

CHAPTER SUMMARIES

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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We thank everyone who talked with us, especially the members of the SNPS. Nya:weh.

I INTRODUCTION

Six Nations of the Grand River Territory, The Six Nations Police Service (SNPS) and Ganòkwásra' Family Assault Support Services are the foundation of the project.

The project was to investigate:

- 1) Response and Investigative practices,
- 2) The regulatory and procedural context for sexual violence investigative practices, and develop
- 3) Community specific and culturally-based 'best' investigative practices. We call them *community-minded practices*.

Our focus was to learn from those who do the work, what happens from the *preliminary investigation* when someone at Six Nations reports (sexual) violence to when the SNPS 'hand it over' to the Crown Attorney.

Key concepts that helped us investigate what happens concretely – who does what, when, where, how, etc.:

- Texts, concepts, and language used, where the 'text' *goes (database, file)*;
- Textual work and sequences: When, where, what's involved? What is necessary and connects to next step(s) (Victim Services, Hospital, Sexual Assault Centre, Crown Attorneys).

What helped to understand the everyday conditions SNPS work in:

- staffing sexual assault investigations, geography v. institutional sequence.
- how standards and regulations shape, support and constrain the work.

II APPROACH

We used **methods of institutional ethnography**. The main method is to talk to people and listen and learn from them. We used **Interviews, small talk circles, observation and examination of texts that play a part in people's work:**

- legislation regulations, guidelines – we sometimes call 'boss texts'
- intermediary/background policies and manuals – whose and how used?
- and 'frontline texts' like checklists – whose and how used?

In our approach texts play a key part in what people do. They are integral to the work people do in multiple sites of the investigative process.

What effects does existing institutional practice have for SNPS officers and SN victims, service agencies and families? Off-reserve services?

Textual work connects people's work in a complex of repeatable sequences – 911 dispatcher to SNPS road officer to hospital SADVTCC nurse to Victim Services volunteer and to SNPS Inspectors, provincial databases and to Crown Attorney and Victim Witness Assistance Program worker and so on.

Police officers work in many different work settings in an investigation: at the scene, taking the victim to the hospital, at the station, looking for the alleged perpetrator, at bail court, Crown Attorney or other police service.

How textual work gets done in each work setting matters. What is in the text 'speaks' as it is read, written into, followed up on, by others in other settings, who do something next in an institutional sequence.

The policing and criminal justice system is complex. For SNPS it is doubly complex because of their unique position of being a successful self-administered First Nation Police Service working with multiple jurisdictions and layers of government, including both on-reserve band council and traditional Confederacy.

We learned from officers that an understanding of how to work with the policing and criminal justice institutional regimes - framed and operating within a standardized Western worldview - comes from training, mentoring and practice. Practice occurs in the context of the Six Nations community particular historical experience and culture-specific Haudenosaunee worldview. Officers' everyday experience and practice fundamentally requires *navigating those two worldviews* (Werner and Bomberry, 2016).

What we did/Steps we took:

1. Reviewed our prior interviews with Brantford General Hospital SADVTCC, Brant Sexual Assault Centre (BSAC), Brantford Victim Services (VS), SNPS constables, sergeants, and inspectors (under the ASVCRI).
2. Reviewed texts and documents that affect police work in Ontario and justice system practices regarding sexual violence.
3. Talked with SNPS in small circle conversations - constables, sergeants, inspectors, civilian staff policy analyst and the Chief of Police.
4. Interviewed off-reserve partners in support services and the justice system, including BSAC, VS, VWAP and Crown Attorneys.
5. Did follow up interviews with Victim Services, SNPS sergeants, inspectors, and policy analyst.
6. Had conversations with Six Nations High Risk Committee members, Ganohkwásra' Manager of Therapeutic Services and Executive Director.
7. Mapped as we learned, the connected work people described.
8. Debriefed on key issues they were identifying, where in the process they occurred, what texts and practices were central.

9. Built the map '*Police Sexual Violence Investigation Process*' as we went along and learned from people. It is a community-specific tool to engage people in talking about their work and how it fits and about gaps they'd identified and potential collaborative do-able solutions
10. Held October 12 final circle gathering those we had talked to. Presented what we'd learned (findings), talked through the map showing key sites in the process where gaps and issues arise, sites of opportunity for positive improvement in how sexual violence is responded to. We asked:
 - Does the map accurately represent the key *work practices* in the *police sexual violence investigation process* and how it connects to the work of other agencies and justice partners?
 - Does the map accurately represent what they do as part of this work sequence?
 - Do the Key Sites, Gaps, Issues and opportunities we identify reflect what you told us?
 - Where are further opportunities for changes and collaborations?

