

Police Accountability for Violence Against Indigenous Peoples

EXECUTIVE SUMMARY:

Currently, there is no effective policy in Canada that directly protects members of the Indigenous communities against police brutality. Systemic racism within the police force has led to the dismissal of violence against members of the Indigenous community, especially women and two-spirited individuals. Through the reallocation of funding within the police system and the implementation of stricter amendment of “Use of Force” guidelines against RCMP officers, police officers will be less prejudiced towards Indigenous individuals in Canada.

INTRODUCTION:

The racism, misogyny, and violence that was practiced in Canada’s history of settler colonialism, the Indian Act of 1876, and the Residential School System in Canada, has extended its presence into the Canadian criminal justice system, including correctional services and law enforcement. For instance, Indigenous women constitute only two percent of the Canadian population, and yet they continue to remain disproportionately overrepresented as victims of sexual and physical violence (Gilchrist, 2010). Likewise, despite only constituting six per cent of the Canadian youth population, Indigenous youth are eight times more likely to be sentenced than the Caucasian youth population (Kong cited in Corrado et al 2014).

An intersectional, historical, and structural context is essential to understanding why Indigenous peoples in Canada are disproportionately overrepresented as victims of sexual and physical violence, police brutality and discriminatory mass incarceration. Upon evaluation of said contexts, it becomes clear as to why utilizing criminalized responses arranged by the criminal justice system perpetually fails to provide Indigenous peoples in Canada with the protection that they are promised. Hence, in spite of the national inquiry into missing and murdered Indigenous

women and girls (MMIWG), and the Civilian Review and Complaints Commission (CRCC) for the RCMP, Indigenous peoples continue to be disproportionately prejudiced against in the Canadian criminal justice system.

APPROACH & RESULTS:

Indigenous peoples have long been disproportionately abused by law enforcement because of Canada's history of colonization and assimilation. The RCMP's role in the forcible removal of children from their families during the Residential School System and the Sixties Scoop is correlated to today's higher rates of youth offending. As a consequence of intergenerational trauma, Indigenous peoples are vulnerable to: "high[er] levels of poverty, family conflict, lower levels of education, substance abuse problems, and psychological and emotional problems" (Corrado, 2014, p. 43). Recognition of these histories and trauma can be used to understand why 81 percent of youth offenders in Manitoba, and 92 percent of youth offenders in Saskatchewan, are Indigenous (Malone, 2018). Moreover, while intergenerational trauma may explain why Indigenous youth are more likely to commit offences, higher rates of incarceration can also be attributed to the over policing of Indigenous communities. For example, some Indigenous peoples claim that they were followed or stopped by police due to their reserves license plates or wrongful assumptions of intoxication (Ontario Human Rights Commission, 2017).

Furthermore, the national inquiry into Missing and Murdered Indigenous Women is indicative of the increased vulnerability of Indigenous two-spirited people and women. *Amnesty International* reported that Indigenous women in Canada between the ages of 25 to 44 are five times more likely to die as a result of violence, in comparison to their non-Indigenous counterparts (Stillman, 2007). More significantly, Indigenous women are more likely to be a victim of sexualized and physical violence at the hands of police officers themselves. This was exemplified

in the case of Chantel Moore, an Indigenous woman in New Brunswick, who was killed after police were dispatched to perform a wellness check (Ibrahim, 2020). The case questions the RCMP's capability to de-escalate situations involving mental health crises within Indigenous communities. Furthermore, while police officers have had a role in the increased rates of violence towards women, family members have publicized the police's failure to promptly investigate reports that were made regarding the disappearance of Indigenous women and girls. Finally, while there is limited research, it can be implied that two-spirited people remain vulnerable to sexualized and gendered violence because of the historical and contemporary perpetuation of heteronormativity and gendered binaries in the justice system.

CONCLUSION:

An understanding of Canada's colonial, violent, and misogynistic past towards Indigenous peoples can provide insight on the racist trends evident within policing practices and Canada's legal system in contemporary times. Moreover, intergenerational trauma that is rooted in past events, like the Sixties Scoop and the Residential School System, is another key factor as to why Indigenous peoples are disproportionately overrepresented in correctional facilities, police brutality cases as well as victims of sexual and physical assault. Furthermore, law enforcement like the RCMP must be held accountable for reinforcing violence and racist beliefs towards Indigenous peoples. By utilizing a historical, structural, and intersectional lens, it is evident that Canadian law enforcement as well as the Canadian justice system fails to protect Indigenous peoples, most importantly women and two-spirited persons. Therefore, systemic change is necessary in order to uproot widespread internalized racism and discrimination within the criminal justice system, public policy, and Canadian legislature that endangers Indigenous lives.

IMPLICATIONS AND RECOMMENDATIONS:

As exemplified above, Indigenous peoples, most significantly women and two-spirited people, remain vulnerable to racist, misogynistic, and violent policing practises. The CRCC for the RCMP lacks proper legitimacy and transparency required to enforce such accountability because of police investigating other police. Hence, failure to address the issue of police brutality against Indigenous communities could result in increased structural racism through violent policing practises. We propose to Policymakers in the RCMP Senior Executive Committee to reallocate funding from the over surveillance of Indigenous communities, to implement mandatory cultural sensitivity training programs tested annually by police forces. Mandatory cultural sensitivity training and testing will ensure police officers are qualified to de-escalate situations and prevent police brutality when dealing with Indigenous members by better understanding the socioeconomic disparities present among Indigenous communities.

In addition, we propose the implementation of stronger “Use of Force” guidelines against RCMP officers to better hold them accountable for their misconduct. This can be done by specifying s. 25 (1) of the Criminal Code that states: a public officer is, “if he acts on reasonable grounds, justified in... using as much force as is necessary for that purpose” (Legislative Services Branch, 2021). Instead, s. 25 should include “with particular attention to the circumstances of Indigenous offenders”—present in s. 718 regarding sentencing practises—as it would allow for judiciaries to adhere to Indigenous perspectives, and thereby holding police officers more accountable for their abuse of force. These proposals act as a first step to addressing structural racism and sexism present against Indigenous individuals that can eventually lead to less incarceration rates and more financial and mental health support in Indigenous communities.

References

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