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Officers' Perceptions of the Ontario Provincial Police Framework for Police Preparedness for Indigenous Critical Incidents

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Walden University
2022

Abstract

Officers' Perceptions of the Ontario Provincial Police Framework for Police

Preparedness for Indigenous Critical Incidents

by

Armand P. La Barge

M. Phil., Walden University, 2022

M. A., Trent University, 2007

B.A. (Hons), York University, 1995

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

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Criminal Justice

Walden University

August 2022

Abstract

Responding to First Nation occupations and protests is one of the most challenging duties that police officers in Canada undertake. Over the last 30 years, these types of incidents have resulted in deaths and injuries to police and protesters, and millions of dollars' worth of damage and financial loss. After the 1995 shooting death of an unarmed Indigenous protester by police at the Ipperwash occupation, the Ontario Provincial Police (OPP) introduced an unconventional operational approach for protests known as the OPP Framework policy. That approach was built on the concepts of peacekeeping, patient negotiation, mutual respect, and the minimal use of force, and only as a last resort. To address a gap in academic literature pertaining to officers' perceptions of the Framework, data for this qualitative phenomenological research study were collected using interviews of 23 participants and analysis of archival records. Despite public criticism of the Framework approach, participants overwhelmingly supported it, highlighting the OPP Provincial Liaison Team members' work in building strong relationships and trust with First Nations as its greatest strength. Those relationships enabled police to resolve more than 700 Indigenous critical incidents without having to resort to the use of force. In order to enhance the policy's public perception and operational effectiveness, participants suggested improvements in training and education, internal and external communication, clarifying the role of government, and addressing public concerns about two-tiered policing. The study findings have potential implications for positive social change by averting or mitigating future protests and by altering negative the public perception of the Framework's conciliatory and rights-based approach to resolving conflict.

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Dedication

This work is dedicated to my wife Denise for her unconditional and steadfast support throughout my entire academic journey. From the moment I began my first criminal justice course at Seneca College in 1983 to completing my Ph.D. at Walden University in 2022, she has been a constant source of inspiration and encouragement. Over the past 39 years, she has taken time from her busy schedule as a law enforcement professional and leader to share her insights and experience on justice-related issues with me. She helped keep me focused and organized, and she willingly took on such critical roles as motivator, coach, proofreader, transcriber, evaluator, and editor. I could never have completed this work without her unwavering assistance, guidance, support, and encouragement.

I would also like to dedicate this work to the brave men and women of Canada's police services who selflessly place themselves in harm's way to ensure the communities we call home are safe places in which to work, live, and raise a family. Although much work has been done in the past two and a half decades by police to heal and improve relations with Indigenous Peoples, we must be steadfast in our individual and collective efforts to redress the impact of colonialism on them and to advance the cause of truth and reconciliation through our actions and not just our words.

I would also like to dedicate this work to the Indigenous Peoples who have lived on and been stewards of this land we now call Canada from time immemorial. May we honor all First Nations, Inuit, and Métis people and thank them for their past and present contributions to this land. Gchii-Miigwetch and Niawen'kó:wa.

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Chapter 1: Introduction to the Study

Introduction

Over the last 30 years, Indigenous critical incidents in Ontario and Canada have taken the form of high-profile blockades of major highways, bridges, railways, pipeline routes, border crossings, and the occupation of large scale residential and industrial projects being constructed on unceded, disputed and sacred traditional land. The 1990 shooting death of 31-year-old Corporal Marcel Lemay of the Sûreté du Québec (SQ) by a Mohawk protester at the Oka crisis, and the shooting death of 38-year-old Dudley George, an unarmed Ojibwa land defender, by an Ontario Provincial Police (OPP) sniper in 1995 at the Ipperwash crisis underscore how dangerous these types of incidents can be for police and protesters alike.

In the midst of the 2005-2007 Ipperwash Inquiry that was called into George's death, the OPP introduced an unconventional operational policy known as the OPP Framework for Police Preparedness for Indigenous Critical Incidents (OPP Framework). Unlike previous approaches to Indigenous critical incidents that relied on the high-profile and immediate engagement of heavily armed police tactical officers and the over reliance on the maximum display and use of force to resolve these decades old civil disputes, the OPP Framework approach was founded on the principles of peacekeeping, patient negotiation, mutual respect, maintaining neutrality, engaging in open and honest dialogue, facilitating the rights of everyone involved, and using the minimal amount of force necessary, and only as a last resort (Ipperwash Inquiry, 2007; OPP, 2018).

The OPP Framework has been successfully applied in more than 700 Indigenous critical incidents without the loss of life or serious injury since it was first used at the 2006 Douglas Creek Estates occupation near Caledonia involving members of the Six Nations of the Grand River, however, it has nonetheless been the subject of widespread public, media and stakeholder criticism and derision. One national columnist accused police of standing by as residents in Caledonia were terrorized by First Nation protestors and serious criminal offenses were committed, while another asserted that “there must be some middle ground between Ipperwash-style lethal aggression” that was used by the police before the OPP Framework policy was enacted and “the Caledonia-style helpless passivity” that has been in place since it went into effect (Blatchford, 2013a, 2013b; Den Tandt, 2013, para. 3). After Indigenous protestors blocked the Macdonald-Cartier Freeway, North America’s busiest highway, one police leader characterized law enforcement response using the OPP Framework as “meat-in-the-sandwich policing, with the OPP being the meat between governments and Aboriginal activists” (Valpy, 2007, para. 11).

Much of the criticism surrounding the use of the OPP Framework from the public, the media, the judiciary, and some law enforcement officers has been focused on the exercise of discretion and restraint by police when criminal offences are committed by protestors at Indigenous critical incidents and by their refusal to immediately enforce Superior Court injunctions. As a result of those actions, officers using the OPP Framework approach have been accused of engaging in two-tiered or bias based policing in favor of First Nation protestors. This qualitative phenomenological research study

provides insight into police officers' perceptions of the strengths and weaknesses of the OPP Framework policy and what changes, if any, they feel should be considered to improve that policy's operational effectiveness or public acceptance. Chapter 1 will include details on the background, purpose, nature and significance of the study, along with details on the problem statement, research questions, the conceptual and theoretical frameworks used and the assumptions made throughout the study. The chapter also details the scope, delimitations, and limitations of the study.

Background of the Study

The various manifestations of Indigenous activism that have occurred in Canada, including First Nation occupations and protests, can be traced back to historic and contemporary efforts by the state to subjugate, exclude, assimilate, or annihilate Indigenous Peoples, to deprive them of their inherent and constitutionally protected rights, and to dispossess or displace them from their traditional resource-rich lands (Hebert, 2019; Neeganagwedgin, 2015, 2019; Nichols, 2018). Belanger and Lackenbauer (2014) described a failed attempt by the federal government to eliminate Indigenous Peoples' special status in Canada through the introduction of the "White Paper" in 1969 as inadvertently resulting in "an Aboriginal call to arms, which taught First Nation leaders that they could influence future government policy through collective, direct, and hostile resistance" (pp. 10–11).

To provide some insight into why the OPP Framework was developed and why it has endured despite the widespread negativity surrounding its use at First Nation occupations and protests, some background information on the Ipperwash crisis, which

was the impetus for the creation of the policy, is required. That background information also provides valuable insight into why Indigenous Peoples feel compelled to resort to such direct forms of activism as occupations and protests and the contradictory role that government and anti-Indigenous racism and cultural insensitivity have played at such critical incidents.

The seeds of the 1995 Ipperwash crisis were sewn as far back as 1929 when under intense pressure from the Canadian Department of Indian Affairs, the Stoney and Kettle Point First Nation surrendered a 230-acre parcel of land along the shoreline of Lake Huron, 140 acres of which was later purchased by the Ontario government in 1936 for use as a provincial park, to developers (Alexander, 2016; Clancy, 2017; Hedican, 2008b, 2012, 2013; Lackenbauer & Gulewitsch, 2014; Morden, 2015). In April 1942, the Canadian Department of National Defense expropriated an additional 2200 acres of land from the Stoney and Kettle Point First Nation under the authority of the War Measures Act to construct a WWII military training facility on the site (Alexander, 2016; Clancy, 2017; Hedican, 2008b, 2012, 2013; Lackenbauer & Gulewitsch, 2014; Morden, 2015).

Having acquired that land, the government destroyed the residences, barns, and other buildings and forced the Stoney Point First Nation residents to re-locate to the already crowded Kettle Point area of the reserve. According to Hedican (2008b) and Edwards (2001), since the land at Kettle Point was incapable of sustaining the additional families from Stoney Point, they endured much hardship and experienced friction and tension with the original residents. Despite assurances that the military training facility would be demobilized following the end of WWII and the land would be returned to the

First Nation for a fair price, the Government of Canada maintained ownership and control of the 2200 acres that had been expropriated and turned it into an army cadet camp.

Repeated appeals through diplomatic and legal channels by the Kettle and Stoney Point First Nation to reacquire their land and to safeguard the sacred gravesites located thereon which the federal and provincial governments had taken no steps to protect were ignored by the federal government or were unsuccessful (Alexander, 2016; Clancy, 2017; Hedican, 2008b, 2012, 2013; Lackenbauer & Gulewitsch, 2014; Morden, 2015).

In 1993, a small group of Stoney Point land defenders asserted their claim on the 2200-acre cadet camp site by peacefully occupying the military range. The subsequent peaceful takeover of the entire camp by the protesters inspired Dudley George and two dozen other frustrated Stoney Pointers' confidence and led them to expand the occupation to include the Ipperwash Provincial Park portion of their traditional territory in September 1995 (Clancy, 2017; Hedican, 2008b, 2012, 2013; Lackenbauer & Gulewitsch, 2014; Miller, 2008; Morden, 2015; Nichols, 2018). Regular uniform officers from the local and area police detachments and heavily armed members of the OPP's crowd management unit (CMU) and tactical response unit (TRU) responded to the protest site and negotiations between the incident commander and the protest leaders were initiated.

To create the illusion that there were many more Indigenous occupiers in the provincial park so as to dissuade the police CMU and TRU members from taking any aggressive action against them, the protesters collected sticks and rocks, built bonfires, and positioned vehicles in a defensive position during the evening of September 6, 1995

(Edwards, 2001; Ipperwash Inquiry, 2007; Lackenbauer & Gulewitsch, 2014). Having mistaken these actions as being an aggressive move that signaled the beginning of an attack on the police ranks and believing flawed and unverified intelligence that the occupiers were in possession of AK-47 assault weapons, hunting rifles and Molotov cocktails, the incident commander made the fatal decision to deploy the 32-member CMU and the eight-member TRU teams in contradiction of the operational plan which detailed the use of a peaceful approach to resolve the conflict (Ipperwash Inquiry, 2007, pp. 445–447).

Expecting that the demonstrative show of force by the police would contain the protest by moving the occupiers away from the entrance and back into the provincial park, the incident commander was surprised that this move served to escalate the conflict and inflame the 30 or so First Nation land defenders who had positioned themselves outside the gate (Edwards, 2001; Ipperwash Inquiry, 2007; Lackenbauer & Gulewitsch, 2014). Unnerved and undeterred by the actions of the CMU and TRU members, the protesters held their ground and became involved in hand-to-hand combat with the police officers who attempted to arrest one of them, using sticks and rocks to try to repel them (Edwards, 2001; Ipperwash Inquiry, 2007; Lackenbauer & Gulewitsch, 2014).

When two teenage protesters attempted to flee the area in a school bus, seven members of the CMU and TRU opened fire on that bus and on a second vehicle that police claimed was driven dangerously close to them (Edwards, 2001; Ipperwash Inquiry, 2007; Lackenbauer & Gulewitsch, 2014). Hearing the gun fire as he was walking towards the park, OPP sniper and second in command of the eight-member TRU team, Acting

Sergeant Ken Deane encountered 38-year-old protester Dudley George. Claiming that he had seen two muzzle flashes come from the area where George exited onto the roadway and that George pointed a rifle at other OPP officers in the area, Deane fired three quick shots, which proved to be fatal (Edwards, 2001; Ipperwash Inquiry, 2007; Lackenbauer & Gulewitsch, 2014). Deane's account of the incident was refuted by the testimony of another officer in the immediate area who claimed he did not see any muzzle flashes and that George was in possession of a stick and not a rifle.

Following the shooting, a police supervisor immediately called for a cease fire and ordered the CMU and TRU officers to retreat to the command post. A critically injured Dudley George was removed to a nearby hospital by friends, where he succumbed to his wounds. In the aftermath of his death, the entire Kettle and Stoney Point First Nation mobilized its members, as hundreds of them blocked main roadways and burned some buildings down in the park, forcing the OPP to evacuate the nearby town of Forest, to remove their barricades, and to cede complete control of the park and cadet camp to the First Nation occupiers (Edwards, 2001; Ipperwash Inquiry, 2007; Lackenbauer & Gulewitsch, 2014).

Following an investigation by the Ontario's independent Special Investigations Unit, OPP Acting Sergeant Deane, a 12-year veteran of the force, was subsequently charged, and later convicted in May 1997 of criminal negligence causing death. The judge discounted much of the testimony that Deane and two other OPP officers gave during the trial, claiming it would have been impossible for George to have continue to scan other officers with a rifle after he had been shot by a bullet that broke his collar

bone, pierced his left lung, and broke two ribs, let alone dispose of that weapon by throwing it into a nearby field (Grange, 1997). Deane was later sentenced to two years less a day to be served in the community, which was held up on appeal, and he was subsequently charged and pled guilty to discreditable conduct under the Police Services Act and ordered to resign. In a tragic twist of fate, in February 2006 Deane was killed in a motor vehicle collision in eastern Ontario just weeks before he was expected to testify at the Ipperwash Inquiry.

In his voluminous report, the Ipperwash Inquiry commissioner drew attention to the role that cultural insensitivity and racism on the part of the Ontario government and some OPP officers played in a breakdown in communication and the lack of any form of trust that existed between the police and protesters throughout the Ipperwash crisis, all of which contributed to the shooting death of Dudley George (Belanger & Lackenbauer, 2014; Edwards, 2001; Hedican, 2008b, 2009, 2012, 2013; Ipperwash Inquiry, 2007; Morden, 2015; Southam, 2006). Despite the desire of the OPP incident commander to pursue a patient and go-slow approach and to seek a contained and peaceful resolution as was stressed in their operational plan, police options were narrowed by the premier and Ontario government's imperative for a speedy conclusion to the occupation of Ipperwash, even though the park was closed for the season and there was no information that would indicate the public or police were at risk (Edwards, 2001; Hedican, 2013; Ipperwash Inquiry, 2007, p. 392).

At the root of the premier and Ontario government's position was the belief that the Stoney Creek First Nation occupiers had no legitimate claim on the park and were

illegally trespassing on provincial land (Ipperwash Inquiry, 2007, p. 248). Despite appeals by seasoned civil servants that mediation and peaceful negotiations be undertaken to bring an end to the two-day occupation, the Ontario government made it known that they wanted the occupiers removed from the provincial park by the police immediately (Ipperwash Inquiry, 2007, p. 352). Testimony provided at the Ipperwash Inquiry (2007) by no less than the Ontario Attorney General, the province's chief law officer, highlighted this fact. Just hours before the ill-fated raid on the occupiers during which Dudley George was shot to death, Ontario's premier was quoted as saying, "Get those fucking Indians out of the park, and use guns if you have to" (Ipperwash Inquiry, 2007, p. 361). Although the premier denied making that comment, he did agree that he wanted police to take clear and decisive action to end the occupation as soon as possible, despite the OPP incident commander's desire to wait until police were in possession of a court order or injunction to remove them (Edwards, 2001; Ipperwash Inquiry, 2007; Lackenbauer & Gulewitsch, 2014; Webber, 2006).

Evidence about anti-Indigenous racist attitudes and comments made by OPP officers at the Ipperwash stand-off also emerged from testimony, and documentary and electronic evidence that were presented at the Ipperwash Inquiry (CBC, 2004; Edwards, 2001; Gray, 2004; Kienapple, 2004; Ipperwash Inquiry, 2007; Lackenbauer & Gulewitsch, 2014; Webber, 2006). Testimony disclosed the fact that officers had produced and distributed offensive coffee mugs and T-shirts containing racist imagery of Indigenous Peoples. Those items were created with the ill-intent of commemorating the OPP's actions at the Ipperwash protest (Ipperwash Inquiry, 2007). The inquiry also heard

a number of tape-recorded conversations of various OPP officers making derogatory remarks about Indigenous Peoples. This and other evidence led Inquiry Commissioner Justice Linden to conclude that police racism at the Ipperwash occupation and protest was not an isolated incident (Ipperwash Inquiry, 2007). Justice Linden also ruled that “cultural insensitivity and racism created a barrier to the development of a peaceful solution to the standoff because it negated the development of any sense of trust or communication between the land defenders and the police” (Ipperwash Inquiry, 2007, p. 642).

Despite repeated appeals by First Nation leaders and members of the opposition, the Conservative government of Premier Mike Harris refused to order a judicial inquiry into the circumstances surrounding the actions of the OPP at the 1995 Ipperwash occupation. In 2003, shortly after a change in government, an inquiry was established by the Liberal premier and government for the purpose of investigating the events surrounding the death of George and for making recommendations on how to prevent a similar escalation of violence at future Indigenous critical incidents (Belanger & Lackenbauer, 2014; Edwards, 2001; Hedican, 2008b, 2009, 2012, 2013; Ipperwash Inquiry, 2007; Morden, 2015; Southam, 2006). That landmark two-year public inquiry which began in 2005 culminated with the release of a four-volume 1,533-page report that made 100 recommendations. One of those recommendations included the adoption of a police approach at First Nation occupations and protests that was more constructive, peaceful, and respectful, and one that involves the minimal use of force, and only as a last resort (Ipperwash Inquiry, 2007, p. 237, p. 240; OMAG, 2006; OPP, 2018b).

Although the Inquiry Commissioner acknowledged in his 2007 report the considerable changes that had taken place in OPP programs and policies designed to promote relationship-building with First Nation communities and in the policing of Indigenous occupations and protests since the 1995 shooting death of Dudley George at Ipperwash, his report nonetheless contained several recommendations on the proper role of police at such conflicts and it identified and lauded the OPP Framework as just one element of a comprehensive OPP strategy to improve the policing of Indigenous occupations and protests (Ipperwash Inquiry, 2007).

The OPP Framework is founded on the principle of safeguarding the individual rights enshrined within the law, inclusive of those specifically respecting the rights of Aboriginal persons of Canada as set out in the Canadian Charter of Rights and Freedoms (Ipperwash Inquiry, 2007; OMAG, 2006; OPP, 2013, 2020). Although the OPP Framework can be applied to any critical incident, it recognizes that Indigenous protests and confrontations are unique and complex (OPP, 2013, 2020). These types of incidents require all officers to be specially trained in Indigenous history and culture and they also require consultation and collaboration with such specialized expertise and resources as the Indigenous Policing Bureau, provincial liaison team, major critical incident mediators, First Nation police services, and members of Indigenous communities (OPP, 2013, 2018b, 2018c, 2020).

The OPP Framework has been successfully applied in more than 700 Indigenous critical incidents since it was unveiled in 2006. Although all the requisite characteristics outlined by the Ipperwash Inquiry commissioner are embodied in that operational policy,

the police using the OPP Framework at First Nation occupations and protests have nonetheless been heavily criticized by Indigenous Peoples for excessive use of force and by various other non-Indigenous stakeholders for failing to maintain law and order and for engaging in two-tiered or bias based policing. Despite the Inquiry Commissioner's strong recommendation that the OPP Framework undergo an independent, third-party evaluation with Indigenous input, that policy has thus far not been subjected to such an evaluation, nor has there been any research undertaken into the opinions and perceptions of police officers who are called upon to implement it in the face of heavy criticism and serious threats to their health and safety, and sometimes lives. This qualitative phenomenological research study remedied that situation.

Problem Statement

Although police in Ontario are mandated to preserve the peace, prevent offenses, and enforce the law in a neutral manner that respects and protects the rights of all involved parties at Indigenous critical incidents, responding to First Nation occupations and blockades is one of the most highly politicized and challenging responsibilities that law enforcement officers in that province encounter (OPP, 2013). According to Justice Sidney B. Linden, the tactics officers use at Indigenous occupations and protests are important to Indigenous protesters, Indigenous communities, the police, and all Ontarians (Ipperwash Inquiry, 2007, p. 181). The OPP Framework, which relies on engagement with communities and community members through open dialogue, transparency, and relationships for its effectiveness and which emphasizes peacekeeping to minimize violence, keep and restore public order, maintain neutrality, facilitate rights, and work

toward trusting relationships was intended to be a flexible, consistent, and professional response to Indigenous critical incidents (OPP, 2016).

Despite the fact that this best practice policy and collaborative approach to resolving issues has been successfully used in excess of a thousand Indigenous and non-Indigenous critical incidents in the more than a decade and a half that it has been in place, the police have nonetheless encountered numerous challenges when applying this operational policy (OPP, 2013, 2014, 2015, 2016, 2017, 2018, 2020). These challenges have led to widespread criticism from Indigenous activists and leaders, members of the media, members of the judiciary, business and property owners affected by the protest, and by police officers themselves. Even though there has been no serious injuries or loss of life since the shooting death of an unarmed First Nation land defender by police in 1995 at the Ipperwash occupation, much of the criticism has caused many, including a Superior Court Justice who asserted that no person in Canada stands above or outside the law, to question the policy's effectiveness, the OPP's commitment to the rule of law, and their ability and willingness to enforce it during Indigenous protests.

Despite the importance of the findings and recommendations of the Ipperwash Inquiry (2007), Lackenbauer and Gulewitsch (2014) have characterized the inquiry's final report as being an "overly one sided, heavily sanitized version of history" and one "that hits all the right chords of political correctness and intentionally avoids any criticism or blame of the Aboriginal protesters for their direct action" (p. 289). Research conducted by Parent and Parent (2019), Hedican (2008a, 2008b, 2012, 2015), Morden (2014), Parent (2014), Dafnos (2013), Pasternak et al. (2013), Sancton (2012), and Swain

(2010) has illuminated some of the positive and collaborative aspects of the OPP Framework's more conciliatory and less-violent approach. However, some of those researchers also raised concerns about the criminalization and strategic incapacitation of Indigenous activism through the use of the OPP Framework. Neither the problems that law enforcement agencies and officers encounter when applying the OPP Framework at First Nation occupations and protests, nor the frontline officers' perceptions about the strengths and weaknesses of that policy and suggested changes to it have been fully explored. This study was intended to address that omission.

Purpose of the Study

The purpose of this study was to address a gap in academic research and literature pertaining to the OPP Framework policy. That policy was formally introduced at a 2007 public inquiry into the 1995 shooting death by an OPP officer of an unarmed First Nation land defender at the Ipperwash Provincial Park. According to the OPP Framework annual reports, officers have successfully used that operational policy at more than 700 Indigenous critical incidents and hundreds of non-Indigenous events since its inception in 2007 (OPP, 2013, 2014, 2015, 2016, 2017, 2018, 2020).

Despite the fact that a large segment of the public, various national journalists, and other stakeholders have been critical of the OPP's management of several high-profile occupations and protests, there is a surprising paucity of academic research and literature into this operational policy. There has been no known organizational or academic effort to assess the perceptions of the officers who are called on to implement the OPP Framework policy at First Nation occupations and blockades. Nonetheless, the

Framework continues to be considered and promoted as the best practice approach to responding to Indigenous critical incidents, and it has influenced how police handle these types of events nationally (CACP, 2019a, 2019b, 2020). The purpose of this qualitative phenomenological study was to address the gap in academic research and literature by exploring police officers' perceptions of the OPP Framework policy, including its strengths and weaknesses, to determine what changes, if any, might improve the policy's public acceptance and operational effectiveness.

Research Questions

This study into law enforcement officers' perceptions about the operational policy used in Ontario to prevent and respond to Indigenous occupations and protests was guided by the following three research questions:

RQ1: What are police officers' perceptions of the OPP Framework policy?

RQ2: What are the strengths and weaknesses of the OPP Framework policy?

RQ3: What changes, if any, should be considered for the OPP Framework policy?

Nature of the Study

This research inquiry was intended to gather data on the phenomenon of Indigenous occupations and protests and to explore the perceptions of law enforcement officers about the OPP Framework, including that policy's strengths and weaknesses and any suggested changes or enhancements that should be considered. Because of the exploratory nature of the research questions, a qualitative approach using in-depth semistructured interviews and analysis of existing documentary and archival data was chosen for this research inquiry. Unlike a quantitative research design, which is

commonly used to quantify a problem and determine how prevalent it is within a larger population, Ravitch and Carl (2016) contended that a qualitative approach is used to explore and to gain an understanding of underlying reasons and opinions. O'Sullivan et al. (2017) argued that the data a qualitative research design produces are more granular and yield highly detailed information on fewer cases.

A qualitative approach using in-depth semistructured interviews was also selected because of the important Indigenous aspects to this research and the involvement of First Nation police officers as participants. According to Patton (2015), this data collection method is conducive to the oral or story-telling traditions of First Nations Peoples. According to Rubin and Rubin (2011), this method enables a researcher to explore a variety of perspectives about a phenomenon.

In addition to the use of in-depth semistructured interviews, data for this qualitative research study were collected through analysis of existing documentation and archival records. In the aftermath of the shooting death of a Quebec provincial police officer by a First Nation protester at a blockade of a golf course in Oka in 1990, and the killing of a First Nation land defender by police at the Ipperwash Provincial Park occupation in 1995, Indigenous critical incidents in Canada have garnered a great deal of media attention locally, nationally, and internationally. The way police and government respond to these and other Indigenous critical incidents has been subjected to independent scrutiny in the form of public inquiries, lawsuits, criminal court cases, government studies, annual reports, and third-party human rights investigations. These processes have resulted in the publication of a large body of documentation and archival records, all of

which were analyzed throughout this qualitative research study. Those records were also used to identify potential interview candidates, shape the interview questions, and enhance the interview process. Rubin and Rubin (2011) contended that individuals who are being interviewed are more likely to open up to a researcher if they know that researcher has read a report they authored or are named in and if the interviewee knows the researcher is fully briefed on the subject matter.

Conceptual Framework

A conceptual framework is a researcher's understanding of how best to explore their research problem, whereas a theoretical framework is a blueprint or guide for a research study (Grant & Osanloo, 2014). A conceptual framework is more holistic and offers a logical structure of connected concepts; a theoretical framework holds or supports a specific theory or theories. Ravitch and Carl (2016) contended that the former is analogous to a bridge that connects a study's context, theory, and the way the study is structured and conducted. Adom et al. (2018) asserted that a theoretical framework is used to position a research study in scholarly and academic fashion. Conceptual frameworks have been characterized as a researcher's worldview on the phenomenon being studied; they enable a researcher to explain from an academic perspective why it is important to study that phenomenon.

Pursuant to the Comprehensive Police Services Act of Ontario 2019, police agencies in Ontario are required to provide crime prevention, law enforcement, assistance to victims of crime, public order maintenance, and emergency response services to the citizens they serve (Government of Ontario, 2019, p. 15). That same legislation requires

the OPP and the province's municipal or local police agencies to provide those services in accordance with the need to ensure the safety and security of all persons and property and the need to be responsive to the unique histories and cultures of Indigenous Peoples (Government of Ontario, 2019, p. 7). In furtherance of the legislative requirement to ensure the safety and security of all persons and property, the conceptual framework or worldview of many of Ontario's police professionals is masculine in nature (Glick et al, 2018), and is characterized by a law-and-order focus. Rawski and Workman-Stark (2018) posited that policing is characterized by such masculine contest culture dimensions as, "show no weakness, strengths and stamina, put work first, and dog-eat-dog" (p. 607). Stoughton (2016) referred to that worldview as more in with warrior ethos as opposed to a peacekeeping one.

Policing in Ontario is synonymous with the term "law enforcement" as is evidenced by the regular use of that vernacular inside and outside the profession to describe police professionals in that province. However, a police officer's other legislative duties include preserving peace, preventing crime, and assisting victims pursuant to the Comprehensive Police Services Act of Ontario 2019 (Government of Ontario, 2019). In Ontario, the law-and-order duties of police officers are detailed in the Comprehensive Police Services Act of Ontario 2019 as apprehending criminals, laying charges, and executing warrants (Government of Ontario, 2019, p. 52). Those duties comprise only a small portion of an officer's daily activities; yet they maintain an elevated position within the members' conceptual framework or worldview. In the past, police's physical entrance standards and recruitment strategies supported that worldview,

and even today, that law enforcement-first or warrior ethos conceptual framework is re-enforced by much of the foundational training officers receive at the Ontario Police College and by the annual in-service training they receive in their local police academies. That warrior ethos conceptual framework is also re-enforced by the increased militarization of police vehicles, firearms, equipment, units, and uniforms in Canada and the United States, and by the unsanctioned display of thin blue line pins on uniforms (Campbell, 2020; Cyr et al., 2020; Roziere & Walby, 2018, 2020).

In contrast to the law-and-order or warrior ethos worldview inculcated in the ranks of many of Ontario's non-First Nation police services, First Nation Police Service officers are referred to as "peacekeepers". First National Police Service officers' conceptual framework is clearly focused on being guardians of the peace or peacekeeping before policing (Curtis, 2020). Canada's largest and North America's second largest First Nation or Tribal police agency, the Nishnawbe-Aski First Nation Police Service (NAPS, 2020) stresses the importance of protecting persons and property through crime prevention and community education first, followed by appropriate law enforcement. The pipe on the NAPS (2020) uniform crest is described as "a symbol of peace, respect, and honor for the Native People and members of the police service".

The primacy of peacekeeping in the OPP Framework versus the use of force or law enforcement first approach, and the emphasis on the use of police discretion when witnessing criminal acts and when asked to enforce court orders and injunctions at Indigenous occupations and protests appears to be at odds with the warrior ethos conceptual framework that many of the frontline officers and the courts and public have

about the police role at such protests (Alexander, 2016; Blackburn, 2010; Blatchford, 2009, 2010, 2013; CBC News, 2013a, 2013b; Chiefs of Ontario, 2006; Clancy, 2017; CTV News, 2007a; Dafnos, 2013; Den Tandt, 2013; Gillham et al., 2013; Gillham & Noakes, 2007; Gurney, 2013; Hedican, 2012, 2013; Howe & Monaghan, 2018; McVicar, 2013; Noakes & Gillham, 2006; Smith, 2007; Valpy, 2007; Whelan & Molnar, 2017; Wood, 2016). As a result, the law enforcement or warrior ethos conceptual framework and its perceived conflict with the OPP Framework was explored throughout this study.

Theoretical Framework

This qualitative research study was also guided by a cultural competence theoretical framework. Levesque-Bristol and Cornelius-White (2012) contended that cultural competence “begins with cultural self-awareness and expands to knowledge, respect, and skills for engaging with those of other cultures” (p. 698). Kohli et al. (2010) asserted that cultural competence better enables professionals “to function more successfully with people from different races and cultures” (p. 257). According to Carrizales et al. (2016) and Norman-Major and Gooden (2012), an organization is more effective when the concepts of cultural competence and diversity are celebrated and promoted. Those concepts, or more specifically, the lack of training, education, and experience in those concepts feature prominently in the literature and official reports dealing with police and government response to Indigenous occupations and protests.

Stepanoviene (2019) contended that a police officer’s ability to communicate and to effectively perform their duties is compromised by a lack of cultural competence in multicultural societies such as Canada, while Sereni-Massinger and Wood (2016) and

Sereni-Massinger et al. (2016) asserted that the absence of cross-cultural leadership within policing and other sectors has contributed to much of the conflict that exists in American society today. Other academics have argued that law enforcement's response to Indigenous critical incidents is not only enhanced with police cultural competence training, but by the purposeful deployment of First Nation police officers at Indigenous occupations and protests because of their inherent understanding of First Nation culture and the language of the protesters, and the settings in which many of those Indigenous officers were raised (Lithopoulos & Ruddell, 2011).

The need for enhanced cultural competence when interacting with Indigenous Peoples features prominently in the OPP Framework, and in the other components of the OPP's efforts to demonstrate respect and responsiveness to the unique histories and cultures of Indigenous Peoples when trying to prevent and respond to First Nation protests and occupations (Government of Ontario, 2019; Hedican, 2012; Ipperwash Inquiry, 2007; Parent, 2014; Parent & Parent, 2019). As a result, the theoretical concept of cultural competence helped guide this qualitative phenomenological research study.

Assumptions

Officers' Belief in the Rule of Law

This qualitative study was guided by the assumption that police officers have a strong belief in the rule of law, and despite the requirement under the OPP Framework that officers exercise restraint and discretion when witnessing the commission of criminal offences at First Nation occupations and protests, it is assumed that there is a limit to that exercise of restraint and discretion that the media, public, and police officers will accept

(Clairmont & Potts, 2006; Hedican, 2012; Parent, 2014; Platiel, 1996). Evidence for that assumption can be found in a senior police leader's characterization of the OPP Framework approach as "meat-in-the-sandwich policing with the OPP being the meat between governments and First Nation protesters" (Valpy, 2007, para. 11). National columnists argued that there must be some "middle ground between the Ipperwash-style lethal aggression" that was used by the police before the new OPP Framework policy was enacted and "the Caledonia-style helpless passivity" that has been in place since it went into effect (Blatchford, 2013a, 2013b; Den Tandt, 2013, para. 3; Valpy, 2007).

Uniqueness of Indigenous Critical Incidents

Indigenous leaders characterize the history of the First Peoples of North America as 150 years of betrayal in which the country's so-called two founding nations—the French and the English—displaced them from their traditional territories and recast their land into a new confederated state (Ladner & Tait, (2017). Indigenous Peoples' unique history of displacement was also characterized by such regressive state policies and practices as "Indian" residential schools, the reserve system, a ban on their rich cultural and spiritual practices, and purposely ignoring land and treaty claims (R. v. Gladue [1999] 1S.C.R. 688). These and other regressive acts have translated into lower educational attainment, lower incomes, higher unemployment rates, higher rates of substance abuse and suicide, and higher levels of incarceration for Indigenous Peoples and they have given rise to the different manifestations of Indigenous activism that exists today, including First Nation occupations and protests (R. v. Gladue [1999] 1S.C.R. 688).

When it was unveiled, the OPP Framework was intended to guide police response to a variety of operational incidents, including major events and protest activity, not just Indigenous critical incidents. The crafters of that OPP Framework, however, underlined the fact that Indigenous critical incidents are often more complex and qualitatively different from single-issue labor or political disputes (Clairmont & Potts, 2006; Ipperwash Inquiry, 2007; OPP, 2016). Because the basis of many of Indigenous protests relate to outstanding First Nation land claims and broken treaties by the state, this study was also guided by the assumption that First Nation occupations and protests are unlike other forms of direct activism undertaken by labor, political, or environmental groups, Black Lives Matter supporters, and anti-G8, G20, World Bank and International Monetary Fund protesters. Evidence of that assumption cannot only be found in the text of the OPP Framework and the Comprehensive Police Services Act of Ontario 2019 (Government of Ontario, 2019), but also in the more deferential approach that police use when dealing with Indigenous critical incidents as compared to occupations and protests involving non-Indigenous groups and causes, or even counter protesters at First Nation occupations and protests (OPP, 2018b).

The OPP Framework emphasizes the importance of being aware of the related historical and cultural factors associated to Indigenous critical incidents, and it stresses the importance of coming to an understanding of the issues before a potential conflict arises (OPP, 2016, pp. 2–3). Although it does reference the enforcement of the law, the OPP Framework clearly emphasizes the utilization of a peacekeeping approach to minimize violence and to help build trusting relationships. If police find it necessary to

enforce the law at Indigenous occupations and protests, the OPP Framework stresses it be done using a carefully measured approach to not inflame the situation, and that considerable discretion be exercised by officers in deciding how and when enforcement is undertaken (OPP, 2016, p. 3).

In 2019, several new Indigenous-focused sections were added to the Comprehensive Police Services Act of Ontario 2019, which necessitated police officers in that province to be responsive to the unique histories and cultures of First Nation, Inuit, and Métis communities when providing their core services (Government of Ontario, 2019, p. 7). These new sections of the Comprehensive Police Services Act of Ontario 2019 also provide Indigenous leaders with autonomy over the choices they make in how policing services are delivered to their communities, and they mandate that efforts be made to hire more Indigenous officers and that new police officers and police board members undergo various educational programs regarding human rights, systemic racism, diversity, and Indigenous issues (Government of Ontario, 2019).

Citizens Plus Status

This study was also guided by the assumption that in Canada every individual is equal before and under the law. In accordance with the Canadian Charter of Rights and Freedoms, 1982 and the Canadian Bill of Rights, 1960, it is assumed that Canadian citizens have a right to equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability. In spite of the solid legal basis for that assumption, there is an

assumption that Indigenous Peoples have a special status in Canada that has been described as “citizens plus” status (Cairns, 2001).

Citizens plus status refers to Aboriginal People who not only possess the same rights and responsibilities as other Canadians, but also possess the additional rights that have been guaranteed to them through the many treaties that were entered into with First Nations during colonialism (Cairns, 2001). Some of the citizen plus rights include special hunting, trapping, fishing, and resource extraction privileges that non-Indigenous peoples do not possess, along with such other important rights as self-determination and self-governance, the denial of which by the state has resulted in numerous court cases and various forms of Indigenous activism, including occupations and protests.

Further evidence of the concept of citizens plus status can be found in the existence of special Indigenous People’s Courts (IPC) in Canada’s criminal justice system. IPC courts have been established in most provinces to bring an end to the so-called warehousing of Indigenous offenders in Canada’s penitentiaries and correctional centers. No other segment of Canadian society has such courts, and unlike courts for non-Indigenous violators, IPC courtrooms are arranged in a circle and adorned with Indigenous symbolism and special ventilation to clear the smoke from smudging ceremonies. Unlike traditional criminal courts, the focal point of an IPC is on the development of a healing plan for the Indigenous offender, rather than showing society’s disapproval of the unlawful conduct, stopping the offender from committing other crimes, keeping the offender away from the community if necessary, and making amends to victims and the community.

Evidence of the assumption that Indigenous Peoples have special status in Canada can also be found in the 1999 Supreme Court of Canada (SCC) ruling in the case of *R. v. Gladue*, [1999] 1 SCR 688 (Murdocca, 20118). That decision recognized the longstanding debilitating impact that such settler colonial policies and practices as residential schools had on successive generations of Indigenous Peoples (Murdocca, 2018; Vijaykumar, 2018; Zimmer, 2016, 2017). As a result of the alienation that continues to be associated to those racist government policies and practices, the SCC decreed that before sentencing an Indigenous offender, the court must take judicial notice of how the history of colonialism, displacement, and residential schools have impacted that offender and his or her people, and how that history continues to translate into lower educational attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and higher levels of incarceration for Aboriginal Peoples (Murdocca, 2018; *R. v. Gladue* [1999] 1S.C.R. 688;).

As a result, before passing sentence on an Indigenous offender, special Gladue courts must consider what Indigenous Peoples have been forced to endure and the deep trauma that they still experience because of the centuries of discriminatory and oppressive policies and practices by the state (Maurutto & Hannah-Moffat, 2017; Murdocca, 2018). After taking judicial notice of these factors, then and only then are the courts to decide on a sentence for an Indigenous offender, and when doing so, the court must craft a sentence that is fair and balanced (*R. v. Gladue* [1999] 1S.C.R. 688). Murdocca (2018) characterized the Gladue sentencing provisions as being unique, however, Murdocca argued that these sentencing provisions were never intended to be a

quick-fix or panacea for the shockingly high rates of Indigenous incarceration in Canada. Gladue sentencing requirements are particularly germane to arrests made and prosecutions initiated in relation to offences committed at First Nation occupations and protests because the sentence for an Indigenous offender may be markedly different than the penalty imposed on a non-Indigenous offender for the same offence at the same event, but on different sides of the barricades.

Impact of Cultural Competence

The final assumption that helped guide this qualitative research study was that an organization is more effective when the concepts of cultural competence and diversity are celebrated and promoted (Carrizales et al., 2016; Norman-Major & Gooden, 2012). This assumption is particularly important when law enforcement agencies such as the OPP are dealing with Indigenous critical incidents because it is assumed that a police officer's ability to communicate effectively and to competently perform their duties is compromised due to a lack of cultural competence in multicultural societies such as Canada (Stepanoviene, 2019). There was an assumption made in this study that police response to Indigenous critical incidents is not only enhanced with cultural competence training in the form of Indigenous awareness education, but by the purposeful deployment of Indigenous officers at occupations and protests because of their inherent understanding of First Nation culture and the language of the protesters, and the settings in which many of those Indigenous officers were raised (Lithopoulos & Ruddell, 2011).

Scope and Delimitations

The focus of this qualitative phenomenological research study was Ontario law enforcement officers' perceptions of the OPP Framework, including its strengths and weaknesses, and any suggestions on how it might be improved. The scope of the study was primarily on the perceptions of serving and retired OPP members who have been deployed at Indigenous occupations and protests where the OPP Framework was applied. This study was delimited to that group because the OPP Framework is an operational directive that has applicability to that police service and because that agency responds to most of the Indigenous critical incidents in the province, regardless of which jurisdiction they occur in and irrespective of the existence of other police services in those jurisdictions.

In spite of that delimitation, serving and retired officers from other police services who have been deployed at Indigenous occupations and protests were also interviewed. The OPP does request the services and support of regional or municipal law enforcement agencies and First Nation police services in lengthy and reoccurring critical incidents, such as the decades-long protest at Caledonia involving the Six Nations of the Grand River First Nation. This research study was enhanced by data collected from non-OPP participants because those officers were less restrained and more objective when speaking about the strengths and weaknesses of an operational policy from another law enforcement agency.

The scope of this qualitative inquiry was also expanded to include participant interviews with members of the Canadian Association of Chiefs of Police (CACCP)

Policing with Indigenous Peoples (PWIP) committee. Members of that committee were charged with the responsibility of developing a best practices document, like the OPP Framework, which includes a measured and consistent approach to large-scale protest management (CACP, 2019a, 2019b, 2020). Like the OPP Framework, the National Framework for Police Preparedness for Demonstrations and Assemblies: Suggested Best Practice Document (National Framework) policy was intended to guide police response at both Indigenous and non-Indigenous critical incidents and to help police services develop their own approach to these types of incidents (CACP, 2020).

Limitations

This qualitative phenomenological research study was limited by its focus on the operational policy used to respond to Indigenous critical incidents solely in Ontario, which is only one of Canada's 10 provinces. Even though Ontario is the most populous province in Canada from both an Indigenous and non-Indigenous perspective, and the one with the greatest number of Indigenous critical incidents, police have had to respond to First Nation occupations and protests in every other province and territory in that nation. In addition to the OPP, the Royal Canadian Mounted Police (RCMP) and the Sûreté du Québec (SQ) or the Quebec Provincial Police have extensive experience in policing Indigenous critical incidents. The RCMP provide provincial policing services to eight of Canada's 10 provinces and all three of its territories. The RCMP have dealt with First Nation protests in every virtually province and territory (Belanger & Lackenbauer, 2014). Like the OPP, both the RCMP and the SQ have operational policies on how to respond to Indigenous protests, and like the OPP, both law enforcement agencies have

come under heavy criticism for their handling of these types of events. However, this research study was limited to the officers' perceptions of the OPP Framework.

This qualitative research study was also purposely limited to the perceptions of police officers about the strengths and weaknesses of the OPP Framework. The perceptions of Indigenous protesters, Indigenous leaders, residents displaced by protests, business owners who have incurred loss of income, media personnel and journalists, government officials, political figures, and judges were not explored in this research study.

Significance of the Study

There are more than a thousand Indigenous land claims outstanding across Canada which the government and First Nation, Inuit, and Métis groups have been negotiating for decades. The slow pace at which such land claims are being addressed by the Canadian and provincial governments and the courts have resulted in an array of First Nation occupations and blockades. These events bring Indigenous protesters into direct conflict with the police over civil or political disputes with the state. As history has proven, policing Indigenous critical incidents is one of the most complex, volatile, and controversial tasks law enforcement agencies and officers in Canada undertake. Over the past three decades, there have been deaths and serious injuries on both sides of the barricades. This new form of Indigenous activism in Canada has also disrupted peoples' lives and resulted in millions of dollars of property damage and lost income.

As Commissioner Sidney B. Linden emphasized at the Ipperwash Inquiry (2007), how police respond to Aboriginal critical incidents and the tactics that they use at these

events are important to Indigenous protesters, Indigenous communities, the police, and all Ontarians. The introduction of the OPP Framework in 2006 marked a significant departure from the law enforcement tactics used at these events in the past (Ipperwash Inquiry, 2007). With the unveiling of the OPP Framework, the high-profile and immediate engagement of heavily armed police tactical officers and an overreliance on maximum display and/or use of force to resolve civil disputes were replaced by patient negotiation, mutual respect, and the minimal use of force only as a last resort.

The OPP have successfully applied that policy at more than 700 Indigenous critical incidents and hundreds of non-Indigenous events since 2007 (OPP, 2013, 2014, 2015, 2016, 2017, 2018). Although there has been no loss of life since the policy was operationalized, the use of the OPP Framework has been met with derision and criticism by members of the public, media, and other stakeholders. The OPP have failed to complete an independent third-party evaluation in conjunction with First Nation organizations, which the Ipperwash Inquiry Commissioner recommended (Ipperwash, 2007).

The OPP Framework is significant from a variety of economic, legal, political, and social contexts. Because of the impact that Indigenous occupations and protests have had and continue to have on many different facets of Canadian society and the paucity of scholarly inquiry into this policy that guides police response, this qualitative phenomenological study into police officers' perceptions about the OPP Framework is significant. The officers on the frontlines of these complex, high-profile, and sometimes violent critical incidents have intimate knowledge and real-life experience with the

successes and failures associated with the OPP Framework. Nonetheless, their opinions on how that policy might be improved have never been solicited academically or professionally.

This research study was intended fill a gap in academic research and literature which could lead to enhancements of the OPP Framework. The findings of this research are significant because they have the potential to affect social change by enhancing police and public understanding and appreciation of the OPP Framework and the respectful and patient approach and tactics that police in Ontario and across Canada now use to respond to Indigenous protests and occupations.

Summary

This chapter included details on the study's problem statement, purpose, research questions, and the theoretical and conceptual framework. The study's nature, assumptions, scope and delimitations, limitations, and significance were also highlighted in this chapter. This qualitative phenomenological research study was intended to address a gap in academic research and literature pertaining to the OPP operational policy that guides police response to Indigenous occupations and protests. Although there has been no effort to complete an independent third-party evaluation of the OPP Framework, the OPP Framework has been successfully applied at more than 700 Indigenous critical incidents and hundreds of other non-Indigenous critical incidents since its inception, with no loss of life or serious injury (Chiefs of Ontario, 2006; OPP, 2013, 2014, 2015, 2016, 2017, 2018, 2020). Because there has been no known organizational or academic effort to assess the perceptions of the officers who implement the OPP Framework policy, this

qualitative phenomenological study was intended to address that gap in academic research and literature. This qualitative research study was undertaken to solicit police officers' perceptions about the OPP Framework policy, including its strengths and weaknesses, and what changes, if any, they feel should be taken into consideration. Chapter 2 will highlight my literature search strategy, theoretical foundation, conceptual framework, and a comprehensive review of literature pertaining to the key variables and/or concepts of this qualitative research study.

Chapter 2: Literature Review

Introduction

Despite the fact that the OPP Framework has been proclaimed to be a best practice approach and has been successfully used at more than 700 Indigenous critical incidents since 2007, its application been met with widespread criticism from the public, the media, the judiciary, elected officials, and even some police officers (Ipperwash Inquiry, 2007; OPP, 2013, 2014, 2015, 2016, 2017, 2018a, 2020). Beyond the work of Clancy (2017), Dafnos (2013), De Vries (2011), Hedican (2008a, 2008b, 2012), Parent (2014) and Parent and Parent (2019), there is a paucity of academic literature on the OPP Framework and no research has been undertaken into the perceptions of the police officers who have applied that policy at First Nation occupations and protests about its strengths and weaknesses and what changes they feel might improve its operational effectiveness and public acceptance. Given the impact that First Nation occupations and protests have on Canadian society and given the significant number of outstanding First Nation land claims that have been languishing in the courts for years, this gap in academic literature and research is significant because Indigenous critical incidents will most certainly increase in numbers and severity for decades to come.

In this chapter, I review literature surrounding a variety of topics related to the treatment of Indigenous Peoples by the state, how those settler colonial policies and practices have inspired a variety of forms of Indigenous activism, and how police response to First Nation occupations and protests has evolved since the development of the OPP Framework approach. Those topics include: the impact of colonialism and settler

colonialism on Indigenous Peoples; the displacement of Indigenous Peoples from the land by the state; research by Indigenous academics into Indigenous activism; different manifestations of Indigenous activism; the Canadian government's White Paper on Indian Policy; police-Indigenous relations in Canada; the origins of the OPP Framework; strategic incapacitation; increased militarization of police; and media's portrayal of Indigenous protests as violent and illegal. This chapter also includes a review of literature on conceptual and theoretical frameworks, the police law-and-order worldview, the warrior and peacekeeper ethos, cultural competence, and police recruitment of Indigenous candidates and relationship building.

Literature Search Strategy

The literature contained in this review was obtained from a variety of different academic databases that included the Walden University library, EBSCO Discovery Service, Data.Gov, Criminal Justice Database, Emerald Insight, Gale Academic OneFile Selection, Global Terrorism Database, Homeland Security Digital Library, International Security and Counter Terrorism Reference Center, Political Science Complete, ProQuest Central, ProQuest Dissertations & Theses Global, ScienceDirect, Project Muse, Research Quest, and the UNESDOC Digital Library. Because of the international focus of this research topic, searches were also conducted and literature was also obtained from Canadian, New Zealand, and Australian academic institutions and journals. With the assistance and insight provided by the staff at the Walden University Library, a variety of search terms, keywords, relationship words, and combinations thereof pertaining to the topic of policing Indigenous critical incidents were devised to identify relevant resource

material, with the use of Boolean operators. Initial search terms and key words included the following:

- Police search terms: First Nations Police, Framework for Police Preparedness for Aboriginal/Indigenous Critical Incidents, law enforcement, Northwest Mounted Police, Ontario Provincial Police, police, police officers, policing in Canada, public order policing, Royal Canadian Mounted Police, strategic incapacitation, Sûreté du Québec, and Tribal Police
- Indigenous People search terms: Aboriginal, First Nations, Indian, Indigenous, Inuit, Métis, and Native
- Indigenous activism search terms: activism, activist, blockade, civil disobedience, court case, crisis, demonstration, direct action, land claims, occupation, political mobilization, political participation, protest, re-occupation, social justice, social movement, and standoff

During subsequent searches, search terms and keywords were expanded, once again using Boolean operators, to include alternative terminology for Indigenous People in North America, Australia, and New Zealand, along with the locations of major Indigenous critical incidents in Canada and the United States that generated a high-profile police response. The penultimate search of these various databases and journals was focused on some of the causes or motivators that gave rise to Indigenous activism, the unique forms, and manifestations of Indigenous activism, and some of the landmark commissions of inquiry reports on Indigenous critical incidents and issues. The final search was focused on theories relevant to the study of Indigenous issues.

To filter the 35,000 plus search results that emanated from the initial database inquiries, and in keeping with the Walden University academic tradition of using the most up-to-date and scholarly sources available for research, all of the searches were refined by limiting the response to full-text peer-reviewed scholarly journals, with publication dates ranging from 2015 to 2020. Any pre-2015 peer-reviewed journal articles, scholarly books, government reports, or media files used in this literature review and study were necessary because of the historic nature of Indigenous activism and its root causes or because of the absence of any more current peer-reviewed articles and/or other forms of documentation. A basic search of the Walden University Library Thoreau database using the terms *Canada* or *Canadian* or *Canadians* or *in Canada* and *Indigenous* or *Native* or *Aboriginal* or *Indians* or *First Nations* or *Métis* or *Inuit*, with the time frame of 2010 to 2020, resulted in the identification of 58,969 peer-reviewed scholarly articles. Using the same search terms and Boolean operators and reducing the date parameter to 2015 to 2020, resulted in the identification of 33,671 peer-reviewed articles, many authored in the past 2 years. The research covered an extensive range of topics: Indigenous languages (Guevremont & Kohen, 2019; Keith, 2019; Morcom & Roy, 2019); Indigenous pedagogy (Attas, 2019; Hanson, 2019; Osmond-Johnson & Turner, 2020); Indigenous wellness (Linds et al., 2019; Morton et al., 2020; Thiessen et al., 2020); and Indigenous suicide (Fuller-Thomson et al., 2020; Hajizadeh et al., 2019; Zai et al., 2019).

Searches also produced a number of recent peer-reviewed journal articles on the direct or indirect drivers of many First Nation occupations and protests and other

Indigenous-related topics. Those articles were focused on such topics as assimilation (Choate, 2019; McFarling, 2019; Neeganagwedgin, 2019); colonialism (Godlewska et al., 2020; Humalajoki, 2020a, 2020b; Neeganagwedgin, 2020); crime and victimization (Chartrand, 2019; Mahoney, 2020; Wohl et al., 2019); homelessness (Alberton et al., 2020; Bingham et al., 2019; Kidd et al., 2019); decolonization (Attas, 2019; George, 2019; Roth, 2019); genocide (Beninger, 2019; Jobb, 2019; Mahoney, 2019); residential schools (Barnes & Josefowitz, 2019; Hough, 2020; James, 2020); self-determination (Diabo, 2020a, 2020b, 2020c; Dorr, 2020; Neeganagwedgin, 2019); sovereignty (Bowman, 2019; Irwin, 2020; Purvis, 2020); truth and reconciliation (Gibson & Case, 2019; Milne & Wotherspoon, 2020; Poirier & Hedaraly, 2019); Indigenous traditional knowledge (Khalafzai, 2019; Neeganagwedgin, 2020; Rowe et al., 2020); and Indigenous worldview (Fijal & Beagan, 2019; Lewis et al., 2020; Sims, 2019).

Although there were no current articles on Ontario's OPP Framework and police officers' perceptions of that operational policy, there were several recent articles on the topic of Indigenous protests and blockades in Canada. Some more recent works included Perzyna and Bauder (2022), Hume and Walby (2021), Desai (2021), Fleming (2020), and Temper (2019). Those recent peer-reviewed journal articles on First Nation protests and blockades suggested a strong nexus between Canada's preoccupation with acquiring Indigenous traditional lands or extracting mineral and other resources and growing Indigenous activism against this enduring form of colonialism. Indigenous protests often bring First Nation activists and a wide variety of environmental supporters into direct conflict with the police.

Literature Review

Impact of Colonialism

In light of the historic presence of non-self-governing territories or colonies in various parts of the world, there is a solid and growing body of academic literature pertaining to the topic of colonialism. A search of the Walden University Library Thoreau database using the search term *colonialism* disclosed 62,237 peer-reviewed scholarly journal articles. A similar search with a date range of 2015 to 2020 revealed 23,179 peer-reviewed scholarly journal articles on a wide range of colonialism-related topics. Tomicic and Berardi (2017) defined colonialism as a political doctrine in which a foreign nation exploits a less developed, weaker state (p. 153). Others characterize colonialism as a system with complex cycles of acquisition and loss in which racialized others are dominated from afar by a foreign minority (Balandier, 1966; Horvath, 1972; Osterhammel, 1997; Said, 1994). More specific to the Canadian and American experience, Arniel (2018) defined a colony as an overseas territory in which European powers control its people by processes of assimilation, dispossession, and domination.

Arniel (2018) characterized domestic colonies into three broad categories based on the problem to be solved in the colonizing state and who was occupying the territory to be colonized (p. 497). According to Arniel (2018), those categories included political, religious, or racial utopias; labor entities for the poor and idle; and farm colonies. As is evidenced by its subjugation of former colonies like Australia, Canada, India, New Zealand, and the United States between the 16th and 18th centuries, the United Kingdom has the distinction of being one the greatest and most exploitive colonial powers ever. At

its zenith, the British Empire—*the empire on which the sun never sets*—controlled the lives of one-quarter of the world’s population and dominated one-quarter of its land mass, including what was to become Canada in 1867.

Since the creation of the United Nations in 1945, more than 80 former colonies have attained independence, however, the United Kingdom, along with France, New Zealand and the United States continues to exercise power over 17 non-self-governing territories, despite the UN’s declaration that the continued existence of this anachronistic form of power impedes the social, cultural, and economic development of dependent peoples, and that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory (United Nations, 2021a). Some of non-self-governing territories include American Samoa, Bermuda, French Polynesia, Gibraltar, and Guam.

In addition to foreign colonies controlled by far-away imperial powers, Arniel (2018) contended there are also domestic or segregated colonies within the borders of a state. Those domestic colonies were often populated by a specific race or type of people whom the state felt were threatening or problematic, and therefore needed to be segregated from and later assimilated into mainstream society (Arniel, 2018, p. 514). Evidence of the existence of Arniel’s (2018) domestic colonies theory can be found in Canada’s treatment and control over the First Peoples of North America (Datta, 2018, 2019; Dudley, 2017; Neeganagwedgin, 2019; Palmer, 2018; Vijaykumar, 2018; Zimmer, 2016, 2017). Post-confederation in 1867, land was an essential component of this new form of colonialism known as settler colonialism. In an effort to resettle white farmers

and ranchers on the vast tracts of prairie lands that were once the traditional hunting grounds and home of the Blackfoot Confederacy, the Plains Cree and Ojibwa and the Sioux, it was necessary to displace and dispossess Indigenous Peoples from those lands (Crosby & Monaghan, 2016, 2018; Tomiak, 2016a, 2016b).

The state often resorted to the use of violence and other strategies to forcibly remove and displace Indigenous People from their traditional lands with the intent of eliminating their Indigenous peoplehood, nationhood, and title (Alfred & Corntassel, 2005; Coulthard, 2012, 2014; McFarlane & Schabus, 2017; Tomiak, 2016a, 2016b). Once that was accomplished, they were segregated onto crowded reserves, from which their movement was tightly controlled by the state through the Indian Agent, the North-West Mounted Police, and later the Royal Canadian Mounted Police (Alberton et al., 2019; Clancy, 2017; Cunneen & Tauri, 2016; Dafnos, 2015; Ferguson et al., 2017; McNeilly, 2018; Monchalin et al., 2019; Reasons et al., 2016). Once segregated onto reserves and away from mainstream white society, the Canadian state set about to “improve and transform” the various Aboriginal Peoples by controlling every aspect of their lives with the Indian Act, and by placing the children into “Indian” residential schools, where they were physically, psychologically, and sexually abused, and forced to abandon every aspect of their culture, including their language and traditions (Alberton et al., 2019; Datta, 2018, 2019; Dudley, 2017; McFarlane & Schabus, 2017; McNeilly, 2018; Morden, 2016; Neeganagwedgin, 2019; Palmer, 2018; Truth and Reconciliation Commission, 2015; Vijaykumar, 2018; Zimmer, 2016, 2017).

Unlike colonialism, settler colonialism is an emerging field of inquiry (Morden, 2013, 2014, 2015). According to McWhorter (2009) and Wolfe (2006), settler colonialism is a structure, not an event, and as is evidenced by the experience of the Indigenous Peoples of Canada, that structure is infused with a genocidal logic that seeks to eradicate any form or expression of Indigeneity, including attempts by Indigenous Peoples to re-assert self-determination and sovereignty over their traditional territories and lives. Veracini (2010) contended that the goal of settler colonizers is to acquire the land from the original inhabitants, however, the colonizers also engage in various other coercive activities that are intended to destroy whatever social or political structures that were previously in place. The use of the Indian Act to eliminate longstanding and successful governance structures like the hereditary chiefs system, and to impose an elected chief and band councils in First Nations, and prohibitions on important Indigenous cultural and spiritual practices such as potlatch and the sundance ceremonies are evidence of Veracini's (2010) assertion (Vijaykumar, 2018).

Colonialism and settler colonialism are not unique to the Canadian experience. Countries such as Australia, New Zealand, South Africa, the United States, and other nations in Africa and Central and South America that were once under the control of an imperial power such as Great Britain, France, Spain, or Portugal have all experienced both phenomena, wherein the colonizing power subjected the original inhabitants of the land to various forms of oppressive state policies and legislation. Like the Canadian experience, Indigenous Peoples in Australia were also subjected to violent and genocidal

acts perpetrated by that state to displace them from their traditional lands, and virtually every aspect of their lives was similarly controlled by the state (Behrendt et al., 2019).

Cunneen (2011, 2020) and Cunneen and Tauri (2016) contended that the Australian state perceived that country's Aborigine and Torres Strait Islander population to be inferior and lesser human beings than whites, so they set about to eradicate, protect, or assimilate them through a program of legalized and institutionalized discrimination. In the U.S., Native Americans were similarly dispossessed of their land and dislocated on a massive scale. Like the Indigenous population of Canada, Native American children were also forcibly removed from their families and placed in distant boarding schools, with the goal of stamping out their culture and language (Berkey et al., 2018; Dudley, 2017; LaDuke, 2015; Nichols, 2018). Knafla and Westra (2010) contended that the courts and legislatures in Australia, Canada and New Zealand played a significant role in extinguishing and acquiring Aboriginal title and land. In New Zealand, Dutta and Elers (2019) posited that the state and private corporations have co-opted Māori cultural concepts to extract minerals and other resources from their lands.

The Indigenous population of Canada faces a variety of complex and unique challenges that research has linked directly to settler colonialism, including food insecurity, high unemployment rates, substandard housing, low levels of education, inadequate health care and higher rates of alcohol and substance abuse than non-Indigenous peoples (Monchalin et al., 2019). A study conducted by the Canadian Centre for Policy Alternatives entitled *Shameful Neglect* provided insight into the crisis facing Indigenous Peoples, a crisis that has been compared to people living in developing

countries. That study disclosed the fact that Indigenous children are twice as likely than their non-Indigenous counterparts to live in poverty, and despite the hundreds of millions of dollars the Canadian and Ontario governments have invested in providing First Nation reserves with potable drinking water, 44 First Nations still did not have access to a safe and clean source of water in Ontario in 2017 (McDonald & Wilson, 2016). According to Monchalin et al. (2019), one First Nation reserve in Canada has not had potable for almost two decades, which the authors characterized as third world conditions in a first world country.

According to Statistics Canada (2015, 2017a) and OHRC (2018), half of the children in Canada's foster care system are Indigenous and 26% of Indigenous Peoples live in dwellings that need major repairs, and 18% of them live in severely over-crowded housing. While the percentage of Indigenous youth completing high school rose 10% from 2006 to 2016, it is still 15% lower than the non-Indigenous population, and despite the gains made in educational qualification in the last decade, the employment rates for Indigenous Peoples did not increase (NIEDB, 2019; Statistics Canada, 2017a). With youth suicide rates six times higher than the rest of the population, combined with elevated rates of alcohol, drug and tobacco use, and serious mental health issues, Indigenous youth are particularly at risk (Alberton et al., 2020; Ames et al., 2015; Arim et al., 2020; Barker et al., 2019; Card et al., 2020; Cheadle & Whitbeck, 2011; Department of Justice Canada, 2017; Griffin, 2017; Hautala et al., 2019; Hautala & Sittner, 2019; Heo, 2019; Jetty, 2017; Kaspar, 2013; Kidd et al., 2018; Milne & Wotherspoon, 2020; Monchalin, 2010; Muir et al., 2020; Paul, 2019; Rawana & Ames,

2012; Ryan et al., 2016, 2017; Sikorski et al., 2019; Starkes & Baydala, 2014; Statistics Canada, 2015, 2016, 2017a, 2017c; Ting et al., 2019; Tjepkema et al., 2019; Tutty & Nixon, 2020; Walls et al., 2013; Whitbeck & Armenta, 2015).

Despite the passage of time, Tomiak (2016a, 2016b), Coulthard (2012, 2014), Simpson and Smith (2014), Simpson (2011), Alfred and Corntassell (2005), and Green (2001, 2003) contended the goal of the state remains the same—the elimination of any sense of Indigenous identity, sovereignty, and land title. In an effort to exploit the rich mineral resources that are on or near traditional Indigenous territories, the governments of Australia, New Zealand, the United States, and many countries in Central and South America, have used many of the same settler colonial strategies that have been used by the Canadian government over fierce Indigenous and non-Indigenous opposition, which have fueled numerous occupations and protests, some of which have turned deadly (Canning, 2018; Hager et al., 2017; Hanna et al., 2015; Yoruk et al., 2019). According to Le Billon and Lujala (2020), between 2002 and 2018, at least 1734 environmental and land defenders have been killed around the world, a third of which were Indigenous activists, in their efforts to stop large scale industrial farming and mining operations. In 2009, a raid by security forces on a Peruvian petroleum facility in a remote jungle region, which had been occupied by Indigenous land defenders, resulted in the deaths of 25 protesters and 22 police officers and the wounding of hundreds more (Romero, 2009). Police response to these types of socio-environmental conflicts is often characterized by the direct use of force and mass arrests (Le Billon & Lujala, 2020).

According to Ozkaynak et al. (2015, 2021), Latin America has the highest number of extractive conflicts in the world, as Indigenous and non-Indigenous protesters alike in Argentina, Brazil, Chile, Mexico, and Peru often engage in violent protests with the state to protect their water sources, their land, and their culture from large scale environmentally insensitive resource extraction development. In North America, those resource extraction strategies have given rise to an increase in direct forms of Indigenous activism that have resulted in face-to-face and often violent confrontations with the police, as is evidenced by high-profile blockades and mass protests at Burnaby, Rexton, Standing Rock, and Wounded Knee (Alexander, 2016; Barker & Ross, 2017; Beisaw, 2017; Blair, 2018; Boos, 2015; Canning, 2018; Delorme, 2017; Greaves, 2018; Howe, 2014, 2015; Humalajoki, 2020a, 2020b; Latulippe & Klenk, 2020; Leblanc, 2016; Manuel & Derrickson, 2017a, 2017b; Nagle, 2018; Nichols, 2018; Nicolescu, 2018; Raygorodetsky, 2017; Suzuki & Moola, 2016).

According to many scholars, Canada legitimized its oppression of the Indigenous population with its passage of the Indian Act in 1876. That Act consolidated several other pieces of equally repressive legislation that had been enacted prior to confederation in 1867, including: the Act for the Better Protection of the Lands and Property of Indians in Lower Canada and the Act for the Better Protection of Indians in Upper Canada passed in 1850; the Act for the Gradual Civilization of the Indian Tribes in the Canadas enacted in 1857; the Civilization and Enfranchisement Act created in 1859; and the Management of Indian Lands and Property Act of 1869 (Borrows, 2016; Kirby, 2019; Poucette, 2018). Morden (2016) characterized the Indian Act as being cradle-to-grave legislation that

controlled every aspect of the life of First Nations Peoples in Canada, including who was a “status Indian and who remained a status Indian.”

Starting in the mid-18th century and continuing to today, the Canadian government instituted a variety of settler colonial strategies to bring about their so-called “final solution” to their so-called “Indian problem.” Those practices, carried out under the authority of the Indian Act, were intended to disrupt virtually every aspect of Indigenous Peoples’ lives, including their freedom of movement and speech, the very names they called themselves, how they governed and sustained themselves, how their children were reared and educated, how they dressed and spoke, how they honored their creator and paid respect to their ancestors, and how they protected mother earth and her bounty (Brodsky, 2016; Gunn, 2015; Horwitz, 2016; Kirby, 2019; Lee, 2015; MacTaggart, 2015; Mahoney, 2016, 2018; Morden, 2016; Onderkova, 2015; Poucette, 2018; Stevenson, 2015).

In 1999, the Supreme Court of Canada (SCC) recognized the impact that these and countless other settler colonial policies and practices undertaken by the Canadian government had on Indigenous Peoples with their landmark decision in the case of *R. v. Gladue*, [1999] 1 SCR 688 (Vijaykumar, 2018; Zimmer, 2016, 2017). In that decision, the Supreme Court recognized the historical and contemporary impact and feelings of alienation that the state’s racist policies had on Indigenous Peoples (*R. v. Gladue* [1999] 1S.C.R. 688). The SCC decreed that before sentencing an Indigenous offender, the court must take judicial notice of how the “history of colonialism, displacement, and residential schools” have impacted that offender and his or her people, and how that history

continues to translate into lower educational attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and higher levels of incarceration for Aboriginal Peoples (R. v. Gladue [1999] 1S.C.R. 688). Before passing sentence, special Gladue courts must consider what Indigenous Peoples have been forced to endure and the deep trauma that they still experience as a result of the centuries of discriminatory and oppressive policies and practices by the state (Maurutto & Hannah-Moffat, 2017; Murdocca, 2018). After taking judicial notice of all these factors, then and only then are the courts to decide on a sentence for an Indigenous offender, and when doing so, the court must craft a sentence that is fair and balanced (R. v. Gladue [1999] 1S.C.R. 688).

While some courts across Canada have introduced traditional Indigenous concepts of restorative justice and sentencing circles by expanding the role that families, victims, and the community play in helping determine and shape the penalty that offenders receive, most courts have relied on the 1999 SCC Gladue decision for guidance when dealing with Indigenous offenders. Murdocca (2018) characterized the Gladue sentencing provisions as being unique and stressed the fact that these sentencing provisions were never intended to be a quick-fix or panacea for the shockingly high rates of Indigenous incarceration in Canada. Instead, the SCC sought to instruct and inspire judges to use incarceration as a last resort, especially for Indigenous offenders, and to instead create alternative ways of dealing with the individual before the court (Murdocca, 2018). Maurutto and Hannah-Moffat (2017) characterized the Gladue decision and the creation of special Gladue courts for Indigenous offenders as a vehicle for “integrating racial

knowledge about offenders' collective and individual experiences of race relations and oppression into traditional legal criminal practices.”

Displacement From the Land

There is a solid and growing body of academic literature that has documented the century-and-a-half of the Canadian government's discriminatory, racist, and genocidal practices that led to the 1999 SCC Gladue decision, starting with the policies of Prime Minister John A. Macdonald, and later Department of Indian Affairs Superintendent-General Sir Clifford Sifton and Deputy Superintendent Duncan Campbell Scott (Grant, 2018; Labelle, 2017; Stanley, 2014). Under their tutelage, the settler colonial state sought to dispossess and displace Indigenous Peoples from their land, so it could be occupied by white settlers. These individuals and their successors dehumanized Indigenous Peoples and set about to re-engineer or socially transform their children into “civilized, God-fearing adults who could be absorbed into the masses, unrecognizable from their past” (Grant, 2018; Labelle, 2017; Stanley, 2014). Scott once proclaimed that his overriding goal was to eliminate the “Indian question and the Indian Department by absorbing every Indian in Canada into the body politic” (Grant, 2018; Labelle, 2017; Stanley, 2014). According to Harris and Fiske (2011), Owusu-Bempah (2017), and Waller (2002), dehumanizing a people is a tactic that is commonly used to justify genocide and ethnic cleansing during wars and conflicts. Once individuals within this group have had their humanness denied, Owusu-Bempah (2017) contended that any violations or violent acts committed against them elicit no legal, moral, or compassionate response from the police or the public.

To better comprehend the resilience and passion that Indigenous Peoples demonstrate at blockades, protests, and other forms of First Nation activism, it is necessary to understand their innate connection to the land and their traditional territory. Within their worldview, the land is inseparable from Indigenous culture, tradition, spirit, and identity. Dutta and Elers (2019) described the land as being sacred and incapable of being transacted in the market, so when treaties were entered into by First Nation Chiefs the notion that someone else could claim ownership to their traditional territories and lands that had sustained them for thousands of years was incomprehensible. According to Krasowski (2019), settler colonial treaty makers avoided using the term “surrender” in their initial negotiations with First Nation chiefs, however, when the terms of the agreement were committed to writing it was clear from a government perspective the territory had been “ceded, released, surrendered, and yielded up” to them. That caused one First Nation Cree Chief to accuse the government of “cutting up Aboriginal land and giving it back to them in pieces like pemmican” (Krasowski, 2019).

Indigenous Peoples perceived themselves to be stewards of mother earth, not owners of it, and in their worldview mother earth was inseparable from their very being. Within the Indigenous worldview, the land is inseparable from their culture, tradition, spirit, and identity (Alfred, 2017; Freeman, 2019; Lines & Jardine, 2019; Martin et al., 2019; Manuel, 2015, 2017; Neeganagwedgin, 2015, 2019). When Indigenous Peoples talk about the land, they are talking about their life and the lives of future generations. Alfred (2017) described it as a life and death struggle for the survival of Indigenous

Peoples and to restore the living relationship between their ancestors, the land, and themselves.

Manuel (2017) described First Nation land defenders as the future of his people's struggle which has as its mission the building of a new decolonized Canada where Indigenous culture and land rights are respected. Evidence of that special relationship with the land can be found in a recent study conducted by Lines and Jardine (2019) wherein Dene youth identified a connection to nature and the land and being on-the-land as integral to addressing health issues within their community. Bakht and Collins (2017) described the unique relationship that Indigenous Peoples have with their traditional territory as the "hallmark of Indigeneity around the world."

