

**Rethinking Indigenous policing on reservation lands in Canada:  
Reflections from Australia and the United States**

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An Honours Project submitted  
in partial fulfillment  
of the Degree requirements for the degree of

Bachelor of Arts  
Criminal Justice (Honours)  
Mount Royal University

April 2022

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### **Abstract**

The historical relationship between the Indigenous Peoples of Canada and the federal government is strained as they have been subjected to continuous and ongoing injustices. To address various issues associated with Indigenous Peoples and the justice system, First Nations Policing Programs were introduced. Extensive research has been conducted evaluating Canada's Indigenous policing practices; however, there are gaps in the literature pertaining to best practices and what can be improved. This research aims to highlight the strengths and shortcomings of Canada's FNPP and Indigenous policing practices while reflecting on the Indigenous policing practices observed in Australia and the United States in an effort to determine the best and actionable practices that can be implemented in Canada. Through a descriptive analysis of purposively selected literature, this research suggests that Indigenous policing in Canada can be enhanced by redefining its services, implementing community patrols similar to what is employed in Australian Indigenous communities, and securing adequate funding. Additionally, further research evaluating Indigenous policing in Australia and the United States is necessary.

### **Dedications & Acknowledgements**

First and foremost, I would like to thank my parents, Ken and Teresa, for their unconditional love and support. Thanks to you guys, I have come so much further than I had even dreamed of, and with you both by my side, I cannot wait to see where I will go. No matter how many times I have called you thinking I cannot achieve what I have set out to, you have always been there to support, encourage, and push me to continue chasing my dreams. For that, I will never be able to thank you enough.

Thank you to my professor and supervisor, Dr. Harpreet Aulakh, for sharing your expertise and time with me. Your ongoing support and encouragement have helped me get through to the end of this project, for which I have the utmost gratitude. A special thank you to Prof. Doug King; your interest in the justice system and your devotion to your students are truly inspiring.

Finally, I would like to dedicate this work to Christopher Kelly. Thank you for playing such an integral role in my life and igniting my passion for Indigenous justice. Your spirit and impact in this world will always be missed but never forgotten.

### **Land Acknowledgement**

In recognizing and researching Indigenous communities, I must acknowledge and honour that we are on Treaty 7 territory in Southern Alberta. I acknowledge the traditional territory of Siksika Nation, the North and South Piikani Nations, and the Kainai Nation, all of which are a part of the Blackfoot Confederacy. Further, I acknowledge the other nations of Treaty 7, Tsuut'ina and Stoney Nakoda, including Bearspaw, Chiniki, and Wesley First Nations. Additionally, I acknowledge that Moh'kinstsis, the Blackfoot name for Calgary, is home to the Métis Nation of Alberta (Region 3). I am committed to treading softly on the lands where I am privileged enough to live, work, and play.

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**Table of Abbreviations**

<b>Abbreviation</b>	<b>Meaning</b>
ACLO	Aboriginal Community Liaison Officer
ACPO	Aboriginal Community Police Officers
AFN	Assembly of First Nations
AFP	Australian Federal Police
AI	American Indian
AN	Alaska Native
APLO	Aboriginal Police Liaison Officer
BCP	Band Constable Program
BIA	Bureau of Indian Affairs
CTA	Community Tripartite Agreement
FBI	Federal Bureau of Investigation
FNPP	First Nation Policing Program
GSS	General Social Survey
ICLO	Indigenous Community Liaison Officer
MQA	Municipal Quadripartite Agreement
NSWPF	New South Wales Police Force
NTPF	Northern Territory Police Force
OPP	Ontario Provincial Police
QPS	Queensland Police Service
RCMP	Royal Canadian Mounted Police
SA	Self-Administered Police Service Agreements
SQ	Sûreté du Québec
WAPS	Western Australia Police Service

## Introduction

The Indigenous population in Canada continues to grow over four times faster than the non-Indigenous population, with Indigenous Peoples comprising 4.9 percent of the total population (Aboriginal Peoples in Canada, 2017, 1). However, there is an appreciable lack of research and understanding of the populace, including their specific needs related to law enforcement practices (Jones et al., 2014, p. 7; Kiedrowski et al., 2017, p. 594; Lithopoulos & Ruddell, 2013, p. 102; Ruddell & Kiedrowski, 2020, p. 151).

The history of systemic racism and discrimination has contributed to the Indigenous Peoples' mistrust of police (Clark, 2014, p. 261). The past and continuing wrongdoings such as the Residential School system, the pass system, the banning of spiritual ceremonies (Jones et al., 2014, p. 32), the Starlight Tours in Saskatchewan, the Highway of Tears in British Columbia, and the ongoing issue of Missing and Murdered Indigenous Women across Canada continue to strain the already weakened relationship. Systemic discrimination persists through all levels of the criminal justice system, including corrections and policing (Clark, 2019, p. 1).

The overrepresentation of Indigenous Peoples in the criminal justice system worsens each year (Clark, 2019, p. 1). Concerning incarceration rates, between 2008-2009, Indigenous Peoples constituted twenty percent of the federal inmate population, and by 2017-2018, the proportion of Indigenous inmates climbed to twenty-eight percent, despite the total Indigenous population of Canada being four percent at the time (as cited in Clark, 2019, p. 1). For federally incarcerated Indigenous females, the percentage rose from thirty-two percent to forty percent over the same period (Clark, 2019, p. 1). While the overall number of the federal inmate population remains relatively stable, the proportion of incarcerated Indigenous Peoples has increased significantly (Clark, 2019, p. 1).



Regarding policing, Indigenous communities are often victims of both over- and under-policing (Clark, 2019, p. 2). Essentially, the police may fixate on Indigenous Peoples in the community; however, their needs are often unmet when they require police services (as cited in Clark, 2019, p. 2). In 2019, Indigenous and Northern Affairs Canada (2019) recognized 639 First Nations, while only 457 First Nations and Inuit communities were served by police (as cited in Ruddell & Kiedrowski, 2020, 146). Despite representing a significant proportion of the population, Indigenous communities do not have nationwide access to culturally appropriate policing services.

While First Nations communities are underserved by police, their communities face additional social and economic challenges compared to non-Indigenous communities. Substance abuse, poverty, and family violence are all issues highlighted by respondents in a 2007 survey of officers serving in isolated Indigenous communities, all of which fuel other concerns such as increased suicide rates (as cited in Ruddell & Jones, 2018, p. 417). In addition, it has been widely recognized that Indigenous communities have significantly higher crime rates than non-Indigenous communities (as cited in Jones et al., 2014, p. 80). According to 2018 police-reported crime statistics, the crime rate for communities with the majority of the population being Indigenous was six times higher than non-Indigenous communities, and the violent crime rate was nine times higher (Allen, 2020, p. 7). In addition, victimization rates among Indigenous people are significantly higher than that of the national average, with the General Social Survey (GSS) of 2014 indicating that Indigenous individuals were more than twice as likely to be victims of violent offences compared to non-Indigenous people (Department of Justice Canada, 2019, p. 1). Indigenous respondents of the GSS often report experiencing issues with drug use, high social disorder within one's neighbourhood, poor mental health, homelessness, and

experiences of childhood mistreatment, all of which contribute to higher victimization rates (as cited in Allen, 2020, p. 12).

In an effort to address the consistent issues Indigenous Peoples experience regarding policing and the criminal justice system overall, the federal government introduced First Nations Policing Programs (FNPP). However, since its inception, various evaluations have been undertaken, and scholars, Indigenous communities, larger Indigenous-focused organizations, and the federal government have recognized the shortcomings of FNPPs (see Jones et al., 2014; Kiedrowski et al., 2017; Ruddell & Kiedrowski, 2020). A study investigating peoples' perceptions of FNPP policing suggested that only forty-three percent "felt that the police did a good job keeping citizens safe, thirty-six percent said the police did a good job of enforcing the law," and thirty-two percent of respondents felt "that police responded quickly enough when called" (as cited in Lithopoulos & Ruddell, 2013, p. 110). In the four western provinces, respondents' perceptions were significantly less favourable, which is likely a reflection of the under-policing issue in these provinces as they had the lowest officer ratios compared to Ontario and Quebec (Lithopoulos & Ruddell, 2013, p. 110). According to Public Safety Canada (2020), stakeholders such as the Assembly of First Nations (AFN), First Nations Chiefs of Police Association and the Canadian Association of Chiefs of Police have expressed their concerns, criticisms, and discontent with the current FNPP. While the issues related to funding and resources, administrative capacity, recruitment and retention rates of officers, lack of cultural awareness, representation, and training are ongoing and well documented (Jones et al., 2014; Kiedrowski, Jones, & Ruddell, 2017; Ruddell & Kiedrowski, 2020), little has been done to resolve these concerns. Further, the lack of appropriate policing for these communities

contributes to the ongoing overrepresentation of the Indigenous people throughout Canada's justice system.

