



Congress of Aboriginal Peoples
Congrès des peuples autochtones



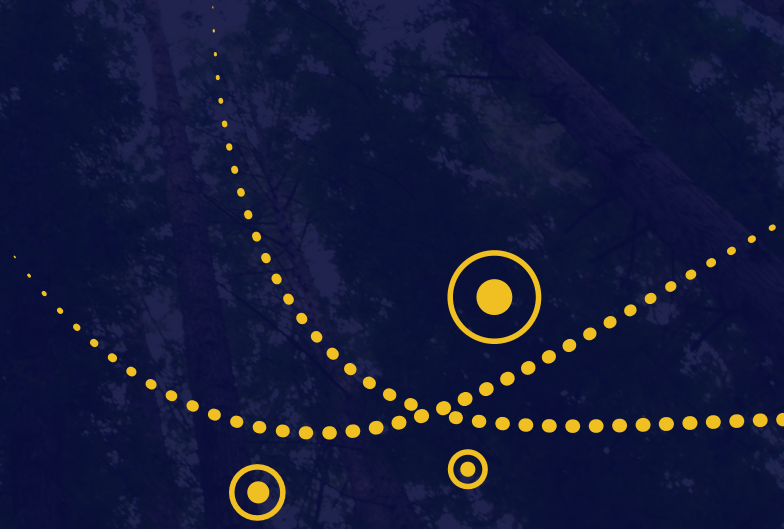
Unveiling Truths: **POLICING**

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For the purpose of this paper, policing refers to actions taken by a group or individual in order to maintain law and order.¹



A Brief History

Before the Europeans' arrival on Turtle Island² (now recognized as North America), Indigenous Peoples maintained their own forms of social control for thousands of years. Specific legal traditions in the pre-contact era are difficult to identify due to the vast diversity of Indigenous groups, and the loss of these traditions through colonization. However, as Napoleon & Friedland (2015) note, a logical starting point is that "all Indigenous groups had self-complete, non-state systems of social ordering that were successful enough for them to continue as societies for tens of thousands of years."³



Many traditional models of governance were rooted in “commonly accepted values, protocols, and practices linked to social roles, kinship ties and other community relationships, as opposed to obedience to explicit laws.”⁴ Specific policing roles did not exist, however each community varied and may have included individuals who took on responsibilities that could be comparable to policing.⁵

In some cases, maintaining social control was the duty of the whole community. In Cree legal traditions, “communities shared the responsibility for recognizing warning signs of harm, including behavioural changes in an individual.”⁶ If behavioural changes were noticed, the community would be warned, precautions to mitigate danger would be taken and Elders (or other individuals recognized in conflict resolution) would provide guidance.⁷ Inuit traditions also relied heavily on the community, along with families emphasizing self-control.⁸

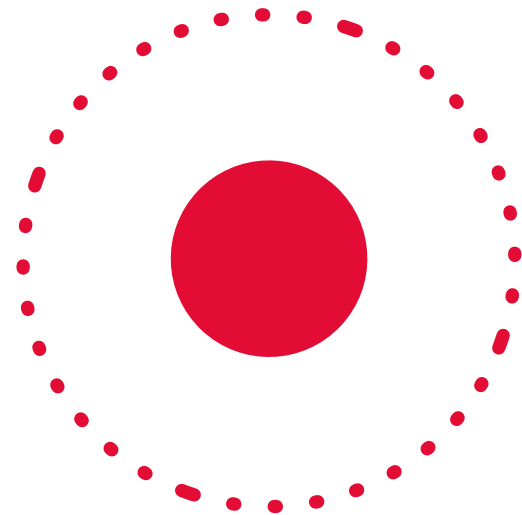
Other communities used individuals for certain social control tasks such as monitoring and enforcing rules for specific activities. For example, the Saulteaux had individuals (known as the *Oskobie*) who kept gatherings in check.⁹ Assiniboine societies monitored hunting through groups of warriors who would ensure that anyone who hunted outside of the designated time would face the appropriate consequences.¹⁰ The Coast Salish legal tradition relied on “corresponding responsibilities of leadership and other decision-makers, and the group as a whole to fulfill arising obligations for dealing with the offender”.¹¹

While no legal system is perfect, Indigenous legal traditions effectively maintained “a functional social order within Indigenous societies, just as it does in every society.”¹² Despite this, however, through colonialism and assimilationist efforts, Indigenous forms of justice were “suppressed and delegitimized.”^{13,14}

