards and chiefs of police assuming responsibility for educating police officers about their role in tribal policing.

Aboriginal police officers are required by federal and provincial legislation to enforce the law and to maintain order in aboriginal communities. This means that there will be times when aboriginal police officers will have to arrest community members. Of interest is how it is possible to avoid the development of an occupational ideology separating the police from the community when aboriginal police officers are frequently involved in conflict oriented situations. The eleven (11) aboriginal police services board members involved in the study maintain that the crux of tribal policing is a partnership between the police and the community. Active community involvement in defining the police role is important because it may minimize the potential for the development of an insular occupational ideology. However, the eleven (11) key respondents agreed that active community involvement in defining the police role is dependent upon the ability of the police and the community to communicate their concerns to each other. Five (5) individuals interviewed for the study contend that aboriginal police services boards are an important element in facilitating community involvement in defining the police role and seeing that police strategies are implemented in accordance with the expressed desires of the people. They felt that the role of aboriginal police services boards in promoting community participation in the development of policing would assist in a realistic understanding by the community

that the police role occasionally involves the arrest and incarceration of friends and family members.

#### **4.2.3 Police Powers**

To explore how discretion is employed in tribal policing and how aboriginal police services boards ensure that police officers account for their actions, key actors were asked questions about the objectives of tribal policing, the problems associated with police discretionary powers in tribal policing and how the problems with police powers are remedied. Four (4) aboriginal police services board members interviewed for the study reported struggling with how to make the discretionary decisions of police officers accountable. They acknowledge their obligation to provide accountable police services to their respective communities and they also recognize that discretion is an essential aspect of the police role. Discretion is necessary because, similar to non aboriginal police services, aboriginal police services do not have the resources to ensure full enforcement of every law.

The eleven (11) aboriginal police services board members interviewed for the study supported the informal employment of discretion in order that the police role be adaptable to situational contingencies. The interviews revealed that conflict resolution and mediation approaches are two key discretionary tactics favoured by aboriginal police services boards and their police services. Three (3) key respondents felt that the legitimacy of tribal policing is dependent upon police officers not arresting individuals without first assessing the situation and determining an appropriate course of action. Accordingly, these individuals felt that the employment of conflict resolution and mediation strategies had enhanced police relations with their community's, because community members perceived that the police had acknowledged their concerns. One (1) chief of police interviewed for the study spoke of the importance that discretion be employed in a manner respectful of community members in order to promote a realistic understanding by the community of the police role. In support of this contention, the

respondent stated that "If he goes out there and spends another half hour talking with the people, he will cause me less headaches because the people will not be inclined to complain as frequently. Instead they will be saying 'hey we really like this guy because he talks to us and he's our friend' " (Bob Reid: Chief of Police, Siksika Nation Tribal Police Service).

The interviews revealed that there are some problems associated with police discretionary powers in tribal policing. In particular, five (5) aboriginal police services board members noted that community complaints regarding the discretionary decision making powers of aboriginal police officers are relatively common. Perceptions of favouritism regarding police conduct constitute the majority of community complaints. One (1) individual from an aboriginal police services board in western Canada spoke of how such perceptions led to community suspicion of the police and a corresponding refusal by the community to cooperate with the police. This situation created tense relations between the police and the community which was reflected in the police adopting a defensive attitude toward community members. The respondent reported that the police services board and the police chief addressed this problem by mandating it a matter of policy that individual police officers not work in their home communities. A marked increase in community satisfaction with policing occurred following this decision.

The interviews indicated that a lack of consensus exists regarding the utility of aboriginal police officers policing their own communities. Some aboriginal police services board members involved in the study feel this unwise, while others maintain that it is an issue individual communities must decide upon. Two (2) aboriginal police services boards from western Canada have proposed establishing a tribal exchange program where police officers are transferred to other communities in order that they not have to police their own communities. However, the two (2) key respondents acknowledged that the integrity of such a program is dependent upon ensuring cultural, language and territorial consistency. Specifically, the respondents spoke of how it is common for police officers introduced into foreign nation communities to bring their own prejudices and ignorance

which may influence how they employ discretion. They felt that a tribal exchange program that involved aboriginal nations with similar cultural, language and territorial boundaries would minimize the potential for this occurring.

A common theme reflected in the interviews regards the importance of educating the community about the police role in order to minimize misunderstandings between the two. One (1) individual from an aboriginal police services board in western Canada spoke of how it is common for the community to question the legitimacy of police actions. Specifically, he noted that community members witnessing an offence frequently demand that the police take action that may be wholly inappropriate for the circumstances. When the police fail to act in a manner consistent with community expectations, perceptions are that the police have not satisfactorily met their obligations. The respondent suggested that educating community members about the conflicting roles of the police would be beneficial in that the community may develop more and have a better understanding for the decision making authority of the police.

The interviews revealed that the authority of aboriginal police officers to exercise discretion implies that they also have a responsibility to their community to account for their activity. However, four (4) aboriginal police services board members participating in the study reported that they have experienced some difficulty in their attempt to control how police discretion is employed. These individuals acknowledged that monitoring public complaints is an important responsibility of aboriginal police services boards because it allows them to assess whether the police role is in line with community expectations and whether the police are meeting their obligations consistent with the philosophies of tribal policing. However, the four (4) key respondents maintained that their ability to ensure that the police legitimately employ their discretionary powers is dependent upon the public's willingness to report questionable police activity.

Nine (9) aboriginal police services board members interviewed identify chiefs of police as having a responsibility for making the police accountable for their employment of

discretion. One (1) key respondent felt that the chiefs of police ability to command respect from his subordinates makes him the ideal individual to educate police officers about their responsibilities. Hence, "There is a lot of responsibility on the police chief to ensure good conduct on the part of his officers and to make sure that policy and procedures are followed in a manner that is culturally appropriate and sensitive" (Amy Melting-Tallow: Siksika Nation Tribal Police Services Board). The nine (9) key respondents reported that good communication between police chiefs and their police officers is one way in which aboriginal police officers can develop a realistic understanding of their role.

A number of aboriginal police services board members reported wanting their chiefs of police to be comfortable conversing with individual police officers regarding public complaints and alternate methods for their employment of discretion. The ability of chiefs of police to communicate acceptable policing methods to their subordinates is considered important because of the possibility that a complaint may be filed against a police officer who is an ethical individual but who simply exercised poor judgement. In these situations, disciplinary action involving dismissal or suspension of a police officer may not be required if s/he is made aware of how his/her behaviour conflicts with community expectations of the police role. One (1) key respondent stated that often reparation can be made by having the police officer and complainant work out their misunderstanding in a manner satisfactory to both parties.

#### **4.2.4 Community Needs Assessment And The Development Of Police Strategies**

The type of police strategies developed and implemented by aboriginal police services boards and chiefs of police depend on what are identified as urgent community concerns. The interviews revealed that police services boards that assist the police to develop strategies that acknowledge community needs are more successful in their ability to provide appropriate policing to aboriginal communities. A number of key respondents noted that the development of comprehensive police strategies is not possible without first

accounting for community diversity and the corresponding existence of competing interests within aboriginal communities. Acknowledging community diversity is one element integral to promoting the development of strategies which are adaptable to variances in the community structure.

In order to explore the role of aboriginal police services boards in developing a culturally relevant community based service, key actors were asked questions about the importance of establishing police priorities in accordance with community needs, the forums that exist for the community to articulate their concerns and complaints about policing and the methods employed to assess community satisfaction with tribal policing. The eleven (11) aboriginal police services board members interviewed for the study suggested that community needs assessment are vital in identifying community resources that can be used to manage disorder problems. Specifically, information derived from community needs assessments may place the police services board in an advantageous position to assist the police in meeting the policing requirements of aboriginal communities.

Eight (8) aboriginal police services board members participating in the study stated that the legitimacy of tribal policing is partly premised on the philosophy that authority for policing lay with the people. They felt that acknowledging the legitimacy of community concerns is crucial in order for tribal policing to have credibility within the community. Therefore, the type of police strategies implemented within a community indicate whether community needs have been acknowledged and reflected in the strategies developed. The interviews revealed that aboriginal police services boards utilize a number of methods to assess community policing requirements. The following methods are not employed by all aboriginal police services boards participating in the study. Rather, some boards are in the process of examining the potential utility of these methods and may employ them in the future if they are suitable.



#### **4.2.4.1 Formal Community Needs Assessment Methods**

**Interagency Committees:** The interviews revealed that interagency committees are the most popular method through which aboriginal police services boards assess community needs. The respondents described interagency committees as functioning in the capacity of a formal networking system within aboriginal communities to deal with social disorder problems that are considered to be the product of the convergence of a variety of socio/economic, political, and cultural factors. Four (4) aboriginal police services board members interviewed suggested that co-operation between the police and community social service agencies increases the possibility that disorder problems will be accurately identified and effective solutions developed to deal with the identified problem. The respondents also reported that co-operation between the police and community agencies allows community problems to be addressed in a way that avoids the fragmentation of responses. They felt that it is not possible to effectively manage disorder problems when social service agencies develop their strategies in isolation from each other.

The interviews revealed that one way in which some aboriginal police services boards encourage co-operation between the police and community social service providers is through annual open houses. Key respondents who reported employing this method describe open houses as a 'social' that consists of social service agency directors touring their community's police station and meeting the chief of police, constables, and civilian staff. The participants share information about their roles and discuss what social problems are of concern to their organization and what attempts are being made to address the identified problems. The three (3) respondents whose police services host annual open houses felt that the exchange of information regarding the responsibilities of each agency helps to promote an understanding of the other's role. They suggested that open houses provide the opportunity for the police and social service agencies to devise complementary approaches in dealing with community problems. In general, the interviews conducted for this study indicated that interagency participation by community social service providers, the police and police services boards is an effective method

through which community concerns can be identified and holistic responses developed to address the identified problem.