Those most affected by the lack of adequate policing services in Indigenous communities are those who live in them; however, this issue is also of interest to non-Indigenous communities. Criminal activity can spill over and spread into neighbouring communities and cities (Ruddell et al., 2013, p. 780). Further, rural policing is funded through taxpayer dollars, which is currently exceptionally cost-inefficient as smaller rural communities cannot take advantage of the economy at a larger scale as urban municipalities can (as cited in Ruddell et al., 2013, p. 780).

Canada is not the only country with policing programs or frameworks explicitly developed for its Indigenous population. Other Western countries such as Australia and the United States have programs and legislative frameworks to aid the development of such policing programs in these communities. Although there is significant research that illustrates the Indigenous policing practices in each of the aforementioned countries (see Kiedrowski, 2013; Lithopoulos, 2007), I have found no research that has compared the methods and practices they employ. Given such, further research is warranted to examine what Canada could learn from the Indigenous policing practices observed in Australia and the United States in an effort to address the well-documented issues surrounding Canada's deficiencies in Indigenous policing.

### **Research Question & Methodology**

The following research seeks to identify the strengths and weaknesses in Canada's Indigenous policing by investigating Australia's and the United States' Indigenous policing practices. These countries were selected as the countries' relationships with their Indigenous Peoples are similar to what is observed in Canada, in that they experience overrepresentation,

over- and under-policing, and various other systemic issues that disproportionately affect their Indigenous populations. Throughout this paper, I use the term "Indigenous" to describe the First Nations, Inuit, Aboriginal, Torres Strait Islander, and Native populations of all countries included in this study.

This project employs a descriptive approach, as descriptive studies can be used to identify issues that exist within organizations, populations, and variations in practices from country to country (Siedlecki, 2020, p. 8). Utilizing a descriptive design provides an accurate representation of a phenomenon and its characteristics while providing an extensive synopsis of what is observable in everyday terms (Nassaji, 2015, p. 129; Sandelowski, 2000, p. 336); therefore, making a qualitative descriptive approach the most effective for the current study. Further, purposive selection was employed to identify scholarly literature relevant to the current study, with the objective of highlighting best practices that can subsequently be applied to Canada's Indigenous policing model.

This study uses a semi-systematic literature review to establish the effective and ineffective Indigenous policing strategies across each of the aforementioned countries. Literature published from 2002 to current was searched through Google Scholar and Mount Royal University's library databases. The literature review beginning from 2002 is a wide yet necessary range to locate the limited research on Indigenous policing in Australia. Using general keywords such as "Indigenous policing," "First Nations policing," "community policing," "Aboriginal policing," "Canada," "Australia," "United States," peer-reviewed studies and books were selected to provide a balanced view on the topic. This search was further refined to include "Tribal policing," "American Indian," and "cultural liaison officer" to locate articles pertaining to the United States' and Australia's Aboriginal policing models as they use varying terms to

identify their Indigenous Peoples. The literature was then analyzed and organized thematically to formulate the framework of this project.

It is important to note that I originally had sought to include New Zealand in the analysis; however, there is a significant gap in New Zealand's scholarly literature concerning Indigenous policing. Significantly, the limited sources found for New Zealand pertinent to this study paralleled many practices observed in Australia. Nonetheless, the few sources identified regarding New Zealand's Indigenous policing practices have been omitted from this project to preserve the integrity and quality of this research.

This analysis examines the three countries' Indigenous policing practices to identify potential improvements to Canada's Indigenous policing practices on Indigenous lands. Specifically, this paper addresses the following question: how can Canada's Indigenous policing improve when reflecting on the strengths and shortcomings of the Indigenous policing practices used in Australia and the United States?

### **Limitations**

The literature selected in the current study has been limited to a twenty-year range; therefore, anything published before 2002 was omitted from the study. The time frame in which the study was conducted creates a limitation as any academic literature published before 2002 could provide useful information conducive to the study; however, it was not included in the analysis. Further disadvantages concerning the time frame are present, as Indigenous policing practices may have been modified over time within twenty years, conceivably making the analyzed themes outdated. Additionally, limitations concerning the research design and methods are present as qualitative descriptive designs lack generalizability, which creates room for various interpretations of the data (Dulock, 1993, p. 155). Finally, purposive sampling and semi-

systematic literature reviews do not provide an exhaustive analysis of all academic literature; consequently, other literature that could have been included may have been neglected.

### **First Nation Policing Programs in Canada**

Between the 1970s and 1980s, the Royal Canadian Mounted Police (RCMP), Ontario Provincial Police (OPP), and Sûreté du Québec (SQ) were responsible for policing rural areas throughout the provinces as well Indigenous communities (Lithopoulos, 2016, p. 4). At this time, Indigenous communities were notoriously underserved by these agencies, and there was dissatisfaction among community members for the lack of cultural sensitivity from officers (as cited in Lithopoulos, 2016, p. 4). As a result of the widespread discontent and following various commissions, inquiries, and task force recommendations that had identified the deficiencies in the previous models (Jones et al., 2014, p. 36), Canada's FNPP was introduced in 1991 as the first national-level framework concerning Indigenous policing (Jones et al., 2014, p. 7). FNPPs were established to implement culturally appropriate policing and ensure long-term and secure funding for Indigenous policing (Jones et al., 2014, p. 48). Additionally, FNPPs aim to provide Indigenous communities with influence in their communities' administration of justice and provide culturally respectful policing (as cited in Jones et al., 2014, p. 46).

Under the FNPP framework, there are three types of agreements: Self-Administered Agreement (SA), Community Tripartite Agreement (CTA), and Municipal Quadripartite Agreement (MQAs) (Kiedrowski et al., 2016, pp. 6-7). In all FNPPs, the costs are shared between the applicable province or territory and the federal government, forty-eight percent and fifty-two percent, respectively (Kiedrowski et al., 2016, p. 6).

In SAs, both the federal, the relevant provincial or territorial governments, and a minimum of one Indigenous community agree that the Indigenous community, or multiple

communities, establish their own police service (Kiedrowski et al., 2016, pp. 6-7). In SAs, Indigenous agencies often have strong relationships with the other municipal, Indigenous, or RCMP police services in their surrounding area (Jones et al., 2014, p. 45). The Indigenous community, or communities, abide by provincial legislation while developing and managing their independent service under the guidance of the police chief (Kiedrowski, 2013, p. 7). For increased accountability, oversight is provided by impartial police commissions (Kiedrowski, 2013, p. 7).

CTAs are established after a bilateral Framework Agreement between the federal, and the relevant provincial and territorial governments has been approved (Kiedrowski et al., 2016, p. 7). Following the bilateral Framework Agreement, outside police services, most often the RCMP, provides services to the Indigenous communities involved (Kiedrowski et al., 2016, p. 7; Jones et al., 2014, p. 43). With CTAs, the police service designated to provide services are encouraged to send Indigenous officers to tend to the community (Jones et al., 2014, p. 43). The RCMP and Indigenous community members rely on community advisory bodies to liaise between groups (Kiedrowski, 2013, p. 7).

MQAs involve the federal government, the corresponding provincial or territorial government, the Indigenous community, and a municipal police service (Kiedrowski et al., 2016, p. 7). However, SAs and CTAs are employed significantly more than MQAs. By the end of the 2015-2016 fiscal year, SAs made up twenty-one percent of all FNPP agreements, CTAs seventy-seven percent, and MQAs constituted a mere one percent (Kiedrowski et al., 2016, p. 7).

