

**POLICING IN RELATION  
TO THE BLOOD TRIBE**

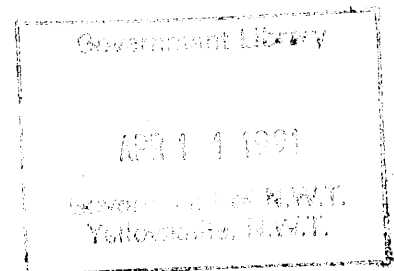
**REPORT OF A PUBLIC INQUIRY**

**Volume 2: Executive Summary**

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Assistant Chief Judge C. H. Rolf  
*Commissioner*

*February 1991*

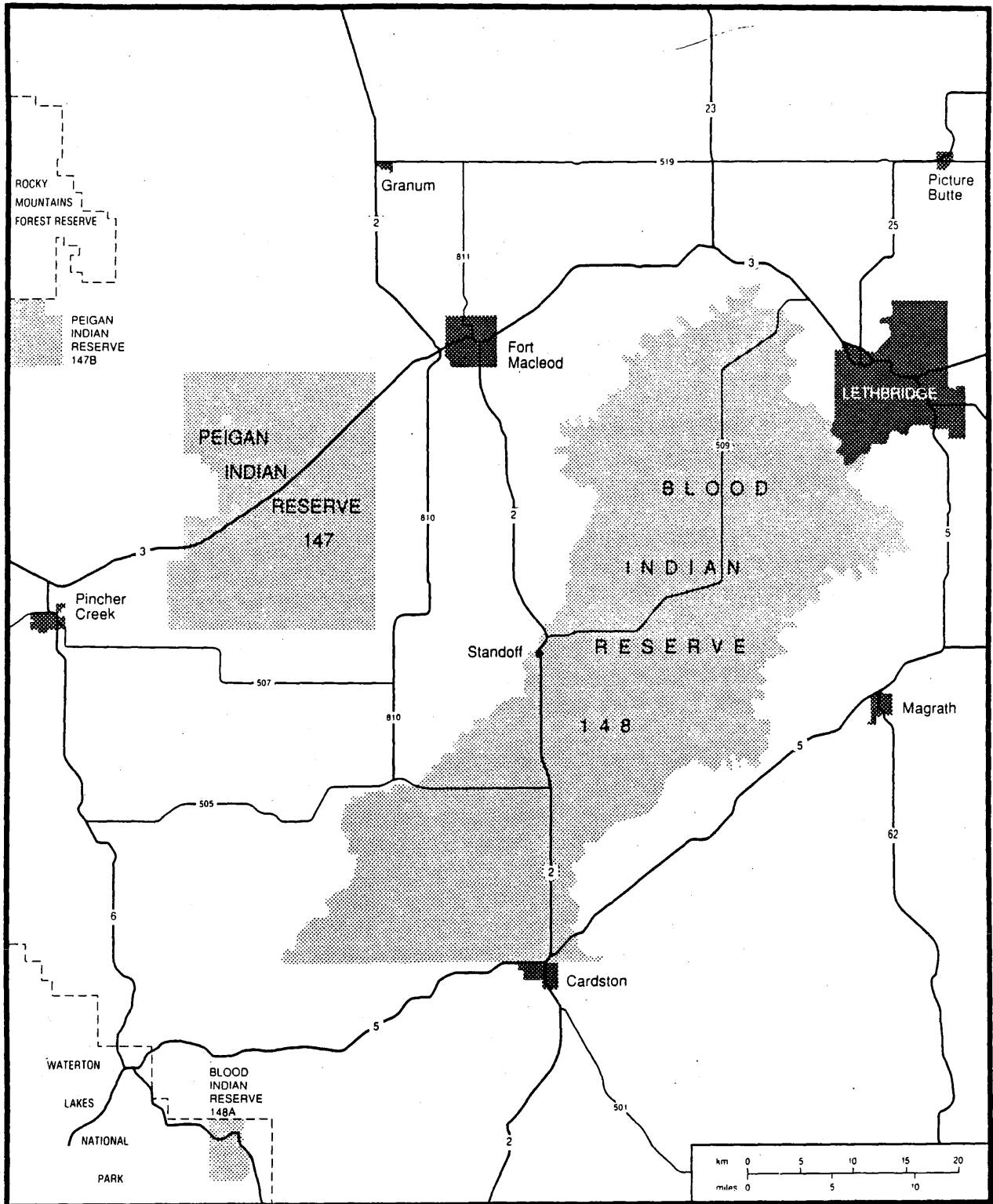




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### Area Location – Blood Indian Reserve



