

IV GOING FORWARD: TOOLS AND ACTIONS

On-Reserve First Nations Police Reporting, Responses and Support Services, and Investigative Practices¹

Report Submitted to the Ministry of Community Safety and Correctional Services 2016
Police Responses to Sexual Violence and Harassment Against Aboriginal Women and Girls

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Truth and Reconciliation Commission Call to Action 40:

Justice: We call upon all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

Truth and Reconciliation Commission Call to Action 42:

Justice: We call upon the federal, provincial and territorial governments to commit to the recognition and implementation of Aboriginal Justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.

Our report is another call to action.

There is urgency to our call and recommendations. All of them will support the SNPS in investigating and responding to sexual violence and exploitation, and addressing the issue of gaps in responses to Six Nations victims of sexual violence and Six Nations missing Indigenous women, men, girls and boys. Community awareness and safety and prevention mechanisms are being built quickly in the Six Nations community.

Ways and mechanisms and tools for building partnerships and making things happen with regard to safety and sexual violence prevention are being sought and discussed. This includes reaching out to those who need to be involved in the bold initiatives described in the short document, Community-Minded Practices for Sexual Violence, Six Nations of the Grand River Territory.

Six Nations community leaders in the SNPS and Ganōhkwásra Family Assault Support Services are very clear about what is needed to support their initiatives. Leaders in the SNPS have taken significant steps in initiating and collaborating with community agencies to do a better job at responding to victims and investigating sexual violence, and in this project, creating a tool to assist them in their role of responding to sexual

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violence on reserve. The short *Community-Minded Practices for Sexual Violence, Six Nations of the Grand River Territory (CMP)* document represents a significant step and sets in place multiple actions.

Actions by Six Nations Police Services (SNPS) and Ganòhkwasra' community leaders also recognize and respect their nearby community service agencies and justice partners. They want to build on and enhance those good working relationships, and develop collaborations in providing services to Indigenous and Six Nations people in the region.

Changing The Relationship: Respectful Practices

This is a special and unique situation that deserves special attention and action. Ontario has the opportunity now.

We hope that our small project provides an opportunity to change the way policing and community safety service provision can be looked at. Seeing the complexities of trauma and of violence and high risk SNPS are put in under current resources, is paramount. Seeing the way that current risk and needs assessment protocols organize standardized procedures and at the same time authorize routine inadvertently harmful front line practices, including a built-in disregard for the realities, in this region, of this particular First Nation community, is also essential.

The bigger picture is that this standardized harm is happening everywhere. Looking up close at actual practices and the texts at the front lines of policing and services that play a part, we can focus actions more effectively and also see the big picture.

The *Community Minded Practices for Investigating Sexual Violence: Six Nations of the Grand River Territory (CMP)* document created under this project sets in place discussions and processes that provide Community training and sharing with other agencies and First Nations as well as processes for developing collaborations.

The issue will be how to reconcile these Six Nations initiatives to address gaps in sexual violence police investigations, prosecutions and sexual assault service delivery with existing standardized mainstream processes and technologies (e.g. Crown, VS/VWAP)

We feel our project can also advance the commitment to improving these services in keeping with recommendations of the Select Committee on Sexual Violence and Harassment. In particular, the Committee recommended that:

"The Ontario government work with First Nations communities to ensure that support services for survivors of sexual violence are culturally appropriate and sensitive to the needs of the community" and that

"The Ontario government consider funding additional support services in Aboriginal communities, particularly family-based healing programs."

At the same time the Select Committee report is looking for

Policing tools to improve response to sexual violence law enforcement procedures and language and

A prototype for police to work with local First Nations and aboriginal organizations to track the treatment of sexual violence cases. (p.12)

The SNPS has begun these actions in collaboration with Ganōhkwásra' developing front line investigative texts using Haudenosaunee values and language and is looking into developing its own self-audit tool. They have skills and capacity but need supporting resources.