### **Analysis of Canada's Indigenous Policing Practices**

While identifying strengths and weaknesses through thematic analysis, representation and cultural awareness emerged as an asset in Canada's Indigenous policing practices. However,

some weaknesses in Canada's FNPPs impede the efficacy of representation and cultural awareness. Despite FNPPs' intent to enhance the policing services provided to Indigenous communities, FNPPs have several drawbacks in the delivery. For instance, although FNPPs highlight the importance of community engagement in law enforcement, community policing can be perceived as a deficiency. Many of the barriers to effective FNPPs relate to the lack of support they receive from the government. As a result, issues include funding and resources, the lack of administrative capacity, recruitment, and retention of officers, and FNPPs officer training.

### ***Representation & Cultural Awareness***

One of the intentions behind the creation of FNPP is to provide the Indigenous Peoples with a police service representative of the communities they serve. When Indigenous police services have a large proportion of Indigenous officers, it is assumed that culturally appropriate services will subsequently follow (as cited in Jones et al., 2014, p. 66). According to Conor et al. (2020), First Nation police services had the highest proportion of visible minorities within their services, double that observed within the RCMP (p. 12). In 2019, sixty-three percent of officers employed by First Nation services had self-identified as Indigenous (Conor et al., 2020, p. 12).

Cultural awareness involves a greater understanding of one's differing worldviews and their implications in terms of oppression of other groups (as cited in Collins & Pieterse, 2007, pp. 15-16). To move toward cultural awareness, an individual must seek to understand their own cultural experiences and the realities of others to uncover their implicit biases and alter their innate denial or avoidance of others' realities while being aware of their own participation in the racial reality experienced by others (Collins & Pieterse, 2007, p. 16). Cultural awareness and culturally responsive policing are particularly significant in policing Indigenous Peoples. In the



absence of cultural awareness in First Nations communities, policing often conforms to the traditional law and order model (Jones et al., 2014, p. 40), which would consequently negate the purpose of FNPPs.

According to Public Safety Canada (2016), a 2014 survey of communities whose services were provided under CTAs indicated that eighty-six percent of respondents felt that the services provided were culturally respectful (p. 19). Respondents noted that proper training and community engagement with officers to improve attitudes toward policing are crucial in providing culturally responsive services (Public Safety Canada, 2016, p. 19). Despite this positive feedback, respondents further stated that the transient nature of First Nations police and strained officers creates obstacles for FNPPs to achieve and provide culturally competent services (Public Safety Canada, 2016, p. 19), which is further discussed in the following section. FNPP officers often remain within their communities for relatively short periods of time, which can be attributed to the various barriers to the recruitment and retention of officers.

### ***Recruitment & Retention***

FNPPs, particularly those under SA agreements, have above average turnover rates of officers, resulting in lower quality of policing services for Indigenous communities. With lower salaries, higher crime rates, and the plethora of social issues that SA officers experience, many perceive SA agencies to be undesirable (as cited in Kiedrowski et al., 2017, p. 592). For this reason, many officers choose to work for SA's to gain experience before moving on to larger agencies that have more to offer in terms of salary and opportunities (as cited in Kiedrowski et al., 2014, p. 592; Jones et al., 2014, p. 77). Recruiting and training are continuous in SA agencies due to the low appeal to officers, which is expensive and prevents more officers from being out in the community (Ruddell et al., 2014, p. 784). As a result, the average officer

serving in remote communities is three years younger than the national average, and agencies in isolated communities have the highest proportion of officers who are under thirty years of age, resulting in isolated communities employing officers with low experience (Ruddell & Jones, 2018, p. 419). Additionally, Ruddell and Jones (2018) found that officers in remote communities were twenty-one percent less likely to hold a college or university education than officers in non-isolated communities (p. 419).

According to a survey conducted by Jones et al. (2014), eighty percent of officers expressed that they would like to be with their current agency over the next five years (p. 77). However, when isolating responses to only include SA officers, Jones et al. (2014) found that the number of officers wanting to be with their current service decreased by fifty-one percent (p. 77). Over five months, a SA service located in Northern Quebec, the Kativik Regional Police Force, lost forty-five percent of their complement (as cited in Kiedrowski et al., 2017, p. 592). Additionally, due to the low retention rates of officers, representation rates of Indigenous officers serving FNPP services are also decreasing. For example, between 1996 to 2014, Indigenous officers had decreased from constituting ninety percent of the total officers to a mere twenty-seven percent (Ruddell & Kiedrowski, 2020, p. 149).

Policing in isolated communities is an additional factor contributing to the low retention rate of officers for FNPPs. For example, in some small communities, it is challenging for officers to detach themselves from their roles as officers when they are off duty as they are housed in buildings attached to the police station (Ruddell et al., 2014, p. 783). Further, the cost of living in remote communities is often significantly higher than in other areas (as cited in Ruddell & Jones, 2018, p. 417). In some cases, officers have access to the internet to stay in touch with their families; however, access to the internet in these areas is limited, slow, and

expensive (as cited in Ruddell & Jones, 2018, p. 417). Additionally, if officers are posted for an extended period, they may want to relocate their families with them. Unfortunately, smaller communities have fewer options for spousal employment and schooling, and there are fewer activities available for children outside of school (Ruddell & Jones, 2018, p. 417), subsequently making SAs less appealing to officers.

### ***Officer Training***

FNPPs often face barriers regarding training. For CTA services, scholars have consistently noted that RCMP members lack the necessary training to meet the expectations of CTA services (as cited in Jones et al., 2014, p. 56). Concerning SA services, the training for officers is not as vigorous as the training of officers who work for the RCMP, OPP, or SQ (as cited in Jones et al., 2014, p. 78). Further, as there are typically ten or fewer officers in SA services, access to area-specific and specialized training is less available to these agencies (as cited in Jones et al., 2014, p. 78). Due to the common issues observed in First Nations communities concerning mental health and addiction, coupled with the lack of additional services in these communities, FNPP officers regularly respond to those in crisis (Kiedrowski et al., 2016, p. 34). As a result, FNPP officers need additional training in responding to mental health and substance use calls (Kiedrowski et al., 2016, p. 34). However, as FNPP officers lack even basic training in some cases compared to their non-FNPP counterparts, it is unlikely that FNPP officers will be adequately trained to respond to calls of this nature in an appropriate manner.

### ***Community Policing***

Community policing allows agencies to employ a proactive approach to address the current concerns regarding public safety, such as social disorder, criminal activity, and the

perceived threat of crime, through guiding principles that advance organizational strategies (as cited in Cordner, 2014, pp. 153-154). When effectively implemented, community policing can develop and enhance the connection between affected communities and police by increasing accountability within the service and promoting community involvement (as cited in Breutigam & Fortier, 2019, p. 56).

FNPPs were established to provide higher quality policing services to Indigenous communities by implementing various strategies to enhance the involvement of Indigenous Peoples when creating policies concerning policing (as cited in Breutigam & Fortier, 2019, p. 55). Additionally, scholars have suggested that community policing has been identified as the most appropriate model for Indigenous communities (as cited in Clark, 2019, p. 2). However, community policing strategies have not been prioritized by agencies serving Indigenous communities (as cited in Clark, 2019, p. 2) or have been effectively incorporated into FNPPs. To better accommodate the needs of communities, FNPPs are recommended to seek the guidance of teachers, elders, and community members when formulating policies (Breutigam & Fortier, 2019, p. 56). Gathering insight into stakeholders' cultures and worldviews impacts an agency's delivery of its services (Breutigam & Fortier, 2019, p. 56). Breutigam & Fortier (2019) suggest that implementing community policing strategies such as authorizing officers to work with community members outside of regular police work is a solution to this issue (p. 56).