We presented the *DRAFT Community-Minded Practices* and asked:

- Is the *DRAFT Community-Minded Practices* a good reflection of what you've told us would be useful:
- For SNPS
 - Will the *CMP* text be useful? What's needed/missing? Language used?
 - Can it help begin and build the processes it identifies – including seeking resources and funding?
 - Will it assist the community to work together on next steps?
 - Will it help fill gaps in the existing sexual violence investigation process and provide safety and support for Six Nations victims of sexual violence?
- For our off-reserve partners in services and justice sector, going forward:
 - How do we expand on these community-minded practices with your input?
 - Beyond additional resources you've told us you'd like for your agency, what changes do you see are needed to build on your agency's working relationships with the Six Nations community?
 - How best can we enhance how we work together – on- and off-reserve agencies and justice partners?

NOTE: The study and its outcomes are Six Nations specific. The project evolved to work *with and for* the Six Nations community and SNPS. They are unique. We have not attempted to produce a one-size-fits-all model for 'best practices,' but aimed to fully involve and collaboratively produce with SNPS and community and justice partners, *Community-Minded Practices for Investigating Sexual Violence on Six Nations of the Grand River Territory* based on Haudenosaunee values and principles.

III FINDINGS, GAPS AND KEY PRACTICE ISSUES

We tracked the **sequences of work** that begin when a victim reports sexual violence to SNPS: 1. At the scene; 2. At the station; 3. Handing it over (via bails).

Section 4. Off Reserve Responses, looks up close at services' work when a victim reports via 911; Brantford Victim Services, Sexual Assault Centre, hospital.

A key finding is that usual ways of reporting, calling 911, sexual assault centre, going to hospital, all take the victim off reserve. Each presents specific issues.

The investigation sequence has regulated institutional timelines and distinct work regimes under Domestic Violence and Major Case assault regulations that link police work to victim support services and justice partners at particular points in the investigation process.

We learned that there has never been a 'fit' between the external and imposed justice system and the Haudenosaunee worldview and principles of justice. SNPS day-to-day work can be seen, in fact, as constructing that 'fit.' Sexual violence in particular presents the Six Nations Police with challenges.

Because of the nature of that type of offence and the impact that it has on the community, it's a little bit different than some of the other offences where you deal with it and it's done. Those types of things usually what we see is the peripheral stuff, the family stuff, and the damage that it does. And unfortunately we have to look at it like, "All we can do is the police stuff, then we turn it over. You guys run with that." Any of the peripheral stuff that's going on, we can't get involved because we just don't have the capacity. Until that peripheral stuff goes sideways and something else happens criminally as a result of it. But, again, to focus on those things and pay the attention to it that it needs, from the policing side of it, we just don't have the capacity to do it. (SNPS Chief)

How can province-wide best practices for addressing sexual violence exist when First Nations communities have no sexual assault funding?

[W]hen it comes to Indigenous populations on-reserve, there is a lot for [funders and others] to learn — if they stop, and rather than trying to pull and trying to take. If they just watch and listen there is a lot they can learn. There are a lot of social issues that can be corrected. If they just put the resources in the right place rather than giving it to our neighbours – that's not the right place. That continues to foster the problem and make our situation worse. If they want to help our people, give the resources to the communities, don't give it to our neighbours. (Executive Director, Ganōkwásra Family Assault Support Services)

1. Investigative Practices At the Scene Findings, Gaps and Issues:

- high risk working conditions
 - All officers do several jobs and rotate among them. Twelve-hour shifts, four days on and four off. Long shifts, overtime, overlapping responsibilities and the work is organized extremely efficiently to make up for lack of resources and to cover. There are challenges and risks when sending someone out who knows the victim, suspect or families. Sending a woman officer to interview a female victim is a challenge where almost every officer fills more than one role (Constable and Domestic Violence Coordinator, for example). During this project the SNPS hired a new female constable who asked to be assigned as DV Coordinator. But the constable is a road officer primarily. SNPS are in the process of developing a SNPS DV response and updating their policy, which they hope to link to a sexual violence policy. Etc.
- High commitment to training
- High level of personal commitment in terms of responsibility under the Great Law of Peace or helping community and making things better.
- Different interviewing practices among officers
 - 1- at the scene (initial, information gathering, observing the victim and scene, risk assessment), and 2 – at the station (formal statement taking).
 - Some officers reported open ended listening, others more “court prep type” interviewing. (In a Duluth study by Pence et al, officers’ practices and accounts of interviewing varied.)
 - Interviewing a victim of sexual violence or assault, gathering evidence, investigating and creating reports, officers orient to procedures and guidelines and to local conditions on reserve. They understand the unique dynamics of Six Nations policing, where it is likely that, while there will only be a small number of road officers on shift at a time, the on duty road officers who take the call, and others in the platoon, will know the victim, the suspect, or the families. And they have an understanding of ‘community policing’ as *Onkwehon:we* (Original People) here.
- Some problems that emerge in the tension and gaps between culture-based practices and policy and procedures in texts.