**Council Meetings:** The interviews revealed that council meetings are another popular method through which many aboriginal police services boards can assess community needs. Council meetings are held on a regular basis in many aboriginal communities and have proven to be a popular forum for community members to discuss a diversity of issues. In general, the interviews suggested that community members attend these meetings to raise questions of general or specific interest. As well, police services board members and police chiefs often attend council meetings and report back to the governing body on relevant policing concerns and complaints raised by the community. In some situations, a council member is also a police services board member. The findings of the study indicated that when a council member is a police services board member that his/her dual role can provide an ideal position from which to gauge community needs and relay relevant information to the police services board on an ongoing basis.

Nine (9) aboriginal police services board members interviewed stated that council meetings provide a consistent method for community needs assessment. Specifically, council meetings are a common place for community members dissatisfied with policing to air their concerns. However, three (3) key respondents felt that one weakness of council meetings for assessing community needs concerns how they deal with many issues and that as a result community concerns about policing may not be examined in depth. As well, an additional weakness associated with council meetings is how many community members are uncomfortable speaking in public at these meetings for fear of community reprisals. The three (3) respondents felt that these two variables can compromise the ability of police services boards to comprehensively evaluate community concerns through council meetings.

**Community Meetings:** Another popular method that some aboriginal police services boards reported using to assess community needs are community meetings. A number of

respondents stated that community meetings occur on a regular basis in a number of aboriginal communities and are an important mechanism in facilitating open communication between aboriginal police services boards, the police service, and the people. Four (4) key respondents reported that they primarily attend these meetings to inform the community of their role and the role of the police. As well, these individuals reported attending community meetings because they felt it to be an ideal forum through which to solicit feedback from the community about their general policing concerns. Two (2) key respondents suggested that community meetings tend to simplify the process of assessing community needs because community members who regularly attend these meetings are eager to educate themselves about the police services board responsibilities and the corresponding realities of the police role.

The four (4) aboriginal police services board members who employ community meetings as a needs assessment method indicated that community participation in these forums is irregular. They felt that this is due in part to the lack of awareness by the community of their existence. As well, the four (4) key respondents stated that some community members refuse to attend community meetings due to the perception that these forums are of limited value. The respondents indicated that chief and council need to take a more decisive role in informing community members of the value of community meetings and how their participation will result in more appropriate policing. The respondents felt that chief and council have legitimacy in the community because they are elected representatives of the people. To this end, these individuals are considered to have significant influence in convincing aboriginal people of the merit of community participation for the development of strategies to effect cultural relevancy in policing.

**Police Officer Feedback:** The interviews revealed that regular contact by tribal police officers with community members and elders is important in shaping an empathetic police service. Six (6) aboriginal police services board members interviewed for the study reported that they assess community needs by encouraging their police officers to meet regularly with members of the community and to pose specific questions to community

members about their needs. One method eight (8) aboriginal police services boards members reported employing to ensure community satisfaction regarding policing, is through the hiring of police officers who for the greater part originate from the community. The eight (8) respondents indicated that this preference is informed by the belief that police officers who are indigenous to their community will have a better understanding of the culture and norms that are valued within their communities. The respondents noted that police officers who originate from the communities they police are more readily accepted by the community. This may be the result of community perceptions that the police are knowledgeable of community processes and acknowledge the plurality of interests that inform community values and beliefs system.

The interviews revealed that some aboriginal police services boards solicit police officer feedback through the process of formal interview. Three (3) aboriginal police services board members reported interviewing police officers in order to acquire information regarding community service delivery needs and general community satisfaction with police services. The respondents felt that interviewing police officers is an invaluable method for assessing community needs because aboriginal police officers interact on a daily basis with community members and are relatively well informed of prevalent concerns. This is seen to place aboriginal police officers in an advantageous position to knowledgeably brief the police services board about community policing needs.

The three (3) respondents that employ this method for community needs assessment reported enhanced relations with their police officers. They felt that their healthy rapport with the police had minimized the potential for confusion by the police about what was expected of them in terms of their role in the community. Specifically, one (1) aboriginal police services board member reported that interviewing police officers enabled his police services board to become knowledgeable of the police role and the various challenges confronting the police. By acknowledging the expertise of police officers and according value to their suggestions regarding community needs, the respondent felt that he had assisted some police officers to develop a personal sense of importance regarding their

occupation. In turn, the respondent felt that that the police had acquired an appreciation of the diverse and complex responsibilities involved in police governance.

In general, the literature dealing with nonaboriginal police services boards indicates that intimate interaction between police services boards and their respective police officers is undesirable. In theory, this caveat is supposed to ensure that police services boards act as impartial representatives of the public interest (Murphy and Muir, 1985). Indeed, two (2) aboriginal police services board members involved in the study reported feeling that a close working relationship with their police officers could create an environment where the police services board would be inclined to interfere in police operations. Rather than interact with police officers on a one to one basis, the two (2) aboriginal police services boards choose to have their chief of police act in a liaison capacity to keep police officers informed of role expectations. Regardless of the method chosen, the interviews demonstrated that police officer feedback is an important method through which many aboriginal police services boards are able to stay abreast of community policing concerns and complaints.

**Chief Of Police Report:** Another method that a number of aboriginal police services boards reported employing to assess community needs is the chief of police report. Key respondents who use this method, liken the chief of police to the 'eyes and ears' of the community because s/he has daily contact with subordinate officers who keep him/her informed on a variety of operational issues. In turn, the chief of police is expected to delineate to his/her aboriginal police services board, through regular activity reports, the status of the police service. Five (5) aboriginal police services board members reported that they encourage frequent contact of the police chief with the chair of the police services board. They felt that frequent contact between police chiefs and chairpersons would promote the exchange of information that would allow the two to remain apprised of the status of the other's activities.

Three (3) aboriginal police services board members noted that interaction with their chiefs of police affords them the opportunity to gauge community satisfaction with policing. Through the examination of general statistics, the respondents are able to acquire insight into whether community concerns are acknowledged and police strategies are developed that reflect identified needs. The three (3) respondents acknowledged that the expertise of police chiefs necessitate that these individuals play an integral role in community needs assessments. However, two (2) chiefs of police interviewed for the study maintained that their ability to effect positive change in the delivery of police services to their communities implies that aboriginal police services boards have an obligation to respect their recommendations.

Findings of the study indicate that effective community needs assessment is dependent on aboriginal police services boards and police chiefs respecting the value of the other's contribution. Two (2) aboriginal police services board members acknowledged that it is not advisable for chiefs of police to have exclusive responsibility in identifying community needs and developing strategies to address these needs. One (1) respondent spoke of how a tendency exists for some chiefs of police to withhold information from their governing bodies regarding community concerns. As such, he felt that this may place chiefs of police in a position to develop strategies reflecting a narrow definition of the problem and embodying a policing orientation that may be inconsistent with community needs. The respondent felt that chiefs of police are an organizational liability when they unilaterally develop irrelevant strategies and in the process provide an inappropriate service to aboriginal people. Where this occurs, the ability of some aboriginal police services boards to ensure community needs are reflected in police policy can be compromised.

**The Media:** The media is the final method that some aboriginal police services boards employ to assess community needs. The interviews revealed that aboriginal communities having access to the media are limited in number. Two (2) aboriginal police services boards reported that they employ this method for community needs assessment and that it is felt to provide an invaluable means for informing and educating the community of

policing initiatives. One (1) respondent interviewed felt that the value of the media lay in the fact that if certain police policies are not well received, a swift response from the community would occur. Furthermore, this individual noted that the media is an ideal forum for the solicitation of community ideas concerning methods through which to structure a responsive police service.

**Police Committees:** The interviews revealed that the employment of police committees to assist in community needs assessment in aboriginal communities is non-existent. However, three (3) aboriginal police services board members cited increased interest in this forum due to their perception that their communities have expressed a desire to become more involved in policing. The three (3) respondents felt that police committees are an ideal way to maximize community participation in the development of relevant police strategies and feel that their establishment is inevitable. When the three (3) respondents were asked what role they expected a police committee in their community to have, one (1) individual replied that he envisioned a police committee in his community functioning primarily in an advisory capacity providing an invaluable link between the police services board, the police and the community. He noted that tribal policing in his community is labour intensive and as such a police committee would be ideal for maximizing scarce resources by involving police committee members in general law enforcement activities. The three (3) aboriginal police services boards considering establishing police committees identified the following as legitimate and potential roles for a police committee:

- **Peacekeeping.** The three (3) respondents interviewed for the study envision their police committee members functioning in an auxiliary capacity to assist tribal police officers to deal with minor situations. One (1) respondent acknowledged that having police committee members act as auxiliary peacekeepers means that they would have to be knowledgeable of the law. The authority of police committee members to make citizen arrests would require that they be cognizant of the circumstances under which this power can be legitimately exercised. The respondent was firm in his belief that

police committee members acting as peacekeepers would have to respect the limits on their authority to enforce the law and not abuse this power. He reported that the possibility would exist for police committee members to antagonize the community and to compromise the integrity of tribal policing if they failed to respect their role as primarily being that of a peacekeeper.

- Support system for aboriginal police officers. One (1) key respondent reported that police committee members in his community would be primarily responsible for the mediation of conflicts between aboriginal police officers, chief and council and the community. He reported that the ability of a police committee to mediate disputes would enhance community involvement in policing because the primary authority for managing disputes is shifted from the police services board to the community, where it legitimately belongs. To facilitate community ownership of policing the respondent envisioned police committees being populated by community members whose intimate knowledge of the community would place them in an advantageous position to mediate disputes.

The three (3) aboriginal police services board members who are considering establishing police committees in their communities acknowledged that the ability of a police committee to perform its job well depends on populating these bodies with community members who are knowledgeable of or show an interest to learn about policing issues. Furthermore, they suggested that the viability of police committees requires commitment from chief and council, the police services board and the police, in that all three bodies need to assume responsibility for educating community members about the role of police committees. Without this co-operation, the respondents felt that police committees would be an ineffective method for assessing community policing needs and assisting the police to provide a relevant service.