Despite the recommendations of scholars, police officers' positive perceptions of community policing in Indigenous communities are declining. In a study conducted by Jones et al. (2019) concerning police officers' perceptions of community policing for Indigenous communities, the researcher found that twenty-one percent fewer officers believed they should be involved in all community issues in 2014 than in 1996 (p. 53). Additionally, fifty-two percent

of officers agreed that their agencies were wasting too much time on insignificant issues in 2014, compared to the thirty-two percent of officers agreeing that this was an issue in 1996 (Jones et al., 2019, p. 53). Overall, Jones et al. (2019) found that SA, OPP, and RCMP officers felt that Indigenous communities did not require a differing approach to policing than that observed in non-Indigenous communities (p. 41), regardless of the objectives outlined in FNPPs.

In comparison, little research has been done concerning officers' perceptions of community policing in urban areas. However, some scholars suggest officers' perceptions of community policing can be influenced by factors such as experience in community policing and political ideology (Shupard & Kearns, 2019, p. 675). Those who have more experience and exposure to community policing tend to be more supportive of the practice (Shupard & Kearns, 2019, p. 675). Additionally, Shupard and Kearns (2019) posit that those who hold more conservative political views are more likely to be resistant to adopting community policing (p. 675).

### ***Funding & Resources***

One of the most well-documented issues concerning FNPPs is the lack of funding and resources. Ruddell and Kiedrowski (2020) argue that these agencies have been neglected, ignored, and conceivably, designed to fail (p. 145). Due to the lack of funding, equipment, infrastructure, officer job satisfaction, and community satisfaction with the services provided are often impacted. According to Ferguson (2014), following the inspection of 140 FNPP facilities across Canada in 2003, nearly one-quarter of them were in "poor or very poor condition," some to the extent to which the health and safety of the community, officers, and detainees were considered to be at risk to significant hazards (p. 17). Access to FNPPs has continuously been limited as the government froze the budget for five years beginning in 2007 (Kiedrowski et al.,

2017, p. 591). Five years later, the federal government extended the budget freeze until 2018, maintaining the budget at 2006 levels for eleven years (Kiedrowski et al., 2017, p. 591).

Funding concerns can further be attributed to the definition of FNPPs. FNPPs receive less funding than municipal services as they are considered to be a discretionary program (Ruddell & Kiedrowski, 2020, p. 145). SAs are particularly affected as they are defined as an "enhanced" service (as cited in Ruddell & Kiedrowski, 2020, p. 145). Through community engagement, such as attending schools to increase youth participation and understanding and working with communities, enhanced services are designed to target the cause of criminal activity (as cited in Ruddell & Kiedrowski, 2020, p. 146). Core services, which most other services are classified, are intended to increase safety in a community through law enforcement (as cited in Ruddell & Kiedrowski, 2020, p. 145). Due to the FNPPs classification as a program, they receive below-average funding compared to core services.

Although policing Indigenous communities is more expensive than their municipal counterparts, various scholars suggest that FNPPs are underfunded (as cited in Jones et al., 2014, p. 51). According to Jones et al. (2014), additional costs are exacerbated for SAs in remote locations (p. 49). Due to the remote nature of Indigenous policing, per capita costs for SAs can be up to four times the national average in some communities (as cited in Jones et al., 2014, p. 49). Additionally, some Indigenous communities have little to no services, and officers serving SAs with detachments off the reserve spend additional time traveling, subsequently minimizing the time officers spend in the community (Jones et al., 2014, p. 49).

The lack of funding for FNPP creates a significant wage gap between those who serve municipalities and officers serving under SA agreements (Kiedrowski et al., 2017, p. 592). According to Coner et al. (2020), in the 2018/2019 fiscal year, on average, FNPP officers earned

twelve percent less than the average police officer in Canada (p. 6). Further, SAs often do not have proper funding for infrastructure, subsequently relying on officers' salaries to put toward the costs of administration or to provide detachment buildings for detainees (as cited in Ruddell & Kiedrowski, 2020, p. 148; as cited in Jones et al., 2014, p. 82). If the SA is unable to acquire the funding necessary for infrastructure, the service may be dependent on perilous equipment, such as expired body armour, and facilities that can potentially put prisoners or officers at risk (as cited in Ruddell & Jones, 2018, p. 421; Ruddell & Kiedrowski, 2020, p. 148; Kiedrowski et al., 2017, p. 591).

Inadequate funding for FNPPs has resulted in some communities being unable to establish their own services; for example, between 2006 and 2017, no new SAs were established despite sixteen Indigenous communities applying (as cited in Kiedrowski et al., 2017, p. 587). When evaluating the SAs that have been established various scholars have noted that both the provincial standards and mandates of FNPPs cannot be met due to the lack of funding for SAs (as cited in Kiedrowski et al., 2017, p. 591). A study conducted by Ferguson (2014) found that in Ontario alone, six SAs "were crowded, contained mould, and were in a state of disrepair" (p. 19). SA services in small communities face additional challenges as they cannot adapt to fluctuations in the economy (as cited in Jones et al., 2014, p. 52). As a result, some Indigenous communities must rely on their revenue to support the program, even though the costs of FNPPs are meant to be the responsibility of the federal and provincial or territorial governments (as cited in Jones et al., 2014, p. 52).

### ***Administrative Capacity***

Not only are services under FNPPs underfunded, but they also face issues concerning administrative capacity due to the lack of resources available to them. For instance, SA services

have challenges with financial planning in the long term as SA's agreements must continuously be renewed as they are funded under limited time periods (as cited in Jones et al., 2014, p. 53). Additionally, small agencies often lack formal policies, procedures, and overall organizational management (as cited in Jones et al., 2014, p. 53). Lack of organization within an agency creates room for error in employees' understanding of the job description and evaluation of the agency's performance and its officers (as cited in Jones et al., 2014, p. 54). The disorganized nature of stand-alone services can subsequently cause the strained roles of officers and limit the services' capacity for long-term, effective services.

### **Australia's Indigenous Policing**

The Indigenous Peoples of Australia have nearly three-hundred nations and two-hundred-fifty languages between their two distinct groups—the Torres Strait Islanders and the Aboriginal Peoples—each of which has its own unique cultures, history, and traditions (as cited in Lithopoulos, 2007, p. 14; Australian Institute of Health and Welfare, 2020). According to the Australian Institute of Health and Welfare (2020, July), the Indigenous population was approximately three percent of the total population in Australia in 2016. Similar to the trends observed in Canada, Australia's Indigenous population is growing nearly double the general population's rate (Lithopoulos, 2007, p. 15). Additionally, the average age of Indigenous Peoples in Australia is significantly younger than the general population, twenty years, and thirty-four years, respectively (as cited in Lithopoulos, 2007, p. 15). Approximately seventy percent of Australia's Indigenous population reside in remote communities (Lithopoulos, 2007, p. 15). In contrast, the general population mainly resides throughout seven cities, with approximately eighty-five percent of the total population living in coastal areas (Lithopoulos, 2007, p. 15).



Despite comprising a mere three percent of the total population, the Indigenous Peoples of Australia are vastly overrepresented in the Australian criminal justice system. As both offenders and victims, Indigenous Peoples have the highest rate of police contact of any population in Australia (Dwyer et al., 2021, p. 208). Indigenous Australians have the highest crime rates, with some scholars suggesting the Indigenous population is nearly twenty times more likely to be involved in violent offences (Lithopoulos, 2007, p. 15; as cited in Kiedrowski, 2013, p. 25). According to Lithopoulos (2007), the likelihood of being involved in a custody incident for Indigenous Australians is seventeen times higher compared to the non-Indigenous population in Australia (p. 15). When focusing on incarceration rates, the Indigenous Peoples of Australia are amongst the highest incarcerated populations globally (Blagg & Valuri, 2004, p. 314). Twenty-seven percent of the prison population in Australia are Indigenous, and in some states such as Queensland, the percentage of the Indigenous population incarcerated increases another seven percent (as cited in Dwyer et al., 2021, p. 208).