The surrounding police services would love to grab some of our [senior constables with the training they have]. In another service [they'd be earning] between \$90 000 and \$100 000, where our guys are still in the 70s. To me that says something, that they're not prepared to even go to Brantford. They are committed to the community. That's significant.

So what would I like to see? I think that when you do projects like this, and actually start to look at Six Nations as a community – besides just the police service, but with the other agencies that are involved – I'm guessing that there are similar stories, similar situations. We're not unique in the lack of funding. And that's a catch-22, because we'll do things because it's the right thing to do; it's our community. But off-territory those same things might be done but they're getting paid to do it. It's almost like we get taken advantage of.

So when you do a project like this and you actually start to look at what we could do [with equitable funding, and resources] well... in fact ...nobody else could come in and do what we do. We built our service. We police the territory. We're the police service of jurisdiction. That needs to be recognized.

We will not concede what we have developed here in policing. If we talk about doing something significantly different and if we want to go out on a limb and really do something [about sexual violence in our community] right now I think we have the luxury of a police service that will say, "Yah, we'll do that, especially if it's around Haudenosaunee values." We might take some flack for it, but we'll do it. We don't want to be considered a program anymore. We want adequate funding and if that means legitimate negotiations, so be it. But that's what everybody wants. (SNPS Chief)

Among our Action Items, priorities will be:

- Support SNPS Sexual Assault Unit or Special Officers
- Fund and support a Six Nations Police Services, SNPS Victim Services
- Fund and provide secure funding to a Sexual Assault Centre on Six Nations

- Work with Ministry and federal partners to fund and provide secure funding for more SNPS officers and training so that they can be active in initiatives and investigations of sexual violence and links to missing and murdered Indigenous women and youth
- Support the initiatives set out by the Six Nations Police Services and Gan̄kwásra', that have been developed with input from community services and justice partners.

Community-Minded Practices is a short text. It aims to enhance the community-oriented practices we heard in many SNPS accounts of their front line work and address some of the contradictions they encounter while following procedures primarily governed by external texts. It aims to support their community-oriented action at the front line. Its content – 'culture sensitive' – can be wholly or in part integrated into SNPS policies and procedures.

The *CMP* fills an immediate gap that SNPS and others identified and is a small stepping-stone for a sequence of community initiatives.

It will be shared and put to use to begin a Six Nations inter-agency Sexual Violence Safety Protocol development process with SNPS and on reserve agencies, as well as other proactive community service-building processes.

A community SNPS and SN agencies plus off-reserve agencies Protocol for Working with Six Nations Sexual Assault Victims based on these Community-Minded Practices is another next step. The CMP is a foundation for a consultative, collaborative process to develop this document.

We call on the Province and its Ministers under their Reconciliation Mandates, Modernizing Public Safety Mandates, Fair and Accessible Justice System Mandates to:

- Support SNPS and the processes they've identified in the CMP which all point to real changes being made supporting those mandates;
- Work face to face with SNPS and Gan̄kwásra community leaders to prioritize among the many Action Items listed in the next few pages and further identify what they want and need going forward;
- Develop forums and mechanisms for working with Six Nations leaders to investigate existing funding policies and formulas and learn from Six Nations Police Service and agencies about how those policies 'hit the ground' for them and develop mechanisms for disentangling Six Nations dollars from off-reserve agencies and increasing resources to Six Nations services.
- Support Six Nations and the Brantford community service agencies and criminal justice partners to engage with the Six Nations through respectful practices to identify specific collaborations and work through collaboration protocols.

We call on the Province, MCSCS and MAG Ministers to listen to and recognize the realities that SNPS and SN agencies are dealing with and that together can be addressed. Face to face conversations work best. Again, establish a process with SNPS, Ganqhkwasra and High Risk leaders to prioritize Action Items.

V ACTION ITEMS

Action Item 1: Review Ontario Police College (OPC) training course on interviewing techniques, and incorporate into curriculum courses on victim-supportive interviewing that is trauma-informed (like those already offered in BC).

