

Canadian police must acknowledge racial bias to fix it, Indigenous advocates say

'We're not talking people getting shot so much, but we are talking about physical abuse'

By Nicole Ireland, CBC News Posted: Sep 25, 2016 5:00 AM ET Last Updated: Sep 26, 2016 9:02 AM ET



Indigenous advocates say racial bias in policing is a problem in Canada that has parallels with the issues raised by the Black Lives Matter movement. (Graham Hughes/Canadian Press and Peter Nicholls/Reuters)



Nicole Ireland

Nicole Ireland is a CBC News journalist. Based in Toronto, she has lived and worked in Thunder Bay, Ont.; Iqaluit, Nunavut; and Beirut, Lebanon.

The question of racial bias in Canadian policing is under even more scrutiny after news broke this week that the Thunder Bay, Ont., police force faces a **conduct investigation into how it handles the deaths** of Indigenous people.

The news comes as many people across the country continue to call on the newly established Missing and Murdered Indigenous Women (MMIW) inquiry to examine whether police forces **under-investigated the deaths and disappearances** of hundreds of women.

But Indigenous advocates say police discrimination against First Nations, Métis and Inuit people extends far beyond death and disappearance investigations and even echoes some of the allegations of police racism raised by the Black Lives Matter movement in the U.S.



Celina Reitberger, head of Nishnawbe-Aski Legal Services, says there are many good police officers, but there are 'rotten apples in every bunch.' (Nishnawbe-Aski Legal Services)

"The Black Lives Matter activities definitely resonate with Aboriginals here in Canada," said Celina Reitberger, head of Nishnawbe-Aski Legal Services, which serves dozens of First Nations across northern Ontario.

Cases involving police use of force against Indigenous people in Canada tend to involve assaults, Reitberger said, but not deaths like in the U.S.

"We're not talking people getting shot so much, but we are talking about physical abuse," she said. "Broken bones, faces rearranged."

'A scary position'

Harley LeGarde-Beacham, 25, a member of Fort William First Nation, recalls a run-in he had with police while attending a house party in Thunder Bay a few years ago.

Police were called after a fight broke out, in which he was not involved, he said.

It was winter, so he stayed inside to look for his jacket. The officers said he was resisting and pulled him up some stairs and outside, he said.

"Once I got outside, they had thrown me on the ground, and I was against the cold cement, and I just remember a knee on top of my back," he said. "They were holding me down, and I ... kept telling them, 'I'm not trying to be resistant or anything. I'm just trying to go in and grab my sweater and my jacket.'"



Harley LeGarde-Beacham says police put him in a 'scary position' at a house party. (Harley LeGarde-Beacham)

"That's a scary position to actually be in because it could take one wrong move to, you know, accidentally break someone's neck."

He's measured in his description of what happened to him, explaining "it's really, really hard to say" whether he would have received the same treatment if he weren't Indigenous.

'If I am free to go, please tell me so'

For Reitberger, there is no doubt "there's an issue with racism" when police deal with Indigenous youth.


"Not all police are bad. But there are...rotten apples in every bunch," she said.

Although more and more people are making complaints, Reitberger said, "a lot of people just take their licks and figure that's a fact of life."

Physical roughness is just one type of allegation of racial discrimination against police. Police have also been accused of unnecessarily stopping people who are black or Indigenous to question them.

First Nations youth being stopped in northern Ontario streets is such a significant problem, Reitberger said, that Nishnawbe-Aski Legal Services created a card it encourages them to carry at all times. It outlines their rights and includes text they can show or read to an officer if they are stopped.

Card created by Nishnawbe-Aski Legal Services that youth can download and reference if stopped by police.



IF YOU'RE STOPPED BY THE POLICE.

NISHNAWBE-ASKI LEGAL SERVICES CORPORATION
86 S. Cumberland Street
Thunder Bay, ON P7B 2V3
Tel. (807) 622-1413
Fax (807) 622-3024

www.nanlegal.on.ca

POLICE ARREST: Silence is Golden

Each situation is different and you must use your common sense. Stay calm and remember everything that happens. Remember your rights!

❶ Silence: I can refuse to talk to police or answer their questions, unless I am in a bar or a cinema, driving a car, or they say I broke the law. In those cases, I must give my name, birthdate and address, or show ID, but I do not have to say any more.

If you are stopped by the police against your will, give the other side of this card or read it out. Then, do not say anything until you talk to a lawyer.

To speak to a lawyer call: Nishnawbe-Aski Legal Services at 622-1413
AFTER HOURS: 626-6393. Ask for Celina

STATEMENT FOR POLICE

My Rights: ❶ Silence ❷ I can say "NO" if the police ask permission to search me or my things. Saying "NO" does not mean I have something to hide ❸ I can leave unless I am being detained or arrested ❹ If I am being detained or arrested, I have a right to know why, and a right to speak privately to a lawyer without delay – even if I can't afford to pay ❺ I can only be strip-searched in private by officers of the same sex ❻ I have a right to know a police officer's name and badge number ❼ I can report a police officer who abuses me, swears at me, or violates my rights.