Analogous to Canada's Indigenous Peoples, Australia's Indigenous populations' significant overrepresentation in the justice system can be partially attributed to the social factors and disadvantages they are faced with in their communities. The lack of opportunities for education and employment, coupled with environmental and social factors, create additional barriers for Indigenous Australians (Barclay & Scott, 2013, p. 154). The negative impacts of these factors are exacerbated by living in remote locations and substance use (as cited in Barclay & Scott, 2013, p. 154). Kiedrowski (2013) suggests substance use, housing, adverse childhood experiences, lack of available services, and demographics—such as age, sex, income, and employment—in Australia's Indigenous communities are the principal risk factors that increase the likelihood of violent offending (p. 25).

Dissimilar to Canada, each state and territory in Australia has its own police service—for a total of eight services across the country—and a federal department, resulting in a highly centralized police service (Lithopoulos, 2007, p. 16). Further, in Australia, each state can introduce its own laws concerning crime, and both corrections and sentencing are not subject to a federal-state split as observed in Canada (Lithopoulos, 2007, p. 16). The centralized nature of policing in Australia has often been criticized as ineffective as it does not allow for localized approaches for Indigenous and rural communities, and it limits diversity (as cited in Barclay & Scott, 2013, p. 156; Dwyer et al., 2021, p. 209). As a result, scholars have noted that increasing cultural awareness among officers and the recruitment of Indigenous officers is impeded, and over-policing is ubiquitous (as cited in Dwyer et al., 2021, p. 209). For example, only two percent of the Queensland Police Service (QPS) identify as Indigenous (as cited in Dwyer et al., 2021, p. 209).

In contrast to Canada's FNPPs, Australia's Indigenous policing initiatives concentrate on the relationship between Indigenous Peoples, the justice system, and policing as a whole, rather than creating self-administered or stand-alone services (Lithopoulos, 2007, p. 16). In some services, such as the QPS, the allocation of services is disproportionate in remote Indigenous communities, resulting in Indigenous Peoples consistently being overpoliced (Dwyer et al., 2021, p. 209). Subsequently, feelings of resentment and harassment are common among Indigenous communities (as cited in Barclay & Scott, 2013, p. 157).

Notably, Australia has released various reports, and commissions focused on enhancing the delivery of policing services and the relationship between the Indigenous Peoples and the police. Following pressures from Indigenous communities over nearly a decade concerning police treatment of Indigenous Peoples, the 1987 Royal Commission into Indigenous Deaths in

Custody was established (Blagg & Valuri, 2004, p. 314). The Commission inquired about the deaths of ninety-nine Indigenous Peoples while in various forms of custody, and the Commission concluded that nearly sixty-four percent had occurred in police custody (Blagg & Valuri, 2004, p. 314). The Commission found that although Indigenous Peoples were not dying in custody at a greater rate than non-Indigenous people, the principal issue remained to be the over-representation of Indigenous Peoples in the justice system (as cited in Blagg & Valuri, 2004, p. 314).

The Royal Commission set forth various recommendations aiming to advance custodial safety, diverting Indigenous people from custody, increase police transparency and accountability, and increase Indigenous recruitment for policing services to enhance the relationship between the police and Indigenous communities (as cited in Blagg & Valuri, 2004, p. 315; Barclay & Scott, 2013, p. 157). Following the inquiry, programs such as community policing, increased education, and cross-cultural training have been introduced to Australia's policing services (Mazerolle et al., 2003, p. 88; Barclay & Scott, 2013, p. 157). The courts were also impacted following the Commission, as they too increased Indigenous representation and introduced community-based and alternative sentencing (as cited in Barclay & Scott, 2013, p. 157). Further, each state and territory across the nation established an Aboriginal Justice Advisory Council following the Commission's recommendations (as cited in Whellum et al., 2020, p. 66).

In 2007, the Australian government began to further intervene in Indigenous communities after a report investigating child abuse in the Northern Territory (Barclay & Scott, 2013, p. 156). To combat sexual, alcohol, and substance abuse, the Australian government increased police presence in remote communities, introduced bans on alcohol and drug use, and began

withholding half of the communities' welfare payments for essential purchases and groceries (as cited in Barclay & Scott, 2013, p. 156). Considering Indigenous Peoples have continuously expressed that they have felt harassed by police, increasing police presence to counter the issues observed in Indigenous communities is counterproductive in developing trust between the communities and police.

The Australian Law Reform Commission released an Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples in March of 2018 (as cited in Whellum et al., 2020, p. 66). The report known as 'Pathways to Justice' mirrored many of the sentiments displayed by the Royal Commission into Aboriginal Deaths in Custody; however, the report offered thirty-five recommendations targeted at minimizing the structural issues of Indigenous Peoples' relation to the justice system (Whellum et al., 2020, p. 66).

### **Australia's Indigenous Policing Framework & Funding**

The Council of Australian Governments introduced six goals to minimize the disadvantages Indigenous Peoples were experiencing compared to the non-Indigenous population in 2007 (Kiedrowski, 2013, p. 26). One goal aimed to enhance the safety in Indigenous communities through increasing victim support, employing preventative approaches, and the accessibility and effectiveness of law enforcement (as cited in Kiedrowski, 2013, p. 26). Additionally, the National Indigenous Law and Justice Framework for 2009-2015 was introduced, which provided a national framework to combat the disadvantages and discrimination the Indigenous Peoples of Australia were experiencing through the employment of a community-based approach to justice concerns (as cited in Kiedrowski, 2013, p. 26). The framework set out to decrease the prevalence of negative police interaction with Indigenous

people by increasing officer training and responding to systemic racism throughout their agencies (as cited in Kiedrowski, 2013, p. 27).

During the same time, in 2012, the Australian government announced that funding for four isolated police services, sixty officers in isolated areas, and community night patrols would continue over the next decade (Kiedrowski, 2013, p. 26). Mazerolle et al. (2003) suggest that internally funding would increase support for policing Indigenous communities instead of relying on external funding (p. 92). When estimating costs per person, for non-Indigenous people, services cost approximately \$298 per person and \$1,613 per person for Indigenous individuals (Kiedrowski, 2013, p. 19).

### **Aboriginal Community Police & Liaison Officers**

With the historically strained relationship between the Indigenous Peoples of Australia and the police, scholars have noted that to reform Indigenous-police relations, cultural concerns, social relationships, and political influence must be considered moving forward (as cited in Whellum et al., 2020, p. 78). Due to the disconnect between officers' authority and the fundamental principle of policing with consent, these factors are necessary to provide services that are sensitive to the needs of Indigenous communities (as cited in Whellum et al., 2020, pp. 78-79). Whellum et al. (2020) postulate that the lack of trust, understanding, or an authentic relationship between officers and Indigenous communities is propulsive to the discontent Indigenous Peoples have expressed (p. 79).

Each state and territory in Australia has introduced roles designed to improve and strengthen relations between police agencies and Indigenous community members. For instance, in 1975, the Western Australia Police Service (WAPS) introduced Aboriginal Police Liaison Officers (APLOs) (Lithopoulos, 2007, p. 19). In 1979, the Northern Territory Police Force

(NTPF) began employing Aboriginal Community Police Officers (ACPO), which were formerly known as aides (Lithopoulos, 2007, p. 21). In 1980, the New South Wales Police Force (NSWPF) established the Aboriginal Liaison Unit, which eventually led to the implementation of Aboriginal Community Liaison Officers (ACLOs) for this state (New South Wales Police Force, n.d.). Despite the various titles, each position has a similar role. However, it is important to note that ACPOs have police powers in their communities (Cegain 2015, p. 23), ACLOs have limited police powers (as cited in Lithopoulos, 2007, p. 20), while the other positions do not have any additional authority than community members.

Notably, Canada had a program that fulfilled similar duties to ACLOs known as the Band Constable Program (BCP). Created in the 1960s, the BCP enforced band by-laws and assisted provincial police while employing a community-based approach (Public Safety Canada, 2021). The federal government funded the BCP, and between 2014 and 2015, the government provided \$2.1 million to Indigenous communities to hire band constables (Public Safety Canada, 2021). There were forty-five agreements: Alberta with six, New Brunswick with five, and the remainder of the agreements were in Manitoba (Public Safety Canada, 2021). However, discontentment became common among the participating communities as their needs were not being met under the BCP (Public Safety Canada, 2021). Ultimately, the BCP was found to be contradictory to the principles set forth by FNPPs, resulting in the termination of the program on March 31, 2015 (Public Safety Canada, 2021).