A key player in suppressing Indigenous Peoples and their forms of justice were the North-West Mounted Police (NWMP), later known as the Royal Canadian Mounted Police (RCMP).¹⁵ The NWMP was introduced in 1873 in order to control the Indigenous population through enforcement of colonial policies; ultimately denying Indigenous Peoples of their sovereignty.^{16,17}



Policies included (but are not limited to): forcibly relocating Indigenous Peoples from their land for resource acquisition; removing Indigenous children from their homes to bring them to Indian Residential Schools¹⁸; enforcing requirements under the Indian Act (e.g., bans on ceremonial gatherings); monitoring movement on and off of reserves; and punishing any behaviour that fell outside of settler-instated laws.^{19 20 21} The history of the NWMP “consistently representing the interests of settlers”²² has set an adversarial tone between police and Indigenous communities today.



Policing Indigenous Women and Girls Today

While police are no longer responsible for enforcing direct assimilationist policies today, there still exists a gap in protecting Indigenous women and girls. Amnesty International (2018) highlights that “[n]umerous public inquiries have confirmed that systemic racism in Canadian police services has denied Indigenous peoples the equal protection of the law.”^{23 24} Research and testimonies from Indigenous women and girls indicate that police racism reveals itself through over-aggressive policing and apathy when investigating crimes against Indigenous women and girls.^{25 26 27}

It is important to note that it is challenging to gather accurate and formal statistics on physical and sexual abuse against Indigenous women and girls by police due to police protection and, in some instances, a fear of reporting these crimes.^{28 29} However, there have been an alarming amount of cases alleging police abuse, suggesting this issue is severe and widespread.^{30 31} Farida Deif, Canada’s Director of Human Rights Watch, shares findings from reports based in Saskatchewan and Northern B.C., suggesting the following:

“[W]e found that women-Indigenous women experienced, quite routinely, excessive use of force by police officers, that inappropriate body and strip searches by male officers were quite common as well, both during routine stops and in detention settings. We also found that women experienced sexual harassment, and in some incidents, sexual assault by officers.”³²

Alarming testimonies highlight these findings, such as Emily B. who was punched in the face six times after she called the police for help³³; Alice C. who was strip searched by male officers in the ‘drunk tank’ and was left in her bra and shorts all night³⁴; or the police officer who came after his shift to have a “personal relationship” with the Indigenous woman he had arrested earlier.³⁵ A community worker in a Northern B.C. town also “said that she keeps packages of underwear for women living on the streets because other women have reported to her that they have been sexually assaulted by police and had their underwear confiscated.”³⁶ These allegations are deeply troubling and must be addressed.

Historical and present-day policing of Indigenous women and girls have contributed to a “deep mistrust of the police and fear that they would face retaliation if they filed any form of complaint against an officer.”³⁷ Retaliation could include harassment, physical violence or being taken on a starlight tour, which is when police drive Indigenous people far distances (sometimes taking their clothes or shoes) and force them to walk back to the nearest city or town.^{38 39} Unfortunately, even if police abuse is reported, it is not always taken seriously. For example, in Val d’Or, reports of police sexually abusing Indigenous women and girls were brought forward, however, the police union blamed the women and suggested they were scapegoating the police “for their difficult lives.”⁴⁰

Many family members also report police apathy, particularly when reporting missing loved ones. One Indigenous woman describes when she phoned the police to report her sister missing, they told her “[o]h, she probably just needed a break from you guys. She probably just ran away.”⁴¹ Similar stories of indifference in police responses to reports of missing persons were recounted in the National Inquiry into MMIWG, including assumptions the person was out partying or with friends.⁴² Delays in police action on missing person cases, implementing misconceptions about required wait times to report someone missing, or victim-blaming in domestic violence situations have also been described and appear to occur with unacceptable frequency.^{43 44}

These examples demonstrate the simultaneous over-policing and under-policing of Indigenous bodies. In addition to instances of overly aggressive policing outlined above, over-policing is exhibited through unwarranted attention by police, and punitive punishment.⁴⁵ Under-policing is demonstrated by police apathy, inefficient means of contacting the police, and a lack of daily police presence in many Indigenous communities for support and crime prevention.^{46 47} Instances of extreme policing put Indigenous women and girls at a higher risk of harm and increase their likelihood of experiencing violence.