The officers – both the men and women here – do different things, and one of the things is the amount of time they take. And sometimes it’s frustrating because they have good intent, they want to help but they simply don’t know how to help. Because they’re working within a particular framework. Canadian law, that’s where they work. Yet they know, “This might not be the best thing, but what other tool do I have?” Often times they really want other avenues to be able to deal with something. (SNPS Policy Analyst)

We’ve had several where they request a specific officer because the officer dealt with things in such a way that maybe respected their cultural practices for lack of

a better word right? So if they were Longhouse or something and the officer understood that and dealt with it accordingly, they could have said 'this or this' you know, trying to help them, but that wouldn't be in that list. That's what will happen. Sometimes they'll call and ask for a specific officer, because of their conduct or they know someone or they know how things are done because not everyone here is the same either right? We have some who are strong Christians and some who are strong Longhouse and sometimes victims want to deal with someone who's of their faith, or know their family or whatever, for whatever reason. (SNPS Policy Analyst)

I do believe they do those [community minded practices]. In conversations and in speaking with them, they have different ways, they'll tell you a story. It's a story, "This happened." And then they'll talk about what they did, so I can see the nuances. (SNPS Policy Analyst)

- There is no SNPS policy for initial information gathering regarding sexual assault, violence, or exploitation; no assessment or referral form that can capture the multiple layers and forms of traumas, risks and forms of violence and individual ways of coping due to historical oppressions past and present. Calls to Action priority: fund SNPS officers.
- Interviewing at the scene is focused on evidence and forensic evidence gathering from the victim. Violence occurring, violence threat and risk is assessed here in ways that don't allow community-minded practice. SNP officers and supervisors and chief all want some way - at the 'initial' at the scene - that can allow and help them bring their community mindedness and knowledge into play to inform and connect victims to Six Nations services. **Calls to Action priority is support the development of a Six Nations victim/family safety assessment and referral tool for SNPS officers in conjunction with training and using the tool at the scene or at the initial information gathering.**

2. At the Station: Regulatory Context Findings, Gaps and Issues

- Investigation work here includes determining severity, consulting sergeants, inspectors, building crown brief file, taking statements
- SNPS use highest standard documents for case management MCM, ODARA, DVRM, but these texts don't fit Six Nations realities
- Regulatory context assumptions, documentary requirements, timelines don't fit Six Nations policing realities, risks, multi-layered traumas and behaviors from historical oppressions and current circumstances
- Criminal Code categories of severity and MCM procedures miss specific community circumstances and culture-and community-specific traumas and everyday Six Nations realities.
- Also missed are the kinds of professional services available – but under-resourced – on reserve, including police community knowledge and leading agencies working for victims' healing and 'treatment care.'

- SNPS construct community 'fit' as best they can working within documentary limits of mainstream policing training
- SNPS go after as much training for as many officers as they can but staffing poses limitations on absences
- Delays in textual work often are due to rural character and officer sensitivity to community and families of victim and perpetrator and Haudenosaunee principles.
- Requirement for SNPS to link victim to off-reserve services and victim and perpetrator information to policing and criminal justice system databases, means handing victim and perpetrator over to systems that historically and consistently, do harm to both.
- Handing the 'case' over to the criminal justice system – while there are empathetic and well-meaning justice system 'partners' – hands SN people over to a non-Haudenosaunee, non-Six Nations-trauma-informed set of procedures and work practices.
- **Calls to Action priority: equitably fund SNPS; build and sustainably support on reserve a Six Nations historical culture-specific, trauma-informed Victim Services based on safety assessment.**
- **Expand safety assessment by police officers at the scene.**
- **Expand training for interviewing at the station – trauma-informed formal statement taking for sexual assault victims, assess for circumstances of sexual exploitation, sexual violence, assault.**