While Canada's BCP fulfilled similar responsibilities to that of the ACLOs and ACPOs in Australia, Canada has positions known as Aboriginal Liaison Officers and Aboriginal Community Liaison Officers. However, in Canada, these positions have different responsibilities than those in Australia. In Canada, Aboriginal Community Liaison Officers

provide support to Indigenous offenders in their communities by organizing, facilitating, and coordinating Indigenous cultural programs and ceremonies with Elders (Correctional Services Canada, 2013-a). Aboriginal Community Liaison Officers in Canada aim to enhance the offenders' reintegration into the community through relationship-building and identifying the appropriate resources for them (Correctional Services Canada, 2013-a). Additionally, Aboriginal Liaison Officers in Canada have similar duties to their Aboriginal Community Liaison Officers as they work to link Indigenous offenders to their communities by providing counselling services, case management, and supporting them in their spiritual connection (Correctional Services Canada, 2013-b).

In Australia, APLOs—previously known as *aides*—enhance the services provided to Indigenous communities for the WAPS by developing Indigenous-police relations (as cited in Lithopoulos, 2007, p. 19). APLOs create relationships with the people in Indigenous communities to have a deeper understanding of the current problems impacting the community (as cited in Lithopoulos, 2007, p. 19). People serving the WAPS as an APLO are appointed to the position as per the Western Australian Police Act of 1892 (as cited in Lithopoulos, 2007, p. 20). In 2007, WAPS had appointed 104 Indigenous Peoples to these positions (as cited in Lithopoulos, 2007, p. 20).

The NTPF employs ACPOs, who have the autonomy to function as Indigenous police (Cegain 2015, p. 23) and act as a liaison and provide other culturally sensitive roles within the community (Lithopoulos, 2007, p. 21). ACPOs, who were also previously known as *aides*, aim to strengthen relations between Indigenous community members and officers by dedicating time and resources to developing relationships between themselves and the community (Lithopoulos, 2007, p. 21; Cegain, 2015, p. 23). As ACPOs are also Indigenous, they can build stronger

relationships with the community as they have a greater understanding of the community members on an individual level and as a whole while concurrently providing representation within the community, while police officers are often viewed as outsiders (Cegain 2015, p. 19).

In New South Wales, the police work alongside ACLOs, who are unsworn employees tasked with bridging the gap between officers and the community members (Barclay & Scott, 2013, p. 159). The core functions of ACLOs include increasing cultural awareness of officers through education; addressing disputes between community members and officers; enhancing the relationship and communication between officers and the community they serve; aiding officers and the community in crime prevention, and; communicating with the community to identify local issues that need to be addressed (Barclay & Scott, 2013, pp. 158-159).

The Australian Federal Police (AFP) provides services to the Australian Capital Territory, Canberra (Lithopoulos, 2007, p. 21). In 1998, the AFP introduced Indigenous Community Liaison Officers (ICLOs) to their service (Lithopoulos, 2007, p. 22). The ICLOs are tasked with monitoring and coordinating the activities of the Indigenous populations within Canberra (Lithopoulos, 2007, p. 22). Like the similar roles employed by other states and territories in Australia, the ICLOs maintain strong relationships with and liaise with community members (as cited in Lithopoulos, 2007, p. 22).

The Tasmania Police Department goes one step further than most other states and territories in Australia as they employ a Police Liaison Aboriginal Liaison Coordinator. The Police Liaison Aboriginal Liaison Coordinator's primary functions are to educate Indigenous groups on police functions, liaise between officers and Indigenous-focused organizations, and guide officers concerning their relations with Indigenous Peoples (as cited in Lithopoulos, 2007, p. 20).



Despite the successes of ACPOs, ACLOs, and various other similar roles, some scholars have identified shortcomings and points of improvement for these positions. For instance, there is a lack of communication and opportunities for communication between ACPOs and other members of the police force and between ACPOs themselves (Cefai, 2015, p. 24). Cefai (2015) recommends identifying and implementing communication strategies to encourage and enhance collaboration between groups (p. 24). Further, ACPOs have few opportunities to continue to advance in their careers as there is a lack of specialized positions and training (as cited in Cefai, 2015, p. 18). To combat this ongoing issue, Cefai (2015) suggests modifying the pay scale to recognize the efforts of long-term ACPOs, enhance training for ACPOs, create career pathways for ACPOs such as specializations, and provide educational opportunities for ACPOs to allow them to meet the standards of police officers (p. 24). Should Australian police departments implement these recommendations, the prevalence and effectiveness of ACPOs and their counterparts would increase, and more culturally appropriate services would be provided, subsequently increasing the communities' overall satisfaction with their services.

### **Community Patrols**

In an effort to prioritize the safety and well-being of Indigenous Peoples, community patrols, which are also known as night patrols, have been implemented in various Indigenous communities across Australia (Porter, 2016, p. 550). Following the 1991 Royal Commission into Aboriginal Deaths in Custody, the women of Yuendumu in central Australia created the first community patrol to address the lack of effective policing (Blagg & Valuri, 2004, pp. 317-318; Barclays & Scott, 2013, 159). By 2008, an estimated 130 patrols were established across the nation (as cited in Porter, 2016, p. 550). As patrols are locally run initiatives, the level of community involvement varies from community to community (Porter, 2016, p. 550). Patrols

use a noncoercive and culturally sensitive approach to mitigate the risks Indigenous Peoples face, diverting them from the criminal justice system and minimizing community disorder (Barclays & Scott, 2013, 159; Blagg & Valuri 2004, p. 315). Further, patrollers provide a sense of security for community members as they remain attentive to activity within their communities and respond to incidents as necessary (Sarre, 2005, p. 310).

The roles of community patrollers may be characterized as a combination of social workers, mentors, health workers, and caretakers (Porter, 2016, p. 557). Patrollers often play the role of social workers as they identify safe places for Indigenous young people to stay and work as a bridging service between Indigenous community members and mainstream services (Porter, 2016, p. 560). Patrollers observe these at-risk individuals daily to gather information and provide them with referrals to organizations and services that are best suited to meet their needs (Porter, 2016, p. 556). For instance, patrols often have strong relationships with other organizations and services such as hospitals, mental health facilities, substance user services, safe houses, child and family services, and legal services (Blagg & Valuris, 2004, p. 322). In terms of mentorship, patrollers maintain positive relationships with the young Indigenous Peoples they frequently encounter by being role models to them and showing genuine interest in their well-being and futures (Porter, 2016, pp. 553-554). Patrollers may educate these individuals by engaging them in conversations concerning substance use in a less formal setting (Porter, 2016, p. 554). Additionally, some may characterize patrollers as a 'counter-policing' measure as they work to minimize contact and confrontation between Indigenous Peoples and the police by removing them from high-risk areas or locations that are often patrolled by officers (Porter, 2016, p. 559).

The operations, aims, and funding for patrols are unique to each community according to their needs (Porter, 2016, p. 557; Barclays & Scott, 2013, 159). In terms of funding, most patrols rely on short-term funding from the state, territorial, and local governments, and funding provided by the Aboriginal and Torres Strait Islander Commission (Blagg & Valuri, 2004, p. 320). When identifying main concerns for their community, some patrols prioritize issues such as reducing family violence, alcohol consumption, mitigating police contact, and filling the gaps in services delivered to their communities (Porter, 2016, p. 550). In a study focused on the services provided by community patrols, Blagg and Valuri (2004) found that alcohol use was the biggest issue in most communities, with nearly ninety percent of patrols identifying it as their primary concern (p. 319). However, Blagg and Valuri (2004) identified that the primary concern in New South Wales was anti-social behaviour, while alcohol abuse and anti-social behaviour were of equal concern in Victoria (p. 319). Family violence within the Indigenous communities was found to be another major issue (Blagg & Valuri, 2004, p. 319).