Freeman (2019) and Martin et al.'s (2019) research on the cultural connection between the land and Indigenous youth supports the research of Lines and Jardine (2019) and the assertions of Alfred (2017), Manuel (2017), and Neeganagwedgin (2015, 2019). Freeman (2019) and Martin et al. (2019) discovered that when Indigenous youth interact with the land it reconnects them with the truth and integrity of their pre-colonial sources of knowledge and understanding. Freeman (2019) and Martin et al. (2019) underscored the importance of this traditional connection to the land by highlighting the fact that Indigenous Peoples have put their lives in jeopardy protecting the traditional cultural ways and protecting what the United Nations defines as "their unique way of relating to the environment" (United Nations, 2021b).

Mitchell et al. (2019a; 2019b) described Indigenous Peoples as having a sacred duty to live harmoniously with the environment and to protect the land for future

generations. This sacred duty has increasingly brought Indigenous activists into direct conflict with the police and the state due to an increase in oil pipeline construction, gas fracking, logging, resource extraction operations, and residential, commercial and recreational development on the traditional and territorial lands of the 630 First Nations spread across Canada (Belanger & Lackenbauer, 2014; Canning, 2018; Cantierei, 2018; Crosby & Monaghan, 2018, 2016; Greaves, 2018; Nagle, 2018; Neeganagwedgin, 2014, 2015, 2019, 2020; Nichols, 2018; Nicolescu, 2018; Spice, 2018; Stanley, 2016).

Spice (2018) characterized the building of pipelines and expansion of oil and gas projects across Indigenous lands as “infrastructures of invasion”, and by taking direct action to oppose these types of destructive projects, Indigenous activists are protecting their critical infrastructure—mother earth and the environment. To thwart Indigenous efforts to protect the land by obstructing fossil fuel projects, the state has partnered with the RCMP, the Canadian Security Intelligence Service (CSIS), Canada’s version of the CIA, and other government agencies and even private corporations by re-casting this activism as a form of domestic terrorism by characterizing such activism as an attack on the nation’s critical infrastructure (Alexander, 2016; Clancy, 2017; Dafnos, 2013, 2015, 2019, 2020; Datta & Hurlbert, 2020; Latulippe, 2014; Spice, 2018; Walker et al., 2019). By declaring Indigenous attempts to disrupt the building or expansion of infrastructure critical to the Canadian economy, the state’s surveillance, intelligence-gathering, and other associated policing activities carried out by the RCMP, CSIS, and other state actors is not only legally justified, but necessary (Craig, 2016; Dafnos, 2013, 2015, 2019, 2020;

Datta & Hurlbert, 2020; Howe & Monaghan, 2018; Monaghan & Walby, 2017; Spice, 2018).

Scott and his predecessors and successors in the Department of Indian Affairs sought to accomplish their “final solution” for the so-called “Indian problem” by implementing such strategies as: dehumanizing Indigenous Peoples by publicly denying their worth and abilities; marginalizing and pacifying them through military might, government organized famines and complete bureaucratic control; depriving them of their legal status as persons; requiring them to undergo forced sterilization; forbidding them from holding public office; forbidding them from engaging lawyers or entering into legal contracts; depriving them of the right to vote in elections; forcing them off their ancestral lands and crowding them onto separate reserves in some of the worst agricultural areas; rigorously controlling their life and movement on and off the reserves through the ‘pass’ system; forcing them into using a foreign colonial justice system and prohibiting them from using their traditional ways of dealing with internal disputes and aberrant behavior; arbitrarily removing their hereditary leaders from their positions and replacing them with elected chiefs and band councils pursuant to the Indian Act; forbidding them from speaking their Indigenous languages; forbidding them from dressing in traditional Indigenous attire or from wearing any traditional adornments; outlawing such important spiritual and cultural ceremonies and practices as the sun dance, potlatch, sweat lodge and pow wows; removing children and teens from their families and communities and crowding them into residential schools hundreds of miles

away; increasing the use of capital punishment as a means to intimidate and eliminate Indigenous resistance.

In more contemporary times, discriminatory settler colonial practices against Indigenous People have also included: “scooping up” (60’s Scoop) Indigenous children from their families and putting them up for adoption or placing them in white foster homes; ignoring their constitutionally protected Aboriginal and treaty rights; attempting to patriate the Canadian Constitution without their participation or consultation; attempting to eliminate their Aboriginal and treaty rights in a new constitution and repeal the Indian Act and their special citizens plus status with the White Paper; denying women “Indian status” if they married a non-Indigenous person; arresting and prosecuting them for engaging in traditional fishing, hunting and trapping ways of life; destroying their sacred burial grounds and spiritual sites or refusing Indigenous People’ access to same; turning a blind eye to the health crisis on First Nation reserves caused by substandard housing, inadequate medical facilities, and a lack of potable water; and destroying fish stocks and wildlife habitats by approving massive pipeline and resource extraction projects on or near traditional lands without engaging in “free, prior and informed consent” (FPIC) as required by the United Nations Declaration on the Rights of Indigenous People (Altamirano & Castro, 2017; Arrows, 2019; Baker & Verrelli, 2017; Baloy, 2016a, 2016b; Bernauer, 2019; Blair, 2018; Briggs, 2019; Brockman & Morrison, 2016; Burnett et al., 2020; Camfield, 2019; Canning, 2018; Cardinal, 1969, 1999, 2018; Carriere & Strega, 2015; Chartrand, 2019; Coates, 2018; Comack, 2012, 2018; Comeau & Santin, 1990; Cook, 2016; Cote-Meek, 2014; Coulthard, 2012, 2014; Crosby &

Monaghan, 2016; Courchene & Powell, 1992; Cunneen, 2011; Cunneen & Tauri, 2019; Datta, 2018, 2019; Day, 2018; De Lint, 2019; De Vries, 2011; Dudley, 2017; Erueti, 2016, 2017; Ferguson et al., 2017; Frideres, 1988; Frie, 2020; Gehl, 2014; Godlewska, 2020; Grant, 2016, 2018; Green, 2001, 2003, 2014; Hager et al., 2017; Hall, 2020a, 2020b; Hedican, 2008a, 2008b, 2012, 2013; Hill, 2010; Hoogeveen, 2015; Howe, 2015; Howe & Monaghan, 2018; Johnson, 2019; Karetak et al., 2017; Kaye, 2016; Kim, 2015; Knafla & Westra, 2010; Knockwood, 2015; Labelle, 2017; Lackenbauer, 2019; LaDuke, 2004; Latulippe & Klenk, 2020; Logan, 2015; Lowman & Barker, 2015; Mackey, 2016; Mannette, 1992; McCartney et al., 2018; McCrossan, 2018; McNab, 2009; McNeilly, 2018; Miron, 2009; Mitchell et al., 2018, 2019a, 2019b; Monchalin, 2010; Monchalin et al., 2019; Monture-Angus, 1995, 1999; Morden, 2013, 2014, 2015, 2016; Narine, 2011, 2014, 2016a, 2016b; Neeganagwedgin, 2014, 2015, 2019, 2020; Nelson & Wilson, 2017; Neu & Therrien, 2003; Nichols, 2018; Paisly et al., 2020; Palmater, 2011a, 2011b, 2013, 2014a, 2014b, 2015, 2016a, 2016b, 2017, 2018a, 2018b, 2019, 2020; Palmer, 2018; Patzer, 2019; Reasons et al., 2016; Reilly, 2010; Ristock et al., 2019; Robinson, 2020; Rotz, 2017; Rule, 2018; Rutherford, 2017; Schaepli & Godlewska, 2020; Shaikh et al., 2017; Silver, 2013; Soroski, 2019; Stanley, 2014, 2016; Stote, 2017a, 2017b; Sylvestre et al., 2019; Taylor-Neu et al., 2018; Trigger, 1985; Veltmeyer & Bowles, 2014; Vijaykumar, 2018; Walker et al., 2019; Whyte, 2008; Zimmer, 2016, 2017).

The residual effects of those settler colonial state strategies continue to negatively impact Indigenous Peoples and Canadian society today. Contemporary settler colonial strategies such as dishonoring treaties signed in good faith by First Nation chiefs or

delaying negotiations and court cases on them, encroaching on ancestral lands, state facilitation of massive fossil fuel projects which contribute to climate change, denying Indigenous Peoples their right to self-determination and sovereignty, and depriving them of what the Red Paper characterized as their citizen plus status, are the source of many of the protests and occupations that have put obscure places like Oka, Ipperwash, Gustafsen Lake, Point Pelee, Lyell Island, Lubicon Lake, Oldman River, Burnt Church, Tyendinaga and Caledonia on television screens and the front pages of newspapers across Canada (Alexander, 2016; Alfred & Corntassel, 2005; Baloy, 2016a, 2016b; Barker & Ross, 2017; Beisaw, 2017; Belanger, 2014a, 2014b; Blair, 2018; Borrows, 2006; Bowles & Veltmeyer, 2014; Canning, 2018; Cantieri, 2018; Clancy, 2017; Corntassel, 2012, 2008; De Lint, 2019; Dutta & Elers, 2019; Ferguson, 2007; Fleming, 2020; Greaves, 2018; Hall, 2020a, 2020b; Hill, 2009, 2017; Howe & Monaghan, 2018; Humalajoki, 2020a, 2020b; Ineese-Nash, 2020; Ingwersen, 2020; Johnson, 2016a, 2016b; King, 2014; Lackenbauer, 2014a, 2014b, 2019; Lackenbauer & Gulewitsch, 2014; Lambertus, 2004; Latulippe & Klenk, 2020; Leblanc, 2016; Lowan-Trudeau, 2017, 2019; Milloy, 1995; Miron & Steffler, 2017; Mitchel et al., 2019; Morden, 2013, 2014, 2015; Nagle, 2018; Nichols, 2018; Nicolescu, 2018; Palmer, 2018; Raynauld et al., 2018; Rutherford, 2017; Simpson, 2017; Soroski, 2019; Spice, 2018; Tomiak, 2016a, 2016b; Walker et al., 2019; Wilkes & Kehl, 2014; Wilkes & Ricard, 2007; Yin & Pindera, 1999).

Research by Indigenous Academics

Those settler colonial strategies, and the different manifestations of Indigenous resistance to same, have also resulted in a resurgence in the past decade of academic

research, which resulted in the publication of numerous peer-reviewed journal articles and scholarly and non-scholarly books by Indigenous and non-Indigenous authors alike on First Nation protests, confrontations, and resistance. Some of those works include: *Warrior Life: Indigenous Resistance and Resurgence* (Palmater, 2020); *Policing Indigenous Movements: Dissent and the Security State* (Crosby & Monaghan, 2018); *Debriefing Epsipogtog: The Anatomy of a Struggle* (Howe, 2015); *Blockades or Breakthroughs? Aboriginal People Confront the Canadian State* (Belanger & Lackenbauer, 2014); *Indigenous Nationhood: Empowering Grassroots Citizens* (Palmater, 2015); *Indivisible: Indigenous Human Rights* (Green, 2014); *The Answer is Still No: Voices of Pipeline Resistance* (Bowles & Veltmeyer, 2014); *Ipperwash: The Tragic Failure of Canada's Aboriginal Policy* (Hedican, 2013); *Conflict in Caledonia: Aboriginal Land Rights and the Rule of Law* (De Vries, 2011); *Racialized Policing: Aboriginal People's Encounters with the Police* (Comack, 2012); *500 Years of Indigenous Resistance* (Hill, 2010); and *Helpless: Caledonia's nightmare of fear and anarchy, and how the law failed us* (Blatchford, 2010).

Palmer (2018) credited such contemporary Cree, Dene, Mohawk, Secwepemc, and Stó:lô scholars and leaders as Alfred (1995, 1999, 2005, 2015), Coulthard (2012, 2014), Ladner (2010, 2015, 2017), Maracle (1996, 2000, 2015, 2017a, 2017b), and Simpson (2014) as making significant contributions to the field of Indigenous research and to the history of Indigenous resistance in Canada.

Alfred (2015) used the traditional Mohawk war dance ceremony known as Wasasa to highlight their Peoples' unity, strength, and commitment to action, and how

those qualities have enabled them to transcend the colonial identities that have been thrust upon them and live their lives as Onkwehonwe or “original people.” Coulthard (2014) outlined how the Dene Peoples’ fight for recognition as a nation and the right to self-determination has become an international Indigenous clarion call, and he questioned how politics of recognition transform the colonial relationship that continues to exist with Indigenous Peoples. Coulthard (2014) characterized the Trudeau government’s failed 1969 White Paper as a contemporary form of colonial racism and power that constitutes the “blanket assimilation of the status Indian population.”

Under the specter of Canada’s sesquicentennial celebration, Ladner and Tait (2017) characterized the history of Canada as 150 years of betrayal during which the country’s two-founding nations excluded Indigenous Peoples from the discussions that resulted in their expulsion from their traditional territories and the recasting of their land into a new confederated nation. Ladner and Tait (2017) appealed to Canadians to right the wrongs that had been perpetrated on Indigenous Peoples and to embrace the three-things challenge to transform their relationship with and to better the lives of Indigenous Peoples.

Manuel and Derrickson’s (2017a, 2017b) work exposed what they call the government’s “false attempts” to reconcile or reset the country’s fractured relationship with Indigenous Peoples by funding and working through national Aboriginal organizations like the Assembly of First Nations. The authors provided evidence of their claims of the government’s false reconciliation with examples of racism, delayed land

claims, and their continued obfuscation on fully implementing the United Nations Declaration of the Rights of Indigenous Peoples.

In her book, Maracle (2017b) attempted to create a national conversation about the inviolable myth that Canadians have created about themselves as being innocent of all the injustices that have been perpetrated against Indigenous Peoples. She provided evidence of her assertion that egregious acts committed against them are of little consequence to non-Indigenous peoples with examples of treaties being ignored, police crimes committed going unchallenged, and the Canadian government's attempt at genocide through the Indian residential school system. Simpson's (2014) work underlined how the Kahnawake Mohawks have endured hundreds of years of struggle against settler colonialism in their efforts to maintain their own Haudenosaunee system of governance, and how the Mohawk sovereignty movement has created enormous tension with the Canadian and American states. Evidence of that tension can still be found at Haudenosaunee resistance flashpoints such as Oka, Tyendinaga, Caledonia.

Indigenous Activism

There is a substantial and growing body of scholarly literature by both Indigenous and non-Indigenous scholars pertaining to the many different manifestations of Indigenous activism or resistance in Canada and in other colonial countries. Some of those manifestations include direct tactics like blockades and occupations, and indirect ones like activist education, building traditional watch houses on planned pipeline routes, cross-Canada caravans, hunger strikes, the Idle No More movement, Indigenous delegations to the European Parliament and the United Nations, Indigenous

performances, litigation, National Day of Action, political lobbying, the Red Paper, and social media campaigns (Alexander, 2016; Baloy, 2016a, 2016b; Barker, 2015; Barker & Ross, 2017; Belanger & Lackenbauer, 2014; Blair, 2018; Canning, 2018; Cantieri, 2018; Chazan, 2020; Clancy, 2017; De Lint, 2019; Dutta & Elers, 2019; Fleming, 2020; Greaves, 2018; Hall, 2020a, 2020b; Hedican, 2008a, 2008b, 2012, 2013; Howe & Monaghan, 2018; Ineese-Nash, 2020; John, 2015; Johnson, 2016a, 2016b; Lackenbauer, 2019; Latulippe & Klenk, 2020; Leblanc, 2016; Lowan-Trudeau, 2017, 2019; Mitchell et al., 2019a, 2019b; Morden, 2015; Nicolescu, 2018; Raynauld et al., 2018; Rutherford, 2017; Simpson, 2017; Soroski, 2019; Spice, 2018; Sweetman et al., 2019; Tomiak, 2016a, 2016b; Walker et al., 2019; Wilkes & Kehl, 2014).

With the creation of the Working Group on Indigenous Populations under the United Nation's Sub-Commission on the Promotion and Protection of Human Rights in 1982, and the adoption of the United Nations Declaration on the Rights of Indigenous People (UNDRIP) by that organization in 2006, similar patterns of academic research pertaining to the Indigenous activism and self-governance in such other countries as Australia, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico, New Zealand, and the United States have also evolved (Beisaw, 2017; Carlson & Frazer, 2018; Carmona & Jaramillo, 2020; Cox & Jones, 2018; Delorme, 2017; Greaves et al., 2018; Huarcaya, 2018; Humalajoki, 2020a, 2020b; Keown, 2018; Johnson 2016a, 2016b; Hanna et al., 2015; Helwege, 2015; Kretov, 2019; Lehoucq, 2020; Lupien, 2020; Madrid, 2014; Maynard, 2014; Nagle, 2018; Nichols, 2018; Nicolescu, 2018; Paroz & Waterfall, 2017; Radcliffe & Webb, 2016; Ravindran, 2018; Sempertegui, 2020; Sierra, 2018;

Stastny & Orr, 2014; Sullivan, 2019; Villegasand & Robles, 2020; Yoruk et al., 2019; Zarate-Toledo et al., 2019).

White Paper on Indian Policy

Some scholars point to Prime Minister Pierre Elliott Trudeau's attempt in 1969 to repeal the Indian Act and his attempt to eliminate the distinct legal status and special treaty and Aboriginal rights of Indigenous Peoples through his White Paper or Statement of the Government of Canada on Indian Policy as the inspiration for this growth in Indigenous research, especially among Indigenous scholars. Hebert (2019), Neeganagwedgin (2019, 2020), and Nichols (2018) contended that Trudeau's White Paper was an act of assimilation, and although it was withdrawn a year later after vociferous opposition from every Indigenous leader and organization in Canada, it fueled a lot of the mistrust of government and state institutions including the police that continues to exist today. Belanger and Lackenbauer (2014) have described the White Paper as inadvertently resulting in an "Aboriginal call to arms", and it taught First Nation leaders that they could influence future government policy through collective, direct, and hostile resistance (p. 10).

Others point to the 2012 hunger strike by Attawapiskat First Nation Chief Theresa Spence on Victoria Island in the Ottawa River and the 2012-2013 Idle No More grassroots movement that attracted supporters from Indigenous and non-Indigenous communities around the world as a major turning point in Indigenous activism. According to Baker and Verrelli (2017), Spence's hunger strike and her demand to meet with the Prime Minister and Governor General to discuss substandard housing and

infrastructure on First Nation reserves galvanized the Idle No More movement and spawned solidarity blockades and protests around the world. Gaudry (2011, 2016), Gaudry and Corntassel (2014), and Simpson (2009) characterized this “insurgent research” as being motivated by grassroots-academic collaborations that coincide with an even more “broad-based grassroots movement” taking place in Indigenous communities across the country.

Before the 1969 release of Trudeau’s White Paper or Statement of the Government of Canada on Indian Policy which sought to achieve equality among all Canadians by dismantling the Indian Act and thereby eliminating Indian as a distinct legal status, Indigenous activism and resistance in Canada was much different, less direct, and less violent than the radical form of Indigenous activism that was being practiced by the American Indian Movement (AIM) at the occupations of Alcatraz Island, Wounded Knee, and the Bureau of Indian Affairs building in Washington, DC in the 1970s (Barker & Ross, 2017; Beisaw, 2017; Blair, 2018; Humalajoki, 2020a, 2020b; LaDuke, 2012; Nichols, 2018; Wilkes, 2006). There was, however, a multitude of other forms of Indigenous and non-Indigenous activism and resistance north of the U.S. border, so much so that one scholar claimed that socially disruptive actions in Canada were “as Canadian as maple syrup” (Fleming, 2020).

Prime Minister Pierre Elliott Trudeau’s ill-conceived White Paper was created without any First Nations, Inuit or Métis consultation or input, and its release marked a turning point in the nature and extensiveness of Indigenous activism north of the border (Belanger & Lackenbauer, 2014; Blair, 2018). Not surprisingly, Trudeau’s White Paper

was rejected by Indigenous Peoples and leaders all across Canada as it was perceived to be the latest in a long list of settler-colonial efforts to assimilate them and to exterminate their “Indian identity” in much the same way that residential schools were set up to do (Blair, 2018; Canning, 2018; Johnson, 2016a, 2016b; Knockwood, 2015; Nichols, 2018). In addition to fueling a resurgence of Indigenous resistance characterized by new forms of indirect and direct acts of civil disobedience aimed at achieving Indigenous self-determination and sovereignty, the Canadian government’s White Paper also led to the establishment of two AIM-like organizations in Canada—the National Indian Brotherhood (NIB) which represented status Indians, and the Native Council of Canada (NCC) which represented Métis and non-status Indians.

Forty-eight years after the Prime Minister Pierre Elliott Trudeau unveiled his government’s White Paper, his son—Prime Minister Justin Trudeau—publicly declared on National Aboriginal Day that “no relationship is more important to Canada than the relationship with Indigenous People” (Government of Canada, 2017). He then re-affirmed his majority government’s commitment to improving the lives of Indigenous Peoples by promising to work together on such shared priorities as greater self-determination and closing the substantial socio-economic gaps that exist between their communities and non-Indigenous ones (Government of Canada, 2017).

While many heralded Trudeau’s announcement as a positive step forward in state-Indigenous Peoples’ relations, others were dubious. On winning a commanding majority in the House of Commons two years earlier, Trudeau had promised real change from the past, and he made a commitment to forge ahead with a “total renewal” of the state’s

relationship with First Nations Peoples (National Post, 2015). Among the many promises of renewal made during his 2015 National Aboriginal Day speech, Trudeau promised to establish a Commission of Inquiry into missing and murdered Indigenous women and girls, and to fully implement the 94 Calls to Action from the Indian residential school Truth and Reconciliation Commission (National Post, 2015).

Despite Assembly of First Nations National Chief Perry Bellegarde's assertion during the 2019 federal election campaign in which the Liberal government was re-elected with a minority government that Prime Minister Trudeau had done more for First Nations than any other government in Canadian history, many of Trudeau's majority government promises went unfulfilled (Smith, 2019). Walker et al. (2019) characterized Trudeau's 2015 comments about his government's relationship with Indigenous Peoples as "giving the appearance of being committed to reconciliation", claiming Trudeau hadn't fulfilled his campaign promises to implement the 94 TRC Calls to Action, to create legislation to enact the UNDRIP, and to take concrete steps to pivot the nation's economy away from fossil fuels and toward low-carbon renewable energy sources, which Indigenous Peoples strongly support for traditional and environmental reasons.

Four Arrows (2019) re-enforced Walker et al.'s (2019) pessimistic outlook by pointing out that the work of the TRC and all the other pro-Indigenous work that has been done to try to address such critical issues in Indigenous communities as substandard health care, increases in youth suicide, and chronic unemployment have neither changed the lives of Indigenous Peoples in Canada, nor woken the world up to the Indigenous rights crisis that is pervasive in Canada. Smith and Mitchell (2020) proposed a UNDRIP

Compliant Assessment Tool could help states like Canada respond to the minimum standards for the survival, dignity, and well-being of Indigenous Peoples.

In 2016, Indigenous Peoples' faith in the Prime Minister Trudeau's commitment to reconciliation was shaken once again with his government's approval of the controversial Kinder Morgan Trans Mountain pipeline, despite an eight-year long legal battle and vociferous opposition from the British Columbia government and Indigenous and non-Indigenous leaders and environmentalists alike (Canning, 2018; Cantieri, 2018). Built in 1953, the 1150-kilometer Edmonton to Burnaby Trans Mountain Pipeline project is a \$7.4b twinning of the existing infrastructure that will increase the flow of crude and refined oil from 300,000 barrels per day to almost 900,000 (Trans Mountain, 2020). Indigenous leaders from the Squamish First Nation, whose people have lived in the region for thousands of years, raised serious concerns about the impact the pipeline project would have on their culture, territory, waters, and on "their rights as a people today and on the rights of the people to come" (Cantieri, 2018). Indigenous and non-Indigenous activists were also concerned about the increased risk of pipeline ruptures, oil tanker traffic, and the massive expansion of the Alberta oil sands project that would follow.

Kinder Morgan was forced to suspend operations on pipeline construction in 2018 after more than five thousand protesters, including First Nation chiefs and members, Indigenous emissaries from the Standing Rock Sioux and other Native American Tribes, Greenpeace, and environmentalists from across North America set up blockades, staged a sit-in, beat drums, zip tied themselves to fencing, chained themselves to work trucks,

attached themselves to construction barges and set up a massive kayak flotilla at the entrance to the Burnaby BC terminal, all in contravention of a BC Supreme Court injunction (Bellrichard, 2018; Boothby, 2018; Boynton, 2019; Canning, 2018). In addition to mass protests comprised of approximately 10,000 people being held in Vancouver (Cantieri, 2018), female members of the Tsleil-Wahuth First Nation took on the responsibility of being ‘guardians and land protectors’ with the construction of traditional Coast Salish “watch houses” on wheels, which they parked along the pipeline route to protect sacred burial sites and food and medicine harvesting grounds (Cantieri, 2018).

The RCMP’s initial reluctance to enforce the B.C. Supreme Court prohibition on protests because of the presence of hundreds of non-Indigenous protesters and international media soon gave way and resulted in the arrest of hundreds of protesters (Canning, 2018). Similar types of direct-action protests were conducted daily and contributed to Kinder Morgan’s decision to suspend operations and sell the pipeline expansion project to the Trudeau government in August 2018 for \$4.5b (Canning, 2018). Despite the sale, Indigenous and non-Indigenous opposition to the now Canadian-government owned Trans Mountain pipeline remains high. As Ladner and Tait (2017), and Coulthard (2012, 2014) highlighted, even when large-scale direct Indigenous activism in the form of protests or face-to-face confrontation with the police and state do not succeed in stopping a project like the Trans Mountain pipeline, they nonetheless draw international attention to the plight of Indigenous Peoples in Canada, and they have a tremendous impact on future Indigenous-state relations.

Police–Indigenous Relations

In light of the fact that the Royal Canadian Mounted Police (RCMP), and its predecessor, the North-West Mounted Police (NWMP), have existed in Canada since 1873, and the fact that it has the distinction of performing national, provincial/territorial, municipal and First Nations policing across Canada, there is a solid and growing body of scholarly literature on this agency and its complex and disjointed relationship with Indigenous Peoples. A search of the Walden University Library Thoreau database using the search term Royal Canadian Mounted Police AND history or background or past, historical, or original or development produced 275 peer-reviewed scholarly journal articles for the time frame of 1934 to 2020. By limiting the publication date from 2015 to 2020, it resulted in 86 peer-reviewed scholarly journal articles.

With the confederation of four of Canada's existing provinces and territories into the Dominion of Canada in 1867 by the British North America Act, policing in those jurisdictions became a provincial responsibility, however, the federal government maintained the responsibility for maintaining law and order in the vast territories that had not yet been formally welcomed into confederation as provincial entities. The impetus for the creation of the federally funded North-West Mounted Police in 1873 has been traced to the 1869-70 Red River Rebellion under the leadership of Métis leader Louis Riel and to the 1873 Cypress Hills massacre, during which 13 Assiniboine warriors were murdered by a group of American and Canadian wolf hunters, in what are today the provinces of Manitoba and Saskatchewan (Monaghan, 2013). According to Monaghan (2013), Fanning (2012) and Macleod (1985), Prime Minister Sir John A. Macdonald, the

architect of such pro-colonial and anti-Indigenous policies as the Indian residential school system, created the NWMP to advance his government's National Policy, wherein white farmers and ranchers were settled on the vast plains, prairies and territory that had been home to generations of First Nation and Métis members.

While most law enforcement historians invoke the name of Robert Peel, whose nine Peelian Principles are part of the rituals and symbols of police self-legitimization (Bell & Schreiner, 2018; Loader, 2016), and the creation of the London Metropolitan Police in 1829 as the forerunner of modern policing in North America, Canada's national police force—the RCMP—and its three remaining provincial law enforcement agencies – the Royal Newfoundland Constabulary, the Ontario Provincial Police, and the Sûreté du Québec (SQ)—were modelled on the Royal Irish Constabulary (Horrall, 2016; Marquis, 1990, 1998; Monaghan, 2013). Unlike their unarmed counterparts in Metropolitan London who were tasked with urban policing, the paramilitary Royal Irish Constabulary were armed, maintained law and order in a rural setting and, like the military, its officers were billeted in barracks (Marquis, 1990, 1998). In addition to maintaining law and order and suppressing American expansionism, it was in this frontier context that members of the NWMP were tasked with performing a multitude of non-police roles that included those of the bureaucrat, diplomat, firefighter, judiciary, military, nurses, politician, social workers, statesman, treaty negotiator, and veterinary (Fanning, 2012; Haring, 1998, 2002; Monaghan, 2013).

Waiser (2019) and Dunn (2018) likened the NWMP to a “kind of handyman for the federal government” and they suggested there was “no task they were unwilling

to shoulder” to cement the Canadian presence in the sparsely populated prairies and to maintain law and order by putting an end to the proliferation of guns and whisky by American traders (Historical Society of Alberta, 2019). Although many of those tasks are at the root of much of the mistrust that exists between police and Indigenous Peoples today, police pioneers like Colonel James Macleod, the second Commissioner of the RNWMP (1876-1880), have been credited with establishing positive working relationships with First Nation chiefs. Macleod negotiated the last two major treaties signed in Western Canada—Treaty 6 with Chief Crowfoot of the Plains Cree in 1876, and Treaty 7 with Chief Crow of the Blackfoot Confederacy in 1877 (Morris, 1880; Waiser, 2011). Macleod was also appointed to the Northwest Territories Council and was reported to have sponsored legislation to stave off widespread starvation of Indigenous Peoples by protecting the diminishing bison herds.

As a result of conflicting priorities during and immediately following WWI, the now Regina-based Royal North-West Mount Police which had merged with the Halifax-based Dominion Police in 1919, was reconstituted as a national police force known as the Royal Canadian Mounted Police by an Act of Parliament in February 1920 (Lunney, 2012). By their own admission, the RCMP’s century-and-a-half relationship with Indigenous Peoples has been “sometimes difficult”, although the extensive list of historically relevant dates and a separate list of historic events in RCMP-Indigenous relations on their website provides no hint of the nature of the difficulties beyond obscure references to the appointment of RCMP officers as truant officers under the Indian Act to enable them to return truant children to residential schools in 1933, and the apologies of

Commissioner Giuliano Zaccardelli in 2004 and Commissioner Bob Paulson in 2014 for the RCMP's role in the Indian residential school system, and a 2018 apology by Commissioner Brenda Lucki to the families of the missing and murdered women and girls at the National Inquiry (RCMP, 2018).

The list of historically relevant dates also contains a reference to a report that was commissioned by the RCMP and authored by LeBeuf (2011) on that police force's role in the Indian residential school (IRS) system (RCMP, 2019b, 2019c). When the 457-page report was presented at the national hearings of the Truth and Reconciliation Commission in Nova Scotia in October 2011, Canadians were told that the RCMP played "a secondary role in supporting certain elements of the IRS system" (LeBeuf, 2011). The researcher concluded the RCMP were not aware of the physical and sexual abuse that was taking place within the residential schools because Indigenous children rarely denounced the abuse, and because the closed nature of the school system kept the RCMP and any other outsiders from knowing about it (LeBeuf, 2011). The author claimed that a lack of trust of the RCMP by the residential schools' students and their families was the biggest barrier to investigations being conducted up until the 1990s (LeBeuf, 2011).

The survivors of the residential school system reacted with anger and derision to LeBeuf's (2011) conclusions that the RCMP only played a minor role in their oppression at the residential schools. One Nova Scotia Mi'kmaq IRS survivor characterized the report as a "whitewash" and he referred to the RCMP as a "posse of racists who immediately snatched up any child that wandered off the grounds of the school." Another IRS survivor called the report "worthless" and accused the police of "herding them like

cattle into RCMP cars and taking them to the residential schools” (CBC News, 2011).

Other survivors claimed the RCMP ignored the abused students’ pleas for help or accused them of making up a story when they raised the issue of abuse (CBC News, 2011).

Justice Murray Sinclair, Chair of the Truth and Reconciliation Commission, supported those assertion by stating that Indigenous parents could be imprisoned if they refused to allow the Indian agent or the RCMP to take their children, and Shawn Atleo, National Grand Chief of the Assembly of First Nations said his family members, who were IRS survivors, told similar stories, so he deferred to and supported the survivors’ experiences, and he questioned the RCMP’s claim they had no idea what was going on in the residential schools (Narine, 2011). In response to the growing criticism of the report, LeBeuf acknowledged that there was very little written material about the physical or sexual abuse that went on in the schools and there was nothing about the specific role that the RCMP played in the IRS system, even in provinces where there were many residential schools (Narine, 2011).

Despite the claims in the RCMP-commissioned study that the police force played a minimal role and were unaware of the abuse that was taking place in the residential school system, two RCMP Commissioners did offer apologies for their agency’s actions, both prior to and after the LeBeuf (2011) report was released (RCMP, 2019b, 2019c; TRC, 2015). While delivering a speech during the signing of a public safety protocol with the Assembly of First Nations in May 2004, RCMP Commissioner Zaccardelli stated that he and the Force were truly sorry for the role they played in the IRS system and the abuse

that occurred therein, and he made a commitment to working together to ensure it never happens again (RCMP, 2019b, 2019c; TRC, 2015).

A decade later during a speech he made at a National Truth and Reconciliation Commission event in Alberta, RCMP Commissioner Paulson similarly apologized on behalf of the RCMP for what transpired in the IRS system and for any part they played in it (RCMP, 2019b, 2019c). Four years later, Commissioner Lucki apologized for the RCMP's actions or inactions pertaining to the investigation of missing and murdered Indigenous women and girls (RCMP, 2018). The Commissioner acknowledged the pain and suffering the families experienced, and she also acknowledged that the RCMP should and could have done better, and she too made a commitment to do better in the future (RCMP, 2018).

According to Alberton et al., (2019), Bell and Schreiner (2018), McNeilly (2018), Morden (2015), Monaghan (2013), and Stewart (2011), the relationship Indigenous Peoples have with law enforcement agencies today is tainted by the integral role that the police played as the settler state colonial rule enforcers throughout the history of Canada, including enforcing the prohibitions on potlach and sun dance ceremonies, displacing hereditary chiefs from longstanding governance positions, assisting Indian agents with the reserve pass system, and returning children to residential schools. These and countless other anti-Indigenous acts undertaken by police for the settler colonial state have eroded Indigenous Peoples' confidence in law enforcement agencies, according to studies that have been undertaken (Clairmont 2013; Christmas 2012; Comack, 2012; Cao, 2011; Jones et al., 2019; Lithopoulos & Ruddell 2011; Narine, 2011; Nettelbeck & Smandych 2010;

Razack, 2012, 2013, 2014, 2016; Ruddell et al., 2014). Despite the passage of time, that mistrust of police has endured and it has negatively impacted potential partnerships that could make Indigenous communities safer (Griffiths, 2019).

Doolittle (2017) argued that the fear of and lack of confidence in police that has been built up over generations has even deterred female Indigenous victims of sexual assault and other forms of violence from reporting these crimes, which has necessitated investments and improvements in police cultural awareness training. In more contemporary times, police relations with Indigenous Peoples have been fractured by over-policing, under-policing, inadequate investigation into missing and murdered Indigenous women and girls, and the direct use of force and other police actions at occupations and protests involving outstanding land claims, broken treaty rights, oil pipeline construction, natural gas fracking, resource extraction, and residential development on traditional Indigenous territory (Alberton, 2019; Belanger & Lackenbauer, 2014; Bowles & Veltmeyer, 2014; Crosby & Monaghan, 2016, 2018; De Vries, 2011; Green, 2014; Hedican, 2013; Hill, 2010; Howe, 2015; McNeilly, 2018; Palmater, 2011a, 2011b, 2013, 2014a, 2014b, 2015, 2016a, 2016b, 2017, 2018a, 2018b, 2019, 2020; Wilkes, 2004a, 2004b, 2006; Vijaykumar, 2018).

A quantitative research study conducted by Ewanation et al. (2019), revealed the fact that Indigenous groups provided the lowest ratings of police legitimacy in Canada when using such variables as police lawlessness, distributive fairness, procedural fairness, and police effectiveness. Using the Police Legitimacy Scale (PLS), they determined that Indigenous Peoples in Canada had significant concerns about police

officers being disrespectful and untruthful to them, depriving them of their legal rights, committing unlawful acts and using excessive force against them, and failing to properly allocate needed resources to their unique community safety needs (Ewanation et al., 2019).

One of the other contributors to strained relations between Indigenous Peoples and the police in Canada and, more specifically in Ontario, is the hundreds of outstanding land claims launched by First Nations. At the Ipperwash Inquiry (2007), the OPP expressed their obvious frustration at the glacial speed that Indigenous land and treaty claims were resolved, claiming that these outstanding claims were the biggest contributor to contentious First Nation occupations and protests. As a result, they identified the “timely and fair” resolution of the hundreds of outstanding land claims in Ontario as the greatest imperative for the government (Ipperwash Inquiry, 2007). Hedican (2012) agreed with the OPP’s assertion indicating that the federal government’s record in resolving land claims is dismal and he underscored the fact that elected officials should have moved more expeditiously. Although more than 300 land claims have been resolved, Belanger and Lackenbauer (2014) pointed out that there are still approximately 900 claims outstanding, and more being added every year. Frideres and Gadacz (2008) and Coyle (2005) provided some context to the scope of the problem facing the government and why Indigenous Peoples engage in direct action with their assertion that it can take hundreds of millions of dollars, six years of research, and anywhere from 12 to 15 years to settle a land claim.

Nichols (2018) contended that the violent events between police and Indigenous protesters at flashpoints like Caledonia, Ipperwash, and Tyendinaga have exacerbated the lack of trust and confidence Indigenous Peoples have in police. The fact that these and other occupations and protests are taking place in the aftermath of decades of police neglect, police abuse, and police racism only adds to that lack of trust (Palmater, 2016a, 2016b, 2017, 2019, 2020). Over-policing and under-policing strategies by law enforcement agencies have resulted in high crime rates in Indigenous communities, the deaths of Indigenous Peoples in custody, disproportionate numbers of Indigenous men, women and youths in Canada's courts, correctional institutions, and probation and parole services, and what Palmater (2016b) calls a national crisis of thousands of murdered and missing Indigenous women and girls (Alberton et al., 2019; Monture-Angus, 1995, 1999; Vijaykumar, 2018; Zimmer, 2016, 2017).

Police–Indigenous Peoples' relations were also impacted by news reports in 2004 about racist attitudes and comments made by OPP officers at the Ipperwash stand-off and by testimony provided at the Ipperwash Inquiry (2007) about the existence of racism on the part of member of the OPP, before-during-and-after the Ipperwash crisis (CBC, 2004; Gray, 2004; Kienapple, 2004). That testimony disclosed the fact that officers had produced and distributed offensive coffee mugs and t-shirts containing racist imagery of Indigenous Peoples, to commemorate the OPP's actions at Ipperwash (Ipperwash Inquiry, 2007). The inquiry also heard a number of tape-recorded conversations of various OPP officers making derogatory remarks about Indigenous Peoples, all of which led Inquiry Commissioner Justice Linden to conclude that this racism was not an isolated incident,

and that cultural insensitivity and racism created a barrier to the development of a peaceful solution to the standoff because it negated the development of any sense of trust or communication between the land defenders and the police (Ipperwash Inquiry, 2007).

Similar allegations of racism and bias have been leveled against other police services in Canada. Palmater (2016b, 2019, 2020) contended that various inquiries have exposed and made recommendations on how to deal with the widespread racism that exists within Canadian policing and the criminal justice system in general, however, those recommendations have never been acted upon. According to Palmater (2016b), police and criminal justice racism factored prominently in the 1989 Royal Commission on the Donald Marshall Jr. Prosecution, the 1996 Royal Commission on Aboriginal Peoples, the 1999 Aboriginal Justice Inquiry of Manitoba, the 2004 Saskatchewan Commission on First Nations and Métis Peoples and Justice Reform, the 2007 Ipperwash Inquiry, the 2013 Human Rights Watch Report. Anti-Indigenous bias and racism by police and other actors in the criminal justice system have also been exposed in such contemporary books, films, tv series, albums, and songs as: *Justice Denied: The Law Versus Donald Marshall* (Harris, 1986); *Justice Denied* (Cowan, 1989); *Conspiracy of Silence* (Mankiewicz, 1991); *Cowboys and Indians: The Killing of J.J. Harper* (Bailey, 2003); *Cowboys and Indians: The Shooting of J. J. Harper* (Sinclair, 2000); *One Dead Indian: The Premier, the Police and the Ipperwash Crisis* (Edwards, 2001); *One Dead Indian* (Southam, 2006); *One Shoe* (Berner, 2009), *Inconvenient Indian* (King, 2013); and *Secret Path* (Downie, 2016; Downie & Lemire, 2016a, 2016b).

The ongoing dispute over traditional Indigenous lands and rights continues to be one of the most contentious issues in Canadian and Indigenous politics (Belanger & Lackenbauer, 2014). Although Indigenous Peoples have occupied their traditional lands and territories for generations, these lands were officially ceded to the British Crown following the defeat and the departure of the French troops and the passing of the Royal Proclamation of 1763 (Cardinal, 1969; Hebert, 2019). This proclamation, which Cardinal in the aftermath of the White Paper referred to as a “sacred trust”, was and continues to be very important today because it recognized the fact that the First People of British North America maintained certain rights to the lands that they had traditionally occupied (Hebert, 2019; Johnson, 2019; Satzewich, 1997).

That proclamation necessitated the development of treaties with First Nations, which Canada’s first Prime Minister referred to as “the Indian problem” (Cardinal, 1969, 1999; Hebert, 2019; Johnson, 2019; Satzewich, 1997). By arbitrarily placing all of these traditional Aboriginal lands in the hands of the Crown and prohibiting First Nations from selling these lands to anyone but the Crown, the British government had hoped to bring an end to the widespread encroachment and speculation on these lands that was causing conflict. According to Belanger and Lackenbauer (2014), De Lint (2019), Dutta and Elers (2019), Fleming (2020), Hall (2020a, 2020b), Humalajoki (2020a, 2020b), Ineese-Nash (2020), Morden (2015) and countless other scholars, that hope has never been realized.

As is evidenced by the death of a police officer at the 1990 Oka crisis, the killing of an Indigenous land defender at the 1995 Ipperwash occupation, the exchange of more than 77,000 rounds of ammunition at the 1995 Gustafsen Lake standoff, and the millions

of dollars-worth of damage at the 2006 to the present-day anti-pipeline Wet'suwet'en protests near Vancouver and the Grand River land dispute near Caledonia, policing Indigenous protests and occupations is one of the most politically charged and challenging problems that law enforcement agencies in Canada encounter (Austen, 2020; Barker & Ross, 2017; Belanger & Lackenbauer, 2014; Blair, 2018; Brown, 2020; Brown & Bracken, 2020; Canning, 2018; Clancy, 2017; Datta & Hurlbert, 2020; De Lint, 2019; Fleming, 2020; Hedican, 2008a, 2008b, 2012, 2013; Lackenbauer, 2019; Lambertus, 2004; McCreary, 2015, 2017; Milloy, 1995; Morden, 2015; Nichols, 2018; Palmer, 2018; Rosane, 2020; Shrubsole & Lackenbauer, 2014; Simpson, 2017; Soroski, 2019; Wilkes & Kehl, 2014; Winegard, 2014). Although these and countless other similarly complex and high-profile Indigenous critical incidents have captured the attention of the national and international media, disrupted the flow of commerce, and significantly impacted people's daily routines and lives, there is a surprising and distinct paucity of contemporary academic research into how police respond to these events.

The many forms and manifestations of Indigenous activism, including direct and indirect action, and settler colonialism—the underlying cause of much of the 150 years of Indigenous activism and resistance—have been widely studied by academics, commissions of inquiry and governments alike (Baloy, 2016a, 2016b; Belanger & Lackenbauer, 2014; Berkey et al., 2018; Crosby & Monaghan, 2016, 2018; Dafnos, 2013, 2015, 2019, 2020; Des Rosiers, 2016; Greaves, 2018; Hebert, 2019; Inwood & Johns, 2016; Johnson, 2019; Lackenbauer, 2019; Latulippe & Klenk, 2020; Neganagwedgin, 2019; Nichols, 2018; Palmer, 2018; Pasternak & Dafnos, 2018; Rutherford, 2017; Tomiak, 2016a, 2016b;

Vijaykumar, 2018; Walker et al., 2019), however, the role of the police and the strategies they use to respond to Indigenous critical incidents has thus far not been exposed to scholarly study.

OPP Framework Policy

In the province of Ontario, the policy developed and deployed by law enforcement agencies there—The Ontario Provincial Police Framework for Police Preparedness of Indigenous Critical Incidents (OPP Framework)—has garnered much media attention, but it has received very little academic study even though Justice Linden characterized the operational policy as being “unconventional and extra-ordinarily facilitative, cooperative and a non-law enforcement approach to this specialized area of public order policing” (Ipperwash Inquiry, 2007).

As part of the research component of the Ipperwash Inquiry, Professor Don Clairmont, Ph.D. from Dalhousie University’s Department of Sociology and Social Anthropology, and RCMP Inspector Jim Potts, an Ojibway member of the Temiskaming First Nation and the first Status Indian to receive a Commission in the RCMP’s 125-year history, were given the task of investigating how First Nation occupations and protests differ from their mainstream counterparts and what their complexities are; what are the central policing issues associated to First Nation occupations and protests and what are they for such other stakeholders as local residents, and government agencies; what are the limits of police capacity at First Nation occupations and protests and what are some of the suggested best practices in policing in this sphere (Clairmont & Potts, 2006; Ipperwash, 2007).

In addition to conducting an intensive review of academic literature and government reports and other secondary sources, Clairmont and Potts (2006) did fieldwork in the form of visiting occupation and protest site across Canada. They also conducted interviews with 104 persons, half of whom were Indigenous police officers and the other half of whom were Indigenous leaders and Indigenous protesters. Clairmont and Potts' (2006) comprehensive 65-page companion report entitled *For the Nonce: Policing and Aboriginal Occupations and Protests* provided a significant contribution to understanding Indigenous critical incidents and how police responded to them after the Ipperwash crisis.

Clairmont and Potts' (2016) research provided valuable insight into the evolution of the RCMP's policy on how to deal with First Nation occupations and protests. That policy grew from a 2004 national level collaboration protocol that the RCMP negotiated with the Assembly of First Nations (AFN) that was intended to enhance communication between the two agencies and to reduce the potential for violence at Indigenous critical incidents through peaceful negotiation (Clairmont & Potts, 2016). Formed in 1982 from the National Indian Brotherhood, the AFN was intended to be the national voice of the almost one million First Nation citizens in Canada, with a view to advancing the Aboriginal self-determination and sovereignty cause (Blair, 2018; Humalajoki, 2020a, 2020b; Nichols, 2018; Tomiak, 2016a, 2016b). The AFN has, however, been the accused by Indigenous scholars and leaders alike of being co-opted by the government and police for its contradictory stance on resistance to the settler-state, for participating in and giving legitimacy to settler-state processes and structures, for colluding with the Canadian-

nation state to maintain its federal funding, and for “working against its own people” by providing the RCMP, OPP and SQ with information which was subsequently used by the Aboriginal Joint Intelligence Group about planned blockades of major highways and railways during the 2007 National Day of Action (Dafnos, 2015; Groves & Lukacs, 2013; Palmater, 2015).

Like the OPP Framework that was officially introduced at the Ipperwash Inquiry in 2006, the RCMP policy on response to First Nation occupations and protests was founded on the principles of establishing trust and collaboration before such incidents take place, and by using a “measured approach” and the community policing CAPRA problem-solving mode during such protests (Clairmont and Potts, 2006). According to the RCMP (2019a), the CAPRA model (Clients, Acquiring and analyzing information, Partnership, Response, Assessment for continuous improvement) sets out the competencies that are required for effective community policing. Clairmont and Potts (2006) contended that the RCMP’s measured approach to Indigenous critical incidents was derived from their policing of labor protests, during which the officers build trust by focusing on their primary role of maintaining peace and order, by being respectful and understanding of the legitimacy of both sides of the dispute, and by exercising restraint and discretion when witnessing the commission of minor criminal offences. These same qualities are evident in the OPP Framework (Hedican, 2012; Parent, 2014).

Although Clairmont and Potts’ (2006) research on policing First Nation occupations and protests was detailed and provided useful information to the 2005–2007 Ipperwash Inquiry, that research was not subjected to scholarly peer-review. Beyond the

work of Parent and Parent (2019), Hedican (2008a, 2008b, 2012, 2013), and to a lesser extent Belanger and Lackenbauer (2014), Clancy (2017), Crosby and Monaghan (2018), Dafnos (2013, 2015, 2019, 2020), De Vries (2011), and Parent (2014), there remains a gap in scholarly literature on the specific topic of police response to Indigenous critical incidents and the operational and strategic policies police use to deal with these types of high profile and complex incidents.

This gap in academic literature is important for a variety of reasons, not the least of which is the fact that in the 14 years since it was publicly unveiled at the Ipperwash Inquiry and proclaimed to be a best practice approach by Provincial Inquiry Commissioner the Honorable Sidney B. Linden (Ipperwash Inquiry, 2007), the OPP Framework has amassed many detractors within the ranks of academia, Amnesty International, First Nation Chiefs, the judiciary, the media, members of the public and even some police officers (Alexander, 2016; Blackburn, 2010; Blatchford, 2009, 2010, 2013; CBC News, 2013a, 2013b; Chiefs of Ontario, 2006; Clancy, 2017; CTV News, 2007a; Dafnos, 2013, 2015, 2019, 2020; Den Tandt, 2013; Gillham et al., 2013; Gurney, 2013; Hedican, 2012, 2013; Howe & Monaghan, 2018; McVicar, 2013; Smith, 2007; Valpy, 2007; Whelan & Molnar, 2017; Wood, 2016).

While many applauded the findings and recommendations of the Ipperwash Inquiry (2007) and have defended the less-confrontational approach codified in the OPP Framework policy, Lackenbauer and Gulewitsch (2014) characterize the final report as being “overly one sided.” In what the authors referred to as a “heavily sanitized version of history” and “hitting all the right chords of political correctness”, they accused the

Inquiry Commissioner of intentionally avoiding any criticism or blame of the First Nation protesters for their direct action, of minimizing the contentious intra-band divisions that took place between the Ipperwash Park protesters and the elected Kettle and Stony Creek chief and council, and characterizing the park occupiers as peaceful protesters (Lackenbauer & Gulewitsch, 2014).

Sancton (2012) also raised concerns about the ambiguities in the Ipperwash Inquiry (2007) recommendations pertaining to democratic policing and police independence. Because of the complexities surrounding Indigenous-state politics and the gravity and implications of decisions made by police during Indigenous occupations and protests, Sancton (2012) argued that the concept of police independence needs to be reformed to allow for the issuance of ministerial and police board directives at such critical incidents, however, unlike what transpired at the Ipperwash crisis, the individual issuing such directives needs to be clearly identified and held accountable for same.

The 2018–2019 OPP Annual Report on the Framework Approach referenced the fact that this policy was applied in 88 separate Indigenous critical incidents in 2018 and 61 in 2019 (OPP, 2020). The OPP Framework was used in 2018 when the Kiashke Zaaging Anishinaabek (KZA) First Nation erected a blockade on a roadway leading into the North American Palladium/Lac Des Isle mines in northern Ontario (OPP, 2020). Despite closing the road down, the KZA First Nation characterized their activism as “traditional teaching and experimental activities”, not a blockade or protest (CBC News, 2018). Citing concerns about mine tailings being dumped into Gull Bay and a lack of benefits being realized by the community despite 25 years of mine operations, the KZA

First Nation sought a deal that was based on respect (Vis, 2018). Police efforts to provide a safe and peaceful opportunity for the First Nation protesters to exercise their lawful rights pursuant to the OPP Framework was complicated by the fact that KZA First Nation had prohibited OPP officers from entering the community without the permission of the chief and band council due to two unrelated incidents (OPP, 2020). After six days of peaceful protest, an agreement was reached between the KZA First Nation and the mine operators, due in large part to the mediation of the OPP Provincial Liaison Unit (OPP, 2020; TBNewsWatch, 2018).

The OPP Framework was also successfully applied in the spring of 2019 during the evacuation of 2500 residents of a remote Cree community known as the Kashechewan First Nation near James Bay due to flooding, and the evacuation of 1000 residents of the Pikangikum First Nation in the summer of 2019 due to a 3,800-hectare forest fire burning a few kilometers from the village (Bensadoun, 2019; CBC News, 2019; CityNews, 2019; OPP, 2020).

Previous annual reports detailed the successful application of the OPP Framework in a total of 724 major incidents dating back to 2007 involving a First Nation issue and/or person and/or on a First Nation territory (OPP, 2013, 2014, 2015, 2016, 2017, 2018a, 2018b, 2020). The commanders of the OPP Field Support Bureau (FSB), Indigenous Policing Bureau (IPB), along with the major critical incident commander (MCI), the manager of OPP Corporate Communications and members of the Provincial Liaison Team (PLT) are integral to any successful application of the OPP Framework (OPP, 2018b, 2018c). According to the 2018 revised edition of the OPP Framework, the FSB

commander oversees the major critical incident; the IPB commander oversees the training of the members on the OPP Framework, provides expert advice, and remains current on Indigenous issues; the MCIC commander manages and endeavors to resolve the major incident; and the PLT members provide specialized support and assistance, and are responsible for establishing and keeping the lines of communication open with the protesters and other stakeholders (OPP, 2018b, 2018c).

Beyond the actual on-the-ground occupation or protest itself which constitutes the critical incident stage, the OPP Framework conflict cycle is also comprised of the pre-critical incident stage and the post-critical incident stage (OPP, 2018b). The pre- and post-critical incident stages are particularly important opportunities to build positive trusting relationships with First Nation leaders and members, which can contribute to strategies to resolve the dispute without having to resort to a minimal use of force (OPP, 2018b). According to the Council of Canadian Academies (CCA/CAC) Expert Panel on Policing in Indigenous Communities report (2019), building relationships among police and other service providers and community members is integral to promoting safety and well-being and to earning the trust and mobilizing the community.

Strategic Incapacitation

The OPP Framework with its less-confrontational, non-violent, dialogue-based approach to dealing with Indigenous critical incidents and other forms of Indigenous protest in the post-Ipperwash era has given rise to a body of academic research known as strategic incapacitation (Alexander, 2016; Baker & Verrelli, 2017; Dafnos, 2013, 2015, 2019, 2020; Gillham & Marx, 2018; Gorringer et al., 2012; Gorringer & Rosie, 2008,

2013; Howe & Monaghan, 2018; Monaghan & Walby, 2012; Whelan & Mohar, 2017; Wood, 2016). According to Wood (2014), this approach to public order policing originated in the United Kingdom, and today it is being widely used in Canada, the United States and Western Europe.

In the United States, strategic incapacitation its forerunner during the 1980s and 1990s-negotiated management-were used by law enforcement agencies during the occupy wall street protest movement. American scholars trace the use of negotiated management and strategic incapacitation to the aftermath of the September 11th terrorist attacks (Edwards et al., 2013; Gillham, 2011, 2013; Gillham et al., 2013; Gillham & Noakes, 2007; King, 2013; King & Waddington, 2012; Noakes & Gillham, 2006, 2007; Soule & Davenport, 2009; Wood, 2014).

In Canada, strategic incapacitation was alleged to have been used by law enforcement and public safety agencies during the 2007 National Day of Action and the 2013-2014 grassroots Indigenous movement known as Idle No More. During these events, some scholars contended that police conflated these non-violent, high-profile form of Indigenous activism and resistance as threats to national security (Baker & Verrelli, 2017; Barker, 2015; Crosby & Monaghan, 2016, 2018; Morden, 2015). In an effort to pre-empt these and other forms of Indigenous protest or to neutralize similar perceived threats to community safety, police agencies in Canada using strategic incapacitation deployed a variety of tactics including engaging in dialogue with protesters and protest groups, gathering intelligence on them, continuously analyzing that intelligence, and conducting routine and pervasive surveillance on high-risk targets

(Dafnos, 2013, 2015, 2019, 2020; Howe & Monaghan, 2018;). Critics of strategic incapacitation argued that the adversarial and social control techniques used in strategic incapacitation during Indigenous and other forms of activism contradict police claims that they respect and will facilitate people's rights to engage in lawful forms of protest (Howe & Monaghan, 2018).

While surveillance and intelligence gathering are routinely used by the police and security agencies against national security targets and target groups, Clancy (2017), Craig (2016), Dafnos (2013, 2015, 2019, 2020) and Dafnos et al. (2016) contended that intensive surveillance is now being used on Indigenous protesters and activist groups who are simply trying to peaceably secure their lawful rights to self-determination and Indigenous sovereignty. Although police have been applauded for their negotiation-based OPP Framework approach to dealing with Indigenous occupations and protests, these scholars claim the OPP's new intelligence driven approach to occupations and protests and their radical expansion of the definition of "critical incident" and conflation of more of those incidents as being "high risk" have resulted in increased state surveillance of Indigenous activism (Craig, 2016).

The use of an unmanned aerial vehicle (UAV) or drone by the OPP to monitor a 2014 occupation and protest on Tyendinaga First Nation territory caused some social media users to question police ethics, while others saw the use of this technology as provocative and invasive (Bracken-Roche et al., 2014; Saulnier & Thompson, 2016; Thompson & Saulnier, 2015). In light of the sensitivities and lack of trust that are inherent to Indigenous critical incidents, the authors urged police to carefully consider

public perceptions and relationships before deploying such technology to unnecessarily cause panic and fear and sow the seeds of mistrust (Bracken-Roche et al., 2014; Saulnier & Thompson, 2016; Thompson & Saulnier, 2015).

Since the source of most of the Indigenous blockades and protests that Canadian police officers deal with stem from the assertion of Aboriginal, treaty or inherent rights, both of which pertain to civil and constitutional law and is beyond the scope of police responsibility or authority, the police role at such incidents is to “preserve the peace, prevent offences, and enforce the law in a manner that respects the rights of all involved parties” (OPP, 2018b). According to the OPP Framework, it is incumbent on every member of the OPP to familiarize themselves with Indigenous issues before an occupation or protest, and to protect everyone’s rights during a conflict (OPP, 2018b). The decision by the OPP to defer making arrests when serious crimes have been committed in front of them has been one of the most controversial aspects of the Framework approach. That approach has been highly criticized by the media, members of the public, the judiciary, and even members of the police service (Alexander, 2016; Blackburn, 2010; Blatchford, 2009, 2010, 2013; CBC News, 2013a, 2013b; Chiefs of Ontario, 2006; Clancy, 2017; CTV News, 2007a; Dafnos, 2013; Den Tandt, 2013; Fenlon, 2007; Gillham et al., 2013; Gurney, 2013; Hedican, 2012, 2013; Howe & Monaghan, 2018; McVicar, 2013; Noakes & Gillham, 2006; Smith, 2007; Whelan & Molnar, 2017; Wood, 2016; Valpy, 2007).

Although most Indigenous occupations or blockades draw local media attention to the issue at hand, high-profile and violent protests such as Oka in 1990, Ipperwash in

1995, and Grand River or Caledonia in 2006 have garnered national and international headlines. As Daly (2007), Gillespie (2007), Hedican (2012), Lackenbauer (2014a, 2014b), Lackenbauer and Gulewitsch (2014), Soroski (2019), Morden (2015), and Winegard (2014) referenced, they also forced the government to purchase the disputed land from non-Indigenous title holders and gift it to the involved First Nation. Because of the government's proclivity to resolve these types of highly disruptive and violent protests in this manner, Hedican (2012) questioned why there aren't adequate means of conflict resolution that would avert Indigenous confrontations from occurring in the first place, while Soroski (2019) posited that this approach suggests that the violent rejection of state authority that was apparent at Oka, Ipperwash and Caledonia is far more successful than engaging in such other peaceful forms of Indigenous activism as litigation or political advocacy.

Prior to proclaiming that the OPP Framework and the creation of Provincial Liaison Teams and other related programs to be best practices, Justice Linden noted that the facilitative, cooperative and non-law enforcement focus of the new police approach to Indigenous critical incidents may seem unconventional and even extra-ordinary to members of the public, and he pointed out that the OPP Framework was silent on what happens when someone breaks the law (Ipperwash Inquiry, 2007). Hedican (2012) characterized Commissioner Linden of having adopted a "wait-and-see approach" as to the effectiveness of this new police "soft and measured response and negotiation-like operational policy" which signaled a dramatic shift in the hard approaches using escalated force that police invoked at such Indigenous critical incidents as Oka and

Gustafsen Lake in 1990 (p. 7). Belanger and Lackenbauer (2014) characterized the Gustafsen Lake protest as an “unmitigated failure for the self-declared Defenders of the Shuswap Nation”, and they described the 1995 Ipperwash occupation as a tragic success.

As Barker and Ross (2017), Canning (2018), Chiefs of Ontario (2006), Clancy (2017), Fleming (2020), Humalajoki (2020a, 2020b), McCreary (2015, 2017), Morden (2015), Palmater (2011b, 2014a, 2014b, 2016b, 2018a, 2018b, 2019, 2020), Simpson (2017), and the Ipperwash Inquiry report (2007) emphasized, Canada’s failed land claims process fuels First Nation protests like Caledonia. It is only when Indigenous land defenders engage in direct action such as occupations and protests, which the police routinely criminalize and recast or conflate as domestic terrorism, that it captures the attention of the government and accelerates stalled land and treaty negotiations (Alexander, 2016; Belanger & Lackenbauer, 2014; Boyle & Dafnos, 2019; Dafnos, 2013, 2015, 2019, 2020; Dafnos et al., 2016; Hill, 2009, 2017; Latulippe, 2014; Pasternak et al., 2013; Spice, 2018; Walker et al., 2019; Winegard, 2014). Belanger and Lackenbauer (2014) characterized the blockades and occupations that emanate from the failed land claims process as a “powerful political tool” and a major source of concern for Canada’s national security leaders. One police leader asserted that a small group of First Nation protesters have the ability to paralyze this country (Jones, 2013)

The first high profile public use of the OPP Framework occurred at a Six Nations land claim protest at the Douglas Creek Estates near the Ontario town of Caledonia in February 2006 (Hedican, 2012; Winegard, 2014). In keeping with the OPP Framework’s commitment to “responding to conflict with minimal use of force” and “to using

negotiation at every opportunity”, the police actions or inaction over the course of the six-month long polarizing protest led to the characterization by a national columnist of this new police policy as “reading like a sophomore course in sensitivity writing, spiced with mush” and describing the police actions as constituting “helpless passivity” (Den Tandt, 2013). The police actions at Caledonia also inspired another journalist to pen a national bestselling book entitled *Helpless: Caledonia’s nightmare of fear and anarchy, and how the law failed us* (Blatchford, 2010). However, others argued that in a democratic society, police officers are expected to use reason and good judgment in the performance of such duties as enforcing the law, keeping the peace and protecting people and property. Winegard (2011) characterized Blatchford’s (2010) best seller as “a shallow, one-sided, generalization of one aspect of larger issues facing the Six Nations First Nation in Caledonia and in keeping with hollow concepts of colonial thought” (p. 119).

The protest against the planned construction of a sub-division by a private developer on land claimed by the Six Nations of the Grand River led to the commission of numerous serious criminal offences including assaults on residents and police officers, break and enters, theft of property, throwing a vehicle off an overpass, obstructing a nearby rail line, the hijacking of an OPP police cruiser, requirements for the showing of “Native-issued passports”, and the torching of a bridge and hydro-electric transformer that resulted in three-day blackout and millions of dollars’ worth of damage (Blatchford, 2010; CTV News, 2007a; Dobrota, 2006; Smith, 2007; Valpy, 2007; Winegard, 2014).

The exercise of police discretion in not enforcing a court injunction that ordered the removal of the Six Nations' protesters from the subdivision led a Superior Court Judge to assert that "no person in Canada stands above or outside of the law" and he questioned the OPP's commitment to the rule of law. In his ruling, one judge argued that the province was drifting into dangerous waters when there is doubt as to whether the police will assist in enforcing court injunctions against demonstrators who refuse to cease their unlawful activities (McVicar, 2013). According to Winegard (2014), when the OPP attempted to serve a court injunction on the First Nation land defenders at Caledonia, they did so with tear gas, pepper spray, tasers and helicopters, but they were surprisingly forced to retreat because of an "unexpected and rapid" counterattack mounted by the Six Nations protesters.

Four years after the release of the Ipperwash Inquiry report that called upon police to perform more of a peacekeeping and trust-building role at Indigenous critical incidents, the OPP were publicly censured by Amnesty International Canada for deploying hundreds of tactical officers and snipers, in a report entitled *I Was Never So Frightened in my Entire Life: Excessive and Dangerous Police Response During Mohawk Land Rights Demonstrations on the Culbertson Tract* (Amnesty International Canada, 2011).

Highlighting that the actions of the police at that blockade were reminiscent of their handling of the Ipperwash crisis in which an unarmed First Nation protester was shot and killed by police, Amnesty International claimed that members of the OPP TRU team dangerously escalated the 2007–2008 land claim dispute involving the Tyendinaga

First Nation by responding with overwhelming police force that was disproportionate to the number of peaceful Mohawk defenders that were present (Amnesty International Canada, 2011). Despite this claim, Leuprecht (2020) praised the OPP's community relations work at Tyendinaga by claiming that they had a long view of that relationship and only took overt action when they had exhausted all other options, as compared to the RCMP's use of strong-arm enforcement tactics at the Wet'suwet'en blockades in British Columbia. According to the Guardian (2019), those strong-arm tactics included what they referred to as "lethal overwatch" or the deployment of RCMP officers outfitted with rifles to clear the peaceful protesters.

That overwhelming force included the use of helicopters circling overhead, police dogs, the deployment of the OPP TRU team, and the mobilization of 200 members of the OPP Public Order Unit, wearing full riot gear with shields, helmets, and batons, some of whom aimed high-powered assault rifles and handguns at fewer than a dozen unarmed activists and bystanders (Amnesty International Canada, 2011). By choosing to deploy the heavily armed tactical unit at the Tyendinaga land dispute, Amnesty International claimed that the OPP contravened its own OPP Framework policy that called for patience, respect and understanding (Amnesty International Canada, 2011; Ipperwash Inquiry, 2007).

Police Militarization in Canada

Two other elements of the debate on how police should respond to Indigenous critical incidents are the increased militarization of law enforcement agencies in the form of paramilitary-type units, and the counter argument of investing those monies on social

programs and de-escalation and cultural awareness training for police officers (Cyr et al., 2020; Hedican, 2012; McNeilly, 2018; Palmater, 2016b; Parent, 2014; Schantz, 2016). This debate has added to prevailing sentiment among many scholars that from their origins with the formation of the North-West Mounted Police to contemporary times, Canadian policing has been mostly conducted on unceded Aboriginal territory, and as a result, constitutes a “military occupation” (Schantz, 2016).

In light of the central and highly public-facing power role that law enforcement agencies play on behalf of the state in both Canada and the U.S., including the power to criminalize certain activities, this creeping police militarization has widespread implications for Indigenous Peoples in their ordinary and activist lives, and it negatively impacts police legitimacy (Boyle & Dafnos, 2019; Canning, 2018; Clancy, 2017; Cyr, 2020; Dafnos, 2013, 2015, 2019, 2020; Dafnos et al., 2016; De Lint, 2019; Howe & Monaghan, 2018; Morden, 2015; Pasternak et al., 2013; Roziere & Walby, 2018, 2020; Siegel, 2018; Wilkes & Kehl, 2014). Although Cyr et al. (2020) contended there is less of a proliferation of police paramilitary activity in Canada than in the U.S., Roziere and Walby (2018, 2020) and others argued that in the past three decades SWAT unit deployment has risen from 50 deployments per year to approximately 1000, due to these heavily-armed and camouflaged specialized squads being used in more traditional police roles without judicial scrutiny i.e. executing warrants, mental health calls, general patrol, and occupations and protests.

The use of police paramilitary units during Indigenous critical incidents was prevalent across Ontario before the release of the Ipperwash Inquiry report and continues

to be so today in other provinces across Canada. The OPP's response to the 1995 occupation of Ipperwash Provincial Park by a small group of unarmed First Nation protesters highlights this assertion. According to the Ipperwash Inquiry Report (2007), the OPP's Tactical and Rescue (TRU) unit was deployed over the objections of the Incident Commander (Edwards, 2001), along with four Emergency Response Teams, comprised of 15 officers each, wearing non-traditional camouflaged grey uniforms and armed with semi-automatic Mini-14 Ruger rifles.

Nine years after the Ipperwash conflict and the police shooting of First Nation land defender Dudley George, the OPP Central TRU team was disbanded after eight of its members were found to have intentionally desecrated a Mohawk flag and a photograph of the Oka crisis while assisting the Chippewa of the Thames First Nation Police Service apprehend an armed and barricaded suspect (Huntsville Forester, 2004; Wilkes & Kehl, 2014). In addition to the overt use of tactical officers, Lackenbauer and Gulewitsch (2014) pointed out that the OPP deployed four undercover officers in the capacity as campers in the park during the Ipperwash occupation, along with helicopters and police boats patrolling the shores of Pinery Park. The Ipperwash Inquiry also heard that in the planning of Operation Maple, the OPP seriously considered deploying armored vehicles for defensive purposes against the 30 or so unarmed land defenders, (Ipperwash Inquiry, 2007).

Media Portrayal of Indigenous Protests

Alzner (2012) and others reflected on the issue of media criticism and media pressure on the police to resolve First Nation protests quickly and decisively in an article

entitled *In Indigenous reporting, what has changed since Ipperwash?* that was published in the Canadian Journalism Project. In that article, Ryerson University journalism professor John Miller concluded that Canadian reporters portrayed Indigenous protesters as “violent lawless people who were making a fuss”, instead of “patient people who had a legitimate claim to the land” (Alzner, 2012).

Alzner (2012) asserted that journalists fail to recognize that when reporting on Indigenous protests, they are dealing with another culture with a distinctly different worldview than that of the white worldview, and he added that even though police may not admit to being directly or indirectly influenced by the content and tone of media reporting surrounding their passivity and refusal to enforce injunctions at Indigenous critical incidents, they do acknowledge that it has the potential to inflame both local citizens who have been impacted by the occupation, and non-Indigenous anti-protest protesters. Wilkes and Ricard (2007) contended that Indigenous protests and occupations became a more compelling story to the media in the aftermath of the shooting death of a police officer at the Oka crisis due to the potential for violence at these types of incidents. They drew attention to the fact that reporters often link stories about non-violent Indigenous protests today to the Oka occupation from 1990.

Building on previous research conducted on First Nation protests at Oka, Ipperwash and Caledonia and the arrival of Fujian and Tamil asylum seekers, Perzyna and Bauder (2022) argued that the media unfairly frames Indigenous protesters and asylum seekers as threats to the rule of law and Canadian sovereignty, which then necessitates and justifies state action in the form of police and government intervention.

Hume and Walby (2021) also examined how the media negatively framed legitimate Wet'suwet'en protest in such a way as to justify the RCMP's surveillance of and excessive use of force against Indigenous protesters. Fleming (2020) also examined the media's negative portrayal of legitimate Indigenous protest in Canada by highlighting how a Toronto Star reporter claimed, "the lesson of Oka is that civil disobedience works" and that "Canada's Native population had become radicalized" on the very day that the Assembly of First Nations' leadership had suspended all acts of civil disobedience that "inconvenienced the general public as a show of good will" (p. 201).

Conceptual Framework

Police Law-and-Order Worldview

As Grant & Osanloo (2014) underlined, a conceptual framework is a researcher's understanding of how best to explore their research problem. Guntur (2019) contended that conceptual frameworks are an important and strategic part of qualitative research that are often ignored by students. Unlike a theoretical framework which holds or supports a specific theory or theories and positions a research study in scholarly and academic fashion such as the importance of cultural competence to public sector agencies like policing (Adom et al., 2018), conceptual frameworks are more holistic in nature and they offer a logical structure of connected concepts. Conceptual frameworks are analogous to a researcher's worldview on the phenomenon being studied and they enable that researcher to explain why it is important from an academic perspective to study that phenomenon.

As detailed in Chapter 1, the Comprehensive Police Services Act of Ontario 2019 requires police services in Ontario to provide adequate and effective policing to the citizens they serve, which at a minimum includes crime prevention, law enforcement, maintaining the public peace, emergency response, and assistance to victims of crime (Government of Ontario, 2019, p. 15). Section 82(1) of the Comprehensive Police Services Act of Ontario 2019 also highlights the primacy of the peacekeeping and crime prevention roles of police officers in that province by stating that “the duties of a police officer include preserving the peace; preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention; and assisting victims of crime” (Government of Ontario, 2019, p. 52). References to the law enforcement functions of police officers in Ontario are articulated after the peacekeeping, crime prevention and assisting victims of crime duties. More specifically, the law enforcement duties outlined in the of Comprehensive Police Services Act of Ontario 2019 require police officers to “apprehend criminals and other offenders and others who may be lawfully taken into custody; laying charges and participating in prosecutions; and executing warrants that are to be executed by police officers and performing related duties” (Government of Ontario, 2019, p. 52).

Despite the clearly articulated and prescribed peacekeeping and crime prevention roles that police officers in Ontario must undertake, policing in that province and the rest of the Canadian provinces is more synonymous with the concept and practice of law enforcement or warrior ethos mindset than that of peacekeeping and crime prevention or guardian mindset. In the same way that fire prevention officers are perceived to be

separate, distinct, and less vital in fire departments than firefighters or fire suppression officers, peacekeepers are more synonymous with First Nations policing in Canada, and crime prevention officers are specialists who are part of an Ontario law enforcement agency's community services bureau. Their work, like that of fire prevention officers, is considered less dangerous, glamorous, and as a result less important when it is compared to frontline or patrol officers. Stoughton (2016) contended that the warrior concept is one of the most venerated aspects of policing and it has become a point of professional pride. That warrior mindset begins with police training and its virtues are extolled in how police are portrayed in books and movies.