Standoff to Lethbridge - 75 km  
Standoff to Cardston - 33 km  
Standoff to Fort Macleod - 33 km

## 1. INTRODUCTION TO THIS PUBLIC INQUIRY

On April 20, 1988 Chief Roy Fox of the Blood Tribe forwarded a letter to the Premier of Alberta, The Honourable Don Getty. In this letter, Chief Fox indicated the Blood Tribe:

"...is greatly concerned about the increasing incidents of deaths and murders of our members under peculiar and mysterious circumstances." and the "...apparent unwillingness/inability of the authorities to solve these tragedies."

Chief Fox stated there was an apparent double standard involved based on race and that the authorities appeared intent on maintaining a low profile level in such cases.

A Public Inquiry was demanded by Chief Fox to pursue these matters. His letter discussed several cases, including the homicide of Bernard Tallman Jr., a young Blood Tribe member, whose body was found on March 31, 1988.

The Premier's Office responded April 21, 1988 to confirm receipt of Chief Fox's letter and to advise that the Alberta Solicitor General and Attorney General were reviewing the letter's contents and would respond directly.

The Department of the Alberta Solicitor General formally advised the Royal Canadian Mounted Police on April 28, 1988 that a further investigation should be conducted into allegations contained in Chief Roy Fox's letter to the Premier. Superintendent C. Cooper completed this review May 19, 1988. Five deaths were reviewed in detail. As a result of this re-evaluation, the Department of the Solicitor General concluded that these deaths had now been thoroughly investigated and there was no need for a Public Inquiry. The Blood Tribe, however, still demanded a Public Inquiry.

During this same period of time, further developments occurred which heightened tensions and reinforced calls for a Public Inquiry. On April 29, 1988 the Royal Canadian Mounted Police arrested and charged two white men with the murder of Bernard Tallman, Jr. The accused were remanded at the Lethbridge Courthouse May 6, 1988. As they were being moved, a disturbance occurred within the Courtroom, and soon spread throughout the Courthouse and

onto the street. Allegations appeared in the media concerning the possibility of a white gang systematically hunting down and murdering Natives. Blood Tribe members were quoted as being uneasy and concerned over the safety of their family members.

Mary Louise Many Grey Horses, mother of one of the deceased in question, sent a letter to the Premier June 12, 1988 that questioned the Royal Canadian Mounted Police investigation into her son's death. Mrs. Many Grey Horses requested that the Premier convince the Alberta Solicitor General to institute a Public Inquiry. To emphasize this request, Mrs. Many Grey Horses initiated a "Run For Justice" June 14, 1988 from Standoff to Edmonton to meet with the Premier.

On June 16, 1988 the Premier and the Alberta Solicitor General met with Chief Roy Fox and other Blood Tribe members. It was agreed that a Public Inquiry would be called to remove any outstanding doubts and concerns. Negotiations to develop the Terms of Reference were to be initiated. The Premier met with Mrs. Many Grey Horses the following day and agreed that her views had merit.

A letter from the Department of the Solicitor General June 20, 1988 instructed the Royal Canadian Mounted Police to reopen the investigation of certain deaths on a priority basis. There was a need to contact Chief Roy Fox and other relatives of the deceased to complete this review. The review was completed and this expanded report was submitted March 1, 1989 to Assistant Commissioner G. Greig, the Commanding Officer of Royal Canadian Mounted Police Divisional Headquarters ('K' Division). Several aspects of the cases under review had required further investigation in other provinces thus extending the time frame for completion.

Government of Alberta representatives and the Blood Tribe held a series of meetings regarding the Terms of Reference of the Inquiry. The first meeting was held June 23, 1988. The Alberta Solicitor General announced March 2, 1989 that an agreement had been reached between the Blood Tribe and the Province of Alberta on the Terms of Reference for this Public Inquiry. An Order-in-Council to that effect was signed March 2, 1989. Assistant Chief Judge C. H. Rolf of the Provincial Court of Alberta was appointed the sole Commissioner with the consent and concurrence of all parties involved.