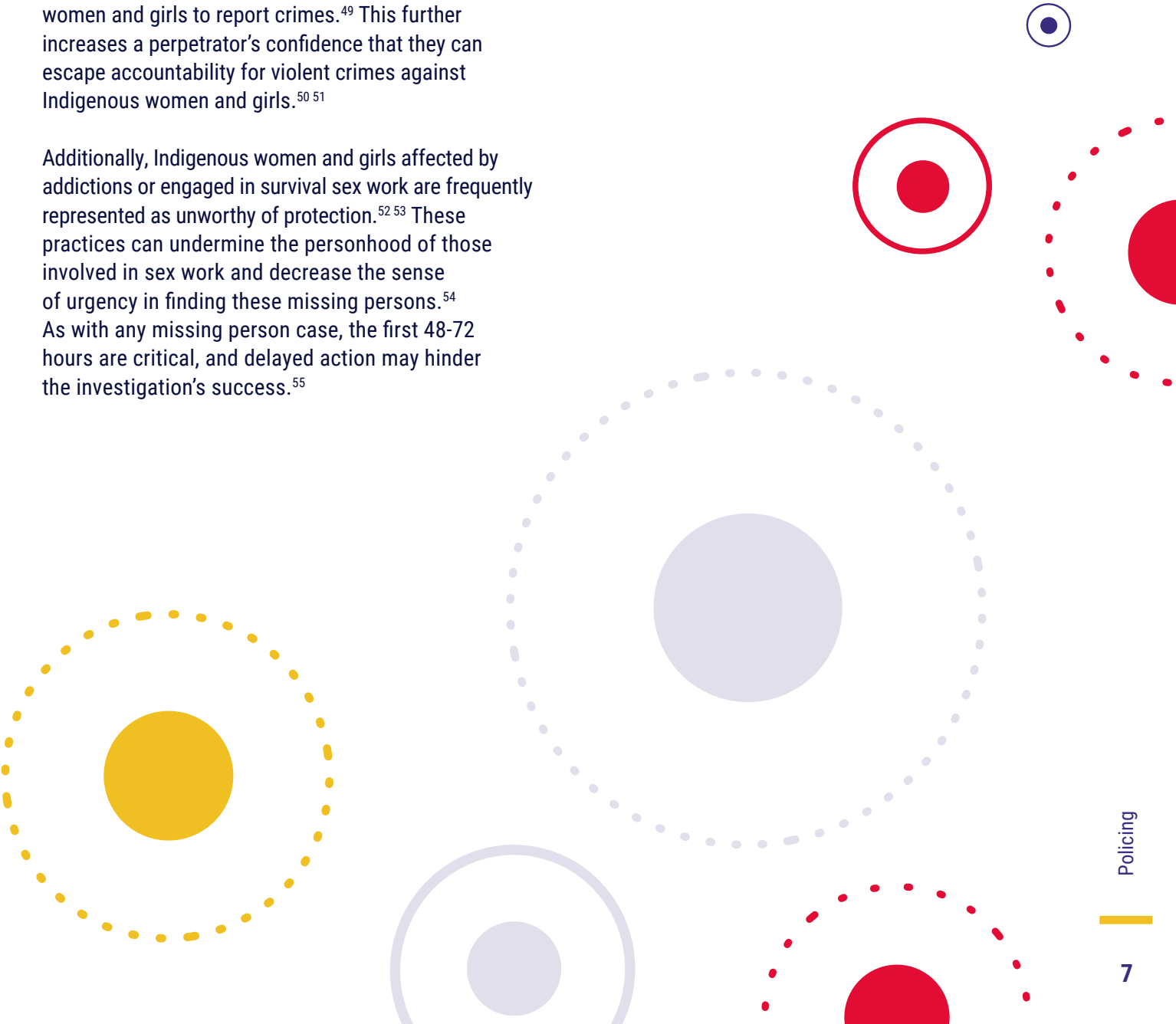
Connections to Missing and Murdered Indigenous Women and Girls (MMIWG)

If Indigenous women and girls are being “harassed and criminalized by [police],” they have very limited options to ensure their safety.⁴⁸ Not only can police be perpetrators of violence against Indigenous women and girls, but they are also facilitators of this violence by inadequately responding to it.