The law enforcement duties of a police officer in Ontario i.e... arresting criminals, laying charges, and executing warrants, comprise only a small portion of an officer's daily activities, and yet they maintain an elevated position within most police officers' mindset or worldview. In the 1960s and 1970s in Ontario, police physical entrance standards and recruitment strategies re-enforced that warrior ethos mindset or worldview as police candidates only needed a grade 12 education to attain employment, however, they had to meet stringent height, weight, eyesight, and physical requirements. Those entrance standards and the hiring of individuals to be law enforcers versus peacekeepers and crime prevention officers ensured that the police profession remained the domain of white, physically fit males and intentionally or unintentionally kept good females and many minority candidates from entering the ranks. Stoughton (2016) argued that the law enforcement profession has steadfastly clung to and coveted a warrior ethos versus guardians of the peace ethos or mindset. That warrior ethos emphasizes duty, honor,

resolve and righteous violence, and Stoughton (2016) argued it is analogous to the self-image of police officers as being “soldiers on the front lines against the forces of chaos and criminality.”

That warrior or soldiers on the frontline mindset was the subject of much debate in Canada in 2020 when RCMP and other officers began wearing unsanctioned thin blue line flag pins on their police service uniforms. Although police association or union leaders argued that the thin blue line flag pin was a symbol of solidarity among law enforcement officers and represented the line that officers walk daily between life and death and the forces of good and evil, police chiefs and leaders in marginalized communities countered that assertion with the claim that the subdued black and white Canadian flag with a blue bar running across it represented an us-versus-them mentality, which weakens ties between police and the citizens they have sworn to serve and protect (Campbell, 2020). One scholar contended that police have traditionally cast Black, Indigenous Peoples, and other marginalized groups on the other side of that thin blue line (Campbell, 2020).

The adoption of military style uniforms and combat ready vehicles and the increased militarization of law enforcement agencies in the form of paramilitary-type units serves to re-enforce that warrior ethos world view. Rosenberg and Gilson (2021) argued that the police adoption of the U.S. military tradition of minting and demanding the production of challenge coins feeds the warrior cop ethos. According to Rosenberg and Gibson (2021) many of the police challenge coins “embrace violence, racism and impunity” or what they describe as the unpolished side of the warrior cop ethos. The

increased militarization of Canadian police has inspired a number of academics to argue that the monies spent on the purchase of camouflaged police uniforms, semi-automatic Mini-14 Ruger rifles, sound cannons or long range acoustic devices, and a \$340,000 Lenco G3 BearCat armored personnel carriers with .50 caliber-rated ballistic glass, gun ports and a roof turret, such as was acquired by the Ottawa Police Service, would be better invested on social programs and de-escalation and cultural awareness training for police officers (Cyr et al., 2020; Hedican, 2012; McNeilly, 2018; Palmater, 2016b; Parent, 2014; Schantz, 2016; Spratt, 2014).

That law enforcement-first or warrior ethos conceptual framework is buttressed by much of the instruction delivered in the 12-week Basic Constable Training Program that new frontline officers receive at the Ontario Police College, which is a former WWII air force training site, and by the annual in-service training they receive in their local police training academies. While recruits do learn how to maintain public order, prevent crime and assist victims, the majority of the training they receive is focused on learning Canada's Criminal Code and other federal statutes, Ontario's Highway Traffic Act and other provincial legislative acts, powers of arrest, rules of evidence, testifying in court etc... That warrior ethos or military mindset is also re-enforced by the instruction officers receive at Ontario Police College and their home training academies on defensive tactics, firearm proficiency, police vehicle operations, officer safety and physical fitness.

Van Brocklin (2019) argued that the origins of the warrior mindset can be found in the goal to enhance officer safety, even though life-and-death situations are statistically rare within the law enforcement profession when you consider the millions of police-

citizen interactions that take place every year in Canada and the United States. According to Van Brocklin (2019), 90% of the actual work that police undertake falls within the guardian role versus only 10% for the warrior role. Li et al. (2021) argued that changes in the militaristic training models that are common in policing today may prevent some of the violent interactions that take place in society between citizens and the police, such as was experienced at Ferguson in 2014 and Minneapolis in 2020. According to Stoughton (2016) and Conti and Doreian (2014), these militaristic training models inculcate police recruits with a warrior mindset, which serves to fuel police-citizen distrust and conflict and makes policing less safe for the officers and the citizens they are duty bound to serve and protect.

Sorboe (2020) chronicled the challenges of combatting the warrior ethos in policing by describing the efforts of the Rio de Janeiro police to promote a softer approach with the creation of a police pacification unit in that force known as the Unidade de Policia Pacificadora (UPP). Despite the creation of that pacification unit, Sorboe (2020) contended that the logic of violence and notions of masculinity and honor continued to permeate practices in the Rio de Janeiro police force, which made it exceedingly difficult to change police attitudes. Van Brocklin (2019) argued that enculturing officers with a guardian versus warrior mindset during training discourages police from perceiving citizens as potential enemy combatants and helps create a culture where officers seek to protect citizens, not conquer them. This concept is particularly important in reference to the attitudes and mindset of police officers who are expected

under the Framework policy to exercise restraint and patience at Indigenous occupations and protests.

In contrast to the law-and-order or warrior ethos mindset that has been inculcated into the ranks of many of Ontario's police services, First Nation Police Service officers are referred to as peacekeepers and their conceptual framework or worldview is more in keeping with that of a guardian or someone who is clearly focused on maintaining or preserving the peace rather than enforcing the law (Curtis, 2020). Canada's largest and North America's second largest First Nation or Tribal police agency, the Nishnawbe-Aski First Nation Police Service (NAPS) re-enforces this guardian mindset by highlighting the importance of protecting persons and property through crime prevention, community education, and "appropriate law enforcement", on their website (NAPS, 2020). The pipe on the NAPS logo is described as "a symbol of peace, respect, and honor of the native people and members of the police service" (NAPS, 2020).

The peacekeeper or guardian mindset versus the warrior mentality is apparent from even the most cursory review of the OPP Framework. The OPP Framework highlights the importance of the use of police discretion when witnessing criminal acts and when enforcing court orders and injunctions at Indigenous occupations and protests. As is evidenced by the criticism directed at the OPP for their actions and inactions at Indigenous critical incidents, that guardian mindset underscored in the OPP Framework appears to be at odds with what the courts, the public, the media and many of the frontline officers perceive the police response should be when Indigenous protesters commit criminal acts and disobey court orders in an effort to further their land claims

(Alexander, 2016; Blackburn, 2010; Blatchford, 2009, 2010, 2013; CBC News, 2013a, 2013b; Chiefs of Ontario, 2006; Clancy, 2017; CTV News, 2007a; Dafnos, 2013; Den Tandt, 2013; Gillham et al., 2013; Gillham & Noakes, 2007; Gurney, 2013; Hedican, 2012, 2013; Howe & Monaghan, 2018; McVicar, 2013; Noakes & Gillham, 2006; Smith, 2007; Valpy, 2007; Whelan & Molnar, 2017; Wood, 2016). The law enforcement or warrior ethos conceptual framework and that framework's apparent conflict with the more passive and conciliatory OPP Framework policy approach at Indigenous protests was explored throughout this study.

The issue of police discretion and decision-making has been widely studied in academic and legal circles for more than 50 years and there is a solid and growing body of scholarly literature on the topic (Bonner, 2015, 2018; Brenner et al., 1978; Buvik, 2016; Groeneveld, 2005; Lundberg, 2019; Mastrofski, 2004, 2018; Mastrofski & Parks, 1990; Reiss, 1984; Riksheim & Chermak, 1993; Schulenberg, 2014, 2015; Seron, 2004; Sherman, 1984; Skogan & Frydl, 2004; Way & Patten, 2013; Willis & Mastrofski, 2018). According to Schulenberg (2015), police officers have the authority to choose how and when to intervene in situations they encounter, and even when the offence committed is an arrestable one, that intervention can take the form of a verbal warning or the issuance of a summons.

Although the police have significant criminal powers that can be exercised during occupations and protests, McNamara and Quilter (2019) and Alexander (2016) concur that police have wide discretion in determining if a protester's actions merit arrest. During his assessment of the OPP Framework at the Ipperwash Inquiry, Justice Linden

commented that it is important that police be given the latitude at Indigenous critical incidents to determine the “how and when” to enforce the law (Ipperwash Inquiry, 2007). Hedican (2012) described the police as having an intercalary role at Indigenous critical incidents, wherein the federal, provincial or municipal government representatives shoulder the responsibility of negotiating a solution or an end to the impasse with the involved First Nation leaders, often, as was demonstrated at the North American Palladium mine protest, with an OPP Provincial Liaison Team member helping to facilitate and not participate in or be responsible for such negotiations (Hedican, 2012; OPP, 2020; TBNewsWatch, 2018).

Notwithstanding the peacekeeping and intercalary role that police are expected to perform at First Nation occupations and protests, history has proven that this form of Indigenous activism brings Indigenous Peoples into direct conflict with law enforcement officers because the protesters often purposely seek to disrupt critical infrastructure in the commercial, resource extraction, industrial and transportation sectors, despite the existence of Superior Court orders or ex-parte emergency injunctions prohibiting such actions to gain attention or support for their cause (Alexander, 2016; Blair, 2018; Canning, 2018; Clancy, 2017; Dafnos, 2013, 2015, 2019, 2020; Dafnos et al., 2016; De Lint, 2019; Dutta & Elers, 2019; Howe & Monaghan, 2018; Johnson, 2016; Lackenbauer, 2019; Lowan-Trudeau, 2017, 2019; McCreary, 2015, 2017; Mitchell et al., 2019a, 2019b; Nichols, 2018; Spice, 2018; Tomiak, 2016a, 2016b). On a collective level, Kim (2018) argued that people take to the streets to communicate and warn their governments, while

individually they sought to vent their emotions, gain personal satisfaction, and learn from the experience.

As was evident at the Caledonia, Sarnia and Tyendinaga blockades, the use of police discretion as to the practical enforcement of such court orders and injunctions has been equally controversial and frustrating to the courts and any businesses that suffered economic losses as a result of the road or rail blockade (Alexander, 2016). Although traditionally the police have supported the judiciary through the expeditious enforcement of court orders and injunctions at labor disputes, the ability of the police to do that in Indigenous protests is not only impractical, but it can also be deadly. Attempts by the OPP to enforce an injunction at the Caledonia occupation in 2006 and again in 2020, inflamed the protesters and resulted in serious acts of violence and mischief, and as Morden (2015) and others stressed, it can also provoke a large counter-mobilization and force the government to act on the outstanding land claim (Alexander, 2016; Clancy, 2017; Crosby & Monaghan, 2016, 2018; Daly, 2007; Forrester, 2020a, 2020b; McCreary, 2015, 2017).

Theoretical Framework

Cultural Competence

Despite attempts by the Canadian government since confederation to assimilate them into dominant white society using such colonial tactics as residential schools and prohibitions on traditional cultural and spiritual practices, Indigenous Peoples have steadfastly resisted such efforts and have retained their distinct economic, political, social, and culture characteristics (Baloy, 2016a, 2016b; Datta, 2018, 2019; Dudley,

2017; Johnson, 2019; Neeganagwedgin, 2015, 2019, 2020; Nichols, 2018; OPP, 2018; Palmer, 2018; Vijaykumar, 2018; Zimmer, 2016, 2017). According to Statistics Canada (2017a), Indigenous Peoples have experienced tremendous and steady growth throughout the past century, and that growth is expected to continue well into the future. Canadian censuses indicate a growth rate of almost 40% within the First Nation component of Indigenous Peoples from 2006 to 2016, while the Métis and Inuit components rose by 51% and 29% respectively (Statistics Canada, 2017a).

In addition to the increasing numbers within the Indigenous Peoples component of the Canadian population, the multicultural character of that nation similarly increased due to the arrival of hundreds of thousands of immigrants between 2011 and 2016. According to Statistics Canada (2017b) immigrants will represent 30% of Canada's population by 2036, while working age visible minorities will comprise almost 35%, compared to only 22% in 2016. As well as creating new opportunities and challenges for society, globalization and the mass migration of hundreds of millions of people around the world have spawned academic research into the field of cultural competence.

Cultural competence is defined as the ability of professionals to function successfully with people from diverse cultural backgrounds (Kohli et al., 2010). Soule (2014) contended that the cultural competence movement grew out of the realization that it is more ethical and profitable to base one's thinking and actions on more than a singular set of cultural norms, especially in an increasingly more demographically diverse environment. Kohli et al. (2010) argued that interest and research in this field of inquiry can be traced back to cultural, economic, and political upheavals that began in the 1960s

as governments moved away from trying to assimilate Indigenous and other peoples into mainstream society and shifted to, or as some would argue tolerated the concept of cultural pluralism.

Organizational effectiveness is enhanced when cultural competence and diversity are promoted. As has been demonstrated by police response to Indigenous critical incidents, the issue of cultural competency, or lack thereof, is extremely important to the law enforcement profession (Carrizales et al., 2016; Norman-Major & Gooden, 2012). Otuyeli et al. (2016) called on the law enforcement profession to make substantial investments in cultural competence training, and to acknowledge the prevalence of racial micro-aggressions within their ranks that result in violent interactions and the loss of life. They also highly recommended that police do more to recruit from and reflect the community, wear body cameras and be reprimanded or terminated if they engage in any aggressive and violent actions.

Public agencies like police forces that manage diversity well, also deliver services better and provide more effective programs (Weible & Sabatier, 2018), while Stepanoviene (2019) argued that a lack of cultural competence in multicultural societies, such as Canada, can negatively impact a police officer's ability to communicate and to effectively perform their duties. Sereni-Massinger and Wood (2016) and Sereni-Massinger et al. (2016) posited that the conflict that is evident in American society is due in part to a lack of cross-cultural leadership, especially within the law enforcement sector, which they argued can be enhanced through education.

Training and education are integral components of the OPP Framework policy, as is recognition that Indigenous Peoples worldview and culture are unique (OPP, 2018). The OPP annual reports on the Framework approach highlight the fact that members of the OPP, First Nations and some municipal police services are routinely called upon to respond to First Nation occupations and protests or Indigenous critical incidents (OPP, 2013, 2014, 2015, 2016, 2017, 2018, 2020). Since the official introduction of the OPP Framework as an OPP operational policy directive in 2007, it has been successfully applied in more than 700 Indigenous critical incidents (OPP, 2013, 2014, 2015, 2016, 2017, 2018, 2020). As was underscored in the Ipperwash Inquiry report (2007) and in the work of Hedican (2012), Parent (2014), and Parent and Parent (2019), the OPP Framework represents only one element of the OPP's strategy to improve their response to Indigenous critical incidents and to improve their relationship with Indigenous Peoples generally.

According to the OPP, the need for enhanced cultural competence in dealing with Indigenous Peoples is the centerpiece of the OPP Framework. To improve their officers' understanding of and respect for the history, traditions, culture and claims of First Nation protesters at Indigenous critical incidents, the OPP have introduced specialized Indigenous awareness training for members at every level of the organization (Hedican, 2012; Ipperwash Inquiry, 2007; Parent, 2014). That emphasis on enhancing officers' understanding and respect of Indigenous culture and their differing positions at occupations and protests complements the OPP Framework's requirement that negotiations at these complicated types of disputes be undertaken by an Aboriginal

Liaison Operations Officer who reports directly to the OPP Commissioner (Hedican, 2012; Ipperwash Inquiry, 2007; Parent, 2014).

Although Ipperwash Inquiry Commissioner Justice Linden praised this cultural enhancement training and educational initiative, he nonetheless recommended that an independent, third-party evaluation of it be undertaken, and he also recommended that the OPP establish, in conjunction with First Nation organizations, a more formal process to monitor the force's Indigenous programs (Ipperwash, 2007). According to Weible and Sabatier (2018), one of the major underpinnings of the cultural competency theoretical framework is the belief that public organizations like police services are enhanced by the addition of members to its ranks from diverse cultures because of their different worldviews and keen understanding and insight into community issues. Accordingly, Justice Linden also recommended that an evaluation of the OPP's recruiting efforts and initiatives to attract more Indigenous officers to the force be conducted by an independent, third-party.

Indigenous Police Officers

The policing of Indigenous communities is enhanced by the presence of Indigenous officers because of their inherent understanding of the culture and the language of the residents, and the environment in which they were raised (Lithopoulos & Ruddell, 2011). Unfortunately, there is a paucity of academic research pertaining to the recruitment of Indigenous police officers, despite the existence of dozens of stand-alone First Nation police services in Canada, including the second largest force in North America, Nishnawbe Aski, and approximately 250 Tribal law enforcement agencies in

the United States, including the largest Indigenous police department in the world—the 3000-member strong Bureau of Indian Affairs Police that polices all Native-American tribes and reservations who do not have their own department (Bureau of Indian Affairs, 2020; Nishnawbe Aski First Nation Police Service, 2020; U.S. Department of Justice, 2020).

The research work of Day et al. (2004) reflected the same challenges to recruiting and retaining Indigenous criminal justice agency staff occurs in Australia due in part to concerns about the “daunting” application and interview process, the failure of the agency to recognize the importance of cultural skills as competencies, the non-Indigenous composition of the selection panels, and the patronizing and disrespectful nature of the interview questions. However, a more recent study by Fleming et al. (2013), outlined some success in the recruitment of Indigenous females into Australia’s Queensland Police Service with the aid of the Justice Entry Program (JEP), which was created to assist Aboriginal and Torres Strait Islander police applicants who did not meet the basic educational requirements for the position.

Evidence of the success of the JEP program can be found in the fact that out of the 74 Indigenous applicants who started it in 2008, 43 had successfully secured employment as Constables in the Queensland Police Service (Fleming et al., 2013). Despite the success of the JEP program, the researchers did recommend that police services need to make more a commitment to developing and trying other strategies to recruit Indigenous women and men into their ranks and to enhancing career mobility for those candidates (Fleming et al., 2013). The need for additional Indigenous women in

policing was a key recommendation of Australia's 1991 Inquiry in Aboriginal custody deaths (Commonwealth, 1991), as part of a strategy to diminish the over-representation of Aboriginal men, women, and youth in that country's criminal justice system (Fleming et al., 2019).

Despite the best recruiting efforts of the OPP and other police services, the percentage of Indigenous police officers continues to lag behind the percentage of Indigenous Peoples in Canada. According to the 2018 Police Resources in Canada report (Conor et al., 2019), on May 15, 2018, 2829 police officers in Canada identified themselves as Indigenous, which constitutes approximately 4% of the total number of police officers. In the 2016 census, Indigenous Peoples accounted for 5% of the population (Conor et al., 2019). On a more positive note, 62% of the law enforcement officers working in stand-alone First Nation police services self-identified as Indigenous, while the percentage in non-First Nation police services across Canada, including the OPP, RCMP, SQ and municipal forces ranged from as low as one percent to as high as eight percent (Conor et al., 2019). Despite the challenges that law enforcement agencies encounter attracting First Nation, Métis and Inuit candidates, the representation of Indigenous police officers in Ontario, Quebec, New Brunswick, and Newfoundland and Labrador matched the proportion of Indigenous Peoples in those provinces (Conor et al., 2019). The fact that only 3% of the police recruits in the 2018 study self-identified as Indigenous underscores some of the challenges police encounter in Indigenous recruitment (Conor et al., 2019).

The challenge of recruiting and retaining individuals, Indigenous or otherwise, to work in isolated, mostly northern First Nation reserves or Inuit communities was made clear by the research of Ruddell and Jones (2018), Lithopoulos and Ruddell (2011), and Oliver and Meier (2004), which detailed a special set of stressors over and above the traditional police job-related stress, including being considered an outsider and being under constant scrutiny, on and off duty. Research has shown that similar challenges pertaining to the recruitment and retention of teachers, social workers, doctors, and other medical professionals for isolated Indigenous communities exist.

Some police services have responded to this challenge through the creation of educational opportunities specifically focused on young Indigenous men and women such as the RCMP's three-week Indigenous Pre-Cadet Training Academy (RCMP, 2020). Held at the historic RCMP training facility known as Depot in Regina, Saskatchewan, this program is open to First Nation, Métis and Inuit men and women aged 19 to 29 who have a minimum of a Canadian high school education or equivalent (RCMP, 2020). During the program, the students train with full-time RCMP officers and they are introduced to RCMP policy, the Canadian Criminal Code, drill, physical fitness, teamwork, and they also learn skills on how to apply to become a member of the force (RCMP, 2020).

Although the status of the program is currently unknown with the COVID-19 pandemic restrictions, the OPP have a similar initiative that targets Indigenous youth. Known as the Police Ethnic and Cultural Exchange or PEACE program, it is part of that police service's continued commitment to outreach and engagement in Indigenous

communities across the province. Other Ontario law enforcement agencies such as the Halton Regional Police and the London Police Service have a similar program, however, they do not specifically target Indigenous youth (Halton Regional Police Service, 2020; London Police Service, 2017). The London Police Service (2017) promote their paid summer job program as being open to high school students from all cultures and backgrounds, while the Halton Regional Police Service's PEACE program is open to any registered high school student in Halton and in good standing who has an interest in policing and diversity. In the latter police service, PEACE program candidates participate in a day in the life of a police officer, leadership and planning for their future, Black history education, Indigenous awareness, they tour the Simon Wiesenthal Humanity Center, and they experience firsthand demonstrations and scenarios provided by the agency's training bureau and emergency services unit (Halton Regional Police Service, 2020).

Within the OPP PEACE program, First Nation students aged 18 to 20 are hired by a local band council and employed for the summer at local OPP detachments (Aamjiwnaang First Nation, 2019; Mississauga of the New Credit First Nation (MNCFN), 2017; Saugeen First Nation, 2019). According to the Saugeen First Nation (2019) summer student announcement, during the eight-week program the students get firsthand exposure to the many different facets of policing and they get to work on community-related initiatives. In addition to helping develop their organizational and teamwork skills, the intent of the PEACE program is to provide Indigenous youth with a

full understanding of what crime prevention and law enforcement entails so they can make an informed choice about a career in policing.

The OPP also offer two other youth development and community wellness initiatives for Indigenous communities known as *Niigan Mosewak* and Walking the Path (OPP, 2019). *Niigan Mosewak* is a culturally based, summer camp diversion program, while Walking the Path is intended to educate teachers, students, police officers, community leaders and service providers about some of the issues that high-risk youth in Indigenous communities face (OPP, 2019; Smith-Millar, 2019; U.C.C.M. Anishinaabe Police Service, 2021; Winter, 2017). According to Smith-Millar (2019), during *Niigan Mosewak*, which means walking forward, the OPP and other police service partners such as the RCMP, U.C.C.M. Anishinaabek First Nation Police Service and North Bay Police Service get the opportunity throughout the week-long program to build positive relationships with Indigenous youth and enhance understanding between them and the police service (Winter, 2017).

Indigenous youth who have encountered the justice system or are struggling in high school are recommended for the program, which is designed to connect them to their Indigenous culture by teaching them about the importance of ceremonial smudges, drum making and building sweat lodges (Winter, 2017). Because of the elevated level of interaction that police and teachers have with troubled youth, the involvement of individuals from those two professions in delivering the program and leading discussions that range from drug and alcohol abuse to suicide and mental health is critical to the program's success and effectiveness (Winter, 2017). Some of the students from the

various First Nations, and Inuit and Métis communities often return as mentors and camp counselors and provided support if they are interested in pursuing a career in policing (Smith-Millar, 2019).

Walking the Path is a 10-week, two-to-four hours per week program that is primarily designed for students in grades four through eight and it is delivered by a multi-disciplinary team comprised of police officers, teachers, principals, social workers, health care providers and First Nation elders (U.C.C.M. Anishinaabe Police Service, 2021). According to the U.C.C.M. Anishinaabe Police Service (2021), this educational initiative promotes self-worth, self-esteem, and respect for others, and it utilizes such traditional ways as healing circles, medicine wheel teachings, painting the mask, cultural teachings, role models, community awareness, and teaching on the history of Indigenous Peoples.

While Indigenous leaders applaud initiatives such as the RCMP Pre-Cadet Training Academy, the OPP and other police services' Police Ethnic and Cultural Exchange (PEACE) program, *Niigan Mosewak*, and Walking the Path for helping to build bridges and break down barriers, they also acknowledge that much more needs to be done to attract young Indigenous men and women into the ranks of Canada's police services to enhance the organizations' cultural competence. One step towards achieving greater representation of Indigenous Peoples in Canadian law enforcement might be found in Fleming et al.'s (2013) assertion that police leaders need to be more committed and more entrepreneurial in their recruitment and retention strategies, and to enhancing career mobility for those who have donned the uniform.

Summary

As Prime Minister Justin Trudeau once said, no relationship is more important to Canada than the relationship with Indigenous People (Government of Canada, 2017), however, until such time as the Canadian state completely sheds its settler colonial skin, fully honors the treaties it signed with First Nations, resolves the many hundreds of outstanding land and treaty claims languishing in the courts, totally embraces the United Nations Declaration on the Rights of Indigenous Peoples, and gives Indigenous Peoples full rights to self-determination and sovereignty, such direct forms of Indigenous activism and resistance as blockades and occupations are likely to occur and re-occur for decades to come.

Considering the financial, political, and social impact that these much more confrontational forms of Indigenous activism have on the lives of people and businesses on both sides of the barriers, how police respond to these types of critical incidents is important and worthy of academic research (Ipperwash Inquiry, 2007). As was demonstrated at Oka, Gustafsen Lake, Ipperwash, Tyendinaga and Caledonia, the level of force police use or don't use at blockades and occupations is often as controversial as the protests themselves (Austen, 2020; Barker & Ross, 2017; Belanger & Lackenbauer, 2014; Blair, 2018; Brown, 2020; Brown & Bracken, 2020; Canning, 2018; Ciaccia, 2000; Clancy, 2017; Datta & Hurlbert, 2020; De Lint, 2019; Fleming, 2020; Hedican, 2008a, 2008b, 2012, 2013; Lackenbauer, 2019; McCreary, 2015, 2017; Morden, 2015; Nichols, 2018; Palmer, 2018; Rosane, 2020; Shrubsole & Lackenbauer, 2014; Simpson, 2017; Soroski, 2019; Wilkes & Kehl, 2014; Winegard, 2014;).

The introduction of the OPP Framework policy in 2006, along with compulsory Indigenous awareness training for officers, and the creation of several highly specialized units within the Ontario Provincial Police ushered in a new era in Ontario in how police respond to Indigenous critical incidents (Dafnos, 2013; Hedican, 2008a, 2008b, 2012, 2015; Ipperwash Inquiry, 2007; Morden, 2014; OPP, 2018b, 2018c; Parent, 2014; Parent & Parent, 2019; Pasternak et al., 2013; Sancton, 2012; Swain, 2010). As the literature reviewed in this chapter pointed out, the OPP Framework approach is characterized by a more constructive, peaceful, and respectful approach, and one that involves the minimal use of force, and only as a last resort (Ipperwash Inquiry, 2007; OMAG, 2006; OPP, 2018b). In spite of the fact that this operational policy has been successfully applied at more than a thousand critical incidents, the majority of which were Indigenous in nature, the OPP Framework has yet to undergo the independent, third-party evaluation that Justice Sidney Linden recommended at the Ipperwash Inquiry (Ipperwash Inquiry, 2007; OPP, 2013, 2014, 2015, 2016, 2017, 2018a).

As the literature reviewed in this chapter also highlighted, even though the OPP Framework has been acclaimed as a best practice approach, that important operational policy is not without its detractors inside and outside the police service (Alexander, 2016; Blackburn, 2010; Blatchford, 2009, 2010, 2013; CBC News, 2013a, 2013b; CHCH News, 2011; Chiefs of Ontario, 2006; Clancy, 2017; CTV News, 2007a; Dafnos, 2013, 2015, 2019, 2020; Den Tandt, 2013; Gillham et al., 2013; Gurney, 2013; Hedican, 2012, 2013; Howe & Monaghan, 2018; McVicar, 2013; Smith, 2007; Valpy, 2007; Whelan & Molnar, 2017; Wood, 2016). Although the causes and intricacies of several of Canada's

high profile Indigenous critical incidents have been painstakingly examined by such scholars as Belanger, Flanagan, Gulewitsch, King, Lackenbauer, Rossiter, Sandlos, Shrubsole, and Winegard (Belanger & Lackenbauer, 2014), the operational policies used by Canadian police services at those blockades and protests and the opinions of the front-line officers of the strengths and weaknesses of those policies and how policies such as the OPP Framework can be improved have not been subjected to academic study. In the same way that an independent third-party evaluation of the OPP Framework is important, so too are the perceptions and opinions of the men and women in uniform who are called upon by the state to preserve the peace, prevent offences, and enforce the law in a manner that respects the rights of all involved parties at these challenging, complex, and often dangerous incidents (OPP, 2018b).

In the next chapter, I will provide details on the methodology that was used to undertake this qualitative study into officers' perceptions of the OPP Framework, and their recommendations on how it can be improved. More specifically, Chapter 3 contains details on the study's research design and rationale; the role of the researcher; and the study's methodological approach, including participant selection, sample size and analysis of existing document and archival material. Chapter 3 also includes details on my procedures for data collection, recruitment, participation, and instrumentation; data analysis; issues of trustworthiness; and ethical procedures including protection of privacy, minimizing harm, and respecting the shared experiences of others.

Chapter 3: Research Method

This research study was conducted to address a gap in academic research and literature pertaining to police officers' perceptions of the OPP Framework. In this chapter, I highlight the study's research design and rationale, the role of the researcher, the methodological approach used, and qualitative procedures for recruitment, participation, data collection, and data analysis. In this chapter, I also detail how issues of trustworthiness and ethics were addressed throughout the study.

Research Design and Rationale

This study into the OPP Framework was guided by the following research questions:

RQ1: What are police officers' perceptions of the OPP Framework policy?

RQ2: What are the strengths and weaknesses of the OPP Framework policy?

RQ3: What changes, if any, should be considered for the OPP Framework policy?

The original iterations of these research questions emerged from my life-long interest about the history of the law enforcement profession in Canada and its strained relationship with Indigenous Peoples and visible minorities. In keeping with Agee's (2009) assertion that the refined version of scholarly research questions become tools for discovery, clarity, and focus and they act as a lens the researcher uses to "capture the nuances of the lives, experiences, and perspectives of others," it is important to understand the influence that research questions have on an academic study's design and data collection process (p. 446).

Qualitative Research Methodology

A qualitative research methodology is exploratory (Erickson, 2011; Korstjens & Moser, 2017, Ravitch & Carl, 2016). Because of the exploratory nature of the three research questions, a qualitative research methodology was used in this study. Patton (2015) argued that practical applications of qualitative methodology are derived from a researcher's powers of observation, openness to new learning, and the ability to make sense of what they hear, see, and read. Lambert and Lambert (2012) contended that qualitative research makes use of everyday terms to produce a comprehensive summarization of specific events experienced by individuals or groups of individuals.

Qualitative research is about making sense or interpreting events or phenomena by studying them in their natural world (McDavid et al., 2013). McDavid et al. (2013) defined the phenomenological research process as focusing on going beyond the predetermined or ready-made meanings culture has provided to certain phenomenon. According to Celis and Isabel (2019), scholars from a wide spectrum of disciplines use both qualitative and phenomenological research methods, with descriptive and interpretive forms of the latter being the most prevalent. A quantitative approach is used when a researcher is endeavoring to quantify a problem and determine how prevalent it is by searching for projectable results to a larger population. A qualitative methodology is used when a researcher does not know what to expect because the data are based on the opinions and experiences of the study's participants (Creswell, 2009; McDavid et al., 2013).

A qualitative approach to research is used to discover and describe in narrative reporting what people do and what their actions mean to them (Erickson, 2011). According to Ravitch and Carl (2016), this approach is descriptive and analytical. Unlike quantitative methodologies, qualitative research studies often yield more in-depth detailed information on fewer cases (O'Sullivan et al., 2017). A qualitative inquiry is especially effective when conducting research into Indigenous issues because it is consistent with the oral or story-telling traditions within that segment of society (Patton, 2015), however, Smith (2012) cautioned against the use of the term "research" because Indigenous Peoples may associate it with colonialism.

Qualitative study designs can take the form of ethnography, evaluation research, grounded theory, narrative research, participatory action research, case study, practitioner research, and phenomenology among others (Ravitch & Carl, 2016). Because the purpose of this research study was to gain an understanding of police officers' perceptions of the OPP Framework, a phenomenological research design was used. This design can guide research to describe participants' experiences. In addition to the phenomenological research design, a cultural competence theoretical framework was used in this qualitative research study.

Phenomenological Research Design

A phenomenological approach to undertaking scholarly research creates an objective narrative from the subjective lives of the study's participants (Blaikie & Priest, 2017). Larkin et al. (2019) contended that a phenomenological research design is used to focus on an individual's personal meaning, sense making, or understanding of a

phenomenon. Cresswell (2013) described phenomenology as a qualitative research approach concentrated on the commonality of a lived experience within a particular group, the goal of which is to arrive at a description of the nature of that phenomenon. Patton (2015) contended phenomenology is an exploration of how people make sense of experience and transform experience into consciousness. Finlay (2009) stated that a phenomenological study is both a philosophy and range of research processes conducted to seek a fresh, complex, ambiguous, and vivid descriptions of a phenomenon. Others claim that the purpose of a phenomenological study is to not only question the experiences about a phenomenon, but to uncover the essence of those experiences.

Concepts from phenomenological research emerge from going back on people's experiences (Todres & Holloway, 2010). Tufford and Newman (2012) claimed this research method has the capacity to portray participants' experiences effectively, fairly, and free from researcher prejudices. Koc and Fidan (2020) contended that phenomenologically designed qualitative studies are especially useful in understanding the shared experiences of several individuals about the same phenomenon, which is particularly important in this study.

In this research study, I focused specifically on officers' perceptions about the OPP Framework policy that has been used by police officers across Ontario since 2006 at Indigenous occupations and protests. Those experiences on the front lines of Indigenous occupations and protests provided law enforcement participants with the insight needed to assess the strengths and weaknesses of the Framework. In addition, those experiences enabled them to make suggestions on how that operational policy might be improved.

Theoretical Framework

Cultural Competence

In addition to using a qualitative methodology and a phenomenological research design, I applied a cultural competence theoretical framework during this inquiry. Levesque-Bristol and Cornelius-White (2012) defined cultural competence as the ability to have meaningful interactions with people of diverse backgrounds, abilities, and perspectives. Kohli et al. (2010) contended that cultural competence better enables professionals to function more successfully with people from different races and cultures. Patton (2015) argued that a capable and culturally competent researcher needs to do more than just master knowledge and skills of a distinct culture; they need to engage with that community and respect the cultures in it. Despite all the research that has been conducted on Indigenous Peoples, there is a high degree of cynicism associated to much of that research. Cunneen and Tauri (2016, 2019), McGrath et al. (2013), Smith (2012) and other scholars contended that most of the research studies have been conducted on Indigenous Peoples and not by them and Indigenous communities rarely benefit from the knowledge and insight that research generates because it never reaches them.

Organizations that engage in cultural competence training do so out of a desire to improve the quality of service they deliver to their clients or constituents and to mitigate outcome disparities (Guerrero et al., 2017). This is especially important when those services are being delivered by an organization or institution like the police that is predominately male and white and when the services they dispense are being delivered to culturally and linguistically diverse populations. Oelke et al. (2013) contended that

organizations that are adept at delivering culturally competent services are better able to incorporate a diverse or culturally unique population's background, beliefs, and values into both the service they deliver and the way those services are dispensed to its members.

Training in cultural competence has taken on a new importance, especially in the fields of medicine, social work and speech therapy (Betancourt et al., 2003; Borrell-Carrió et al., 2004; Constantinou et al., 2020; Douglas et al., 2014; Waxler-Morrison, 2007). Systematic reviews of studies conducted by Alizadeh and Chavan (2016) and Horvat et al. (2014) drew attention to a link between cultural competence and a higher patient satisfaction and adherence to medication. Similar improvements occur within the field of social work according to Thibeault (2019), who contended that students undergo a transformative learning experience when they immerse themselves in Indigenous culture and collaborate with Indigenous Peoples and communities in constructing and participating in sweat lodge ceremonies. Diego-Lazaro et al. (2020) argued that studying and learning abroad helps students develop cultural competence and awareness skills and better enables them to provide speech, language, and hearing services. Research conducted by Shen (2015) into 18 cultural competence models revealed they were either focused on theoretical aspects of culture, such as cultural values, or they had a methodological or practical focus in that they were intended to provide the practitioner with skills and knowledge they need to do their job well.

Cultural competence training within the profession of policing has become the norm in Canada within the past decade. This training is a blend of what Shen (2015)

described as the methodological and theoretical. The training that police officers receive pertaining to cultural competence is practitioner focused as it is intended to develop and enhance their skills and abilities to enable them to respect the differences in individuals from diverse backgrounds and to effectively interact with them. However, some police training programs have gone beyond the methodological and provide recruit officers with opportunities to immerse themselves in a diverse or marginalized communities for short periods of time. This immersion can not only build bridges and establish partnerships with those communities but it can enhance the officers' theoretical understanding of their culture and reduce the effects of bias.

The importance of enhanced and multifaceted Indigenous awareness training for all police officers in Ontario was outlined in the report of the Ipperwash Inquiry (2007). The inquiry commissioner recommended that the OPP make their cultural competence training available to major municipal law enforcement agencies to promote better policing at Indigenous occupations and protests. Beyond learning about Indigenous history and culture, an integral component of cultural competence training involves helping police officers come to an awareness of their own biases and prejudices. The OPP Framework policy approach calls for culturally competent police officers to be assigned to Indigenous critical incidents. Those officers must display respect, validation, and openness toward differences among people so that an understanding of the multiples truths and narratives can evolve (Ipperwash Inquiry, 2007; OPP, 2013, 2018c, 2020).

The need to provide culturally competent services within the profession of policing is fueled, in large part, by the demographic realities of Canadian society and by a

litany of studies, inquiries, Royal Commissions, and marginalized community leaders demanding same. Propelled mostly by economic policy and family reunification, Canada has one of the highest per-capita immigration rates in the world. According to Statistics Canada (2017b), 22.3% of Canada's population is comprised of visible minorities and that figure is projected to grow to 34.4% by 2036. In Toronto, Canada's largest city, the visible minority rate now exceeds 51% (Statistics Canada, 2017b), with South Asians, Chinese, and Black citizens forming the three largest groups. Within York Region, the City of Markham has a visible minority population more than 78%, while the City of Brampton in Peel Region is more than 73% (Statistics Canada, 2017b). Beyond having the highest population of visible minority citizens, Toronto also has the largest concentration of Indigenous Peoples in Ontario and the fourth largest in Canada. According to Statistics Canada (2017b), there were more than 46,000 Indigenous citizens in that city, while agencies serving that base of constituents estimated it to be more than 70,000.

In addition to the growing levels of diversity within Canada that has been attained through immigration, there is also a tremendous change in the rate of growth within the Indigenous population. According to Statistics Canada (2017a), First Nation, Métis and Inuit people are the fastest growing segment of the Canadian population. In 2016, there were 1.6 million Indigenous People in Canada, accounting for 4.9% of the total population of the nation (Statistics Canada, 2017a). Since the 2006 census, the Indigenous population of Canada grew by 42.5%, which is more than four times faster than the rest of the population. In the next two decades, the Indigenous population is

expected to grow to more than 2.5 million people (Statistics Canada, 2017a). What distinguishes the Indigenous population from the rest of the Canadian population is the growing percentage of young people. Between 2006 and 2016, the number of Indigenous youths aged 15 to 34 increased by 39% compared to just over 6% for non-Indigenous youth (Statistics Canada, 2017a).

Although this dramatic increase in both the Indigenous and visible minority populations has challenged all public sector agencies, it has been especially impactful on law enforcement agencies as they have been forced to address the longstanding issue of racism and discrimination that exists within their ranks. Studies conducted by the Ontario Human Rights Commission into the practices of the Toronto Police Service disclosed the fact that Black citizens represented almost 32% of those charged despite only comprising 8.8% of the population (Ontario Human Rights Commission, 2020; Wortley & Jung, 2020; Wortley et al., 2020). The report also emphasized that Black citizens are more likely to be stopped, struck, shot, killed, or have force used on them when compared to white and other racialized groups (Ontario Human Rights Commission, 2020; Wortley & Jung, 2020; Wortley et al., 2020).

Similar concerns have been raised about anti-Indigenous discrimination and racism at the hands of police and other public institutions in cities like North Bay, Ottawa, Sudbury, and Thunder Bay (Foster & Jacobs, 2019; McNeilly, 2018; OIPRD, 2018, 2020). Testimony given at the Ipperwash Inquiry also detailed the existence of anti-Indigenous racism within the ranks of the OPP during and after the occupation and the shooting death of an unarmed land defender by police (Ipperwash, 2007). That racism

took many forms including the creation by police of commemorative coffee mugs and T-shirts embellished with anti-Indigenous statements and symbols. Although efforts have been undertaken to combat systemic and other forms of racism within police services across Ontario, there is a growing demand for changes to police accountability, transparency, recruitment, and training, especially around cultural competence, as is emphasized in the Framework policy (Ipperwash Inquiry, 2007; OPP, 2020). As a result, the cultural competence framework was applied throughout this phenomenological qualitative study and featured prominently in the participant interviews, peer-reviewed journal articles, and the analysis of existing documentation and archival material.

Role of the Researcher

The decision to undertake a qualitative inquiry is a deeply personal one and it is often inspired by a deep passion for the phenomenon being studied (Patton, 2015). According to Yin (2014), successful qualitative researchers immerse themselves in and are passionate about their topic, and they characteristically possess effective listening and rapport building skills.

My interest in the topic of policing Indigenous occupations and protests stemmed from both professional and academic backgrounds. Professionally, that interest grew from my more than 40 years working as a police officer, police chief, and public safety consultant. In addition to being the President of the Ontario Association of Chiefs of Police and the Ontario Director of the Canadian Association of Chiefs of Police, I was also an Associate Member of the First Nation Chiefs of Police Association. My interest in this topic can also be traced to the fact that officers from my law enforcement agency

were deployed at high profile Indigenous occupations and protests in support of the OPP, and my police service provided policing support to a First Nation community within our regional borders.

Academically, my interest in police–Indigenous history and relations stems from my background as a graduate of the Trent University Master of Arts Program in Canadian and Indigenous Studies, the Walden University Master of Philosophy Program in Criminal Justice, and from my three-year term as the Board of Governor’s representative on the Trent University Indigenous Education Council.

Researcher Bias

All research has an element of bias to it, and the choices a researcher makes are often influenced by that researcher’s underlying beliefs and assumptions (Ravitch & Carl, 2016). From a bias perspective, my professional background conditioned me to believe in the importance of preventing crimes, maintaining public order, and enforcing the law without distinction towards race, color, culture, or creed.

My academic background conditioned me to understand the importance of acknowledging the litany of wrongdoings committed against Indigenous Peoples by police and other state actors, and the importance of every institution, law enforcement included, working toward truth and reconciliation. My academic background also better enabled me to understand the special connection that Indigenous Peoples have with the land and how in their worldview, the land and their traditional territories are inseparable from their culture, traditions, spirit, and identity. My background also influenced me into believing that much of the resilience and passion that Indigenous Peoples demonstrate at

occupations and protests was driven by this worldview and by their role as stewards of mother earth, not owners of it.

Measures Taken to Address Bias

Being reflective is a characteristic of the qualitative research process (Birks et al., 2008). Fink (2000) identified seven qualitative research process stages which requires the researcher to take on distinct roles throughout each stage. Those stages include thematizing, designing, interviewing, transcribing, analyzing, verifying, and reporting. Birks et al. (2008) contended qualitative researchers maintain an intense relationship with their research and their engagement with that research is enhanced at every stage by the preparation of memos or journal entries (Gardner, 2008).

While maintaining order and enforcing the law are important and form part of my bias, my professional and academic background enabled me to better understand the importance of accommodation, dialogue, discretion, patience, and mutual respect of differences, positions and interests when dealing with Indigenous critical incidents. Despite that fact, measures were nonetheless undertaken to address the issue of bias in this study. Those measures included acknowledging those biases before the research work began with the use of memos. Limited use of memos also took place during the data collection, data analysis, and findings stages to mitigate the impact of research bias on this qualitative research study.

Some of the other measures that were undertaken to manage my biases were triangulation, or verifying data obtained from one source with other sources, and engaging peers to assess and verify the themes and sub-themes that emerged from the

coding and categorization of interview and documentary data. Triangulation of data is important because within the sphere of qualitative research, the collection and analysis of data from not just one, but several sources, serves to enhance a research study's trustworthiness, credibility, and acceptance, and it also increases the potential of its findings being applied to a wider population (Alpi & Evans, 2019; Casey & Houghton, 2010).

Methodology

Participant Selection

The target group of interest for this qualitative research study involved serving or retired law enforcement officers of all ranks who were present at or experienced the phenomenon of Indigenous occupations and protests where the OPP Framework was used. In Ontario, Indigenous critical incidents can occur in jurisdictions policed by the OPP, a regional or municipal police service, a First Nation police service supported by the OPP, or a stand-alone First Nation police service. Regardless of the jurisdiction where the blockade or occupation is occurring, the OPP are often called upon to assist or take control due to their expertise in this field and/or when the nature of the incident surpasses the ability of the First Nation or municipal police service to manage it. As a result, the participant population for this phenomenological qualitative research study were recruited from a cross section of Ontario's police services.

A participant pool that is recruited and selected from different organizations enables a researcher to separate the culture of that organization from the professional culture (Shafritz et al., 2016). This is particularly important in a profession like policing

where culture is an integral and highly influential aspect of both the organization and the profession. Since this qualitative study was undertaken with a phenomenological research design and a cultural competence theoretical framework, that separation of organizational and police culture served to enhance the fullness and richness of the accounts of how participants from the different police services experienced the phenomenon (Kaiser, 2009). This qualitative research study also benefited from the fact that data were obtained from non-OPP participants because those officers were less reticent and more objective when speaking about the strengths and weaknesses of an operational policy from another law enforcement agency.

Most of the Indigenous occupations and protests that occur in Ontario take place within or on disputed land near a First Nation territory or reserve. Some of those First Nation communities where critical incidents have occurred in Ontario and formed part of this study were Aamjiwnaang FN (Sarnia), Ardoch Algonquin FN (Sharbot Lake), Grassy Narrows FN (Kenora), Gull Bay FN (Thunder Bay), Kettle and Stony Point FN (Ipperwash), Mohawks of Quinte FN (Tyendinaga), and Six Nations of Grand River FN (Brantford and Caledonia). Many of these First Nation communities are policed by either a self-administered stand-alone First Nation police service or they are policed by the OPP using an OPP-administered Ontario First Nations Policing Agreement option.

Within the province of Ontario, there are 11 stand-alone First Nation police agencies, two of the largest of which are the Nishnawbe-Aski Police Service (NAPS) in northern Ontario, and the Six Nations Police Service in southern Ontario. The Nishnawbe-Aski Police Service is the largest Indigenous police service in Canada and

second largest in North America. NAPS is responsible for policing the 49 Ojibwa, Ojibwa-Cree and Cree First Nation communities across the Treaty 9 and Treaty 5 areas of northern Ontario. Although it only serves a population of approximately 45,000 people, its territory covers more than 210,000 square miles or two-thirds of the province of Ontario.

The Six Nations Police Service is responsible for policing the 71 square miles of the First Nation territory along the Grand River, including land abutting the town of Caledonia. The current territory, which has a population of approximately 13,000 citizens, represents only five percent of the original 1467 square miles of land that was granted to them by the 1784 Haldimand Treaty. That loss of some 95% of their original territory has contributed to much of the enmity that exists between the Six Nations and the Canadian state. That loss of territory and breaches of treaties signed in good faith have also given rise to decades of land claims which continue to languish in the courts. Those outstanding land claims and treaty breaches have fueled numerous high profile and violent protests and confrontations with the police.

The 11 stand-alone First Nation Police Services in Ontario are predominately led and staffed by Indigenous officers, who are not only familiar with the local First Nation chiefs and hereditary or traditional Indigenous leaders, but they are also acutely aware of the issues surrounding the dispute that gave rise to most occupations and protests. Both the Ipperwash Inquiry (2007) and the First Nation Chiefs of Ontario (COO, 2006) recommended that local First Nation police services should be consulted and should be

given the opportunity to play a role in preventing treaty disputes from becoming critical incidents.

Although there was a reluctance on the part of police in Ontario to actively engage First Nation police officers in helping to resolve Indigenous critical incidents before the 2005-2007 Ipperwash Inquiry, the OPP Framework now calls upon First Nation police officers to play an integral role in preventing and responding to these extraordinarily complex, highly politically charged, and culturally sensitive events (OPP, 2018). As a result, serving and retired First Nation police service officers were selected to participate in this qualitative research study.

In 2017, the Canadian Association of Chiefs of Police (CACP) established a Policing with Indigenous Peoples (PWIP) committee for the purposes of enhancing public safety for Indigenous Peoples and communities across Canada (CACP, 2019a). That committee is comprised of chiefs, deputy chiefs and other senior officers from both First Nation and non-First Nation police services from across Canada.

One of the PWIP committee's main objectives was to provide guidance and counsel to Canadian police leaders on how large-scale Indigenous demonstrations and assemblies could be managed in a measured and consistent approach (CACP, 2020). Using the OPP Framework, the PLT program and the OPP Indigenous Awareness Training programs as models, that objective was accomplished with the development of the National Framework for Police Preparedness for Demonstrations and Assemblies: Suggested Best Practices Document (National Framework), the District Liaison Team (DLT), and the PWIP liaison officer course (CACP, 2019a, 2019b, 2020). The PWIP

liaison officer course was intended to provide police officers with the requisite skills and knowledge they need to champion and apply the principles of the National Framework (CACP, 2019b). The National Framework was created for the purposes of outlining considerations that law enforcement agencies should contemplate when developing their own policies or procedures on how to prepare for and respond to Indigenous and non-Indigenous occupations and protests (CAPC, 2020).

Like the OPP Framework, the guiding principles of the National Framework included the use of a measured approach; the importance of engaging in ongoing communication and building trust between the police and the citizens at all stages of the conflict; the recognition of protestors' constitutional right to engage in lawful, peaceful and safe demonstrations; the need for police to remain impartial at large-scale demonstrations and assemblies and to reach out to other policing partners for support and advice when needed; and the criticality of educating officers on Indigenous issues and culture and ensuring they fully understand the historic underpinnings of specific demonstrations or assemblies (CACP, 2020). Because the OPP Framework, PLT program and OPP Indigenous Awareness program were used as models for the development of the National Framework, the DLT program and the liaison officer course, participants for this qualitative research study were also recruited from the CACP PWIP committee.

Recruitment

The process of purposeful and the snowball methods of sampling were used to recruit participants for this study. Ravitch and Carl (2016) defined purposeful recruitment sampling as the intentional or deliberate selection of individuals to participate in research.

In qualitative research, the individuals are purposefully selected to participate in a study because of the core constructs and contexts of the research questions. According to Creswell and Poth (2018), in purposeful sampling a researcher selects interview candidates who have the capacity to provide information and insight into the research problem and the phenomenon being researched.

The snowball method of recruiting study participants became popular after the 1940s and it enabled social scientists to overcome some of the challenges associated to identifying and initiating contact with individuals in marginalized or elite groups (Bailey, 2019). Audemard (2020) described the snowball method of sampling or recruitment as a repeatable process which involves enlarging the pool of participants by including people who have been referred to the researcher by those first sampled. Browne (2005) contended that the snowball method of sampling is particularly beneficial when endeavoring to do research involving hard-to-reach populations. Because of the conservative and closed nature of police culture and my background within the law enforcement sector, snowball recruitment methods proved to be successful.

Sample Size

There are significant differences in opinion as to the ideal interview sample size for a qualitative research study. Some social scientists suggest between 12 and 60 participants with 30 being the mean, and others recommend interviewing 50 participants for a Ph.D. dissertation (Baker & Edwards, 2012). According to Pan and Tan (2011), there are several criteria that dictate the appropriate number of interviews that should be conducted in qualitative research, including the phenomenon under investigation, the

scope of the study, the timeframe available to do the study, and the size of the unit of analysis.

Anything less than 15 interviews is not considered sufficient, according to Baskarada (2014), while Creswell and Poth (2018) argued that a sample size of three to 10 participants is sufficient for a qualitative phenomenological study. Despite the assertion of Baker and Edwards (2012) that it is impossible to specify the number of qualitative interviews necessary to complete a project at its inception, the number of participant interviews conducted for this study was based on the principle of saturation. Guest, Bunce and Johnson (2006) suggest that saturation occurs when interviewing around 12 participants in homogenous groups, while Latham (2013) argued that to ensure you have saturation you have to go beyond that point to make sure no new concepts emerge, so 15 participants as a minimum is appropriate for most qualitative research studies.

Because of the desire to achieve saturation with this study and taking into consideration the complex and controversial nature of the research topic, the scope of the study and the timeframe involved, the sample size was comprised of 23 participants. Had saturation not been achieved with that sample size, additional participants would have been recruited using purposeful and snowball recruitment methods, although that was not necessary.

Analysis of Archival Records

In addition to collecting data by way of participant interviews, data for this qualitative research study were also derived from analysis of existing documentation and

archival records. According to some researchers, participant interviews are enhanced when a researcher also makes use of existing documentation and archival records in conjunction with those interviews. According to Rubin and Rubin (2011), participants will be more likely open-up to you in an interview if they know you have not only read documentation that they created or are referenced in, but also because they know you have taken the time to fully inform yourself about the topic being studied.

First Nation occupations and protests have become highly politicized and controversial events in Canada, so there has been a substantial increase in the amount of documentation available on the topic of Indigenous critical incidents and police response to same. In Ontario, the four-volume Ipperwash Inquiry Report on the shooting death of Dudley George, the 36-page Amnesty International Canada brief on the actions of the OPP at the Tyendinaga occupation, and Superior and Supreme Court of Canada court records are examples of good qualitative research material that were mined for this study and helped enhance the participant interviews (Amnesty International Canada, 2011; Ipperwash Inquiry, 2007). Some of the other documents and records that were analyzed for this qualitative research study included the OPP Framework annual reports, Ministry of the Attorney General records, government news releases, newspaper articles, police reports, social media postings and videos, books, first-hand accounts, peer-reviewed journal articles, academic writings and other documents pertaining to the OPP Framework and its application at Indigenous critical incidents (OMAG, 2006, 2011; OPP, 2013, 2014, 2015, 2016, 2017, 2018a, 2020).

The analysis of these and other existing sources of data provided me with the opportunity to explore the phenomena of the use of the OPP Framework at First Nation protests through a variety of lenses, which allowed for multiple facets of the issue to be revealed and understood (Baxter & Jack, 2008). An analysis of these documents and records also helped with the identification and recruitment of other potential study participants who provided additional insight into the strengths and weaknesses of the OPP Framework, and suggestions on how it might be improved.

Procedures for Data Collection, Participation, and Instrumentation

Data Collection

To address the gap in academic research pertaining to officers' perceptions about the OPP Framework policy, data were collected using in depth semistructured interviews and analysis of existing documentary and archival records. Ravitch and Carl (2016) contended that qualitative data collection should be intentional, rigorous, and systematic. According to Rubin and Rubin (2011), in-depth qualitative interviewing has the capacity to reconstruct events that the researcher has not personally experienced. In-depth qualitative interviewing should also enable a researcher to explore multiple perspectives on an issue or phenomenon.

Unlike other research approaches used in qualitative, quantitative, or mixed methods studies, interviewing enables a researcher to obtain an authentic, contextual, and nuanced account of an event or phenomenon because the researcher engages in a direct conversation with a study participant (Schultze & Avital, 2011). In spite of the advantages of interviewing as a form of data collection for academic research, McGrath

et al. (2013) underlined the existence of an elevated level of discontent among Indigenous communities about research in general given that they rarely benefit from the knowledge generated by that process. This was an important consideration for this research study given that First Nation police officers were interviewed.

Interviews Using Technology

Out of necessity, my initial plans to conduct face-to-face interviews of the police participants for this qualitative research study changed due to COVID-19 health restrictions. As a result, participant interviews were undertaken using such alternate forms as telephone, email, texting, and Zoom and Microsoft Teams videoconferencing.

Within the field of academia, the attitude that face-to-face interviews are superior to telephone and other forms of technology-based interviews stems from a legitimate concern that the lack of visual cues can lead to data loss or distortion (Novick, 2008). Interpreting nonverbal cues or reading body language is an essential element of effective interviewing because it enhances the interviewer's ability to better understand, probe and build rapport with the subject being interviewed. Unlike telephone or email/text interviews, interviews conducted using video conferencing platforms do provide researchers with the opportunity to assess some visual clues, however, those opportunities fall short of what are available during face-to-face interviews.

With the explosive popularity of Zoom, Microsoft Teams and other video collaboration platforms during the COVID-19 pandemic, there are now many more choices to personalize a remote or online interview experience, despite Archibald et al.'s (2019) assertion that further research needs to be conducted on the utility of online

methods to critically assess their usefulness in qualitative research. Sullivan (2012) contended that the potential for video conferencing platforms such as those referenced is almost unlimited, while Heath et al. (2018) recommended that study participants be given a choice as to which method they would prefer in an effort to maximize recruitment and the quality of the interview.

Although there is limited research into the applicability and adaptability of these technological tools for qualitative research (Weller, 2015, 2017), Archibald et al. (2019) and Irani (2019) outlined several advantages to using telephones and videoconferencing when compared to face-to-face interviews. Those advantages include enhanced access, convenience, relative anonymity, and time- and cost-effectiveness, especially when the study subjects are geographically dispersed (Archibald et al., 2019; Braun et al., 2017; Carr & Worth, 2001; Deakin & Wakefield, 2014; Janghorban et al., 2014; Holt, 2010; Irani, 2019; Novick, 2008; Stephens, 2007; Sturges & Hanrahan, 2004). Irani (2019) argued that the popularity of these forms of communication will have an impact on the practice of researchers and qualitative interviewing, despite the distinct academic bias against them (Novick, 2008). Regardless of the advantages to using Zoom and similar videoconferencing platforms, Irani (2019) contended that internet-based technology will not replace traditional methods of interviewing, however, it can, in specific situations, augment those methods.

Study participants were given a choice between in-person, email, telephone and videoconferencing interviews. Prior to ending the interviews, each participant was provided with the opportunity to add anything, clarify any point made, and/or ask any

questions. Upon conclusion of the interview, each participant was debriefed with respect to the process, any concerns they had, and any questions they had about next steps. They were also provided with an opportunity to review and edit or make additions to the interview transcripts.

Participation

Participation in the interviews pertaining to this phenomenological qualitative research study was completely voluntary. Before any interviews were initiated, a detailed invitation letter was sent electronically to each potential candidate. That invitation letter referenced my status as a Walden University Ph.D. candidate and provided details of my law enforcement and criminal justice experience, the intended purpose of the study, and potential candidates were asked if they would be interested in voluntarily assisting in the research inquiry. The invitation letter also contained information about the necessity of completing a Walden University Informed Consent Form, which was emailed to them after their consent had been given. The proposed interview format (i.e., face-to-face, Zoom, telephone, email), the length of time involved to complete the interview, the fact that the interview questions would be sent to them in advance, and my contact information should they have any questions or concerns were also outlined in the invitation letter. It also included a request that the participant agree to allow me to record the interview so that a transcript could be produced for the purposes of data analysis. The candidates were also advised that a copy of the transcript would be made available to them so that they could review and edit it before that analysis was finalized.

Once the candidates indicated in a reply email that they consented to being interviewed as part of this research study, they were provided with an electronic copy of the Walden University Informed Consent Form that re-iterated details on my status as a Walden Ph.D. candidate, the purposes of the interview and research study, and details on the interview procedures. The Consent Form also specified that the interview was completely voluntary on their part and that if their consent was given, it could be withdrawn at any time during or after the interview. The Consent Form detailed that there were no known risks beyond those of typical daily life posed by their participation in the interview and there were no benefits to them personally by participating in this study. With respect to their privacy, the Consent Form contained details on the fact that their identity would not be disclosed in the transcript or any other document and the transcript and recording would be destroyed in accordance with the Walden University guidelines and timelines.

Instrumentation

Semistructured in-depth interviews of police officers who had experience with the OPP Framework were the primary source of data collection for this qualitative research study. Seidman (2013) contended that the purpose of in-depth interviewing is not to get answers to questions nor to assess hypotheses or to evaluate, but to understand the lived experiences of other people and the meaning they make of those experiences.

The instrumentation that was used to facilitate and guide the participant interviews for this research study was developed utilizing the Walden University Interview Guide Worksheet, the Walden University Interview Instructions, and the

Walden University Bad and Good Examples chart. Those documents helped me construct the interview guide, which contained the main questions and follow up queries. The interview questions were arranged in groupings based on specific topics or areas of interest that I wanted to explore with the participants.

Those topics were gleaned prior to the interviews from a review of the literature pertaining to this research topic that I undertook and outlined in Chapter 2. Those topics or areas of interest included First Nation occupations and protests, the use of the OPP Framework at Indigenous critical incidents, police use of force and passivity at Indigenous protests, police cultural competence, and government policy. To ensure the interview questions were both valid and credible from a content perspective, the interview questions were peer reviewed. In addition to the in-depth interviews, data for this research study were collected through analysis of existing documentation and archival records to attain triangulation, which enhanced the credibility and trustworthiness of this study's qualitative research findings.

Data Analysis

Each of the participant interviews was recorded and reduced to a verbatim transcript. The word-for-word response to each of the interview questions was then populated into Dedoose qualitative data analysis software, which was used to assist me in the coding and data analysis processes. I had intended on using MAXQDA by VERBI qualitative data analysis (QDA) software for this study because I had used that software tool during my Ph.D. course work at Walden University and found it beneficial in helping me organize and code data collected from the few interviews I conducted.

Based on a recommendation from a fellow Walden University Ph.D. student, I decided to use Dedoose QDA software instead of MAXQDA because of its ease of use and because of cost considerations. I had also planned to use the Zoom transcription feature to create the first draft of the interview transcripts, however, that too changed because most of the interviews were conducted via telephone and the quality and format of the Zoom transcript was deemed to be substandard.

Data Coding

The data collected from the semistructured in-depth interviews and analysis of existing documentation were subjected to analysis using the descriptive and inductive or *in vivo* coding processes. Saldaña (2016) described a code as being a word or phrase that “assigns a summative, salient, essence-capturing, and/or evocative attribute to language-based or visual data.” Descriptive coding entails creating a summary of the primary topic of a passage or excerpt in a transcript, while inductive or *in vivo* coding places emphasis on the actual spoken words of the participants (Ravitch & Carl, 2016; Saldaña, 2016).

Although inductive coding stays as close to the data as possible, Ravitch and Carl (2016) contended it unto itself does not connote rigor or trustworthiness. They argued that *in vivo* coding should be used when the interview participant’s own words truly encapsulate what was expressed. This approach to coding stays true to the data as it maintains and respects the specialized vernacular used in or to identify a particular culture, such as references to Indigenous Peoples by some study participants as Aboriginals, Indians and/or Natives, as opposed to the more politically acceptable terms

of today like Indigenous, First Nations and/or First Peoples (Manning & Kunel, 2014; Ritchie & Lewis, 2003).

Issues of Trustworthiness

With the dramatic increase in the use of qualitative research techniques and methodologies in the social sciences, especially as it relates to government funding requests, Ravitch and Carl (2016) argued that establishing the trustworthiness or validity of those studies is paramount. The issue of how to judge or assess the trustworthiness of qualitative research became the focus of the research efforts of Lincoln and Guba beginning in the 1980s, and that research and debate continues to this day (Guba, 1981; Guba & Lincoln, 1989; Lincoln, 1995; Lincoln & Guba, 1985). To assess trustworthiness in qualitative research, Lincoln and Guba (1985) and Korstjens and Moser (2018) recommended the use of such quality criteria as credibility, transferability, dependability, confirmability, and reflexivity. Stahl and King (2020) argued that the concept of validity is not a goal in qualitative research because trustworthiness in qualitative studies is a shared and subjective reality. Unlike quantitative studies, the qualitative approach does not seek replicability and it is assumed that a different qualitative researcher in a different place should expect different findings because in this type of research reality is constructed (Stahl & King, 2020).

Validity

The term validity is preferred by some researchers, as they claim it has been reframed and reclaimed within the context of qualitative research and now applies to how diligent the researcher was in capturing the complexities of the study participants'

experiences, as opposed to just focusing on the concepts and procedures used during the study (Ravitch & Carl, 2016). Ravitch and Carl (2016) further contended that when assessing validity, the focus should be on the quality and rigor of the study as determined by ways in which a qualitative researcher can confirm that their findings are faithful to the experiences of their study's participants.

Credibility, Transferability, Confirmability and Dependability

The concepts of credibility, transferability, confirmability, and dependability are more appropriate measures of the rigor of a quantitative study design. Toma (2014) suggested qualitative researchers refrain from trying to shoehorn their work into these categories of accepted quantitative standards. Credibility relates to how plausible the findings and interpretations are to the study participants, while transferability is described as the extent to which those findings can be applied to other situations (Lincoln & Guba, 1985; Ravitch & Carl, 2016; Shenton, 2004; Toma, 2014). According to Ravitch and Carl (2016), Toma (2014), and Shenton (2004), dependability is synonymous with the concept of credibility, and confirmability deals with a study's objectivity.

Notwithstanding the ongoing debate about the nexus between trustworthiness and qualitative research, Stahl and King (2020) argued that there is an onus on qualitative researchers to demonstrate how their study meets the accepted conventions for trustworthiness so that it can meet the needs of that study's users.

To address the issue of trustworthiness or validity in phenomenological qualitative research study, Jackson et al. (2018), Ravitch and Carl (2016), Patton (2015), Toma (2014), Hamill and Sinclair (2010), and Finlay (2009) recommended a variety of

different approaches including the use of audit trails, bracketing, data immersion, investigating disconfirming evidence, member checks, peer review, acknowledging researcher bias, theoretical contextualization, thick descriptions, and triangulation. All of those processes were used to confirm the trustworthiness or validity of this phenomenological qualitative research study.

Ethical Procedures

Ethics in qualitative research are complex, contextual, and relational (Ravitch & Carl, 2016). Dooly et al. (2017) argued that ethical questions often arise because of the involvement of human subjects in a qualitative study's design and methodology. Although university researchers and Institutional Review Boards put considerable thought into anticipating what ethical issues might arise during a qualitative study, Roth and Unger (2018) contended that ethical questions persist even after institutional approval of the research has been formalized. They argued that questions around ethics are multi-faceted and constantly evolving because they are a part of the relationship between the researcher and researched (Roth & Unger, 2018).

Discussions about ethics with students and novice researchers are primarily concentrated on the university's code of ethics and the university's Institutional Review Board (IRB) and the Ethics Committee processes rather than relational considerations (Ravitch & Carl, 2016). Three of the most common ethical issues associated to qualitative research at both the institutional and relational levels are protecting privacy, minimizing harm, and respecting the shared experiences of others.

Protecting Privacy

Protecting the privacy and maintaining the confidentiality of those individuals who have freely given up their time to participate in an academic study are two of the most important duties a qualitative researcher undertakes. Bankert and Amdur (2006) contended that privacy refers to having control over the extent, timing, and circumstances of sharing oneself with others, while confidentiality refers to the fact that researchers know the identity of the participants but commit to not revealing the person's participation and identity.

As with every scholarly study, researchers need to be diligent in safeguarding the privacy of the individuals who participate in that study. As Kaiser (2009) pointed out, there are unique challenges associated to presenting a full and rich account of how a participant experienced a phenomenon and maintaining that individual's confidentiality. In light of the sensitive nature of this research topic, if the identity of some of the participants were disclosed it could have repercussions on their police careers, personal relationships, and standing in the community. As a serving or retired member of a police service, before consenting to an interview about the effectiveness of an operational policy that has been much heralded and characterized by the Ipperwash Inquiry (2007) as a best practice, it was important to provide participants with more than just verbal assurances that their identity would not be disclosed or be capable of being deduced once the study is released.

Each participant was provided with written assurances that all their identifying characteristics would be protected at the data collection, data cleansing, and

dissemination of research results stages. They were also assured that they would have an opportunity to review and sign-off on the transcript of their interview before the data analysis was undertaken. To protect their identity, there were no references to their names or addresses in any transcripts or documentation. To protect the privacy of the study participants, each individual was assigned a unique code number which was used in lieu of their name throughout the study and transcripts. The identity of the participant relating to those unique code numbers was maintained in an offline password protected file. That offline file, along with any and all other data collected during this study were stored securely in my private office. Physical documents were stored in locked cabinets, and electronic documents were stored in password protected files. In accordance with Institutional Review Board requirements, all data collected throughout this qualitative research study will be stored for at least five years.

Every effort was undertaken to purposely avoid including or referencing the names and/or contact information of the participants during the interview process and in any subsequently produced documentation. I also undertook every measure possible to ensure that the identity of the participants was not directly or indirectly disclosed throughout the study. The consent form outlined these and other steps that were undertaken to maintain the privacy of the study participants. Each participant completed a Walden University Informed Consent form that outlined in unambiguous language the reason for the interview and the fact that the interview was completely voluntary on their part. To properly code and analyze the semistructured interviews, I also sought and received permission from each participant to have the interview audio recorded. They

were informed that a transcription of that recording would be made and analyzed after they had an opportunity to vet it. The participants were also told that they could withdraw their consent at any point in time before, during, or after the interview.

Minimizing Harm

A second ethical challenge that researchers need to be cognizant of is minimizing harm. Two of the most important principles outlined in the Belmont Report on Ethical Principles and Guidelines for the Protection of Human Subjects of Research are respect for persons and minimizing harm (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 2008). That report, which was authored by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, specifies that some persons need extensive protection, even to the point of excluding them from activities which may harm them, while other persons require little protection beyond making sure they undertake activities freely and with awareness of possible adverse consequences.

Even the most benign form of research or the most innocent type of research question might provoke emotional responses from a participant, so it is critically important from an ethical and risk avoidance standpoint to fully inform individuals about the nature of the research and their rights as voluntary participants to not answer specific questions or to withdraw from the study at any time. Ethically, it is also important to take steps to not only guard against any risk of emotional or physical harm that a participant may suffer, but also any risk they may incur with respect to discrimination and recrimination (Bankert & Amdur, 2006). Even with the sincerest of intentions, Ravitch

and Carl (2016) contended that simple things like giving a gift to a participant for their involvement in a research study can lead to unintended negative consequences that can harm the participants and/or the relationship with the researcher and affect the data in negative ways.

In minimal risk studies, researchers need to institute simple, reasonable risk mitigation measures. To overcome the ethical challenge of minimizing harm in this research study, all the participants were fully briefed and were asked to electronically sign a comprehensive consent form that laid out in clear, understandable language an honest analysis of any potential risks to their well-being that may be incurred as a result of their participation. To ensure the participant was able to make an informed decision about their willingness to participate in this research study, the consent form also included a description of any reasonably foreseen risks or discomforts, and it also included a description of any anticipated benefits to the individual or to any groups. Since I conducted interviews via telephone and videoconferencing, there was no need to reimburse the participants for travel costs or expenses, however, a small thank you gift in the form of a Tim Horton's coffee card or a donation to a charity of the participant's choice was offered.

No vulnerable individuals were recruited for this study, however, had a vulnerable person been inadvertently included without my knowledge, their information would have been excluded from the study. Prior to embarking upon any interviews, I considered, acknowledged, and described all potential psychological, relationship, legal, economic, professional, physical, and other risks. Steps were undertaken to minimize those risks to

the extent possible by ensuring that there were measures in place to provide the participants with reasonable protection from loss of privacy, distress, psychological harm, economic loss, damage to professional reputation and physical harm. The consent form disclosed any conflicts of interest, preserved the participants' legal rights, and it explained how the individual could contact me and/or the Walden University Research Participant Advocate should they desire to do so.

The study participants were provided adequate time to review the study information and they were also provided with the opportunity to ask any questions before their consent was given. Details on the reason they were personally being asked to volunteer to participate in this study on the OPP Framework were also explained to them in clear and concise language in the consent form.

The consent form also included a description of the data collection procedures along with an estimate of the time commitment required for the interviews. The consent form clearly outlined the fact that the participant had the right to decline their involvement at any time before the study commenced or anytime thereafter. Should a participant know me, they were also given written assurance that their decision to not participate or to discontinue their participation in the study would not negatively impact their relationship with me.

Respecting Shared Experiences of Others

From an ethical perspective, qualitative researchers need to not only accurately interpret the shared experiences of others, but they need to find ways to respect them as well, and to respect what participants go through when volunteering for a study.

According to Dennis (2014), beyond research conducted into traumatic incidents, the actual experiences of participants in the qualitative research process are often taken for granted. Dennis (2014) argued that as long the participant leaves the research unharmed, their experiences with the process itself have not warranted significant attention. Member checking and/or participant validation are often associated with promoting high credibility and validity in qualitative research.