The Commissioner chose both Commission Counsel and Commission Administrator. They in turn were responsible for developing operational and administrative guidelines for the Inquiry.

Commission Counsel, in consultation with other registered Counsel with standing, proposed that evidence be heard within three main categories or

phases. The Commissioner agreed and directed that evidence be heard in these categories.

Phase I examined a number of Sudden Deaths identified by the Blood Tribe where circumstances were considered suspicious or the investigation was perceived by the Blood Tribe to be incomplete or unacceptable.

Commission Counsel reviewed a total of 105 Sudden Deaths. Through mutual consultation and subsequent agreement with Blood Tribe Counsel, Blood Tribe researchers and other representative counsel these were reduced to 17 actual cases (involving 20 Sudden Deaths) examined in open hearings. Thirteen of these deaths were examined in significant detail, while the other seven required only expert medical testimony and, where appropriate, a brief summary of police information to adequately describe the situation.

Among the general observations arising out of Phase I of the Inquiry are the following:

- The undeniable tragedies associated with the Sudden Deaths investigated in open hearings were reflected in the testimony of witnesses, Native and non-Native, who appeared before this Commission.
- Alcohol abuse on the Blood Reserve is a serious problem that the Blood Tribe itself is becoming increasingly aware of and concerned about.
- Alcohol use and abuse has, however, masked other medical and legal issues. Assumptions about alcohol were made in certain Sudden Deaths that hindered full and objective reviews by police forces, medical examiners and pathologists.
- Blood Tribe members no longer viewed the Royal Canadian Mounted Police as their "protector", but rather as the "enforcer" of white man's laws. Partly as a result of this, they have a reticence to express their fears and concerns openly to police.
- At times during the investigations, police officers showed cultural insensitivity and

paternalism towards the Indians. The Commissioner believed that this was not a conscious bias on the part of police officers, but rather a basic lack of cultural knowledge about the Indians.

- There was confusion in certain cases over who had jurisdiction in the police investigation. This was at times compounded by a lack of communication between the investigating police forces. Unnecessary delays and frustrations were thus created.

Phase II examined an incident that occurred in the summer of 1980, generally referred to as the Cardston Blockade. This was a confrontation between the Blood Tribe, the Government of Canada (regarding outstanding land claims), the Royal Canadian Mounted Police, and the Town of Cardston and its citizens.

The Cardston Blockade was regarded as the watershed event which publicly highlighted the Blood Tribe's perception of policing, particularly policing by the Royal Canadian Mounted Police. For this reason, the Commissioner ruled that the Cardston Blockade should be included within the Terms of Reference of this Inquiry.

Among the general observations arising out of Phase II of the Inquiry are the following:

- The Natives believed that since the lands on which they set up the blockade were originally part of the Blood Reserve, there was nothing illegal about their occupation.
- The Blood Tribe blockaders failed to grasp the complex legal situation they found themselves in in trying to commit the Federal Government to the bargaining table to resolve their land claims and concerns.
- They also mistakenly thought that the police would help them achieve their objectives and that the Cardston merchants would be sympathetic to these objectives.

- The Cardston merchants were, in fact, most unhappy and unsympathetic. The Royal Canadian Mounted Police perceived the situation as a breach of law and as an act endangering the peace.
- From the Royal Canadian Mounted Police perspective, it was forced to use minimum force to uphold the law, restore order and keep the peace. The Blood Tribe members, however, were shocked at what they perceived as excessive force being used against them and their non-violent demonstration.

Phase III reviewed Native culture and how it perceptually interacts with federal and provincial policing policies and procedures. Both historical and current events were examined from Native and non-Native perspectives.

Phase III looked at the kind of policing Blood Tribe members themselves would like to see on the reserve. It also looked in detail at the role of the Royal Canadian Mounted Police, the traditional police force delivering police service to Indian communities.

The Blood Tribe's two attempts at self-policing - Blood Tribe Police I and II - were examined in depth. The results of that examination form the basis for many of the Phase III Recommendations contained in this report. These recommendations have, as a major objective, the establishment of a stand alone Blood Tribe Police Force.