#### **4.2.4.2 Informal Community Needs Assessment Methods**

The interviews revealed that formal needs assessment methods are only one general way through which aboriginal police services boards stay informed of community policing needs. Aboriginal police services board members participating in the study indicated that they also employ informal methods to assess community needs. The key respondents characterized informal methods as unstructured interactions between the police and the community or police services board members and the community to facilitate community involvement in developing a relevant police service. Nine (9) key respondents interviewed for the study reported that they encourage their police officers to be receptive and to accord respect to community suggestions regarding how to improve policing. However, six (6) respondents stated that it is not possible nor infinitely desirable that community recommendations inform the development of every police strategy. Rather, these individuals felt that acknowledging community concerns and complaints and providing a forum for the community to informally make recommendations results in a legitimate sense of involvement by the community in policing. Key respondents described the primary mechanisms through which aboriginal police services boards and the police informally conduct community needs assessments as follows:

- Six (6) aboriginal police services board members reported that they encourage community members to take advantage of the open door policy that police services and police services boards make available. The respondents suggested that it is an ideal way for community members who are uncomfortable discussing their concerns publicly to voice them in private. The close knit nature of many aboriginal communities means that some people who inform against other community members may be poorly regarded. As a result, many people hesitate to assist the police for fear of public reprisals. The six (6) respondents felt that the availability of mechanisms where the people are able to discuss their concerns in confidence may avoid the possibility of conflict among community members from occurring.

- Five (5) aboriginal police services board members reported that they employ a needs assessment method where the opinions of community members regarding police strategies to be implemented are casually solicited. The five (5) respondents indicated that this method for assessing community needs is quite common and has proven successful due to the small size of aboriginal communities and the fact that the people are well acquainted with each other.

The interviews revealed that many aboriginal police services boards are challenged in their ability to assess community needs and to provide culturally relevant policing because of a general unwillingness among aboriginal community members to assist the police. Three (3) aboriginal police services board members noted that community apathy is in part a product of public perceptions that the police have failed to deliver appropriate services. However, one (1) aboriginal police services board member argued that community members cannot hold the police exclusively responsible for their dissatisfaction. Rather, he felt that community members should accept partial responsibility for their resentment and make an effort to become more involved in shaping an appropriate policing model. Five (5) aboriginal police services board members suggested that community apathy may be the product of the lack of available information regarding the police role. They felt that educating community members is key to facilitating an understanding by the community of the police role.

The respondents identified chief and council as being vital in informing community members of the responsibilities of the police services board and police service. The legitimacy possessed by these individuals by virtue of their elected status implies that they should function as front line communicators with the community. In this capacity, chief and councils primary responsibility would be to establish the strategic roles from which all community service agencies would take direction. The five (5) respondents indicated that the role of aboriginal police services boards in this scenario would primarily entail monitoring policy developed by chief and council and using this information to develop a relevant police service.

The interviews revealed that aboriginal police services boards differ with respect to their influence in the development of police strategies. In some situations, their participation is confined to making recommendations to chiefs of police regarding the preferred direction in which the police service should move. For other aboriginal police services boards, the development of police strategies is a significant aspect of their mandate and is a joint effort with the chief of police. The key respondents agreed in principle that the chief of police and his/her staff are responsible for putting into effect police strategies. They also felt that chiefs of police and their subordinate officers are partly responsible for making community members aware of police strategies. Seven (7) aboriginal police services board members involved in the study felt that the police have a vital role with respect to informing the community of what is expected in terms of their participation. They contend that a police strategy's potential for success is enhanced when the community and the police view their roles as a partnership. Each requires the assistance of the other to guarantee the fundamental principles informing the police strategy are actualized and of value to the community. In general, the interviews revealed that the type of police strategies developed should reflect community needs and be the product of open and honest communication.

#### **4.3 Achieving Organizational Legitimacy Through Internal And External Regulation Of Police Activity**

Community involvement in the complaints and discipline process is one way in which policing can be demystified and public awareness of the police role achieved. Aboriginal police officers primarily account for their activity internally to police chiefs and externally to aboriginal police services boards. In tribal policing, internal regulation of police activity appears to play a crucial role in ensuring that police officers are aware of their responsibilities and carry them out in a way that does not antagonize community members. However, the findings of the study reveal that internal regulation can jeopardise tribal policing if public perceptions are that the police do not treat community complaints seriously. In this way, the key respondents identified external regulation of police activity as enhancing the legitimacy of the complaints and discipline process because individuals

populating aboriginal police services boards are not police officers. In this section, an examination of how internal regulation is achieved in tribal policing is examined. A discussion of the strategies employed by chiefs of police to manage community complaints is undertaken to provide insight into how internal regulation of police activity derives legitimacy. In addition, the role of aboriginal police services boards in monitoring police activity is examined to determine how relevant the complaints and discipline process is for achieving accountability and cultural relevancy in policing.

#### **4.3.1 Internal Regulation**

The findings of the study demonstrated that the legitimacy of internal regulation for achieving appropriate police conduct is dependent on the process being open to public scrutiny. This position appears to be consistent with the philosophy of policing supported by the majority of aboriginal police services board members and chiefs of police involved in the study. In particular, many of the respondents noted that community faith in the credibility of tribal policing partly depends on the police being able to facilitate open communication with community members. The respondents also felt that the integrity of tribal policing depends upon the police treating community complaints seriously and informing complainants of final decisions pertaining to their grievances. To determine how internal regulation of the police is achieved in tribal policing, aboriginal chiefs of police were asked questions about their role in regulating the conduct of police officers, the methods available for community members to file complaints, the strategies they employ to determine the legitimacy of public complaints and the importance of keeping community members informed of the status of disciplinary investigations and their outcome.

Aboriginal chiefs of police interviewed for the study reported that they employ a number of methods to ensure that police practices are in line with community expectations. The five (5) aboriginal chiefs of police stated that they employ police code of ethics and discipline policies to outline acceptable police practices and sanctions for rule

transgressions. The five (5) respondents felt that these guidelines help to ensure that police officers are controlled by and accountable to their chiefs of police. All of the aboriginal chiefs of police reported having responsibility for ascertaining that police officers successfully carry out their duties by monitoring that work is completed on schedule, that police reports are promptly written and that police investigations are conducted efficiently and consistent with departmental regulations etc. The interviews revealed that initial responsibility for managing public complaints regarding police activity lay with the chiefs of police. The five (5) chiefs of police indicated that acknowledging community involvement in the complaints and discipline process is important in order that internal regulation be perceived by the community as a legitimate method through which to achieve police accountability. The respondents further noted that the integrity of internal regulation depends upon disciplinary investigations of police officers being conducted objectively and the public being promptly notified regarding final decisions.

The five (5) aboriginal chiefs of police interviewed felt that their authority to initially review public complaints provided them with the opportunity to demonstrate to community members that internal investigations are fair. These individuals felt that promoting public faith in the ability of the police to internally regulate their activity necessitates that the primary phase of the complaints process be informal. Two (2) aboriginal chiefs of police justified this position on the basis of past experiences with federal and provincial police services. The two (2) respondents spoke of how many aboriginal people continue to fear the police and are apprehensive about filing formal complaints regarding the actions of police officers. To eliminate these fears, the five (5) chiefs of police participating in the study reported a desire that community members take a more active role in the complaints and discipline process. However, the responses of the interviews revealed an awareness by aboriginal police services board members and police chiefs that promoting community participation in monitoring police activity is difficult and necessitates that accessible forums be made available to the people that demystify the complaints and discipline process. In addition, three (3) aboriginal chiefs of police acknowledged that they have a responsibility to encourage community participation in this

process by making an effort to treat community concerns seriously and to ensure community members that their complaints are dealt with promptly and in an appropriate manner.

To this end, the five (5) aboriginal chiefs of police interviewed for the study reported that they make an effort to employ informal methods whenever possible to initially resolve community complaints. They described the inaugural phase of the complaints process as involving their evaluation of a community grievance to determine its seriousness and to decide upon an appropriate course of action. During this stage, the respondents revealed that they have the authority to informally mediate a complaint or they can choose to initiate a formal internal investigation to determine its legitimacy and a suitable course of disciplinary action. The five (5) key respondent stated that their authority to informally mediate complaints is important because the majority of community concerns regarding police action are often a product of misunderstandings.

They noted that common grievances include police officers using inappropriate language when dealing with community members; showing indifference to community concerns and demonstrating favoritism in decisions to not arrest close acquaintances or relatives. Two (2) chiefs of police spoke of how misunderstandings resulting in public complaints are rarely the product of unilateral action. Rather, they suggested that interactions involving both the police and community are influenced by a number of variables that impact on the perceptions each have of a particular situation. In this way, conflicting interpretations can create the potential for the employment of questionable police action and for the public to challenge the legitimacy of police authority. The two (2) respondents felt that their ability to informally mediate complaints may help to promote a realistic appreciation between the police and the community of the others' role. The interviews demonstrated that the informal mediation of disputes involves co-operation between the police officer and the complainant with the chief of police. Three (3) chiefs of police reported having primary responsibility to facilitate open dialogue between the dissenting parties and to assist them to arrive at an agreeable solution to their misunderstanding. The respondents felt that

mediation is more successful when both the police officer and the complainant are accepting of this strategy and are willing to achieve a compromise.

The five (5) aboriginal chiefs of police interviewed for the study reported that they also have the authority to internally address community complaints through formal investigations. The key respondents reported that internal investigations are initiated when they consider a complaint to be serious, for i.e.: a police officer accused of having employed excessive physical force in his/her dealings with a community member. The internal investigation of community complaints involves chiefs of police interviewing the offending police officer, the complainant and other relevant witnesses to determine culpability and appropriate disciplinary action. Two (2) aboriginal police chiefs reported being challenged in their ability to conduct formal investigations of police officers because of their lack of financial resources and technological expertise. This situation necessitates that some aboriginal police chiefs employ external justice agencies for assistance in internal investigations. The two (2) respondents reported not feeling that their authority is threatened by having external bodies investigate community complaints. Rather, they viewed these agencies as an astute strategic manoeuvre through which to enhance the legitimacy of the complaints and discipline process.