These two processes are also ways of respecting the shared experiences of others, especially when they are focused on more than just transcript accuracy. Dennis (2014) noted that in member checking sessions, the primary focus should be on validating the data or specific words that the participant offered up during the interview, as opposed to making sure the researcher clearly understood the interviewee's story or whether they had even more to offer on the topic than was offered in response to the data collection tool or interview questions. Ravitch and Carl's (2016) agreed and contended that the fidelity needs to be to the participant's experience of the interview rather than to the data collection instrument or even to the research questions. Good qualitative researchers should strive to adhere to the principle that the subjects being interviewed in a research study are experts of their own experience and should always be treated with respect.

Studies have examined the potential benefits an interviewee derives from participating in a qualitative research project (McCoyd & Shdaimah, 2007). Those studies have revealed that some of the participants emphasized the importance of having their story heard in full without judgment and lending their voice to an important discussion, while others talked about the importance of knowing that they helped shape

the findings of a study that could potentially result in policy changes which will benefit society (McCoyd & Shdaimah, 2007). Ravitch and Carl (2016) referenced some other basic ways a researcher can overcome the challenge of respecting the shared experiences of others. Those suggested methods included creating an environment of trust and respect by advising the participant that their input will be treated ethically from a privacy perspective; assuring them that they will have the opportunity to share their experience in a non-judgmental, open way; structuring the interview process in such a way as to allow the participant to go beyond sharing their experience and to openly reflect on or share other important aspects of their lives; and validating a participant's shared experiences in a contextually appropriate way. All of those steps suggested by Ravitch and Carl (2016) were undertaken by me throughout this qualitative research study.

Summary

The purpose of this qualitative research study was to address a gap in academic research and literature pertaining to police officers' perceptions of the OPP Framework, along with their assessment of that policy's strengths and weaknesses and any suggestions on how it might be improved.

This chapter provided information on the study's research design and rationale; the role of the researcher; and the study's methodological approach, including participant selection, sample size and analysis of existing document and archival material. This chapter also detailed the qualitative procedures for data collection, recruitment, participation, and instrumentation; data analysis; issues of trustworthiness; and ethical

procedures including protection of privacy, minimizing harm, and respecting the shared experiences of others.

As was outlined in this chapter, a phenomenological research design was used to describe the participants' experiences with the OPP Framework, along with a cultural competence theoretical framework and a warrior ethos conceptual framework. Participants for this study were selected based on their experience policing Indigenous occupations and protests where the OPP Framework was applied. Participants were recruited from the serving and retired ranks of a cross section of police services in Canada, including First Nations police services.

Participants were also selected from the Canadian Association of Chiefs of Police (CACP) Policing with Indigenous Peoples (PWIP) committee. Participants were selected from that committee because the OPP Framework and the OPP's PLT and Indigenous Awareness Training programs were used as a model for the development of the CACP National Framework and the DLT and liaison officer programs.

The officers involved in this study were recruited using both a purposeful and snowball method of recruitment. Once their informed consent had been secured, they were asked to participate in a semistructured interview. The interviews were recorded and transcribed, and the transcripts and existing documentation and archival material were analyzed using a variety of coding techniques with the aid of Dedoose qualitative data analysis software. That coding helped me identify various categories and themes of importance.

Specific details on the number and demographics of the officers who voluntarily participated in this research study along with the themes that emerged from the analysis of their semistructured interviews and from the analysis of existing document and archival material are outlined in Chapter 4. The findings based on the analysis of the data collected are also outlined in Chapter 4.

Chapter 4: Results

Introduction

Indigenous critical incidents in Ontario and elsewhere across Canada have long taken the form of high-profile blockades and occupations on unceded or disputed traditional land. Such events led to the introduction of a new operational policy or approach known as the OPP Framework in 2006. Under the OPP Framework, police focused their efforts on peacekeeping, patient negotiation, mutual respect, maintaining neutrality, engaging in open and honest dialogue, facilitating the rights of everyone involved, and using the minimal amount of force necessary and only as a last resort to respond to First Nation occupations and protests. Since then, officers have successfully used this operational policy at more than 700 Indigenous critical incidents and hundreds of non-Indigenous events, none of which have resulted in death or serious injury to police officers, protestors, or citizens (OPP, 2013, 2014, 2015, 2016, 2017, 2018, 2020).

Nonetheless, the application of the OPP Framework at Indigenous critical incidents in Ontario has been met with widespread criticism (Alexander, 2016; Blackburn, 2010; Blatchford, 2009, 2010, 2013; CBC News, 2013a, 2013b; Chiefs of Ontario, 2006; Clancy, 2017; CTV News, 2007a; Dafnos, 2013, 2015, 2019, 2020; Den Tandt, 2013; Gillham et al., 2013; Gurney, 2013; Hedican, 2012, 2013; Howe & Monaghan, 2018; McVicar, 2013; Noakes & Gillam, 2006; Smith, 2007; Valpy, 2007; Whelan & Molnar, 2017; Wood, 2016; 2007).

There has been a distinct lack of academic research and literature into the OPP Framework approach and officers' perceptions of that policy. Even though there has been

no academic or organizational effort to assess the OPP Framework policy, it continues to be promoted as a best practice approach to responding to Indigenous and other critical incidents. The OPP Framework approach has influenced how police manage large-scale demonstrations and protests nationally with the development of the Canadian Association of Chiefs of Police (CACCP) Policing with Indigenous Peoples (PWIP) committee's National Framework (CACCP, 2019a, 2019b, 2020). The purpose of this qualitative phenomenological study was to address the gap in the literature by exploring police officers' perceptions of the OPP Framework, including their perceptions of its strengths and weaknesses and changes that might improve that policy's operational effectiveness or public acceptance. The three research questions that guided this academic study were:

RQ1: What are police officers' perceptions of the OPP Framework policy?

RQ2: What are the strengths and weaknesses of the OPP Framework policy?

RQ3: What changes, if any, should be considered for the OPP Framework policy?

Data for this study were collected through in-depth semistructured interviews of officers who have experienced the phenomenon of policing First Nation occupations and protests where the OPP Framework was applied. Data were also collected from analysis of documentary and archival material, including OPP Framework annual reports, Ministry of the Attorney General and other governmental records, court records, newspaper and media articles, and reports published by the Ipperwash Inquiry and Amnesty International Canada. The findings from the data analysis are detailed in this chapter. In addition to reporting on the findings derived from the interviews and analysis of existing documentation and archival material, a demographic breakdown of the 23

serving and retired police officers who volunteered to participate in this research study in included in this chapter, along with details on the data collection and data analysis processes used during this study. With respect to the data collection process, I detail how the data for this qualitative research study were collected and recorded, highlighting any variations from the data collection plan in Chapter 3.

Within this chapter, I highlight the processes used to analyze the data collected, including details on the specific codes that emerged and the process used to move inductively from codes to categories and themes. Details on the processes used to establish trustworthiness or validity are also detailed in this chapter. Some of those processes included the use of audit trails, bracketing, data immersion, member checks, peer review, acknowledgement of research bias, theoretical contextualization, thick descriptions, and triangulation. Chapter 4 also contains details of the results of this research study. To support my findings, data are presented to address each of the three research questions in the form of direct quotes from several interview participants and from existing documents and reports. Chapter 4 also includes a discussion on any discrepant or nonconforming cases that emerged. I conclude the chapter with a summary of the answers to the research questions.

Setting

The setting within which participant interviews occurred during this research study was determined in large part by the COVID-19 pandemic. Because of pandemic health concerns and restrictions on travel, the opportunity to conduct face-to-face interviews was curtailed significantly. If specifically requested, face-to-face interviews at

a safe location of the participant's choice would be accommodated; however, only one participant made such a request. Ten participants requested to be interviewed by telephone, 11 interviews were conducted online via Zoom or Microsoft Teams, and one of the 23 interviews was conducted via email. I conducted the interviews from my home office; participants were interviewed from the privacy of their homes or offices.

Valuable assistance in identifying potential participants was provided by the OPP and the OPP Indigenous Policing Bureau. With the support of that agency, a Walden University IRB approved flyer highlighting details about the purpose and nature of the research study and the volunteer requirements was provided to members who satisfied the study criteria within the organization. That flyer referenced the fact that study volunteers had to be serving or retired police officers, 18 years of age or older, who had responded to First Nation occupations or protests where the OPP Framework policy had been used. Officers interested in volunteering to participate in this study were asked to contact me via my Walden University email address, which was on the flyer. Prospective participants who contacted me and who met the study requirements were provided with additional details. The purpose and nature of the study, the proposed interview format, the approximately length of time involved to complete the interview, the fact that the interview questions would be sent to study participants in advance, and my contact information were included in the invitation email. The invitation email also included a request that the participant agree to allow me to record the interview so a transcript could be produced for data analysis.

The prospective participants were advised that they would be provided with a copy of the transcript for review and approval before it was subjected to data analysis. The participants were then provided with an electronic copy of an informed consent form that pointed out their participation could be withdrawn at any time during or after the interview. The consent form detailed the steps that would be taken to protect and respect their identity and privacy. Prospective participants were also provided with an electronic copy of the interview questions.

The information provided to the prospective participants emphasized that the participation of active and retired police service members for this study was completely voluntary on their part and that they were under no obligation to consent to being interviewed for this study. Participants were also advised there would be no repercussions should they decide not to participate or if they did consent to be interviewed and later withdrew that consent. Participants were advised that declining to participate in the study or stopping their participation would not negatively impact their relationship with the researcher or their parent organization. Participants were also advised that they would be provided an opportunity to refuse to answer any questions they did not wish to answer and they could ask that questions be rephrased. Upon receiving confirmation via email of their consent to participate in this research study, arrangements were made to complete the interview in the manner the participant preferred.

In addition to the officers recruited through the distribution of the study flyer by the Ontario Provincial Police, other study participants were conscripted using snowball and purposeful recruitment methods. Snowball recruitment involved officers interviewed

in the early phase of the data collection process providing me with names and contact information for other prospective participants and/or those participants reached out to individuals they felt met the study criteria and asked them to contact me. I also used my network within the law enforcement community, along with information about prospective participants gleaned from existing documentary and archival data, to identify and recruit individuals that I knew had the capacity to provide information and insight into the research problem and the phenomenon being investigated.

Thirty-four individuals were identified as potential candidates for this research study; 23 agreed to voluntarily participate in a semistructured interview. Two of the 34 individuals declined to be interviewed, four never responded to the request, and five prospective participants were not contacted as data saturation was achieved. All the study participants had some form of direct or indirect experience with First Nation occupations and protests where the OPP Framework approach had been used and/or they were involved in the development of the National Framework created by the CACP PWIP committee.

Although this research study is focused on officers' perceptions about the OPP Framework, which is a policy of Ontario's provincial police service, some of the participants' experience with Indigenous critical incidents included deployment at First Nation occupations and protests in other provinces and/or incidents that pre-dated the existences of the 2006 OPP Framework policy. Those incidents included the 1990 Oka crisis in Quebec, the 1995 Gustafsen Lake standoff in Alberta, the 1995 Ipperwash occupation in Ontario and the 1999 and 2002 Burnt Church crises in New Brunswick and

Nova Scotia. Some of the study participants were also involved in the multi-agency response to the 2007 Indigenous Day of Action and the 2012 Idle No More protests that gained national and international attention.

Beyond responding to First Nation occupations and protests, several of the study participants had extensive experience using the Framework during the pre- and post-critical incident stages to engage with Indigenous communities in relationship and trust building. Those and other participants shared the valuable knowledge they had gained during their involvement in all three stages of the OPP Framework approach at incidents involving the Six Nations of Grand River at Caledonia; the Mohawks of the Bay of Quinte at Tyendinaga; the Algonquin Ardoch and the Shabot Obaajiwan First Nations at Sharbot Lake; the Pikwakanagan Algonquin and Kitigan Zibi Anishinabeg First Nations at Chaudière Island; the Kitchenuhmaykoosib Inninuwug First Nation at Big Trout Lake; the Pikangikum First Nation north of Kenora; and the Asabiinyashkowiagong Nitam-Anishinaabeg First Nation at Grassy Narrows.

Although most of the Indigenous critical incidents that the study participants were involved in arose out of decades-old unsettled land or treaty claim issues in Ontario, others were sparked by First Nation concerns about illegal logging, mining, and development on unceded land; the expansion of pipelines on Wet'suwet'en Territory in British Columbia; the arming of Canada Border Service Agency guards; opposition to the installation of a new police building on Tyendinaga territory; government inaction on the Calls to Action from the Missing and Murdered Indigenous Women and Girls Inquiry;

support for Indian residential school survivors; and demands for an independent inquiry into the genocide of Indigenous Peoples.

Most of the interviews for this study were conducted in a setting or at a time within which there was few confrontations between the police and First Nation protesters in Ontario. That was due in large part to the ongoing COVID-19 pandemic, and due to the announcement in July 2021 that the planned McKenzie Meadows housing development near Caledonia had been cancelled by the developers. The cancellation of that controversial housing project at what is now known as “1492 Land Back Lane” occurred after a group of First Nation land defenders occupied the site for over a year, claiming the development was illegal as it was being constructed on an unceded part of Six Nations of the Grand River territory.

Although the participant interviews were conducted during a period of relative calm in Ontario from an Indigenous protest perspective, in October 2021 land defenders from the Six Nations of Grand River began an occupation of the former Arrowdale Municipal Golf Course in the City of Brantford, claiming a planned housing development on that site was unlawful because it too was being built on unceded Haudenosaunee territory within the Haldimand Tract. That occupation ended in January 2022, just shortly after the final participant interview was concluded, when the City of Brantford was granted an interim injunction to have all protesters removed from the site. Throughout that occupation, the Brantford City Police Service effectively used an OPP Framework approach to deal with the situation. Despite receiving a lot of criticism from the public and elected officials, Brantford City police officers did not have to resort to the use of

force to remove the protesters and there were no deaths or injuries incurred on either side of the occupation zone.

In addition to the Brantford golf course occupation, in November and December 2021 while the final few participant interviews were taking place, a 19-day blockade of the Highway #6 bypass near Caledonia by members of the Six Nations of the Grand River occurred, along with a similar temporary blockade of the Bloor Viaduct and the Yonge/Dundas Square in downtown Toronto. Those protests, and a rolling blockade from the Akwesasne Mohawk First Nation and from the Six Nations of Grand River First Nation territories to the Mohawks of the Bay of Quinte First Nation territory at Tyendinaga were undertaken along Highway 401, North America's busiest thoroughfare, as a show of solidarity for the Wet'suwet'en First Nation of British Columbia.

The Wet'suwet'en First Nation had been actively protesting the construction of the Coastal GasLink pipeline across their traditional territory. The sympathy or solidarity protests in Ontario occurred in the aftermath of violent clashes with RCMP officers in British Columbia, during which several Indigenous and non-Indigenous demonstrators and environmentalists were arrested, including a high-profile land defender from the Six Nations of the Grand River. The OPP Framework approach was successfully used in all these solidarity or sympathy protests in Ontario, and despite criticism of police actions or inaction, police use of force was not needed, and no deaths or injuries occurred.

Demographics

Although there are differences of opinion as to the ideal interview sample size for a qualitative research study that range from 12 to 60 participants, Baskarada (2014)

contended that anything less than 15 interviews is not considered sufficient. Pan and Tan (2011) argued that there are several criteria that dictate the appropriate number of interviews that should be conducted in qualitative research, including the phenomenon under investigation, the scope of the study, the timeframe available to do the study and the size of the unit of analysis.

The number of participant interviews conducted for this study was based on the principle of saturation, which according to Guest, Bunce and Johnson (2006) occurs when interviewing around 12 participants in homogenous groups, while Latham (2013) argues that a minimum of 15 is needed to ensure no new concepts emerge.

Twenty-three individuals were interviewed for this qualitative research study. Twelve of the 23 or 52% of the participants were white males; five or 22% were white females; and six or 26% were Indigenous males, having Algonquin, Mohawk, Ojibwe, and mixed Ojibwe and Métis backgrounds.

The average age of the participants was 58.5 years, and the median age was 60 years.

The educational levels of the study participants were varied. Twelve of the 23 participants or 52% had university degrees ranging from an undergraduate to a graduate degree; six or 26% had a college diploma or certificate; and five or 21% had completed some college or university courses, or a combination thereof.

The 23 participants represented a cross-section of policing in Canada that included service in international policing, federal policing, provincial policing, self-

administered First Nation policing, provincially supported First Nation policing, regional and municipal policing in Ontario and another province, or a combination thereof.

Ten of the 23 participants or 44% had served in more than one police service at either the national, provincial, regional, or municipal and/or First Nation levels. Forty-four percent or 10 of the 23 study participants were active or serving members of a police service, while 13 or 56% of them had recently retired or retired within the past 10 years.

One of the participants was a civilian member of a police service; two held the rank of constable; five held the rank of sergeant or staff sergeant; eight held the rank of a commissioned or senior officers; and seven were command officers. Some of the participants started their policing careers as auxiliary officers before becoming regular members of a police service.

The years of service of the participants ranged from 11 years to 46 years. The average years of service was 31.9 years, and the median was 33 years.

Throughout their careers, the participants served in a variety of police units including: anti-rackets; auto theft; behavioral sciences; business management; commercial crime; communications; corporate management; crime prevention; crime suppression; criminal investigation; critical incident command; drugs; duty office; First Nations and contract policing; emergency response; field services; general patrol; incident command; Indigenous policing; Indigenous training; intelligence; major case management; media relations; provincial liaison; public order; regional command; risk management; tactical response; traffic services; training and education; special events; and surveillance.

Data Collection

On August 10, 2021, my application to conduct a qualitative research study into police officers' perceptions of the OPP Framework was approved by the Walden University Institutional Review Board (IRB). Pursuant to IRB approval number 08-10-21-0652402, I was granted permission to collect data until August 9, 2022, by undertaking semistructured interviews with approximately 20 active or retired police officers, 18 years of age or older, who had responded to First Nation protests and occupations in Ontario where the OPP Framework had been used.

In depth, semistructured interviews of 23 participants commenced on August 19, 2021, and concluded on December 17, 2021. Five interviews were conducted between August 19 and August 31, 2021; eight interviews were conducted between September 2 and September 30, 2021; seven interviews were conducted between October 1 and October 25, 2022; two interviews were conducted between November 1 and November 10, 2021; and the final interview was conducted on December 20, 2021.

To enhance the quality of those interviews, I did field visits to Akwesasne, Caledonia, Chaudière Island, Sharbot Lake, and Tyendinaga to be better acquainted with such high-profile protest sites at those locations as the Build All quarry, Cornwall Island, the Deseronto quarry, Douglas Creek Estates, the Frontenac Ventures uranium mining base camp, MacKenzie Meadows, the Skyway Bridge, the Thurlow Aggregates quarry, the Tyendinaga police station, the Wyman Road CPR/CN rail crossing and the Zibi development. Those field visits also served to better enable me to build rapport and fully engage with the interview participants in an erudite manner.

Due to the ongoing COVID-19 pandemic situation in Ontario, 10 of the 23 participants were interviewed by telephone and 11 interviews were conducted via Zoom or Microsoft Teams. One of the interviews was undertaken using an email format, and one was done face-to-face. I conducted all the telephone and teleconferencing interviews from my home office at a time and date that were mutually agreed upon with the participant. The one face-to-face interview was conducted at the participant's office and all the necessary health regulations and protocols were adhered to during that interview.

With the prior permission of the participants, all the interviews completed using the telephone were recorded, as was the audio portion only of the interviews undertaken using the Zoom or Microsoft Teams teleconferencing platforms. A standalone Tascam DR-05 linear PCM recorder or a Sony ICD-P520 IIC recorder were used to digitally record the telephone and teleconference interviews, and a Realistic voice actuated cassette tape recorder was used for the purposes of backup. Although it is older technology, the Realistic voice actuated cassette tape recorder proved to be invaluable as two of the initial digital recordings picked up a lot of interference and distortion, which made the interview more challenging to transcribe. The cassette recording allowed me to complete the transcription with no problems whatsoever.

Prior to ending the interviews, each participant was provided with the opportunity to add anything, clarify any point made, and/or ask any questions. Upon the conclusion of the interviews, I advised each study participant that they would be provided with a full transcript of the interview for the purposes of reviewing same and making any changes, additions, or deletions before giving their final approval. As promised, a text version of

the audio interview was forwarded to each participant electronically within two to three days of the interview. Adequate time was provided to each participant to undertake that review and approval process. With two or three exceptions, each participant returned the transcript within a week. Minor edits to 11 of the 22 recorded interview transcripts were made by the participants, which were incorporated by me into the final transcripts. Those transcripts were then used for the purposes of data analysis.

The instrumentation that was used to facilitate and guide the participant interviews was developed utilizing the Walden University Interview Guide Worksheet, the Walden University Interview Instructions, and the Walden University Bad and Good Examples chart. Three separate interview guides were created to aid in the collection of data for this research study. A 14-question interview guide was created specifically for police officers who had responded to First Nation occupations and protests where the OPP Framework approach had been used. A 22-question interview guide was created for Indigenous Policing Bureau officers, and an 18-question interview guide was created for participants who had assisted the CACP Policing with Indigenous Peoples committee develop the National Framework for Police Preparedness for Demonstrations and Assemblies: Suggested Best Practice document.

The police officer interview guide contained questions on the participant's background, any Indigenous cultural competence training they had received, and any training they had received on the OPP Framework. The guide also contained a series of questions pertaining to the participants' first-hand experiences at First Nation occupations and protests, and questions about their perceptions of the OPP Framework policy itself,

including its strengths and weaknesses and any recommendations for change. This guide was used during 19 of the 23 interviews undertaken for this research study.

The Indigenous Policing Bureau (IPB) interview guide contained the general officer interview questions and such additional questions as the role of government at First Nation occupations and protests, the development of the OPP Framework policy, and the role of the Indigenous Policing Bureau. This guide was used during two of the 23 interviews undertaken for this research study.

The CACP PWIP committee interview guide contained comparable questions to the IPB interview guide, however, it included specific questions on the development of the National Framework. This guide was used in two of the 23 interviews undertaken for this research study, however, some of the questions pertaining to the National Framework were posed to IPB and other participants because they had assisted the CACP PWIP committee with either the development of that best practice document or the development of the associated training curriculum and District Liaison Team program.

Each semistructured in-depth interview was scheduled to take 45 to 55 minutes to complete, however, all the interviews ran longer than anticipated because of the positive interaction that existed with the participants. Six of the interviews were more than 120 minutes long each, with the longest being 170 minutes. The two shortest interviews were 64 minutes each. The average length of the interviews was 103 minutes, and the median was 93 minutes. Without exception, all 23 participants provided detailed responses to each question, and they included specific examples from real-life experiences at First Nation occupations and protests to buttress their answers. One of the participants

provided me with point form written responses to each question which they expanded on throughout the interview. In gratitude for the time spent volunteering to be interviewed, participants were offered a \$25 Tim Horton's e-gift card, or I made a donation in that amount to a charity of their choice.

In addition to the data collected from the 23 in-depth, semistructured interviews, data were also acquired from an analysis of existing documentary and archival records prior to the commencement of those participant interviews. Rubin and Rubin (2011) contended that participants will be more likely open-up to you in an interview if they know you have taken the time to fully inform yourself about the topic being studied. The four-volume Ipperwash Inquiry Report on the shooting death of Dudley George, the 36-page Amnesty International Canada brief on the alleged actions of the OPP at the Tyendinaga occupation, and various media reports and legal documents are examples of the material that was mined for this study and that helped enhance the participant interviews (Amnesty International Canada, 2006, 2011; Ipperwash Inquiry, 2007)

Some of the other documents and records that were analyzed for this qualitative research study included the OPP Framework annual reports, Ontario Ministry of the Attorney General records, government news releases and reports, court records, police reports, social media postings, videos, books, first-hand accounts, peer-reviewed journal articles, academic writings and other documents pertaining to the OPP Framework and its application at Indigenous critical incidents (OMAG, 2006, 2011; OPP, 2013, 2014, 2015, 2016, 2017, 2018a, 2020). The analysis of these and other existing sources of data provided me with the opportunity to explore the phenomena of the use of the OPP

Framework at high profile protests through a variety of lenses. This allowed for multiple facets of the issue to be revealed and understood (Baxter & Jack, 2008). As previously referenced, an analysis of these documents and records also proved to be valuable in the identification and recruitment of potential study participants.

Five of the participants followed up their interviews by providing me with copies of YouTube videos, PowerPoint presentations, and articles or letters that they or others had authored on the topic of the OPP Framework, the CACP National Framework, civil disobedience, crowd control, democratic policing, exercising discretion at major events, peaceful protests, police independence, and public order management. Data pertaining to the three research questions were also collected and analyzed from that material.

There were some unusual circumstances encountered throughout the data collection phase of this research study. My initial data collection plans included the use of the Zoom transcription feature to create my first draft of the participant interview transcripts. After having experimented further with that feature before commencing the interviews, I was not satisfied with the quality of the VVT audio transcript file and found the format and layout of the final product difficult to work with. I decided to seek an alternative method to complete the transcribing, which in the end proved to be fortuitous because several of the participants preferred to do their interviews via telephone as opposed to Zoom, so that transcription option would not have been available for those telephone interviews.

After reviewing the pros, cons and security features of several transcription software programs and online services, I chose a secure online transcription service

known as Rev that converts audio or video files to text. Rev offered an automated speech to text transcription service that used advanced voice and speech recognition technology. Depending on the quality of the MP3 or WAV audio file that was uploaded, Rev indicated that their automated speech option would produce a text version of the audio file with an 80% accuracy rate in five minutes. Alternatively, a much more expensive option was available in the form of a network of professional transcriptionists who could produce a text version of the audio file with a 99% accuracy rate within 12 hours.

I chose the automated speech recognition option for six of the first eight interviews, however, I decided to transcribe the remaining 16 recorded interviews myself because I was spending an inordinate amount of time editing the automated Rev transcripts. The automated speech recognition technology was challenged by the plethora of unique Indigenous names and other associated terminology that the participants used frequently during their interviews. By personally transcribing the audio file, I was able to immerse myself in the data and I was able to produce an extremely accurate transcript in a timely fashion that required little or no editing before being sent to the participants for review and approval.

As referenced previously, I also encountered an unusual issue with the quality of the digital recording for two of the first three interviews. Both the Tascam DR-05 linear PCM and the Sony ICD-P520 IIC digital recorders picked up a lot of interference when the participant and/or I was using a cellular phone. That interference made it impossible for the MP3 or WAV files to be used by Rev's automated speech recognition program. As a result, I was forced to manually transcribe those two interview files. Fortunately, I

was able to produce an accurate transcript of both interviews, which were subsequently reviewed and approved by the participants. To avoid a re-occurrence of this problem, I used a landline and a Vtech 900 MHz speakerphone, along with a Realistic voice actuated cassette tape recorder as back up for all subsequent interviews. Because of the age of that backup recorder, sourcing new cassette tapes in a timely fashion proved to be challenging, however, I was able to secure an adequate supply through Amazon.

Data Analysis

Because of the qualitative nature of this research inquiry, the Colaizzi seven-step method in conjunction with a Husserlian descriptive phenomenological approach were used to extract, organize, and analyze the data (Colaizzi, 1978, Husserl, 2012). The Colaizzi seven-step method and the phenomenological process of data analysis are commonly used in the social sciences as an approach to identify meaningful information collected from participant interviews and other sources of data, and to then organize those data into broader categories or clusters of themes (Praveena & Sasikumar, 2021; Urcia, 2021; Vignato et al., 2021).

The Husserlian descriptive phenomenological approach complements Colaizzi's methodology, however, that approach enables the researcher to achieve or maintain more objectivity through the application of bracketing or phenomenological reduction as they gather and analyze the data (Abalos et al., 2021). Bracketing and phenomenological reduction involve either suspending one's belief or judgement about a phenomenon or disregarding past beliefs and assumptions (Husserl, 1978). Given my extensive experience in the law enforcement field and high-profile nature of the use of the OPP

Framework at First Nation occupations and protests, this aspect of Husserl's approach was particularly important throughout this qualitative research study.

In accordance with the Colaizzi methodology and the Husserlian descriptive phenomenological approach, the following steps were undertaken both manually and with the aid of a qualitative data analysis web-based application known as Dedoose, to analyze the data collected through participant interviews and the analysis of existing documentation and archival material:

- Familiarization – I familiarized myself with the data by reading the transcripts of each of the 23 participants interviews three separate times, along with the notes, memos, and data maps made during and after each interview. I also listened to the audio tapes of the 22 recorded interviews three times each for the purposes of data immersion. This step was undertaken to get a holistic or full understanding of the participants' experiences at First Nation occupations and protests where the OPP Framework approach was used. In accordance with the Husserlian phenomenological approach, I made a concerted effort to bracket or block out my own personal thoughts and experiences with the OPP Framework to allow the voices and words of the participants to prevail over any real or perceived bias I might have as a former police leader. After the data immersion process, the transcripts and relevant archival material were uploaded into the Dedoose program to aid me in the next step of Colaizzi's methodology.
- Identifying and Extracting Significant Statements – The data collected from the semistructured in-depth interviews and analysis of existing documentation and

archival records were subjected to both manual and Dedoose data analysis using the descriptive and inductive or *in vivo* coding process. Descriptive coding entailed creating a summary of the primary topic of a passage or excerpt in a transcript, while inductive or *in vivo* coding was more focused on the actual spoken words of the participants (Ravitch & Carl, 2016; Saldaña, 2016). The latter form of coding stays true to the meaning of the data, and it was particularly important in this research study on officers' perceptions of the OPP Framework and their experiences at First Nation occupations and protests because many of the participants' own words encapsulated what was expressed. On more than one occasion, several of the participants corrected themselves after making references to Indigenous peoples as Aboriginals, Indians and/or Natives, as opposed to the more politically acceptable terms of today such as Indigenous, First Nations and/or First Peoples. After the coding process was complete, I identified and extracted specific phrases or sentences that were of direct relevance to officers' perceptions of the OPP Framework, along with their perceptions of its strengths and weaknesses, and any recommendations for changes they might have. A total of 133 significant statements pertaining to officers' perceptions of the OPP Framework were identified in the transcripts of the 23 participant interviews; 63 significant statements were identified pertaining to their perceptions of the OPP Framework's strengths; 68 significant statements were identified pertaining to the policy's weaknesses; and 79 significant statements were identified pertaining to recommendations for changes to the OPP Framework. An additional 28

significant statements pertaining to the policy's weaknesses and 24 significant statements pertaining to recommendations for changes were identified and extracted from my analysis of existing documentation and archival data.

- **Formulating Meanings** – I carefully considered each of the extracted significant statements and formulated meanings from them. Colaizzi (1978) described this step of the data analysis methodology as “making a precarious leap from what the study participants say to finding what they mean.” Abalos et al. (2016) contended that the goal of the researcher in this step of Colaizzi's methodology is to discover and illuminate the hidden meanings of the phenomenon described in the participant interview transcript.
- **Clustering Themes** – I manually organized the formulated meanings that had been identified in the previous step into 29 different themes. I then carefully re-examined the formulated meanings within each theme, and manually distilled them into three thematic categories: training and education; relationships and trust; and discretion and restraint. After manually identifying those three thematic categories from the data, I compared the results to the themes that had been identified using the Dedoose QDA program. Once satisfied that there were no additional thematic categories, those thematic clusters were then subjected to peer review by a third-party individual who, in addition to being Indigenous, was also a lawyer, a police foundations college professor, and a former federal, provincial, municipal and First Nation police officer. Based on that individual's experience in those various sectors, they provided positive and confirmatory feedback on the

three thematic clusters that I had identified during the analysis of the transcripts and archival data.

- **Developing an Exhaustive Description of the Phenomenon** – After identifying the three thematic clusters, I did an exhaustive review of those clusters in conjunction with the formulated meanings. By aggregating all the participants' formulated meanings, I was able to write a description of police perceptions of the OPP Framework and their perceptions of its strengths and weaknesses and any recommended changes.
- **Producing a Fundamental Structure** – The penultimate step in Colaizzi's methodology involved the identification of the fundamental structure. I accomplished that step by reviewing the description that was developed in the previous step and distilling the key elements or core concepts from it. I then transposed those key elements and core concepts into a brief statement that captured those aspects that were reflective of the participants' description of their perceptions of the OPP Framework policy.
- **Seeking Verification of the Fundamental Structure** – The three research questions were included in each of three interview guides used throughout this qualitative study, so the participants' perceptions of the OPP Framework and their assessment of its strengths and weaknesses, and any suggestions for changes to that policy were validated with them during the transcript review. Participants were encouraged to add any additional content to those and other questions in the

interview guide and four participants took advantage of that opportunity. There were no new findings made during this step in Colaizzi's methodology.

My initial data analysis plan included the use of MAXQDA Qualitative Data Analysis (QDA) Software by VERBI because I was familiar with that software tool having used it for qualitative data analysis during the M. Phil and Ph.D. course work at Walden University. Although I found MAXQDA beneficial in helping organize and code data collected from the few in depth semistructured interviews that were conducted for my course work, I found that QDA program a bit cumbersome to work with and extremely expensive. As a result, I sourced alternatives to the MAXQDA software during the data collection phase of this research study to augment and confirm the manual data analysis efforts.

Based on information I received from another Walden University Ph.D. candidate, I elected to use a less expensive, less cumbersome, more efficient, and more intuitive cross-platform cloud-based application known as Dedoose. After having used it for a month and after having being satisfied that it was secure, I used that QDA program for the entire study. I found the Dedoose QDA program especially helpful in confirming the codes, themes, sub-themes, and thematic clusters that had emerged from the manual data analysis process.

Codes

The following are some of the codes that were identified as having emerged from my analysis of the 23 participant interview transcripts and the analysis of existing documentation and archival records:

- Anti-protest protesters
- Behavioral stairway and rapport building vital
- Building positive relationships
- Building trust
- Built in approach to get ahead of, understand and diffuse issues
- Built in approach of talking as a way to a solution to avoid bigger problems down the road
- Command oversight
- Communication better than use of force
- Community expectations of police problematic
- Community outreach
- Consistent and clear messaging
- Consulting with community leaders
- Consulting with First Nation leaders
- Court orders and injunctions
- Courts have evolved to meet Framework
- Crisis negotiation
- Criteria for PLT needs to be included in Framework to ensure consistency as officers retire
- Cultural competence training
- Cultural respect
- De-escalation

- Democratic policing
- Demonstrating accommodation
- Demonstrating mutual respect of differences, positions, and interests
- Determining success difficult
- Difficult for officers to understand what a measured approach is
- Difficult to measure impact of PLT pre-critical incident stage work
- Discretion taken away from officers
- Elected Chief vs Hereditary Chiefs
- Emotional impact on officers
- Enforcing the law
- Enhancing accountability and transparency
- Enhancing communication so front line knows what is going on
- Entrenched and polarized positions
- Evidence that Framework is successful is shown by fact no deaths or serious injuries at protests
- Exercising discretion
- Flexible approach
- First Nation issues not going away
- First Nation protests different than other types of protests
- First Nation protests involve historical and treaty issues that the government failed to uphold
- Focus is on relationships before and after the incident

- Framework a work in progress
- Framework about positivity and trust
- Framework allows for continuous examination on how to do things better
- Framework approach needs to evolve and adapt to what is happening on the ground
- Framework effective but media only show arrests being made
- Framework effective if goal is to ensure no one injured or killed
- Framework effective if protest peaceful and protest leaders engaging with PLT
- Framework is a guide not a rule
- Framework is strategic thinking on a regular basis
- Framework is unconstitutional and not a legal document
- Framework ineffective when dealing with uncooperative people
- Framework ineffective when protest leaders unwilling to engage PLT
- Framework inspired development of similar National Framework
- Framework needs a more defined explanation of Aboriginal and treaty rights from an Indigenous perspective
- Framework needs a process whereby OPP and the First Nation Chiefs of Ontario can jointly select PLT candidates
- Framework needs more clarity around role of the PLT
- Framework not accepted by civil courts
- Framework not effective in addressing land claim or underlying issues

- Framework objective is in the best interest of the OPP and First Nation communities
- Framework plan for deliberately enabling appeasement of Indigenous law breaking
- Framework roadmap to resolve critical incidents
- Framework should jump out at you on OPP and Indigenous Affairs websites
- Framework should remain broadly based and not get too prescriptive
- Framework training
- Framework used by police as a crutch not to take enforcement action
- Framework was developed by policy people so needed to be put into operational speak when first used
- Gives latitude for discretionary and innovative approaches
- Government needs to be less critical of how police handle protests
- Government needs to better understand the Framework policy
- Government officials with expertise in land claims negotiation needs to be on the ground at protests to diffuse tensions and remove protest from criminal realm
- Government refuses to engage and forces police to do tough stuff
- Government needs to be more engaged
- Government needs to establish their own liaison program and they need to liaison with First Nation communities
- Government needs to resolve underlying issues or protests will continue
- Government role

- Haven't had to give a hat to a widow/widower or deal with death of a protester
- Hijacked narrative
- Historical injustices
- Horrors of residential schools should be used to have Canadians reflect and recontextualize how police handle protests
- Hostile groups intent on crime and violence
- Impact of social media
- Importance of Indigenous officers at First Nation occupations and protests
- Incident command
- Incident specific training
- Indigenous or treaty rights
- Indigenous person with negotiation and mediation training should be used at protests as buffer between police and protesters
- Informed approach
- Interlopers, Antifa types and vigilante groups
- Internal impatience
- Ipperwash legacy
- Judges need to be aware of challenges police face at protests
- Judicial criticism
- Land claims issues are not going to go away so government needs to find way to resolve them
- Law interpreted as black and white at Ipperwash

- Leadership divisions in First Nations
- Legitimate, non-violent dissent should not be suppressed by violent means
- Lessons learned
- Local detachment liaison officers marginalized when PLT engaged
- Local detachment liaison officers need to be engaged at protests
- Local First Nation police services need to play lead role in all three stages of Indigenous critical incidents
- Lots of unknown, unforeseen, and unplanned for events at occupations and protests
- Maintaining public order
- Managing crisis in consistent manner
- Maximizing public safety
- Measured approach
- Media criticism
- Media not interested in police perspective at protests
- Media sensationalism
- Mediation important
- Military expertise involved in some protests
- Minimal use of force
- Missing & Murdered Indigenous Women and Girls Inquiry
- Monetary savings
- More effective than approach used by police at Ipperwash

- More pre-critical stage enforcement
- National Framework
- Need an ATCO command post at protests that is more conducive to working together and team building
- Need different approach when law is broken, or violence breaks out
- Need more focus on proactive media component
- Need more police-First Nation training circles so officers can learn how their actions impact Indigenous Peoples
- Need standalone Framework page on the OPP and Indigenous Affairs websites
- Need to balance everyone's rights
- Need to build relations with Black Lives Matter and other marginalized groups and communities
- Need to change title of Framework so that it doesn't include term Indigenous critical incident as has a negative criminal connotation to it
- Need to clarify the line between law enforcement and government roles and responsibilities
- Need to consider personal dynamics
- Need to create a strong mechanism so public and politicians better understand Framework
- Need to create a method to evaluate the operation of the Framework post-critical incident stage that includes First Nation leadership and the disputants to ensure ongoing success

- Need to create an education booklet for the public on Framework approach
- Need to do analysis on what information is getting out by police on social media and the impact it can have on officer safety
- Need to debrief CN and CPR rail so they know what to expect when First Nation blockades occur
- Need to do more to promote the soft side of what PLT does at protests
- Need to do outreach to communities and media in pre-critical incident phase
- Need to educate community, judges, and media
- Need to education public as to why police don't just arrest protesters as it might inspire solidarity protests
- Need to educate public that protesters who commit criminal offences are held accountable and charges are laid after incident resolved
- Need to engage Indigenous officers and First Nation police services to assist with peacekeeping at activism events
- Need to encourage CN and CPR rail to build better relations with First Nations before protests occur
- Need to ensure government ministers know they cannot direct police operations
- Need to ensure police lens is focused on Oka and Ipperwash when making decisions about protests
- Need to expand and properly resource PLT program in municipal police services
- Need to expand parameters so that officers understand Framework is not just for First Nation protests

- Need to find a way to keep the lessons learned from Ipperwash alive
- Need to have hardcore discussions with government on what they are prepared to do or not do at protests
- Need to get ahead of narrative
- Need to improve internal police communication on Framework to enhance operational effectiveness
- Need to improve training and communication
- Need to increase media relations and media releases
- Need to ingrain Framework in police orientation and Ontario Police College training
- Need to institutionalize a provincial and federal government representative for protests
- Need to introduce training on the PLT and Framework earlier on in police training
- Need to keep Ipperwash at forefront of police thinking and decision making
- Need to look at First Nation leadership models from Alberta oil and gas companies
- Need to look beyond individual incidents for recurring themes
- Need to produce a documentary on First Nation protests featuring officers who have experienced the use of the Framework
- Need to push communities adjacent to Indigenous communities to find ways to work with those First Nations

- Need to reassess police discretion and restraint when critical infrastructure is attacked
- Need to remind people that Framework works, and its success is evidenced by no one killed or injured
- Need to reach officers intellectually and emotionally so their heads and hearts remember
- Need to teach officers about Ipperwash and its impact on the OPP and First Nation relations
- Need to teach officers about the importance of articulation
- Need to teach officers about the importance of seeking first to understand and then be understood
- Need to understand the history of the creation of the Framework so history doesn't repeat itself
- Need to use real life examples from protests when training officers on Framework
- Need to work on improving relationship with public at protests
- Need to work on selling Framework to public
- Need to write a strong preamble to Framework highlighting that it is not a rigid policy and there is latitude to apply other approaches if needed
- Need to use social media more
- Negotiating in good faith
- Non-prescriptive
- Not a brick-and-mortar policy

- Not police job to solve underlying issues
- Officers and public safety paramount
- Officers need incident specific training
- Officers need to be given permission to take action
- Officers need to better understand protester passion and rationale at each incident
- Officers need to better understand why protesters fighting for their land
- Officers need to understand why Framework approach is used
- Officers need to understand national implications of First Nation protests not managed properly by police
- Officers who are frustrated at exercising discretion need to be taught to see the big picture
- Open and honest communication
- Operational decision making made at scene of occupations and protests
- Operational patience
- Operationally sound approach
- OPP Commissioner needs to create dialogue process with First Nation Chiefs of Ontario to define process to respond to potential conflicts
- Opposing agendas
- Origins of Framework
- Paying heed to all community groups
- PLT officers educate protesters about unlawful, unpeaceful, and unsafe protests
- PLT officers focus is on making sure protests are lawful, peaceful, and safe

- PLT officers highly innovative
- PLT officers breaking down barriers
- Police learn from every protest how to do things better
- Police need a robust communication strategy to people know what we are trying to accomplish
- Police need to analyze incidents to see if communication earlier or later may have made a difference
- Police need to be aware that anti-protest movement gains strength and vigilantism increases in prolonged protests
- Police need to be better educated on history of First Nation issues
- Police need to better understand what they are doing at protests
- Police need to consider crowd dynamics and crowd psychology
- Police need to do critical debriefs after every protest so can improve
- Police need to work on leadership, communication, and public perception
- Police perceived as being weak
- Police resources strained
- Police restraint inspires anti-protesters
- Police should be briefed as fully as possible on reasons for protest
- Police should be briefed on existence of burial and other sacred sites at protest locations
- Police should be briefed on how to respect sacred sites and objects like sacred fire at protests

- Police should wear regular uniforms at protest unless verifiable information protesters are armed
- Police use of force can set off chain reaction across Canada
- Police working to hire more Indigenous officers at per MMIWG Calls to Action but that takes time
- Protesters have a brick-and-mortar view of Framework
- Preserving the peace
- Preventing offences
- Proactive policing
- Prolonged protests drawing card for allies from across Canada and U.S.
- Prolonged protests frustrate public
- Protecting rights of all involved
- Protest sites should be isolated so anti-protest and outside protesters cannot aggravate the incident
- Protesters know and quote Framework policy to police
- Protesters given timelines and warned of consequences if not adhered to
- Protests complex in nature
- Public criticism
- Public doesn't understand connectedness of First Nation protests
- Public doesn't understand differences between First Nation protests and other forms of protest
- Public expectations

- Public expects police to take on non-police roles
- Public will never understand importance of police patience at protests
- Real living policy
- Relationship-based approach
- Residential schools
- Restorative justice
- Role of Provincial Liaison Team
- Role of detachment commander
- Saves Lives
- Self-determination
- Senior officers need to understand risk of not supporting PLT and value it brings
- Showing restraint
- Situations will arise where Framework can't be followed
- Slowing down the clock
- Stockholm syndrome
- Stopping things from becoming emotional and harmful
- Story and history of contentious First Nation protests being told through biased media lens
- Strategic incapacitation
- Sympathetic protests
- Takes into account the big picture
- Takes time and resources to resolve issues

- Third party review of the Framework should be undertaken with input from First Nation communities on its design
- Tiered response
- Too much Trumpism in Canadian society as want police to resort to tough law and order approach
- Two-tiered policing
- Understanding Seven Generation principle
- Understanding underlying issues
- Uniqueness of First Nation occupations and protests
- Unwilling/uncooperative protesters
- Unsanctioned occupations and protests
- Use of force as last resort
- Use of force continuum
- Using force creates bigger problems
- Using force results in unsustainable solution
- Warrior vs Peacekeeper mentality
- Well thought out policy
- Work of Provincial Liaison Team officers critical to Framework success

Three main themes emerged from my analysis of the data. Those three themes were: training and education; relationships and trust; and discretion and restraint.

Evidence to support the assumptions and themes that were underscored in the conceptual and theoretical frameworks portion of Chapter 1 also emerged from the transcript

interviews and are contained in those three themes, including the importance of cultural competence or cross-cultural training, the uniqueness of First Nation protests, the concept of everyone being equal before the law, the special constitutional or “citizens plus” status that Indigenous Peoples hold, and the existence of the warrior versus peacekeeping ethos within policing in Ontario.

Each of the three main themes will be described and analyzed in this chapter and I will reference specific quotations from those participant interviews to emphasize their importance. In addition to these three main themes, other sub-themes emerged from the data analysis that will be reviewed in this chapter. Those sub-themes included widespread negative public and stakeholder perception of the OPP Framework; police perception that government should be more engaged before, during and after protests; the legacy of the Ipperwash crisis; intra-band elected versus hereditary leadership strife; police perception of media sensationalism of Indigenous activism; and the impact of social media on police response to protests.

Themes

Training and Education

The issue of training and education for police officers and for such other segments of society as the media, judges, government officials, community leaders, First Nation protesters, business owners, and members of the public was a recurring theme throughout every participant interview conducted for this research study and throughout the archival data that were analyzed. Most of the participants referenced the fact that they had benefited from Indigenous awareness or cultural competence training throughout their

careers. Given the complexity and frequency of Indigenous critical incidents in Ontario, they felt police officers should be trained and educated on Indigenous history, issues, governance, culture, and the history and impact of residential schools. Several of the participants stressed that this type of training is a pre-requisite for members of the Provincial Liaison Team (PLT) and major critical incident commanders.

Several of the study participants also felt that officers in detachments and police services adjacent to First Nation communities should receive this type of training. Officers in these detachments and services are frequently in contact with members of such First Nation communities as Akwesasne, Georgina Island, Kettle & Stony Point, Munsee Delaware, Oneida, Six Nations of the Grand River, Thames, Tyendinaga, and Walpole Island, and they also provide support to First Nation police services in those communities when requested. Study participant #105 stated that, “this type of training is necessary, especially if you have public order, emergency response, and frontline officers who are working and living in the community that could come in conflict.” SP#105 added that it was important for police officers “to get that cultural piece of it.” SP#105 also stressed the challenges that First Nation officers experienced. “Understanding the history of their own community, that’s a whole other issue. That could take hours depending on what you are dealing with and the complex issues we talked about dealing with treaties and ceded and unceded land.”

Two study participants related details of an experience they had where they were invited to participate in an Indigenous awareness training session on a First Nation territory by the local elected chief and police chief, however, they were forced to leave

the class during the training session by individuals who didn't recognize the authority of the elected chief and band council and weren't comfortable with the presence of outside police officers on their territory. SP#119 stated, "We were halfway through the afternoon and this group of anti-police came in and started taking all of our coats." They then said, "Get out of here. You are not welcome on the reserve." The sub-themes of anti-police sentiment and intra-band strife or divisions within First Nation leadership between the elected chief and council versus the traditional chiefs and other community leaders arose frequently throughout the participant interviews.

Indigenous Awareness Training According to several study participants, Indigenous awareness training plays an integral role in the successful application of the OPP Framework policy during every stage of an Indigenous critical incident. The Ontario Provincial Police has an intensive week-long Indigenous awareness training course and several other police services send their officers to that course or they have incorporated some aspects of the OPP's Indigenous awareness training in the diversity component of their course curricula. SP#122 related an experience wherein a planned four-day Indigenous awareness training session within their police service had been reduced to a few hours because the instructors had taken everything out of the curriculum that might be deemed offensive to the more seasoned police officers in the class. That participant stated, "They don't want to have that ugly conversation. All those pieces had been taken out of it, and it was turned into a three-hour session and it was all warm and fuzzy stuff" (SP#122). SP#122 added that "those ugly conversations are a foundation" and that participant pointed out that "younger officers are more willing to accept [police

mistreatment of Indigenous Peoples] as part of our history, whereas older officers get very, very defensive.”

Several of the study participants spoke about the incredible impact that learning about Indigenous history and culture had on them and they pointed out how important it was to learn about the terrible impact that residential schools had on Indigenous Peoples. Other participants spoke about the importance of some of the experiential learning opportunities that they received during Indigenous awareness training. Some of the examples they gave included participating in such cultural and sacred activities as a traditional sweat lodge, engaging in talking circles, performing smudging and tobacco ceremonies, and making a mask, paddle, or medicine pouch. SP#101 stated, “that really helped me, and it made me more sympathetic. We did it all, including making masks.” SP#101 pointed out one of the positive byproducts of that type of training was the relationships that the officers built with each other and with the Indigenous trainers. “We built such solid relationships with the instructors and amongst ourselves all at the same time developing an understanding of such critical issues, including residential schools. It was an emotional experience and I remember the sweat lodge” (SP#101).

SP#102 stressed how important Indigenous awareness training was in breaking down some of the myths that police officers have regarding Indigenous Peoples. They stated, “I think cultural training and Indigenous training are very important. I think it is important to everyone because there are stereotypes and misconceptions held by the general public with regard to Indigenous People.” SP#102 pointed out the impact that this type of training can have on police officers. “I think it is important that they [officers]

have an awareness, and a lot of these stereotypes will be gone. It was good for me. It was enlightening for me, and it was very interesting for me.”

SP#104 stated that this type of training was critical for officers who are in units that deal with First Nation occupations and protests. “With the exposure that I’ve had now, looking back with 20-20 vision, I’d say that it’s really important, especially if you’re in a unit that’s going to be dealing with those issues. This type of training is important too for officers whose job it is to deal with First Nation occupations and protestors.” SP#104 added that Indigenous awareness training is also important for uniform officers who work near First Nation communities and who may be called in to assist First Nation police service officers. “It is important too if you’re in an OPP detachment that is close by to a First Nation territory, and you could be dealing with those people and those issues and even the outlying detachments that may not be close to a territory.”

SP#107 spoke about the transformation that took place from the first day of the training to the last for all the officers who were in the class, and that participant also underscored the important takeaway of tactical and operational patience that developed from the training. They said, “I did not see anybody who was not affected or changed from the experience. It was good for them.” SP#107 added, “One of the biggest takeaways was the development of tactical and operational patience. That should be an outcome for our members who think we will just go in and we’ll just kick them [protesters] off, take names and clear it.” SP#107 cautioned that officers need to think longer term when attempting to resolve a First Nation occupation and protest. “It’s like,

no don't think about it in terms of minutes, not even sometimes in terms of hours. You may have to think of this in terms of days." SP#107 also pointed out that, "just to get that understanding, and for them to be cognizant of that is important."

SP#108 spoke about their initial opposition to being sent on the week-long cross-cultural training course, but how they found it enlightening once they had attended. They stated, "When you have mandatory training like that, you get varying degrees of buy-in. There are members of some units that were there grudgingly because they had to be there." They added, "Had you left it as an option, they probably wouldn't have been there, yet at the end of the week, everybody there was very positive and said this was worth it, this was good training, these were good discussions" (SP#108). SP#108 also pointed out that, "You could see the change taking place in some individuals from Monday to Friday - five days."

SP#103 spoke about how accepted and wanted Indigenous awareness training is now in the organization. They also described the negative body language that used to take place in the classroom when Indigenous culture and history were discussed. "I was there for the early days of that training, and initially, there was a lot of eye-rolling, shoulder-shrugging, and crossed-arms. I did that training a couple of times and as time went on, it became an accepted program area." SP#103 spoke about the resistance to that type of training initially within the police service and how that changed over time. "There was a lot of resistance in the early days about First Nations policing and Aboriginal policing, but the acceptance came on, of course, with new recruits because the new recruits had to be trained as well."

Like SP#122, SP#103 also underscored the willingness of younger officers to embrace this type of training compared to more seasoned officers. “With the younger officers coming on now, the acceptance just kind of permeated through the organization.” SP#103 pointed out how the officers’ view of that training has changed over time. “I would suggest today, it is very accepted, whereas in the early days, officers were told they had to go on that training, and today they want to go on that training. So, the acceptance is there now.”

One of the First Nation study participants spoke about the impact Indigenous awareness training had on First Nation officers. SP#111 stated that another Indigenous officer who was on the course and whose family members were residential school survivors related how listening to first-hand accounts about what First Nation students experienced at residential school helped that officer better understand the long-term effect this pernicious colonial practice had on their family and on Indigenous Peoples in general. They stated, “I remember some Indigenous officers coming on Awareness Training. One officer said, ‘What am I doing here. I am an Indigenous man.’ The next day he told me three or four of his brothers all went to residential schools, but he was too small to go.” The student then told SP#111 that their mother would take the younger children to the school every day to visit their older brothers. “There was a big wall at the school so you couldn’t see the kids, but they would be crying behind that.” SP#111 stated that their brothers “would come out and eat lunch, and then the priest would come out and tell them they had to go back in now, and they would cry all the way back.”

SP#111 and other Indigenous study participants pointed out that “the biggest change I have seen is usually from Indigenous People.” That study participant said that one of the First Nation officers had wanted the Indigenous awareness training course for 15 years and every time they applied to attend the course the sergeant would say, “Why would I send an Indian on an Indian course.” The student told SP#111, “I know nothing of who I am, or where I came from. This [Indigenous awareness training] has really changed my life.”

One non-Indigenous officers also spoke about how impactful it was to learn about the role that police played in helping the government and the Indian agent remove children from their families and communities and taking them to residential schools. SP#209 stated before attending Indigenous awareness training, they were unaware that First Nation children were virtually treated like prisoners at residential schools and they were robbed of their language and familial connections. “All frontline NCOs and all frontline officers eventually, especially in detachments where there were Aboriginal issues, all went for Aboriginal awareness training. That was held up by Mattawa and that was a week-long course.” SP#209 added, that during the Indigenous awareness training they learned that “it was the Mounties that came and took the kids for the residential school. When you hear the word school, you always think a school is like any school and during holidays and summers kids would get time off.” SP#209 added that he learned that these First Nation children “went [to residential schools] from the time they were about 5 and they didn’t come back until they were in their late teens, and they never saw their families in between.”

SP#209 stated they were unaware the First Nation residential school children were forced to stay at the school and were not permitted to go home. “They were just there at the school, so it was almost more of a prison. I didn’t realize that.” SP#209 detailed that learning this was a revelation. “You know of all the stories that you hear about residential schools, but that was the first time that I realized that these kids went away, and they lost their culture.” SP#209 emphasized how impactful being forced to remain at the residential school was on the Indigenous students and their families. “When they did get out of the school, they would go back to their families and they didn’t know their parents, they didn’t know the language, they had lost all their skills of bushcraft and living in a community.”

One of the most important revelations that emerged from the study participant interviews on this theme was how Indigenous officers used this training to reconnect with their own culture. Despite being Indigenous, some of the study participants were not raised in First Nation communities or settings. SP#205 spoke about how this week-long training course awakened them and inspired them to engage with First Nation elders and learn more about their own culture. They stated, “It impressed me and one of the things it did for me is I actually started engaging with elders, one to get some traditional teachings, which I never had all that growing up.” SP#205 then added that “it [Indigenous awareness training] was basically the start of me starting to understand my own culture, my own history, my own community and my understanding of who we are.”

Like many of the other Indigenous and non-Indigenous study participants, SP#205 spoke about the impact the talking circles had on them. “I can remember in that

first circle when it's very open and you're welcome to share your thoughts, some were pretty candid about I'm not sure why I'm here." SP#205 then described the change that happened in the officers over the five-day training session. "Then to see the Friday closing circle and hear these same people say, 'I had no idea' or, 'Wow, I'm glad I took this. This was the best training ever.'" SP#205 added that "just to see in the course of a week, how many people come around to understanding that this [Indigenous awareness training] is absolutely necessary and beneficial."

Another Indigenous participant spoke about the importance of officers learning about the different subtleties that exist between and within First Nation communities across Ontario and how government policy has affected each of them differently. SP#210 stated that the five-day Indigenous awareness training gave the officers really good insight into the differences that exist in First Nation communities across Ontario. "There are 134 First Nation communities, all of which have different subtleties, nuances, and issues that will impact outcomes on the way government is dealing with them." SP#210 added that there are approximately 50 outstanding land claims just in the province of Ontario." According to SP#210, those land claims have been accepted for negotiation but have not been resolved and this and other vital information is what officers were "made aware of in the [Indigenous awareness] training."

SP#208 talked about how new recruits are expected to have some form of Indigenous awareness training before joining the police and how most of them do have that type of training before they apply. They stated that, "There is an expectation coming in the door now at the OPP about Indigenous awareness. About 90% of the applications

that make it to background investigations have something in their education that supports knowledge of Indigenous issues.” SP#208 pointed out how important it is for new recruits to have a good understanding of Indigenous history and culture before considering a career in policing. “The organization is very much asking what is your knowledge of the residential school issue? So, there is that expectation, and it’s good to let people know that this is an issue for us. It’s important to us.” SP#208 pointed out that knowledge of Indigenous history and culture is important no matter where you work in the organization. “You need to have some knowledge of it regardless of whether you’re going to push a black and white on the 401, or whether you’re going to be posted in Pickle Lake.”

OPP Framework Policy Training The other aspect of training and education that the study participants spoke about was the importance of officers receiving early training on the OPP Framework policy itself, along with incident specific training, and training on crowd dynamics and crowd psychology. SP#207 stated that the OPP Framework had been declared Critical Policy within the organization, and as such, any officer contemplating competing for a promotional position within the OPP needed to be familiar with it and so too did officers working near First Nation communities. “When the Framework was introduced, there was obligatory reading of it through E-Learn through the Academy to familiarize yourself with it because it is Critical Policy.” SP#207 provided further insight into the importance of Critical Policy within the OPP. “Certain policies like SIU notifications, the Framework, prisoner handling, that sort of stuff, are

Critical Policies. There are about 13 to 18 of them in the OPP on the front page of our Police Orders, anything in red.”

SP#207 added that the organization uses other ways to impress upon the officers that they need to be completely conversant with the OPP Framework and other Critical Policies. “Familiarization also occurred because it was inclusive in all promotional processes. If officers had not taken the initiative to do some self-education or used what had been put out, they had to be familiar with it.” SP#207 stated it was also imperative that officers of all ranks know about the OPP Framework if they worked in an area where there were lots of First Nations like in the Northern Ontario regions of the police service. “If you were going to be in field, or if you were in the Northeast, Northwest, or any of the detachments that are congruent with an Indigenous territory, you are probably going to have a question on the Framework.”

Two of the study participants spoke about the importance of instilling the OPP Framework approach into officers before they were assigned to duties at a First Nation occupation or protest and shocked by what they experience there. SP#216 stated that, “my thing would be more education, rather than be critical of the Framework itself; ingrain it earlier into police officers, not when something gob smacks them and they are trying to figure it out.” They added, “Teach them just that basic underlying principle of seeking first to understand and then be understood.” SP#217 stated that, “When I first got the Framework presentation, it made sense to me because I was in the role that I was in.” They added that, “It was nice to have some guidance and something on paper that supported what otherwise seemed like the right thing to do to me” (SP#217).

SP#322 expressed concern about the long-term implications of the loss of corporate memory with the retirements of officers who understood and appreciated the legacy of Ipperwash, Oka and other Indigenous critical incidents where police resorted to the use of force. They also outlined their concern with how officers are being trained on Indigenous critical incidents at Ontario Police College (OPC). “I worry that this is not taught at OPC. I really worry that we are headed for this perfect storm in 2025, 2026, 2027. We are going to see mass retirements and I worry.” Some of SP#322’s concerns about that training were related to how new recruits are trained to be law enforcement officers not peacekeepers at Ontario Police College and how that law-and-order mentality is re-enforced in the in-house training they receive in their own police academy when they graduate and during annual in-service training. “We teach them a certain way at OPC, we re-enforce it when they come back, and we re-enforce it every year at requalification.”

Like several other study participants, SP#322 suggested that “I really think also as an extrapolation from the Framework that it [the peacekeeping approach] be imbedded from day one at the police college that this is how we deal with these, and this is why.” SP#322 pointed out that young officers need to understand the big picture when it comes to Indigenous critical incidents and how their decisions can inflame the situation and spawn sympathetic or solidarity protests across the country. SP#322 emphasized the importance of “teaching that greater understanding and even the local, regional, provincial, and national implications if these aren’t handled right. I don’t think the kids get that. I really don’t.”

SP#315 talked about the OPP Framework policy being introduced operationally at the 2006 Caledonia crisis and while the Ipperwash Inquiry was still going on. According to that study participant, those two events helped officers understand the relevance of this new conciliatory and peaceful approach to dealing with Indigenous critical incidents without having to use their imagination. When the policy was introduced, “we were in the Ipperwash Inquiry, we were at Caledonia, so they didn’t have to use their imagination to figure out the relevance of the Framework approach.” Although it was a completely different approach than police used at the Ipperwash protest, SP#315 stated that understanding “the Framework policy is not that hard.” They added that the initial training for the frontline officers at the Caledonia protest was only a half day long, but officers in incident command, ERT and TRU received much more exhaustive classroom and some firsthand training and they were tested on it. “In the commander’s course, they would get the Framework training and they would get the practical application in a little scenario, and then they would be tested on it in Week 4.”

Incident Specific Training Several of the study participants also described the importance of officers receiving incident specific training before being deployed at a specific First Nation occupation or protest. That training entails officers learning about the specific treaty or unresolved issue that gave rise to the current occupation or protest they were assigned to police. Generally, the issue that inspired the protest was connected to an outstanding land claim that had been languishing in the courts or the federal Ministry of Crown-Indigenous Relations or the provincial Ministry of Indigenous Affairs Ministry of Indigenous Affairs for decades. Some of the participants pointed out that the

First Nation occupations and protests that took place at the Douglas Creek Estates and McKenzie Meadows developments on Six Nations Territory in Caledonia and the Nibourg development on Tyendinaga Territory are prime examples of that.

SP#305 stressed how incident specific training helped officers understand why First Nation protesters had occupied those planned developments on disputed land or blockaded the Thurlow Aggregates or Frontenac Ventures uranium mining base camp in Deseronto and Sharbot Lake. According to SP#305, officers learned what the protesters were fighting for and why they were so passionate about their cause at incident specific training. “All the officers come down and the briefing before officers went out to give them an understanding of the Simcoe Deed. [The incident specific training] was an hour-and-a-half long, and then we gave them a briefing on the deployment of resources.” SP#305 added that, “They needed that understanding before they went out there, otherwise they have no understanding of why the Mohawks of Tyendinaga are fighting for this land.”

SP#105 pointed out that a lot of officers have little or no understanding of the relevance of treaties to Indigenous Peoples and how passionate protesters are at standing up to the state when those treaties are not honored or standing up to the police when they are prevented from drawing that to the attention of all Ontarians through their different forms of direct action. “A lot of the officers don’t understand because they say it happened 200 years ago and it is just not relevant today. Those treaties are vital and of critical importance to the community that are involved with them.” SP#105 emphasized the extent to which some First Nation protesters will go to defend their rights to their

traditional territory. “As they say, is this the hill you want to die on. For some protesters this is the hill they want to die on. That’s a simple comment that might sound crude, but this is their line in the sand.”

SP#105 provided some further details on what officers are taught in incident specific training sessions. “If it got protracted, then we give them a history on why we are here, so they understand the history of the location. Tyendinaga was a good one and we did a background on Caledonia in Six Nations.” SP#105 added that, “We did a background on Sharbot Lake and where they were with the land claim there specifically for officers being deployed there prior to their deployment, plus an operational briefing on what their roles and responsibilities were.” Before the incident specific training, SP#105 stated that some officers “wouldn’t even know what a land claim is, so we put these briefings together so that they understand the whole history, background, and perspective.”

In addition to providing officers with insight into the history of the specific land claim or treaty violation issue that was being protested, SP#206 pointed out that incident specific training sessions gave major critical incident commanders an opportunity to assess the suitability or non-suitability of some officers to undertake First Nation occupation and protest duty. Incident specific training “gives us an opportunity to assess if there’s anybody that might be carrying some level of bitterness or ignorance and maybe that’s not the right event for them to be deployed at.” SP#206 added that, incident specific training sessions “permits us to access any perceived bias” in the officers being trained. If such a bias is detected, MCICs may have to remove the officer from that

assignment and arrange for them to be provided additional Indigenous awareness training. “Whatever they need, we are happy to help out with that, but during a critical incident is not the time to risk any negative exposure” (SP#206).

Crowd Dynamics, Psychology and Civil Disobedience Training In addition to Indigenous awareness and incident specific training, other study participants felt it was important for officers to receive instruction on crowd dynamics, crowd psychology and civil disobedience. SP#210 stated that, “I would provide training on not only the Framework, but on civil disobedience, and crowd psychology and all that stuff.” SP#210 added, “It is really good to have a cultural component and to have that understanding and that empathy and compassion, but it is also absolutely essential for us to have an understanding of what success looks like for an organization.”

Relationships and Trust

The second major theme that emerged from my analysis of the interview transcripts and archival data dealt with relationships and trust. Several of the study participants chronicled the important work that the members of the Provincial Liaison Team do during the pre-critical incident stage building relations and trust with First Nation leaders and communities. Some of the study participants described those PLT officers as being the hearts, souls, and faces of policing, and they stated that it was their job to develop trust and confidence with the community leadership. One study participant described PLT members as bringing the OPP Framework to life.

SP#222 drew attention to how the PLT had changed since the OPP Framework was first introduced on the fly at the Caledonia protest in 2006. “The PLT is critical and I

will give them credit because the PLT that existed in 2006 has come light years to where they are now.” They then added that the PLT members “are building those relationships, having those conversations, and it is definitely worth it.” SP#312 re-enforced the comments of SP#222 and added that the relationship and trust building work of the PLT members is instrumental in proactively helping avoid conflict. “Liaison teams are a key part of police planning and response to major events and conflict situations. The teams are focused on proactive relationship building to assist in proactively resolving issues.”

SP#222 added that, “Liaison members work to establish and maintain open and transparent lines of communication with all stakeholders who might be affected, directly or indirectly, by major events.” They pointed out how important negotiation and dialogue were in the pre-critical stage. “By relying on effective negotiation and mediation techniques and ensuring to dialogue and work with all those affected by an event, liaison intervention is a successful means to communicate and avoid conflict” (SP#222).

SP#114 also underscored the importance of the pre-critical incident work that the PLT members undertake, however, that study participant stated that too much of the focus is placed on what the PLT does during an actual occupation or protest. According to that participant, more research and light should be cast on the proactive work that PLT members undertakes every day. “It would be nice to see some research on the liaison program in particular and the activities that support the Framework in that. I often find what is lacking is that everybody just focuses on protests.” SP#114 pointed out that, “there are two other pretty significant performance measures that we have, one being community outreach, which actually takes up the bulk of our program.” According to

SP#114, “eighty percent of your work should be proactive community outreach and relationship building, and I find there will be like a line or two about that. There is always this huge focus on protests, which actually isn’t the majority of our work.”

SP#114 also pointed out the fact that that beyond the important relationship building work that PLT does, the work they do to support detachments and specialty units often gets overlooked. “The other side of it is the amount of support they provide to detachments and other units. That is the other big performance measure.” SP#114 added that, “We got the ICI, support, community outreach, and they often miss that giant component of proactive community outreach and relationship building” that the PLT does everyday.

SP#206 provided me with a glimpse into the array of other initiatives PLT members are routinely involved in and how members of the PLT have been working with Indigenous youth for more than a decade. They stated that PLT members are constantly working on relationship building. “They attend important community cultural events like MMIWG vigils, pow wows, pipe ceremonies, Indigenous awareness activities and the *Niigan Mosewak* youth camp every August annually for 12 years that encourages cultural awareness and leadership mentoring.” SP#206 added that at the youth camp, “many of our Indigenous Friendship Centers and community knowledge keepers are involved in the teachings and activities. The kids love it, and it has really fostered some positive relationships that have endured over years.”

To illustrate how important relationships are to the police when they interact with First Nation communities, SP#205 characterized the OPP Framework policy as being

primarily a relationship document and they stressed how important that was in certain First Nation communities. “To me it was basically a relationship document. It’s both building, having relationships and maintaining them after the fact. It was about building relationships and we needed those in communities where we were in conflict.” SP#205 added that officers left the OPP Framework training understanding that it was a relationship building document and avoiding conflict was built into the policy. “It is about building and maintaining relationships and that our deployment of resources is going to be based on what’s happening on the ground. We are not just going to escalate to the highest level.”

When asked about any perceived weaknesses in the OPP Framework policy, SP#305 added that even in the worst-case scenario, there will always be something from the OPP Framework approach that worked. “So, I think there are little wins here and there and I wouldn’t say the Framework has absolutely failed.” They too re-enforced the fact that the focus of the OPP Framework was on relationship and trust building. “I think just because it’s a relationship document, even in the worst-case scenario, there was always something that worked and came out of the Framework like just building relationships and maintaining them.”

Like several other study participants, SP#305 underscored how important the work of the PLT members was to the success of the OPP Framework approach. The Framework is a relationship building document and its strength is those officers who are assigned throughout the province and communities to make those relationships and understand when and where we might find ourselves in conflict with a community.”

Strategic Incapacitation All the study participants who were questioned about the view of some academics and Indigenous leaders that the relationship and trust building, and dialogue and negotiation tactics that were imbedded in the OPP Framework constituted a subversive form of policing known as strategic incapacitation rejected that assertion. One of the study participants said that police relationship and trust building with First Nation communities and leaders were sincere attempts to prevent Indigenous critical incidents or to ameliorate their impact if they do occur. That study participant added that it is not within the PLT mandate to drive wedges between groups or to secretly undermine Indigenous Peoples constitutional right to protest or to collect intelligence on them. Another study participant wondered what those academics and Indigenous leaders would have us do. “What’s the alternative? To not to have dialogue, to not have an understanding of the issues, to not have a dedicated program, to not have consistency?” (SP#306).

One study participant stated that PLT officers and First Nation leaders are often not consulted by those academics who do research on police response to Indigenous critical incidents. As a result, their assertions that the OPP Framework is a form of strategic incapacitation are often at odds with the positive, authentic, and sincere initiatives that are happening between police and First Nation communities and leaders. SP#214 pointed out that the PLT is not gathering intelligence when they undertake their relationship and trust building duties and they are not doing anything untoward when they reach out and dialogue with First Nation community leaders or potential protest leaders. SP#214 suggested that some academics think police have a lot more capability

than they do have when it comes to monitoring protest groups. That study participant also stated that academics doing research often rely on redacted freedom of information files as the basis for data collection rather than talking to actual PLT members. Since so much of what is released in FOI documents is redacted, those academics lack the proper context needed to make a scholarly observation.

SP#110 stressed that the police have an obligation to ensure that First Nation protests are lawful, safe, and peaceful. That study participant added that post-Ipperwash police go to great lengths to ensure that they follow the OPP Framework by using a measured approach. That study participant similarly rejected the notion that police were criminalizing dissent and were engaging in any form of strategic incapacitation when they were building relationships and trust.

A fourth study participant said that liaison team members worked hard to avoid conflict by proactively establishing open and honest lines of communication with First Nation leaders and communities and other stakeholders. SP#212 added that a central element of the OPP Framework and the National Framework is narrowing the divide that exists between police, First Nations, and demonstrators “to create a mutual understanding of the need to work together to ensure protests are peaceful, safe, and lawful.”

According to SP#318, the police role is not to suppress protests using any type of covert or overt action. The Canadian Charter of Rights and Freedoms protects the basic rights and freedoms for Canadians, including freedom of expression and freedom of assembly. As a result, citizens and Indigenous Peoples have the right to gather with others in public to demand change or to persuade others in calling for the government to

act. SP#318 pointed out that the role of police in Canada is not to deprive citizens of their Charter protected rights, but to simply ensure that protests are legal, peaceful, and safe. According to several study participants, when those conditions do not exist, the police have no choice but to step in and take appropriate action.

SP#318 stated that police in Canada need to help the public understand what their real role is at Indigenous and non-Indigenous protests and demonstrations “because their [the protesters] view is that the police are coming and they want to stop what we are doing, or they want to give us a ticket, or they want to disrupt this. That’s not the correct view.” They added that, “We want to walk that balance and we want to facilitate a safe protest, but we are not about stopping demonstrations and protests.”