Among the general observations arising out of Phase III of the Inquiry are the following:

- The underlying causes of the problems facing the Federal, Provincial and Indian Governments in their negotiations, must be addressed if new policing initiatives are to be anything more than temporary stop-gap measures. The Indians must be seen as equal partners in all negotiations, if these negotiations are to have any hope of success.
- In the past, resolutions of problems have been handed to the Indian people without negotiation or consultation, thus dooming



those resolutions, regardless of their merit, to failure.

- Self-policing by the Blood Tribe presents a most difficult problem. It is one external manifestation of the Blood Tribe's wish for independence and self-government.
- The Blood Tribe has a strong desire to have a "community policing" system that is sensitive to its cultural traditions and to the needs of its community. The "response to complaint" style of policing is not acceptable to the Blood Tribe.
- Stable, long term funding must be mutually resolved and guaranteed by all funding sources if attempts at developing a stand alone, accredited Blood Tribe Police Force are to succeed.

During the course of this Public Inquiry, there were a total of 86 hearing days between the May 9, 1989 opening and the adjournment by the Commissioner March 28, 1990. The Commission heard a total of 232 witnesses in these open hearings, and viewed 163 separate exhibits. This resulted in over 14,000 pages of sworn testimony and many thousands of pages of exhibits being entered at this Inquiry.

The Commissioner reconvened the Commission of Inquiry for two days, October 3 and 4, 1990, in order to give Counsel with standing an opportunity to present summation or closing statements.

## **2. CONCLUSIONS RESPECTING SPECIFIC TERMS OF REFERENCE**

- 2.1 Inquire into the treatment by the police of members of the Blood Tribe when they are arrested and detained prior to speaking to legal counsel or prior to appearing before a Hearing Officer or before a Judge.**

### **Conclusion:**

The witnesses testifying before this Inquiry did not disclose evidence of physical abuse of persons arrested by the Royal Canadian Mounted Police, or the Lethbridge City Police in the isolated cases it dealt with, during the investigations conducted into the Sudden Deaths.

During the Cardston Blockade there is no doubt that there was force used which the Blood Indians perceived as excessive. The Royal Canadian Mounted Police felt the amount of force it used was justified in the face of the resistance exhibited by some of the Blood Indians who were arrested. This was an incident which had the potential for explosive violence. It was a classic confrontation where, given the circumstances, no peaceful resolution was negotiable because of the strong belief by all parties that they were acting in a reasonable manner. They believed that their conduct was based on their right to act in the manner they did.

The Royal Canadian Mounted Police has dealt mainly with the Blood Indians in cases where the problem was basically alcohol or substance abuse, and the criminal charges which flowed from this, such as assaults and family violence. In the first instance the police respond to a complaint which the Indian initiates. Upon arrival, the Royal Canadian Mounted Police is immediately placed on the defensive. This is particularly so if it is a domestic situation. This is not unusual in any of the cultures of the Canadian mosaic. In the case of the Blood Indian, it is very pronounced because of the cultural differences. The Bloods are a close family unit, even into the extended family. This, combined with their natural reticence towards authority figures aligns the Indian against the police. The Blood culture expects the police to remove the cause of disruption, but really no more than that. The police, on the other hand, see a criminal event and they arrest the cause and take that person to jail.

The "White" response to crime is to apprehend, convict and punish. The Blood culture seeks a different resolution to the incident. Theirs is a civil rather than a criminal approach. If some harm has been done, then there must be a suitable compensation awarded the aggrieved person or family. The intent is to cleanse the aggressor and put him back into society as a continuing useful person. The element of punishment of the transgressor is the very last resort. It is at this point that it becomes important to consider the culture of the Bloods and to understand it. The cultural differences may cause the Blood Tribe member to consider the form of apprehension and subsequent processing as being abusive. The police agency sees it only as another arrest and booking.

**2.2 Inquire into how the police verify the accuracy of information upon which a charge is based prior to an investigating police officer recommending that charges be laid against members of the Blood Tribe.**

**Conclusion:**

The experienced police officer in the field should investigate Native claims or information further and in more detail to see whether the factual belief of the Indian is based on his/her own knowledge, or if the "perception" is based on information received from someone else. Traditionally the spoken word was at the heart of the integrity of a Blood Indian. No written language existed and therefore the truth of oral communication was accepted as basic truth. It is culturally a fact that when a Blood Tribe member relates an incident it is considered as being true as if the witness had seen it personally.