One (1) chief of police from an aboriginal police service in western Canada spoke of how "there is a real fear among community members, that if the police investigate and find the officer not guilty, that we are unfairly policing our own" (Wayne Hamby: Chief of Police, Blood Tribe Police Service). The respondent felt that the utilization of external justice bodies for assistance in the investigation of public complaints is judicious because it allows police administration to remain impartial. He felt that this better ensures that the integrity of the police service is not questioned by either the community members or the police officer being investigated. Furthermore, the respondent felt that investigations conducted by external agencies are beneficial because of its potential to enhance public faith in the internal management of complaints.

The five (5) aboriginal chiefs of police reported having the authority to determine disciplinary sanctions in the formal management of complaints. However, three (3) key respondents cited the small size of their police services as potentially creating conflicts regarding the discipline of police officers. In particular, one (1) police chief spoke of how the intimate nature of his working relationship with subordinate police officers places him in an awkward position when he is investigating public complaints and determining appropriate disciplinary action. Hence,

I have trouble myself with the discipline issue. We are a small police service and I work on a daily basis in close contact with these guys. When I have to discipline an officer, that relationship really hurts. So I have personal conflict with this, but it is part of my job.

Gordon McGregor: Chief of Police  
Kitigan-Zibi/Anishinabeg Tribal Police Service

The responses indicated that the small size of some aboriginal police services can challenge the ability of some aboriginal chiefs of police to remain objective during internal investigations. However, the five (5) aboriginal chiefs of police agreed that public perceptions that police administration may favor the police interest during internal investigations necessitates that they be vigilante in how they deal with community complaints. The respondents spoke of how the integrity of the complaints and discipline process can be jeopardised if chiefs of police fail to treat community complaints seriously and fail to inform community members of the status of investigations and their outcome. The respondents suggested that comprehensive code of ethics and discipline policies are one way through which to enhance the credibility of tribal policing. The respondents felt that policies establishing what constitutes improper police activity and what constitutes appropriate disciplinary action may reassure community members that chiefs of police have a responsibility to review all community complaints pertaining to police activity. In addition, concise discipline guidelines may also ensure community members that chiefs of police have a responsibility to impose discipline that is consistent with the severity of the rule transgression.



The interviews revealed a desire on the part of aboriginal chiefs of police to open internal regulation of police activity to public scrutiny. The respondents felt that demystifying this process would show community members that internal investigations do not always favor the police interest. Another way some aboriginal chiefs of police reported that they are attempting to model responsive policing is by recruiting individuals with post secondary education's. Three (3) chiefs of police spoke of how recruiting educated police officers would effect cultural relevancy in policing because well educated police officers are felt to have good aptitude and the ability to reason and communicate with community members.

Two (2) chiefs of police reported that they do not define education to exclusively encompass knowledge acquired in university or college. These individuals perceived education as also associated with reacquainting aboriginal police officers with their language in order that they are better able to communicate with a diversity of community members. One (1) respondent noted that the inability of some aboriginal police officers to converse with community members may imply that they have a poor understanding of their heritage and that this can compromise the ability of some aboriginal police officers to provide a culturally relevant service to their people. The respondent stated that the police services board and the police service are attempting to address this problem by providing incentives for police officers to participate in language training. The perception is that aboriginal police officers who speak their language will have an enhanced understanding of the communities they police.

Four (4) aboriginal police services board members interviewed for the study also suggested that education is conducive in the development of positive self images among aboriginal people. One (1) board member spoke of how well educated individuals are integral to community development initiatives. In this respect, the respondent perceived education as a tool through which aboriginal people will eventually assume exclusive control over justice initiatives in their communities. The interviews revealed that a number of aboriginal police services are currently being administered by non aboriginal people. Though the majority of aboriginal police services board members interviewed maintain

that this is not a problem, there exists a desire to reduce reliance on this type of leadership in the future. However, one (1) aboriginal police services board member felt that the development of a culturally relevant police service necessitates that tribal police officers acquire post secondary educations and temporarily work in other non aboriginal and aboriginal police services to expand their knowledge base. The respondent was convinced that the end result would be a superior police service, where police officers would be experienced in a diversity of areas and have a realistic understanding of their role.

#### **4.3.2 External Regulation**

When I talk about accountability, I mean that the police are accountable to the people. That they do not do anything arbitrarily. It is important that the police commission have a major role in making a police force accountable.

(Alan Roulette: Dakota-Ojibway Tribal Police Commission)

To determine the effectiveness of aboriginal police services boards for achieving accountability and cultural relevancy in tribal policing, key actors were asked questions about the methods aboriginal police services boards employ to achieve police accountability, the type of grievance mechanisms that exist for the community, the appellate role of aboriginal police services boards and the authority of aboriginal police services boards to impose disciplinary sanctions. The interviews revealed that a number of aboriginal police services boards consider external regulation of police activity a primary responsibility. However, authority to monitor police activity does not mean that aboriginal police services boards are always successful in this endeavour. Specifically, three (3) board members reported being challenged in their ability to promote public awareness of the complaints and discipline process. The respondents acknowledged that facilitating community involvement in monitoring police activity is difficult when the people are not consistently informed of the number and nature of complaints against the police nor are informed of the sanctions imposed on aberrant police officers.

To remedy this, one (1) former aboriginal police services board member stated that as a matter of policy his governing body notifies the community through press releases circulated to the media of the findings regarding police misconduct investigations. Informing this position is the perception that "people need to see that justice is done. A lot of police services get in trouble because they hide investigations. Sometimes the community doesn't even know the individual has been punished" (Louis Stats: ex-chair: Six Nations Police Commission). The respondent maintained that withholding information from the public can create problems in that it may compromise their faith in the ability of police services boards to make the police answer for their activity. The respondent suggested that aboriginal police services boards have a fundamental responsibility to ensure public confidence in the complaints process. Meeting this objective implies that aboriginal police services boards need to guarantee that police administration treats community concerns seriously; investigates complaints objectively; determines appropriate disciplinary action and notifies the complainant of any action taken and his/her right to appeal final judgements.

The eleven (11) key respondents reported that chiefs of police are responsible for the entire actions of the police service and its members and that chiefs of police are publicly accountable for these actions. The interviews revealed that inexperience has challenged the ability of some aboriginal police services boards to monitor the activity of their chiefs of police. Specifically, one (1) aboriginal police services board member spoke of how his governing body's inexperience has jeopardised their ability to make the police chief accountable for his actions. The respondent acknowledged that taking control of this situation implies that the police services board needs to extend its authority to include defining the chiefs of police role. He felt that assuming this role presents a significant challenge because policy outlining the responsibilities of the chief of police was developed prior to the establishment of the police services board. As such, the respondent reported that any overt attempt to redefine the police chief's role could create organizational instability and must be undertaken with extreme caution. He revealed that the police services board is currently in the process of examining methods through which to secure

civilian accountability of the office of the chief of police. They are developing a contemporary job description identifying the legitimate responsibilities and authorities of police administration. As well, they are establishing a decisive recruitment strategy in order to ensure the future selection of an appropriate individual to administer the police service. The respondent stated that the police services board desires a chief of police who is knowledgeable of the limitations on his/her authorities; who respects the involvement of the community in defining a relevant policing model and who acknowledges the power of the board to demand civilian accountability.

Eight (8) aboriginal police services board members interviewed for the study reported that they are responsible for overseeing investigations into public complaints regarding the activity of police chiefs. Seven (7) key respondents agreed that their ability to ensure accountability of chiefs of police for their activity or that of the police service depends upon the police services board having in place decisive policy outlining its responsibility in this crucial area. The interviews revealed that aboriginal police services boards handle public complaints regarding their chiefs of police in a number of ways. One (1) respondent discussed how his governing body provides for a commission member with relevant policing expertise to investigate community complaints. He acknowledged that the involvement of a commission member in a disciplinary investigation can compromise the police commissions appellate function because it may be incapable of objectively reviewing appeals regarding investigations in which it was intimately involved. The respondent noted that thus far the police commission has had no reason to employ this method, but rather he cited it as a viable option.

One (1) aboriginal police services board member reported that his board would probably employ a method where a committee consisting of representatives from chief and council, the chair of the police services board and a neutral third party are selected to investigate community complaints. The respondent noted that the establishment of a committee for this purpose is favored on the grounds that complaints regarding the conduct of chiefs of police generally pertain to administrative issues. Overall, the majority of aboriginal police

services boards participating in the study reported that they would employ external agencies to investigate community complaints regarding the activity of their chiefs of police. One (1) respondent reported favoring this method because it would allow his police services board to avoid any conflict of interest that could compromise its integrity in the eyes of the community.

Six (6) aboriginal police services board members reported that they would not be bound to impose disciplinary sanctions recommended to them by external investigation bodies. Rather, the respondents stated that they would retain authority for determining appropriate sanctions and in the end would be responsible for informing chiefs of police of their right to appeal a final decision. A problem associated with non partisan investigations of public complaints is how the power of aboriginal police services boards to determine discipline may have the potential to invalidate the public utility of employing external agencies. Specifically, one (1) aboriginal police services board member noted that it is conceivable for the public to question disciplinary decisions of police services boards, if disciplinary recommendations of external agencies are consistently ignored and alternately decisions reached that are perceived to vindicate the police. He felt that recognising the public value of this exercise implies that aboriginal police services boards have a responsibility to seriously consider adhering to the disciplinary recommendations of external investigation bodies.