SP#318 asserted that if members of the public were better educated about the role of police at protests and demonstrations, they might appreciate the extraordinary efforts police services and officers put in to avoid conflict and to avoid using any level of force. “I think the public would be more forgiving of the police if they truly understood the amount of effort that is being put in, and the amount of work that is being done” to avoid conflict. SP#318 pointed out how one radical protester could negatively impact the outcome of what was intended to be a peaceful demonstration. “I could have an excellent relationship with the [protest] organizers of one event and there could be one radical in the group who could do a standoff with me and change that whole narrative.”

SP#306 pointed out how challenging it was to work with some non-Indigenous protest groups like antifa compared to Indigenous protests groups because their agendas often conflict with the police responsibilities of ensuring protests are peaceful, safe, and

lawful. “Some relationships are more hostile, and criminality and violence are part of their agenda. So inherently our agendas are opposed to begin with as ours is always ensuring public safety, so conflict will likely result.” SP#306 stated that regardless of police efforts to continue to dialogue with the disputants, those types of protests often result in police having to take enforcement action. “So, where are you going to get with that? Probably charges at the end of the day. It may be that we just can’t break through there, but we’ll still try.”

Discretion and Restraint

The third major theme that emerged from this research study was discretion and restraint. The OPP Framework emphasizes the importance of being aware of the related historical and cultural factors associated to Indigenous critical incidents, and it stresses the importance of coming to an understanding of the issues before a potential conflict arises (OPP, 2016). Although there is a reference in the policy to the enforcement of the law, the OPP Framework clearly emphasizes the utilization of a peacekeeping approach to minimize violence and to help build trusting relationships. If police find it necessary to enforce the law at Indigenous occupations and protests, the OPP Framework stresses it be done using a carefully measured approach so as to not inflame the situation, and that considerable discretion must be exercised by officers in deciding how and when enforcement action is undertaken (OPP, 2016).

Although SP#302 agreed that police exercising discretion has the capacity to reduce violence, they nonetheless raised serious concerns about the liberal use of discretion and restraint at Indigenous critical incidents and how it had been

misunderstood and resulted in the rule of law becoming subservient to Indigenous issues. SP#302 agreed with Ipperwash Inquiry Commissioner Justice Linden's assertion that discretion is fundamental to reducing potential violence, especially at First Nation occupations and protests, however, that study participant added that, "discretion may involve whether or when or how enforcement action is taken, but it can be easily misunderstood." The participant added that, "the OPP obviously misunderstand what discretion really is." According to SP#302, exercising discretion, "doesn't mean, as Linden said, that anyone is above the law or that police services should have different standards for Aboriginal People, nor does it mean that the rule of law and public order are somehow subservient to Aboriginal interests."

SP#203 pointed out that the public have certain expectations of police at protests and demonstrations when the law is broken. "From a public perspective, the expectation is that we will take enforcement action if a criminal offence is being committed. There is no grey area there. That is their expectation." SP#203 added that there are times when it is difficult to meet those expectations, especially when the occupation or protest involves a First Nation land claims such as Caledonia, however, it is important for police to hold protesters, Indigenous or otherwise, accountable for their actions if they commit violent or criminal acts. "It is a delicate matter and discretion should rest with the police as far as enforcement goes, but some action should be taken, whether it is an arrest at the time, or somebody is issued a summons later."

SP#203 suggested that the police should "throw in a little media release saying, here's what happened; this person has been issued a summons to appear in court. That

doesn't happen. A lot of it is just media and communications, especially at the local level." SP#203 pointed out how the purposeful commission violent and criminal acts at First Nation occupations and protests upsets the general public and leads to disaffection with the police. The public sees this happen, and "they don't see any action taken, then they go away and they tell everyone else that they just saw somebody do such and such and the police wouldn't do anything. They just sat there and watched them." SP#203 argued that that doing nothing when serious criminal offences are committed at occupations and protests is not an option and they suggested that some officers will use the OPP Framework as an excuse to not take enforcement action where it is merited. "Take some kind of action because you accomplish nothing by turning that blind eye and that's the problem. That's where the crutch kicks in with that policy. The officers just don't do anything."

According to several of the study participants and to some of documentation and archival material that was analyzed, the use of discretion and restraint at First Nation occupations and protests has resulted in widespread criticism of police services and officers by members of the public, the media, and affected business owners and residents. Even some members of the judiciary whose court orders were not immediately enforced have been critical of the liberal use of discretion and restraint by police at prolonged First Nation occupations and protests or where the economy of the province and country were affected. Some of the study participants related stories about how they were even criticized by their own family members and friends for not immediately arresting First Nation protesters who committed serious offences at occupations. Some of the study

participants were also critical of the requirement that officers must obtain prior permission from an incident commander in the command post to make an arrest when serious criminal offences are committed in their presence by a protester at a First Nation occupation or protest.

There was a lot of discussion throughout the interviews about the police enforcement of court orders and injunctions to remove protesters from First Nation occupation and protest sites. SP#106 emphasized how the issuance of injunctions by the courts often negatively impacts police efforts to bring the protest to a safe and peaceful conclusion. “During the rail blockade, the constant service of injunctions negatively impeded our ability to build effective dialogue as it infuriated them [the protesters] and clearly did not achieve the desired result. There were several [injunctions] served in the first week.” SP#106 added how important it was to consider all factors, especially everyone’s safety, before police attempt to comply with the courts direction and how important it is for police to use discretion in those situations regardless of what the court order says or how upset the company is that obtained the injunction. “They may have a judicial injunction they need served, in some cases several, and they want police to enforce it. Discretion on when and how we do that depends on many factors.” According to SP#106, some of the factors include “officer safety, the safety of demonstrators and other risk factors, so it is not always soon enough.”

SP#106 also pointed out how the public does not have a good understanding of how dangerous First Nation occupations and protests can be and how important it is for police to use varying degrees of discretion and restraint to avoid some of the tragedies

that have taken place in the past. “I’m not sure there is great public understanding of the police discretion piece and safety risks, but you can look back in history to see it’s complex and can have devastating results if enforced without considerable thought and discussion.”

SP#106 and several other study participants also stressed the importance of being able to block out the outside noise or the public and media criticism of police actions or inaction that takes place at First Nation occupations and protests. “The pressure from all sides and sometimes the outside noise as I call it, can really overwhelm you, but we need to focus on staying the course, and discretion on our action needs to remain ours to take.” SP#106 added how decisive and experienced major critical incident commanders make a world of difference in those types of situations. “When we have an incident commander who is very strong or experienced it is very reassuring for us on the ground and we have been very fortunate in my region to experience this.” That study participant also reinforced the importance of police not caving into public pressure and criticism to act quicker or to resort to the use of force to remove protesters from these types of critical incidents. “At times in the police culture, you have strong personalities involved which is good as they need to stand their ground when pressured from outside policing” (SP#106).

Two-Tiered Policing One of the elements of the discretion and restraint theme that emerged from this research study was the issue of two-tiered or bias-based policing occurring at First Nation occupations and protests. Some of the study participants spoke about it being naturally ingrained in police officers to act decisively when people break the law. Other participants talked about officers being hired and trained specifically to

become a defender of law-and-order and to being recognized and promoted for their law enforcement versus peacekeeping efforts. Several of the study participants spoke about being criticized by their own friends and family members for the passive police response to criminal acts committed by protesters at Indigenous critical incidents.

In addition to the criticism from members of the public, criticism from the media and members of the judiciary have resulted in police being accused of engaging in two-tiered or bias-based policing in favor of First Nation protesters. One study participant provided an example wherein an anti-protest protester was arrested and incarcerated for throwing a rock at a police cruiser, while the police refused to arrest First Nation protesters for more serious crimes committed prior to that incident. Another study participant referenced a situation in Caledonia in 2009 where a citizen was arrested for walking toward the Douglas Creek Estates protest site while carrying a Canadian flag. To avoid an escalation and confrontation between the citizen and the First Nation occupiers of that planned subdivision, police forcibly arrested the citizen for breach of the peace.

Ten years later, the Supreme Court of Canada ruled that the police acted improperly in arresting the non-Indigenous Canadian flag bearer. Although the actions of the police were intended to ensure the safety of everyone involved, especially the citizen who was intent on confronting the Indigenous protesters, Canada's highest court nonetheless ruled that there was no overarching common law power that gives the police the right to arrest a citizen acting lawfully to prevent a breach of peace by others (Fleming v. Ontario, 2019, p. 523). In making that ruling, the Supreme Court pointed out that the flag waving citizen had committed no crime, had broken no laws, nor was he

about to do so (Fleming v. Ontario, 2019, p. 523). The Supreme Court justices ruled that a free and democratic society cannot tolerate interference with the rights of law-abiding people as a measure of first resort (Fleming v. Ontario, 2019, pp. 521–523).

SP#301 admitted that criticism comes with the job of being a police officer and that study participant indicated they sympathized with how the public and judiciary felt. “It just always going to be, because if we do go in like Ipperwash and kill somebody, we’re going to be criticized too. Criticism of the police just comes with the turf and there’s no way around it.” SP#301 stated that they understood why residents who were negatively impacted by prolonged First Nation occupations and protests were upset and why judges publicly criticized police for not immediately enforcing court orders and injunctions and removing protesters. However, they pointed out that if the public and the judiciary were better educated about the challenges police face at these types of incidents, they might be less critical. “I totally sympathize with members of the public in Caledonia and with judges who viewed us as not obeying a court order, but there’s an educational component there for judges and crowns and everybody to better understand.” SP#301 added that, “there’s just no way around avoiding criticism. It’s not going to happen, but I’d rather be criticized for not killing people than for killing people.”

Much of the public criticism about bias-based policing at First Nation occupations and protests emanates from the perception that in non-Indigenous critical incident situations the police respond differently to the commission of criminal offences than in protests involving other groups. In non-Indigenous protests, the public perceives that police response usually entails immediate arrest and prosecution, unlike the delayed

response that has been used at Caledonia and Tyendinaga and other First Nation occupations and protests. However, several study participants stressed that unbeknownst to the public, arrests and charges often result from criminal offences committed at Indigenous critical incidents, albeit after the fact. According to those study participants, the public is not aware of that fact because mainstream media rarely reports on an arrest or convictions that happens weeks or months after a First Nation occupation or protest has ended. According to some study participants, if the arrests or charges do get covered, it is often on the back pages of a newspaper, while the offence they committed during a protest is in headlines on the front page or on social media and national television.

SP#201 was one of several officers who re-enforced the fact that First Nation protesters who break the law are indeed held accountable for their actions and charges are routinely laid for criminal offences they commit after tensions at the protest have died down. Despite allegations that police are engaged in two-tiered or bias-based policing, SP#201 stressed that police commonly know who the First Nation offender is, and to avoid the loss of life or serious injury in trying to arrest them immediately, they purposely delay jumping into the fray and will get them later. SP#201 unapologetically stated that they would rather not “have to go and tell a young wife of an OPP officer that your husband lost his life, but we’ve got that parking lot back. I’d stand by that. We know who he is, and we’ll get him later.”

SP#201 justified the police use of discretion and restraint in such circumstances because it “potentially saves people from being hurt or maybe worse, and is more explainable, particularly if you actually follow up and lay a charge and then put out a

press release and make sure everybody knows you dealt with it.” Unfortunately, SP#201 added, not arresting First Nation offenders immediately often leads to allegations that police are engaged in bias-based policing in favor of Indigenous offenders. “We’re criticized for the two-tier policing or arresting the non-Native people and not the Native people and we’re not focusing on the real problem.” That participant also emphasized that public criticism of police officers who are risking their safety and lives at these types of critical incidents can be stressful on officers. “It was probably the most stressful issues I dealt with my whole career” (SP#201).

Several other study participants re-enforced the comments of SP#201 about First Nation protesters who committed criminal offences being held accountable for their actions despite the fact that they may not have been arrested during the commission of the actual offence or immediately thereafter, as would normally occur. During First Nation occupations and protests, evidence gathering teams and crime unit officers work together to hold offenders accountable for their actions. For the safety of everyone involved, those offenders are eventually summonsed or arrested after the protest is over. One of the study participants pointed out how challenging it can be to educate some police officers not to follow their natural instincts or training on maintaining law-and-order by trying to immediately arrest offenders for minor crimes committed at First Nation occupations and protests. SP#217 commented that “getting our officers to act is an easy thing, holding them back is the challenge.”

Despite public criticism that First Nation offenders are not held accountable for the commission of criminal offences at Indigenous critical incidents, there is ample

evidence publicly available to support SP#201 and several other study participants counter assertions. A basic Google search of “First Nation protest arrests” revealed the following headlines: “1492 Land Back Lane spokesman turns self in after 10 months on the land” (Pashagumskum, 2021); “OPP arrest 10 demonstrators at Tyendinaga blockade site, charges pending: OPP says it asked protesters to go peacefully, adding use of force remains a last resort” (Tunney, 2020); “Protesters arrested at residential development in Caledonia: OPP” (Polewski, 2020); “Fire on the streets of Caledonia after OPP arrest land protesters: Arrests made at housing development site after OPP enforce court injunction” (Antonacci, 2020); and “Mohawk protester Shawn Brant surrenders to police” (CTV News, 2007b). Although it is not popular, as Hamilton (1998) detailed in a 1998 news report, the practice of police holding First Nation protesters accountable for the crimes they commit is not a new approach, but dates back to the 1995 Ipperwash crisis.

SP#321 pointed out that these offenders are not arrested immediately to avoid inflaming the situation and/or causing sympathy or solidarity protests to break out in other parts of the province or the country. They stated that police can always make an arrest later if they observed a crime being committed at a protest, however, “whether you chose to engage at that point in time is really weighed against how much risk you take and how much risk you put on other officers or on the public.” SP#321 sympathized with public concern about police not immediately arresting First Nation offenders in normal situations, however, that study participant cautioned that officers need to be aware of other protesters coming to the aid of anyone being arrested. “It is a fair criticism if you

had the ability to just put your hands on them without having 50 people coming behind you. I think even hardened crime officers would say the same thing.” As one local newspaper columnist’s headlines emphasized, even when police do enforce superior court orders and remove and arrest First Nation occupiers, it has little or no effect on the rest of the protesters.

Despite the OPP Framework’s emphasis on discretion and on the minimal use of force and only as a last resort, SP#200 and other study participants made it clear that if someone was in jeopardy of being seriously injured at a First Nation occupation or protest, police have no option but to act immediately. “Obviously if I saw something serious. If a citizen says, ‘I am going to take care of this myself,’ and that citizen starts getting beaten, okay now you have forced our hand. There is a clear line there.” However, SP#200 clarified that police take a different tact at protests when the crime involves a simple property offence. “All the mischief that happens right before the police’s eyes obviously that is not the line because you didn’t cross it.” SP#200 added that, “There is a better public good if we stop something that is just senseless mischief as opposed to mischief that is wrought with the emotions of the protest.”

Several other study participants referenced the fact that the safety of the officers, citizens and protesters is paramount and unless someone is about to be or is being seriously hurt, discretion and restraint should be exercised at First Nation occupation and protests. SP#313 commented that discretion has always been part of a police officer’s entitlement, however, as police officers they stated that “when situations dictate it, we have to intervene.” They stated that, “if law breaking or if other people’s rights and

entitlements are disenfranchised for an inordinate period of time, there is no way that you can park your badge. Your oath of office is your oath of office.” SP#313 added, “Discretion has always been a part of a police officer’s rank, entitlement, and mandate. How many times have we used discretion in other matters?”

SP#104 underscored how important it was for judges to understand that safety is paramount and the enforcement of injunctions are secondary to that consideration. “Unless somebody’s being really hurt or there’s a physical threat to somebody, why risk a huge confrontation when we can just quietly get the person at their house or as they’re going down the road somewhere next week, next day.” SP#104 added how important it is for police to try to avoid inflaming the situation by using force to serve an injunction or taking enforcement action unnecessarily. “Instead of having a riot, we can have it done and dealt with.” That study participant also stressed that if anyone is in danger of serious harm than the police have processes to immediately deal with that. “If somebody’s being really physically harmed, then there’s a real problem, so you try and gather as many people as you can, and you go and deal with it as quickly as you can.”

As SP#104 and other study participants stressed that the safety of everyone involved takes precedence over any enforcement action. “First and foremost, it’s about the safety and security of the peripheral people, the people involved immediately, the officers, because they are the ones with their boots on the ground, the first people there.” They added, “then as you spread your ripple out, you know, the community and things like that and how things can spread. The judge might’ve issued that injunction today, but your Honor, we just can’t do it today.”

Law Enforcement Versus Peacekeeper

There was a lot of discussion during the participant interviews about the dual roles of law enforcer and peacekeeper that police officers in Ontario are expected to carry out. Section 82(1) of the Comprehensive Police Services Act of Ontario 2019 highlights the primacy of the peacekeeping and crime prevention roles of police officers in that province by stating that:

The duties of a police officer include preserving the peace; preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention; assisting victims of crime; apprehending criminals and other offenders and others who may be taken into custody; laying charges and participating in prosecutions; and executing warrants that are to be executive by police officers and performing related duties (Government of Ontario, 2019, p. 52).

It is important to point out that the law enforcement duties of police officers in Ontario are articulated in the Comprehensive Police Services Act of Ontario 2019 after the peacekeeping, crime prevention and assisting victims of crime duties. Some of the Indigenous participants referenced the fact that the peacekeeper role is more synonymous with First Nations policing in Canada than mainstream or traditional policing. First Nation officers commonly refer to themselves or are often referred to by members of their First Nation communities and leaders as “peacekeepers” rather than law enforcement officers.

Evidence to support that assertion can be found on the Kahnawake First Nation website. Situated near the Island of Montreal, the Kahnawake First Nation website highlights the fact that their community is policed by “the Kahnawake Peacekeepers, a First Nation police service located in the Mohawk territory of Kahnawake, Quebec” (Kahnawake Peacekeepers, 2022). Unlike other police leaders across Canada who use the title chief or chief constable, the chief of the Kahnawake Peacekeepers, Dwayne Zacharie, carries the title of “Chief Peacekeeper.” One study participant referenced the fact that as a First Nation peacekeeper, relationships can be built and allowed to flourish, however, at violent First Nation occupations and protests such as what transpired in Caledonia in 2006, First Nation police officers are often forced to take on the mantra of a law enforcer, and as a consequence, they are viewed by protesters as such versus a peacekeeper.

Within Canadian and American police culture, the work of officers who are engaged in such non-operational roles in policing as community services, crime prevention, or diversity and cultural relations is often considered less dangerous, less glamorous, and as a result, less important than the work of officers who are on the front lines or in operational or investigative police units. Stoughton (2016) described this as the “warrior ethos” and claims it is one of the most venerated aspects of policing and it has become a point of professional pride. According to Stoughton (2016), that warrior ethos mindset begins with how police officers are recruited, how they are oriented into the police service, how they are trained and how they are accepted by their peers. The warrior ethos emphasizes duty, honor, resolve and righteous violence and those are the

qualities of police that are often extolled and portrayed in books, movies and video games. Stoughton (2016) argued that the warrior ethos is analogous to the self-image of police officers as being soldiers on the front lines against the forces of chaos and criminality.

Despite the positive steps that police services in Canada have undertaken to recruit candidates who are not inclined to perceive their role in that light or filter them out if they do, the reality is some officers only view themselves as law enforcers and are only comfortable performing that singular law enforcer role despite the requirements laid out in the Comprehensive Police Services Act of Ontario 2019 that they must also perform peacekeeping, crime prevention and assisting victims of crime duties. Some of the participants in this research study spoke about the different inclinations of younger officers when witnessing the commission of criminal acts at First Nation occupations and protests compared to the inclinations or reactions of more experienced police officers. According to SP#322, the newer and inexperienced officers preferred to make an immediate arrest when a criminal offence was observed, while the more seasoned officers were often content to gather the evidence and present it to a crown attorney rather than inflame the situation by wading into a crowd to effect an arrest and thereby expose officers, protesters, and citizens to greater dangers. “Younger officers would prefer to see that immediate arrest, but the older ones understand how they are compelled to court is irrelevant.”

SP#322 stated that the police job at First Nation occupations and protests is to gather the evidence and present it to the crown attorney or prosecutor, however, “young

ones feel that we have to go in and send a message that we are the police.” SP#322 expressed concerns about how these young and impressionable officers are trained to see the world from a warrior or law-and-order mindset. “What I am scared of is that when they come back from OPC with a very law and order model. We are the police.” SP#322 commented that there is a perfect storm looming that does not bode well for the future when you combine the youth in the policing with their law-and-order and we are the police attitude with mass retirements and the loss of institutional knowledge. “That is what scares the heck out of me. The institutional knowledge is leaving and there is this perfect storm of young officers.”

Other study participants raised concerns about the level of public vitriol and criticism of police actions or inaction at First Nation occupations and protests on social media. SP#107 characterized these anti-police critics as “keyboard warriors” who would like nothing better than to see police use force at these types of highly complex and potentially violent incidents. “The further people are away, the stronger the rhetoric, like the keyboard warriors. Keyboard warriors who don’t have skin in the game but have all the opinions in the world and they are not accountable for what they’re saying.” SP#107 added that, “They say things like, ‘Well I would just smack them [the protesters], or I would just go in and kick ass and take names.’ I say, ‘Okay, how did that work out for you?’” SP#107 argued that “the level and limits of discretion and restraint that the public will accept at occupations and protests gets higher when you have greater situational awareness about them.” They added that, “The further away from them [protests] that you are, the less tolerance you have for discretion and restraint for that.”

One study participant spoke about the public not being aware of how complex policing First Nation occupations and protests is and, as was demonstrated at the Oka and Ipperwash crises, how quickly the situation on the ground can change and spiral out of control. Other study participants talked about how prolonged and recurring Indigenous occupations and protests such as those at Caledonia and Tyendinaga often result in a them-versus-us community mentality between the First Nation and the adjacent non-First Nation community, which makes it more challenging for the police to keep the peace. SP#309 stated that “There are a lot of people who have never been involved in policing, and they don’t realize how bad things can go, and how fast they can go bad.” They added that “There are people on both sides that are spoiling for a fight, but we are the ones who are going to get injured or killed. Like they’re not” (SP#309).

SP#309 underlined the importance of having a big picture or long game outlook at First Nation occupations and protests rather than getting caught up in the chaos of the moment. “I just look at it from it is a long game, and it is not something that is going to be resolved in a day. You have to look at the long haul to make it better.” Reflecting on the legacy of the shooting death of First Nation land defender Dudley George at the Ipperwash crisis and the shooting death of SQ Corporal Marcel LeMay at Oka, SP#309 added that, “If it is just people yelling at each other, and traffic being disrupted, is that worth either a protester being killed, or an officer being killed.” They then added that, “If a protester is killed, especially an Aboriginal protester, if they think things are bad now, just wait, because if something bad happens, it is going to be multiple times worse than it is now.”

Although SP#319 sympathized with community concerns about two-tiered or bias-based policing, that study participant indicated the public does not fully appreciate the politics involved and the legacy of the Ipperwash crisis. “The community, I kind of can deal with that. They are fed up with it. They just see two sides against each other. They just don’t understand the whole political side of it right.” Reflecting on the shooting death of Dudley George and the incredible impact that had on policing in Canada and the history of mistreatment of Indigenous Peoples, SP#319 stated that the public may be familiar with the legacy of the Ipperwash crisis, but they are not aware of “all of the other things that have gone on, and how Indigenous People have been treated over the last 200 years. They just see it for what it is. They don’t get arrested, but I do.”

SP#101 agreed with other study participants that officers come back from Ontario Police College with a law-and-order mentality or warrior ethos ingrained in them rather than that of a peacekeeper. “As police officers it is ingrained in us that people break the law and that we enforce the law. We might give people a warning, we might lay a charge, but the bottom line is we take action.” That study participant and others also emphasized how important it is at First Nation occupations and protests for those officers to understand the four centuries of mistreatment that Indigenous Peoples have endured and how that has been passed down from generation to generation. “When you have an understanding of the 400 years of Indigenous history building up to that, you understand the emotion, the legends that have been passed on from generation to generation, and all these awful things that happened to them.” According to SP#101, knowing that tragic history, “helps builds your ability to analyze situations and react in a way that may or

may not be in accordance with police training.” They added that thinking big picture in these situations is “so different for us as police officers and it was different for me, understanding the national impacts, the history and all those things.”

Discrepant Cases

Most of the participants perceived the OPP Framework to be an effective approach to preparing for, responding to, and dealing with the aftermath of an Indigenous critical incident, however, two participants felt the OPP Framework policy was not effective or felt the policy was only partially effective. Both participants agreed that the OPP Framework was effective in the pre-critical and post-critical incidents stages, however, they claimed that it ceased to be effective during the critical incident stage. Although those two participants did not go as far as to advocate for abandoning the OPP Framework in its entirety, they did recommend it not be followed when protesters engage in violent and/or criminal acts, such as what transpired at the many different occupations and protests that have occurred in Caledonia and Tyendinaga.

One participant also felt that the OPP Framework and the police use of discretion and restraint when criminal or violent offences are committed at Indigenous critical incidents emboldened Indigenous protesters and inspired repeat events and offences. That participant also suggested that when police do not immediately intervene when serious criminal offences are committed at First Nation occupations and protests it creates dissention in the non-Indigenous community and leads to allegations of two-tiered and bias-based policing. Despite those views, most of the other participants felt differently and they had nothing but positive things to say about the judicious and strategic use of

police discretion and restraint at Indigenous occupations and protests in light of the hundreds of years of mistreatment of Indigenous Peoples by the state and given the disastrous results that occurred at Oka and Ipperwash where the use of police force resulted in the death of a law enforcement officer and a protester.

Another participant claimed the OPP Framework was effective in the normal course of business, however, they suggested the policy should be replaced with an operational plan when violent or lawless protests such as what occurred at Caledonia in 2006. Two other participants suggested the policy was only effective when strong relationships had been built by the PLT members and when police were negotiating with protest leaders who believed in and embraced the OPP Framework approach and could be trusted. One participant said the OPP Framework was more effective when senior police personnel and politicians refrained from engaging directly with protesters and/or making unfulfilled promises to them.

Most of the participants felt that Indigenous awareness or cultural competence training was important for officers in general and extremely important for officers whose job it was to deal with First Nations such as PLT members. Several of the participants described that type of training as being essential and they spoke about how important it was for officers who were assigned to First Nation occupations and protests to have a good understanding of Indigenous culture and to have a good understanding of the history of how badly Indigenous Peoples were treated by government and such agents of the state as the police. One participant who is an Indigenous officer, said, "You can't

change history by providing police with Indigenous awareness training, but you can correct it.”

Even though most of the participants thought Indigenous awareness training was important, one of the participants was more reticent. That participant felt Indigenous awareness training did not change anything for officers because the types of situations they are dealing with at First Nation occupations and protests are about civil disobedience and crimes that stem from it. Another participant talked about how Indigenous awareness training made them more sympathetic to the bigger picture of the abuse and neglect that Indigenous Peoples had endured over hundreds of years, however, they added, “It didn’t make me sympathetic to people breaking the law and putting on a bandana and taking a bridge at gunpoint” (SP#201). The few discrepant cases that the emerged from the data were factored into my final analysis and findings.

Evidence of Trustworthiness

Some of the measures used to assess trustworthiness in quantitative and mixed method research do not easily lend themselves to qualitative approaches. According to Stahl and King (2020), the concept of validity is not a goal in qualitative research because trustworthiness in this approach is a shared and subjective reality. They also claim that the qualitative approach does not seek replicability because a different qualitative researcher in a different place should expect different findings because in this type of research reality is constructed. Ravitch and Carl (2016) argued that validity is a more appropriate measure of the trustworthiness of qualitative research because that measure applies to how diligent the researcher was in capturing the complexities of the study

participants' experiences, as opposed to just focusing on the concepts and procedures used. Ravitch and Carl (2016) contended that when assessing validity in a qualitative study, the quality and rigor of the study and how faithful a researcher's findings are to the experiences of the study participants are important determinants of assessing validity.

The concepts of credibility, transferability, confirmability, and dependability are more appropriate measures of the rigor a quantitative study design. Toma (2014) suggested qualitative researchers should refrain from trying to shoehorn their work into accepted quantitative standards. In spite of the fact that there is an ongoing debate about the nexus between trustworthiness and qualitative research, qualitative researchers nonetheless have to demonstrate how their study meets the accepted conventions for trustworthiness so that it can meet the needs of their study's users (Ravitch & Carl, 2016).

To address the issue of trustworthiness or validity in this phenomenological qualitative research study, I used several of the tools that have been referenced as appropriate measures for that methodological approach by Jackson et al. (2018), Ravitch and Carl (2016), Patton (2015), Toma (2014), Hamill and Sinclair (2010), and Finlay (2009). Those processes included:

- Audit trails – Audit trails were created so readers of this study could replicate the methods and sources that I used.
- Bracketing – To open my mind to what the data were saying and to avoid influencing the participants' understanding of the phenomenon with my opinions or experiences, I made a concerted effort to bracket or block out any personal

experience I had with the OPP Framework, along with the experiences of the other participants. I also made a concerted effort to actively listen to the recorded voice of the interviewees while reviewing and coding their transcripts.

- Data analysis –In addition to listening to the audio tapes of the interviews before I began coding the data, I thoroughly reviewed the interview transcripts and the notes that were made during those interviews. I then applied a descriptive and *in vivo* coding process to those data manually and using the Dedoose QDA program. Those processes enabled me to identify three main themes and a number of sub-themes which were explored during the analysis of the three research questions.
- Data immersion – I made a concerted effort to get immersed in readings of peer-reviewed journal articles, books, government reports, and archival material related to the topic of the OPP Framework and Indigenous occupations and protests before and throughout this study.
- Disconfirming evidence – I thoroughly investigated and analyzed any negative cases, discrepant data, or disconfirming evidence that was encountered, and those cases and data were reported in this study.
- Member checks – I had the participants review and validate their transcripts before they were subjected to any form of data analysis. The corrected transcripts and any additional information provided by the participants were incorporated into my analysis of the data and the development of the three main themes and sub-themes.

- Peer review – I subjected the thematic clusters that emerged from the data analysis to peer review by a third-party individual who, in addition to being Indigenous, was also an experienced lawyer, a police foundations college professor, and former federal, provincial, municipal and First Nation police officer. Based on that reviewer’s personal and professional experience in those various sectors, they provided positive and confirmatory feedback on the three thematic clusters that emerged from the analysis of the interview transcripts and archival data.
- Reflexivity processes – To help develop ideas and themes, I made use of data maps throughout this study.
- Research bias – I acknowledged any known personal biases and reported them in the study and I also made limited use of memos.
- Theoretical contextualization – To establish trustworthiness, I situated this phenomenological qualitative research study within a cultural competence theoretical framework, and I explored a law-and-order or warrior versus peacekeeper conceptual framework.
- Thick descriptions – Throughout this study, I provided a detailed and thorough description of any and all data collection processes, data analysis methodologies, participant demographics and the participants’ experiences with and perceptions of the OPP Framework.
- Triangulation – In addition to collecting data by way of 23 participant interviews, I also did analysis of existing documentation and archival material related to First

Nation occupations and protests and the OPP Framework policy and approach. I also made field visits to all the major occupation and protest sites in southern Ontario to help contextualize the interviews and establish rapport with the participants. These different forms of collecting data enabled me to achieve saturation and triangulation and they allowed me to confirm the trustworthiness and validity of both the research methodology and the research findings.

Results

This phenomenological qualitative research study about officers' perceptions of the OPP Framework was guided by the following three research questions:

RQ1. What are police officers' perceptions about the OPP Framework policy?

RQ2: What are the strengths and weaknesses of the OPP Framework policy?

RQ3: What changes, if any, should be considered for the OPP Framework policy?

The results of my findings for each of those three research questions will be herein presented.

RQ1. Police Officers' Perceptions About OPP Framework Policy

Although there were some detractors among the 23 participants, I found that there was overwhelming support for the use of the OPP Framework at Indigenous critical incidents. That support was evident regardless of the widespread and acknowledged criticism that the use of this policy at First Nation occupations and protests has received from the media, affected residents and business owners, members of the judiciary, and even the participants' own family, friends, and police colleagues.

Seventeen of the 23 participants provided unconditional support for the effectiveness of the OPP Framework, while five others qualified their support for this policy. Several of them described the policy as being either very effective or tremendously effective. One participant rated the policy's effectiveness as being a nine out of 10, while another participant described it as being a 10 out of 10.

Participants provided a variety of reasons for their effusive praise for the OPP Framework including the fact that it saves lives and money; it is adaptable and focused on de-escalation and slowing things down; and it is a roadmap or starting point for every officer in the organization regardless of their rank or position. SP#201 stated, "I think overall the strength is it saves lives. Ultimately, it has saved us millions and millions of dollars in inquiries and police action and potentially loss of life and taking lives, like Ipperwash." They added that it saves lives because "It has really set the groundwork for a more cohesive, well-thought-out, relationship-based approach, as opposed to the hardline law and order approach."

SP#307 described the OPP Framework as being "extremely effective, and it is very adaptable to any sort of interest group or whatever." That study participant suggested that the OPP Framework approach was similar to the tactic of using de-escalation to mitigate a critical incident and they pointed out how this has become extremely important since the tragic and high profile killing of George Floyd by police. The OPP Framework approach is "the incremental approach to effective de-escalation of a critical or potentially critical incident. De-escalation was the buzzword last year, especially following the George Floyd incident and our dealings with mental health

issues.” They added that “You hear de-escalation, de-escalation, de-escalation at every inquest.” SP#307 stated that the OPP Framework is about “slowing down the clock, and it is about stopping things from becoming too emotional and becoming harmful to others.” When asked whether they thought the OPP Framework policy was effective, SP#307 stated, “So do I think it’s effective. I think it is, but it is evolving. There are certain things that we have learned as we go along.”

Another study participant claimed the OPP Framework was effective because, “it is Critical Policy, and it gives a real starting point for PLT, officers on the road, critical incident commanders, detachment commanders, for everybody to say, ‘Okay, this is sort of that roadmap. This is how we should be going about it’” (SP#208). Other study participants stated that communication before, during and after an Indigenous critical incident has been enhanced by the work of the PLT and the PLT members are deeply knowledgeable and experienced about Indigenous history and issues. SP#208 also pointed out that “on an individual level and individual incidents, lots of people might disagree with our approach, but when you look at it from a high level, I think it’s been quite effective.” They added that “of course, a lot of that’s due to the people doing the work. There’s the [Framework] policy, but then there are the people on the ground who are getting it done right. That’s probably the most critical piece and it is consistency for them” (SP#208).

SP#109 credited enhanced communication brought about by the PLT and other units for the success of the OPP Framework. They stated it was effective because “having those extra lines of communication over the years like PLT and the Aboriginal Policing

Bureau, and the Aboriginal Intelligence, I think that we have a better handle on a lot of the protests and on what drives them.” That study participant added that the OPP Framework’s more peaceful approach at resolving issues was far more effective than police having to resort to the use of force at First Nation occupations and protests. “I think the communications aspect has made this way better than just going in and trying to use force to try and break everything up.” SP#109 pointed out that “Force isn’t always going to work, because some of these things are just so beyond policing that we just cannot solve them, and we are never going to be able to solve them as police.”

Some study participants felt the OPP Framework was effective because it engages First Nation communities not just the police in solving problems and it is about having respectful relationships with them and it is about positivity and trust. SP#115 stated that, “I think it is so effective because it involves them [First Nations] as well. It is not just us [the police] doing it.” They added, “It’s about forming relationships, understanding the political situations, understanding the seven generations, and as long as you are doing that with people from the community. They tell 10 people, and they tell 10 people.” SP#115 described the OPP Framework approach as “a way of cohabitating and having respectful relationships that go beyond just meeting at the community center and having a coffee.” They added, “If it is practiced the way that it was intended, I would give it a nine out of 10” (SP#115).

SP#116 gave the OPP Framework a 10 out of 10 and stated, “I think it is tremendously effective” and SP#217 invoked the legacy of both the Oka and Ipperwash crises by saying, “I think it is very effective. I have been involved in 13 or 15 incidents

and I haven't had to hand a hat to any widow or deal with a death on either side." SP#318 described the approach to dealing with critical incidents in OPP Framework as "lifechanging" and stated the Framework approach had changed their outlook on the world and how to deal with issues. "To me learning about this [the Framework] and learning how to apply it has been lifechanging on how I even approach my policing career, like how I approach every scenario." They added that the OPP Framework approach is about "positivity and we need more of that in policing. It is positivity and trust. It is a trust builder, and we need that so much" (SP#318).

SP#106 described how in the early days, the PLT members spent their time educating officers in the detachments about the OPP Framework and why it was incumbent on officers in the field to adhere to this new operational policy. "When I think back to 2000 right up to 2010, we were paving ground and we were educating all the time." They added, "We were saying, You have to follow this. This is the policy. This is why it was born. This is why we do it" (SP#106). That study participant stated there was no longer a need to sell the PLT component of the OPP Framework approach to frontline officers because those officers were reaching out the PLT members more and more on their own. "I look at it now and there's really no longer a requirement to sell our program out there in the uniform realm. They come to us for everything now. Their first call would be to us" (SP#106).

SP#106 added that the PLT was a victim of their own success because officers in detachments routinely call upon them to assist with difficult and long standing non-Indigenous related disputes. "Sometimes we are even creeping outside of our mandate

because we've morphed to become something so much bigger than just Indigenous-related matters." They added that, "it [the Framework] is a whole communication piece for difficult disputes that are ongoing or conflict that's needing resolution. We are a victim of our own success I would say with the program" (SP#106).

SP#318 provided proof of the effectiveness and flexibility of the OPP Framework approach when they described how it had been successfully used it for a Hell's Angels motorcycle club run involving 500 bikers. "I even used it for the Hells Angels Canada run. It was a very, very successful application using the PLT principles for the Canada run." They added that "We had a fantastic weekend, as much as you can have a fantastic weekend when there are 500 Hell's Angels in town, but it was extremely effective that way too." That participant also described applying the OPP Framework approach successfully when a group of Indigenous youth ran from the Akwesasne Mohawk First Nation to the Parliament Buildings in Ottawa to raise awareness of the residential school issue and to gain support for residential school survivors.

Despite the tenuous relationship that existed between police and the Akwesasne Mohawk First Nation at the time, SP#318 described how four different police agencies coordinated the arrival of the young Mohawk runners into the nation's capital and provided them with a 20-bike escort to Parliament Hill. "These kids had a full police escort of motorcycles stopping the traffic and they are running the whole way. They came around the corner and I am standing there outside of my car and applauding them saying, 'good job kids.'" SP#318 added that, "They are coming into town. They don't know

anybody. They are running in, and they don't know what to expect, and then suddenly they have this biggest welcoming ever with all these motorcycles.”

Some of the reasons provided by the participants for the qualified support of the OPP Framework included the fact that some First Nation communities and protest leaders were more cooperative and easier to work with than others. Some participants felt that the OPP Framework policy was most effective when protest leaders and protesters engaged in good faith negotiations with members of the PLT. SP#305 stated that, “Depending on which community you are dealing with, I think effective or ineffective comes down to who you are dealing with.” They added that “If you are trying to use the Framework with somebody who won't negotiate in good faith with anybody, its effectiveness is limited” (SP#305).

Another study participant claimed the policy was less effective when violence and criminal activity occurred at First Nation occupations and protests. “If the protest is peaceful and everybody is listening, and everybody can talk, and everybody is in a receptive mode, I would give it 100%. If they are not, maybe 50%” (SP#313). SP#103 added that, “In the normal course of doing business, it is a great policy, but when you are dealing with a situation such as Caledonia, it is not the normal course of business.”

One study participant claimed that the OPP Framework police was less effective when the authority and responsibility of the PLT members were usurped by senior police personnel or politicians who make unfulfilled promises to protesters. That study participant added that when that occurs, “it really makes the liaison program ineffective. Why would I talk to this constable when I can talk to the Minister?” (SP#114). SP#322

stated that, “If the goal is to ensure no one is injured or killed, then it [the Framework] is strong because we haven’t had a death at an Indigenous protest in Ontario since Ipperwash.” That study participant and others pointed out that the OPP Framework is not effective in resolving the underlying issue of an outstanding land claims or treaty breach that often inspires the occupations and protests in the first place, however, they added “but that is not our lane. Our lane is to keep the peace” (SP#122).

Even though most of the participants felt the OPP Framework policy was effective, some of the participants pointed out that using this policy is not only time consuming, but it also requires a lot of effort, and knowledge. Although major critical incident commanders and members of the PLT have demonstrated operational patience time and time again at the hundreds of Indigenous critical incidents they deal with every year in Ontario, some participants pointed out that non-Indigenous members of the community and upset business owners are less likely to demonstrate the same level of patience or understanding as the police when major highways are blocked, national passenger and freight rail lines are barricaded, bridges are closed, border crossings are shut down, and major infrastructure and construction projects are halted or occupied by First Nation protesters.

Two participants suggested that immediately arresting First Nation protesters who commit criminal offences at occupations immediately could temporarily resolve the occupation or protest in less time than negotiating with protesters might take, however, since the goal of the OPP Framework approach is to come to a sustainable or long-lasting solution, they suggested that was usually not an appropriate course of action. Those

participants stated sustainable or long-lasting solutions can only be achieved through dialogue and communication and not the use of force.

Several of the participants pointed out that the OPP Framework approach does take time and requires operational patience, which often results in public and media criticism. They added that that investment in time and patience is often beneficial in the long run and avoids the use of force. SP#319 stated, “What is bad about it [the Framework] is that it is time consuming. Like anything else, it takes time to go through it all and to take all these steps.” SP#319 added, “The whole idea behind it is to try to talk your way through these situations with the least amount of force and try to resolve the issues so there isn’t a bigger problem down the road.”

Other participants similarly described the implementation of the OPP Framework as time-consuming because major incident commanders and PLT members have to go through the different steps laid out in the policy. However, some participants countered the assertion that every step laid out in the OPP Framework had to be methodically and rigidly followed. Because occupations and protests are fluid events and protesters do not follow a rule book, those study participants argued that for the OPP Framework to be effective, you cannot view it as a brick-and-mortar or a prescriptive step-by-step process that has to be religiously followed.

According to SP#114, there are times when parts of the policy can be applied, and other times when parts of the OPP Framework cannot or should not be applied because of constantly changing and evolving circumstances at Indigenous critical incidents. “I believe it is an effective policy, but just like any policy it could probably use tweaking,

but it's not going to be an end-all-be-all in every situation" (SP#114). They added that in some cases, "We can't really apply this part of the Framework because of A, B and C, but maybe tomorrow things change and yes, this part of the Framework does apply." SP#114 stated that flexibility was an important characteristic of the policy and agreed with others that, "The policy can't be a brick-and-mortar Framework. It has got to be something rather fluid."

Another participant drew attention to the fact that like any other policy, it is intended to be a guide for officers and not a rigid rule book to be followed in every instance. One participant argued that Indigenous critical incidents often evolve in such a way that you cannot follow a specific script, and as is often the case in policing, you have to adapt, improvise, and overcome. That participant pointed out that some people inside and outside policing treat the OPP Framework as if it is a rule book to be always followed, and they claimed that view and approach is problematic. "The Framework says this, and you did that. It doesn't really allow sufficient latitude or consideration for things are not always black and white. They are not always the kinds of situation where you can follow a script" (SP#318). SP#318 added that there are situations in policing where despite policy, incident commanders need to make up their own script as things evolve. They stated, the OPP Framework and other policies have "to allow for the unforeseen, unplanned events. It can be a guide, but some people have held it out as the rule, and that to me is a problem." Another study participant agreed with that assertion and added, "Like any other policy, it's for the guidance of the wise and strict adherence of fools" (SP#208).

Discrepant Cases

There were some discrepant cases that emerged from the data analysis pertaining to the research question about officers' perceptions of the OPP Framework policy. The participants who felt the OPP Framework was not effective had varying reasons for that assertion. Although one of those participants acknowledged that the relationship building, networking, dialoguing, and understanding aspects of the OPP Framework that were undertaken by the PLT members pre- and post-critical incident were valuable and should be retained, that participant argued that once the protesters resort to violent or criminal acts, the law should be immediately enforced, and the law breakers should be removed. That same study participant also suggested the OPP Framework was not effective because the discretion and restraint that police exercise at First Nation occupations served to embolden or empower protesters. That participants argued that when First Nation protesters who had occupied the Douglas Creek Estates in Caledonia realized the police were not going to immediately enforce a court injunction that ordered them off the development, they became empowered and their numbers and illegal acts increased.

Another participant felt a new policy should be developed, or alternatively police should rely on an operational plan and not the OPP Framework when the violence and lawlessness that was evident at the Douglas Creek Estates occupation in Caledonia in 2006 occurs. That same study participant and others suggested that there should be more emphasis by police on pre-incident enforcement to prevent demonstrations from growing into the critical stage such as what has repeatedly occurred at Caledonia and Tyendinaga. In some case, SP#303 indicated that officers use the OPP Framework as a reason not to

engage in enforcement related activities. “There should be more enforcement, at least at the pre-incident level, because once it gets into a full-blown occupation, the policy becomes the crutch” (SP#303).

As several of the study participants pointed out, the 2006 occupation of the planned Douglas Creek Estates sub-division in Caledonia by dozens of land defenders from the Six Nations of Grand River was the first high-profile application of the new OPP Framework policy. Two of the participants in this study referenced the fact that the Ipperwash Inquiry was still in progress when that protracted protest erupted, and the standoff with police and local citizens quickly became national news. One participant argued that none of the integral relationship and trust building aspects of the OPP Framework that PLT members do today with First Nations and First Nation leaders were in place when the policy was rolled out on the fly at that highly contentious Indigenous critical incident. According to SP#115, the conditions at the 2006 Caledonia occupation were extremely taxing and made the first application of OPP Framework approach less effective than it is today. “For Caledonia, we were rolling the Framework out on the fly. That’s just a matter of fact. The downside is that it is about relationship building, so it is not done overnight” (SP#115).

In light of the historical and justified mistrust and resentment that Indigenous Peoples harbor toward police in Canada, some of the participants stated that it takes considerable time and effort for police services to build trusting relationships with First Nations. Building those relationships requires individuals who are passionate, knowledgeable, and respectful of Indigenous Peoples, history, and culture. According to

some study participants, some but not all of the obligatory Indigenous awareness training that is in place today for officers from different units and detachments was fully in place or embraced in 2006, and the organization was still dealing with the legacy of the shooting death of Dudley George at the Ipperwash Provincial Park in 1995, and the conviction of one of their own members for that crime. Some of the study participants raised concerns that the 2006 application of the OPP Framework in Caledonia has become the model or template for successive deployments.

Role of Indigenous Police Officers

Several of the study participants spoke about the vital role that Indigenous officers from the OPP and from First Nation police services played behind the scenes in mitigating the impact of the 2006 Caledonia crisis and in subsequent First Nation occupations and protests across Ontario. According to some of the participants who were at the 2006 Caledonia crisis, incident commanders made use of those Indigenous officers' influence and the respect they had in the First Nation community to prevent people on both sides of the barricades and members of the public from being injured or killed.

SP#321 pointed out the key role that First Nation officers played in the 2006 Caledonia crisis. "We were fortunate in Caledonia because we had various people on the ground with varying connections." They added that "It is so unfortunate in many ways that the story of Caledonia is told through the eyes of people like the late Christie Blatchford and not through the inside of how it actually worked." SP#321 stated that most of the officers on the ground at Caledonia were Indigenous and they worked so incredibly hard. That study participant added that it was unfortunate that the story of

Caledonia in 2006 was “not about the heroes behind the scenes, including in the Caledonia community because there were groups meeting on the side to try and build the bridges to try and come in a different way at the grass roots level” (SP#321).

Several other participants spoke about how challenging working a First Nation occupation or protest is for Indigenous OPP officers and members of standalone First Nation police services alike. SP#115 talked about how Indigenous officers were taunted by members of both communities at Caledonia. “Caledonia was just absolutely dirty. The vile words and comments and accusations that would come from the occupiers against the police were terrible, particularly as it related to the OPP Indigenous officers.” That study participant added that on the nights when the occupiers behaved the worst, “we would set up our lines with our backs to the Caledonians, and then the next day it would be the Caledonians who were out of control, and we would have our backs to the occupiers” (SP#115).

SP#214 expanded on the challenges that Indigenous police officers face at First Nation occupations and protests, especially when it involves a dispute on their own traditional territory. “It can be hard on our Indigenous officers to be involved in those events, particularly if it is in their own community.” They referenced a case where one of the Indigenous PLT members asked not to be assigned to a protest involving their own First Nation because according to SP#214, that officer courageously recognized the fact that they would not be able to remain impartial if assigned to the protest. Because of the circumstances, the organization acceded to that request and used that Indigenous officer in a support capacity.

Despite the abuse that Indigenous officers sometimes endure at First Nation occupations and protests and the mental toll it takes on them, SP#214 stressed how Indigenous officers can make a tremendous difference at these types of events. That study participant described a situation wherein a crowd of First Nation protesters were screaming at an Indigenous officer they had grown up with and yet “during that same protest, that same officer had a relationship where somebody was going to do something kind of dumb, and he said, ‘No, that’s dumb. You are not allowed to do that.’” SP#214 added, “The officer stopped people from doing something unsafe. In that instance, they listened to him because they knew him as he grew up there.”

An analysis of the responses from the six Indigenous officers who participated in this research study did not disclose any discernable differences in their perception of the effectiveness of the OPP Framework versus the perceptions of the 17 non-Indigenous study participants. A similar result was observed in the responses of serving versus retired participants, male versus female participants, and the participants from different police services and of different ranks.

One of the Indigenous participants credited the PLT team members for the effectiveness of the OPP Framework by highlighting the assertive way in which they dealt with the protest leaders and for being out in the field building strong relationships with First Nation communities and leaders. SP#114 stated the OPP Framework policy was fairly effective because of the way the PLT members dealt with the leaders of the protests. According to SP#114, PLT members “make sure that the protesters absolutely

knew the consequences of things” and “what could happen and things that they could be facing down the road” if they engaged in criminal acts or if the protest went on too long.

According to two other Indigenous participants, the OPP Framework is effective if relations were built and if you were reaching out to community leadership and engaging them in dialogue. SP#315 stated they felt the OPP Framework was effective as long as PLT had those relationships built with First Nation communities and leaders before an occupation or protest took place. Another Indigenous study participant underscored the importance of maintaining two-way communication and dialogue throughout the entire process to reduce the chances of “galvanizing in groups so that they are against you” (SP#110).

Although all of the Indigenous study participant perceived the OPP Framework to be effective, one of the officers commented that “I think it [the Framework] is almost a CYA for police in being able to document every single step they took for a peaceful resolution” (SP#220). Another Indigenous study participant claimed the OPP Framework was effective if the goal was to ensure the tragedy of Ipperwash was not repeated. That same participant stated that, “The weakness is in prolonged events which have the potential for the anti-movements to gain strength” (SP#322).

CACP National Framework

Eight of the study participants referenced the fact that their perception of the effectiveness of the OPP Framework was enhanced by the fact that the OPP Framework and other components of the OPP Framework program were used as the model for the creation of National Framework for Police Preparedness for Demonstrations and

Assemblies by the CACP Policing with Indigenous Peoples committee. According to some study participants, the National Framework, the Divisional Liaison Team, and the new National Framework eight-day Indigenous awareness training program that the OPP and other Ontario police services are now sending liaison officers to and teaching on were all inspired by the OPP Framework, the OPP Provincial Liaison Team program, and the OPP Indigenous Awareness Training program.

Although Ottawa Police pioneered the liaison program, SP#106 referenced the fact that the OPP influenced the evolution of both the RCMP and National Framework policies. “Absolutely we [the OPP] were the driving force with the RCMP and some municipal services. The OPP developed a structured bureau and program following Ipperwash.” SP#106 related how the OPP shared their Indigenous awareness training model with the RCMP who then developed their CCMG Course, which was encouraged through some of their large events. The CACP PWIP National Framework committee was established from that. SP#106 added, “It’s great that the OPP are able to assist in getting other police partners involved in the program and we are very involved in developing their training.”

SP#112 supported the comments of SP#106 by pointing out that the National Framework evolved from decade’s worth of work involving not just the OPP and RCMP, but also several different self-administered First Nation police services. “The National Framework is a culmination of decades of work on the part of many police services including the RCMP, OPP, and self-administered Indigenous police agencies. The Ontario Framework policy factored prominently in the CACP National Framework.”

SP#112 added that there were several OPP staff members on the CACP Policing with Indigenous Peoples committee, and that study participant also pointed out that OPP Indigenous Policing Bureau staff assisted in the development of the CACP National Framework. SP#112 stated that, “The OPP and the RCMP work closely on management of protests, and the extensive experience of RCMP in BC and OPP was leveraged during the creation of the National Framework.”

Both SP#310 and SP#312 outlined how the RCMP and OPP used a proactive measured approach at occupations and protests and how the RCMP’s Divisional Liaison Teams were similar to and modeled on the OPP’s Provincial Liaison Teams. SP#312 stated that, “The RCMP has been using a proactive engagement approach since the 1990s. In recent years this has evolved to be known as the measured approach, which is referenced and outlined in the National Framework.” They added that, “The RCMP entrenched that approach in 2015, with the creation of the Divisional Liaison Team. The OPP has similar full time police personnel called Provincial Liaison Teams.”

Unlike the OPP Framework which is critical policy for Ontario’s provincial police service, other police services in Ontario or Canada are not required to adopt it or create their own policies based on it. The participants in this study who played a role in the development of the National Framework described the National Framework as a best practices document that was intended to address any and all issue-based conflicts and is not limited to those impacting Indigenous Peoples or communities.

When the National Framework was developed by the CACP PWIP committee, it was intended to be a foundational document that police services could use to create their

own policies on mass demonstrations and assemblies. Like the OPP Framework, those policies could be tailored to their own local circumstances and needs. Despite the fact that the National Framework title does not reference Indigenous critical incidents, the CACP PWIP committee strongly recommended that police services consult in a meaningful way with Indigenous and non-Indigenous communities when they are developing their own framework policy so that they can understand local needs and issues.

In an analogous way that the OPP Framework policy evolved from the aftermath of the shooting death of Dudley George by police at Ipperwash, SP#312 pointed out that the measured approach referenced in the National Framework was developed in the aftermath of police interaction with Indigenous Peoples at various occupations and protests across Canada, including the 1995 Ipperwash crisis. “The approach was developed in the wake of several critical events involving conflict between the police and Indigenous Peoples and communities, including the widely recognized crises that have occurred in Oka, Rexton, Ipperwash and Caledonia” (SP#312). Like the lessons learned from the Ipperwash crisis and the recommendations that emerged from the Ipperwash Inquiry, SP#312 added that through these critical events, “police services have learned several significant lessons pertaining to a measured response to all demonstrations and assemblies. The inquiries, recommendations and analyses that followed these critical events aimed to improve police responses.”

One of the study participants acknowledged that unlike the OPP Framework, the National Framework is more focused on the community at large rather than on

Indigenous communities and issues. Several other study participants referenced the change that had taken place in the policing with regard to officers paying more attention to the non-Indigenous community affected by First Nation occupations and protests. That change evolved in the aftermath of the 2006 Caledonia crisis where police were accused by the media and local residents of turning their backs on townspeople and protecting the illegal occupiers of the Douglas Creek Estates.

Regardless of those changes, some of the participants justified how police treated townspeople at the 2006 Caledonia occupation claiming at that point in time, the anti-protest protesters posed the greatest threat. “It is like, who is being the most violent. That’s who I am going to face. I look at it from where my greatest threat is coming from” (SP#109). SP#109 added that, “If things are being thrown from the townsfolk side, I am going to face the townsfolk. If it is being thrown from both sides, I am going to face both sides.” They added that, “I am going to face wherever the threat is coming from, and I don’t care if it is Aboriginal or non-Aboriginal.” SP#315 was at the same protest as SP#109 and added that, “It was like one of the most bizarre experiences I ever had.”

Other participants pointed out that in addition to the OPP Framework being brand new at the 2006 Caledonia crisis and that the officers were trying to make things work as best they could with the limited amount of training and exposure they had to the policy, there may have been a lack of impartiality on the part of police at that protest. That study participant referenced the importance of police impartiality or neutrality by highlighting the fact that the police are not advocates for any causes beyond safe communities and improved First Nation policing standards. SP#210 pointed out that, “We are impartial in

the sense that we have a stake in the game, but we are there to ensure lawful, peaceful, safe protests.”

Indigenous Critical Incidents

Concerns about the use of the term “Indigenous critical incidents” in the title and text of the OPP Framework was raised by a few participants in this study. One of the participants commented that the OPP Framework was created in response to the 1995 Ipperwash crisis and was introduced in 2006 at the Ipperwash Inquiry, so that is why the focus of the policy is on Indigenous critical incidents, unlike the CACP National Framework. According to another participant, when the National Framework was being developed, various Indigenous and non-Indigenous stakeholders were consulted about the use of the term Indigenous critical incident in the new policy. Several of those stakeholders expressed their displeasure with the use of that term claiming that it had a negative or pejorative connotation to it. Some Indigenous stakeholders felt that term Indigenous critical incident criminalized Indigenous People and their legitimate forms of dissent. As a result, the term Indigenous critical incident was not used in the title of the National Framework.

Within the preamble of the National Framework, there is reference to “Indigenous demonstrations, including protests and occupations,” however unlike the OPP Framework for Police Preparedness for Indigenous Critical Incidents, the title of the National Framework just references “Demonstrations and Assemblies” and makes no mention of Indigenous critical incidents. SP#114 provided some clarification on this issue. “In the National Framework, it does not say anything about Indigenous critical

incidents. The reason for that is kind of a very OPP specific thing that was responsive to the Ipperwash Inquiry. So, the RCMP doesn't have it in there." SP#114 added that, "We included a question in the police and community [National Framework survey] we did with a definition of an Indigenous critical incident and just basically asked them what you think about this?" According to SP#114, by using the term Indigenous critical incidents "some of the community responses said things like by definition you are criminalizing Indigenous People."

SP#110 acknowledged that some First Nation leaders and members had also raised concerns about the use of the term Indigenous critical incidents to describe constitutionally protected forms of activism. Some of the First Nation community members felt the use of the word "critical" gave the impression that Indigenous Peoples were being criminalized, despite the counter argument that within police parlance critical is intended to mean a priority. "You are saying that Indigenous critical incidents are a separate thing than a protest about a G8 Summit or a G20. Basically, you guys are over criminalizing us." SP#110 added, "Then I have to explain no, critical in my world means things are important. Critical means priority, and it is one hundred percent a priority for us to work within, but it doesn't necessarily always involve Indigenous."

In addition to concerns raised by stakeholders about the use of the term Indigenous critical incidents, SP#110 acknowledged there was merit to the discussion about changing the formal name of the OPP Framework policy for other reasons as well. Because of the effectiveness of the OPP Framework approach, SP#110 pointed out that PLT members are often called upon to apply the tenets of the OPP Framework policy to

many diverse types of non-Indigenous critical incidents, including anti-COVID-19 mandate demonstrations and protests. According to SP#110, the presence of PLT members at those and other types of non-Indigenous incidents, it can cause confusion for some members within the organization about why PLT members who work primarily with First Nation communities and issues are involved.

RQ2. Strengths and Weaknesses of OPP Framework

Relationship building and the work of the Provincial Liaison Team were two of the most consistent themes identified as major strengths of the OPP Framework policy. Twenty-one of the 23 study participants referenced the critical work that the PLT members do in First Nation communities across Ontario establishing, building, and maintaining positive relationships and trust both before and after Indigenous critical incidents have occurred as the policy's greatest strength.

Provincial Liaison Team

According to the OPP Framework, PLT members are responsible for “providing specialized support and assistance in establishing and maintaining open and transparent lines of communication with all stakeholders who may be affected by a critical incident” (OPP, 2018, p.4). In addition to those duties, they are also responsible for “building relationships of trust, mutual understanding and respect between police and all stakeholders” and for undertaking all the responsibilities outlined in the PLT Standard Operating Procedures (OPP, 2018, p. 4). SP#114 made a point of highlighting the fact that the work the PLT does in community outreach and relationship and trust building in

support of the OPP Framework and helping detachments and special units is often overlooked or overshadowed by what they do at First Nation occupations and protests.

In spite of the importance of the PLT's work before and after an Indigenous critical incident and its nexus to the success of the OPP Framework approach, so too is their work during the critical incident stage. One of the Indigenous study participants provided some insight into the role of PLT at First Nation occupations and protests. That role includes initiating contact with the protesters to determine the cause of the demonstration. When a First Nation protest starts, the first officers on scene are often uniform officers from the local detachment because these types of incidents usually involve a road, rail, or bridge blockade or the occupation of a residential or industrial development site. According to SP#204, "Once a perimeter is set up and things are starting to get laid out, then the PLT members would be the ones who would actually go up and speak with the protesters." It is the responsibility of the PLT members to "try to determine what the issues are and how can we resolve this." (SP#204). PLT also lay out the consequences protesters could face if protesters engage in illegal or unsafe activity. SP#204 added that it is "important for the PLT members to have that cultural competence training and understanding of what all the issues could be" at these types of critical incidents.

SP#204 also pointed out that First Nation protesters are not only aware of the existence of the OPP Framework policy, but they are deeply knowledgeable about it and sometimes reference or quote from it when dealing with PLT members. However, SP#204 stated that some protesters mistakenly believe the OPP Framework is a rigid and

prescriptive process that police have to follow to the letter. “They all know now that we have a Framework that we’re dealing with” and protesters are told that the police “will be working within the Framework to the best that we can, but if you create a situation that the Framework won’t apply to or can’t be applied to, then you have to deal with what happens” (SP#204). Several of the study participants asserted that the PLT members get to know the protesters and protest leaders, especially at recurring occupation sites such as Caledonia and Tyendinaga. The PLT members are also aware of the different and sometimes competing leadership structures that exist within First Nation communities and they can use their connections, knowledge and cultural competence to diffuse or mitigate potentially challenging situations.

One Indigenous participant who referred to the OPP Framework as a relationship document, provided an example of the resource-saving work that PLT members did at a protest in a Northern Ontario First Nation community which had experienced strained relationship with the police. The public order unit had been deployed to the area because there were credible threats that a fuel depot in the community might be attacked by protesters. However, because of the PLT’s contacts in that community and the relationships and trust they had built with the First Nation members there, they were able to secure a commitment from the protesters that no such attack would take place, reducing the need for additional human resources and equipment to be flown to that remote location.

As important as the OPP Framework is, SP#208 identified the PLT and “people on the ground who are getting it done right” as the policy’s greatest strength. SP#106

provided a glimpse into how passionate PLT members are about the OPP Framework approach and how stressful their work can be. “It is very emotionally draining work. Most of the people [PLT members] are very passionate about what they are doing. They believe in the program. They believe in the Framework and when it is successful, it’s amazing.” SP#208 added, “I have seen tears at the end of events where it’s like, ‘wow, like we really got through that, and you know, we got the right result.’” Conversely, SP#208 stated, that “on the other hand, it could be devastating to people on a personal level. I’ve seen where they’ve [protesters] put officer’s private information out on social media, like attacks on officers that have endured for months.”

Building Relationships

In spite of their perception that the OPP Framework was not effective, SP#102 pointed to the building of relationships and trust that the PLT members are engaged in as the policy’s greatest strength, along with the dialoguing and networking that accompanied that activity. That participant stated they had never advocated that the OPP Framework be done away with because “the dialoguing, the networking, the getting out there to talk, to understand the culture, to understand the issues, one hundred percent it is a very good document in that aspect.”

Three other study participants identified open and honest dialogue, along with the relationship building, and the ability to slow things down at occupations and protests as some of the greatest strengths of the OPP Framework policy. By slowing things down, one of the study participants said it gave police the time to speak to the community or to allow the community to speak to the police. “The strength of the Framework is it gives us

the opportunity to speak or it gives the opportunity to the community to speak” (SP#211). They added that unless there are overriding safety concerns, there is generally no need to rush at First Nation occupations and protests, so the OPP Framework allows police to purposely slow things down to plan out next steps.

SP#303 stated, “I think the strength is the encouragement of open and honest dialogue and building relationships. I think it is a well-intentioned document. There is no question whatsoever.” One of the study participants said that unless there are immediate and overriding safety concerns or issues that necessitates an instantaneous and high-level police intervention, police need to take the time to allow the PLT members to talk to the protesters, to find out what the issues are so that they can try to resolve the situation peaceably. According to SP#218, “The strengths [of the OPP Framework] are the ability to slow things down. The goal is to slow things down. Okay if there are no safety issues here, we can sit and talk.”

Saves Lives

Another study participant said the strength of the OPP Framework was the fact that it saved lives and saved the organization millions of dollars. According to SP#301, the fact that the policy encouraged the police officers on the scene to seek common ground with the protesters, to negotiate with them at every opportunity, to facilitate productive communication, and to find a safe resolution to the conflict deterred officers from unnecessarily resorting to the use of force, which saved lives on both sides of the barriers. “It ultimately has saved us millions and millions of dollars in inquiries and police action and potentially loss of life and taking lives, like in Ipperwash.” SP#301

added, “It really set the groundwork for a more cohesive, well thought out relationship-based approach, as opposed to the hard line, law and order approach.”

Not Prescriptive

Another strength identified by study participants was the fact that the OPP Framework policy was not prescriptive. Unlike the RCMP and other police services’ policies which are written in a legal style, SP#101 stated that the OPP Framework was written in non-legal language so it was easy to understand and does not tie the hands of the major critical incident commander during the critical incident phase. “The Framework is so broad, it’s not prescriptive in a way that when you arrive, okay you will do X, you will do Y, you will arrest people - that’s not it” (SP#101). That study participant stated that RCMP policy is so prescriptive that it impairs officers’ ability to get work done. SP#101 added that, “I would hate to get so prescriptive on these difficult issues as opposed to general preparation, relationships, planning, dialogue, discretion, et cetera, which is within the Framework.”

At each of the three stages of an Indigenous critical incident (pre-critical, critical, and post-critical), the OPP Framework provides the major critical incident commander and others with a detailed list of what to look for, what shall be done, and what may be done. SP#207 stated that the OPP Framework’s strength is the fact that it is flexible and provides incident commanders with the opportunity to improvise and produce an innovative solution to a standoff rather than having to resort to the use of force. According to SP#207, the OPP Framework has “huge latitudes, and it is adaptable, and you can improvise when you use it.” SP#207 also pointed out that the OPP Framework

policy provides direction on “what to do, but it isn’t prescriptive in how officers should do it.” According to SP#207, that non-prescriptive approach allows MCIC and PLT members to produce innovative or novel solutions to what is an extraordinarily complex situation. “General George S. Patton said, ‘never tell people how to do things. Tell them what to do, and they will surprise you with their ingenuity’. So, I do that with PLT members all the time.” SP#207 added that it is not unusual for the PLT to produce a highly innovative and non-traditional approach because the OPP Framework allows for that latitude.

Some of the other strengths of the OPP Framework identified by the study participants included the fact that there was a built-in mechanism to sit down with the community after an occupation or protest had occurred to produce ways to improve relations, to work together, and to ensure there is not a reoccurrence of the occupation or protest. Participants also suggested one of the strengths of the OPP Framework is the fact that it can and has been used by other police services across Ontario to deal with non-Indigenous critical incidents and the policy allows for the exploration of more sustainable solutions and encourages and empowers all segments of the community.

Other participants identified such strengths as it is fully transparent and publicly available and well known to protesters; operational decision making is made at the conflict site and not at police headquarters; it is a consistent roadmap and takes culture into consideration; it takes into account the big picture; it focuses on making a friend before you need a friend; it is a common sense approach to arriving at a peaceful conclusion rather than forcing a solution on the protesters by resorting to the use of force;

it is built on the premise of giving respect to get respect; and it was recognized by the Ipperwash Inquiry as a best practice approach.

Discrepant Cases

Although there was widespread acknowledgement that the relationship building work of the PLT members was one of the OPP Framework policy's greatest strengths, there were some discrepant cases uncovered during the data analysis. One of the participants felt it was the role of the detachment commander to build and maintain relationships with First Nation communities and leaders in their detachment area, not the PLT. Other participants felt that detachment commanders should take on the role of incident commander at First Nation occupations and protests happening within their detachment area, especially if they have built trusting relationships with the First Nation community leaders in that region.

Although some felt there was merit in that assertion, SP#121 drew attention to the fact that the detachment commander still had to look after their detachment during a protest. Their absence from the detachment could become very problematic at prolonged events such as Caledonia and Tyendinaga. That participant did, however, highlight how the detachment commander needs to be kept in the loop as to what is happening at the protest. "The difficulty would be if on the ground the detachment commander wasn't being kept well informed about what was going on because in fairness to any detachment commander, they are answering the questions when people show up for shift" (SP#121).

Although they do not take on a lead role when a First Nation occupation or protests takes place in their detachment area, detachment commanders nonetheless have a

vital role to play in support of the major critical incident commander who is assigned to oversee the police response to the Indigenous critical incident. According to the OPP Framework, detachment commanders are expected “to remain alert and sensitive to Indigenous critical incidents during any stage of the cycle and to provide report backs and updates re all critical incidents and engage required resources through the chain of command” (OPP, 2018, p. 4). In addition to their ordinary duties, the detachment commander is also expected to consult with their local police services board, elected officials, and interested community members and groups about the protest, so as SP#121 stressed, “It is important that they be always kept in the loop by the major critical incident commander.”

The two other discrepant cases pertaining to this research question involved concerns raised by some participants about the potential for Stockholm Syndrome to set in within the ranks of the Provincial Liaison Team given the extraordinary amount of time they spend with First Nation community members and protest leaders dialoguing and building trusting relationships. Two of the participants emphasized the importance of PLT members maintaining impartiality and neutrality while undertaking their duties and for them to not become, or appear to become, advocates for the issue which gave rise to the occupation or protest. The duties of officers at such incidents are not to take sides, but to ensure any such protests are safe, legal, and peaceful.

Although there was overwhelming support of the OPP Framework, participants did identify some weaknesses or challenges in its application at occupations and protests. Some of the themes that emerged from the analysis of the data for this aspect of this

research question included the refusal of protest leaders to engage with PLT members or to negotiate with them in good faith; the amount of time it takes to resolve Indigenous critical incidents using the policy; and widespread negative public and stakeholder perception about the policy. The latter theme was driven by the liberal use of police discretion and restraint when criminal offences were committed at First Nation occupations and protests. Each of those and other sub-themes will be discussed.

Uncooperative Protest Leaders

One of the central tenets of the OPP Framework is the promotion and development of strategies that fully minimize the use of force. During the critical incident phase of an occupation or protest, some of those strategies include providing different options to the parties involved to diffuse the situation and to create a safe resolution, the use of negotiation at every opportunity, and seeking out common ground (OPP, 2018). Those strategies are more likely to succeed if protest leaders or protesters are fully engaged and cooperating with the incident commander and/or the PLT members. Several of the study participants acknowledged that the OPP Framework is most effective when that cooperation exists and less likely to be so when it does not exist. “So, you are trying to use the Framework with somebody who will not negotiate in good faith with anybody, so its effectiveness was limited” (SP#105).

SP#107 stated that, “If we have hardcore, left wing antifa types, they’re not going to communicate or engage. That’s a different thing...you’re only as good as your audience or your clients.” SP#306 agreed with SP#107 stating there are there are some protest groups that police have tried to use the OPP Framework approach on and to

dialogue with, however, those groups steadfastly refuse to talk to the liaison officers because they have an anti-police agenda. In those applications, the opportunities for success are limited. “If you have dialogue, you have understanding. It simply just comes down to that. When we have a refusal to dialogue that’s when it [the Framework] is ineffective because we really can’t get anywhere with that, which we have at times” (SP#306).

SP#306 described some of the encounters they had with protesters who had a strong anti-police agenda. According to SP#306, these anti-police groups will tell PLT members as soon as they show up and introduced themselves that they do not talk to the police. However, SP#306 added, there are occasions where there is an Indigenous component mixed in with those anti-police protest groups and “the Indigenous person who knows us will start talking to us and they are literally told, ‘No, don’t speak to them, they’re police.’ I’ve witnessed this.” That same participant pointed out that some of those anti-police protest groups engage in criminal or violent activity, and their refusal to negotiate with PLT members often results in the laying of criminal charges.

According to SP#306, despite competing agendas between the PLT and these anti-police protest groups, liaison team members nonetheless continue to fulfill the mandate of the OPP Framework by using negotiation at every opportunity during their interaction with them. “Some relationships are more hostile, and criminality and violence are part of their agenda. I’m not speaking of Indigenous groups here as we are engaged in many non-Indigenous demonstrations.” SP#306 added, “So inherently our agendas are opposed to begin with as ours is always ensuring public safety so conflict will likely

result.” In such cases, SP#306 stated, charges would normally follow, however, the PLT nonetheless continue to try to negotiate with them.

Negative Public Perception

Another challenge to the effectiveness of the OPP Framework or weakness identified by most of the study participants is the negative public and stakeholder perception that surrounds the policy. According to these study participants, the public’s perception of the OPP Framework approach is often shaped by social and mainstream media and the negative reporting and mischaracterization that takes place there on the use of police discretion and restraint, or conversely, the police use of force at First Nation occupations and protests. SP#107 attributed much of that negative social media about police and the OPP Framework to so called “keyboard warriors.” “What’s being reported by what is commonly known as a keyboard warrior leaning in on an event that’s happening in Tyendinaga or Six Nations, as if they were there and fanning the flame on the social media side.” SP#114 stressed that unlike with traditional mainstream media, with social media “anyone can make a narrative about anything and they can tell a story anyway they like.”