Patrols use a noncoercive and culturally sensitive approach to mitigate the risks Indigenous Peoples face, diverting them from the criminal justice system and minimizing community disorder (Barclays & Scott, 2013, 159; Blagg & Valuri 2004, p. 315). Further, patrollers provide a sense of security for community members as they remain attentive to activity within their communities and respond to incidents as necessary (Sarre, 2005, p. 310). The primary duties of patrollers often include mentoring youths and mitigating conflict between community members and police (Porter, 2016, p. 550). Additionally, patrollers provide transportation for high-risk individuals to a safe place or their homes (Blagg & Valuri, 2004, p. 321). High-risk individuals include those facing homelessness or those at risk of being

perpetrators or victims of crime (Porter, 2016, p. 552). Typically, patrols are in contact with forty to fifty individuals per shift (Blagg & Valuri, 2004, p. 321).

Although patrols work to divert Indigenous Peoples away from police and the justice system, at times, they work in partnership with the police when the volatility of a situation is high, violence arises, or the situation otherwise becomes unmanageable for patrollers (Blagg & Valuri, 2004, pp. 322-323). Additionally, as the police and patrols work independently of one another, conflict between the groups is not unheard of (Porter, 2016, p. 550). However, some police departments and the patrols within their communities maintain positive relationships (Porter, 2004, p. 550).

When evaluating community or night patrols, scholars have found that the patrols effectively reduce youth crime rates and mitigate substance abuse and the subsequent associated harms (as cited in Barclay & Scott, 2013, p. 160). Further, they have been identified as an effective way to increase community members' perception of safety and promote, encourage, and demonstrate Indigenous leadership throughout the community (as cited in Barclay & Scott, 2013, p. 160). Finally, patrols promote cultural awareness and understanding between non-Indigenous and Indigenous communities (as cited in Barclay & Scott, 2013, p. 160).

### **The United States' Indigenous Policing**

The United States is home to 574 sovereign tribal nations with 334 reservations across thirty-four states (National Congress of American Indians, 2019, p. 11). The Indigenous populations of the US are referred to by two different terms: American Indian (AI) and Alaska Native (AN) (National Congress of American Indians, 2019, p. 12). There are approximately 56-million acres of reservation land in the United States, which is technically known as "Indian Country" (Lithopoulos, 2007, p. 9). The total Indigenous population is estimated to be 5.2

million as of 2010 (National Congress of American Indians, 2019, p. 12). As observed in Canada and Australia, the Indigenous population in the United States continues to grow at a significant rate. Between the years 2000 and 2010, the United States population grew nearly ten percent, while thirty-nine percent of the population had identified themselves as AI, AN, or in combination with various races (National Congress of American Indians, 2019, p. 13).

Similarly, the demographics within the Indigenous population of the US parallel Canada and Australia, as the average age for the Indigenous population compared to the non-Indigenous population are twenty-nine and thirty-eight years old, respectively (National Congress of American Indians, 2019, p. 13). In some states, this age gap is exacerbated; for example, approximately forty-one percent of Indigenous People in South Dakota are younger than eighteen years of age (National Congress of American Indians, 2019, p. 38). Additionally, compared to any other ethnicity or race, the Indigenous population in the United States are the most likely to be victims of violent crime (as cited in Butler & Jones, 2018, p. 114).

Federal, state, and tribal governments are recognized by the U.S. Constitution (Lithopoulos, 2007, p. 9). Indigenous communities in the United States were provided with increased autonomy and control over their law enforcement and educational services following the Indian Self-Determination and Education Assistance Act of 1975, which granted communities the ability to work with the federal government to fulfill these services (as cited in Gade, 2013, p. 133). Further, federally recognized tribes have the responsibility and power to create laws, policing services, courts, and correctional institutions (Lithopoulos, 2007, p. 9). Following Executive Order 13175 in 2000, each federally recognized tribe is viewed as government-to-government (Lithopoulos, 2007, p. 10). However, despite recognizing federal,

state, and tribal governments individually, all three governments play a role in Indigenous communities' law enforcement (Morin & Morin, 2019, p. 190).

Concerning law enforcement, Indian Country can be policed by three different types of agencies: local non-Indian police, agencies under the Bureau of Indian Affairs (BIA), and Tribal police (Kiedrowski, 2013, p. 16). Tribal policing and BIA services are the two most common models implemented on Indigenous lands (as cited in Gade, 2031, p. 133).

### **Local Non-Indigenous Policing**

On lands that the state has ceded, Public Law 280 allows for reservations to contract services from either the state police and county sheriffs in the area or other police services from agencies off the reservation should the reserve have the funds to support it (Wells, 2014, p. 123). As local non-Indigenous police services often do not have sufficient resources to cover the reservations, Indigenous communities under PL-280 frequently receive little or no policing services (Wells, 2014, p. 123). Additionally, due to the remoteness and large geographical space in which most Indigenous reservations are located, policing these areas is difficult and costly (Wells, 2014, p. 123).

To address the inadequacies of the services provided to Indigenous communities, some reservations create their own tribal policing agency; however, there are many obstacles to achieving this following the introduction of PL-280 and the subsequent loss of resources for Indigenous policing (Wells, 2014, p. 124). Due to the limitations, PL-280 sets forth, reservations under PL-280 have nearly half the number of tribal policing services than their non-PL-280 counterparts (as cited in Wells, 2014, p. 124).

### **Bureau of Indian Affairs**

In states that are not under PL-280, BIA-administered agencies fulfill the policing services on reservations (Wells, 2014, p. 125). The BIA was given jurisdiction as a result of the Indian Law Enforcement Reform Act, also known as Public Law 101-379 (Lithopoulos, 2007, p. 12). In areas the BIA has jurisdiction, the BIA is responsible for the agencies' administration and funding (Wells, 2014, p. 125). BIA departments are located on reservation lands, and the officers are considered federal employees under the BIA (Wells, 2014, p. 121). As BIA officers are federally commissioned, they have increased authority than tribal officers, as BIA officers can undertake major investigations (Wells, 2014, p. 126). For instance, the BIA administered forty-two investigative police programs by 2007 (as cited in Lithopoulos, 2007, p. 12).

Most officers in BIA-administered agencies are Indigenous Peoples from the local community (Wells, 2014, p. 125). However, despite many BIA officers being from the local community, they are not obligated to be accountable to the community members (Lithopoulos, 2007, p. 12). As a result, BIA agencies are expected to decrease in prevalence as tribes become more autonomous in terms of the law enforcement in their communities (Lithopoulos, 2007, p. 12). Nevertheless, according to some scholars, members of Indigenous communities served by BIA-administered services are found to perceive officers in a significantly more favourable light than the communities served under PL-280 (as cited in Wells, 2014, p. 126). Indigenous Peoples policed by the BIA commonly agreed that the officers are less biased and more available and responsive to the community than the county and state officers (as cited in Wells, 2017, p. 126). Nonetheless, community members frequently view officers in BIA-administered agencies as less understanding of the concerns of the tribe as they are an "outside authority" (Wells, 2014, p. 126).

### **Tribal Policing**

Some Indigenous communities self-administer tribal police agencies. By 2012, there were 178 tribal police agencies across the US (as cited in Butler & Jones, 2015, p. 113). Tribal policing has significant variation in officer complement from agency to agency, ranging from a minimum of two officers to over three hundred officers (Butler & Jones, 2018, p. 113). For instance, the two largest Indigenous-operated police agencies on tribal lands, the Navajo Nation police, and Oglala Sioux Nation police departments, serve approximately fifteen percent of all tribal residents (as cited in Butler & Jones, 2018, p. 113).

Civil matters and limited criminal jurisdiction are granted to tribal governments (National Congress of American Indians, 2019, p. 29). Despite the autonomy tribal policing provides the local community, tribal police officers have limited authority concerning police powers (Lithopoulos, 2007, p. 13). Some scholars have characterized tribal police agencies' power to arrest as analogous to citizens' arrest (see Lithopolous, 2013, p. 13). Tribal governments can prosecute Indigenous people who have committed offences within tribal lands; however, these are limited offences that have a three-year maximum sentence (National Congress of American Indian, 2019, p. 29). Additionally, tribal courts have limited powers when prosecuting non-Indigenous people who have committed offences on Indigenous territory. For instance, non-Indigenous people on tribal lands can be detained; however, tribal police cannot arrest them (Lithopoulos, 2007, p. 13). However, an exception was made in 2013 in cases of domestic violence perpetrated by a non-Indigenous person against an Indigenous individual on tribal lands (National Congress of American Indians, 2019, p. 29). Further, tribal police must turn non-Indigenous detainees over to the state or local authorities as there are limits on the duration tribal police may detain non-Indigenous people (Lithopolous, 2007, p. 13). Non-Indigenous detainees



must be released should the local or state authorities be unable to retrieve them promptly (as cited in Lithopoulos, 2007, p. 13).