The integrity of oral communication has been eroded as is evident by the rumours that arise around Sudden Deaths. In the Sudden Death cases investigated by this Inquiry, there was evidence that this had occurred. The police generally contacted various witnesses to cross-check their information. There were some inconsistencies in evidence that should have at times been investigated in greater detail. The resolution of these matters would have made the situation more understandable to the Indian within the framework of his cultural perception.

It again emphasizes the requirement of cross-cultural education specifically tailored for the reserve, in this case the Blood Reserve. Officers need to fully understand the non-verbal or reticent manner in which Blood Tribe members communicate their concerns or fears. They must not be so quick to accept the verbal responses as being what the Indian is in fact wishing to communicate. The exercise of patience must be practised.

- 2.3 Inquire into the treatment by the police of relatives of members of the Blood Tribe in those situations where the police make contact with and question relatives following the death of a member of the Blood Tribe and during police investigations into matters that could lead to charges against members of the Blood Tribe.**

**Conclusion:**

It has been stated time and time again in testimony before this Inquiry that there is no conscious bias on the part of the police personnel in their dealings with the Blood Indians. There are probably times where an unconscious reaction of the police officers is to make light of certain situations in an attempt to alleviate the apprehensions of the next of kin or even friends and family of persons being charged. This is not appreciated by the Native people, as their evidence has shown. Some Native people were deeply hurt and offended through their interaction with the police in certain of the Sudden Death cases. A certain insensitivity was perceived in some investigations, however, the Commissioner does not conclude this behaviour to be a deliberate act to offend or show disrespect. It is a perceptual matter for the Blood Indians rooted in their culture which is foreign or certainly unknown to the police officer. Again, cross-cultural education specific to the Natives involved is highlighted as absolutely necessary.

- 2.4 Inquire into how the police have investigated the deaths of members of the Blood Tribe, in those situations where the deaths are not by natural causes or are of a suspicious nature, or when the cause of death is not conclusive.**

**Conclusion:**

This Inquiry heard a great deal of the perceptions of the Blood Indians in their dealings with the police. It also heard a great deal of the misconceptions that the Native has in his interpretations of the general laws governing the outside population. Once the actual investigations were launched by the police agencies involved (i.e. Royal Canadian Mounted Police and Lethbridge City Police) there is no evidence of bias or racism due to the deceased being a Native. Some concerns about the completeness of some of the investigations were valid, but this was not due to bias or racism, but rather a criticism of the thoroughness of the individual officers involved. The Indian, however, could very well perceive this as a bias.

The initiation of investigations in certain cases was, at times, confused due to regional policing jurisdiction problems compounded by the reticence of

the Natives in explaining or clarifying their particular concerns. The police did not appear to appreciate this factor in certain cases. The police, at times, did not appear to give sufficient importance to the Indian's concerns in cases of missing persons. That police investigations are in some way flawed or incomplete when Native people are involved is a Native perception that both Indian and police must tackle in order to develop communications based upon mutual trust. In this way the "rumours" of bias or racism will be laid to rest and a start to achieving mutual respect will be made.

- 2.5 Inquire into the thoroughness of any police investigation into any prior death of a member of the Blood Tribe that occurred off the Blood Reserve, which in the opinion of the Commissioner was not previously thoroughly investigated.**

**Conclusion:**

This "Term of Reference" has been answered in 2.4.

- 2.6 Inquire into whether there was any bias during any aspect of any police investigation into any prior off-reserve death of a member of the Blood Tribe once it was established that the victim was a member of the Blood Tribe; and, whether there was a bias that influenced the manner in which the death was investigated by the police or the priority given to the death by the police.**

**Conclusion:**

The evidence is relatively clear that a bias in respect to the misuse/abuse of alcohol was apparent in the police investigation of certain Sudden Deaths. The police were all too familiar with cases of alcohol abuse and this contributed to the Natives perceiving that a lesser priority was assigned to such cases. Investigations were not always complete or thorough though this was because of assumptions made regarding alcohol. The approach to an investigation always seemed to carry the stigma of alcohol. The Commissioner believes the bias was related to alcohol abuse and was not motivated by racial concerns.