The interviews revealed that a number of aboriginal police services boards are also authorized to oversee community appeals regarding the outcome of internal investigations into the conduct of police officers. Seven (7) key respondents concurred that the integrity of the complaints and discipline process is dependent on police services boards having the authority to question chiefs of police about their investigation techniques and final decisions. The interviews indicated that aboriginal police services boards administer their appeals process in a variety of ways. Some aboriginal police services board members reported that they employ a committee composed of the chief of police, the chair of the police services board and a community member to review evidence and hear

recommendations regarding questionable internal investigations. However, the responses suggested that this method can compromise the authority of inexperienced police services boards to administer appeals. Specifically, one (1) key respondent spoke of how his police services board has had difficulty overseeing appeals because of their inexperience. This has permitted chief and council and the chief of police to assume the appellate role. The respondent felt that the involvement of chief and council in this process is questionable because he believes that they also lack the relevant expertise to knowledgeably review appeals. The respondent noted that the ignorance of the aboriginal police services board and chief and council of how the appeals process works, has given the chief of police permission to assume authority in this area.

The interviews revealed that some aboriginal police services board members are concerned about public perceptions that the appeals process favors the police interest. This appears to challenge the ability of some aboriginal police services boards to assure community members that policing is responsive to their needs. Three (3) aboriginal police services board members reported that they are examining alternate methods through which to improve the community complaints and discipline process. The respondents reported that they have variously considered independent appeals bodies and civilian review boards as viable options through which to promote community involvement in defining relevant policing models. To avoid having their allegiances questioned by suspicious community members, two (2) aboriginal police services boards have in place and operational independent appeals bodies. The two (2) respondents reported that independent appeal bodies appear to minimize the potential for conflicts of interest occurring among police services board members because authority for this responsibility is shifted to the community. One (1) key respondent reported that independent appeals bodies are an ideal way to educate the community and promote their involvement in the complaints and discipline process. He stated that his governing body accomplishes this objective by appointing respected community members to the appeals board. The second respondent revealed that his governing body appoints elders to the appeals board in an attempt to fairly represent community concerns. Because elders are highly respected in aboriginal

communities, the respondent felt that their involvement would promote public confidence in the complaints and discipline process.

As previously stated, the interviews revealed that aboriginal police services board members feel that community involvement in the complaints and discipline process is integral to the legitimacy of tribal policing as a community driven enterprise. However, some respondents reported being challenged regarding methods through which to make the complaints and discipline process more publicly accessible. Three (3) aboriginal police services board members revealed that they are examining civilian review boards as a method through which to promote community participation in tribal policing. One (1) respondent whose governing body is considering establishing a civilian review board conceives of it as having a number of responsibilities including the documenting of public complaints and the screening of complaints to determine their legitimacy. Furthermore, the respondent suggested that a civilian review board in his community would be responsible for monitoring the internal resolution of complaints and would hear appeals regarding questionable internal investigations. He characterized the civilian review board as being a 'super watchdog' that would also be responsible for monitoring the activity of the police services board. The respondent indicated that the desire of the police services board to establish a structure primarily for monitoring the status of community complaints and police investigations is informed by a belief that the legitimacy of tribal policing is dependent on public approval. He maintained that the people have ultimate authority to withdraw their support for tribal policing if they perceive their interests are not acknowledged and represented in police policy. Without community support, tribal policing in its present form would not exist. Hence,

the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.

Bill Nothing: Chairperson,  
Nishnawbe-Aski Police Services Board

The interviews revealed that civilian review boards have not been established as of yet in any aboriginal communities. The police services boards that are examining civilian review boards as a method through which to facilitate community ownership of policing acknowledge that they are currently more concerned with getting their police services operational and having their governing bodies provide a philosophical direction to the police that compliments tribal policing. The three (3) respondents indicated that civilian review boards will definitely have a role to play in governing aboriginal police services in the future. One (1) respondent noted that the establishment of a civilian review board in his community is inevitable because the governing authority of the aboriginal police services board is diverse and he acknowledged that sometimes certain responsibilities may be neglected. He considered civilian review boards an invaluable tool for developing and providing culturally relevant policing to aboriginal communities because it provides a forum where community members can assert some control over how the complaints and discipline process is administered and ultimately how policing is made responsive.



## **CONCLUSION**

The major focus of this study was concerned with how the structural similarity of aboriginal police services boards to conventional governing models impacts upon their ability to achieve accountability and cultural relevancy in policing. To assess what role aboriginal police services boards have in shaping policing, key actors were asked questions about their roles and responsibilities. The responses of those interviews indicated that the governing authority of aboriginal police services boards is diverse. In fact, aboriginal police services boards vary considerably in composition, mandate, assumed role, authority, status and level of activity. The responses further revealed that the roles and responsibilities of aboriginal police services boards are similar to those of non aboriginal police services boards. This finding is not unexpected given that the structure and operating procedures of aboriginal police services boards are influenced by federal and provincial government funding arrangements that suggest aboriginal governing bodies be structured on conventional models. In addition, it is not surprising that some aboriginal police services boards are experiencing problems similar in nature to the challenges confronting the governing ability of many non aboriginal police services boards.

The majority of aboriginal police services board members interviewed for the study indicated that authority for policy development is an important method through which to shape culturally relevant policing. However, the findings of the interviews revealed that some aboriginal police services boards are challenged in their ability to develop policy. Rather, they shift this responsibility to their chiefs of police. The general consensus among key actors participating in the study is that policy development is a legitimate responsibility of aboriginal police services boards while police chiefs are responsible for putting policy into practice. The experience of two (2) aboriginal police services boards suggests that problems can arise when the chief of police exclusively defines policing policy. Exclusive jurisdiction by chiefs of police in policy development is undesirable because of the potential that exists for them to control the process and to shape a policing model that may be incompatible with community needs. The respondents felt that the legitimacy of tribal policing can be compromised if community members perceive that the police provide an irrelevant service.

Another variable that complicates the role of some aboriginal police services boards in policy development is how their authority to develop policy is confused with the chiefs of police role to implement policy. The findings demonstrated that experienced aboriginal police services boards are more successful in policy development because of their ability to work on a co-operative basis with chiefs of police. A co-operative working relationship between aboriginal police services boards and chiefs of police implies that a diversity of community perspectives may inform the development of an appropriate policing model. Interestingly, the findings demonstrated that aboriginal police services boards experienced in monitoring police activity are at increased risk for attempting to control police operations. This may be a product of stable, long-term membership which places them in an advantageous position regarding their knowledge of policing issues. However, experienced aboriginal police services board members reported that the potential for interference is mitigated through strong leadership and comprehensive discipline policies.

There are a number of variables associated with the structure of aboriginal police services boards that influence their ability to provide culturally relevant policing to aboriginal communities. The findings of the interviews indicated that appointments to boards are short term and part time in nature. To determine what impact these factors have on aboriginal police governance, key actors were asked to describe the problems associated with their appointment processes and what action was taken to remedy the difficulties they were experiencing. The findings of the study indicated that aboriginal police services boards with stable membership were more effective in monitoring police activity. It appears that long-term, stable membership allows aboriginal police services board members the opportunity to gain expertise in police governance. Members are in a better position to develop police policy and to develop organizational strategies consistent with their definition of tribal policing. Conversely, the responses of the interviews revealed that the short term and part time nature of appointments may contribute to organizational instability. These variables appear to particularly challenge the ability of inexperienced aboriginal police services boards to develop knowledge relevant to governing their police.

The findings of the study indicated that the governing ability of police services boards is enhanced when initial terms of membership are uninterrupted. Specifically, one (1) aboriginal police services board requires that its members serve an initial term of five years. The respondent reported that this permits board members to develop expertise that would assist them to better carry out their responsibilities and would assist them to better represent community needs. Some aboriginal police services board members reported remedying the possibility of organizational instability by mandating flexible membership terms. In particular, one aboriginal police services board involved in the study provides that a member can be re-appointed to a subsequent term if a lack of community interest exists in filling a vacancy. The desire to represent community interest appears to inform the flexibility of such policies. The staggering of membership terms is another method that some aboriginal police services boards reported that they employ to avoid organizational instability. The staggering of terms appears to promote organizational stability because the entire board membership is never replaced en masse. During periods of turnover, individuals with experience will constitute the majority membership and this may ensure that police services board operations continue uninterrupted. The majority of respondents involved in the study felt that these policies assisted aboriginal police services board members to develop confidence in their ability to monitor police activity.

The political nature of appointments is another variable that appears to impact on the ability of aboriginal police services boards to provide culturally relevant policing to aboriginal communities. The findings of the interviews indicated that chief and council are responsible for the majority of appointments to aboriginal police services boards. Some respondents noted that the political nature of the appointment process can create problems if chief and council fail to seek approval of aboriginal police services boards regarding appointments. They felt that their is required to ensure the appointment of suitable individuals who are respected by the community and who will work to realize the goals of the community.

It appears that political interference in police governance is mitigated when aboriginal police services boards are actively involved in the appointment process. Board members involved in this area reported being better able to select individuals who have relevant policing knowledge, who have a similar value orientation and who are capable of working co-operatively with other police services board members to ensure culturally relevant policing. One (1) key respondent revealed that the members of his governing body are appointed through a community election process. The respondent felt that this method was democratic but that it failed to guarantee the appointment of suitable individuals. Organizational instability is another weakness associated with this appointment method. The possibility that experienced aboriginal police services board members may not be re-elected by community members implies that the police services board may have limited opportunity to develop expertise in police governance.

Political influence is also evident in the type of individuals appointed to aboriginal police services boards. The findings of the study indicated that the majority of boards have political representation but that the involvement of band councillors in aboriginal police governance can create problems. Some key respondents felt that political representation is beneficial because it may provide police services board members with an invaluable insight into community concerns that they otherwise may not be privy to. As well, council participation may allow boards to stay informed of the status of chief and council activities and to develop police policy that realistically reflects what is occurring at the community level. However, the findings suggested that political involvement in aboriginal police governance can compromise the integrity of tribal policing if the position is used to interfere in police operations or to gain favors for relatives or close friends.