Abuse at the hands of police and dismissal of crimes place Indigenous women and girls in a vicious cycle of violence. Police as perpetrators, plus incomplete investigations add up to a reluctance of Indigenous women and girls to report crimes.⁴⁹ This further increases a perpetrator’s confidence that they can escape accountability for violent crimes against Indigenous women and girls.^{50 51}

Additionally, Indigenous women and girls affected by addictions or engaged in survival sex work are frequently represented as unworthy of protection.^{52 53} These practices can undermine the personhood of those involved in sex work and decrease the sense of urgency in finding these missing persons.⁵⁴ As with any missing person case, the first 48-72 hours are critical, and delayed action may hinder the investigation’s success.⁵⁵

Rather than being victims because of their actions, it is essential to understand that Indigenous women and girls are targeted “because they are Indigenous and female.”⁵⁶ MMIWG is not merely a problem of being in the wrong place at the wrong time; rather, it is about perpetrators inflicting violence because they know they can get away with it. Unfortunately, it appears that Canadian society has accepted this violence as something that is to be expected rather than something that is consciously enabled and prevented.⁵⁷





Policing

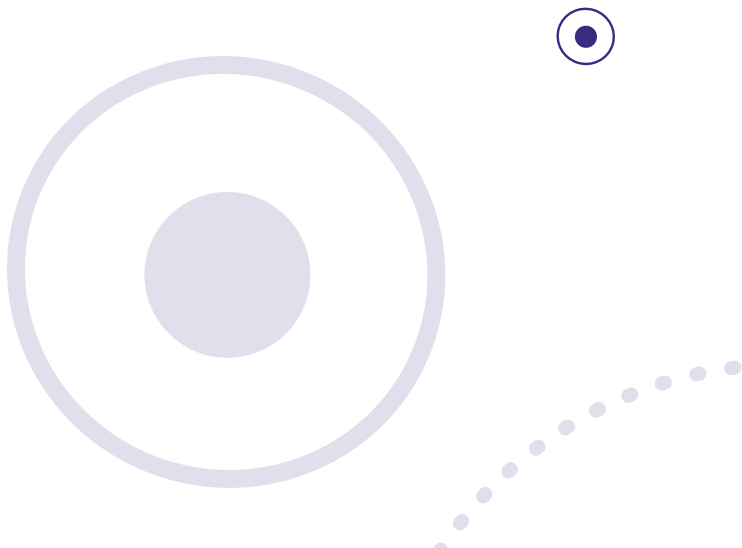
Recommendations

It is important to note that while systemic racism in policing may be present, this does not undermine or disregard positive initiatives or allies that have historically or currently exist. A first step to build on these positive relationships is for Canadians to educate themselves on the colonial past and learn about how it influences the policing system. To move forward in reconciliation, it is essential to understand how colonialism has worked to erase Indigenous Peoples and how it perpetuates racism and violence.⁵⁸

Police need to work on rebuilding trust between the justice system and Indigenous communities. Since police have been instruments of colonialism since their inception in 1873, this will not be easy to mend. However, the process can begin by understanding Indigenous Peoples' position in today's society and working closely with Indigenous communities and representatives to hear what they need from the police. Additionally, Indigenous-led organizations should be established to monitor police activity and provide policy recommendations that police forces would be legally obligated to fulfill.

For other recommendations to protect Indigenous women and girls, see the Truth and Reconciliation Commission Calls to Action and the MMIWG National Inquiry Calls for Justice.

The murders and disappearances of Indigenous women and girls can no longer be ignored. It is time that all Canadians stood with Indigenous Peoples to dismantle the structures that contribute to MMIWG.