Action Item 2: Review ODARA and DVRM forms and revise language (specifically terms such as 'uncooperative'). Review forms in order to identify where trauma-informed language can be brought in.

Action Item 3: Provide sufficient funding to SNPS to support officers training at OPC.

Action Item 4: Support a Sexual Assault Special Investigator or Unit within the Six Nations Police Service to improve investigations and all training relevant to human trafficking.

Action Item 5: Establish with funding partners and in direct consultation with SNPS, a SNPS Sexual Assault Unit or equivalent.

Action Item 6: Support the development and use by SNPS of a community-minded *Guideline for a Safety Needs and Risk Assessment tool* at the initial contact with a violence, sexual violence, or sexual assault victim. The guideline will be developed in collaboration with Six Nations community agencies and others as per the Six Nations Police Service High Risk Committee protocols.

The guideline would allow the 'initial' or road officer who has first contact with the victim to:

- o Observe the victim for recognizable signs of trauma and injury, including those from alcohol or date rape drugs, and perhaps check in with the victim on what is going on with her/him, with a view to offering connection to appropriate community services
- o Offer for the victim to use her/his phone to call the service(s) she might decide to contact
- o Offer to take the victim to a community service or in particular the on reserve shelter for respite

- o Offer the victim a small information card that provides contacts and quick access to healing services information
- o With victim's permission, the officer can reach out to family or safe persons on the victim's behalf

Action Item 7: Put in place – until the idea of a one-stop justice service delivery hub can be explored – a safe place where Crown can also do meetings with victims on Six Nations. Gan̄kwásra' has been approached.

Action Item 8: Establish and fund a Victim Witness Service Worker (Sexual Assault / Court Worker) on Six Nations at Gan̄kwásra'. Worker will accompany victims at Crown interviews. Establish a protocol for Gan̄kwásra' to work in partnership with Victim Witness Assistance Protection. Put in place protocols with MAG for privacy and security.

Action Item 9: In conjunction with the above, the SN Victim Witness Service Worker will provide the Crowns with training and feedback on interviewing sexual assault victims on Six Nations.

Action Item 10: Establish and fund sexual assault Counselling Services that we [justice partners VWAP and Crowns] can refer to on Six Nations. A focused group that deals with victims/complainants of sexual violence on reserve, because we've been told "there is a huge need for that."

Action Item 11: Technology is being put in place to streamline the bail and court processes. This helps the offender. Put in place technology, resources and clear procedures to *immediately* inform the victim, SNPS officer, DV Coordinator, and SNPS High Risk Committee of all forms of releases and bail conditions.

Action Item 12: Establish and fund with long term funding a Six Nations Victim Services linked to SNPS.

Action Item 13: Establish and fund a Sexual Assault Centre on Six Nations.

Action Item 14: Fund a Gan̄kwásra Victim Witness Assistance worker.

Action Item 15: In conjunction with SNPS and Gan̄kwásra' community agencies support a process to explore the potential for funding and developing a one-stop service delivery 'hub' that does not reduce current funding to Six Nations agencies.

Action Item 16: Develop umbrella recognition legislation for holistic traditional healing services as offered by Gan̄kwásra' Family Assault Support Services

Action Item 17: Require VS, VWAP and BSAC to disaggregate their data and report numbers of Six Nations clients, and require BRAVE Committee to share data with Six Nations partner agencies.

Action Item 18: Set up, in conjunction with Six Nations Council, SNPS and community agency leaders, a Regional Table with to disentangle service arrangements with a view to hand over responsibilities and funding and build services and infrastructure on Six Nations where feasible and practicable.

VI APPENDICES

A. Participants and Key Informants

B. ACRONYMS

C. *Community-Minded Practices for Investigating Sexual Violence: Six Nations of the Grand River Territory*

D. Literature Review

E. Mapping Tool