The findings of the study suggested that the integrity of tribal policing is partly dependent upon politically affiliated individuals not abusing their power. This may be accomplished by mandating it a matter of policy that the chairpersons of aboriginal police services boards not be elected representatives of the community. Many chairpersons have a veto power and have the authority to neutralize political influence. These responsibilities imply

that chairpersons should be well respected members of the community, and should be capable of educating board members about acceptable police governing practices. The findings of the study indicated that additional responsibilities of the chairperson should include advising aboriginal police services board members about discipline policies and ensuring that transgressions are dealt with swiftly. This appears to be an effective way to partly ensure that community politics do not compromise the integrity of tribal policing.

The accountability of aboriginal police services board members to their communities is another means through which tribal policing derives legitimacy. The findings of the study revealed that the majority of respondents consider accountability for their activity as a fundamental obligation to aboriginal people. As a result, a number of aboriginal police services boards have implemented code of conduct and conflict of interest policies to regulate the behaviour of their members. However, some key respondents noted that a weakness of discipline policies is how they do not clarify governing authorities but rather deter aboriginal police services board members from interfering in areas external to their mandate.

Key respondents indicated that chairpersons have an important role in regulating the conduct of aboriginal police services board members. Chairpersons are identified as having primary responsibility for orienting aboriginal police services board members to their role and for ensuring that police policy is developed and communicated to police administration consistent with the 'one voice rule.' However, the findings of the study suggested that some aboriginal police services boards have experienced problems with their chairpersons failing to provide decisive leadership. Interviews with key respondents revealed that monitoring police services board activity can be difficult when leadership is weak and that this can have a negative impact upon their ability to govern.

Training is one way in which aboriginal police services board members may have the opportunity to become knowledgeable about police governance. Currently, the majority of police services board member training is provided by federal and provincial

governments. The findings of the study indicated that a number of aboriginal police services board members have accessed federal and provincial sponsored seminars. Some key respondents reported that the training was useful regarding general police governance issues for example: policy making, directing the chief of police and monitoring performance etc. However, a common sentiment expressed by key actors concerned how training was considered irrelevant to police governance in aboriginal communities. Key respondents noted that the training failed to account for the heterogeneity of aboriginal communities and failed to address issues specific to police governance in aboriginal communities.

The second area of inquiry focused on tribal policing and the role of aboriginal police services boards in defining culturally relevant policing. A number of variables influence how tribal policing is defined and how police accountability is achieved. One issue relevant to the area of inquiry concerns how organizational philosophies consistent with tribal policing are developed and what challenges confront aboriginal police services boards to define policing. Key findings of the study indicated that effective police operations are dependent upon the chief of police having senior level management experience as well as an intimate knowledge of policing issues.

By virtue of their authority to hire chiefs of police, aboriginal police services boards have a role in defining policing. However, the identification of suitable individuals with both administrative and policing experience has proven a challenging endeavour for some aboriginal police services boards. Specifically, the respondents revealed that a shortage of aboriginal individuals with a combination of administrative and policing experience exists. A number of aboriginal police services boards reported remedying this problem by seconding chiefs of police from federal or provincial police forces. An associated apprehension of this recruitment option is the sense that chiefs of police have an established organizational ideology inconsistent with the philosophies of aboriginal police services boards. However, the findings of the study revealed that aboriginal police services boards who employ this recruitment method are satisfied with their choice.

Two (2) aboriginal police services board members reported that they mitigate the potential of hiring incompatible individuals with rigid recruitment criteria that address whether the individual in question is comfortable working in the community and working with his/her subordinates to establish a partnership with the community. Furthermore, to prevent the selection of an individual who may engender an unhealthy organizational ideology, one (1) key respondent suggests that aboriginal police services boards should have a clear idea about how their police service should be governed in the present and the direction it should take in the future. A number of aboriginal police services board members viewed seconding chiefs of police from nonaboriginal police services as a short term strategy. They felt that the value of seconding lay in the opportunity it provides aboriginal police officers to acquire policing knowledge that will empower them to eventually assume command of policing in their communities.

Some aboriginal police services board members participating in the study reported a preference that chiefs of police be aboriginal. They felt that this would facilitate community acceptance of tribal policing. Interestingly, the findings of the study demonstrated that these chiefs of police had acquired their experience in non aboriginal police services. As such, their philosophies of policing may be incongruent with administering tribal policing as well. To control for police chiefs and police services boards having philosophical differences regarding policing styles, a number of key respondents considered a strong chain of command as an important tool through which aboriginal police services boards can convey their objectives to chiefs of police.

The type of training aboriginal police officers receive is another variable influential in how tribal policing is defined. Currently, aboriginal police officer training occurs in federal and provincial facilities. The findings of the study demonstrated that aboriginal police services board members desire organizational legitimacy and they want their police officers to be of the same skill level as other police officers. Therefore, key respondents attached some value to the training provided in federal and provincial facilities. However, the majority of aboriginal police services board members felt that the training reinforces qualities that are



incongruent with the type of policing desired by their communities. Sometimes, aboriginal police officers return from recruit training with an inappropriate image of policing that requires a reorientation of their role consistent with community expectations.

The findings of the study indicated that in-house training programs are the primary method through which aboriginal police officers are re-oriented to their role consistent with community expectations. In general, the majority of aboriginal police services boards involved in the study do not participate in the development of culturally relevant training curriculum. However, police services boards that elect to partake in developing in-house training programs reported that the training needs to reinforce the idea that the police have a primary responsibility to the community. These board members felt that in-house training is more effective when strategies are developed in conjunction with other community social service agencies. Many aboriginal police officers deal with a number of problems for which they have minimal training, therefore, co-operation between police services boards, the police and social service agencies is considered an important method through which to assist the police to identify disorder problems and to develop appropriate strategies to address the problem. As well, two (2) aboriginal police services board members felt that providing police officers with the opportunity to access educational programs developed and sponsored by various community agencies is a good way to promote a comprehensive understanding by the police of community problems.

Police powers are another variable that impacts on the delivery of culturally relevant policing to aboriginal communities. The findings of the study suggested that discretion is an important element in tribal policing because it allows aboriginal police officers to adapt to situational exigencies. In tribal policing, police officers are encouraged to employ conflict resolution and mediation strategies in place of arresting individuals. These strategies are designed in part to alleviate the apprehension many aboriginal people have towards the police. However, responses of the interviews indicated that community complaints regarding discretionary decision making powers of aboriginal police officers are relatively common. Some aboriginal police services boards are remedying this

problem by mandating it a matter of policy that aboriginal police officers not work in their home communities. However, a lack of consensus exists regarding the utility of aboriginal police officers policing their own communities. A number of aboriginal police services board members feel this unwise, while others maintain that it is an issue that individual communities must decide upon. Another method some aboriginal police services boards are examining to mitigate the potential for community complaints occurring is a tribal exchange program where police officers are transferred to other communities in order that they not have to police their own. The findings of the study indicated that integrity of such a program would be dependent on ensuring cultural, language and territorial consistency in order that police officers introduced into foreign aboriginal communities not allow their own prejudice to influence their employment of discretion.

Community involvement in defining policing appears to be an integral element in the promotion of tribal policing as a legitimate community driven enterprise. Accordingly, the methods employed by the police and police services boards to assess community needs is seen by many of the key respondents to influence how tribal policing is defined and made culturally relevant. The findings of the study indicated that aboriginal police services boards employ a variety of methods to assess community needs with varying success. Key respondents identified interagency committees, council meetings and community meetings as the most popular methods through which community needs are assessed. These methods tend to be favored by community members because they are easy to access and they permit individuals to speak candidly about their policing concerns and complaints.

Police officer feedback and chief of police report are also favored by aboriginal police services boards for assessing community needs because the police provide them with a different insight into community needs. As well, these two methods appear to promote an understanding by the police services board of the complexities of the police role. In turn, the police may acquire an appreciation of the diverse responsibilities involved in police governance. Aboriginal police services boards also employ informal methods to assess community needs. These methods are characterized by unstructured interactions between

the police and the community or police services board members and the community to facilitate community involvement in developing a relevant police service. The small size of aboriginal communities suggests that assessing community needs informally is an unthreatening way to promote community involvement in policing. The responses of key actors indicated that community apathy is a significant problem that challenges the integrity of tribal policing as a community driven enterprise. A number of key respondents felt that community members were uninterested in policing issues and had no desire to participate in defining policing. They felt that a lack of community support could possibly compromise tribal policing. The respondents suggested that one way in which community apathy could be remedied is by having aboriginal police services boards and police services educate the community about policing and impress upon community members the importance of their participation in shaping appropriate police models.

The third area of inquiry focuses on the role of internal and external regulation in achieving socially relevant and legitimate policing. The interviews revealed that methods through which police activity is regulated is fundamental in promoting public faith in the legitimacy of tribal policing. Therefore, to examine how internal regulation of police activity is made compatible with the objectives of tribal policing, chiefs of police were asked to describe the type of informal strategies they employed to promote community faith in the ability of the police to self regulate. The findings of the study suggested that the legitimacy of internal regulation depends upon the process being open to public scrutiny. This implies that the police have a responsibility to treat all community complaints seriously and that complainants should be informed of all final decisions pertaining to their grievances. The chiefs of police reported using informal strategies to mediate public complaints and to promote tribal policing as a community friendly enterprise. The respondents felt that informal mediation helped to reduce conflict between the police and the community, enhancing the potential for a mutual understanding of the other's role.

Some chiefs of police also reported employing external justice agencies for assistance in internal investigations as another method through which to enhance the legitimacy of internal regulation processes. The responses revealed that a general lack of technological expertise and the lack of resources compel many aboriginal police services to depend on the expertise of external justice agencies for assistance in investigations regarding the conduct of police officers. However, the responses of the interviews also revealed that chiefs of police are partial to this method because they view it as a means through which to promote community faith in the police. In particular, the employment of external justice agencies for investigating public complaints allows the police to remain objective, and this appears to ensure that the allegiance of the police are not questioned either by the public or the police officer being investigated.