Some of the study participants talked about the extraordinary steps that police have undertaken to try get ahead of the false narrative that is being propagated on social media for the purpose of fanning the flames or inspiring others to engage in sympathy or solidarity protests. One example provided by SP#208 involved a situation wherein false reports of police use of force on First Nation elders at Tyendinaga had inflamed residents in the Six Nations of the Grand River. To calm the situation down, police were compelled

to fly video recordings of the interaction between themselves and the protesters to those upset communities to provide proof that no such police use of force or abuse of the elders had taken place. “We actually burned a lot of the footage taken by the public order units and by different units that were there just to record it, converted it to a CD and it was to be put on a Pilatus.” SP#208 added that this can happen nationally too and they pointed out that every time things “flare up on the west coast or the east coast fisheries, PLT has their ear to the ground, or the intelligence people are talking to their contacts and asking what the temperature is, what is the appetite for support.”

Despite the negative public and media perception about how police manage Indigenous critical incidents, the broad use of discretion and restraint by police at First Nation occupations and protests is in keeping with the OPP Framework policy. That policy clearly indicates that officers shall use discretion and a carefully measured approach, employing only the level of force necessary to ensure the safety of all citizens, enforce the law, enforce court orders, maintain or restore peace and provide order and security (OPP, 2018, p. 3). In the post-Ipperwash world, the peacekeeping role that is a central tenet of the OPP Framework is aimed at “minimizing violence, keeping and restoring public order, maintaining neutrality, facilitating rights and establishing trusting relationships” (OPP, 2018, p. 3).

Two-Tiered Policing

Allegations of police engaging in a form of two-tiered or bias-based policing in favor of Indigenous protesters is often a manifestation or expression of that public negativity. Those allegations arise when immediate enforcement action by the police is

not visible or known to the public when criminal offences occur at First Nation occupations and protests or when anti-protest protesters are immediately arrested. SP#301 stated that the public and media perception in those situations was that the police were not fulfilling their mandate. “I think the biggest problem with the Framework, isn’t the Framework, it’s the public and media around us claiming we just want to shirk our duties and not take action because we’re scared.” SP#301 added, “Then we’re criticized for the two-tier policing for arresting the non-Native people and not the Native people and we’re not focusing on the real problem.”

According to SP#102, when police refused to arrest First Nation protesters at Caledonia for disobeying a court injunction, the protesters became empowered and they began to tell area citizens there were not allowed to fly Canadian flags near the Douglas Creek Estates. SP#102 stated that the protesters “don’t recognize Canada”, and they decreed that there can be no Canadian flags flying down by that site. “They can’t be within our eyesight. So, we arrested a man for carrying a Canadian flag. That’s how bad it got” (SP#102).

SP#210 and other study participants acknowledged that the 2006 Caledonia protest was the first application of the OPP Framework policy and although lessons have been learned since that application, some in law enforcement still mistakenly see that as the way police should manage First Nation occupations and protests. “Caledonia was really the Framework’s first application, and our organization has been running off that application since 2006.” SP#210 added that, “Sometimes people will fall back on that as that’s the way that it is done, but I think we have learned a lot of lessons from there.”

They added that “if you look at Christie Blatchford’s book on basically the application of the Framework and the misuse of it, leading to what she referred to as two-tiered policing.”

Some of the study participants stated that the lack of enforcement action by police during the commission of criminal offences by Indigenous protesters served to fuel the anti-protest movement, inspired local vigilantism, and often attracted outsiders or interlopers to the protest site. This becomes even more acute when the occupations drag on and negatively impact local residents and shoppers because the roads were blocked off or the schools were closed. One participant characterized a prolonged occupation as a drawing card for everybody across northern United States and Canada who wanted to cause trouble.

One study participant chronicled an incident where an interloper came into town intent on causing trouble by approaching First Nation protesters and taunting them with a Canadian flag. These types of situations often necessitated police intervention to keep the peace and to ensure no one—protester, townspeople, or interloper alike—was seriously injured. Fortunately, according to the study participant, the Indigenous protesters were content to allow the police to manage the anti-protest and interlopers. However, situations such as this often-pitted police directly against already upset local residents or townspeople. According to SP#322, the weakness of the OPP Framework approach is in prolonged events because such events have the “potential for the anti-movements to gain strength. In Caledonia, the last time around, there started to be a movement of the ‘if the police aren’t going to deal with this, we will group’, almost like vigilantes.”

Time Required

Study participants also identified the amount of time required by police to implement the OPP Framework as a weakness or challenge to the effectiveness of the policy. One of the study participants stated it takes time to go through all the steps outlined in the OPP Framework policy, and another participant said that time equates to money, especially when the occupation or blockade involves a major transportation link like a passenger or freight rail line or a trans-Canada highway. “It takes time to resolve these issues because there are always different scenarios, different geographies, different people involved, different communities, the impact on communities provincially and nationally” (SP#208). SP#119 echoed those comments. “What is bad about it [the Framework] is that it is time consuming. Like anything else, it takes time to go through it all and to take all these steps.”

According to several of the study participants and to newspaper articles and business studies, the costs associated to prolonged First Nation occupations and protests can be substantial and lengthy protests can even affect national trade and commerce. McClearn (2020) contended that the Wet’suwet’en sympathy or solidarity rail blockades that took place at Tyendinaga and two dozen other locations across Canada in 2020 had a significant impact on the nation’s economy because Indigenous protesters purposely targeted high-traffic freight and passenger rail lines. In addition to the monetary impact of such blockades, the Canadian National Railway contended that such incidents harm Canada’s reputation as a stable place to do business and to make investments (Dawson, 2020).

SP#320 referenced the millions of dollars a day in lost revenue that occurs when occupations and protests occur involving blocked railway lines, which the OPP Framework policy does not take into account. Applying the OPP Framework “takes a long time, and the almighty dollar doesn’t come into the factor of how long it takes.” SP#320 added that one rail official said, “if this goes on another day, we have lost another million dollars.” SP#320 stated that “the Framework does not take that into account” and commented that that was the only weakness they perceived in the OPP Framework approach. Two other study participants described an incident wherein the vice president of a major railway corporation negatively impacted by the blockade flew to a town adjacent to the scene of one blockade with the intent of engaging in a conversation with the major critical incident commander so that they could expedite the removal of the First Nation occupiers from the tracks. According to those study participants, the railway official did not get an audience with the major critical incident commander and was prevented from interfering in police operations at the protest site.

Internal Costs

In addition to concerns raised by study participants about the costs to external stakeholders such as business owners and townspeople, other study participants identified internal costs to police services using the OPP Framework as a weakness of the policy. According to SP#216, prolonged First Nation occupations and protests resulted in high overtime costs which caused distress for some senior managers in the organization and can result in organizational impatience. “The weaknesses are impatience internally within the police, fiscally it doesn’t come cheap, long deployments” however, SP#216 suggested

the police service was “spending dimes to save dollars by deploying this way.” They added that “a lot of people just see the immediate overtime required” and not the longer-term dividends that come with a non-violence approach to resolving Indigenous critical incidents. In addition to the human resource deployment costs, SP#216 drew attention to the fact that there are significant costs to the police service associated to ensuring every member involved has been trained to the extent where the OPP Framework approach is ingrained in their minds. SP#216 suggested that if some form of education or training was made available to community members and other stakeholders who are critical of the Framework’s peaceful approach “they might be able to recontextualize the injustices that the Canadian government and others inflicted on Indigenous Peoples at residential schools.”

Based on the participant interviews and a review of the OPP Framework policy itself, there is little doubt that the successful implementation of the OPP Framework at prolonged Indigenous critical incidents represents a significant drain on police resources from a financial, human resource and equipment perspective. From a human resources perspective, the OPP Framework policy identifies the following personnel being engaged: regional commander; detachment commander; Field Services Bureau commander; Indigenous Policing Bureau commander; Corporate Communications commander; major critical incident commander; and the Provincial Liaison Team members (OPP, 2018, p. 4). In keeping with the integrated response approach that is used at Indigenous and other critical incidents, such additional resources as emergency response officers, tactical response officers, traffic management officers, crime unit

officers, evidence gathering teams, and intelligence officers would augment the detachment officers who are often first on the scene to any occupation or blockade.

Fallback for Police Inaction

Several of the study participants raised concerns about the OPP Framework policy being erroneously and sometimes purposely used as a fallback or crutch by officers not to take action when they should. SP#303 said this was particularly problematic in the pre-critical incident stage and suggested that there should be more enforcement by officers “at least at the pre-incident level, because once it gets into a full-blown occupation, the policy becomes the crutch.” SP#303 stated that “Police discretion has basically, in my view, been removed from the officers right from the get-go, and we need to be addressing this.”

SP#303 also suggested that officers purposely use the OPP Framework as an excuse not to take appropriate enforcement action during the critical incident stage. That study participant argued that this issue needs to be addressed in the preamble of the OPP Framework policy. They suggested that officers need to be given the liberty to exercise enforcement action if an opportunity or situation arises. They added that such enforcement action might “suppress this demonstration” and police “could prevent a few incidents by becoming a little more proactive just by removing protesters in the early stages” (SP#303). SP#201 echoed those comments, however, that study participant suggested that the lack of appropriate enforcement by officers at First Nation occupations and protests was more of “a leadership and communication issue than a policy issue”.

Criminal Activity

Two study participants suggested another perceived weakness in the OPP Framework was the fact that the policy does not provide direction to the police on what should be done when someone breaks the law at an Indigenous critical incident. A review of the policy indicates that it does indeed stop short of specifically directing officers what they shall do when criminal offences are committed at First Nation occupations and protests. The OPP Framework does however indicate that officers “shall investigate and take appropriate action with respect to civil disobedience and other unlawful acts,” but it cautions that officers “shall exercise discretion and use a carefully measured approach employing only the level of force necessary to enforce the law” (OPP, 2018, p. 3).

During his assessment of the OPP Framework at the Ipperwash Inquiry, Justice Sidney B. Linden commented that it is important that police services “retain considerable discretion as to how and when to enforce the law” at First Nation occupations and protests (Ipperwash Inquiry, 2007, p. 201). Prior to proclaiming that the OPP Framework and what was then called the Aboriginal Relations Team (ART) program to be best practices, Justice Linden noted that the facilitative, cooperative, and non-law enforcement focus of the new police approach to “Aboriginal critical incidents may seem unconventional and even extra-ordinary to anyone who is not familiar with current policing strategy and tactics” (Ipperwash Inquiry, 2007, p. 201).

Justice Linden also noted during his assessment of this unconventional and extra-ordinary police policy that the OPP Framework was silent on what happens when someone breaks the law (Ipperwash Inquiry, 2007, p. 202). He characterized the policy as

being much more “facilitative and cooperative and less enforcement-oriented” than what the public might expect and added that the “Framework does not mention what happens if someone breaks the law” (Ipperwash Inquiry, 2007, p. 202). Hedican (2012) characterized Commissioner Linden of having adopted a “wait-and-see approach” as to the effectiveness of this new police “soft and measured response and negotiation-like operational policy” which signaled a dramatic shift in the hard approaches and tactics using escalated force that police invoked at such Indigenous critical incidents as Oka and Gustafsen Lake in 1990 (p. 7). SP#208 argued that the OPP Framework was never intended to be “a roadmap for prosecution. It’s a roadmap to resolve an incident.” They added, “When it comes to interpretation of the law, I think that’s best left in the realm of the Criminal Code and case law and those particular things.”

Another study participant felt the direction not to make arrests that is given by management to officers witnessing criminal offences at occupations and protests is a perceived policy weakness. That participant stated that officers are directed to contact the command post for permission to arrest someone that they witnessed committing a criminal offence. “Officers were told in briefings that they were there to observe, and if you see somebody do something then you are to report that to the command post and wait for further instructions” (SP#202). That study participant added that officers are however given the authority to intervene in serious situations to prevent anyone from being injured without first seeking permission from the incident commander, but they still have to “call for permission to arrest” that offender. SP#103 stated once a First Nation occupation and protest gets to the critical incident stage, “I would say there is no use of force. Basically,

the order of the day is don't take any action, just observe, and that's where a lot of officers had difficulties.”

Other study participants underscored the challenges associated to that approach by pointing out that a police officer's natural inclination and duty is to arrest someone immediately if they witness them committing a criminal offence. SP#120 stated, “That is something that needs to be explained to officers because it is just their natural reaction to react and deal with a criminal offence or what is happening right before your eyes.” SP#120 added that “newer greenhorn” officers are told to “calm down” and “to pull out your phone and record it right now” instead of wading into the crowd of protesters to attempt to make an arrest. Other study participants commented that it is also the public's expectation that police will act immediately in those situations and the officers' failure to do so results in allegations of two-tiered or bias-based policing and elevated levels of public disaffection with the police.

Marginalization of Detachment Commanders

Two study participants identified the marginalization of detachment commanders and detachment liaison officers who have established good contact and relationships with local First Nations as a perceived weakness in the OPP Framework approach. According to SP#103, detachment commanders and detachment liaison officers who had established positive relationships with First Nation communities and leaders should be engaged more in resolving First Nation occupations and protests and they suggested this should be contained in the OPP Framework policy. “As long as that person has a great relationship

with the community, knows the players, and has the respect of the community, they should be an integral part of the ongoing discussion and dialogue” (SP#103).

Other participants countered SP#103’s assertion and provided rationale as to why the detachment commander is not specifically detailed to take charge of an Indigenous critical incident in their catchment area. One participant claimed that the primary reason they aren’t put in charge of police response to a protest occurring in their detachment is the need for the commander to run his or her detachment while a prolonged Indigenous critical incident is occurring and to look after their staff and the non-protest related community safety issues that arise. Others pointed out that the OPP Framework does allocate some responsibilities to detachment commanders so they do play an important support role to the major critical incident commander at Indigenous critical incidents.

Set-in-Stone Approach

Another weakness identified by the study participants did not specifically relate to the OPP Framework policy itself but was more focused on such ancillary issues as training, communication, and how the policy was perceived inside and outside the organization. As an example, SP#104 identified how and when the OPP Framework gets used as a perceived weakness more so than the policy itself. Of particular concern to that study participant was the belief by some managers in the organization that the policy should be applied in a “set-in-stone” manner as opposed to a more flexible or fluid way. “I think it would be weak if somebody tried to use it as a set-in-stone type thing. If an incident commander used it as a set-in-stone thing, I don’t think it will work very well.” SP#104 added that the OPP Framework policy works well, “but the weakness comes

down to the way it's used and the way it's applied in my view. Flexibility is important maybe not in how the Framework is applied, but when it's applied."

Failure to Build Relationships

Although there was overwhelming support expressed by the study participants for the work of the PLT members, some participants identified issues in the past where contacts within and trusting relationships with First Nations had not been made by some PLT team members. In some cases, the participants who raised this issue felt the PLT members who were involved at that time lacked the necessary relationship building skills to accomplish that task. "The weakness is officers who don't make those contacts and when conflicts happen and they are not engaged" (SP#205). As a result of PLT members not making those contacts, incident commanders had to rely on their own contacts and relationships when an Indigenous critical incident occurred at that First Nation. Alternatively, the incident commanders had to bring in the detachment commander or detachment liaison officer or other officers whom they knew had the local contacts to assist them with the occupation or protest.

SP#205 stated that there were some "PLT members deployed full-time that were supposed to have the community contacts and they just didn't have the contacts or hadn't built a relationship that you were hoping were there, so you start using your own personal ones." SP#205 suggested that PLT officers who do not have the requisite skills and abilities to build relationships with First Nation communities and leaders should not be selected for or allowed to remain in the PLT role. "If you have somebody using a

relationship-building policy document that can't build a relationship, then you've got to get rid of them" (SP#205).

Another study participant drew attention to an associated problem when those relationships have not been built within First Nation communities during the pre-critical incident stage. That study participant stated that PLT are not notified or alerted ahead of time by trusted contacts in First Nation communities that a protest is going to take place when those trusted relationships do not exist. As a result, the detachment commander, the major critical incident commander and the PLT members are forced to marshal the needed resources quickly to contain the situation. "The biggest weakness is if the pre-phase has not been effectively covered off. If we do not get prior notice of an event and we have to jump right into it. Surprises are never good." SP#306 and others mentioned that "the time to build rapport is not during the crisis." Despite supporting the OPP Framework, SP#306 and others acknowledged that "there's always room for improvement and if anything, we need to consider public engagement more, not just stakeholder engagement moving forward."

To address some of the perceived weaknesses, several of the study participants suggested the training that police officers receive on the OPP Framework policy should be enhanced. Several of the study participants had received little or no formal training on the OPP Framework policy, while others reported the training was superficial at best and contained "a lot of jargon as opposed to plain language." SP#318 stated the only weakness to the policy was the fact that police are "not screaming it from the rooftops" and suggested improvements need to be made so that everyone, including politicians,

understands why police invoke a more conciliatory and patient approach at First Nation occupations and protests. “We don’t have a strong mechanism for making sure everybody understands it. There are not enough politicians who that understand what we are doing.”

One Indigenous study participant identified the OPP Framework’s silence on the importance of such things as the sacred fire that are often seen at First Nation occupations and protests as a weakness. That study participant stated that a lot of officers think the fires that you see at Indigenous protests are lit to keep the protesters warm. SP#120 added that many officers deployed to Indigenous critical incidents are not aware of the cultural importance of the sacred fire and they are not aware how to properly close a fire before police officers order protesters to leave or remove them in accordance with a court order, injunction or enforcement action.

SP#120 suggested officers need to be better trained on the importance of these and other cultural symbols and practices that routinely appear at First Nation occupations and protests. “If it [the sacred fire] is not closed properly and you just put it out, that is basically the spirit of the whole thing. That should be coming up in the training.” SP#318 described a situation involving a sacred fire in a burn barrel that had been set aside at an Indigenous critical incident until the PLT could consult with the local First Nation elders about how to deal with it in a culturally appropriate manner. SP#318 stated that while that consultation with the elders was ongoing, a non-Indigenous police officer arranged to have the burn barrel placed “in the back of a city truck doing clean up”. SP#318 commented that lack of knowledge by police officers “doesn’t bode well for continuing constructive conversations” and they suggested that police services need to have a

designated First Nations elder or advisor that they can tap into for these types of situations.

Weaknesses from Archival Records

There were some dated and some more current perceived or philosophical weaknesses of the OPP Framework policy identified during the analysis of existing documentation and archival material. The OPP Framework has been much maligned by Canadian lawyer Peter Best. His book entitled *There is No Difference: An Argument for the Abolition of the Indian Reserve System and Special Race-based Laws and Entitlements for Canada's Indians* and in his articles entitled “The Ontario Provincial Police’s Framework for Police Preparedness for Aboriginal Critical Incidents – A Planned and Deliberate Policy for the Enabling and Appeasement of Aboriginal Lawbreaking” and “The Grave Civic Danger of Race-based Law Enforcement” provide a glimpse as to the rationale behind his vocal opposition to the OPP Framework policy (Best, 2020a; Best, 2020b; Best, 2020c; Kay, 2019).

Some of the specific concerns about the OPP Framework policy raised by Best (2020a, 2020b, 2020c) in his book and articles relate to the following assertions:

- Indigenous offenders are not held accountable for criminal offences committed at occupations and protests, while non-Indigenous offenders are arrested immediately
- Indigenous critical incident is not defined within the OPP Framework
- Lawbreaking is disrespectful and shouldn’t be dealt with by a flexible response but a firm response

- Differences of positions and interests are mitigating factors a judge should consider in sentencing not the police
- Police are taking on the role of negotiator and mediator of Indigenous critical incidents
- The OPP Framework approach encourages lawbreaking when used in conjunction with a land claim issue
- Police are caught in the middle at protests
- Sorting out the myriad of complex underlying issues to a protest is beyond the purview of police
- Police facilitated lawbreaking by not acting to remove an illegal toll booth set up on a provincial highway during one protest
- Courts have ruled that police cannot use discretion to favor an individual or a group
- The OPP Framework policy has no special status within Canadian law and cannot supersede the Canadian Charter of Rights and Freedoms
- The Supreme Court of Canada ruled that police acted illegally when they made a pre-emptive arrest of a citizen engaged in a lawful activity (flying a Canadian flag) to avoid a breach of the peace being committed by Indigenous protesters
- Police use of the OPP Framework ignores victims and encourages anger, cynicism, and disengagement
- Everyone should respect the rule of law including the police or chaos will prevail

Discrepant Cases

There was one discrepant case identified during the analysis of the transcript data pertaining to this aspect of research question #2. One of the Indigenous participants stated that they did not perceive any weaknesses in the OPP Framework. Since that participant was Indigenous, they stated that they only saw the benefits of the policy. They stated that the police use of dialogue and their exercise of patience versus the use of force to resolve critical incidents was far more beneficial than how these situations were managed in the past. “I didn’t see any weaknesses. I always just saw the benefits of it, especially being an Indigenous man. Okay, we are going to take our time now and sit down and talk instead of trying to beat then heck of other people” (SP#211).

RQ3. Suggested Changes to OPP Framework

Although some of the study participants suggested specific changes be considered to the OPP Framework itself to improve its operational effectiveness and public acceptance, others emphasized the need for enhancements to such activities associated to that policy as training and education. In addition to the suggested changes made by the study participants, several suggested changes emerged from the analysis of existing documentation and archival material. All of those suggested changes or enhancements will be discussed in this chapter, beginning with the suggested changes to the OPP Framework policy itself. I will then review some of the suggestions for enhancement or expansion to the activities associated to that policy such as police training, public and stakeholder education, communications, the Ipperwash legacy, and working with government. I will conclude with the suggested changes or enhancements that emerged

from a review of the existing documentation and archival material that helped inform this research study.

Review OPP Framework Name

There was a discussion with five study participants about the actual name of the OPP Framework. Those discussions dealt with the use of the both the term “framework” and the use of the term “Indigenous critical incident” in the title and text of the policy. I will examine the concerns raised by participants about the use of the term framework first.

In addition to the term framework, such other terms as approach, guideline, policy, critical policy, operational policy, policing policy, strategy, and best practice have been used internally and externally to describe or define the OPP Framework. Some of the uncertainty around what the OPP Framework actually is might emanate from the fact the OPP Framework has been designated as a “critical policy” within the OPP and from the fact that the preamble to the OPP Framework indicates that it provides a “guideline” for police response to conflict and has applicability to both Indigenous and non-Indigenous issue-related conflict (OPP, 2018, p. 2).

In his review of the 1995 shooting death of Indigenous land defender Dudley George, Ipperwash Inquiry Commissioner Justice Linden indicated that the OPP Framework “sets out a broad policy structure for policing a wide range of Aboriginal critical incidents” (Ipperwash Inquiry, 2007, p. 197). Justice Linden also referred to the OPP Framework as “part of a comprehensive OPP strategy to improve policing of Aboriginal occupations and protests” (Ipperwash Inquiry, 2007, p. 197). In addition to the

OPP Framework, he added that part of that strategy includes the forerunner to the Provincial Liaison Team—the Aboriginal Relations Team—and other related programs, all of which he considered to be “best practices” (Ipperwash Inquiry, 2007, p. 202).

There are varying definitions of all of these terms. The definition of the term framework ranges from the legal definition of a system of rules, ideas, or beliefs that is used to plan or decide something i.e., a legal framework for resolving disputes to the non-legal definition of a framework being a real or conceptual structure that is intended to serve as a support or structure. It has also been defined as the identification and categorization of processes or steps that constitute a complex task or mindset to render explicit the tacit and implicit. An “approach” has been defined as a way of dealing with something or a way of doing or thinking about something.

A “guideline” has been defined as a statement or other indication of policy or procedure by which to determine a course of action or any guide or indication of a future course of action. “Best practices” have been described as a set of guidelines, ethics, or ideas that represent the most efficient or prudent course of action in a given business situation or a procedure that has been shown by research and experience to produce optimal results and that is established or proposed as a standard suitable for widespread adoption.

In his review of the document, Justice Linden stressed that the OPP Framework had also been designated as a critical policy within the OPP service “to ensure it was applied across the entire province” (Ipperwash Inquiry, 2007, p. 200). He explained that within the OPP, “a critical policy is determined to be of critical importance to OPP

employees from an operational perspective” (Ipperwash Inquiry, 2007, p. 200). SP#308 described a critical policy as such: “If a policy is designated as critical policy within the OPP, everybody needs to be aware of it, and you need to reference it in your briefings and in your response plans. Idle No More is a good example.” SP#308 added that “if you are a police officer in the OPP and you want to be part of the specialized unit and if they do anything that touches on Indigenous issues, you better know the Framework. The fact that the Framework is critical policy is important.”

To add to some of the misconception of what the OPP Framework is, according to some of the study participants a comprehensive suite of Standard Operating Procedures (SOPs) has also been developed for a variety of OPP Framework-related activities and topics including the mandate of the PLT, emergency response, and public order unit. To help clarify this issue, a review of the newly developed Canadian Association of Chiefs of Police (CACP) Policing with Indigenous Peoples committee National Framework was undertaken with some of the study participants who were actually involved in that important undertaking.

According to one of the participants, the National Framework is described as a “best practices” document that is intended to address any and all issue-based conflicts and not limited to those impacting Indigenous peoples or communities. Its intent was to outline considerations for police services to use when developing their own framework for police preparedness for Indigenous and non-Indigenous events (CACP, 2020).

According to SP#114 and according to the National Framework introduction, when it was developed, the National Framework was intended to be a foundational piece that police

services can use to build policies within their own organizations (CACP, 2020, p. 1).

“What we did was framed it as a best practices guide, so it is not actually a policy, it is a guide for police services to make their own policy.” SP#114 added that, “It says in it these are the important thing you need to include in it, but what you need to do is go out and consult with your own community and make your own policy, but it should probably contain all these things in one form or another.”

Some of the study participants suggested a term other than framework should be considered for the OPP Framework. Some suggestions included best practices, guideline or simply refer to the document as a Framework for Police Preparedness for Critical Incidents. SP#213 stated, “my issue is I don’t even know if framework is the right word for it. Best practices, or guidelines or whatever might be even better.” Based on the suggestions put forth by the study participants, consideration should be given to undertaking a review of the title of the OPP Framework for clarification purposes.

Reconsider Term Indigenous Critical Incident

The OPP Framework’s broad use of the term Indigenous critical incident (ICI) was also discussed during the participant interviews. According to two of the participants, that term was not included in the National Framework because of negative feedback they received from a community survey about its use. Some of the community members felt the use of that term connoted a criminalization of Indigenous Peoples and their legitimate forms of political activism. According to SP#114, unlike the National Framework and the RCMP’s policies, the use of the term Indigenous critical incident in the OPP Framework is linked to the fact that the policy was development in the aftermath of the 1995

Ipperwash crisis and specifically for the 2005 to 2007 Ipperwash Inquiry. According to SP#114, the National Framework does not say anything about Indigenous critical incidents. “The reason for that is kind of a very OPP specific thing that was responsive to the Ipperwash Inquiry. So, the RCMP doesn’t have it in there.” SP#114 added that a question about the term Indigenous critical incident was inserted in the police and community surveys that were undertaken during the creation of the National Framework along with a definition of that term. According to SP#114, some of the community members stated, “by definition you are criminalizing Indigenous People” and because of that perceived negative connotation to the term Indigenous critical incident, there is no reference to it in the National Framework.

SP#1110 stated that they had received similar negative feedback from some Indigenous People about the use of the term Indigenous critical incident in the OPP Framework policy. Indigenous stakeholders similarly felt that the term Indigenous critical incident criminalized them. SP#110 acknowledged the fact that there may be merit in dropping the term Indigenous critical incident from the title of the OPP Framework and suggested consideration be given to retitling it. “In non-policing terms, critical means well it’s really bad, and they are saying, basically, you guys are over criminalizing us. Then I have to explain ‘no critical in my world means things are important.’ Critical means priority.” SP#110 added that they had raised the issue about the use of the term Indigenous critical incident on a couple of occasions and suggested that “we could use the name Police Preparedness for Critical Incidents, or Assembly or Demonstrations, or whatever.”

As SP#110 and SP#114 noted, instead of the term critical incident, the National Framework uses the term demonstrations and assemblies to describe a protest event. Since the term assemblies has significance in First Nations cultural and organizational settings, the CACP PWIP committee noted in a footnote on the cover page of the National Framework that assemblies do not refer to community cultural events such as powwows or gatherings for advocacy organizations such as the Assembly of First Nations (CACP, 2020, p. cover page).

In addition to the concerns that were raised about the use of the term Indigenous critical incident from a cultural sensitivity perspective, some of the study participants pointed out that the inclusion of that term in the name of the OPP Framework causes confusion for some members within the organization. Despite the focus of the name of the OPP Framework on Indigenous critical incidents, which are acknowledged in the policy to be unique and different than other types of activist events, SP#110 and other study participants felt it was important to point out that the OPP Framework and liaison program were intended to be used at all forms of demonstrations and protests, not just Indigenous-related ones. “It is sometimes seen as just Indigenous related, which it is not. It is sometimes hard for people who live in this square or are those black-and-white people, to understand.”

SP#214 supported that assertion by highlighting the fact that the OPP Framework is also used at a variety of other forms of demonstrations, including anti-racism and Black Lives Matter protests. According to SP#214, those types of protests pose more of a challenge to the PLT members because they usually take place in cities policed by large

municipal police services and not smaller or rural communities policed by the OPP.

“Those were a little difficult for our PLT members because we do not typically get those types of protests, because usually they are in the bigger cities. SP#214 added that responding to those types of protests can be challenging because the PLT members do not have the same strong and trusted relationships built with BLM and other anti-racism protest leaders as they do with First Nation communities and leaders. “So, we don’t have the same relationships built up with those groups because we just aren’t exposed to them.” SP#214 pointed out “with a lot of the Indigenous groups, it is the same people protesting and we get to know who they are and the PLT officers form relationships with them.”

According to the OPP Framework annual reports, the OPP Framework policy has been successfully applied in a myriad of non-Indigenous protests and demonstrations, especially in large municipal police settings. In addition to the Black Lives Matter demonstrations, those protests and demonstrations included the Greenpeace occupation of the Kimberly-Clarke plant; the Compass Minerals labor dispute at the Goderich salt mine; anti-wind turbine and anti-uranium mining protests; anti-tow truck and dump truck legislation convoys; anti-COVID-19 mandate rallies; and even a Hells Angels Canada run. SP#117 stated that the presence of PLT members at those types of protests has caused confusion for some officers because they wrongly assume the OPP Framework approach only applies to Indigenous critical incidents. “I actually had an officer say, well, this is an Indigenous event. The Framework isn’t applicable because it’s not an Indigenous event.”

Even though the OPP Framework policy clearly indicates it can be applied at non-Indigenous events, not including the term Indigenous critical incident in the name of the policy may help clear up some of that confusion according to some of the study participants. “During 2021, you have to look at Covid and a variety of different things, and we apply the tenets of the Framework among all demonstrations, occupations, and protests” (SP#210). That study participant added that “not all Incident Commanders have recognized that” and “that sometimes, people get confused and they ask why the Indigenous Policing Bureau is reaching into me because this has nothing to do with an Indigenous demonstration.”

As one participant proclaimed, words and definitions having meaning in policing, so a review of the use of the term Indigenous critical incident would be prudent. Any such review of the use of that term should be undertaken in consultation with Indigenous groups to ensure it or an alternative term is culturally acceptable and appropriate.

Define Measured Approach

In addition to suggestions that consideration be given to reviewing the name of the OPP Framework, one participant suggested the definition of “measured approach” should be included in the policy. There is no definition of that term in the document despite the fact that the policy highlights that the OPP shall use discretion and a carefully measured approach, employing only the level of force necessary to ensure the safety of all citizens; enforce the law; enforce court orders/warrants; maintain/restore peace; and to provide order and security (OPP, 2018, p. 3).

The National Framework includes a detailed definition of the measured approach, along with definitions for such other Framework related issues as relationship building; lawful, peaceful, and safe demonstrations; impartiality; stages of conflict; interoperability; and education before enforcement, including both police and public education. The National Framework also contains details on the role of the liaison teams, selection criterion for liaison team members, the liaison team course syllabus; and examples of strategic messaging for responding to demonstrations and assemblies, including specific messages for traffic disruptions and situations where violence or criminal activity is taking place (CACP, 2020). The National Framework definition of measured approach is as follows:

The Measured Approach is an operational philosophy that guides the strategies and tactics of the police in the measures to employ in the prevention of disorder to achieve timely restoration of order. This philosophy emphasizes deliberate employment of proactive engagement, communication, mitigation, and facilitation measures, while preserving the option to employ a variety of tactical responses as necessary and seeking to respect the lawful exercise of personal rights and freedoms. (CACP, 2020, p. 3)

Because of the tragic and high-profile circumstances that necessitated the development of the OPP Framework policy in 2006 and in light of the prominent space it occupies in the police, public, and Indigenous worldviews and spheres of society, some consideration should be given to adding the definition of a measured approach along with definitions for other important activities undertaken by the PLT and other units

referenced in the OPP Framework policy. The definitions, language and the format used in the National Framework might be a useful model to consider if this recommendation is acted upon.

Make Current Copy Publicly Available

One participant recommended that an up-to-date or current copy of the OPP Framework should be readily available for interested members of the public, while another one suggested that police should be doing more to make the public aware of it. SP#108 stated that the OPP Framework policy “shouldn’t necessarily be secret. We don’t put our policy out for public view, but there’s got to be a way of taking portions of it and saying, ‘This is how we approach things.’” SP#218 added that “the only weakness is that we are not screaming it from the rooftops. We talk about it with groups, and we explain what the Framework is, but we don’t have a strong mechanism for making sure everybody understands it.”

Ipperwash Inquiry Commissioner Justice Sidney Linden made a similar recommendation pertaining to making the OPP Framework available to the public. Recommendation 41 of his report indicates that the:

OPP should post all significant OPP and provincial government documents and policies regarding the policing of Aboriginal occupations and protests on the OPP website. The OPP should also prepare and distribute an annual report on the Framework for Police Preparedness for Aboriginal Critical Incidents (Ipperwash Inquiry, 2007, p. 238).

In keeping with that recommendation, the December 2018 version of the OPP Framework is currently available on the OPP website, along with copies of the annual reports on the Framework approach from 2007 to 2020. To access those documents, the search window on the OPP website must be populated with such terms as Indigenous, First Nation, Aboriginal, protest, critical incident, or demonstrators.

A search of the Ontario government websites indicates that there does not appear to be a copy of the OPP Framework on Ontario's Ministry of Indigenous Affairs or the Ministry of the Solicitor General website, however, the 11-page undated 2006 version of the Aboriginal Critical Incident Framework along with suggested changes to that version of the Framework from the First Nation Chiefs of Ontario can be found on the Ministry of the Attorney General website. The Ontario Ministry of the Attorney General is responsible for administering the justice system in Ontario and protecting the public by delivering a wide range of legal services.

Although the current version of the OPP Framework is available on the *OPP.ca* website, details on what constitutes a critical incident, major incident, and Indigenous critical incident are not included in the actual policy that is posted on website. In lieu of the definition of each of those essential elements of the policy, the most up to date version of the online Framework document indicates "As defined in Police Orders, Chapter 5, Major Incident Command" (OPP, 2018, p. 2). The public can, however, access a definition of those types of incidents if they refer to "Section III – Applying the Framework" portion of the Framework annual reports that are also available on the *OPP.ca* website.

As Justice Sidney Linden highlighted in the Ipperwash Inquiry report (2007), how police manage First Nation occupations and protests matter to Indigenous Peoples, the police and to all Ontarians. Although a current copy of the existing OPP Framework is available on the OPP website, given the importance of this policy to Indigenous Peoples and to all Ontarians, some consideration should be given to including the definitions of critical incident, major incident, and Indigenous critical incident in the actual OPP Framework policy itself rather than requiring the public or interested stakeholders of having to go to the OPP Framework annual reports to find those definitions. Albeit it is a small step, public and stakeholder understanding of the OPP Framework may be enhanced by including those definitions in the policy itself.

Additionally, steps should be undertaken to encourage the Ontario Ministry of Indigenous Affairs, the Ontario Ministry of the Solicitor General, and the Ontario Ministry of the Attorney General to post an up-to-date version of the OPP Framework policy on their websites or to provide a link to the OPP Framework on the *OPP.ca* website.

Review Language and Format

During the interviews, two participants raised concerns about the language used in the OPP Framework. One participant stated that the OPP Framework had been developed by policy people and when it was introduced to the field it needed to be converted to “operational speak” so that officers could relate to it. Another participant suggested the OPP Framework should be written in plain language. During one First Nation occupation

and protest, a national journalist described the OPP Framework as “reading like a sophomore course in sensitivity writing, spiced with mush” (Den Tandt, 2013).

Despite the passage of 16 years since the OPP Framework was formally introduced at Ipperwash Inquiry, SP#202 indicated that the policy’s wording had not changed substantially since then. “Other than the name change, I don’t think there has been any actual changes to the Framework. It is basically the same thing that was written in 2006.” SP#310 pointed out that most changes had been undertaken for cultural sensitivity reasons such as the change from the term Aboriginal to Indigenous.

However, a review of the 2006 version of the OPP Framework does indicate some changes have been made to the policy beyond what the study participants described. Some of those changes include the addition of a “Preamble to the Introduction” section that delineates that the policy provides a guideline for police response to conflict and has applicability to both Indigenous and non-Indigenous issue-related conflict (OPP, 2018, p. 2). The “Applicability” section of the 2006 version of the OPP Framework was moved into the preamble section of the 2018 version of the policy. The current preamble also highlights that it is “the role of the OPP to make every effort to understand the issues and protect the rights of all involved parties” (OPP, 2018, p.2).

There were also changes made to the “Definitions” section of the OPP Framework since it was first released in 2006. The current version includes a definition of Indigenous People and although it references critical incident, major incident and Indigenous critical incident in the definition section, the public do not have access to those definitions

because those sections in the policy indicates “As defined in Police Orders, Chapter 5, Major Incident Command” (OPP, 2018, p. 2).

The 2018 version of the OPP Framework contains a “Role of the OPP” section that didn’t exist in the 2006 version of the policy, along with new sections on the “Uniqueness of Indigenous Occupations and Protests”, “Provincial Highway Blockade Strategy”, and details on the role of the regional/detachment commander, the Field Services Bureau commander, the Indigenous Policing Bureau commander, the Corporate Communications manager, the major critical incident commander and the Provincial Liaison Team (OPP, 2018, pp. 2–4).

In addition to those changes, there was additional detail added to the three separate phases in the conflict cycle. The “Critical Incident Stage” of the policy was amended from “What to Look For”, and “What Can be Done” to “What to Look For”, “What Shall be Done”, and “What May be Done”, however, there was no additional direction to police on what to do if illegal or violent activity takes place during that stage of the conflict cycle (OPP, 2018, pp. 4–7).

The 2006 version of the OPP Framework delineates the role of a critical incident mediator whose duties include:

meets with Aboriginal representatives and communicates police interests; listens for and identifies key issues and interests of the Aboriginal representatives; communicates these issues and interests to the incident commander; and develops in concert with the incident commander a mutually acceptable and lasting resolution strategy (OPP, 2006).

That position does not appear in the current version of the policy and those duties appear to have been subsumed into the role of the Provincial Liaison Team.

The original version of the OPP Framework also included a graphic outline of the Aboriginal Relations Team Concept of Operations that laid out “the communication that could occur between the Aboriginal Liaison, Operations and other OPP offices” (OPP, 2006). That graphical outline is absent in the 2018 version of the OPP Framework policy.

Although it was difficult to discern from the participant interviews who actually authored the 2006 version of the OPP Framework, SP#121 indicated that an Advisory Committee comprised of five Indigenous leaders from across Ontario provided the organization with direction and feedback on the many initiatives that were introduced in the aftermath of the 1995 Ipperwash crisis. “It was a series of initiatives that we took across the organization. It was kind of a backward put together. We actually started a number of initiatives such as training and revamping some of ERT stuff.” SP#121 added that “eventually, as we started to put it together for the Inquiry, we decided that with that group and with some of our people who were working on the Inquiry, our counsel and such, to put it within the Framework.”

Two of the study participants identified a former police officer in the Policy Branch of the OPP as having actually authored the actual OPP Framework policy document. However, it is important to point out that the OPP have a very detailed and prescriptive process for the development, approval and publication of internal policies that required at least four levels of approval in 2006 (Ipperwash Inquiry, 2007).

The process used to develop the OPP Framework in 2006 differed greatly from the manner in which the 2020 National Framework was developed. The latter policy was developed by members of the Canadian Association of Chiefs of Police (CACCP) Policing with Indigenous Peoples committee which included chiefs, deputy chiefs, and other senior members of Canada's federal, provincial, regional, municipal and First Nation police services. According to one study participant, liaison team members solicited feedback and input for the National Framework policy from various Indigenous and other community stakeholders across Canada.

The 25-page 2020 National Framework is extremely comprehensive, and given how and when it was developed, it could serve as a guide or model for a redrafting of the seven-page OPP Framework policy which, according to the 2018-2019 Framework Annual Report (2020) was authored in 1999-2000 and has not changed substantially since then.

Review Response to Illegal Activity

Throughout the participant interviews, there was a lot of discussion about the effectiveness of the OPP Framework approach when violent or illegal activity is taking place during the critical incident stage of First Nation occupations and protests. One participant suggested that the OPP Framework approach is appropriate when there are no problems or complications with the police-community relationship, however, once the situation becomes elevated and moves from pre-critical into the critical incident stage, they suggested that denoted a marked change in the relationship. SP#113 suggested in those instances, the OPP Framework does not provide the on-scene incident commander

with the flexibility and latitude needed. “The mere fact that you have to use the Framework means there is an elevated, different kind of relationship that you have to deal with. At the end of the day invariably nothing will go as per the Framework.”

Other participants raised similar concerns about the continued use of the OPP Framework approach during the critical incident stage, especially when protesters were committing violent or illegal acts. At that point, SP#202 suggested the OPP Framework should be abandoned in lieu of an operational plan based on making arrests and enforcing the law. “Once violence starts, that document is done. Now what you do is enforce the law, arrest these people, get them out.” SP#203 similarly recommended that a new standalone policy be developed for the critical incident stage when violent or criminal acts were being committed.

The only apparent reference in the OPP Framework as to what police should do when illegal or violent acts are committed during the Critical Incident Stage of an occupation or protest can be found in the policy’s “What May be Done” section. In addition to establishing policing interests, emphasizing negotiation, acknowledging underlying factors, communicating with disputants that they will be treated with dignity and respect, seeking out common ground, establishing a cooling off period, and considering the impact of decision on the safety of everyone, the OPP Framework indicates that officers may “respond to conflict with minimal use of force” (OPP, 2018, p. 6). Similar wording for the critical incident stage exists in the National Framework (CACF, 2020).

In the Role of the OPP section, the OPP Framework policy states that “the OPP shall investigate and take appropriate action with respect to civil disobedience and other unlawful acts” (OPP, 2018, pp. 2–3). In undertaking that action however, the OPP Framework specifies that officers “shall use discretion and a carefully measured approach, employing only the level of force necessary to: ensure the safety of all citizens; enforce the law; enforce court orders/warrants; maintain/restore peace; and to provide order and safety” (OPP, 2018, pp. 2–3).

The lack of detail on how police should manage illegal acts during the critical incident stage was not lost on Ipperwash Inquiry Commissioner Justice Linden. Despite his characterization of the OPP Framework as a best practice approach, Justice Linden pointed out that the policy “does not point out what happens if someone breaks the law” (Ipperwash Inquiry, 2007, p. 202). That may well have been what prompted Justice Linden to also characterize the OPP Framework approach as seemingly “unconventional or even extraordinary to anyone who is not familiar with current policing strategy and tactics” (Ipperwash Inquiry, 2007, p. 201). He added that “the text of the Framework is more facilitative and cooperative and less-enforcement-oriented than a layperson might expect in policing policy” (Ipperwash Inquiry, 2007, p. 201).

Despite their 2011 report detailing what they deemed to be “the excessive and dangerous police response during Mohawk land rights demonstrations on the Culbertson Tract” at Tyendinaga in 2008, Amnesty International Canada conceded at the Ipperwash Inquiry that there is a role for “conventional approaches to law enforcement in the midst of protests and disputes” (Amnesty International Canada, 2006, p. 15; Amnesty

International Canada, 2011; Ipperwash Inquiry, 2006). According to Amnesty International Canada (2006), “police must act when there is evidence of impending or actual violence or other threats to public order and safety, whoever the perpetrators or victims of that violence may be” (p. 15). They did, however, caveat that assertion with the safeguard that “this should not overshadow the need to develop new responses in the majority of situations when no such threat exists” (Amnesty International Canada, 2006, p. 15). That verbiage, or something similar, might be appropriate for inclusion in the preamble and/or critical incident stage of the OPP Framework.

As a result, several study participants recommended that consideration be given to addressing the issue of what police should do when illegal or violent acts are perpetrated during the critical incident stage of First Nation occupations and protests. Alternatively, some participants recommended a new policy be developed for those situations.

Review Police Discretion Concerns

Closely tied to that recommendation was the discussion on internal and external concerns about the liberal use of police discretion and restraint at these events. Several of the study participants stressed that officers’ purposely delaying arrests was a significant contributor to the negative public and stakeholder perception about the OPP Framework. Participants also talked about how this restrained and passive approach is counter intuitive to how police officers normally act and how they are trained. SP#209 stated that officers needed to be re-trained to respond that way because their normal inclination is to want to act and make arrests when witnessing criminal offences. “It is almost surreal because you wouldn’t put up with that [not marking arrests] in any other place, but down

there you know there is a lot of back-channel communications and everything gets sorted out eventually.” That study participant added that “People that do stuff have warrants put out for them. At the time, you may not make an arrest. So, just wrapping your head around that takes a little bit of extra re-training” (SP#209).

Several of the study participants felt that officer discretion has arbitrarily been removed from the police at Indigenous critical incidents. Unlike normal deployment situations, officers at First Nation occupations and protests are directed to get permission from the command post before making any arrests when witnessing the commission of criminal offences. Several study participants felt that that lack of officer discretion to make arrests, especially at the pre-critical stage, needed to be addressed in the policy. Some study participants felt that if officers had the ability to make arrests in the early or pre-critical stages without having to seek permission first that might prevent minor protests from progressing to the critical incident stage.

SP#303 recommended that the OPP Framework be opened up so that the discretion issue could be addressed. “Personally, I think they should open this policy and really look at it, and really address the officer discretion component, especially in the early stages. That’s got to be dealt with.” SP#303 went on to recommend that a preamble be added to the policy that gave officers permission to take appropriate enforcement action pre-critical incident if the opportunity presents itself without inflaming the situation. “I honestly believe we could prevent a few incidents by becoming a little more proactive just by removing protesters in the early stages” (SP#303).

Another study participant felt that responding to Indigenous critical incidents was extraordinarily complex, and it required officers to think strategically as opposed to just reacting instinctively or in accordance with their training by wanting to immediately make an arrest when a criminal offence is committed in their presence. SP#210 felt officers needed clarification on the nexus between exercising discretion by not resorting to the use of force and the OPP Framework approach. That participant felt some officers were confused about their role on the front lines and they needed to have a better understanding of what we are trying to do and what we are trying to create. “The application of it [the OPP Framework] is no different than the Use of Force Continuum, and really the discretion that all police officers have on an ongoing basis” (SP#210). SP#210 added that at First Nation occupations and protests “you are strategically thinking on a regular basis. And so, you are not dealing with a simple thing, you are dealing with something that is complicated and complex.” As a result, some consideration should be given to adding language to the OPP Framework that clearly addresses officers’ and the public’s concern about perceived police passivity and the liberal use of discretion and restraint in the policy.

Keep Non-Prescriptive

Four study participants underlined the importance of keeping the OPP Framework broadly based and non-prescriptive. SP#101 stated, “I think it’s a broadly-based Framework that is non-prescriptive and that’s all a good thing. I hope it doesn’t ever get more focused and in too much detail in the weeds. That would scare me.” SP#204 stated that protesters have a good knowledge of the OPP Framework, however, they have a

brick-and-mortar view of the police application of the policy. According to that participant, the police approach at First Nation occupations and protests has to be more fluid because there are times when the OPP Framework cannot be rigidly followed.

SP#113 suggested a strong pre-amble be written for the OPP Framework that acknowledges decisions have to be made based on what is happening on the ground and those decisions need to take into account the human dynamic. That study participant added that there are times when events will not follow the pattern laid out in the OPP Framework, and as a result, the on-scene commander needs some degree of autonomy or flexibility to react accordingly. “Sometimes you have to make up your own script as you go, but that is the same with every piece of legislation and every rule or regulation or policy right. It has to allow for the unforeseen, unplanned events” (SP#113).

SP#319 emphasized the importance of incident commanders being given the latitude to make decisions rather than blindly following the policy. “Don’t be so steadfast like this is the OPP Framework and it is going to be this way.” That study participant echoed the comments of SP#113 and stated that the application of the OPP Framework “has to evolve with what is going on. What are the problems? What do we see were the problems in the past, so let’s make the changes so the future is easier to deal with.” As a result, it is suggested that if any changes are made to the OPP Framework policy, the policy should continue to be broadly based and non-prescriptive.

Enhance Framework Related Training

Although some of the suggested changes that study participants made do not relate to the OPP Framework policy itself, they do relate to activities that operationalize

the policy and that are tied directly to its successful application. Police services in Ontario invest a significant amount of time and resources training staff on Indigenous history and culture and how to respond to First Nation occupations and protests. Several of the study participants suggested that Indigenous awareness and other forms of training needs to be enhanced and expanded to make the OPP Framework approach more effective and accepted inside and outside the police world. In addition to Indigenous awareness or cultural competence training and Framework- and incident-specific training, they also recommended an expansion or enhancement of training on the following topics: articulation; civil disobedience; crowd dynamics; crowd psychology; and emotional intelligence.

SP#211 suggested that police training about Indigenous Peoples be undertaken in conjunction with First Nation communities instead of away from them in a traditional police classroom setting. They indicated that approach could open up the lines of communication and foster greater understanding between the two groups. That participant suggested such training should also be undertaken in the traditional Indigenous way of communicating in a talking circle. “It is amazing when you put people into a circle, and everybody gets a chance to speak. That way everybody can hear everybody’s stories and where they are coming from.” SP#211 detailed how successful that approach was in the past when 20 members of an adjacent First Nation and the police were brought together in a training session. SP#211 stated that at the end of that training session the officers said “that they never knew how that affected people until I heard the

community talking. The community said they never knew how it affected officers until I heard them speaking, so, it is opening up that communication.”

SP#216 suggested officers should receive more training on the OPP Framework policy itself, especially before they are actually deployed to a First Nation occupation or protest. They felt the policy needs to be ingrained in officers earlier on in their career and “not when something gob smacks them, and they are trying to figure it out” at an actual First Nation occupation or protest. SP#318 agreed and suggested officers need to be better trained on the concepts within the OPP Framework policy earlier on in their career so that they fully understand what PLT team members do. SP#318 indicated that “when we did our training five months ago, we had 20- and 25-year officers going, ‘what is PLT anyways?’”

To reach officers and to make sure they remember how important the OPP Framework approach is, SP#217 suggested the need for emotional intelligence or EQ training for officers. “To me that EQ education is important. That trying to reach people intellectually and emotionally so that their head and their heart remembers.” That participant suggested the production of a high-end documentary with actual footage from First Nation occupations and protests, along with first-hand accounts from officers would be beneficial and more impactful. They added that officers could talk about their successes using the OPP Framework approach at protests and they could also talk about “what it felt like to have to be patient and what it felt like when the blockades finally came down” (SP#217).

SP#205 pointed out that many of the protests police deal with are related to hundred-year-old land and treaty disputes, which officers need to be better educated on so that they can fully appreciate the level of passion and commitment that Indigenous land defenders exhibit at these incidents and how that might impact the protesters' decision making and actions. "Many Aboriginal critical incidents are historical and are centered around treaties drafted hundreds of years ago and the government's failure to uphold their end of the treaty agreement." SP#205 added that "all officers need a clear understanding of the operational importance of the Framework policy, and some history on Aboriginal issues in Ontario and Canada." That participant added that "they also need to know that some protesters have a view that "this is the hill they want to die on" (SP#205).

SP#113 echoed SP#205's comments and suggested that officers need to understand why Indigenous passions run very deeply at First Nation occupations and protests. That participant stated that comes with a better understanding of Indigenous culture and history. "Being able to understand more about some of these longstanding conflicts that have been over these land claims issues was really important for people to understand that this is not just a recent event." SP#113 added that, "We are not in a position to change history, but we are in a position to manage the current event. Passions run very, very deep, as you know." As a result, consideration should be given to enhancing and expanding training on a variety of different OPP Framework related activities including Indigenous awareness, Framework specific training, incident-specific training, emotional intelligence, and crowd dynamics and crowd psychology training.

Enhance Stakeholder Education

Stakeholder and public education were other themes that evolved during the analysis of the data pertaining to suggested enhancements to the OPP Framework or its associated activities. Seventeen of the 23 participants felt the OPP Framework would be more accepted if such groups or entities as academics, business owners, community leaders, crown attorneys, elected officials, judges, the media, and the public were educated or better educated on the rationale behind the OPP Framework approach and why police do what they do at First Nation protests or don't do what they normally do at non-First Nation protests.

SP#113 reenforced the need for public education, however, they pointed out that the media plays an integral role in the public's perception of police actions at First Nation occupations and protests. "They don't know why these things are happening or whatever they are getting generally in the media is from the protesters themselves." SP#113 added that "it would be good to get the media to try and put something out that is a little more educational and a little more proactive."

SP#104 recognized the fact that the public have little or no understanding of the rationale behind the OPP Framework approach. That participant claimed the public believes police should simply arrest Indigenous protesters when they barricade roads and break the law. "A lot of the things you hear is you should go and arrest those people no matter where it is; arrest them right now and get this opened up; we want access to our property or business or whatever" (SP#104).

That same study participant acknowledged the difficulties associated to educating the judiciary and the media on the OPP Framework approach. “They need to be made aware of and have an understanding of what it’s like to work on the ground because lawyers and judges get to deal with things months after they happen, not in the middle of it” (SP#104). SP#104 added that these stakeholders need “to get a better understanding of what’s going through an officer’s head and mind at the moment that things are happening.” SP#321 suggested the PLT might look at producing an education booklet for the public so they can better comprehend why the police don’t immediately resort to the use of force to open up a road or rail line that is barricaded by First Nation protesters.

From a business education perspective, SP#321 recommended that police meet with officials from the major railroads and land developers and educate them about what to expect at Indigenous critical incidents and encourage them to create more positive relationships with First Nations now as opposed to when a rail connection or development project is occupied or blockaded. “I would also debrief with CN and CP and say to them, “This is what you need to anticipate going forward, and this is why you need relationships in the community.” SP#321 added, “You need to establish those now, not when the time comes. You may think as a private/public company that that is not your role, but if you want your product to roll, you need to be doing it.”

SP#321 also recommended that police could encourage business leaders to look at some of the work done in the oil and gas industry in western Canada by major corporations to build good working relationships with Indigenous leaders before problems arise. “There may be really good models of the gas and oil companies out in

Alberta who are already doing this, so I would be looking at what those models look like.” As a result, it is recommended that consideration be given to enhancing and expanding stakeholder and public education on the OPP Framework approach.

Create Robust Communications Strategy

Regardless of the challenges associated to educating the media about the OPP Framework, SP#307 recommended that police should do more outreach with them, especially in the pre-critical incident stage, so that the media have a better understanding of how and why police use the non-confrontational approach they do during First Nation occupations and protests. “I think that in this time of a non-conflict or relative peaceful demonstrations we should be constantly trying to do that engagement so that they [media] understand the Framework.” That participant also suggested that police should have a better understanding of what the media’s training needs and desires are pertaining to the OPP Framework. “We should actually and genuinely ask if there is anything else or anything different that they [the media] would like to see” (SP#307).

Several of the study participants acknowledged the challenges of using or relying on mainstream or traditional media outlets such as newspapers and television and radio broadcasts to educate and communicate with the public and other stakeholders about the OPP Framework approach. According to those participants, traditional media outlets often act as an anti-police or anti-Indigenous filter. Some participants stated that the media sensationalizes and criminalizes the Indigenous component of the occupations and protests, and they often mischaracterize the actions or inactions of police at such events. SP#202 stated that, “when people read the news reports the news tries to sensationalize

stuff and give you only half the information and not the whole information.” SP#309 echoed the comments of SP#202 and pointed out that the traditional method that police use to communicate with the public about what they are doing at First Nation occupations and protests ends up on the back pages of the papers and not in the headlines. “The media is always going to bend the message to what they want.” That participant added that “the police obviously put out media releases, but if they are showing up on the last page of the paper nobody is going to care or read it” (SP#309).

SP#105 and several other study participants drew attention to the fact that the media not only mischaracterize police actions at First Nation occupations and protests but they also sensationalize and mischaracterize Indigenous protesters actions as well. That study participant provided an example of that involving their own community.

When I was doing the Framework presentations, I talked about the media sensationalizing the violence associated with Aboriginal critical incidents. Then I would show them [officers] a bunch of pictures from Tyendinaga, Caledonia, Sharbot Lake, Big Trout and Akwesasne and I said, ‘When you look at these pictures, what you’re seeing is the media is focused on what is bad and what is violent, you know Warrior stuff.’ There was no violence here, but the media plays it up and that hypes everybody up and that makes everybody anxious. I said, ‘If they actually put the story out there it would say Shabot Obbadijwan First Nation shuts Highway 7 for 30 minutes while the protesters marched up the highway.’ No violence, nothing in the story, but that doesn’t sell papers. That doesn’t make media (SP#105).

SP#119 supported SP#105's comments and added that police are fighting a losing battle with the media and the public. "All they care about is why does that guy get to do that and if I did that, I would be in jail, but he doesn't go to jail. He just walks away."

SP#301 referenced the negative impact that the media, judiciary, and public criticism has on officers who are risking their safety and lives at some of these events. "All the criticism in the media and from the judiciary and people usually affects the officers." SP#301 added that the stress of being there, the constant threat of violence, and "then going back to their home communities from all over Ontario and having neighbors say, 'why the hell didn't you arrest those Indians?' So, I know it's really tough on the officers themselves." The OPP and other police services in Ontario have gone to great length to provide officers with the supports they need to deal with this and other profession related stress. The OPP have a suite of Healthy Workplace Support Services for staff that includes care navigators, chaplains, a peer support team, physical health support specialists, and psychologists. Those free services are available 24 hours a day, seven days a week. They have also established strategic partnerships with a variety of organizations outside of the police organization that provide confidential mental health support services to serving member, retirees and auxiliary members and their families.

In addition to the challenges police encounter with mainstream media, police face significantly more challenges when dealing with individuals using social media. SP#106 pointed out that the false information on social media debilitates police efforts to provide accurate information to the public. "Social media often negates our efforts and encourages rumors and misconceptions so when that is all you have to rely on it can be

very difficult.” That participant added that protest groups and the general public will see postings on social media and make assumptions about police that aren’t true, and vice versa. “So, if we’re not talking and dialoguing throughout, it’s very dangerous in this world with social media, as it is” (SP#106).

SP#207 provided an example of the challenges that social media poses from the Caledonia protest of how police efforts to get accurate information out to the public was thwarted. That example involved a video image of a uniform police officer being attacked in a marked police cruiser by First Nation protesters, which was watched millions of times. In the YouTube video two young, masked protesters smashed the front windshield of the police car with lacrosse sticks and rocks while yelling at the officer to leave the area. The protesters were able to counter the message with false information about police having encouraged that attack by deploying weapons against the protesters before they retaliated against the alleged police aggression. “The police put out the video clip of our members that got smashed up in the cruiser, and that got retweeted over a million times” (SP#207). According to the study participant officers felt that was fantastic, however, they pointed out that the protesters put out a counter video clip that “showed an ARWEN round and a Taser wire, and they [the protesters] said they attacked the cruiser because we [police] deployed ARWENS and Tasers,” which the police never corrected (SP#207). Police were able to identify the protesters involved in smashing the windshield of the police cruiser and arrests and charges were laid against them after the incident.

Regardless of the significant challenges that exist with social media, several of the participants recommended using that medium more strategically to get ahead of the false

anti-police narrative that is often propagated there. SP#114 stated that police in general need to make more of a concerted effort to combat the misinformation that is propagated on social media. “My feeling about that is the policing world in general needs to be better about combatting this information on social media,” and SP#207 said that “if somebody says erroneous, exaggerated, outright lies and falsehoods about the police, and about our actions or attitudes towards them, I look at it as our role is to get in front of that message.” SP#310 suggested police need a “robust communication strategy to ensure that people are aware of what we are trying to achieve” and SP#203 stated that “there has got to be more focus on a pro-active media component.”

Taking a big picture view of communications and First Nation occupations and protests, SP#221 suggested that police should undertake an analysis of the major Indigenous critical incidents that have happened to see if communication may have prevented the incident or mitigated its impact. “I think what I would be doing is going through layer by layer of those incidents to see if communication earlier or later would have made a difference.” Because of the impact that Indigenous critical incidents have on many distinct aspects of Ontario and Canadian society, it is suggested that police should consider creating a robust and proactive communication strategy to combat the misinformation that exists in both mainstream and social media.

Lessons Learned from Ipperwash Crisis

Some of the participants expressed concerns that the important lessons that police officers and police services learned from the Ipperwash crisis and other protests had been forgotten. They commented that this was especially dangerous for those officers who did

not have to live through the fallout from those events. SP#316 stated, “Candidly, Ipperwash, and the events in British Columbia are starting to fade and some don’t even have the memory of it. That’s dangerous.” SP#122 echoed that assertion by pointing out that policing has changed and how the fading memories of the lessons learned at Oka, Ipperwash, and Caledonia could be devastating for police as the mistakes made there and elsewhere could be repeated with dreadful consequences. That participant asserted that “we are so young in policing that my worst nightmare is officers are going to go in there not knowing the lessons of Oka, not knowing the lessons of Ipperwash, not knowing the lessons of Caledonia ‘06, and they are going to panic” (SP#122).

Some of the study participants who were police officers during the Ipperwash crisis but not deployed to the actual occupation described the impact that event had on them along with the impact it had on the actual officers involved. They also spoke about the incredible impact it had on the entire police service and other police services. One participant indicated that they didn’t know if the police service and members could survive another Ipperwash because of the intense criticism that resulted, both internally and externally. “I didn’t know if our organization internally, forget about external criticism, could actually take going through another shooting” (SP#121). At one Indigenous critical incident where the situation was close to spiraling out of control because the OPP Framework had not been properly adhered to, SP#217 stated, “I thought to myself holy smokes, throughout my entire career please, please, I don’t want to star in Ipperwash II. That wasn’t my goal. We had learned our lessons there. Nothing good happens or comes from that.”

SP#301 also referenced the legacy of Ipperwash and unapologetically acknowledged the fact that police were going to be criticized for using the peaceful and conciliatory OPP Framework approach, however, the participant added that the alternative was simply not acceptable. “It’s just always going to be, because if we do go in like Ipperwash and kill somebody, we are going to be criticized too. I’d rather be criticized for not killing people than for killing people” (SP#301). Several other study participants also made a point of referencing the fact that they often reflect on the Ipperwash crisis and how that situation spiraled out of control and resulted in the loss of life when they have to make complex decisions during some highly contentious First Nation occupations and protests.

One sub-theme that emerged from several participant interviews was the human costs or the toll that being deployed to First Nation occupations and protests takes on officers, especially for PLT and Indigenous officer. One participant asserted that the public doesn’t seem to consider or care about that and another said there is a movement to dehumanize police. SP#121 stated, “I will also tell you an interesting piece that I hope your study doesn’t lose, and that’s the impact on individuals through these things [protests]. There is such a human cost for the officers involved in this and nobody cares.” SP#310 agreed and stated that “they are dehumanizing the police as a culture. Over the last year and a half, we have seen the dehumanization of police officers, more so that we ever have since 2005” (SP#310).

SP#206 provided additional insight into the hardships that PLT and other officers endure at prolonged First Nation occupations and protests and how those adverse conditions and public antipathy can take a toll on them:

It does take a toll and in some of these longstanding events they are away from their families and their supports. They're not getting the best food and self-care, working long hours, and exposed to cold weather or other extreme elements. I remember during the MMIWG events in Tyendinaga, we were dealing with minus 40-degree situations where officers were out on the line for long days or nights wearing parkas, trying to stay warm. It's a hard job trying to keep everyone safe and we're in it for the right reasons. We are all very dedicated, but at the end of the day we are humans with emotions (SP#206).

One of the study participants indicated that they made a particular point of referencing the Ipperwash crisis and the shooting death of Dudley George during operational briefings at Indigenous critical incidents to ensure that tragedy is "in the forefront of our minds as we discuss this stuff, and these are some things that are going to potentially go wrong, and we should be aware of" (SP210). As a result, some of the study participants suggested that steps be undertaken to ensure that the lessons learned from the Ipperwash and Oka crises and other First Nation occupations and protests were not lost, especially on younger officers.

Dialogue with Government

The role of government at First Nation occupations and protests was a consistent sub-theme throughout virtually every participant interview. Several of the participants

stressed that most of the Indigenous critical incidents that take place in Canada have absolutely nothing to do with the police and everything to do with the government. Those participants were extremely critical of the lack of good faith engagement by the federal, provincial, and regional and municipal government to attempt to resolve the outstanding issues that give rise to First Nation occupations and protests.

Conversely, several of the participants were upset by criticism that was levelled at police by government and elected officials about not removing protesters by force from construction and residential housing development projects on disputed land or from blockades on public highways, bridges, and border crossings. SP#105 suggested if government and elected officials had a better understanding about the OPP Framework approach, they might be less critical of police. “I really do believe that government needs to understand the policy, what our folks are doing out there, how they’re doing, and be somewhat less critical of how quickly we react.” SP#105 added that with Six Nations protests in Caledonia you are dealing with a Treaty that was drafted in 1810 on the Grand River, and “here we are now in 2021 and we are supposed to be dealing with something that [the government] has done absolutely nothing with for almost 200 years.” SP#221 recommended that police need to dialogue with government about their role at First Nation occupations and protests to come to an understanding of exactly what police can expect from them at First Nation occupations and protests. “I would be having some hardcore discussions with government in terms of what they are prepared to do and not prepared to do” (SP#221).

The role of First Nation and local or municipal and regional governments at preventing or ameliorating Indigenous critical incidents was not lost on some of the participants. Proactively, SP#221 recommended that police engage with local government and encourage them to work more closely with adjacent First Nation band councils because the outstanding land claims that give rise to occupations and protests in their municipalities are not going away. The monetary losses and ill will that resulted from the occupations of planned residential developments like the Douglas Creek Estates and McKenzie Meadows might have been mitigated or avoided if the municipal mayor and councilors from Haldimand County reached out to their elected and traditional counterparts in the nearby First Nation community of the Six Nations of the Grand River. “I would be pushing even in Caledonia now because the Haldimand Tract is not going to go away. So, I would be pushing really hard for the communities to be thinking through how they are going to work together” (SP#221).

Despite some of the concerns that were highlighted by Justice Linden and others at the Ipperwash Inquiry (2007) about government being involved in police operations, one participant suggested much more government involvement in First Nation occupations and protests is needed. That participant recommended government invoke the “democratic policing model” when dealing with Indigenous critical incidents because of the lack of accountability to the public that is built into the OPP Framework approach. Leuprecht (2020) pointed out that “government are responsible for public services, and increasingly, growing gaps in service delivery are left for police to fill”. As a result of “dwindling government support for broader social services, officers are often thrust into

the role of expensive generalists, forced to take on more non-policing functions as public expectations grow accordingly” (Leuprecht, 2020).

As has been evident in countless First Nation occupations and protests, a them-versus-us atmosphere is created wherein police become the adversary of Indigenous land defenders and disaffected townspeople because the police are often the only representative of the establishment or the Canadian state present at such events. A central tenet of the democratic policing model is the engagement of government to set policy on how they expect police to respond to First Nation occupations and protests. According to Sancton (2012), in a democratic policing model the minister responsible for policing, which in Ontario is the Solicitor General, is entitled to issue a policy directive to police, which would be made public. Any such policy directive could legally provide police with direction that ranges from them refraining from taking action while negotiations between the First Nation protesters and government are taking place to police being directed to use available resources to keep public roads open.

Independent Third-Party Evaluation

In addition to the suggestions that emerged from the participant interviews, there were also some suggestions for changes or enhancements to the OPP Framework that emerged from my analysis of the existing documentation and archival material related to this topic. One such suggestion was Recommendation #40 from the Ipperwash Inquiry pertaining to police commissioning of an independent, third-party review of the OPP Framework (Ipperwash Inquiry, 2007, p. 238). In spite of the fact that Ipperwash Inquiry Commissioner Justice Linden declared the OPP Framework, the Provincial Liaison Team

program and other aspects of the OPP strategy to improve relations with Indigenous Peoples as best practices, he expressed concern about the sustainability of these unconventional and extraordinary strategies (Ipperwash Inquiry, 2007, pp. 202–204). As a result, he recommended that “the OPP should commission independent, third-party evaluations of its Framework for Police Preparedness for Aboriginal Critical Incidents and Aboriginal Relations Team program.” He added that these evaluations “should include significant and meaningful participation by Aboriginal representatives in their design, oversight, and analysis” (Ipperwash Inquiry, 2007, p. 238).

In an effort to contain the impact of First Nation occupations and protests and to safeguard the constitutionally protected rights of Indigenous protesters, Amnesty International Canada put forth a similar recommendation pertaining to independent evaluations of the OPP Framework:

The government of Ontario should collaborate with Indigenous Peoples to carry out an independent evaluation to determine the effectiveness of the Framework for Preparedness for Aboriginal Critical Incidents as a means to minimize the risk of escalation and ensure respect for and protection of the rights of Indigenous protesters” (Amnesty International Canada, 2006, p. 20; Ipperwash Inquiry, 2007, pp. 205–206).

Although they acknowledged the “number of significant structural reforms” that the OPP had introduced since the Ipperwash crisis, Amnesty International Canada (2006) stated that an independent evaluation of the OPP Framework with Indigenous input could

determine “how well the new direction signaled by the Framework had been institutionalized and acculturated within the OPP” (p. 16).

During the Ipperwash Inquiry, Amnesty International Canada (2006) also questioned whether “an independent evaluation of cultural bias within the force had occurred to measure the impact of the training its officers had received” (p. 17). The OPP commissioner readily acknowledged that it was challenging to attempt “cross-cultural sensitivity training once racist attitudes and behaviors had already been engrained” (Amnesty International Canada, 2006, p. 17). To support their additional recommendation that “independent evaluations of current cultural sensitivity training” within the OPP be carried out to “determine their effectiveness in achieving substantive changes to the perceived and actual attitudes of officers”, Amnesty International Canada (2006) referenced a Human Sector Resources Study that was produced for the Ipperwash Inquiry that showed police attitudes “did not actually change but in fact worsened after undertaking cultural sensitivity training” (p. 20; p. 17).

On a more limited but similar scale, the First Nation Chiefs of Ontario (COO) recommended that the OPP also introduce “a method to evaluate the operations of the Framework policy at the post-critical incident stage in conjunction with First Nation leadership to ensure ongoing success” (Ipperwash Inquiry, 2007, p. 205). More specifically, the First Nation Chiefs of Ontario stated that “at the post-critical incident stage, a method to evaluate the operations of this policy is necessary and must include the OPP, the disputants, and First Nation leadership to ensure ongoing success” (COO, n.d.). In her testimony before the inquiry, the OPP commissioner welcomed such input and

guidance from the Chiefs of Ontario, and she stated the police service was “prepared to work with First Nation leadership to develop additional assessment tools to add to the input currently received from the Commissioner’s Select Liaison Council on Aboriginal Affairs” (Ipperwash Inquiry, 2007, p. 205).

According to some of the study participants, Ipperwash Recommendation #40 and the recommendation of Amnesty International Canada has not been acted upon for a variety of reasons, although some steps were taken to begin such an independent third-party evaluation. SP#308 indicated that the organization had engaged someone to do it, “but the individual or individuals at the time realized it was a much more monumental task than they originally thought and how do they go about it.” Other organizational efforts to satisfy this recommendation were unsuccessful because of the challenge of finding an entity that was truly independent to conduct the review. Another participant pointed out that a number of different reviews and studies of the OPP Framework policy had been undertaken that could arguably constitute an independent third-party evaluation, however, Justice Linden was specific that any such independent third-party evaluation of both the OPP Framework and the OPP Provincial Liaison Team should include “significant and meaningful participation by Aboriginal representatives in their design, oversight, and analysis” (Ipperwash Inquiry, 2007, p. 238).

In reference to the First Nation Chiefs of Ontario recommendation that a post-critical incident stage evaluation be undertaken, one study participant underlined that there are evaluation mechanisms built into the OPP Framework. The post-critical incident stage of the OPP Framework advises officers in the “What to Look For” section to be

aware of “stakeholders wanting to reflect on what has happened, to discuss the lessons learned and to identify peace-building actions” (OPP, 2018, p. 6). Within the “What May be Done” section of the post-critical incident stage of the OPP Framework, there is also a suggestion that operational debriefings “may be done to review and assess operations and seek lessons learned” (OPP, 2018, p. 7).