3. Handing it Over to the Criminal Justice System: The Crown, Releases and Bail Court Findings, Gaps and Issues

- **A key finding is the importance – for the criminal justice system – of the content of the victim's initial information and statement, and witness statements.** There are gaps here.
- A high number of officer releases in this region (not SNPS in particular). We learned several aspects of this including:
 - There is not enough police evidence presented at bail court,
 - Timing and technical problems of WASH (Weekend and Statutory Holiday) bail court held at a distance, and
 - An informal practice of releasing the alleged perpetrator for 'minor' (informally assessed) risk or being young, reluctance to 'hand over.'
 - Sexual assault and victim services on- and off- reserve say there is a lack of sexual violence trauma-informed training and blame-the-victim practices operating in the region.
- If bail hearing at Brantford courthouse (not WASH) victims are sometimes 'caught' by Victim Services (in this region VS is in bail court, not Victim Witness Assistance Program). There are several GAPS in information sharing and Six Nations victims fall through the off-reserve services net.
- **Calls to Action include: a SNPS dedicated community liaison officer and links from all forms of bail and releases decisions to victims and**

families and link to risk assessments that are Six Nations realities informed

- **This would include SN VS, SN VWAP, or funding to existing on-reserve services for SN victim services court workers and family liaison workers**

4. Off-Reserve Brantford Services' Response Findings, Gaps and Issues

- Off-reserve services are in contrast to on reserve services well funded and resourced
- Off-reserve services further, are networked to each other, they refer to each other, meet and share information; agency linking is geographically, experientially, culturally and professionally easy to do – they share language and conceptual frameworks e.g. 'treatment care' is different from 'healing' or 'healing journey' as are justice concepts and practices
- No off-reserve service has indigenous staff let alone Six Nations staff and indigenous 'data' is guarded.
- Off-reserve agencies claim to service Six Nations, claiming Six Nations population in their service area and funding entitlement, while having low indigenous numbers generally
- **911 problems and gaps** – calls go to OPP in London where dispatchers has a lack of knowledge of Six Nations geography, OPP procedures subsume Six Nations Police procedures
- **BGH SADVTCC** – while forensics procedure is highly regulated and sensitivity is meant to be built in – hospital staffing issues prevail etc
- **BSAC** – admit to not having the staff or the expertise to meet Six Nations victims needs; recognize the highly qualified staff at Ganohkwasra and say explicitly Six Nations needs its own sexual assault funding.
- **VS** – assessing needs – location, staffing, risk and needs assessment tools used and practices present many gaps and issues.
 - **90-day window**
 - **use of police occurrence report for risk assessment** – key is what information is in it about the victim – can't know Six Nations risks, needs per above etc.
 - **ALERT button = risk tool most used by SN victims BUT a Brantford ViCARS committee decides risk in standard mainstream terms, don't know SN community realities and risks for victims and victims' families (e.g. if the perpetrator is in jail it doesn't mean she is safe we were told.)**
 - **VS is Monday, 9-5, Weekend and Statutory Holiday (WASH) court and officer release can mean perpetrator is released prior to victim risk being assessed by anyone...etc. gaps informing SNPS, SN service agencies, victim and victim families which would be a Six Nations community-minded practice if VS was Six Nations Victim Services (SNVS).**

IV GOING FORWARD: TOOLS AND ACTIONS

Truth and reconciliation requires handing over resources and decisions to Six Nations. Six Nations has for many years been developing and building effective policing and services healing centuries of oppressions and traumas resulting from them.

The attached Community Minded Practices document is a key resource in next steps in reconciliation in this community.

There are strong SN leaders and proven capacity in policing and community services. What is required is changing the relationship via respectful practices.

The Province is called on to:

- support face-to-face meeting to learn Six Nations priorities and needs
- disentangle funding from off-reserve services and increase resources to Six Nations services
- support SN and Brantford services to identify collaborations

V ACTION ITEMS

There are 18 Action Items in the Report. There are 35 in the Executive Summary in two sections: Respectful Practices, Calls to Action (pages 9-10) and Action Items (pages 10-14). Action Items fall under:

- Resources for Safety and Protection services delivery;
- Regulations, Protocols and Procedural texts;
- sexual assault investigations and Interviewing Training;
- SNPS-linked VS and Community Sexual Assault Services;
- Disentanglement;
- Justice Partners, bails and Prosecutions. We expect the Executive Summary to be widely circulated including to federal counterparts.

VI APPENDICES

The key appended text is the *Community Minded Practices for Sexual Assault Investigations on Six Nations of the Grand River Territory*.

Appendices also include the Map produced and used to illustrate what we learned from talking to key players involved in sexual violence investigation and services in this region. The map reflects what people told us about their work, how it is connected in practice, and how it is regulated and accountable (for example via databases, files systems, consultation practices internal to police services or between police and Crown). The map is a product of conversations with the range of police and practitioners whose work is connected in an extended investigation-response sequence and shows their practices as well as a 'big picture' of the organization of complex work. As such, the map is a community-based tool that can be used for co/exchange training and for collaboratively making change.