The requirement that aboriginal police officers account to external bodies for their activity is another way in which tribal policing is seen to derive legitimacy. Findings of the study indicated that a number of aboriginal police services boards are responsible for overseeing appeals regarding the outcome of internal investigations. However, some aboriginal police services board members reported experiencing difficulty carrying out this responsibility because of public perceptions that the appeals process favor the police interest. These concerns have compelled some aboriginal police services boards to examine methods through which the complaints and discipline process can be made more objective. A number of key respondents felt that bringing the complaints and discipline process closer to the people would enhance a feeling of ownership of policing by the community. Independent appeals bodies are one method that some aboriginal police services board members reported employing to avoid community challenges regarding their credibility. The possibility of conflicts of interest occurring appear to be minimized when the appeals process is independent of the police services boards and populated by community members. In addition some key respondents reported feeling that community involvement in the adjudication of appeals has the potential to promote community confidence in the complaints and discipline process.

Three (3) aboriginal police services board members reported that they are examining civilian review boards as a method through which to promote community participation in tribal policing. One (1) key respondent indicated that the responsibilities of a civilian review board would include documenting public complaints, screening complaints to determine their legitimacy, monitoring the internal resolution of complaints and hearing recommendations regarding questionable internal investigations. The findings of the study suggested that civilian review boards are considered a viable method through which to facilitate legitimate community involvement in shaping policing, because it would divest aboriginal police services boards of some governing responsibility and allow them to concentrate on tasks that are better suited to their abilities.

Externalizing the complaints process may prove to be an ideal way in which to promote community support for tribal policing. Nevertheless civilian review boards will experience problems similar in nature to those that have challenged the governing expertise of aboriginal police services board. Specifically, populating civilian review boards with community members unknowledgeable of policing issues may facilitate dependence on police administration for assistance in the investigation of public complaints thus possibly compromising their ability to objectively represent community interests. Therefore aboriginal police services boards that are interested in establishing community based civilian review boards and/or police committees may first have to acknowledge that the utility of these bodies for influencing policing is determined by the type of individuals populating these structures and their ability to impartially represent a diversity of community interests.

The establishment of aboriginal administered police services in recent years suggests that the federal government is viewing informal justice measures with increasing favor (Havemann, 1988: 90). Informal justice measures embody an array of strategies that theoretically represent a less coercive means through which the state can regulate conflict in society. In general, informal justice approaches are characterized as disassociated from state power and are consensual, nonbureaucratized, decentralized, democratic and flexible

in nature (Havemann, 1988: 90). These attributes imply that informal justice measures like diversion, mediation and neighbourhood justice centres provide a viable means through which social control can be exercised in a more consensual and autonomous way.

However:

when parties are unequal, whichever has the law on its side prefers to appeal to formal authority...disputants prefer true formality or true informality, not a hybrid...And just as coercion undermines the consent that is supposed to be the foundation of informal justice, so central control undermines the autonomy of local institutions. The upshot is that the state in the name of informality, destroys indigenous traditional informal justice and substitutes institutions that serve to extend central control, implement national programs, enhance the legitimacy of the official legal system by appearing to improve them, and undermine the local community.

(Havemann, 1988: 90)

The federal governments support of informal justice measures has resulted in The First Nations Policing Policy which provides funding to interested aboriginal communities to establish their own policing. However, the funding arrangement requires that aboriginal police services and police governing bodies adhere to nonaboriginal institutional forms. Not surprisingly, current aboriginal policing and police governance arrangements have come to significantly resemble policing and police governance models that exist in mainstream Canadian society (Stenning, 1992: 17). The federal and provincial governments control of funding implies that the state retains authority to regulate the aboriginal population and that informal justice strategies like tribal policing continue to conceal the lack of autonomy aboriginal people have in the area of social control (Havemann, 1988: 90).

Havemann argues that the creation of tribal policing and police governing models within an imposed system of social control are examples of hybridization. Havemann defines hybridization as "the mixing of formal with informal justice and social service with order maintenance" (1988: 90). Hybridized services like tribal policing obscure the reality that government support of informal justice measures enhances the legitimacy of the official legal system without the state having to relinquish control over the social regulation of

aboriginal peoples. In the end, federal government support of informal justice measures demonstrate that:

few colonial policy makers seem prepared to abandon or modify their notions of one state-one law, and independent law enforcement and judicial institutions in order to accommodate the authority of the gerontocratic, subjective, community based justice and the recognition of an indigenous common law.

(Havemann, 1988: 91)

Examining the possible explanations for why aboriginal policing and police governing arrangements resemble non aboriginal models may provide some insight into whether federal funding of tribal policing represents an attempt by the state to maintain hegemony and support of the prevailing social order. Stenning acknowledges that nonaboriginal influence over the development and implementation of aboriginal policing arrangements is widespread (1992: 21). He notes that virtually every aspect of policing policy dealing with aboriginal people has been produced by or emitted through non aboriginal individuals. An inevitable result of this involvement is that nonaboriginal philosophies of policing and police governance tend to dominate the policy framework and negotiation process. Of interest is the extent to which nonaboriginal participation in developing aboriginal policing policy influences the type of policing and police governance models established in aboriginal communities. Does this influence suggest that aboriginal communities tend to favor policing and police governance arrangements which resemble non aboriginal models because these bodies are felt to be the most appropriate models for them? Are these models selected because they are currently the only models available and aboriginal communities lack the resources to explore and develop more acceptable policing and police governance bodies? Or alternately, do aboriginal communities model their policing and police governance bodies on nonaboriginal bodies because the policing policy does not provide them with any choice (Stenning, 1992: 22)?

With this in mind, an important question that needs to be addressed is whether the negotiation process provides aboriginal people with a choice in the type of policing and

police governance models that they establish in their communities. Stenning argues that in practice, aboriginal policing negotiations cannot be characterized as taking place between two equal parties. Rather, Stenning contends that the negotiation process forces aboriginal leaders to negotiate policing arrangements on terms that are determined by the federal and provincial governments. Not surprisingly, aboriginal communities that refuse to negotiate within this framework are denied funding and the opportunity to establish their own police services (1992). This reality implies that the terms of debate and scope for action with regard to aboriginal self policing initiatives is very much controlled by the federal and provincial governments and that in the end aboriginal policing arrangements are determined by a process that denies the legitimacy of alternative ideas and institutions (Stenning, 1992).

In addition, Stenning notes that the current constitutional and legal uncertainty under which self government negotiations and initiatives occur has caused the federal and provincial governments to be circumspect in their dealings with aboriginal communities (1992: 31). The uncertainty that prevails over the negotiation process may partly account for the lack of available policing options from which aboriginal communities have to choose. Another explanation for the limited policing options may be that the conservative atmosphere under which policing negotiations take place has given the state licence to offer aboriginal communities policing and police governance models with which they are most familiar and which pose the least risk to the prevailing social order (Stenning, 1992). Regardless, a number of aboriginal communities have accepted the policing and police governance options that the state has put forth to them. This may suggest that aboriginal people consider The Federal First Nations Policing Policy as the most viable way in which they can currently assume control of policing within their communities.

The research literature documents how the federal and provincial governments have employed and continue to employ the military, the police and the criminal justice system to coercively regulate the aboriginal population. However, it is important that past state action toward aboriginal people not overshadow what is presently occurring in regard to



aboriginal self government initiatives. The federal and provincial government's involvement in negotiating policing arrangements with aboriginal communities indicates that at some level the state is willing to make concessions regarding the social regulation of aboriginal peoples. More than likely, this shift in policy direction is not informed by altruistic motives. Rather, media attention that focuses on the marginal conditions under which many aboriginal people exist, public guilt about the past treatment of aboriginal people combined with the demands of many aboriginal people for self government has placed considerable pressure on the federal and provincial governments to take action. Past attempts by the state to provide policing in aboriginal communities has met with limited success. Providing aboriginal people with the opportunity to administer policing in their communities is one way in which the state has made an attempt to make policing more culturally relevant. Without a doubt state control of funding permits the federal and provincial governments to dictate the terms under which negotiations occur and to determine the policing options from which aboriginal communities must choose. In the end, this process may very well deny aboriginal people the opportunity to develop something that may better suit their needs.

Regardless, the reality is that without government assistance most aboriginal communities would not be capable of establishing and administering policing in their communities. In some respects, the colonization process has left many aboriginal communities economically, socially, culturally and politically impaired. Many communities lack the resources to develop a police model, to make it operational and to effectively administer it. As well, having been policed for so long by federal and provincial police services, implies that some aboriginal communities may be used to a certain style of policing and may be challenged in their ability to develop alternate and possibly more appropriate models. Federal funding assists aboriginal communities to make their police services operational. In the process, federal funding may provide aboriginal communities with a policing model that is not wholly appropriate to policing in aboriginal communities, but it does provide them with something to build upon.

Interestingly, Stenning's review of the aboriginal policing literature reveals that conventional non aboriginal policing institutions may not be regarded by all aboriginal communities to be as dysfunctional as their critics have suggested (1992). This finding may account for why some aboriginal leaders involved in negotiations seem willing to accept aboriginal versions of them. This observation may find further support in the fact that the majority of aboriginal police services board members interviewed for this study admit that they require financial and technical assistance to establish and administer policing in their communities. Many key respondents had no difficulty with accepting government assistance because they felt it provided them with the opportunity to take control of policing in their communities. It was felt that control over policing is the first step that will position aboriginal police services boards to make policing more relevant to aboriginal belief systems. Furthermore, a number of aboriginal police services board members participating in the study felt that their structural similarity to nonaboriginal governing models did not compromise their ability to provide culturally relevant policing. The important variable that appears to make aboriginal police services boards suitable for governing tribal policing, is that they are controlled by aboriginal people and populated with aboriginal people. By virtue of this participation, aboriginal police services boards are informed of an aboriginal perspective.