After-action reviews (AAR) are a standard feature in large scale or high-profile police, public order, emergency response and field support unit deployments. Although AARs are not specifically articulated in the OPP Framework policy itself, there may be additional requirements for AARs or post-critical incident reviews of the effectiveness of the OPP Framework in the PLT Standard Operating Procedures or the TRU, ERT, MCIC, IPB, Field Support Bureau procedures, however, there is no reference in the policy that details that they must be undertaken, nor is there any indication in the OPP Framework policy of the level of involvement, if any, of the affected First Nation or the disputant leaders in any such reviews.

Given the myriad of important concerns that were raised by the participants in this research study, and notwithstanding the internal or other reviews and studies that have been undertaken into the OPP Framework over the past 16 years, it is strongly suggested that consideration be given to making a concerted effort to comply with Ipperwash Inquiry (2007) Recommendation #40 and the recommendations of Amnesty International Canada (2006) by engaging Indigenous leaders in the development of an independent third-party evaluation of the effectiveness of the OPP Framework, the OPP Indigenous Awareness Training program and the Provincial Liaison Team. Although such an

evaluation would be an expensive, resource- and time-consuming exercise, Indigenous Peoples, police officers, and all Ontarians deserve nothing less than an independent third-party review of this important operational policy given the impact that First Nation occupations and protest has had and will continue to have on this province and country and on Indigenous Peoples and communities. It is also suggested that some consideration be given to articulating the need for mandatory after-action reviews or evaluations of each significant Indigenous critical incident that takes place and where feasible, those AARs or evaluations should be undertaken in partnership with the affected First Nation. Some consideration should also be given to including a summary of those AARs or evaluations in the OPP Framework Annual Reports so an analysis of the lessons learned or suggestions for improvement can be undertaken and catalogued.

Suggested Changes from Archival Records

In addition to the aforementioned suggestions that emerged from the Ipperwash Inquiry, Amnesty International Canada and the Chiefs of Ontario briefs, several other suggested enhancements or changes emerged from my analysis of existing documentation and archival material, which will be highlighted below.

The First Nation Chiefs of Ontario (COO, n.d.) made the following recommendations pertaining to the OPP Framework policy:

- This policy be disseminated to all First Nation self-directed police services, First Nation OPP administer police services and communities who receive police services directly from the OPP.

- Enhance resources for First Nation police services to respond to these incidents i.e., mediator and ERT training
- Advocate for additional Aboriginal Liaison Officers (now PLT members) and stronger institutional support for Liaison Officers and Incident Commanders within the OPP process
- Ontario First Nations and the OPP require a process within the Framework to jointly select the appropriate personnel to fill ART (PLT)
- Local First Nation police services must play a lead role in all three stages of the incident and not be limited to only to the critical incident stage as currently defined
- At the pre-critical stage, a process of communication for having the OPP or local police service assist with peacekeepers at activism events be developed for the benefit of event organizers to ensure all the steps are taken to prevent a critical incident from happening

In a peer-reviewed journal article entitled “Policing Aboriginal Protests and Confrontations: Some Policy Recommendations” Hedican (2012) made the following recommendations:

- Police should be fully briefed on the reason for the First Nation protest, and they should be made aware of the presence of any burial or other sacred sites at that location that might lead protesters to have a heightened sense of emotion
- Indigenous person with training in negotiation and mediation should be used as a buffer between police and protesters at First Nation occupations and protesters

- Police should wear their regular uniforms at First Nation occupations and protests unless there is verifiable information that protesters have armed themselves
- Qualified government officials with expertise in land claim negotiations should be present at First Nation occupations and protests to diffuse tensions and to ensure the dispute remains within the civil realm and not the criminal realm
- To the extent possible, the actual protest site should be isolated so that individuals not directly involved in the dispute can inflame the situation
- Force should not be used by police to suppress legal, non-violent protests

On review, many of the recommendations put forth by both the Chiefs of Ontario (n.d.) and Hedican (2012) have been instituted in varying forms and degrees by the OPP, so they do not form the basis of any additional suggestions for changes to the actual OPP Framework policy that have already been presented.

Discrepant Cases

There were some discrepant cases identified from my analysis of the data collected by way of participant interviews related to suggested changes to the OPP Framework. Two participants, one of whom was an Indigenous officer, did not proffer any suggested changes to the OPP Framework policy itself as they felt it was very effective. One of the participants did however recommend joint police-community training be undertaken utilizing the First Nation tradition of doing that in a talking or speaking circle format to effectively open up the lines of communication and help each other understand the impact of their actions.

Summary

The purpose of this qualitative phenomenological research study was to address a gap in academic research and literature pertaining to police officers' perceptions about the OPP Framework policy, including its strengths and weaknesses, and what changes, if any, they felt might improve that policy's operational effectiveness or public acceptance.

The three research questions that guided this academic study were:

- What are police officers' perceptions about the OPP Framework policy?
- What are the strengths and weaknesses of the OPP Framework policy?
- What changes, if any, should be considered for the OPP Framework policy?

Data for this qualitative research study were collected by way of in depth, semistructured interviews of officers who had experienced the phenomenon of policing First Nation occupations and protests where the OPP Framework had been applied. Data were also collected from the analysis of existing documentary and archival material.

An analysis of those data provided insight into each of the three research questions. Three main themes emerged from the analysis of those data that included training and education; relationships and trust; and discretion and restraint. Some of the sub-themes that emerged from this research study included widespread negative public and stakeholder perception of the OPP Framework; police perception that government should be more engaged before, during and after protests; the legacy of the Ipperwash crisis; intra-band strife or divisions within First Nation leadership between the elected chief and council versus the traditional or hereditary chiefs and other community leaders; police perception of media sensationalism of Indigenous activism; the impact of social

media on police response to protests; the refusal of some protest leaders to engage with PLT members or to negotiate with them in good faith; and the extended amount of time it takes to resolve Indigenous critical incidents using the OPP Framework policy.

Although there were two detractors among the 23 participants, there was overwhelming support for the OPP Framework itself and for its use during the pre-critical incident, the critical incident and the post-critical incident stages. This research study also revealed the fact that officer support of the OPP Framework policy and approach was high regardless of the widespread and acknowledged criticism that the use of this policy had received from the media, impacted residents and business owners, members of the judiciary, and even the participants' own family, friends, and police colleagues.

Seventeen of the 23 participants provided unconditional support for the effectiveness of the OPP Framework, while five others qualified their support for this policy. The most consistent theme for those who provided unconditional support was the important work of the Provincial Liaison Team members in building strong relationships and trust with First Nation communities, leaders, and protesters. Others perceived the policy to be effective because it saves lives and money; it is adaptable, and focused on de-escalation and slowing things down; it is a roadmap or starting point at protests for every officer in the organization regardless of their rank or position; communication has been enhanced by the work of the PLT; the PLT are very knowledgeable and experienced; it engages First Nation members not just the police and it is about having respectful relationships with them; and it is about positivity and trust and more of that is needed in policing.

With respect to the second research question related to the OPP Framework policy's perceived strengths and weaknesses, relationship and trust building and the work of the Provincial Liaison Team were the two most consistent themes identified as major strengths of the policy. In spite of the overwhelming support of the use of the OPP Framework, participants did identify some perceived weaknesses or challenges in its application at Indigenous critical incidents. Some of the themes that emerged from the analysis of the data for this part of the research question included the refusal of protest leaders to engage with PLT members or to negotiate with them in good faith; the amount of time it takes to resolve Indigenous critical incidents using the policy; and the widespread criticism and the very public negative perception about the policy. The latter theme was driven by the public and media's consternation about the liberal use of police discretion and restraint when criminal offences were committed at First Nation occupations and protests as compared to the perception that police demonstrate less discretion and restraint at non-Indigenous protests.

With respect to the final research question related to suggested changes to the policy, all but two participants put forth some suggestions for changes to the OPP Framework policy itself to improve its operational effectiveness and public acceptance. Some of those suggested changes included: a review of the name of the policy; refraining from using the term Indigenous critical incident; putting the policy into "operational speak" so it would be better understood; making it more publicly available; and addressing the ongoing concern about the liberal use of police discretion at First Nation occupations

and protests, which has resulted in allegations that police engage in bias-based or two-tiered policing in favor of Indigenous protesters.

The participants also made several other suggestions for improvements to activities associated to the OPP Framework policy. Some of those suggestions included: enhancements to police training; expanding public education, external communication, and working with government. In addition to the suggestions made by the study participants, some suggested changes also emerged from my analysis of existing documentation and archival material. Those suggestions included that an independent, third-party evaluation be undertaken into the OPP Framework policy, the Provincial Liaison Team and police Indigenous awareness or cultural competence training program. That recommendation also included the caveat that Indigenous communities, leaders and groups be engaged to provide meaningful input on the structure and format of any such review.

The next chapter will include an interpretation of the study's research findings, and it will also include highlights on the study's limitations, recommendations for further research, and there will also be a discussion on the research findings' implications for positive social change.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

Indigenous critical incidents in Ontario and elsewhere across Canada have long taken the form of high-profile blockades and occupations on unceded or disputed traditional land. Such events led to the introduction of a new operational policy or approach in the province of Ontario known as the OPP Framework in 2006. Under the OPP Framework, police focused their efforts on peacekeeping, patient negotiation, mutual respect, maintaining neutrality, engaging in open and honest dialogue, facilitating the rights of everyone involved, and using the minimal amount of force necessary, and only as a last resort. Since then, officers have successfully used this approach at more than 700 Indigenous critical incidents and hundreds of non-Indigenous events, none of which have resulted in death or serious injury to police officers, protestors, or citizens (OPP, 2013, 2014, 2015, 2016, 2017, 2018, 2020). Nonetheless, the application of the OPP Framework at Indigenous critical incidents in Ontario has been met with widespread criticism (Alexander, 2016; Blackburn, 2010; Blatchford, 2009, 2010, 2013; CBC News, 2013a, 2013b; Chiefs of Ontario, 2006; Clancy, 2017; CTV News, 2007a; Dafnos, 2013, 2015, 2019, 2020; Den Tandt, 2013; Gillham et al., 2013; Gurney, 2013; Hedican, 2012, 2013; Howe & Monaghan, 2018; McVicar, 2013; Noakes & Gillam, 2006; Smith, 2007; Valpy, 2007; Whelan & Molnar, 2017; Wood, 2016; 2007).

There has been a distinct lack of academic research and literature into the OPP Framework approach and officers' perceptions of that policy. Even though there has been no academic or organizational effort to assess the OPP Framework policy, it continues to

be promoted as a best practice approach to responding to Indigenous and other critical incidents. The approach has also influenced how police manage large-scale demonstrations and protests nationally through the development of the CACP PWIP Committee National Framework (CACP, 2019a, 2019b, 2020). The purpose of this qualitative phenomenological study was to address the gap in the literature by exploring police officers' perceptions of the OPP Framework, including its strengths and weaknesses and what changes might improve that policy's operational effectiveness or public acceptance. The three research questions that guided this academic study were:

RQ1: What are police officers' perceptions of the OPP Framework policy?

RQ2: What are the strengths and weaknesses of the OPP Framework policy?

RQ3: What changes, if any, should be considered for the OPP Framework policy?

The data for this qualitative research study were collected through in-depth semistructured interviews of 23 officers who had experience policing First Nation occupations and protests where the OPP Framework was applied. The study participants represented a cross-section of law enforcement officers in Canada that included service in international policing, federal policing, provincial policing, self-administered First Nations policing, provincially supported First Nations policing, regional and municipal policing in Ontario and another province, and a combination thereof. Data were also collected from secondary analysis of existing documentary and archival material. Those data included the OPP Framework annual reports, governmental records, court records, newspaper and media articles, and reports published by the Ipperwash Inquiry (2007), Amnesty International Canada (2006, 2011), and the Chiefs of Ontario.

Although there were some detractors among the 23 participants, an analysis of the data indicated there was an overwhelmingly positive perception of the OPP Framework. That perception was evident despite the acknowledged and widespread criticism that the use of this policy has received from the media, affected residents and business owners, members of the judiciary, and even some of the participants' own family, friends, and colleagues. The most consistent theme for those participants who had a positive perception of the OPP Framework was the important work that the Provincial Liaison Team (PLT) members undertake in building strong relationships and trust with First Nation communities, leaders, and protesters. Positive perception of the OPP Framework also related to Indigenous critical incidents being resolved using a respectful, flexible, and measured approach that minimized the use of force to the fullest extent possible. The fact that no one had been seriously injured or killed in the 16 years the policy had been in use at Indigenous critical incidents in Ontario also contributed to the officers' positive perception of the OPP Framework, as did the fact that the OPP Framework, the PLT program and Indigenous Awareness Training program had been used as models for the development of the CACP National Framework by the PWIP committee.

Two participants, however, raised concerns about the effectiveness of the OPP Framework when violent or criminal acts were committed during the critical incident stage of a protest. The lone participant who felt the OPP Framework was not effective identified the requirement that police officers exercise discretion and restraint and seek permission from the command post before making any arrests for criminal offences at First Nation occupations and protests as the reasons for their lack of support for the

policy. By not allowing police officers to fully exercise their authority when crimes are committed, and by not enforcing injunctions and court orders in a timely fashion, the participant indicated that protesters become emboldened and empowered. This causes disaffection among the public and results in allegations that police engage in two-tiered or bias-based law enforcement at Indigenous critical incidents in favor of First Nation protesters. Despite this participant and another participant's reticence about the effectiveness of the OPP Framework during the critical incident stage of a protest, both participants acknowledged that the relationship building, networking, and dialoguing aspects of the OPP Framework undertaken by the PLT members were valuable and should be retained. They insisted, however, that once protesters resort to violent or criminal acts, the OPP Framework should be abandoned, a new policy should be developed, the law should be immediately enforced, and the law breakers should be removed.

With respect to the second research question about officers' perceptions of the policy's strengths and weaknesses, the relationship and trust building work of the PLT, the emphasis on community engagement throughout all three stages of a critical incident, and the requirement that police engage in open and honest dialogue with the disputants were the most consistent themes identified as strengths of the OPP Framework. Study participants did identify some perceived weaknesses in the policy as well. Some participants felt the policy was less effective when protest leaders refused to engage with PLT members or to negotiate with them in good faith. They also felt the amount of time it takes to resolve Indigenous critical incidents using the policy was a weakness, as was the

widespread negative public perception that police engage in two-tiered or bias-based policing when they delay arrests or prosecution of First Nation law breakers at occupations and protests but don't apply the same standard to anti-protest protesters.

Some additional weaknesses of the OPP Framework policy also emerged from my analysis of existing documentation and archival material. Those weaknesses included: the perception that Indigenous protesters were not being held accountable for criminal offences; police are forced to take on the role of negotiator and mediator at protests because of government inaction; some of the responsibilities assigned to police in the OPP Framework policy are beyond their purview; the OPP Framework policy encourages lawbreaking; and the OPP Framework has no special status in law and cannot supersede the Canadian Charter of Rights and Freedoms. Some participants raised concerns about the toll that prolonged First Nation occupations and protests take on members of the PLT, especially when those officers' are denigrated and their photograph and personal information is shared on social media. One participant characterized social media attacks on officers as an attempt to dehumanize police and emphasized the importance of organization support and understanding for PLT members and the PLT program.

With respect to the final research question, all but one participant proffered some suggested changes to the OPP Framework itself or to Framework associated activities. Some of the suggested changes to the OPP Framework itself included changing the name of the policy; refraining from using the term "Indigenous critical incident" in the title and text of the policy; putting the policy into "operational speak" so it would better understood by officers; defining measured approach and other terms used in the policy;

making the most up to date version more publicly available; and addressing the ongoing negative issue about police discretion, two-tiered or bias-based policing and what police should do when crimes are committed during the critical incident stage of occupations and protests. Some of the suggested changes to OPP Framework associated activities included enhancing and expanding Indigenous awareness training, incident-specific training, OPP Framework training, and training on topics such as civil disobedience, crowd dynamics, and crowd psychology. Participants also suggested public education on the OPP Framework, including education for academics, business and community leaders, elected officials, crown attorneys, judges, and the media be enhanced and expanded. Creating a robust and proactive communications strategy that included wider and more effective use of social media, ensuring the lessons learned from the Ipperwash crisis are not lost, and having “harder discussions” with all four levels of government about their role at protests were also suggestions put forth by the study participants.

In addition to the recommendations made by the study participants pertaining to research question #3, some suggested changes also emerged from my analysis of existing documentation and archival material. Such recommendations included advocating for more PLT members and strengthening support for the liaison program; ensuring local First Nation police services play a lead role in all three stages of Indigenous critical incidents; evaluating the operations of the OPP Framework policy during the postcritical incident stage in conjunction with First Nation leadership; and ensuring that qualified government officials with expertise in land claims negotiations are present at First Nation occupations and protests. One of the most significant recommendations that emerged

from my analysis of existing documentation and archival data was that an independent, third-party evaluation of the OPP Framework, the PLT program, and the OPP's Indigenous Awareness Training program should be undertaken with significant and meaningful participation by Indigenous representatives in its design, oversight, and analysis (Amnesty International Canada, 2006; Chiefs of Ontario, 2006; Ipperwash Inquiry, 2007).

Interpretation of the Findings

There were a variety of different themes and subthemes explored in the literature review in Chapter 2. Some of the major themes that were analyzed included the impact of colonialism on Indigenous Peoples in Canada; the different manifestations of Indigenous activism that resulted from government colonial policies and practices; strained relations between police and Indigenous Peoples; the challenges associated to policing Indigenous occupations and protests; the 1995 Ipperwash crisis and the development of the OPP Framework policy in its aftermath; the view of some academics that the Framework's non-violent and more conciliatory approach to dealing with Indigenous critical incidents was a form of strategic incapacitation; the conflict between the law enforcement and peacekeeping roles of police at occupations and protests; and the importance of cultural competence and diversity in policing.

In sharing their personal experiences as police officers at First Nation occupations and protests using the OPP Framework, the participants confirmed the themes and subthemes contained in the literature, with the exception of one discrepant case - the view that the OPP Framework approach constitutes a form of strategic incapacitation. That

widely held academic position was rejected outright. Study participants felt those scholars who viewed the OPP Framework's emphasis on resolving Indigenous critical incidents using dialogue and negotiation as a form of strategic incapacitation were misinformed and had relied on redacted reports obtained via freedom of information requests rather than talking to PLT members directly. By relying on those reports, academic researchers weren't able to put the OPP Framework approach into context and they weren't able to see how the police efforts to resolve protests without having to resort to the high display or use of force that was evident in Ipperwash were sincere and not a benign form of negotiated management. Another study participant claimed that the PLT had no desire to drive wedges between First Nation communities and they reenforced the fact that liaison officers worked closely with all elements of leadership in those communities, including elected chiefs and band councils, hereditary chiefs, elders, knowledge keepers, clan mothers, and chiefs and members of First Nation police services.

Impact of Colonialism

The peer reviewed journal articles that were discussed in Chapter 2 highlighted the impact that the state's colonial and settler colonial policies and practices had and continue to have on the lives and experiences of Indigenous Peoples in Canada today. Ignoring or dishonoring treaties that First Nation leaders entered into in good faith with the state and using a variety of questionable and unethical tactics to acquire the resource-rich traditional territories of Indigenous Peoples were the most common manifestations of those colonial policies and practices. The findings of this research study confirmed that

the residual effects of those unprincipled state policies and practices continue to negatively impact First Nation communities in Ontario and elsewhere in Canada.

The findings of this study also underscored how those ongoing colonial policies and practices bring Indigenous Peoples and the police into direct contact, and often into direct confrontation with each other at First Nation occupations and protests. According to several study participants, outstanding land claims cases that have been languishing in the courts for decades, and solidarity protests in support of the Wet'suwet'en First Nation's opposition to the construction of the Coastal GasLink pipeline across their traditional territory in British Columbia are modern day manifestations of the continuation of those colonial policies and practices. So too are the contentious occupations and protests that have brought police and land defenders from the Stoney and Kettle Point, the Six Nations of the Grand River and the Mohawks of the Bay of Quinte First Nations together at Ipperwash, Caledonia and Tyendinaga respectively over the state's encroachment on their traditional territorial lands.

The preamble of the OPP Framework acknowledges that police–Indigenous conflict may take place because of outstanding land claims and the deprivation of Indigenous Peoples' inherent or treaty rights. It also states that “conflict may arise as Indigenous communities and the various levels of government work to resolve outstanding issues associated with matters such as land claims, self-determination, and Indigenous or treaty rights” (OPP, 2018, p. 2). As the OPP Framework and several notable superior court decisions referenced, some of those inherent and treaty rights enable Indigenous Peoples to engaged in such activities as hunting, fishing, trapping, and

resource extraction on ancestral or traditional territories without the need for a license or government permits.

Several of the study participants identified the failure or refusal of government to honor those treaties signed with First Nations and the lengthy delays in accepting and resolving outstanding land claims as the impetus for most of the contentious occupations and protests that have taken place in Ontario and across Canada. One participant commented that “most First Nation occupations and protests have everything to do with the government and nothing to do with policing,” while another one said, “many Aboriginal Critical Incidents are historical and are centered around treaties drafted hundreds of years ago and the government’s failure to uphold their end of the treaty agreement.” Another participant referenced the slow pace at which First Nation disputes are resolved in the courts as the impetus for First Nation occupations and protests, and that participant not only implored the government to come to the table to settle those outstanding court cases, but also suggested the government do that in conjunction with the police.

According to some study participants, private and/or government encroachment on unceded, disputed, or sacred ancestral lands was the common denominator in many high-profile First Nation occupations and protests in Ontario, including Big Trout Lake, Chaudière Island, Caledonia, Ipperwash, Sharbot Lake, and Tyendinaga. Another participant provided evidence to support that assertion with an example from their own First Nation in southeastern Ontario wherein the provincial government had provided licenses to a mineral extraction company to go in and start mining for uranium on the

traditional territory of the Algonquin First Nation despite their and the adjacent municipality's stated opposition to such mining activity. Two other study participants drew attention to similar cases in Southwestern and Northern Ontario wherein one branch of the Ontario government was working with local First Nations to resolve an outstanding land claim while another branch of the same government was issuing construction and mining permits on the disputed land.

An important sub-theme that emerged from both the literature review and the participant interviews was Indigenous Peoples' strong connection to their ancestral homelands and traditional territories. That sub-theme is particularly relevant to any discussion of the OPP Framework and why police in Ontario use a peaceful and more conciliatory approach in an attempt to avoid conflict and to prevent an escalation of violence at First Nation occupations and protests. First Nation protesters' passion and willingness to stand up to the state and police was the subject of discussion with several participants. In the "Uniqueness of Indigenous Occupations and Protests" section of the OPP Framework, the policy highlights the protesters' "strength of resolve and commitment to issues, causing protesters, occupiers, and demonstrators to push back any attempt of force by police" (OPP, 2018, p. 3).

To better comprehend the resilience and passion that Indigenous Peoples demonstrate at occupations and protests, it is necessary to understand their innate connection to the land and their traditional territory. Dutta and Elers (2019) described land as being sacred to Indigenous Peoples and incapable of being transacted in the market so when treaties were entered into by First Nation chiefs with the government, the

notion that someone else could claim ownership to their traditional territories and lands that had sustained them for thousands of years was incomprehensible to Indigenous Peoples (p. 7). According to Krasowski (2019), settler colonial treaty makers avoided using the term “surrender” in their initial negotiations with First Nation chiefs, however, when the terms of the agreement were committed to writing it was clear from a government perspective the traditional territory had indeed been “ceded, released, surrendered, and yielded up to them.”

Other scholars contended that Indigenous Peoples perceive themselves to be stewards of “mother earth”, not owners of it, and in their worldview mother earth is inseparable from their culture, tradition, spirit, identity and very being (Alfred, 2017; Freeman, 2019; Lines & Jardine, 2019; Manuel, 2015, 2017; Martin et al., 2019; Neeganagwedgin, 2015, 2019). When Indigenous Peoples talk about the land, they are talking about their life and the lives of future generations. Alfred (2017) characterized it as a life and death struggle for the survival of Indigenous Peoples and to restore the living relationship between their ancestors, the land, and themselves.

Some of the First Nation study participants confirmed this innate connection that Indigenous Peoples have with the land, and they described how breaches of treaties which were intended to protect their rights to the land impacts their Peoples’ behavior at occupations and protests. Despite the passage of time since some of the treaties were signed by First Nation leaders as sovereign people with the British and Canadian governments, one of the study participants re-enforced the importance and continued relevance of those nation-to-nation agreements today. They stated that a lot of the officers

deployed to First Nation occupations and protests do not understand how vital and relevant those 200-year-old treaties are today. Treaties are a foundational part of Canadian society and according to many Indigenous leaders, all people living in Canada are treaty people with their own set of rights and responsibilities. That participant also stated that some Indigenous protesters are prepared to sacrifice their lives to protect their traditional territories and sacred land from any form of illegal or unauthorized encroachment by the state or private companies acting with the approval of the state.

Another First Nation participant emphasized how that innate connection to the land transcends any Anishinaabe, Haudenosaunee or other longstanding internal divisions that exist between Indigenous Peoples. Despite having extensive experience providing and facilitating Indigenous awareness training for police and community stakeholders, that First Nation study participant readily acknowledged that they continue to learn about that innate connection and responsibility that Indigenous Peoples have to mother earth. One non-Indigenous participant spoke about the importance of being able to understand more about Indigenous culture, heritage, traditions, and their strong connection to the land. They stated that that type of knowledge helps police officers have a better understanding of what motivates the Indigenous protesters to risk their freedom, safety and lives at First Nation occupations and protests. It also better enables police to comprehend why Indigenous Peoples demonstrate such heightened levels of passion and commitment at these types of critical incidents.

Strained Police–Indigenous Relations

Policing within Canada is the responsibility of various levels of government. With the exception of Ontario and Quebec which maintains their own provincial police services, the RCMP perform provincial, municipal and some First Nations policing duties, in addition to their national, international and border policing responsibilities (Clairmont & Potts, 2006). In Ontario, the OPP perform many of the duties that the RCMP perform elsewhere in Canada, including provincial policing, policing municipalities on contract, and the policing of First Nations that have not established their own stand-alone law enforcement agencies, such as the Nishnawbe Aski, Six Nations, Treaty Three, UCCM Anishinaabe, and Wikwemikong Tribal police services. Large municipal and regional police services also exist in such urban centers as Toronto, Ottawa, Hamilton, Kingston, Durham Region, Peel Region, and York Region.

During the early 1960s, the RCMP announced its withdrawal from policing First Nation communities in Ontario. By 1971, that withdrawal was complete, and the OPP took on that responsibility. Since many of the First Nations were remote fly-in communities with little or no police infrastructure, that responsibility presented a significant challenge to the OPP (Clairmont & Potts, 2006). Over the course of the next five decades, there have been numerous positive and negative developments in the policing of First Nation communities and police–Indigenous relations in Ontario. The positive developments included the establishment of the Indian Reserve Constable Program in 1975, and the signing of the first tripartite policing agreement between First Nation leaders and the federal and Ontario governments in 1981 (Clairmont & Potts,

2006). The negative developments included the arrest of dozens of First Nation and non-Indigenous old growth forest defenders by the OPP, including the current Canadian Ambassador to the United Nations, at Temagami in 1989, and the 1995 Ipperwash crisis in which a First Nation land defender was shot to death by police (Lackenbauer & Gulewitsch, 2014; Hedican, 2012; Clairmont & Potts, 2006).

One of the most significant developments in First Nations policing was the signing of the 1991-1996 Ontario First Nations Policing Agreement that gave Indigenous communities broader choices in how they wanted to be policed (Clairmont & Potts, 2006). Those choices ranged from using the OPP or an OPP-administered policing program, to the establishment of a self-administered, independent First Nation Police Services (Clairmont & Potts, 2006). Exercising the latter option, the Nishnawbe Aski First Nation, which encompasses a territory comprised of 49 Cree and Ojibwa reserves in 34 First Nation communities that stretch from the Manitoba and Quebec borders and the James Bay coast, established their own stand-alone police service in 1994 in what was the OPP's former Northwest Patrol area (Clairmont & Potts, 2006; Nishnawbe Aski Police Service, 2020). Policing a land mass that comprises two-thirds of the province of Ontario and equivalent to the size of France, the Nishnawbe Aski First Nation Police Service has the distinction of being the second largest Indigenous police service in North America, with 134 uniform officers and 30 civilian members (Clairmont & Potts, 2006; Nishnawbe Aski Police Service, 2020).

Despite its enormous size compared to other First Nation law enforcement agencies, the Nishnawbe Aski Police Service (NAPS), like many other Ontario First

Nation police services, has suffered from chronic underfunding by the Canadian and Ontario governments, who provide 52 and 48% of their budget respectively, and by a lack of proper infrastructure (Nishnawbe Aski Police Service, 2020; Kiedrowski et al., 2017). Evidence of that assertion can be found in an incident which occurred at the Kashechewan First Nation in January 2006 when fire destroyed an old house that had been converted into a makeshift police station, killing two prisoners, and severely injuring the officers who attempted to free them. Unfortunately, the building was not equipped with working smoke detectors, fire extinguishers, sprinkler systems, or fire-retardant mattresses, all of which are mandatory for non-First Nation police services in Ontario, and there were no trained firefighters or a working fire truck in the community (Globe & Mail, 2006). At a Coroner's Inquest held three years later, Kashechewan was characterized as being one of the most impoverished places in Canada, and the conditions of the police station and cells were described as Third World because "the conditions in the community were Third World" (CTV, 2009).

A decade after the tragic deaths of the two Kashechewan First Nation men in that fire, a 23-year-old female prisoner, who had been arrested for a minor assault, committed suicide in the back of a Nishnawbe Aski police truck, by hanging herself with the draw string from her pants (Porter, 2016a). Since there were no holding facilities in the community, the officer was forced to handcuff her alone in the back of the police vehicle for 16 minutes, while he went to get assistance from the only other officer in the community, who was off duty at the time (Porter, 2016a). The NAPS funding situation was so dire that the Board Chair made an appeal during the inquest that the police service

be disbanded if they did not receive the funding that they needed to comply with the minimum standards that all other law enforcement agencies in Ontario were required to meet (Porter, 2016b). In spite of all the challenges that exist within First Nation policing, Parent and Parent (2019) asserted that lessons learned from policing Indigenous Peoples in Canada may serve as a valuable template in policing diverse communities.

Prior to 1971, the policing of First Nation communities in Ontario was undertaken by the RCMP in accordance with their longstanding federal responsibilities to Indigenous Peoples (Clairmont & Potts, 2006). Acting as the enforcer of anti-Indigenous colonial policies, the RCMP's relationship with the Indigenous Peoples in Ontario is characterized by a series of actions that followed a lengthy and complex court case, and a novel appeal to the Geneva-based League of Nations by the Six Nations of the Grand River to be recognized as an independent and sovereign state. That appeal has been described as being the "most renowned instance of Indian political diplomacy" (Bourgeois, 1986).

At the heart of the dispute was the Six Nations of the Grand River resolve to establish their right to choose their political leaders, as opposed to submitting to the will of the Indian Act, which arbitrarily eliminated the First Nation hereditary chiefs and councils and replaced them with an elected chief and band council (Bourgeois, 1986). That dispute culminated in a three-day raid and occupation by the RCMP of the Six Nations Confederacy Council meeting place in 1924, during which several shots between the police and First Nation protesters were exchanged near the present-day protest site of Caledonia (Belanger, 2007).

The relationship between the police and Six Nations of the Grand River was further damaged by a series of raids on Six Nations homes, ostensibly in search of alcohol, the forced establishment of police barracks on Six Nations territory, and the issuances of summonses for minor violations like cutting firewood, all of which were met with derision and brought an end to any First Nation negotiations with the Canadian government (Belanger, 2007). Despite the passage of almost a century since the RCMP raids on the Six Nations of the Grand River Territory, the issue of the power of the traditional or hereditary chiefs and councils continues to be topical today, as was evidenced by a blockade of the Trans-Canada Energy's Coastal Gaslink pipeline by a group of Wet'suwet'en Nation hereditary chiefs in February 2020 (Abedi, 2020; Brown & Bracken, 2020; Guardian, 2020; Holiday, 2020; Leuprecht, 2020).

As was chronicled in some of the peer reviewed journal articles referenced in the literature review, the relationship between Indigenous Peoples and law enforcement agencies and officers in Canada is strained because of the role that police willingly took on as agents of the colonial state in the past. According to Alberton et al., (2019), Bell and Schreiner (2018), McNeilly (2018), Monaghan (2013), Morden (2015), and Stewart (2011), Indigenous-police relations are tainted by the integral role that the police played as the settler state's colonial rule enforcers throughout the history of Canada. Some of those rules enforced by the North West and Royal Canadian Mounted Police and other police services included enforcing the prohibitions on Potlach and Sundance ceremonies; displacing hereditary chiefs from longstanding governance positions within First Nation communities; assisting Indian agents with the Reserve Pass system; and assisting Indian

agents with the removal of Indigenous children from their homes and placing them in or returning them to residential schools where they were often physically and sexually abused.

Despite the passage of time, the legacy of these and countless other anti-Indigenous acts undertaken by police on behalf of the settler colonial state continues to erode Indigenous Peoples' confidence and trust in law enforcement agencies and negatively impacts their willingness to work with them on initiatives that could make First Nation communities safer (Clairmont 2013; Christmas 2012; Comack, 2012; Cao, 2011; Griffiths, 2019; Jones et al., 2019; Lithopoulos & Narine, 2011; Nettelbeck & Smandych 2010; Razack, 2012, 2013, 2014, 2016; Ruddell 2011; Ruddell et al., 2014). According to Doolittle (2017), that fear and lack of trust in police that has been built up over generations has even deterred female Indigenous victims of sexual assault and other forms of violence from reporting these crimes to police today, which has necessitated investments and improvements in police cultural awareness training.

Studies have also shown that police relations with Indigenous Peoples have been fractured by over-policing, under-policing, and inadequate investigation into missing and murdered Indigenous women and girls. Those relations have also been negatively impacted by such police tactics as criminalizing legitimate protests through the use of surveillance, intelligence gathering and resorting to the direct use of force when First Nations attempt to draw public attention to outstanding land claims, broken treaty rights, oil pipeline construction, natural gas fracking, resource extraction, and residential development on traditional Indigenous territory (Alberton, 2019; Belanger &

Lackenbauer, 2014; Bowles & Veltmeyer, 2014; Crosby & Monaghan, 2016, 2018; De Vries, 2011; Green, 2014; Hedican, 2013; Hill, 2010; Howe, 2015; McNeilly, 2018; Palmater, 2011a, 2011b, 2013, 2014a, 2014b, 2015, 2016a, 2016b, 2019, 2020; Vijaykumar, 2018; Wilkes, 2004a, 2004b, 2006). Study participants confirmed the assertions that were contained in the peer reviewed journal articles about strained police–Indigenous Peoples’ relations and the causes thereof. One of the participants referenced the animosity that Indigenous Peoples have for the RCMP because of the integral support role they played in the residential school program, and another participant stated that as a profession, police need to know in the past that “our members dragged kids back to residential schools where they were abused.” Additional evidence to confirm the peer reviewed journal articles that were referenced in the literature review can be found in the “Uniqueness of Indigenous Occupations and Protests” section of the OPP Framework which highlights the “historically difficult relations between police and Indigenous Peoples and communities” as a distinguishing factor in at Indigenous critical incidents (OPP, 2018, p. 3).

Some of the Indigenous study participants described how that generational negativity and mistrust in police even impacted their acceptance as police officers in their own community and hampered their ability to keep those communities safe. One First Nation study participant referenced situations wherein they were accused of being a “colonial cop” who was enforcing “White man’s law” on First Nation territory. Other Indigenous study participants outlined incidents wherein they had their authority

questioned by “traditional people” they stopped in the territory, who claimed that “European law” doesn’t apply to them and they only abide by the “Great law.”

Several Indigenous and non-Indigenous study participants also described the challenges that First Nation officers encounter from their own community when deployed at Indigenous critical incidents. Two participants referenced different incidents wherein the vehicle and home of First Nation police officers were “shot up” by upset members of their own community after they had attempted to break up a blockade. One participant, who was there in support of the local First Nation police service, heard a rapid succession of gunshots off in distance when they began to arrest protesters who had put up a barricade across a bridge to the territory. They later learned that someone had gone over to the First Nation police headquarters and “filled the police chief’s truck full of bullet holes.

Other participants provided insight into the challenges First Nation police chiefs and officers face in dealing with conflict between the elected chief and band councils and the hereditary chiefs and longhouse leaders with an example involving attempts to install a new modular police station on the territory. The new police facility had been approved by the elected chief and band council, however, repeated attempts to move the modular structures onto the site near the band council headquarters were obstructed by a small group of protesters who felt the monies for the new facility would have been better spent on badly needed health services. Even with the elected chief and band council’s support, one study participant stated that if police “tried to muscle the building into place it would never stand and would be burnt to the ground by the next morning.” Fortunately, the

impasse was resolved through negotiations with the longhouse leader and the group who opposed the new police headquarters.

Another Indigenous study participant provided evidence of the strained police–Indigenous Peoples’ relationship with an example of what a “police uniform” or “suit” means to First Nation communities. The wearing of a uniform or a suit by an Indigenous or non-Indigenous officer is perceived by some to be a symbol of the horrors of the residential school system because that is what the officers and people wore who came into First Nation communities and “dragged their kids away and placed them into these abusive institutions.” That study participant claimed that the wearing of a uniform or suit by officers when interacting with Indigenous Peoples, especial residential school survivors, is a barrier to open and honest dialogue and relationship and trust building. Although study participants readily acknowledged the fact that mistrust of the police did exist, several of them felt the OPP Framework’s emphasis on relationship and trust building with First Nation communities and the work that PLT members do in that regard has the potential to change that age old negative perception of police.

Policing Indigenous Protests

As was highlighted in the literature review, policing Indigenous occupations and protests is one of the most politically charged and challenging problems that law enforcement agencies in Canada encounter today (Austen, 2020; Barker & Ross, 2017; Belanger & Lackenbauer, 2014; Blair, 2018; Brown, 2020; Brown & Bracken, 2020; Canning, 2018; Clancy, 2017; Datta & Hurlbert, 2020; De Lint, 2019; Fleming, 2020; Hedican, 2008a, 2008b, 2012, 2013; Lackenbauer, 2019; McCreary, 2015, 2017; Morden,

2015; Nichols, 2018; Palmer, 2018; Rosane, 2020; Shrubsole & Lackenbauer, 2014; Simpson, 2017; Soroski, 2019; Wilkes & Kehl, 2014; Winegard, 2014). Beyond the work of Hedican (2008a, 2008b, 2012, 2103), and to a lesser extent research carried out by Belanger and Lackenbauer (2014), Clancy (2017), Crosby and Monaghan (2018), Dafnos (2013, 2015, 2019, 2020), De Vries (2011), Parent (2014), and Parent and Parent (2019), there remains a gap in scholarly literature on the specific topic of the operational and strategic policies like the OPP Framework that police use to deal with these types of critical incidents.

Clairmont and Potts' (2006) early research on policing First Nation occupations and protests which was examined in the literature review was detailed and provided useful background information to the 2005-2007 Ipperwash Inquiry, however, that research was not subjected to scholarly peer-review and it is now a decade and a half old. Although scholars such as Belanger, Flanagan, Gulewitsch, King, Lackenbauer, Rossiter, Sandlos, Shrubsole, and Winegard (Belanger & Lackenbauer, 2014), did an exhaustive analysis of several of Canada's high profile Indigenous critical incidents including Oka, Gustafsen Lake, Ipperwash, Tyendinaga and Caledonia, there was no effort undertaken to research the perceptions of the police officers about the effectiveness of such policies as the OPP Framework or the RCMP's CAPRA and measured approaches which were used at those critical incidents until now. This research study is therefore important because it extends knowledge within the social science, humanities, and criminal justice disciplines by providing new insight into not only how police respond to Indigenous critical incidents using the OPP Framework, but also the perceptions of officers who are tasked

by the state with keeping the peace and maintaining law and order at First Nation occupations and protests.

Strategic Incapacitation

As was referenced in the literature review, the introduction of the OPP Framework with its less-confrontational, non-violent, dialogue-based approach to dealing with Indigenous and other forms of critical incidents in the post-Ipperwash era has given rise to a body of academic research in Canada by Indigenous and non-Indigenous scholars known as strategic incapacitation (Dafnos, 2020, 2019, 2015, 2013; Gillham & Marx, 2018; Howe & Monaghan, 2018; Baker & Verrelli, 2017; Whelan & Mohar, 2017; Alexander, 2016; Wood, 2014, 2016; Gorringer & Rosie, 2013, 2008; Gorringer et al., 2012; Monaghan & Walby, 2012). This approach to public order policing originated in the United Kingdom, and today it is being widely used by police in Canada, the United States and Western Europe. It has been described as a multidimensional approach to public order policing that seeks to neutralize protests by the deployment of a massive police presence armed with less-lethal weapons, preventative arrests, high levels of surveillance and intelligence gathering, the use of barriers, and control of mainstream and social media.

In the United States, strategic incapacitation, and its forerunner negotiated management, were used during the 1980s and 1990s by law enforcement agencies to deal with the Occupy Wall Street movement. Some American scholars trace the use of negotiated management and strategic incapacitation to the aftermath of the September 11th terrorist attacks (Edwards et al., 2013; Gillham, 2011, 2013; Gillham et al., 2013;

Gillham & Noakes, 2007; King, 2013; King & Waddington, 2012; Noakes & Gillham, 2006, 2007; Soule & Davenport, 2009; Wood, 2014).

In Canada, scholars contend that strategic incapacitation was used by law enforcement and public safety agencies during the 2007 National Day of Action, and the 2013-2014 grassroots Indigenous movement known as Idle No More. Police were alleged to have conflated these non-violent, legal forms of Indigenous activism as threats to national security (Baker & Verrelli, 2017; Barker, 2015; Crosby & Monaghan, 2016, 2018; Morden, 2015). These and other academics contended that police agencies in Canada use a variety of subversive and seemingly benign non-use of force tactics such as the OPP Framework's relationship and trust building to hamper or neutralize legitimate forms of Indigenous protest. Some of those tactics include engaging in dialogue with protesters and protest groups, gathering and constantly analyzing intelligence on them, and conducting routine and pervasive surveillance on high-risk targets (Dafnos, 2013, 2015, 2019, 2020; Howe & Monaghan, 2018;). They also argue that the adversarial and social control techniques used in strategic incapacitation during Indigenous and other forms of activism contradict police claims that they respect and will facilitate people's rights to engage in lawful forms of protest (Howe & Monaghan, 2018).

All the participants outrightly rejected the claim that the OPP Framework was a form of strategic incapacitation and they also rejected the claim that police criminalize legitimate protest, Indigenous or otherwise. Study participants defended the sincerity of the OPP Framework's emphasis on building relationships, engaging in open and honest dialogue, and using negotiation as a way to resolve critical incidents as opposed to

resorting to the use of force. One of the Indigenous participants pointed out that the OPP Framework is focused on de-escalation and the language that is in the policy is not to be misinterpreted as anything than what the words are, while another participant who is a PLT member referenced the fact that PLT members engage in open, honest, and transparent communication with First Nation communities and leaders on the understanding that “what you share with me, I am going to share, and what I share with you, you can share.” The latter participant also outlined the various non-protest related initiatives that the PLT members engage in with Indigenous Peoples and communities including their annual *Niigan Mosewak* team building and leadership camp program for high-risk youth, missing and murdered Indigenous women and girls vigils, powwows, and pipe ceremonies.

Another study participant acknowledged that some individuals wrongly assume that the role of police at protests is to shut them down, however that and other study participants defined the police roles at demonstrations and assemblies was to ensure they were safe, legal and peaceful. The Canadian Charter of Rights and Freedoms protects the basic rights and freedoms of Canadians, including freedom of expression and freedom of assembly. As a result, Indigenous Peoples have the right to protest to demand change from the Canadian government or to persuade others in calling for the government to honor the litany of broken treaties or to resolve the hundreds of outstanding land claims that have been languishing in the courts or the Ministers’ offices for decades.

One of the study participants pointed out that police are more concerned about the safety of everyone at First Nation occupations and protests than they are with depriving

anyone of their right to engage in peaceful assembly or expression. According to the OPP Framework, the principles of peacekeeping at Indigenous and non-Indigenous critical incidents are aimed at minimizing violence, keeping and restoring public order, maintaining neutrality, facilitating rights, and establishing trusting relationships (OPP, 2018, p. 3). One participant stated that the police in Canada need to help the public better understand what the real role of police is at Indigenous and non-Indigenous protests and demonstrations.

Conceptual and Theoretical Frameworks

According to Grant and Osanloo (2014), a conceptual framework is a researcher's understanding of how best to explore his or her research problem, while a theoretical framework is the blueprint or guide for a research study. A conceptual framework is more holistic in that it offers a logical structure of connected concepts, while a theoretical framework holds or supports a specific theory or theories. Ravitch and Carl (2016) contended that a theoretical framework is analogous to a bridge that connects a study's context, theory, and the way that the study is structured and conducted. Adom et al. (2018) contended that a theoretical framework is used to position a research study in scholarly and academic fashion. Conceptual frameworks have been characterized as a researcher's worldview on the phenomenon being studied and they enable that researcher to explain why it is important from an academic perspective to study that phenomenon. A law-and-order conceptual framework and a cultural competence theoretical framework helped guide this qualitative research study. The findings of this study were analyzed and interpreted through both of these frameworks.

Law-and-Order Versus Peacekeeper Worldview

Police services in Ontario are required by the Comprehensive Ontario Police Services Act 2019 to provide crime prevention, law enforcement, assistance to victims of crime, public order maintenance, and emergency response services to the citizens they serve (Government of Ontario, 2019, p. 15). That same statute requires the Ontario Provincial Police and the province's municipal or local police services to provide those services in accordance with the need to ensure the safety and security of all persons and property, and the need to be responsive to the unique histories and cultures of Indigenous Peoples (Government of Ontario, 2019, p. 7).

In keeping with the Comprehensive Ontario Police Services Act 2019 requirement of ensuring the safety and security of all persons and property, the conceptual framework or worldview of many of Ontario's police services and police professionals is characterized by a law-and-order focus or mindset versus a peacekeeping focus. Policing in Ontario and elsewhere in Canada is synonymous with the term law enforcement as is evidenced by the regular use of that term to describe non-First Nation police services and their officers, despite their other legislative duties of preserving peace, preventing crime, and assisting victims pursuant to the Comprehensive Police Services Act of Ontario 2019 (Government of Ontario, 2019, p. 15).

In Ontario, the law enforcement duties of police officers are identified in the Comprehensive Police Services Act of Ontario (Government of Ontario, 2019) as apprehending criminals, laying charges, and executing warrants, however, those duties comprise only a small portion of an officer's daily activities (p. 52). Contrary to what one

might see in the movies or on television, police officers spend the greater percentage of their shifts on non-criminal and non-law enforcement related activities. Since police operate 24 hours a day, 365 days a year, they are the first responders to such non-law enforcement events as mental health calls, drug crises, suicides, public and private disturbances, motor vehicle collisions and numerous other types of community well-being and safety issues (CACP, 2015; Conor et al., 2019). Despite that fact, maintaining law-and-order versus peacekeeping continues to hold an elevated position within most police officers' conceptual framework or worldview.

Some of the study participants pointed out that police physical entrance standards and recruitment strategies used to support that law-and-order worldview with the requirement that officers meet a somewhat arbitrary minimum height and weight standard before being considered for employment. Others suggested that even today, the "law enforcement-first" conceptual framework is re-enforced by the orientation training officers receive at their local police training center and the more extensive foundational training they receive at the Ontario Police College (OPC). That law enforcement-first training continues when officers return home from OPC and are assigned to a coach officer and when they complete their annual in-service training with its heavy emphasis on firearms proficiency, defensive tactics, and the use of handcuffs, oleoresin capsicum spray, tasers, collapsible batons, and soft and hard hand techniques to gain control of a suspect.

In contrast to that world view, some of the participants and some of the literature reviewed for this study stressed that the conceptual framework or worldview of First

Nation police service officers is more aligned to that of a peacekeeper whose role it is to partner with citizens to prevent crimes and to keep their communities safe as opposed to policing them (Curtis, 2020). Several of the participants underscored the fact that the primacy of peacekeeping is inculcated in the OPP Framework approach. According to the OPP Framework, “OPP employees have a statutory and common law duty to preserve the peace” and that policy states that the “principles of peacekeeping are aimed at preserving the peace, preventing offences, and enforcing the law in a manner that respects the rights of all involved parties” (OPP, 2018, p. 2).

That “peacekeeping-first” focus in the OPP Framework is also evident during the critical incident stage of an Indigenous occupation and protest. The policy emphasizes the importance of engaging in negotiations at every opportunity, advising the disputants that that they will be treated with dignity and respect, and that their community values, traditions, and interests will be considered (OPP, 2018, p. 3). The OPP Framework also directs officers to consider the impact of any decisions they make on the safety of other officers, demonstrators and the public and it emphasizes that if conflict does occur, they are required to respond to that conflict with a minimal use of force, and only as a last resort (OPP, 2018, p. 6).

When the OPP Framework was assessed at the Ipperwash Inquiry, Commissioner Sidney B. Linden characterized it as seemingly “unconventional or even extraordinary to anyone who is not familiar with current policing strategy and tactics” (Ipperwash Inquiry, 2007, p. 201). He added that “the text of the Framework is more facilitative and cooperative and less-enforcement-oriented than a layperson might expect in a policing

policy” (Ipperwash Inquiry, 2007, pp. 201–202). Justice Linden emphasized the fact that the Framework “embeds the core principles of contemporary public order policing strategy, including institutionalizing protests, implementing measured response, exercising police discretion to avoid violence, and emphasizing intelligence-led policing” (Ipperwash Inquiry, 2007, p. 202).

He also acknowledged that the police have no mandate at First Nation occupations and protests to settle treaty disputes and yet they are placed in the difficult position of respecting the constitutionally protected rights of all Canadians to protest and the inherent and treaty rights of Indigenous Peoples (Ipperwash Inquiry, 2007). In such circumstances, Justice Linden opined that the best approach is one like the OPP Framework which reduces the potential for Ipperwash-like violence and one in which the police role is restoring and maintaining order so the parties to the dispute can come to a solution peacefully (Ipperwash Inquiry, 2007, p. 188). Despite the high-profile public criticism that the OPP Framework approach has provoked and the length of time it takes to resolve First Nation occupations and protests, study participants overwhelmingly agreed with Justice Linden’s assessment that attaining a peaceful solution was more preferable and sustainable than engaging tactical officers and public order units to force an end to the impasse.

Justice Linden declared this unconventional and extraordinary approach to be a best practice and he even made a point of referencing the Nishnawbe-Aski First Nation Police Service Board’s praise for the OPP’s peacekeeping role at the Caledonia protest that same year. “The recent road blockades at Caledonia demonstrates how peacekeeping

can work. Peacekeeping is about finding solutions to contributing problems. The OPP maintained order and ensured safety for the public at large and for the occupiers” (Ipperwash Inquiry, 2007, p. 203). A similar acknowledgement of the importance of a peacekeeping versus a law enforcement approach at Indigenous critical incidents can be found in the recommendations of Amnesty International Canada’s (2011) brief on the OPP’s management of the Mohawks of the Bay of Quinte First Nation protests in Tyendinaga in 2007 and 2008. In that brief Amnesty International Canada (2011) urged the Government of Ontario to “adopt a government-wide peacekeeping model for policing of Aboriginal occupations and protests” (p. 32). Although the Government of Ontario supports the OPP Framework model, there has been no effort on their part to embrace such a recommendation.

Despite the Ipperwash Inquiry’s strong support for the OPP Framework, television, radio and newspaper coverage was highly critical of the OPP’s facilitative, cooperative, and measured approach while attempting to resolve the 2006 Caledonia and other First Nation occupations and protests (Alexander, 2016; Blackburn, 2010; Blatchford, 2009, 2010, 2013; CBC News, 2013a, 2013b; Chiefs of Ontario, 2006; Clancy, 2017; CTV News, 2007a; Dafnos, 2013; Den Tandt, 2013; Gillham & Noakes, 2007; Gillham et al., 2013; Gurney, 2013; Hedican, 2012, 2013; Howe & Monaghan, 2018; McVicar, 2013; Noakes & Gillham, 2006; Smith, 2007; Whelan & Molnar, 2017; Wood, 2016; Valpy, 2007). One of the experts who testified at the Ipperwash Inquiry on the media coverage of First Nation protests stated that “intemperate opposition to the OPP measured response at Caledonia was given a disproportionate voice in the media”

(Ipperwash Inquiry, 2007, p. 201). According to that witness, this negative media coverage of the OPP Framework peacekeeping approach not only made it more difficult for police to resolve the dispute involving members of the Six Nations of the Grand River over the Douglas Creek Estates peacefully, but it also inflamed antagonist from all sides (Ipperwash Inquiry, 2007, pp. 233–234). One of the study participants pointed out that media coverage of First Nation occupations and protests should not be focused on the police, but on the critical issue that the occupiers and protesters are intending to draw to the public’s attention. Several of the participants raised concerns about the negative media coverage of the police efforts to maintain peace at recurring First Nation occupations and protests. One participant praised the extraordinary efforts that First Nations and other police officers put in behind the scenes during the 2006 Caledonia protest to ensure the community was safe, however, that participant complained that the public’s perception of that protest and how police handled it was cast in a negative light through the eyes of national journalist Christie Blatchford (2010).

The 2006 Caledonia protest was the first time the OPP Framework had been used and several study participants acknowledged it was being “rolled out on the fly” at that event. Blatchford, who was a respected crime reporter with a national newspaper in Canada, authored a national bestselling book on the initial use of the OPP Framework As the title of the book, *Helpless: Caledonia’s Nightmare of Fear and Anarchy and How the Law Failed All of Us* and her dedication of it “to the memory of Corporal Marcel Lemay of the Sûreté du Québec who was shot and killed in a standoff with Mohawk Warriors at

Oka” suggests, the author was extremely critical of the peacekeeping approach used by the OPP at Caledonia.

The use of police discretion and restraint to avoid violence at First Nation occupations and protests and the peacekeeping versus law enforcement approach was a major theme throughout this research study. Two of the participants argued that there should be more emphasis on law enforcement when criminal acts and violence breaks out at protests, while others suggested both a peacekeeper and law enforcement approach were more appropriate to avoid inflaming the situation locally and inspiring sympathy or solidarity protests nationally. One participant described the police role at these events as that of a peacekeeper because, as Justice Linden outlined at the Ipperwash Inquiry (2007), resolving the underlying issue that gave rise to the protest is beyond the capabilities and purview of police. Another participant emphasized the importance of engaging the community in resolving issues versus the law enforcement approach and indicated that the more time police have to explore sustainable resolutions at protests the better.

Despite the clearly defined peacekeeping approach that is expressed in the OPP Framework and corresponding training that officers receive on that approach, some of the study participants claimed that it was still a struggle for some officers to take on that peacekeeper role and to exercise discretion and restraint when witnessing criminal offences at First Nation. One of the study participants captured the essence of that struggle with the assertion that “getting officers to act is the easy part, holding them back is the challenge.”

Regardless of the widespread negative media and public perception about the peacekeeping-first approach contained in the OPP Framework, several study participants emphasized the importance of the use of police discretion and restraint and officer safety at these types of volatile incidents by invoking the legacy of the 1990 Oka and 1995 Ipperwash crises during which a Quebec police officer and an unarmed First Nation land defender were shot to death. One study participant readily acknowledged that there was no way to avoid being criticized by the media and the public especially at prolonged blockades or occupations, however, that participant stated that they would rather be criticized for not killing people than for killing people. They added that they would “rather not have to go and tell a young wife of an OPP officer that your husband lost his life, but we’ve got that parking lot back.”

Several study participants acknowledged that arrests for minor offences committed during First Nation occupations and protests were generally delayed to avoid escalating and inflaming the situation. However, they pointed out that law breakers were arrested or charged after the protest was over and tensions had subsided. Unfortunately, those arrests and charges post-protest rarely made the front page of the newspaper or were the leading story in evening television news. Despite the intense and generally unwarranted criticism from the public and media about the OPP Framework’s peacekeeping versus a law enforcement first approach at Indigenous critical incidents, the findings of this research study clearly indicated that there was an overwhelmingly positive perception of the OPP Framework approach by the officers who have stood on the front lines of some of Ontario’s most volatile First Nation occupations and protests.

Although the participants of this study did identify some weaknesses in the policy and made some suggestions on how the OPP Framework could be enhanced, they, like Justice Linden and the Ipperwash Inquiry, endorsed it as a best practice approach. Because the OPP Framework and its peacekeeping first approach were used as a template by the CACP Policing with Indigenous Peoples committee when they developed the National Framework, and because there had been no deaths or serious injuries on either side of the protest barriers in the 16 years since the policy went into effect reinforced the wisdom and merit of retaining this so called “unconventional and extraordinary way” of dealing with conflict at Indigenous critical incidents.

Cultural Competence

This qualitative research study was guided by a cultural competence theoretical framework. The findings were also analyzed and interpreted in the context of that theoretical framework. Kools et al. (2015) contended that cultural competence entails “having knowledge about diverse people and their needs, attitudes that recognizes and value difference, and most importantly, the flexible skills to provide appropriate care to diverse populations” (p. 52). Rodman and Moyer (2022) claimed that true cultural competence requires practitioners to have personal awareness, skills in interacting with individuals from diverse cultures, and awareness of cross-cultural differences. Levesque-Bristol and Cornelius-White (2012) defined cultural competence as the ability to have meaningful interactions with people of diverse backgrounds, abilities, and perspectives. Kohli et al. (2010) contended that cultural competence better enables professionals to function more successfully with people from different races and cultures.

Nguyen et al. (2021) argued that cultural competence is enhanced in individuals and organizations that routinely work with diverse populations when “they are not only self-aware and culturally aware, but practice knowledge and skills to be responsive to their clients’ cultural backgrounds” (p. 274). According to Carrizales et al. (2016) and Norman-Major and Gooden (2012), an organization is more effective when the concepts of cultural competence and diversity are celebrated and promoted. Unlike culture, Nguyen et al. (2021) claimed diversity includes such other identities as socioeconomic status, sexuality, age, religion, global citizenship, and ability or disability. Nguyen et al. (2021) also contended that organizations are enhanced when cultural competence is combined with cultural humility. The latter concept requires practitioners to have “the humility to be a learner, as opposed to an expert, and the consciousness to understand their own potential blind spots” (Nguyen et al., 2021, p. 273).

Stepanoviene (2019) contended that a police officer’s ability to communicate with citizens and to effectively perform their duties is compromised by a lack of cultural competence in multicultural societies such as Canada, while Sereni-Massinger and Wood (2016) and Sereni-Massinger et al. (2016) asserted that the absence of cross-cultural leadership within policing and other sectors has contributed to much of the conflict with law enforcement that exists in American society today. Other academics argue that law enforcement’s response to Indigenous critical incidents is not only enhanced with police cultural competence training, but by the purposeful deployment of Indigenous officers at Indigenous occupations and protests because of their inherent understanding of First Nation culture and the language of the protesters, and the settings in which many of those

Indigenous officers were raised (Lithopoulos & Ruddell, 2011). Similar observations about the importance of deploying Indigenous police officers at First Nation occupations and protests were made at the Ipperwash Inquiry (2007) and by the participants of this study. One non-Indigenous participant described First Nation officers as “having a foot in both communities”, while an Indigenous participant reminded colleagues that they are “Indigenous first and then you become a police officer.” That participant also told First Nation colleagues not to forget where they came from and not to “get caught up in the clothing.”

The concept of cultural competence, or more specifically for this study, Indigenous awareness, was a predominate feature of the literature that was reviewed pertaining to police response to First Nation occupations and protests. It was also a central theme within the participant interviews and in the documentation and archival material that were analyzed for this study. The positive perception that most of the participants had for the OPP Framework was directly attributable to the relationship and trust building work undertaken by members of the PLT. Further analysis of the data revealed there was a nexus between the success of the PLT in establishing those positive relationships with First Nations and the PLT members’ elevated levels of cultural competence or Indigenous awareness.

The theme of cultural competence or Indigenous awareness is imbedded in both the OPP Framework and the CACP National Framework policies and that elevated level of competence is a pre-requisite for anyone being considered for a liaison officer role. The National Framework sample criteria for Liaison Team members highlights the need

for applicants to possess knowledge of such local customs and traditions as Indigenous culture, history, socio-economic issues, policing principles, and current issues (CACP, 2020). It also stipulates those applicants should have the ability to show genuine respect for the Indigenous community and the ability to understand the bigger picture (CACP, 2020). One PLT participant described receiving cultural competence or Indigenous awareness training from both Anishinaabe and Haudenosaunee elders. That participant added that they were provided with the unique opportunity of engaging in a variety of important First Nation cultural activities during that training that included participating in a smudging, talking circle and a sweat lodge, powwow, peace pipe and tobacco ceremony.

In addition to being students of cultural competence training, the Indigenous and non-Indigenous PLT members take on the role of teacher as they are often called upon to share their knowledge, insight and experiences of Indigenous history and culture with the detachments and communities in their region. One of the PLT participants described how they helped provide context and history to a local town council that was deciding whether to remove the statue of one of Canada's fathers of confederation who also happened to have played a significant role in the residential school system. The mayor and town council had reached out to the participant after the discovery of 215 unmarked graves near the Kamloops residential school in British Columbia because they were aware of and respected the work of the PLT.

According to a presentation made before the Ipperwash Inquiry entitled "Ontario Provincial Police: Aboriginal Initiatives – Building Respectful Relationships", the OPP

recognized the importance of officers receiving cross-cultural awareness training to help build relationships with Indigenous communities as early as the 1990 Oka and Akwesasne occupations and protests. However, there was more emphasis and structure placed on that training in the aftermath of the 1995 Ipperwash crisis (Ipperwash Inquiry, 2006, pp. 195–197; OPP, 2006). In addition to highlighting the importance of the cultural competency training OPP officers received, the list of Indigenous relationship building initiatives that were presented to the Ipperwash Inquiry included the OPP youth summer camp, the Police Ethnic and Cultural Exchange (PEACE) program, and such Indigenous outreach initiatives as the OPP Bound and OPP Northern Experience, the Commissioner’s Select Liaison Council on Indigenous Affairs, and the Framework for Police Preparedness for Indigenous Critical Incidents (Ipperwash Inquiry, 2007, 195-196).

During the Ipperwash Inquiry, the OPP presenters acknowledged the important link that existed between police cultural competence and strong healthy communities (OPP, 2006). They also acknowledged that police education on Indigenous historical, cultural, and social issues enabled police services to develop good working relationships with First Nations. Working in conjunction with the RCMP and after consulting with Indigenous elders, OPP First Nation members designed and delivered a one-day Indigenous awareness session to RCMP members, from which the OPP’s Amethyst award winning week-long Indigenous Awareness Training program was born (OPP, 2006).

The need for enhanced cultural competence when interacting with Indigenous Peoples features prominently in the OPP Framework approach. That need also features prominently in the other components of the OPP's efforts to demonstrate respect for and responsiveness to the unique histories and cultures of Indigenous Peoples when trying to prevent and respond to First Nation occupations and protests (Government of Ontario, 2019; Hedican, 2012; Ipperwash Inquiry, 2007; OPP, 2006; Parent, 2014; Parent & Parent, 2019). The "Preamble" section of the OPP Framework references the importance of officers making every effort to "understand the issues" prior to an Indigenous critical incident, and in the "Uniqueness of Indigenous Occupations and Protests" section of the policy, they are also directed to "make every effort to foster awareness of history and cultural factors that may contribute to the uniqueness and impact of Indigenous issues" (OPP, 2018, p. 2).

In addition to the knowledge and experience that they gain working in or near First Nation communities or working with OPP First Nation officers and/or Indigenous members of First Nation police services, OPP officers acquire that understanding and awareness of Indigenous history, culture, and issues through a variety of training initiatives offered by the Ontario Police College, the OPP Academy, and the OPP Indigenous Policing Bureau (IPB). One of the mandates of the OPP IPB is to ensure that frontline officers have an awareness and understanding of Indigenous culture, history, and contemporary issues (OPP, 2021). IPB officers also provide Indigenous awareness training on the history of residential schools, First Nation policing, and Indigenous

culture to Ontario's municipal and regional police services officers at Ontario Police College (OPP, 2021).

The theme of cultural competence or Indigenous awareness training and education was evident throughout all of the participant interviews. One of the participants stated this type of training was enlightening and it helped them eliminate some of the stereotypes and misconceptions they had. Another participant stated that Indigenous awareness training was critically important for officers whose job it was to deal with First Nation occupations and protesters. Several of the participants emphasized how the week-long OPP Indigenous awareness training session changed their lives. One participant described the experience as being transformative and stated that it allowed them to “let go of some of the anger that had built up since being deployed at one particularly traumatic First Nation occupation and protest.” Another participant described how hearing from a residential school survivor during the Indigenous awareness training made them more sympathetic and allowed them to better understand why First Nation protesters were so passionate about defending their traditional lands and territory. Several of the First Nation study participants also spoke about how impactful Indigenous awareness training was for them. Although some of them objected to being sent on the training initially, they did acknowledge how it enabled them to reconnect with their own culture and how it started them on the path to understanding their history, community, and who they were.

The CACP National Framework also emphasizes the importance of cultural competence when dealing with Indigenous Peoples. In the “Education Before Enforcement” section of the National Framework, it states that “policies should be

developed in conjunction with providing education on historical issues and Indigenous culture” (CACP, 2020, p. 4). The National Framework also states that, “Police services should work to ensure that police members have cultural awareness in keeping with the recommendations of multiple provincial and national inquiries” (CACP, 2020, p. 4).

In addition to the National Framework policy, Indigenous awareness is built into the newly developed CACP National Framework liaison team course that was developed by the PWIP committee. According to the course syllabus, on Day 2, liaison officers from police services across Canada receive presentations on Indigenous awareness and perspectives, current issues and trends, and they participate in the “Kairos blanket exercise. There are other Indigenous awareness related presentations sewn throughout the seven-day course as well. The Kairos blanket exercise was created in response to the 1996 report on the Royal Commission on Aboriginal Peoples and it is an interactive educational program that teaches students about the tragic history of Indigenous Peoples in Canada.

According to the OPP Framework annual reports, PLT members are characterized as “specially trained, experienced officers who operate openly as part of police response to major events” (OPP, 2020). Although their work at protests is critical to a successful outcome, one of study participants highlighted the importance of the proactive, non-protest related work that PLT does that is unappreciated and often gets overlooked during research studies. A review of the OPP Framework 2018-2019 Annual Report provides insight into some of those proactive, non-protest related duties that the PLT members perform. In 2018 and 2019, PLT members provided internal and external training and

awareness presentations to 503 participants and 1710 participants respectively. During those two years, they also undertook 3594 community outreach initiatives that were intended to build or enhance relationships with both First Nation and non-First nation communities (OPP, 2020).

Notwithstanding the suggestion from some of the study participants that Indigenous awareness training be enhanced and expanded, the OPP are to be commended for their commitment to not only building a culturally competent organization through training and education, but also to celebrating diversity and engaging individuals in the community like the PLT members who are passionate and skilled in the art of building strong and trusting relationships.

Limitations of the Study

Although the sample size of the 23 participants was sufficient for a qualitative phenomenological research study of this nature, this study was limited by such elements of the composition of that sample as age, diversity, and gender. From a demographic perspective, the sample was comprised of the following: 12 of the 23 or 52% of the participants were white males; five or 22% were white females; and six or 26% were Indigenous males, having Algonquin, Mohawk, Ojibwe, and mixed Ojibwe and Métis backgrounds. The average age of the participants was 58.5 years, and the median age was 60 years.

According to Statistics Canada (2020), females accounted for 22% of officers in Canada, while four percent of officers in Canada self-identified as Indigenous, and eight percent of officers identified as visible minorities. Approximately 18% of Canadian

police officers are 50 years of age and older, while 36% are aged 40 to 49, 33% are aged 30 to 39 and approximately 13% are under the age of 30 years (Statistics Canada, 2020).

Statistics Canada (2020) also reported that at 25%, the Ontario Provincial Police had a higher percentage of sworn officers 50 years of age and older, and the OPP also had a higher percentage of sworn officers in the 40 to 49 years of age range at 38%.

Interestingly, First Nation police services in Canada had a much younger complement of officers, with approximately 13% of their sworn officers aged 50 years or older (Statistics Canada, 2020).

Although the percentage of the sample group who were female and who identified as Indigenous was sufficient based on Statistics Canada Police Resources in Canada 2019 report, this study was limited by the average and median age of the participants, and because there were no visible minority officers or female Indigenous officers within the sample group. This study might have benefited from the perceptions of younger officers, by both male and female officers who were designated as visible minorities, and by female Indigenous officers.

This qualitative phenomenological research study was also limited by its singular focus on the perceptions of officers deployed to First Nation occupations and protests where the OPP Framework approach was applied. Although many of Ontario's more than 60 municipal, regional, and standalone First Nation police services use the same respectful and non-violent measured approach that is detailed in the OPP Framework when dealing with Indigenous and non-Indigenous critical incidents within their jurisdiction, there is no requirement that they adhere to every element of this best practice

approach. In spite of that fact, smaller municipal services and standalone and OPP-Administered First Nation police services commonly rely upon the expertise and support of the OPP Provincial Liaison Team, the OPP Indigenous Policing Bureau, OPP Major Critical Incident Commanders, and other OPP special units when Indigenous critical incidents tax their capacity, resources, or skills and abilities.

Some of the larger municipal and regional police services in Ontario, however, may well chose a method to dealing with Indigenous and non-Indigenous critical incidents different than the OPP Framework approach. Although there were serving and retired municipal and regional police officers within the sample group, this study was limited by the fact that the interview and research questions were focused on their perceptions of the OPP Framework, and not their perceptions of their domicile police service's policy on how to respond to demonstrations and protests.

This study was also limited by the qualitative phenomenological methodology and the theoretical and conceptual frameworks that were used to collect, analyze, and interpret data. A quantitative or mixed methods methodological approach would have collected data anonymously from a much larger sample, and the study's trustworthiness or validity could have been established by using the traditional concepts of credibility, transferability, dependability, and confirmability. This study was also limited by the use of a law-and-order versus a peacekeeper conceptual framework and a cultural competence theoretical framework. The use of alternative conceptual and theoretical frameworks to analyze and interpret the data that were collected may well have yield different findings.

Recommendations for Further Research

Within Canada, there are nine other provinces besides Ontario and three territories, each of which use a combination of municipal, provincial, federal, First Nation and contract policing options. Notwithstanding that Ontario is the most populous province in Canada from both an Indigenous and non-Indigenous perspective, and it is also the province with the highest number of First Nation occupations and protests, in reality police services in virtually every other province and territory have been called upon to respond to this challenging form of Indigenous activism. In addition to the Ontario Provincial Police, the Royal Canadian Mounted Police (RCMP) and the Sûreté du Québec (SQ) or the Quebec Provincial Police have extensive experience in policing Indigenous critical incidents.

The RCMP provide provincial policing services to eight of Canada's 10 provinces and all three of its territories, so they have dealt with First Nation occupations and protests in every province and territory. Some of the more difficult protests included the 1995 month-long Gustafsen Lake B.C. standoff involving Ts'peten land defenders; the three year-long Burnt Church, N.B. crisis involving Mi'kmaq lobster fishers; the 2013 Epsipogtog First Nation anti-fracking protest in Rexton, N.B.; and the 2019-2022 Wet'suwete'en Nation anti-pipeline protest in Vancouver, B.C. (Belanger & Lackenbauer, 2014).

The Sûreté du Québec also have extensive experience in responding to Indigenous protests as is evident from their handling of the 78-day long Oka crisis with Mohawk Warriors at Kanesatake in 1990 during which an SQ officer was killed by a protester.

Other Indigenous critical incidents handled by the SQ included the 2009 border crossing protest with the Mi'kmaq Listuguj First Nation at Pointe-aux-Croix and the 2020 week-long Mohawk rail line Wet'suwete'en solidarity blockade near Montreal. Like the OPP, both the RCMP and the SQ have operational policies on how to respond to Indigenous protests, and like the OPP, both law enforcement agencies have come under heavy criticism for their handling of these types of events. In light of the extensive experience that the RCMP and SQ have with First Nation occupations and protests, a study comparing officers' perceptions of their operational policies along with the OPP Framework is something that should be considered for future academic research.

Although this research study did explore how the OPP Framework inspired or influenced the development of the Canadian Association of Chiefs of Police (CACP) Policing with Indigenous Peoples (PWIP) committee National Framework for Police Preparedness for Demonstrations and Assemblies, there was no effort undertaken to compare officers' perceptions of the OPP Framework to officers' perceptions of any similar policy that was developed by police agencies under the rubric of the CACP National Framework. Since the National Framework was only released in November 2019, any police service policy that was developed using that as a guideline would be new so a study on officers' perceptions of it would be premature. However, a comparative academic study of that nature might be worthy of consideration in the future.