Officer, if I am under arrest or being detained, please tell me so. If I am free to go, please tell me so. If I am not free to go, please tell me why. I wish to exercise all my legal rights including my right to silence and my right to speak to a lawyer before I say anything to you. I do not consent to be searched. I wish to be released without delay. Please do not ask me questions, because I will not willingly talk to you until I speak to a lawyer.

Thank you for respecting my rights.

(Nishnawbe-Aski Legal Services)

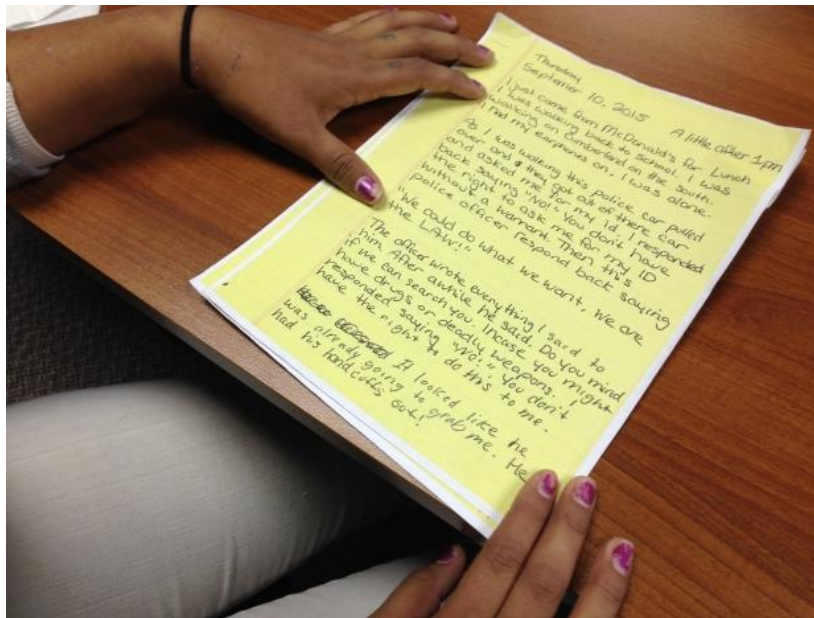
"Officer, if I am under arrest or being detained, please tell me so," the script begins. "If I am free to go, please tell me so. If I am not free to go, please tell me why."

Last September, a teen from Neskantaga First Nation in northern Ontario **filed a formal complaint** to the province's civilian police oversight body after officers in

Thunder Bay allegedly stopped her while she was walking back to school after lunch and asked her for ID.

Just trying to get to school

"I kept saying, 'No, I'm just a girl who was trying to get to school,'" Cheyanne Moonias's written complaint says. "I was crying too."



Cheyenne Moonias filed this handwritten complaint with Ontario's civilian police oversight agency after she alleges she was stopped for no reason and frightened by Thunder Bay police officers. (Jody Porter/CBC)

Proving police target people based on race is difficult because there is a lack of data on the subject, said Scot Wortley, an associate professor of criminology at the University of Toronto.

"The issue of racial or ethnic bias in the justice system is an important issue that deserves much more research and data collection than currently exists," he said.

"Both African Canadians and Aboriginal Canadian populations perceive the system as racially biased."

According to a 2015 Statistics Canada report, only three per cent of adults in Canada are Indigenous, yet they represent between 20 and 24 per cent of adult inmates in Canada's jails and prisons.

RCMP Commissioner Bob Paulson has publicly acknowledged the existence of racial bias in Canadian policing.

- **First Nations chiefs sign agreement with RCMP to address racism within force**

"I understand that there are racists in my police force. I don't want them to be in my police force," Paulson told a meeting of the Assembly of First Nations last December.

'Unconscious bias'

Racial discrimination is deeply ingrained in the policing and justice systems and can't be addressed until it's acknowledged, said Caitlyn Kasper, a lawyer at Aboriginal Legal Services of Toronto who has handled race-based complaints against police.



Caitlyn Kasper, a staff lawyer at Aboriginal Legal Services of Toronto, says it's hard for police to admit to racial bias. (Aboriginal Legal Services of Toronto)

"You're talking about a history based on, you know, hundreds of years of relationship between Indigenous people and government institutions," she said. "One of the hardest things that I have ... found in the work that I've done is for police officers to admit that there's a problem."

The heads of some police forces say they are making efforts to both face and address the problem.

"We recognize that there is a long standing distrust of police by Indigenous people," said Chris Adams, spokesman for the Thunder Bay Police Service, in a statement to CBC News on Saturday. "When mistakes are made, we must take responsibility for them. Reviews of policing practices create a great opportunity to evolve how policing services are provided.