Dr. John Butt, Chief Medical Examiner, was emphatic in his analysis of this matter that alcohol and not racial origin influenced the police perception.

**2.7 Inquire into the adequacy of policing provided on the Blood Reserve both by the RCMP and the Blood Tribe Police Force, as presently constituted.**

**Conclusion:**

The Royal Canadian Mounted Police has provided an adequate policing service to the Blood Tribe over the years. It is regrettable that the policing service delivered by the Royal Canadian Mounted Police has developed into the "response to complaint" style from the old "community policing" style of earlier years. This latter style of policing is much more appropriate to meet the cultural needs of the Bloods and, therefore, the level of service expected by the Blood Community.

It is this "response to complaint" standard of policing which has given such impetus to the Blood Indians desire for their own stand alone accredited police force. The Commissioner has been advised that the Royal Canadian Mounted Police is responding to the Native wish to be involved in their own policing. However, it may well be too late to satisfy the large reserves with anything short of their own stand alone Native Police Force. The Bloods are pragmatic and understand that the Provincial Police Force will be required to provide the back-up upon request during any phase-in period until the Blood Tribe Police become a stand alone force. As well, they understand that when accreditation is achieved, the back-up will always be the Provincial Police Service regardless of how and by whom this service is delivered.

It is unfortunate that the first Blood Tribe Police pilot project of the late 1970s and early 1980s failed. The reasons are set out in section 4.5 of Volume 1 of this report. It is an experience to be drawn from and will hopefully lead to the future success of self-policing the reserve. It is in this area that the Provincial Police and the Blood Police must work closely together under the close scrutiny of the Provincial Director of Law Enforcement.

The second Blood Tribe Police project is developing in a similar manner to the first one. There are problems with the current police project that mask any true assessment of the Blood Tribe Police Force's competence. A forum of free discussion and exchange of information is required to iron out the problems facing this new fledgling force.

With the certainty of funding and the renewal of commitment on the part of the concerned levels of leadership, this force will survive and be able to provide an effective and acceptable standard of policing to the Blood Tribe. If there is any holding back of these commitments of funding and support, then this newest effort will likely go the way of the first project.

- 2.8 Inquire into the level of knowledge of police officers of Native culture generally and more particularly their awareness of the Blood Tribe culture.**

**Conclusion:**

The evidence has disclosed time and time again, that even those police officers in the field had gained only a superficial knowledge of the Blood culture. It has been stressed that cross-cultural training, specific to the Blood Tribe, must be instituted with the agreement and the assistance of the Blood Tribe Elders and current leadership.

- 2.9 Inquire into the effectiveness of existing communications between the Blood Tribe leaders and members and the police forces.**

**Conclusion:**

The evidence made much of the lack of communication between the Blood Tribe members and the respective police forces prior to this Inquiry being constituted. Examples included the Cardston Blockade and its aftermath as well as certain of the individual Sudden Death investigations. The Commissioner can only conclude from the evidence and testimony that such lack of communication existed and was a major obstacle to police-tribe member interaction.

The Royal Canadian Mounted Police indicated it was unable to access the Blood Tribe Chief and Counsel after the Cardston Blockade occurred. Chief Fox agreed that this attitude was prevalent with respect to Council meeting with the Royal Canadian Mounted Police. Council Members felt such meetings would not serve any purpose. The Chairman of Protection Services became the Royal Canadian Mounted Police conduit to the Tribe leadership rather than the Police Commission.

The Commissioner of this Inquiry was then advised of the renewed commitment to communication and understanding by the Blood Tribe Chief and representatives of both the Royal Canadian Mounted Police and the Lethbridge City Police. The Commissioner was pleased to hear of the re-establishment of a Royal Canadian Mounted Police Liaison Officer to the Blood Tribe and its new police force as well as a Native Liaison Officer being recruited by the City of Lethbridge. It is hoped such positions will be filled by seasoned professionals in their respective fields. It is further hoped that such a liaison position will continue to be of direct assistance in the development phases of the Blood Tribe Police project.