Appendix

- ¹ Collins Dictionary, "Policing."
- ² **The name Turtle Island "comes from various Indigenous oral histories that tell stories of a turtle that holds the world on its back." The story of Turtle Island is used as a creation story for many Indigenous communities. (Robinson, "Turtle Island.")**
- ³ Napoleon and Friedland, "Indigenous Legal Traditions," 3.
- ⁴ Council of Canadian Academies (CCA), "Policing in Indigenous Communities," 16.
- ⁵ CCA, "Policing in Indigenous Communities."
- ⁶ CCA, "Policing in Indigenous Communities," 16.
- ⁷ CCA, "Policing in Indigenous Communities."
- ⁸ Qikiqtani Inuit Association, "Policing in Qikiqtaaluk."
- ⁹ CCA, "Policing in Indigenous Communities."
- ¹⁰ CCA, "Policing in Indigenous Communities."
- ¹¹ Friedland and Napoleon, "Gathering the Threads," 37.
- ¹² Friedland and Napoleon, "Gathering the Threads," 5.
- ¹³ Napoleon and Friedland, "Indigenous Legal Traditions," 5.
- ¹⁴ **See the Justice paper for more information.**
- ¹⁵ Bell and Schreiner, "Police Power".
- ¹⁶ CCA, "Policing in Indigenous Communities."
- ¹⁷ Bell and Schreiner, "Police Power".
- ¹⁸ **See the Child Welfare paper for more information.**
- ¹⁹ Bell and Schreiner, "Police Power".
- ²⁰ Dhillon, "Settler Colonial Policing."
- ²¹ CCA, "Policing in Indigenous Communities."
- ²² CCA, "Policing in Indigenous Communities," 20.
- ²³ Amnesty International, "Final Written Submission," 20.
- ²⁴ Dhillon, "Settler Colonial Policing."
- ²⁵ Human Rights Watch, "Abusive Policing and Failures."
- ²⁶ Palmater, "Addressing Police Racism."
- ²⁷ Human Rights Watch, "Submission to the Government of Canada."
- ²⁸ Palmater, "Addressing Police Racism."
- ²⁹ Human Rights Watch, "Submission to the Government of Canada."
- ³⁰ Human Rights Watch, "Abusive Policing and Failures."
- ³¹ Human Rights Watch, "Submission to the Government of Canada."
- ³² Deif, "Truth Gathering Process," 83.
- ³³ Human Rights Watch, "Abusive Policing and Failures."
- ³⁴ Human Rights Watch, "Submission to the Government of Canada."
- ³⁵ Palmater, "Addressing Police Racism," 277.
- ³⁶ Human Rights Watch, "Abusive Policing and Failures," 60.
- ³⁷ Deif, "Truth Gathering Process," 83-84.
- ³⁸ Human Rights Watch, "Submission to the Government of Canada."
- ³⁹ Palmater, "Addressing Police Racism."
- ⁴⁰ Palmater, "Addressing Police Racism," 269.
- ⁴¹ Human Rights Watch, "Abusive Policing and Failures," 36.
- ⁴² National Inquiry into Missing and Murdered Indigenous Women and Girls, "Power and Place."
- ⁴³ Human Rights Watch, "Abusive Policing and Failures,"
- ⁴⁴ Human Rights Watch, "Submission to the Government of Canada."
- ⁴⁵ Manitoba, "Aboriginal Justice Inquiry."
- ⁴⁶ Manitoba, "Aboriginal Justice Inquiry."
- ⁴⁷ National Inquiry into Missing and Murdered Indigenous Women and Girls, "Power and Place."
- ⁴⁸ Dhillon, "Settler Colonial Policing," 3.
- ⁴⁹ Palmater, "Addressing Police Racism."
- ⁵⁰ Amnesty International, "Final Written Submission."
- ⁵¹ Human Rights Watch, "Abusive Policing and Failures."
- ⁵² Pratt, "Abandoned Women."
- ⁵³ **See the Media paper for more information.**
- ⁵⁴ **See the Sexual Exploitation/Trafficking paper for more information.**
- ⁵⁵ Jacobo, "Missing Persons Investigation."
- ⁵⁶ Palmater, "Addressing Police Racism," 258.
- ⁵⁷ Amnesty International, "Final Written Submission."
- ⁵⁸ Pon, Gosine and Phillips, "Racism in Child Welfare."

Bibliography

Amnesty International. "Final Written Submission: National Inquiry on Missing and Murdered Indigenous Women and Girls." Amnesty International Canada, 2018.

Bell, Colleen and Kendra Schreiner. "The International Relations of Police Power in Settler Colonialism: The "Civilizing" Mission of Canada's Mounties." *International Journal* 73, no.1(2018):111-28.

Collins Dictionary. "Policing." Revised 2020.
<https://www.collinsdictionary.com/dictionary/english/policing>

Council of Canadian Academies. "Toward Peace, Harmony and Well-Being: Policing in Indigenous Communities." Ottawa: The Expert Panel on Policing in Indigenous Communities, Council of Canadian Academies, 2019.