This qualitative research study was focused solely on the perceptions of police officers about the OPP Framework. This study did not examine the perceptions of members of Indigenous communities, Indigenous leaders, and Indigenous protesters. Nor

did this study examine the perceptions of local residents and business owners negatively impacted by prolonged First Nation occupations and protesters, members of the media, government and elected officials, and members of the judiciary who were critical of police for not acting expeditiously to execute their court orders and injunctions.

Notwithstanding the fact that their dissatisfaction with the OPP Framework approach has been the subject of much media coverage and has been chronicled in books written by Belanger and Lackenbauer (2014), Blatchford (2010), Crosby and Monaghan (2016), and others, their specific concerns do merit consideration for future academic research.

Although the event did not meet the OPP Framework's definition of an Indigenous critical incident, it is important to point out that the final participant interview for this research study took place four weeks prior to the commencement of the so-called "freedom" or "trucker convoy" protest that occupied Parliament Hill and the downtown core of Ottawa for a month. Simultaneous to their occupation of the parliamentary precinct in Ottawa, other trucker convoy protesters brought the \$1.6 billion daily trading in goods across the Canada U.S. border to a standstill by blockading such border points between Ontario and Michigan as the Ambassador and Blue Water Bridges. Blockades were also established at border crossings between Manitoba and Minnesota, Alberta and Montana, and British Columbia and Washington State.

The actions of the trucker convoy protesters in Ottawa and their refusal to disperse after the declaration of states of emergency by both the city of Ottawa and the Province of Ontario resulted in the unprecedented invocation of the Emergencies Act by the Government of Canada on February 14, 2022. The Emergencies Act, which was

created in 1988 and had never been invoked before, replaced the War Measures Act which was used by the Government of Canada during WWI and WWII. It was also used in peacetime to quell the illegal activities of a homegrown terrorist group known as the Front du libération du Québec or FLQ during the 1970 October crisis in Quebec (Tetley, 2006). The Emergencies Act provided police with such extraordinary powers as the ability to arrest protesters and seize vehicles illegally parked in designated red or no-go zones in front of the parliamentary precinct, to suspend truckers' insurance and carrier permits, to freeze any supporters' bank accounts, and to restrict the flow of funds to the protest movement from GoFundMe and other crowdfunding platforms. The Act also provided government with the extraordinary authority to ban protests in certain areas and for most people, however, the Regulation that was enacted by the Canadian government inexplicably exempted two classes of people - a person registered as an Indian under the Indian Act and a person who has been recognized as a Convention refugee.

Police treatment of trucker convoy protesters who were blocking crucial international border crossings and laying siege to the nation's capital was characterized as being a double standard by several Indigenous and environment activists. Indigenous leaders such as Mi'kmaq lawyer and professor Dr. Pam Palmater claimed that blockades by First Nation protesters have faced harsher and swifter enforcement. She characterized the treatment of the convoy protesters as different as day and night from Indigenous protesters, despite the fact that the trucker protest contained elements of criminality, there was no organization behind it, and it was not only illegal, but it was unsafe (Steady & Kretzel, 2022). Some critics pointed out that First Nation activists had to negotiate with

police to erect a tipi in front of the parliament buildings in Ottawa a couple of years before the trucker convoy protest, but the so-called non-Indigenous “freedom convoy” protesters were given free reign of the city and were allowed to park their tractor trailers in front of the House of Commons for a month before police were forced by the state to act” (Steacy & Kretzel, 2022).

This so-called freedom convoy protest garnered international attention and required the resources of more than 1800 police officers from across Canada to clear them out. In the end there were more than 200 arrests made, 900 charges laid, and 60 trucks, motor homes, and other vehicles towed. Despite repeated requests and demands by police that the illegal protesters evacuate the red zone in downtown Ottawa, a hardcore element refused to do so, and police were forced to resort to the use of such tools as mounted units, ARWEN less lethal launchers, pepper spray, and batons to gain control. Although the trucker convoy protest was not an Indigenous critical incident and involved a multi-agency response, elements of the OPP Framework and National Framework approaches were clearly in use in the initial stages of the protest. The impact of how government and police managed this high-profile occupation and protest before and after the declaration of the Emergencies Act is expected to resonate well into the future and could affect how police respond to Indigenous critical incidents in Ontario using the OPP Framework and might merit consideration for a future longitudinal study.

Implications

A number of societal, organizational, and individual implications for social change emerged from the findings of this qualitative research study into police officers’

perceptions of the OPP Framework approach. Each of those implications will be discussed in that order.

As Justice Linden emphasized at the Ipperwash Inquiry (2007), most Ontarians learn about what happens at First Nation occupations and protests from the media. Prior to the advent of such social media platforms as Facebook, YouTube, WhatsApp, Instagram and Tik Tok, the public turned to television, radio, and newspapers for information about the tactics police used at such Ontario protest sites as Akwesasne, Caledonia, and Tyendinaga. The original source of much of the information that mainstream media received at such protests was the police media relations unit, however, the presence of reporters on the scene and even imbedded with Indigenous protesters at the 1990 Oka, Quebec crisis provided independent accounts of what transpired.

An analysis of the media coverage at the 1995 Ipperwash crisis by Ryerson University Professor John Miller was presented at the Ipperwash Inquiry (2007) and it disclosed some very troubling trends that, according to some study participants, continue to this day. Some of those trends include the media portrayal of the Indigenous protests as illegal and the protesters as violent; a misuse and mischaracterization of the terms warrior and warrior society; and making comparisons in their reporting between the First Nation occupation of the Ipperwash Provincial Park and Oka and Gustafsen Lake (Ipperwash Inquiry, 2007, pp. 232–234). In spite of those trends, Professor Miller advised the Ipperwash Inquiry (2007) that reporters gave credence to what the police or official sources told them had transpired when there were conflicting accounts.

Professor Miller also pointed out that the media's "intemperate opposition to the OPP measured response at Caledonia not only made a peaceful resolution of the dispute more difficult," but it also "inflamed antagonists from all sides and made the healing process in the aftermath more difficult" (Ipperwash Inquiry, 2007, p. 233). Several of the study participants talked about their frustration with the negative media coverage of First Nation occupations and protests on both sides of the barriers and how it adversely impacted the public's perception of the OPP Framework's emphasis on the use of negotiation versus force to resolve the conflict. One of the participants stated that the "pressure from all sides and sometimes the outside noise can overwhelm you, but we need to focus on staying the course and discretion on our action needs to remain ours to take."

The explosion of social media reporting at Indigenous critical incidents has made the challenge of providing the public and other stakeholders with an accurate and unbiased account of what transpired for the protesters and the police alike. Despite the best efforts of the PLT to educate the public, media, academics, elected and government officials and other key stakeholders about the merits and sincerity of the OPP Framework's measured response and the use of negotiation versus force, and the fact that offenders are held to account for their actions albeit after the emotions of the protest have subsided, the perception that police engage in bias-based or two-tiered policing persists. Paradoxically, while some members of the public have little or no tolerance for the police exercising discretion and restraint at First Nation occupations and protests, others have little or no tolerance for the police resorting to the use of force to resolve what is a

longstanding civil or constitutional dispute between Indigenous Peoples and the government. Research studies such as this can create positive social change at a societal level by positively impacting the public, media, courts, academics, government, and disputants' perceptions of the OPP Framework's conciliatory and rights-based approach to resolving conflict.

Positive social change at a societal level could also be achieved if some or all of the participants' suggestions for greater government engagement before, during, and after First Nation occupations and protests occur were implemented. As two of the participants astutely observed "we [the police] are supposed to be dealing with something that the government has done absolutely nothing with for almost 200 years" and "First Nation occupations and protests have everything to do with the government and have nothing to do with policing."

The role of the government at Indigenous critical incidents was examined at length during the Ipperwash Inquiry and it has been the subject of numerous academic studies. Despite the fact that dozens of recommendations for government were made at the Ipperwash Inquiry pertaining to such topics as settling land claims, natural resources, Indigenous burial and heritage sites, education about Indigenous Peoples, provincial leadership and capacity, policing protests, First Nation policing, bias-free policing, and police/government relations, the police continue to be the focal point of much of the anger and derision from the protesters, public, media, courts and government alike when century-old issues which are not resolved expeditiously give rise to prolonged First Nation occupations and protests (Ipperwash Inquiry, 2007).

As one participant stated, “hardcore discussions with government in terms of what they are prepared to do or not do” at Indigenous critical incidents need to take place with the police and all levels of government. As the findings from this research study have underlined, for social change to take place at the societal level, municipal and regional governments need to engage respectfully with both the elected First Nation band councils and the traditional or hereditary chiefs during the pre-critical incident stage. The federal and provincial governments also need to address the litany of outstanding land and treaty claims that have been languishing in the courts and in the federal Ministry of Crown-Indigenous Relations and the provincial Ministry of Indigenous Affairs for decades. Additionally, all levels of government need to proclaim their support unequivocally and publicly for the peacekeeping approach that is contained in the OPP Framework, and they need to demonstrate that support with words and actions during prolonged First Nation occupations and protests.

Organizationally, positive social change could be achieved if the OPP implemented some or all of the suggestions put forth by the participants of this qualitative research study. Although some of the suggested changes are straightforward, others require significant input from Indigenous communities and leaders before being considered for implementation. Indigenous input into such suggestions as changing the name of the OPP Framework and addressing valid public and police concerns about criminal and violent activity at First Nation occupations and protests could be obtained by implementing what I consider to be one of the most important recommendations contained in the Ipperwash Inquiry Report (2007). That recommendation pertains to the

commissioning of an independent, third-party evaluation of the OPP Framework, the PLT program and Indigenous awareness training program. As Justice Linden insisted at the Ipperwash Inquiry (2007), any such evaluation should include “significant and meaningful participation by Aboriginal representative in its design, oversight, and analysis” (p. 206).

Because of the overwhelmingly positive perception of the OPP Framework by both serving and retired members and the enumeration of numerous perceived strengths, weaknesses, and suggested changes on how the policy could be improved, positive social change could also be achieved on an organizational level if officers within the OPP were given an opportunity to anonymously provide feedback on critical policy such as this. Since an integrated response approach is used for First Nation occupations and protests, officers from several different units are commonly deployed at these types of Indigenous critical incidents, including uniform detachment officers, crime unit officers, traffic officers, and MCIC, PLT, ERT and TRU members. As a result, if input or feedback on the OPP Framework was sought by way of an internal OPP survey, it needs to be made available to officers of all ranks and in different units across the organization and those officers need to be able to respond anonymously if they so choose.

As the findings in this qualitative research study indicated, Indigenous police officers are integral to the success of the work of the PLT and the OPP Framework approach. Because of their background and insight into Indigenous history and culture, they also play a vital role when deployed in detachments and special units. One of the study participants stated that First Nation police officers bring “credibility to the

Provincial Liaison Team program, provide cultural perspectives to critical issues and have increased knowledge of the parties and issues involved in Indigenous critical incidents.” Another participant referenced the fact that “they have a foot in both worlds because they understand the role and requirements of a police officer and they also understand what their community has gone through.” That participant added that “they can help translate that and bridge that gap.”

As one of the study participants noted, the OPP has made a concerted effort at building relationships and trust with First Nation communities in an effort to break down the barriers that exist between Indigenous Peoples and the policing profession. “We attend important community cultural events like MMIW vigils, pow wows, pipe ceremonies, Indigenous awareness activities and PLT run a *Niigan Mosewak* Youth camp every August annually for 12 years that encourages cultural awareness and leadership mentoring.”

The Comprehensive Police Services Act of Ontario 2019 dictates that policing shall be provided throughout Ontario in accordance with the need to ensure that police services are representative of the communities they serve and the need to be responsive to the unique histories and cultures of First Nation, Inuit, and Métis communities (Government of Ontario, 2019). In addition to recommending that an evaluation of the OPP Framework and PLT program be undertaken, the Ipperwash Inquiry (2007) suggested that an independent, third-party evaluation of the service’s Indigenous Awareness Training program and recruitment initiatives be commissioned. In their presentation to the Ipperwash Inquiry (2007), the First Nation Chiefs of Ontario (COO)

recommended that more First Nation members be hired and advanced through all levels of authority in Ontario police services (COO, 2006).

Post-Ipperwash, the OPP has placed an emphasis on Indigenous recruitment and retention, however, much more needs to be done by the OPP and every other police service across Canada to encourage First Nation, Inuit and Métis men and women to consider taking up a career in policing. According to Statistics Canada (2020), Indigenous Peoples account for five percent of the population, while only four percent of police officers reported their identity as Indigenous, and only three percent of police recruits self-identified as Indigenous. The proportion of Indigenous officers in municipal police services in Canada was only one percent, while the OPP and SQ were two percent, and the RCMP reported seven percent (Statistics Canada, 2020). Based on the findings of this research study, positive social change could be achieved at both the societal and organizational levels if new and novel recruitment and retention strategies for Indigenous Peoples were developed by the OPP and other police services.

As the findings in this qualitative research study have emphasized, the PLT program is integral to the success of the OPP Framework approach. In addition to the high profile and demanding role they play dealing with protesters and protest leaders at Indigenous critical incidents, PLT members spend the bulk of their time proactively establishing and maintaining relationships with First Nation and non-First Nation communities and leaders, providing training and awareness sessions to internal and external stakeholders, and supporting OPP detachments, First Nation police services, and other policing and government partners.

As some of the participants in this study indicated, the work of the PLT members is both emotionally draining and richly rewarding and they are very passionate about what they are doing. One participant said, “They [PLT members] believe in the program. They believe in the Framework and when it is successful, it’s amazing.” They added that, “I have seen tears at the end of events where it’s like, ‘wow, like we really got through that’, and ‘you know, we got the right result’”. Beyond assisting at protests and building relationships in the pre- and post-critical incident stage, PLT members have been called upon to help evacuate First Nation members from northern Ontario communities that were threatened by floods or fires along with various other non-protest related functions.

Some participants referenced the fact that, “at times, the liaison role is difficult for First Nation officers who are status members of the community involved and have been labelled as traitors or are too emotionally invested.” That participant added that, “I have also witnessed where they can be extremely effective in overcoming some of the traditional barriers we face or where they make connections very efficiently.” Despite the key role that both Indigenous and non-Indigenous members of the PLT play in the success of the OPP Framework, some of the participants talked about the challenges PLT members faced being accepted by frontline and other officers, especially in the early days when the PLT program was known as the Aboriginal Relations Team or ART. Even with the passage of time, the important work that PLT members do before, during and after First Nation occupations and protests occur is both unappreciated and misunderstood by some detachment and special unit officers. As a result, positive social change can be achieved at both an organizational and individual level by providing PLT members with

the encouragement, resources, and support they need to fulfill their mandate, and by ensuring every officer in the organization understands the integral role they play in the success of the OPP Framework approach.

Conclusion

The purpose of this qualitative phenomenological study was to address a gap in academic research and literature pertaining to officers' perceptions about the OPP Framework policy, including their perceptions of its strengths and weaknesses, and what changes, if any, they feel should be taken into consideration. An analysis of the data that were collected for this research study indicated officers had an overwhelmingly positive perception of the OPP Framework, notwithstanding the widespread and acknowledged criticism that the use of this policy has received from the media, affected residents and business owners, members of the judiciary, and even some of the participants' own family, friends, and police colleagues.

The work of the PLT members in building strong relationships and trust with First Nation communities, and the fact that Indigenous critical incidents were resolved using a respectful, flexible, and measured approach that minimized the use of force to the fullest extent possible were two of the main reasons given for the participants positive perception of the policy. Several participants also drew attention to the fact that no one had been seriously injured or killed in the 16 years that the policy had been in use at Indigenous critical incidents as a contributing factor for their positive perception of the OPP Framework. Although some participants raised concerns about the police use of discretion and restraint when criminal acts were committed during the critical incident

stage of a protest, they nonetheless acknowledged that the relationship building, networking, and dialoguing aspects of the OPP Framework that were undertaken by the PLT members pre- and post-critical incident were valuable and should be retained.

Notwithstanding officers overwhelmingly positive perception of the OPP Framework, some of the participants felt the policy was less effective when protest leaders refused to engage or negotiate with PLT members in good faith. They also felt the amount of time it takes to resolve Indigenous critical incidents using the policy, and the use of police discretion and restraint when criminal offences were committed by protesters contributed to the widespread negative public perception of the OPP Framework approach, and to the perception that police were engaged in two-tiered or bias-based policing.

Suggested changes to the OPP Framework itself included changing the policy's name, not using the term Indigenous critical incident, defining measured approach, and revising the policy to address public and police concerns about the use of discretion and restraint when crimes are committed during the critical incident stage. One of the most important recommendations that emerged from the analysis of existing documentation and archival data was that an independent, third-party evaluation of the OPP Framework be undertaken with significant and meaningful participation by Indigenous representatives in its design, oversight, and analysis (Amnesty International Canada, 2006; Ipperwash Inquiry, 2007).

In addition to the suggested changes to the OPP Framework policy itself, participants suggested enhancements be made to such Framework related activities as

Indigenous awareness training, public education, internal and external communication, and clarifying the role of all levels of government at First Nation occupations and protests. While the OPP Framework has its detractors, the fact that it is founded on the principles of peacekeeping, patient negotiation, mutual respect, maintaining neutrality, engaging in open and honest dialogue, facilitating the rights of everyone involved, and using the minimal amount of force necessary and only as a last resort to resolve First Nation occupations and protests highlights the progress that has been made since the tragic death of Dudley George at the Ipperwash crisis in 1995. As an organization, the Ontario Provincial Police are to be commended for pioneering this unconventional, extraordinary, and respectful approach to Indigenous critical incidents.

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Appendix A: Definition of Terms

Aboriginal Peoples: A collective name for the first inhabitants of Canada and their descendants. The Constitution Act, 1982 recognizes three distinct groups of Aboriginal Peoples—Indian or First Nations, Inuit, and Métis Peoples.

Aboriginal and Treaty Rights: Rights that some Aboriginal Peoples of Canada hold as a result of their ancestors' longstanding use and occupancy of the land i.e., hunting, trapping, and fishing rights on ancestral lands.

Band: Members of a First Nation or group for whom lands have been set apart, and for whom money is held by the Crown. A body of "Indians" declared by the Governor-in-Council to be a band for the purposes of the Indian Act. Bands prefer to be called First Nations today.

Band Chief: The leader of a local band and band council who is elected by eligible voters in the community or members of the band, or by councilors pursuant to the Indian Act.

Band Council: The governing or administrative body of a band, elected according to band custom or procedures specified in the Indian Act. Consists of a chief and councilors who are elected for a two- or three-year term by eligible voters in the community.

Comprehensive Ontario Police Services Act 2019: Legislation governing the conduct of police officers in the Province of Ontario.

Critical Incident: A high-risk incident requiring mobilization of the OPP Integrated Response in the form of Tactics and Rescue Unit, Emergency Response Team,

and/or crisis negotiators. Examples of a critical incident include a hostage taking or barricaded person.

Elder: An Aboriginal person who is respected and consulted because of their wisdom, knowledge, experience, background, and insight.

First Nation (FN): A band, reserve-based community, or a larger tribal grouping and the status Indians who live in them.

First Nations: A non-legal term that describes Aboriginal Peoples of Canada who are ethnically neither Métis nor Inuit. First Nations replaced the term Indian, which is seen as pejorative, however, the term Indian is still used in a legal context.

First Nations Police: A collective of Aboriginal police services that are responsible for policing First Nations. In Ontario, First Nations police officers are appointed by the Commissioner of the OPP, and they have the powers of a police officer throughout the province. Nishnawbe Aski Police Service (NAPS) is the second largest Aboriginal police service in North America and its jurisdiction includes two-thirds of the Province of Ontario. Most officers in First Nations police services are Indigenous.

First Peoples: A collective term used to describe the original peoples of Canada and their descendants.

Framework for Police Preparedness for Indigenous Critical Incidents

(Framework): An Ontario Provincial Police operational policy that guides police response to conflict. It is applicable to both Indigenous and non-Indigenous, issue-related major events and critical incidents.

Indian: A term that refers to the legal identity of a First Nations person who is registered under the Indian Act. Aside from the specific legal context, this is an outdated term that is now considered offensive in Canada.

Indian Act, 1876: A piece of Canadian legislation enacted in 1876 that defines Indian in relation to the federal government's fiduciary responsibility as it applies to Indians living on-reserve. This legislation sets out certain federal obligations and regulates the management of reserve lands, monies, and other resources. Although the term Indian is deemed to be offensive, it is still used in a legal context.

Indigenous Awareness Training: Training that ensures frontline staff have an awareness and understanding of Indigenous culture, history, and contemporary issues. This training improves officers' ability to community and work effectively with and within Indigenous communities.

Indigenous Critical Incident: Any critical or major incident where the source of conflict may stem for assertions of inherent, Indigenous or treaty rights; or that is occurring on a First Nation territory; or involving an Indigenous Person(s), where the potential for significant impact or violence may require activation of an OPP Integrated Response.

Indigenous Peoples: A collective name used for the original peoples of North America and their descendants. More preferred term than Aboriginal Peoples. The Canadian Constitution recognizes three groups of Aboriginal Peoples: Indians, now referred to as First Nations, Inuit, and Métis.

Indigenous Policing Bureau (IPB): A unit within the Ontario Provincial Police that provides strategic expertise and dedicated support and resources to ensure they can respond to Indigenous issues. They are responsible for providing Indigenous awareness training to OPP staff, police partners, and community partners.

Inuit: An Inuktitut term meaning “people” generally living in the far northern areas of Canada who are not considered Indians under Canadian law. One of the three recognized Aboriginal Peoples in Canada according to the Constitution Act, 1982.

Ipperwash Inquiry: A two-year public judicial inquiry led by Sidney B. Linden that investigated the events surrounding the death of Dudley George, an Indigenous land defender, who was shot and killed by an OPP officer at a land claim protest at the Ipperwash Provincial Park in 1995. A four-volume inquiry report was released in 2007 that contained numerous recommendations on how to prevent the escalation of violence at Indigenous critical incidents.

Land Claim: A term used by Indigenous Peoples to describe their right to ownership over and compensation for lands they traditionally occupied. Comprehensive claims are wide in scope and based on the assessment that there may be continuing Aboriginal rights to lands and natural resources, and specific claims deal with precise grievances regarding the fulfilment of treaties and relating to the administration of lands and assets under the Indian Act.

Major Incident: A term used in the Framework to describe an occurrence that, by circumstance requires employees, equipment, and resources beyond those required for normal police service delivery such as civil disturbances or disasters.

Métis: Refers to a collective of cultures and ethnic identities that resulted from the unions between Aboriginal and European people in what is now Canada. One of the three recognized Aboriginal Peoples in Canada according to the Constitution Act, 1982.

Native: A general term that refers to a person or thing that has originated from a particular place. It does not denote a specific Aboriginal identity, and while this term is generally not considered offensive, it does hold negative connotations for some.

Non-Status Indian: A person who identifies as an Indian or member of a First Nation but is not entitled, for various reasons, to registration under the Indian Act.

Ontario Provincial Police: The provincial police service for the Province of Ontario. It is one of North America's largest deployed police services with more than 5800 uniformed officers, 2400 civilian employees, and 830 auxiliary officers. They police those communities and regions of the province of Ontario that are not policed by a municipal or regional police service, and they also provide administrative support to several First Nation Policing programs.

Police Discretion: A police officer's obligation to use reason in the course of performing his or her duties.

Provincial Liaison Team (PLT) Program: A team of specially trained, experienced officers within the OPP whose mandate is to establish and maintain open and transparent lines of communication with all stakeholders who may be affected, directly or indirectly, by major events and critical incidents.

Reserve: A tract of land, the legal title to which is held by the Crown, set apart for the use and benefit of an Indian band.

Residential Schools: Government funded, church-run schools established to eliminate parental involvement in the intellectual, cultural, and spiritual development of Aboriginal children. It was compulsory for Status Indians under the age of 16 to attend these schools. The last residential school in Canada closed in 1996.

Status Indian: A person entitled to have his or her name included on the Indian Register. Status Indians are entitled to certain rights and benefits under the law.

Treaty: A formal, ratified agreement or contract made between Aboriginal Peoples and governments.

Treaty Rights: The specific rights of the Aboriginal Peoples embodied in the treaties they entered with the Crown i.e., hunting, fishing, and trapping rights on Crown lands. Protected by the Constitution Act, 1982.

Appendix B: Ontario Provincial Police Framework for Police Preparedness for
Indigenous Critical Incidents



**A FRAMEWORK FOR POLICE
PREPAREDNESS FOR INDIGENOUS CRITICAL
INCIDENTS**

**INDIGENOUS POLICING BUREAU,
FIELD OPERATIONS**

REVISED DECEMBER 2018



INTRODUCTION

Critical Policy The Ontario Provincial Police (OPP) is committed to safeguarding the individual rights enshrined within federal and provincial laws, inclusive of those specifically respecting the rights of Aboriginal persons of Canada as set out in the Canadian Charter of Rights and Freedoms. The OPP recognizes that conflicts may arise as Indigenous communities and the various levels of government work to resolve outstanding issues associated with matters such as land claims, self-determination and Indigenous or treaty rights, which may include activities such as hunting, fishing and extraction on ancestral or traditional territories.

Preamble The Framework for Police Preparedness for Indigenous Critical Incidents (the Framework) provides a guideline for police response to conflict and has applicability to both Indigenous and non-Indigenous issue-related conflict. The Framework outlines a flexible response to each stage of the conflict cycle; pre, during and post. Its focus on negotiation and mediation applies to police-related matters during a conflict. The Framework is recognized as a best practice for police response to an Indigenous critical incident (ICI).

Critical incidents are often avoidable. The benefits of the Framework are maximized if put to use before an issue becomes a critical incident. Identifying, establishing and maintaining open and transparent relationships with all stakeholders are vital to maximize public safety.

It is the role of the OPP and its employees to make every effort prior to a critical incident to understand the issues and to protect the rights of all involved parties throughout the cycle of conflict. The policing objective is to preserve the peace, prevent offences and enforce the law in a manner that respects the rights of all involved parties.

Purpose The purpose of the document is to:

- promote an operationally sound, informed and flexible approach to resolving conflict and managing crises in a consistent manner;
- offer a framework that demonstrates accommodation and mutual respect of differences, positions and interests of involved Indigenous and non-Indigenous communities and the OPP; and
- promote and develop strategies that minimize the use of force to the fullest extent possible.

Definitions

**Aboriginal/
Aboriginal People**

For the purposes of this document: a collective group recognized under the Canadian constitution (section 35(2) of the Constitution Act, 1982). The group includes Indians (commonly referred to as First Nations people or First Nations), Métis and Inuit. The term First Nation may also be used to replace Band or Indian Band in the name of a community (as defined by the federal Indian Act). The term First Nation Territory, when used, may refer to a reserve or to ancestral or traditional territory (as defined by the federal Indian Act).

**Indigenous
People**

Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live.

Critical Incident

As defined in Police Orders, Chapter 5, Major Incident Command.

Major Incident

As defined in Police Orders, Chapter 5, Major Incident Command.

**Indigenous
Critical Incident
(ICI)**

As defined in Police Orders, Chapter 5, Major Incident Command.

**Role of the
OPP**

The OPP recognizes and respects the fundamental freedoms of opinion, expression and peaceful assembly enshrined in the Canadian Charter of Rights and Freedoms. A safe and secure environment for all participants and communities

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exercising these constitutionally protected rights is always a significant consideration.

Section 4(2) of the Police Services Act (PSA) states:

Adequate and effective police services must include, at a minimum, all of the following police services:

- *crime prevention;*
- *law enforcement;*
- *assistance to victims of crime;*
- *public order maintenance; and*
- *emergency response 1997, c. 8, s. 3.*

In addition, OPP employees have a statutory and common law duty to preserve the peace (PSA s. 42(1)(a)). The principles of peacekeeping are aimed at minimizing violence, keeping and restoring public order, maintaining neutrality, facilitating rights and establishing trusting relationships.

The OPP shall investigate and take appropriate action with respect to civil disobedience and other unlawful acts. The OPP shall use discretion and a carefully measured approach, employing only the level of force necessary to:

- ensure the safety of all citizens;
- enforce the law;
- enforce court orders/warrants;
- maintain/restore peace; and
- to provide order and security.

**Uniqueness of
Indigenous
Occupation
and Protests**

Indigenous occupations, protests and demonstrations are often complex in nature and qualitatively different from single issue labour or political disputes. The OPP shall make every effort to foster awareness of historical and cultural factors that may contribute to the uniqueness and impact of Indigenous issues. These factors shall be considered when determining what police resources may be required to peacefully resolve such incidents.

Distinguishing factors may include, but are not limited to:

- historically difficult relations between police and Indigenous peoples and communities;
- division on issues within Indigenous communities;
- remoteness of sites and traditional territories;
- involvement of different parties, e.g. government, media or non-Indigenous third parties, making it difficult to communicate and negotiate policing issues with protesters/occupiers/demonstrators;
- strength of resolve and commitment to issues, causing protesters/occupiers/demonstrators to push back any attempt of force by police;
- duration of incidents spanning days, weeks or longer periods;
- intervention of federal and/or provincial governments with public policy and legal issues that are outside the authority of policing; and
- potential for solidarity response that may be national or international in scope.

**Provincial
Highway
Blockade
Strategy**

When a demonstration occurs on or near a provincial highway, further information pertaining to the Provincial Highway Blockade Strategy can be obtained by contacting the Commander, FSB.

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ROLES AND RESOURCES

Regional and Detachment Commander	<p><u>Regional</u> and <u>detachment commanders</u> shall:</p> <ul style="list-style-type: none"> • remain alert and sensitive to <u>Indigenous critical incidents</u> during any stage of the cycle: pre, during or post; and • provide report backs and updates regarding all Indigenous critical incidents and engage required resources through the chain of command.
Commander, FSB	The Commander, <u>FSB</u> shall oversee the <u>major critical incident commander</u> role.
Commander, Indigenous Policing Bureau	<p>The Commander, Indigenous Policing Bureau shall:</p> <ul style="list-style-type: none"> • ensure training on the application of the Framework; • remain current on Indigenous issues impacting Indigenous peoples and communities; • assist in facilitating communications during any Indigenous-related dispute, conflict or Indigenous critical incident; • be responsible for the creation and distribution of the annual framework report; • provide informed advice to OPP Executive and major critical incident commanders regarding issues impacting Indigenous peoples and communities; and • develop and maintain a network of contacts and partnerships to enhance communication and foster positive, trusting relationships within: <ul style="list-style-type: none"> • the OPP; • other police services including First Nation Police Services; and • Indigenous and non-Indigenous communities and leadership.
Manager, Corporate Communications	<p>The Manager, Corporate Communications is responsible for working closely with the Indigenous Policing Bureau and, as a provincial resource, shall:</p> <ul style="list-style-type: none"> • provide communication advice and expertise, as appropriate, during all Indigenous critical incidents; • support and assist with provision of communication products and services; and • foster communication opportunities to increase public and internal OPP awareness and understanding, and to enhance accountability and transparency during conflicts and critical incidents.
Major Critical Incident Commander	<p>The available <u>major critical incident commander</u> or assigned <u>critical incident commander</u> is responsible for providing expertise in managing and resolving Indigenous critical incidents and shall:</p> <ul style="list-style-type: none"> • take command and control of the incident; and • activate the OPP Integrated Response.
Provincial Liaison Team (PLT)	<p>The Provincial Liaison Team is responsible for:</p> <ul style="list-style-type: none"> • providing specialized support and assistance to establish and maintain open and transparent lines of communication with all stakeholders who may be affected, directly or indirectly by a <u>critical incident</u> or an <u>ICI</u>; • providing specialized support to build relationships of trust, mutual understanding and respect between police and all stakeholders; and • undertaking its responsibilities in keeping with the procedures and best practices documented in the PLT Standard Operating Procedures (SOP).

FRAMEWORK APPLICATION

Conflict Cycle Conflicts cycle through recognized incident stages: pre-critical incident, critical incident and post-critical incident. This section provides an overview of signs,

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behaviours and cues that may be present at each stage and suggests resolution techniques to avoid, de-escalate or appropriately manage the situation. It is strongly recommended that the Framework be applied early in the pre-critical stage and continue throughout the post-critical stage.

Pre-Critical Incident Stage

What to look for

- real or perceived inequities in privilege or power within the community or between the community and society;
- an initiative or event being planned that could lead to conflict;
- high probability that an ongoing initiative or event could lead to conflict or crisis;
- words and images used to describe an initiative or event that could generate negative emotions, dissension, disagreement, or conflict; and/or
- involved persons stating that if an initiative or event is not dealt with sensitively, a conflict or crisis will ensue.

What may be done

- be informed about issues of concern by participating in discussions with Indigenous peoples and communities, police services, other levels of leadership, etc.;
- remain informed of positions and impact of non-Indigenous stakeholders;
- consider the policing implications of the local issues identified;
- develop and display respect for all concerned by listening;
- always be honest: overt and consistent honesty is the best way to earn trust;
- build positive trusting relationships with members of all communities, First Nations police services and other agencies;
- be open, talk to all parties;
- contact elected and traditional leaders of the community if an issue arises that may precipitate a dispute or conflict;
- consult with community leaders on potentially conflicting issues using existing opportunities for dialogue;
- encourage people to come together around issues and activities where agreement exists;
- engage Provincial Liaison Team for guidance and support;
- make appropriate notifications through established chain of command;
- notify the major critical incident commander of circumstances that could indicate a pre-critical incident through the established chain of command;
- pre-identify community and agency representatives who can serve as resource persons or mediators; and
- review the local emergency plan to ensure it adequately addresses potential conflict situations, e.g. plan outlines diversion routes, identifies likely blockade locations.

Critical Incident Stage

At this stage involved persons may have become increasingly frustrated that their issues have not been appropriately addressed. A range of possibilities exist as to how the critical incident may evolve—from a passive demonstration to one where all stakeholders may be significantly affected, e.g. blockade of transportation route.

What to look for

- involved persons expressing a perception that their issues of concern are not being satisfactorily addressed;
- comments about the incident increasing in frequency or intensity, indicating greater likelihood of crisis;
- positions being communicated becoming entrenched and polarized;

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- involved persons becoming increasingly vocal, forceful and threatening;
- demands being made known directly to police or through the media;
- conciliatory efforts not effective given the stage of the incident;
- increasing media coverage of the incident with potential to further divide positions; and
- persons or agencies not directly involved in the critical incident taking public positions concerning the dispute.

What shall be done

- The Commander, FSB must consider assigning an available major critical incident commander or appropriate critical incident commander, in accordance with Police Orders, Chapter 5 - Major Incident Command, to be the lead incident commander for the duration of the critical incident. In such circumstances, the major critical incident commander or critical incident commander shall be responsible for overall command and control of the Integrated Response;
- ensure all parties to the critical incident have the opportunity to contribute to strategies for resolution. OPP employees will rely on established relationships for effective communication between themselves and persons involved in the critical incident as well as other members of the community;
- provide options that are transparent to the parties in conflict to promote a safe resolution. OPP employees shall state their position and interests clearly so as to be understood by all. This can potentially defuse a critical incident and lead to a safe resolution; and
- key messages may be developed at any stage of a critical incident to support consistent, clear messaging. Communication strategies and key messaging are included in Incident Command and Media Relations training.

What may be done

- establish the policing interest as it relates to the dispute at hand, e.g.
 - explain that the police intend to maintain an orderly flow of traffic while allowing participants to lawfully demonstrate; and
 - where possible attempt to re-route traffic in order to avoid confrontation and minimize impact.
- emphasize that negotiations will be used at every opportunity;
- acknowledge the existence of underlying factors within the critical incident;
- communicate to disputants that all demonstrators and other members of the public will be treated with dignity and respect - consider the values, traditions and interests of the affected communities;
- seek out common ground between all stakeholders and aspects of the dispute where agreement exists - take every opportunity to facilitate productive communication;
- establish with disputants a means by which information and progress will be communicated to media;
- consider the impact of decisions on the safety of police officers, demonstrators and other members of the public;
- respond to conflict with minimal use of force;
- explain that, if needed and possible, a cooling off period and its length will be jointly agreed to; and/or
- ensure OPP personnel are kept informed.

Post-Critical Incident Stage

What to look for

- emotional and physical exhaustion of participants;
- differing perceptions of the incident by those involved; and



- stakeholders wanting to reflect on what has occurred, discuss the lessons learned and identify peace-building actions.

What may be done

- operational debriefings to review and assess operations and seek lessons learned; and
- development and implementation of a strategy to restore relationships with both the Indigenous and non-Indigenous communities:
 - strategy should consider general objectives, responsibilities, potential activities to restore relationships and be adapted in practice to specific circumstances as necessary; and
 - resources, such as the Provincial Liaison Team, may be brought in to support development, implementation and assessment of the strategy.

APPENDIX 1: RELEVANT LEGISLATION

Constitution Act, 1982

Enacted as Schedule B to the Canada Act 1982 (U.K.) 1982, c. 11, which came into force on April 17, 1982.

Constitution Act, 1982, PART I - Canadian Charter of Rights and Freedoms, section 25 and section 2:

Aboriginal rights and freedoms not affected by Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
- (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

Fundamental freedoms

2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

Constitution Act, 1982, PART II - Rights of the Aboriginal Peoples of Canada, section 35(1),(2),(3),(4):

Recognition of existing aboriginal and treaty rights

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of "aboriginal peoples of Canada"

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

Land claims agreements

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

Aboriginal and treaty rights are guaranteed equally to both sexes

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Appendix C: CACP National Framework for Police Preparedness for Demonstrations and

Assemblies



NATIONAL FRAMEWORK FOR POLICE PREPAREDNESS FOR DEMONSTRATIONS AND ASSEMBLIES¹

Suggested Best Practices Document

Note that throughout this document, the term 'assemblies' does not refer to community cultural events such as powwows or gatherings for advocacy organizations (ex. The Assembly of First Nations (AFN) - Annual General Assembly)

Introduction

The Canadian Association of Chiefs of Police (CACCP), Policing with Indigenous Peoples (PWIP) Committee was formed to consider matters relating to sustainable policing services and enhanced public safety for Indigenous peoples and communities throughout Canada. The committee includes representation from Indigenous and non-Indigenous policing services from across Canada. One of the PWIP's committee objectives is to support, on a national scale, a measured and consistent approach for demonstration and assembly management. The committee has developed a National Framework to assist police services in ensuring preparedness for demonstrations and assemblies and continued situational awareness for large scale events across the country. This best practices document is intended to address any and all issue-based conflicts and is not limited to those impacting Indigenous peoples or communities. Recommendations have been developed based on PWIP Committee discussions, a jurisdictional scan, literature and document review, incident based reviews, and stakeholder consultation.

The following outlines considerations for police services when developing a framework in relation to police preparedness for Indigenous and non-Indigenous events, including demonstrations and assemblies. The philosophy outlined in this Framework is dialogue based and outlines factors involved in providing a flexible police response within each stage of the conflict cycle; pre, during and post. Issue-related conflict is often avoidable; the benefits of the concepts outlined below are maximized if put to use early in the conflict cycle, prior to an issue requiring a police response.

The current document is intended to be a foundational piece that police services can utilize to build policies within their own organizations (see Appendix A for example). This Framework may be adopted by police services and tailored to their needs. It is strongly recommended that in developing their own Framework, police services ensure they meaningfully consult with Indigenous and non-Indigenous community members to understand local needs and issues. This will assist in the development of documents that are flexible and reflective of local community differences.

Purpose

- Promote an operationally sound, informed and flexible approach to resolving conflict and managing crises in a consistent manner;
- Promote an approach that demonstrates accommodation and mutual respect of differences, positions and interests of all involved Indigenous and non-Indigenous communities and stakeholders;
- Promote an approach to demonstrations that seeks to understand and respect unique cultural elements, particularly with respect to issues impacting Indigenous peoples and communities; and,
- Promote and develop strategies that minimize the need for use of force by police.

Objectives

- Increase consistency when responding to demonstrations and assemblies, for a more unified response of police services nationally;
- Promote consistency in training and approach;
- Provide strategies to minimize use of force while preventing disorder and the occurrence of issue-related criminal offences;
- Enforce the law in a manner that respects the rights of all involved parties and maintains public safety for the peaceful resolution of incidents;
- Provide a method to enhance service delivery while increasing efficiency of police resources;
- Promote understanding of the stages of conflict;
- Promote strategies to aid in relationship building;
- Promote education of police related to Indigenous culture and on issues that may have the potential to lead to conflict;
- Promote strategies to provide education highlighting the uniqueness of Indigenous demonstrations, including protests and/or occupations; and,
- Additionally, promote education of citizens involved in demonstrations and assemblies in relation to lawful demonstration activity.

Foundational Principles for Police Preparedness for Demonstrations and Assemblies

Through research, consultation and development, the following tenets were deemed essential principals for inclusion in documents related to police preparedness for demonstrations and assemblies. Implementation of the outlined concepts and strategies will enable police to further relationships with Indigenous and non-Indigenous communities in addition to ensuring public safety and preventing criminal activity in relation to demonstrations and assemblies.

1) Measured Approach

The “Measured Approach” is an operational philosophy that guides the strategies and tactics of the police in the measures to employ in the prevention of disorder or to achieve timely restoration of order. This philosophy emphasizes deliberate employment of proactive engagement, communication, mitigation and facilitation measures, while preserving the option to employ a variety of tactical responses as necessary, and seeking to respect the lawful exercise of personal rights and freedoms.

2) Relationship Building

Building trust between police and citizens remains essential. Ongoing communication, liaison engagement and relationship building should occur on a continual basis. Open and transparent interaction is paramount. Relationship building aids in the development of respect, rapport, reciprocity, trust and empathy. As outlined in detail below, a pre-event focus is essential in relationship building followed by consistent engagement throughout the conflict cycle.

3) Facilitating Lawful, Peaceful and Safe Demonstrations

Police response to issue-related conflict must be based around the recognition of the importance of fundamental freedoms and all other protections in the Charter of Rights and Freedoms while functioning within the law.

4) Impartiality

Police work under the concept of impartiality, which means acting fairly within the law and ensuring engagement with all stakeholders. Impartiality does not mean neutrality, because police may need to take enforcement action to uphold the rule of law.

Lessons learned indicate that it is important to be aware that Federal, Provincial, Indigenous governing bodies and local governments should be treated as any other stakeholder. Police are independent and should not take direction from any level of government in relation to response to demonstrations and assemblies. However, police should be aware of the legal, political and cultural issues in all conflicts, because those will factor into the risk assessment decisions of police commanders and their legal advisors.

"Foundational Principles for Police Preparedness for Demonstrations and Assemblies" (continued)

5) Stages of Conflict

During protest and disorder, maintenance of open, transparent lines of communication with all stakeholders is critical to the work of facilitating resolution of conflict. Work accomplished in the pre-event stage is critical. The work done post-event to rebuild relationships is essential in efforts to prevent the recurrence of conflict and sustain communication between all parties.

6) Interoperability

In a climate where multi-jurisdictional demonstrations are occurring at a higher frequency, the ability of policing partners to work together to coordinate efforts is increasingly imperative.

The interests of demonstrators may overlap policing jurisdictions, thereby increasing the risk of multi-jurisdictional solidarity demonstrations.

To increase consistency of response, police services may reach out to other policing partners for support and/or advice when dealing with demonstrations and assemblies.

7) Education before Enforcement

Police Education

Culture Based - Policies should be developed in conjunction with providing education on historical issues and Indigenous culture. Police services should work to ensure that police members have cultural awareness in keeping with the recommendations of multiple provincial and national inquiries. Such training should not assume that Indigenous groups have a consistent culture or a level of homogeneity; training should be reflective of local community differences.

Framework Based - Policies for police preparedness for demonstrations and assemblies should delineate relationship building activities and enforcement activities. Upper command must be educated and well-versed in any documents developed along with those responsible for utilizing them on a day-to-day basis such as liaison team members, police supervisors, and when required, front-line members.

Issue/Incident Based - Ensure that police members possess an understanding of the issues and background in relation to specific demonstrations or assemblies.

Public Education

- Educate the public on lawful, peaceful and safe demonstration activity and the role of police. Efforts must be made to educate and share information with all stakeholders involved in demonstrations and assemblies such as:
 - The intersection of injunctions and enforcement activities;
 - Messaging the difference and consequences of being arrested vs. being charged (for instance, the possibility of travel restrictions in the absence of an actual charge).

Legal Considerations

It is recognized that conflicts may arise as Indigenous communities and the various levels of government work to resolve outstanding issues associated with matters such as land claims, self-determination and Indigenous or treaty rights, which may include activities such as hunting, fishing and resource extraction on ancestral or traditional territories. Frameworks for police preparedness for demonstrations and assemblies should focus on the protection of rights and freedoms while ensuring the law is enforced.

- The Canadian Charter of Rights and Freedoms guarantees certain rights and fundamental freedoms. Section 2 of the Charter guarantees the right to believe what you choose, and to express your values. Police recognize the importance of fundamental freedoms and all other protections in the Charter.
- The Supreme Court of Canada has recognized that the freedoms in the Charter cannot be extended to protect and justify threats or acts of violence like assault, destruction of property, or other unlawful conduct.
- Police may utilize actions falling within statutory power, civil injunctions and enforcement powers at common law.

Relevant Legislation

Constitution Act, 1982. Enacted as Schedule B to the Canada Act 1982 (U.K.) 1982, c. 11, which came into force on April 17, 1982.

Constitution Act, 1982, PART I - Canadian Charter of Rights and Freedoms, section 25 and section 2:

Aboriginal rights and freedoms not affected by Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

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2. Everyone has the following fundamental freedoms:

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- (d) freedom of association.

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Land claims agreements

(3) For greater certainty, in subsection (1) "*treaty rights*" includes rights that now exist by way of land claims agreements or may be so acquired.

Aboriginal and treaty rights are guaranteed equally to both sexes

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

The rights and freedoms contained in the Charter are not without limit:

Section 1 of the Charter, which provides for limitations on rights and freedoms, states:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Uniqueness of Indigenous Demonstrations:

Indigenous demonstrations, including protests and occupations, are often complex in nature and qualitatively different from other issue-related conflict such as environmental, political or labour disputes. Indigenous related issues may or may not intersect with other interests, such as environmental issues. There may be a variety of perspectives within a protest or community group on the historical and cultural factors that have led to the protest. Additionally, there may be differences in opinion and perspective between elected and traditional Indigenous community leadership on issues.

Police agencies should make every effort to foster awareness of historical and cultural factors that may contribute to the uniqueness of issues impacting Indigenous peoples and communities in Canada. These factors should be considered when determining what police resources may be required to peacefully respond. Considerations should be made of the following distinguishing factors which may affect police preparedness and response, including, but not limited to:

1. Historically difficult relations between police and Indigenous peoples and communities;
2. Division on issues within and between Indigenous communities;
3. Remoteness of sites and traditional territories;
4. Variety of stakeholders involved;
 - *Differing agendas increase the difficulty of communicating and negotiating policing issues with involved stakeholders, e.g. provincial and/or federal governments, environmental groups, media, non-Indigenous third parties, etc.;*
5. Issues may be multi-generational in scope;
6. Duration of incidents spanning days, weeks or longer periods which may involve an investment in resource requirements and logistics;
7. The intervention of federal and/or provincial governments with respect to public policy and legal issues that are outside the authority of policing; and
8. Potential for solidarity response that may be national or international in scope.

Given the factors contributing to the uniqueness of Indigenous related demonstrations and assemblies the information above should always be considered when dealing with issue-related conflict.

Additional Stakeholder Groups and the Community At Large:

In any demonstration or assembly, Indigenous or non-Indigenous related, agendas of various individuals engaged in action may differ. Approaches to expressing dissent may vary; some may prefer peaceful demonstration, while others are willing to use violence, or aim to cause disorder. An additional factor to note in both Indigenous and non-Indigenous issue-related conflict is the widespread nature of social media, and its increasing use by demonstrators to expeditiously organize and potentially encourage polarization around issues.

As mentioned above, police services should also be mindful of the increasing tendency of groups or individuals, who may not have ties to the community or issues, to insert themselves in a demonstration. Traditionally stakeholder groups have typically included demonstrators, industry, and all levels of government. However there is an increasing tendency for members of the community at large or special interest groups to become involved, often co-opting the original intent of a demonstration. In these instances, it becomes difficult for the media and general public to ascertain what is occurring at a demonstration.

Attention may also be paid to the community at large who, while not directly involved, may be impacted by a demonstration or assembly. The measured approach recognizes the need to balance individual rights and freedoms while also recognizing the rights of the general public, local residents and businesses to a safe environment. Regular activities of the community at large may be periodically delayed or interrupted and police should work to minimize these impacts when working with demonstrators.

Roles and Resources

Role of Police

The primary role of the police in any demonstration or assembly is to preserve the peace, protect life and property, and enforce the law.

- As outlined above the fundamental freedoms of opinion, expression and peaceful assembly enshrined in the Canadian Charter of Rights and Freedoms must be recognized and respected. A safe and secure environment for all participants and communities while exercising these constitutionally protected rights is always a significant consideration.
- Police have a statutory and common law duty to preserve the peace. The principles of peacekeeping are aimed at minimizing violence, keeping and restoring public order, maintaining impartiality, facilitating rights and establishing trusting relationships.
- Police investigate and take appropriate action with respect to civil disobedience and other unlawful acts.
- Police services should use discretion and the carefully measured approach outlined above, employing only the level of force necessary to: *Ensure the safety of all citizens, enforce the law, enforce court orders/warrants, maintain/restore peace and to provide order and security.*

Role of Liaison Teams

Given the frequency and increasing complexity of demonstrations and assemblies it has been recognized at the national level that police services may benefit from developing a cadre of members with advanced training in subjects such as Interest Based Negotiation, Mediation, Crowd Psychology, etc. To build a solid foundation for such a team, members must be screened appropriately and chosen carefully (See Appendix B for example selection criteria). This is necessary for police services to be adequately prepared to address such events across Canada, particularly for multi-jurisdictional events requiring interoperability.

Historically, there has been reliance on a small number of members within police organizations who assist with negotiation on the front lines of demonstrations and assemblies. The development of specific Liaison Teams is strongly recommended to assist in implementing the principles and philosophy outlined above.

Such teams may be comprised of members acting in a liaison capacity on a full-time basis or who may be deployed as required from their substantive job responsibilities. Administrative oversight of Liaison Teams is determined by individual police services. However, it is recommended that teams be developed in conjunction and/or coordination with Criminal Operations.

"Roles and Resources / Role of Liaison Teams" (continued)

Several large police services have established or are in the process of establishing, Liaison Teams. These Teams are a key part of police planning and response to major events and conflict situations. Liaison Team intervention is a useful way to communicate and avoid conflict. Liaison Teams may be utilized to:

- Focus on proactive relationship building as a means to assist in resolving issues and work to establish and maintain open and transparent lines of communication with all stakeholders who might be affected, directly or indirectly, by major events;
- Provide specialized support to build relationships of trust, mutual understanding and respect between police and all stakeholders;
- Locate individuals of influence to work with throughout the cycle of conflict;
- Apply effective negotiation and mediation techniques and strategies to facilitate timely response to issue-based conflict; and
- Provide specialized support and expertise in establishing and maintaining open and transparent pre-event, event, and post-event lines of communication with all stakeholders to facilitate prevention and/or response to conflict.

See Appendix C for additional suggestions for building a Liaison program and additional resources.

Additional Role and Resource Considerations for Police Agencies:

- Consideration should be made to the intersecting but separate functions of speciality teams. For instance, Liaison Team members have a very specific role that should not be taken on by other speciality teams. Conversely, Liaison Team members should not be tasked with performing functions of other units such as Crime or Intelligence due to the potential to negatively affect relationship building.
- Liaison Teams should not be tasked with enforcing injunctions. Attention should be directed to the application of enforcement to injunctions.
- The duty of Liaison Teams is to liaise not enforce. Exceptions include rare situations where having a Liaison member would ensure cultural appropriateness and respect (ex. the arrest of an individual wearing full regalia), or if the individual specifically requests that a member be the arresting officer due to past relationship building.
- The primary role of a Liaison Team is to build and foster relationships in support of the Framework. Consideration should be given to outlining operational vs. Framework support.
- In support of the Framework, the role of upper command is to develop and maintain a network of contacts and partnerships to enhance communication and foster positive, trusting relationships internally within police services as well as externally with other police services including First Nation police and with Indigenous and non-Indigenous communities and leadership.
- Upper command should make sure to invest in and champion any programs or policies developed in order to promote support for the Framework and obtain buy-in from the membership.
- Police communications units should foster opportunities to assist in increasing public and internal awareness and understanding, and to enhance accountability and transparency during conflicts and critical incidents. Often the biggest obstacles for police when dealing with issue-related conflict are misinformation and time; communications units may be able to assist with these issues. See Appendix D for example police communications.
- Liaison members should be inserted into Framework related incidents and responsibility should be taken from local detachment, investigators, etc., to ensure a consistent and professional approach.

The Conflict Cycle

Conflicts cycle through recognized incident stages: pre-event, event and post-event. This section provides an overview of signs, behaviours and cues that may be present at each stage and suggests resolution techniques to avoid, de-escalate or appropriately manage the situation. It is strongly recommended that the Framework be applied early in the pre-event stage and continue throughout the post-event stage.

For best results, the Framework may be implemented when police action is necessary and should be utilized early on in the planning process to ensure success. Minimizing the disruption and danger from any demonstration or assembly requires the continuous work of consulting, relationship-building, and preparation. Activities of Liaison Team members should involve all stakeholders throughout the conflict cycle (ex. demonstrators, industry, proponents and opponents). Note that police communication may be developed or revised at any stage of a critical incident to support consistent, clear messaging.

Pre-Event Stage

Pre-Event Characteristics

- Real or perceived inequities in privilege or power within the community or between the community and the wider society;
- High probability that an ongoing initiative or event planned could provide an occasion for disorder or lead to conflict;
- The level of community emotion with respect to an issue of concern;
- The presence and involvement of persons known to provoke disorder during demonstrations or assemblies;
- Rhetoric (language and/or images) being used to garner support for an issue that generates negative emotions, dissension, disagreement, conflict and or/polarization of views; and
- Involved persons stating that if an initiative or event is not dealt with sensitively, a conflict or crisis will ensue.

Pre-Event

What may be done:

- Become and remain informed about issues of concern – participate in discussions/ consult First Nation/Band Councils, Indigenous police, community members, community groups, other levels leadership, etc.;
- Gain understanding and remain informed of positions and impact on non-Indigenous stakeholders;
- Engage Liaison Team members for guidance and support, ensuring they take a leading role in the pre-event stage;
- Evaluate the potential contribution of various positions to the possible breakdown of order;
- Consider the policing implications of the issues identified;
- Develop and display respect for all concerned by listening;
- Be honest – overt and consistent communication is the best way to earn trust;
- Work to build positive and transparent relationships of trust with all possible stakeholders;
- Be open, talk to all parties;
- Build relationships of trust with both elected and traditional leaders of the community on an ongoing basis as well as when an issue arises that may precipitate a dispute or conflict;
- Use existing opportunities for dialogue to consult with community leaders on potentially conflicting issues;
- Seek to facilitate communication between factions to prevent the development of conflict;
- Encourage individuals to come together around issues and activities where agreement exists;
- Make appropriate notifications through established chain of command;
- Educate potential event attendees in relation to safe and lawful demonstrations;
- Educate police members who may become involved on the background of the issues;
- Pre-identify community and agency representatives who could serve as resource persons or mediators in the event of disorder; and
- Review contingency plans to ensure they are up to date, and that they adequately address potential conflict situations.

Ongoing Event Stage

At this stage involved persons may have become increasingly frustrated if they perceive that their issues have not been appropriately addressed. A range of possibilities exist as to how the incident may evolve—from a passive demonstration to one where all stakeholders may be significantly affected, e.g. blockade of transportation route.

Ongoing Event Characteristics

- Involved persons expressing a perception or complaint that their issues of concern are not being satisfactorily addressed;
- Increased frequency and intensity of rhetoric surrounding the issue, possibly accompanied by threatening behaviour indicating greater likelihood of crisis/conflict;
- Positions being communicated becoming entrenched and polarized;
- Involved persons becoming increasingly vocal, forceful and threatening;
- Skirmishes/confrontations with the police;
- Conciliation efforts increasingly ineffective;
- Demands being made known directly to police or through the media;
- Heightened interest from the (traditional) media and/or increasing media coverage of the incident with potential to further divide positions;
- Intensification of the use of social media for purposes of organization. Social media may also be used for publicity, recruitment purposes, and/or to spread misinformation and cause division on issues;
- Persons/agencies not directly involved in the event taking public positions on the issue; and/or;
- Persons from the Indigenous community, including leaders, looking for police liaisons.

Ongoing Event

What should be done:

- Assign/deploy Incident/Event Command as appropriate within the police service with adequate supporting resources and skill sets;
- Deploy Liaison Team members to attempt to re-establish communication and negotiate order;

- Ensure all parties to the incident have the opportunity to contribute to strategies for resolution. Police services should rely on established relationships for effective communication between themselves and persons involved in the critical incident as well as other members of the community; and,
- Police should state their position and interests clearly, (police facilitate orderly, lawful demonstration including the consequences for participation in disorder) so as to be understood by all.

What may be done:

- Seek to provide reasonable options for orderly, lawful demonstration that are transparent to the parties in conflict;
- Communicate to demonstrators that so long as order is maintained, they and other members of the public will be treated by the police with dignity and respect;
- Monitor public reactions and, if applicable, provide a counter-narrative;
- If possible, re-route traffic to avoid confrontation and minimize impact. If necessary, explain that the police intend to maintain an orderly flow of traffic while allowing participants to lawfully demonstrate;
- Emphasize that negotiation will be used at every opportunity;
- Acknowledge the existence of underlying factors within the critical incident;
- Seek out common ground between all stakeholders and aspects of the dispute where agreement exists;
- Locate individuals with influence to liaise with;
- Rely on existing relationships to assist in mediation;
- Take every opportunity to facilitate productive communication, with consideration given to utilizing social media;
- In managing the event take into consideration the values, traditions and interests of the affected community and communicate that all stakeholders will be treated with dignity and respect;
- Attempt to establish common ground between the stakeholders;
- Attempt to establish with stakeholders a means by which information and progress will be communicated to media;
- Evaluate the impact of decisions on the safety of police officers, demonstrators and other members of the public;
- Respond to conflict with the lowest possible level of force; and,
- Ensure police stakeholders are kept informed.

Post-Event Stage

Post-Event Characteristics

What to look for:

- The emotional and physical exhaustion of participants;
- Differing perceptions of the issue or event by those involved;
- Trust between the community and the police may have been eroded;
- Stakeholders wanting to reflect on what has occurred, discuss the lessons learned and identify peace-building actions; and,
- Police action to rebuild community trust and implement peace-building actions.

Post-Event

What may be done:

- Operational debriefings to review and assess operations as well as seek and identify lessons learned;
- Lessons learned should be utilized to mitigate issues and for further development of best practices within police services;
- Development and implementation of strategies to restore relationships;
- Strategies should consider general objectives, responsibilities, potential activities to restore relationships and be adapted in practice to specific circumstances as necessary;
- Resources, such as Liaison Team members, may be brought in to support development, implementation and assessment of such strategies.
- Debrief with external existing relationships on what went well, issues or concerns; and,
- Liaison Team members deployed to lead trust rebuilding planning and strategies to solidify relationships with involved stakeholders.

Once an event has cycled through the stages of conflict, police services should be mindful that the work has not concluded. Attention should be brought to the post-event stage where once activities here are finished, a loop may be made back to the pre-event stage where a continuation of relationship building and education should occur on a continuous basis.

Appendix A

EXAMPLE POLICY

Police Service Guidelines:

Police service's procedures on responding to demonstrations and assemblies should:

1. Define the purpose, objectives of the document.
2. Outline existing legal considerations.
3. Outline the uniqueness of Indigenous demonstrations.
4. Define the role of the police and liaison teams with specific consideration of the following:
 - a. *Remaining impartial;*
 - b. *Ongoing building of trust between police, participating and affected individuals and communities; and*
 - c. *Providing a measured response*
5. Provide police members education and training with respect to policing demonstrations assemblies with specific focus on:
 - a. *The role of police;*
 - b. *Communication skills such as the ability to negotiate, mediate and/or engage in dispute resolution and to build trust;*
 - c. *Ensure understanding of the background of specific issues/events; and*
 - d. *Encourage police members to acquire an understanding of and consider the uniqueness of these events in the context of the history, traditions, culture and claims of the demonstrators.*
6. Ensure member of the public are also educated by:
 - a. *Seeking the assistance/involvement of First Nations police services and Indigenous police officers, when appropriate and where resources permit;*
 - b. *Seeking the assistance of Indigenous mediators, when appropriate; and*
 - c. *Consulting and sharing information with local communities that may be affected by an Indigenous demonstrations and assemblies.*
7. Outline considerations throughout the conflict cycle.
 - a. *Pre, during and post event*
8. Include considerations for development of communications strategies.

Appendix B

LIAISON TEAM MEMBER SELECTION CRITERIA

Considerations:

Recruitment should focus on liaison and related skills as critical components. Liaison teams work most effectively when made up of members who have voluntarily applied for the Liaison Member role. The work has the potential to be draining and requires a commitment to assist with issues related to demonstrations and assemblies. Police services should support members who have shown aptitude and interest for liaison work by having good listening skills and the ability to process information while dealing with many sides to an issue. The interest portion of this is very important as liaison personnel must constantly refresh and update their skill sets to remain current on issues and techniques.

Sample Criteria:

- Must be trustworthy and possess knowledge of local customs and traditions such as Indigenous culture, history, socio-economic issues, policing principles and current issues;
- Ability to maintain regular contact with and show genuine respect for the Indigenous community and the community at large by initiating involvement with community entities;
- Oral communication and interpersonal skills to communicate effectively, and work cooperatively with all stakeholders involved in an issue;
- Demonstrated skills in impact and influence;
- Demonstrated problem solving abilities, mediation, and ability to find middle ground on issues;
- Ability to understand the bigger picture;
- Communication and conflict management skills;
- Demonstrated ability to apply sound judgement, speaking ability in high stress situations;
- Demonstrated ability to work in a team-oriented environment;
- Willing to be accessible for deployment without notice; and
- Written support of supervisor to participate in the program (if selecting on a temporary or part-time basis)

Sample Selection Process:

Submission of a request, or response to a posted position advertisement. Accompanied by a document outlining that the candidate possesses the required knowledge, skills and abilities to be a Liaison Team member. Candidates who are identified as meeting or exceeding this criteria may be invited to participate in an interview before an interview board comprised of officers and managers with knowledge and experience of the Liaison Team. Supplemental methods of selection can include reference checks and completion of a psychological assessment.

Candidates selected should attend and successfully complete a Liaison Program qualification course or other training requirements as determined by the police service. Selection of candidates should be based on the assessment of the totality of a candidate's application information, and on the evaluation of the officer or manager responsible for the Liaison Program, with consideration for the candidate's potential fit within the Program.

Appendix C

ADDITIONAL SUGGESTIONS FOR BUILDING A LIAISON PROGRAM

While the PWIP review examined factors to aid in developing a successful best practices document for police response to protests and assemblies, the scope did not include related issues such as training, capturing national level data or analysis. However, the following may be considered when developing a Liaison Team or program.

Building your own team:

- Teams will vary in size and structure as determined by organizational need
- The development of Liaison Team Standard Operating Procedures (SOP's) is strongly recommended

Provincial Liaison Team (PLT)

/ Community Conflict Management Group (CCMG) Training:

- The RCMP and the OPP have designed Course Training Standards (CTS) developed to prepare Liaison Team members. Each service hosts Liaison Team courses available to internal and external police agencies.
- Discussions have been held surrounding the possibility of the Canadian Police College to take on a larger role on behalf of the CACP in hosting courses. As these courses are held more frequently, there would be less influence from OPP/RCMP, and more influence from other services.
- Liaison Team members are further encouraged to take externally available courses to develop greater expertise.

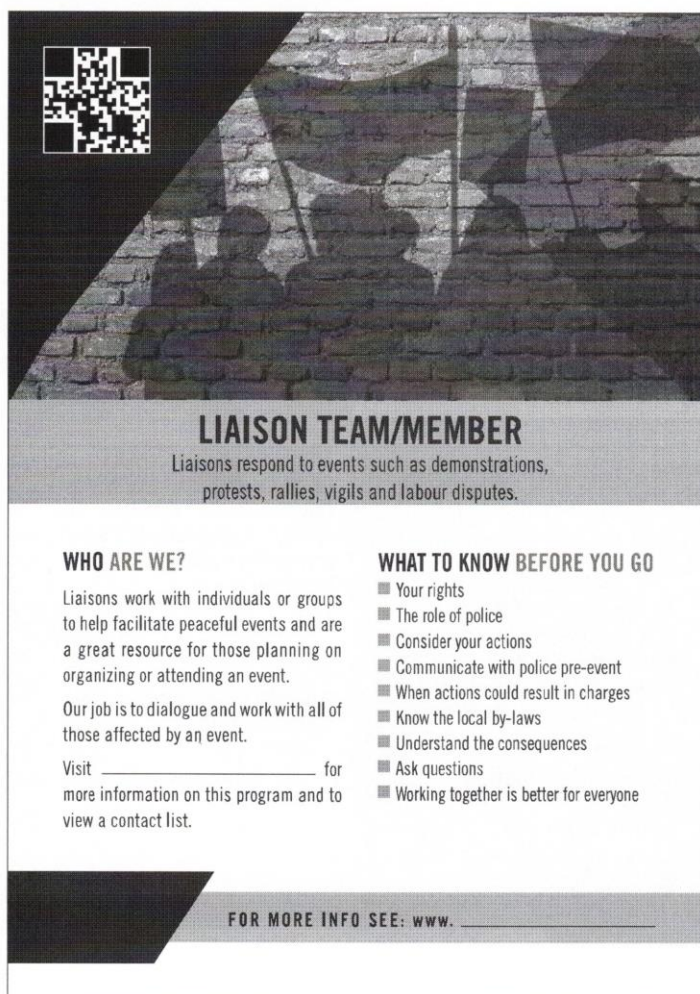
Recommendations:

- Maintain a current list of Liaison Team trained members
- Coordinate inter-organizational assistance to police services in need of resources to address large scale, ongoing protests or assemblies
- Police services should establish a method to track measurables in relation to the number of demonstrations they become involved with, as well community outreach and other activities in relation to Framework support.
- Development of promotional and educational resources for utilization by Liaison Team members such as:
 - *A hand-out for Liaison Team members to utilize during demonstrations*
 - *Information available via the internet*
 - *Strategic Communication products*

Example Demonstrator Hand-Out

*Note that QR code displayed is for demonstration purposes only

FRONT



LIAISON TEAM/MEMBER
Liaisons respond to events such as demonstrations, protests, rallies, vigils and labour disputes.

WHO ARE WE?
Liaisons work with individuals or groups to help facilitate peaceful events and are a great resource for those planning on organizing or attending an event.
Our job is to dialogue and work with all of those affected by an event.
Visit _____ for more information on this program and to view a contact list.

WHAT TO KNOW BEFORE YOU GO

- Your rights
- The role of police
- Consider your actions
- Communicate with police pre-event
- When actions could result in charges
- Know the local by-laws
- Understand the consequences
- Ask questions
- Working together is better for everyone

FOR MORE INFO SEE: [www. _____](http://www._____)

Example Demonstrator Hand-Out

BACK

YOU CAN:

- Gather to peacefully assert your rights
- Express your thoughts, beliefs and opinions
- Get your messaging out in a lawful way
- Have freedom of association

The *Canadian Charter of Rights and Freedoms* guarantees certain rights and fundamental freedoms. Section 2 of the Charter guarantees your right to believe what you choose, and to express your values. We recognize the importance of fundamental freedoms and all other protections in the *Charter*.

IF YOU'RE NOT SURE, ASK:

- Is this considered a peaceful/lawful event?
- Does this event require a permit?
- Am I allowed to wear a mask?

Though all Canadians are entitled to rights and freedoms, Section 1 of the *Charter* calls for certain limitations. Rights and freedoms are not without responsibilities. The Supreme Court of Canada has recognized that freedoms in the Charter cannot be extended to protect and justify threats or acts of violence like assault, destruction of property, or unlawful conduct.

YOU CAN'T:

- Block or obstruct a highway
- Breach the peace
- Cause a disturbance, take part in a riot
- Wear a mask or disguise during an unlawful assembly, or, with intent to commit an indictable offence
- Disobey a court order
- Harm or injure anyone
- Possess weapons of any kind including substances such as tear gas

The *Criminal Code of Canada* and/or "Case Law" contains various provisions that act to limit or control certain activities related to public demonstrations.

KNOW THE CONSEQUENCES

There also may be provincial and municipal statutes that apply during demonstrations such as the *Highway Traffic Act*. Protesting unlawfully has the potential to affect your future in various ways.

Charges resulting in a criminal record, could result in things like:

- Travel limitations
- Possibility of limited employment prospects
- Impacts when obtaining insurance or renting housing
- Further legal consequences if breaching a court order

FOR MORE INFO SEE: www. _____

Example Liaison Team Course Syllabus

Note: Depending on organizational requirements and resources, courses may be held over a one or two week period. Courses spanning two weeks typically spend additional time focusing on mediation/dispute resolution, Indigenous awareness, and include additional case studies and scenarios.

Example Liaison Team Course Syllabus

Note: Depending on organizational requirements and resources, courses may be held over a one or two week period.

DAY 1	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7
Welcome/Opening	Review	Review	Review	Review	Review	Review
Course Introduction	Indigenous Awareness and Perspectives	Inquiries, Public Opinions on Policing, New Legislation Impacting Policing	Command Structure Case Study	Corporate Perspective Case Study	Case Study Scenario	Large Scenario Debrief
Role of Liaison Team / Framework Introduction	Kairos Blanket Exercise	Legal Considerations, Injunctions 101 and Ways to Proceed	Scenario Debrief	Scenario	Debrief Emerging Trends	
Role of Liaison Officer		Protestors' Perspective		Debrief		
LUNCH BREAK: 1200 - 1300						
Statistics & Importance of Capturing Data	Current Issues and Trends	Respecting Diversity / Learning About Communities	Protestors' Perspective Crowd Dynamics	Role of Media Strategic Messaging	Case Study Scenario Debrief	Exam Stress Resiliency Course Circle
Role of Analyst	Communications - Active Listening	Measured Approach / Conflict Resolution	Interest-Based Negotiation			Debrief of Course
Strategic Communications for Managing Disputes		Role of Intelligence Pre-event Exercise - Relationship Building				Closing Remarks

Note: Case studies and scenarios may be tailored to current needs, issues and trends.

Appendix D

EXAMPLE STRATEGIC MESSAGING

Response to Demonstrations and Assemblies

General Approach:

- The ___ recognizes the Charter rights of everyone to freedom of expression and peaceful assembly. The overall objective is to work with all parties to ensure public and officer safety and to maintain orderly conduct and peace. The ___ has no role to play in resolution of the underlying issues.
- The ___ should take a low profile, reactive approach to communicating about any planned protests. Messages in most cases should be limited to the ___ role. Questions regarding the causative issues should be referred to the organizer of the event.
- Care should be taken to maintain consistent messaging with Liaison Team and partners in policing.

Strategic Messaging:

- The ___ respects the right of everyone to freedom of expression and peaceful assembly.
- The ___ also recognizes the rights of the general public, local residents and businesses to a safe environment.
- The ___ role is to ensure public safety and to keep the peace.
- The ___ has no role to play in the underlying issues (of the event) and is not in a position to resolve them.
- The ___ will work with groups who want to organize an event that provides a safe and peaceful opportunity for demonstrators to exercise their lawful rights.
- The ___ approach will recognize the need to balance individual rights and freedoms with the need to maintain public peace and order.
- Open communication, a reasoned and tempered approach and the proper use of police discretion guide ___ response to major events.
- The ___ asks everyone to be patient and respectful of each other despite potential inconvenience.

Traffic Disruptions – Specific Messaging:

- Event activities may interrupt the normal flow of traffic. The ___ is working with those involved to minimize the impact on the traveling public and to ensure order and public safety.
- The ___ objective in policing any road closures / blockades is to work to restore the orderly flow of traffic in the safest manner possible.
- No one has the right to block or disrupt traffic on public highways: Criminal Code, section 423(1)(g). See also the Highway Traffic Act and equivalent laws in provinces outside Ontario.
- As specific disruptions become known, the ___ will forward information to media outlets for broadcast.
- The traveling public is advised to check ahead for road closure information and to monitor local media for information and alternate routes.
- The ___ thanks everyone for their patience in dealing with traffic disruptions.

Enforcement / Threats / Violence / Illegal Activity – Specific Messaging:

- The ___ calls on everyone involved not to jeopardize public peace or endanger anyone and not to participate in purposefully illegal events.
- Everyone has the right to participate in protests and demonstrations that are lawful, peaceful and safe.
- The ___ will act to preserve the peace, maintain public safety and investigate criminal wrongdoing, in accordance with legislated responsibilities and in the best interests of all involved.
- Only the level of intervention necessary to ensure the safety of all citizens and to maintain peace, order and security is used. The use of force is always a last resort.
- The proper use of police discretion is a valid, appropriate approach to de-escalating situations. The proper exercise of police discretion should not be confused with lack of enforcement. Police may wait for a lower-risk opportunity to arrest offenders rather than inflame a situation.
- Violence will not be tolerated. The ___ will respond to unlawful events in an appropriate and professional manner.