Like the other models of Indigenous policing in the United States, jurisdictional concerns remain and continue to inhibit the investigative process on tribal lands (as cited in Gade, 2013, p. 133). For example, when an offence falls within the Major Crimes Act on Indigenous lands, the Federal Bureau of Investigation (FBI) will then have jurisdiction (Morin & morin, 2019, p. 190). Jurisdictional issues can partially be attributed to the various models in which tribal policing can be funded and contracted (as cited in Gade, 2013, p. 133).

First, the tribe can fund its own law enforcement agency through the revenue generated on the reservation (as cited in Wells & Falcone, 2008, p. 653). Additionally, reservations can seek external funding, not including the BIA, which allows the agency to operate with minimal BIA interference and oversight (Wells, 2014, p. 121; Wells & Falcone, 2008, p. 653). Self-funded tribal policing is often found on large, well-established reservations; however, this funding model is growing in prevalence as external funding is becoming more readily available to these agencies (as cited in Wells & Falcone, 2008, p. 653).

Under the Indian Self-Determination and Education Assistance Act of 1975 and the Indian Self-Governance Act of 1994, reservations can administer their own services while obtaining funds and resources from the BIA, which are also known as Public Law 683 contracts (Wells & Falcone, 2008, pp. 653-654; as cited in Lithopoulos, 2007, p. 13). PL-683 contracts allow the BIA to have little influence on the administration of services, and their oversight is primarily to ensure the conditions set out in the PL-683 contracts are met (Wells & Falcone, 2008, p. 654). Additionally, organizational frameworks, basic funding arrangements, and performance standards for police agencies are established under PL-683 (Lithopoulos, 2007, p.

13). PL-683 contracts are the most common arrangement and are continuing to grow in popularity (as cited in Wells & Falcone, 2008, p. 654).

Tribal governments can alternatively receive funding from the BIA through the Indian Self-Governance Act of 1994 and the amendments made to Public Law 93-683 (Wells, 2014, p. 127). The amendments to PL-93-683 provide the Indigenous communities with more autonomy over their law enforcement while limiting the BIA oversight compared to the contracts utilized under PL-383 in the past (Wells, 2014, p. 127). By 2007, there were approximately 154 investigative programs operated by Tribes under the Indian Self-Determination Act and PL-93-683 (Lithopoulos, 2007, p. 11). According to Lithopoulos (2007), the most rapidly growing tribal police models are those established under PL-93-683 (p. 11).

### **Discussion & Recommendations**

This research project was conducted to identify the effective and ineffective Indigenous policing practices on Indigenous lands in Canada by reflecting on the practices employed in the Indigenous communities of Canada, Australia, and the United States. After reviewing the selected literature concerning each country's Indigenous policing, I found several points of interest that could enhance the services provided to Indigenous communities in Canada. Additionally, I have identified gaps in the research concerning the Indigenous policing practices employed in Australia and the United States that must be addressed.

First, while reflecting on Canada's FNPP, several drawbacks were identified related to the lack of funding and resources. Specifically, the government defines Indigenous policing as an *enhanced* service rather than a *core* service, subsequently inhibiting FNPPs from securing stable and adequate funding. Additionally, despite SAs being structured to provide core services, they only receive the limited funding granted to enhanced services. To begin breaking down the

barriers to adequate funding, FNPPs must be redefined and federally recognized as a core service. Redefining FNPP agencies as core services will not only allow FNPPs to provide better quality services to Indigenous communities, but it will also demonstrate the governments' efforts to recognize, acknowledge, and reconcile with Canada's Indigenous Peoples.

Second, Canada could adapt and adopt some Indigenous policing practices used in Australia's Indigenous communities. For example, Australia's community patrols are community-led initiatives that have proven to mitigate contacts between Indigenous Peoples and law enforcement, reduce youth crime rates, decrease substance use, enhance the perception of safety within communities, and promote cultural awareness (as cited in Barclay & Scott, 2013, p. 160). Some urban communities in Canada have implemented Indigenous patrols similar to Australia's. For example, the Bear Clan Patrol (n.d.) was formed in 1992 in Winnipeg, aiming to create harmony within their communities through crime prevention, conflict resolution, being present in the community, and responding to situations quickly. According to the Bear Clan Patrol (n.d.), their mission is to provide a sense of personal security through collaboration with the community in a "non-threatening, non-violent, non-judgmental, and supportive way." In theory, Canada's federal government could provide funding for and encourage communities served under CTA and SA agreements to initiate their own community patrols that would work side by side with police officers in their communities. Additionally, should FNPPs be redefined to ensure appropriate funding, organizations similar to the Bear Clan can consistently provide services to Indigenous communities.

As community patrols are locally-run initiatives, community members' concerns will likely be more heavily considered and understood by patrol members and, subsequently, the officers serving their communities. Additionally, community patrols fill various roles and

services that are often lacking in Indigenous communities; therefore, their law enforcement will improve alongside several other necessary services. Finally, as Canada's FNPPs continuously lack funding, reallocating a small percentage of funding to incentivize initiating community patrols would reduce the need for additional funding for FNPPs officer long-term. As patrols decrease crime rates and substance use, theoretically, patrols would reduce the need for police presence, in turn saving funds that would have otherwise been allocated to policing services. To implement patrols effectively, a community must engage in extensive planning and consultation and ensure adequate support from government agencies (as cited in Blagg & Valuri, 2004, p. 325). Additionally, communities must assess their structural and cultural preparedness prior to implementing patrols to avoid the "cycle of failure" commonly observed when initiating SA services (as cited in Blagg & Valuri, 2004, p. 325).

As discussed throughout this project, Canada, Australia, and the United States share similar issues concerning their Indigenous populations. However, in terms of their Indigenous policing practices, a direct comparison has yet to be made. Regarding similarities, each country included in this analysis struggles to secure adequate funding. Canada and the US each have a framework that allows Indigenous communities to administer their own policing services, while Australia does not. Nonetheless, Australia excels in engaging with community members and providing services akin to community policing. In the US, cultural awareness seems of little significance in their approach to Indigenous policing, and despite the drawbacks to Canada's ability to demonstrate cultural awareness comprehensively, Canada and Australia promote and recognize the importance of cultural awareness.

## Conclusion

While Canada's First Nations Policing Programs were created to provide quality and culturally appropriate law enforcement services to Indigenous communities, the present study has highlighted several deficiencies in its execution. As discussed, there are several drawbacks to the policing models and practices employed on reservations in Canada. Topics and issues such as representation and cultural awareness, community policing, funding, administrative capacity, recruitment and retention rates, and officer training were discussed.

While reflecting on the Indigenous policing practices employed in Canada, the United States, and Australia, Canada could adopt, adapt, or modify the effective practices identified to enhance the services provided to Indigenous communities. The literature review of Canada's Indigenous policing practices highlighted the necessary modifications to Canada's definition and categorization of FNPP services. Recognizing FNPPs services as *core* services is essential to ensure adequate, ongoing funding for law enforcement in Indigenous communities. Additionally, Canada should investigate implementing initiatives similar to the community patrols observed in Australia. Integrating community patrols into Indigenous communities to work with the officers can mitigate crime in these areas while improving budget allocation for FNPPs.

Finally, despite the significant amount of literature explaining and outlining the Indigenous policing practices used in Australia and the United States, there are limited studies evaluating and highlighting the effectiveness of the practices employed, or the lack thereof. Moving forward, both the US and Australia must evaluate their Indigenous policing practices to ensure that the growing Indigenous populations in their countries are adequately and appropriately served.

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