"There is a cultural divide in our country which needs to be healed," Adams said. "We must always remember that beneath the issues, the uniforms and the challenges, we are all human."

- **Read the full statement from the Thunder Bay Police Service**

Clive Weighill, chief of the Saskatoon Police Service, said his force has been trying to rebuild trust with Indigenous communities for more than a decade following a "dark time," when a 2003 inquiry confirmed that officers had conducted what are known as "starlight tours."

Efforts to change in Saskatoon

For years, police officers drove First Nations people outside city limits and made them walk back into Saskatoon, often in intense cold, the inquiry found. The investigation focused on the death of Neil Stonechild, a 17-year-old boy who froze to death on the outskirts of the city.

- **Friends of Neil Stonechild mark 25 years since his death**

Weighill said the Saskatoon Police Service now works extensively with local Indigenous groups, hired more Aboriginal officers, and an Indigenous woman serves as chair of the Saskatoon Board of Police Commissioners.



Saskatoon Police Chief Clive Weighill says police have come a long way in rebuilding trust with Indigenous communities after a 'dark time.' (Saskatoon Police Service)

In addition, he said, the Saskatchewan Police College now includes courses on Indigenous history, covering issues such as colonialism and residential schools.

Other police services across the country are also working to improve relationships with different ethnicities and cultures, Weighill said.

"There's absolutely no doubt in my mind that policing has really moved ahead in the last 10 to 15 years, dealing not only with Indigenous relations but with new Canadians coming to Canada," he said.

However, Weighill says "everybody has an unconscious bias, whether they like to believe it or not," and emphasizes the importance of hiring more Indigenous police officers to address that.

Adams of the Thunder Bay Police Service agreed. "If we accept the reality that bias exists at every level of society, then we must acknowledge that it will take continuing efforts to diminish its effect on the services our institutions provide."

Admitting 'prejudice'

Dealing with racial discrimination is a "huge component" in policing, said retired constable Grant Dokis, who was the first Indigenous officer to join the municipal police force in Sudbury, Ont., about 30 years ago.

Dokis, who worked for about 15 years on the street and then another 15 as an Indigenous liaison officer, remembers facing prejudice from colleagues and members of the public, but says he dealt with it largely by educating his peers about his culture.

- **The Warrior: Retired Constable Grant Dokis**

Three decades later, Dokis says he's proud the Greater Sudbury Police Service employs about 25 Indigenous people and works closely with members of the community.



Three decades ago, Grant Dokis became the first Indigenous officer on the municipal police service in Sudbury, Ont. (Jan Lakes/CBC)

"This just didn't come overnight," he said. "I think early on, we had to say there was prejudice between ourselves."

One of the most significant initiatives in building trust, Dokis said, has been a ride-along program that pairs Indigenous youth with police officers.

The reaction of one officer in particular sticks with him to this day.

"He said, 'This is the first time in my 25-year career that I had a conversation with a young Aboriginal individual,'" Dokis recalls. "[Officers] never had the chance to hear that young Native people had goals and aspirations and they have futures themselves."

Zoom

**Statement from Chris Adams, Executive Officer, Thunder Bay Police Service
September 24, 2016**

"Ontario has one of the most robust and responsive governance models for policing in the world. The right to file a complaint against police and to have that complaint investigated thoroughly by a civilian oversight agency is a critical piece of our democracy. It makes transparency a top priority. These oversight agencies also determine which complaints are false and which ones are true.

We recognize that there is a long standing distrust of police by Indigenous people. TBPS Chief Levesque has worked diligently to build a positive relationship with the leaders of the Nishnawbi Aski Nation. There have been a number of instances where this relationship has been effective in bringing concerns forward for resolution. We have worked directly with NAN Legal Services to support their role as advocates for persons who have are not comfortable or confident in bringing complaints forward.

When mistakes are made, we must take responsibility for them. Reviews of policing practices create a great opportunity to evolve how policing services are provided. While not perfect, Ontario has adopted legislation within the Police Services Act to govern how police conduct street contacts with citizens. This takes effect January 1, 2017. We are preparing for that through training and policy updates.

We all have bias. If we accept the reality that bias exists at every level of society, then we must acknowledge that it will take continuing efforts to diminish its effect on the services our institutions provide. Bias free policing is necessary and takes an ongoing commitment to ensure its success.

The Thunder Bay Police Service has participated in learning opportunities involving Indigenous culture for nearly 2 decades. This learning is part of the overall education our members receive in cultural diversity. This is an ongoing process.

There is a cultural divide in our country which needs to be healed. We all have a role to play in learning about the things that have kept us apart and building on what we have in common. One way conversations won't work, honest two-way dialogues needs to occur. We want that to happen. We must always remember that beneath the issues, the uniforms and the challenges, we are all human. Our goal should be the formation of a just and honorable society where everyone has a respected voice."

With files from Jody Porter and Susana Mas