Deif, Farida. "National Inquiry into Missing and Murdered Indigenous Women and Girls Truth Gathering Process." Toronto: Part 3, Volume 9, Panel 2: Intersections between Racism and 2SLGBTQ Issues, 2018.

Dhillon, Jaskiran K. "Indigenous Girls and the Violence of Settler Colonial Policing." *Decolonization: Indigeneity, Education & Society* 4, no.2 (2015): 1-31.

Friedland, Hadley and Val Napoleon. "Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions," *Lakehead Law Journal* 1, no.1 (2015): 16-44.

Human Rights Watch. "Submission to the Government of Canada on Police Abuse of Indigenous Women in Saskatchewan and Failures to Protect Indigenous Women from Violence." Washington, USA: 2017.

Human Rights Watch. "Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada." Washington, USA: 2013.

Jacobo, Julia. "Why the first 72 Hours in a Missing Persons Investigation are the Most Critical, According to Criminology Experts." ABC News, October 8, 2018. <https://abcnews.go.com/US/72-hours-missing-persons-investigation-critical-criminology-experts/story?id=58292638>

Manitoba. "Report of the Aboriginal Justice Inquiry of Manitoba." Winnipeg: Aboriginal Justice Implementation Commission, 1999.

Napoleon, Val and Hadley Friedland. "Indigenous Legal Traditions: Roots to Renaissance." in *The Oxford Handbook of Criminal Law*, edited by. M.D. Dubber & T. Hörnle. Oxford: Oxford University Press, 2014.

National Inquiry into Missing and Murdered Indigenous Women and Girls. "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls." Vancouver, 2019.

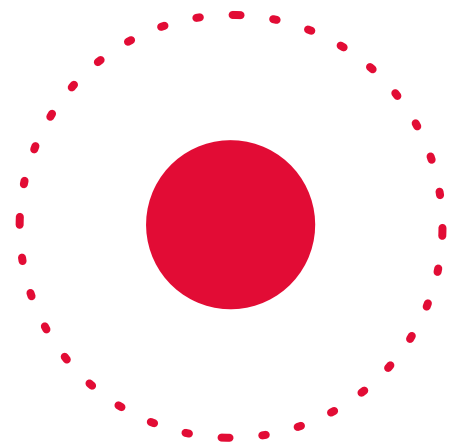
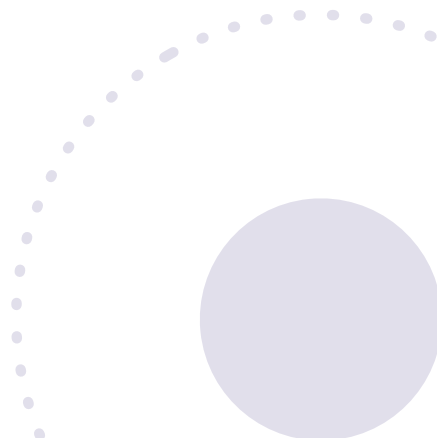
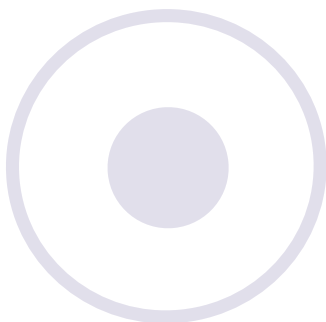
Palmer, Pamela. "Shining Light on the Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry." *Canadian Journal of Women and the Law* 30, no.3 (2016): 371-97.

Pon, Gordon, Kevin Gosine and Doret Phillips. "Immediate Response: Addressing Anti-Native and Anti-Black Racism in Child Welfare." *International Journal of Child, Youth and Family Studies* 3 & 4, (2011): 385-409.

Pratt, Geraldine. "Abandoned Women and Spaces of the Exception." *Antipode* 37, no.5 (2005): 1052-78.

Qikiqtani Inuit Association. "Paliisikuk: Policing in Qikiqtaaluk." in *Qikiqtani Truth Commission: Thematic Reports and Special Studies 1950-1975*. Iqaluit: Inhabit Media Inc, 2014.

Robinson, Amanda, "Turtle Island". In *The Canadian Encyclopedia*. Historica Canada. Article published November 06, 2018; Last Edited November 06, 2018. <https://www.thecanadianencyclopedia.ca/en/article/turtle-island>





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