The legitimacy of an aboriginal police governing body structured on a non aboriginal model raises questions about its efficacy for achieving accountability and cultural relevancy of policing. The authority of aboriginal police services boards to oversee policing does not imply that all aboriginal communities want to establish structurally unique governing bodies to monitor police activities. Rather, the majority of key actors interviewed for the study contend that reinventing a structure that has been of some value in monitoring police activity in nonaboriginal society is both time consuming and irrelevant. Some respondents argued that aboriginal police services boards should not be overly concerned with what makes it aboriginal, but rather should direct their energy towards operationalizing the police service, ensuring that board members have a comprehensive understanding of their responsibilities and developing a co-operative

working relationship with the community. With experience, aboriginal perspectives will increasingly shape the operations of aboriginal police services boards enabling them to develop, modify and employ governing methods that work for them.

Currently, aboriginal police services boards are the primary mechanism for monitoring police activity and providing culturally relevant policing in aboriginal communities. In a true community policing model, police services boards may come to be irrelevant for representing community policing concerns and complaints to the police and may be replaced with citizen consultation bodies. However, federal and provincial funding stipulates that traditional police governing bodies be established in aboriginal communities to monitor aboriginal policing. That aboriginal police services boards are the primary mechanism through which community concerns are articulated to the police should not imply that tribal policing is not a legitimate community driven enterprise because its agenda is not informed by community consultative groups. In reality, the small size of aboriginal communities provides aboriginal police services boards with a personal insight into community needs because often police services board members are related to or acquainted with many community members.

Furthermore, the majority of aboriginal communities lack the financial resources and technical expertise to establish community consultative committees. This should not imply that aboriginal police services boards are less capable of representing community concerns to the police. The fact that aboriginal police services boards are populated by community members would seem to indicate that their operations are informed from a community perspective. However, the diverse responsibilities of some aboriginal police services boards may compromise their ability to comprehensively address every issue that is put forth to them. As a result, some boards may in the future elect to shift certain responsibilities to the community. The ability of aboriginal communities to administer the complaints and discipline process would appear to be contingent upon their awareness of policing issues and their willingness to participate in defining policing. In this capacity, aboriginal police services board members and chiefs of police interviewed for the study

acknowledge their responsibility for promoting tribal policing as a legitimate community driven enterprise. Accomplishing this objective means that aboriginal police services boards and the police need to educate aboriginal people that tribal policing can only begin to realistically reflect community concerns when the people choose to become more involved in informing the police and police board members of their wants and needs. Hence:

if you want policing to be different from the previous incarnations and more relevant to the community then you need to have the community take an interest in how policing is defined and what needs to be done to make it more effective. If not, than how is what presently exists an improvement over white structures?

(Bob Reid: Chief of Police: Siksika Nation Tribal Police Service)

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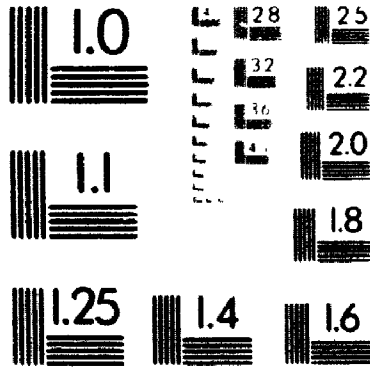


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PRECISION<sup>SM</sup> RESOLUTION TARGETS

**ANNEX A**

**CONSULTATIONS WITH ABORIGINAL POLICE SERVICES BOARD MEMBERS**

## CONSULTATIONS WITH ABORIGINAL POLICE SERVICES BOARD MEMBERS

### **1. The experience of individuals serving on aboriginal police services boards.**

- (i). Does a police services board exist in your community?
- (ii). What is its official name?
- (iii). When was the police services board formally established?
- (iv). How long have you been a member?
- (v). How did you get involved with the police services board?

### **2. The roles and responsibilities of aboriginal police services boards.**

- (i). What is your mission statement?
- (ii). What are the responsibilities of the police services board?
- (iii). What authority does the police services board have to determine the objectives of the tribal police service?
- (iv). What jurisdiction does the police services board have in recruitment and hiring?
- (v). What authority does the police services board have to administer the police services budget?

### **3. Crime prevention strategies and tribal policing.**

- (i). What social problems are of concern in your community?
- (ii). What are the principle sources of social disorder in your community?
- (iii). What strategies are employed to deal with social problems in your community?
- (iv). What authority does the police services board have to develop strategies to deal with social disorder problems in your community?
- (v). What is the objective of the strategies that are developed to address social disorder problems?

### **4. The composition of aboriginal police services boards.**

- (i). How many members serve on the police services board?
- (ii). What is the method through which members are appointed?
- (iii). Is membership full or part time?
- (iv). What is the length of membership terms?
- (v). What is the eligibility for re-appointment?
- (vi). What is the authority of the chairperson?

**5. The operating procedures of aboriginal police services boards.**

- (i). How many times a year are meetings held?
- (ii). Who attends police services board meetings?
- (iii). What issues are predominantly discussed?
- (iv). What is the status of meetings with respect to public disclosure?

**6. The training of aboriginal police services board members.**

- (i). Have you received formal police services board member training?
  - If yes
    - (ii). Where did you receive your training?
    - (iii). What was the duration of the training?
    - (iv). What police governing issues were addressed?
    - (v). What would you identify as positive about the training received?
    - (vi). What areas do you feel are in need of improvement?
  - If no
    - (vii). Do you think police services board member training should be a requirement?
    - (viii). If so, what areas do you feel should be addressed in training?

**7. The relationship of the aboriginal police services board with the tribal police service.**

- (i). What is the name of the police service?
- (ii). How large is the police service?
- (iii). When was the police service established?
- (iv). What are the roles and responsibilities of the police service?
- (v). What is the role of community policing in tribal policing?
- (vi). Is the chief of police and the constables accountable for their activity to the police services board?
- (vii). What is the nature of the relationship between the police services board and the chief of police?
- (viii). How are differences concerning police policy and procedure between the police services board and police chief worked out?

**8. Defining culturally relevant policing.**

- (i). What are the objectives of tribal policing?
- (ii). What methods are employed to develop a socially relevant police service?

- (iii). Where are tribal police officers formally trained?
- (iv). What are the benefits of the training that tribal police officers receive?
- (v). What areas do you feel are in need of improvement?
- (vi). What methods are employed to orient tribal police officers to their role in the community?

**9. The relationship of the police services board with the community.**

- (i). What forums are available for community members to articulate their policing needs?
- (ii). What are the roles that the community want the police to embody?
- (iii). What are the methods through which community policing needs are assessed?
- (iv). What is the nature of the relationship between the police services board and chief and council?

**10. Facilitating accountability to the public.**

- (i). What authority for the administration of the complaints and discipline process does the police services board have?
- (ii). What methods are employed to ensure an accountable police service?
- (iii). What methods are employed to ensure accountability of the police chief?
- (iv). What are the type of grievance mechanisms in place for the community?
- (v). What authority does the police services board have to investigate community complaints?
- (vi). What is the role of the police services board to determine discipline?
- (vii). What is the role of the police services board to oversee appeals?
- (viii). What methods are employed to make the complaints and discipline process community friendly?

**11. Accountability of the aboriginal police services board to the community.**

- (i). What methods are employed to ensure that police services board members are accountable to the community?
- (ii). What disciplinary measures can be imposed upon police services board members?

**ANNEX B**

**CONSULTATIONS WITH POLICE CHIEFS OF TRIBAL POLICE SERVICES**

## CONSULTATIONS WITH POLICE CHIEFS OF TRIBAL POLICE SERVICES

### 1. **Orienting information about aboriginal police services boards.**

- (i). Does a tribal police services board exist in your community?
- (ii). What is its official name?
- (iii). When was the police services board formally established?
- (iv). What is the official name of the tribal police service?
- (v). When was the tribal police service formally established?
- (vi). How many members are on the tribal police service?

### 2. **The responsibilities of aboriginal police services boards.**

- (i). What are the responsibilities of the police services board?
- (ii). What authority does the police services board have to determine the objectives of the police service?
- (iii). What authority does the police services board have to develop policy?
- (iv). What jurisdiction does the police services board have in recruitment and hiring?
- (v). What authority does the police services board have to administer the police service budget?

### 3. **Defining culturally relevant policing.**

- (i). What are the objectives of tribal policing?
- (ii). What is the role of community policing in tribal policing?
- (iii). What methods are employed to develop a socially relevant police service in your community?
- (iv). Where are tribal police officers formally trained?
- (v). What are the advantages of the training tribal police officers receive?
- (vi). What areas do you feel are in need of improvement?
- (vii). What methods are employed to socialize tribal police officers to their role in the community?

### 4. **The relevancy of crime prevention strategies in tribal policing.**

- (i). What social problems are of concern in your community?
- (ii). What are the principle sources of social disorder in your community?
- (iii). What strategies are employed to deal with social disorder in your community?
- (iv). What are the objectives of the strategies that are developed to address social disorder problems?

**5. The relationship of aboriginal police services boards with tribal police services.**

- (i). How would you characterize the relationship of the police services board and the police chief?
- (ii). Is the chief of police and tribal police officers accountable for their activity to the police services board?
- (iii). What authority does the chief of police have to determine the police services board agenda?
- (iv). What authority does the police services board have to influence how the chief of police puts policy into effect?
- (v). How are differences concerning policy and procedure between the police services board and the chief of police worked out?

**6. The role of police chiefs in achieving police accountability.**

- (i). What is the role of the chief of police in the complaints and discipline process?
- (ii). What are the type of grievance mechanisms in place for the community?
- (iii). What strategies are employed to determine the legitimacy of community complaints?
- (iv). Are community members informed of the status of their complaints?
- (v). What authority does the chief of police have to determine discipline?

**7. The role of aboriginal police services boards in achieving police accountability.**

- (i). What methods are employed by the police services board to achieve accountability?
- (ii). What authority does the police services board have to administer the complaints and discipline process?
- (iii). What authority does the police services board have to investigate community complaints?
- (iv). What authority does the police services board have to impose discipline?
- (v). What authority does the police services board have to adjudicate appeals?



**END**

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**FIN**