The Commissioner concludes that existing communications are still fragile but are improving under a climate of cooperation. The initiation of formal discussions at senior representative levels and communication seminars/workshops at Police Commission levels would foster a continuation of knowledge of each other's laws and customs.

- 2.10 Inquire into any perceptions that Blood Tribe members have of the police forces and any perceptions that the police forces have of Blood Tribe members, and how these perceptions affect the relationship and interaction between police officers and members of the Blood Tribe.**

**Conclusion:**

The perceptions of both the Blood Tribe members and the respective police officers are influenced by the lack of knowledge of cultural differences by both parties. These perceptions have been addressed in the Terms of Reference 2.3 and 2.4. The improved communications outlined in Terms of Reference 2.9 should assist the perceptions in question to become more objective and less influenced by rumours.

- 2.11 Inquire into any other matter, as determined by the Commissioner, that is directly related to the above described areas and that could facilitate this Inquiry.**

**Conclusion:**

Other matters determined by the Commissioner to be of relevance to this Inquiry are included, in part, in the General Observations Sections - 2.5, 3.5 and 4.8 or in Section 5.2 - Matters Beyond the Terms of Reference of the Inquiry from Volume 1 of this report.



### 3. RECOMMENDATIONS

### 3. RECOMMENDATIONS

The Commissioner believes the following recommendations should not be viewed as attaching blame but instead should be seen as an attempt to find constructive solutions. As stated by the Honourable Adrian Roden, Q.C. in his paper (August 6, 1990) on Aboriginal Deaths in Custody in Australia:

"It is easy, but rarely justified, to judge yesterday's conduct by today's enlightenment ... Those who condemn past generations on present standards, will doubtless themselves be condemned by generations to come."

#### 3.1 PHASE I

1. *There is an urgent need to identify and implement an on-going cross-cultural training package that is relevant to the Blood Tribe for both non-Native and Native police officers.*

The three police forces under discussion (Royal Canadian Mounted Police, Lethbridge City Police, Blood Tribe Police) could benefit from not only the content of the course but also from the interaction of colleagues in pursuing a common goal of delivering a sensitive, acceptable police service to the Blood Tribe community. It is this type of training which will foster mutual understanding and respect between the police officers from different cultures and geographic locations. This is important to the non-Native officer for on-reserve duties and for dealing with the Native in urban settings. It is also important for the Native police officer in dealing with his own people. Evidence from the Blood membership has indicated that many of their members, including Native police officers, are not fully familiar with their own culture and customs, including their Native language.

2. *There is a need for the respective Police Commissions and detachment commanders to mutually develop and deliver seminars or workshops aimed at providing information and insight for Blood Tribe members into the criminal justice system.*

The Lethbridge Community College may well be the vehicle to help establish, through mutual consultation and agreement, the framework for such workshops to explain to the Indian people the workings of the "white man's laws".

3. *The Blood Tribe, in conjunction with the relevant police forces, should endeavour to break the conduct or barrier of reticence that is shown by Native people in their dealings with the police forces generally and in specific cases.*

A full review of a case can minimize frustrations and lead to increased respect and acceptance between both Native and non-Native. The evidence has been clear that because of the history of interaction between the Natives and persons of authority, the Natives have become unwilling to fully communicate with such persons (ie. Royal Canadian Mounted Police).

Increased positive social interaction between police officers, police commission members and Blood Tribe leadership and members is necessary to rebuild trust and respect.

4. *Police should promptly review all concerns regarding missing persons, and promptly initiate the investigation of such missing persons.*

Failure to carry out this recommendation allows for a vacuum in which unfavourable conclusions may be drawn by the Native people. Such conclusions feed the rumour mill and such interpretation takes on the mantle of truth among the Natives.

The Commissioner notes that the taking of information on missing persons is presently a policy within the Royal Canadian Mounted Police but needs to be reinforced and brought to the attention of detachment commanders.

5. *The police service receiving the "complaint" of a missing person should resolve the jurisdictional question at the police level, rather than passing the complainant from service to service.*

The Commissioner is pleased that the Chief of Police for the City of Lethbridge has initiated a policy requiring every complaint to be taken. The jurisdictional responsibility will be resolved at a later date. This removes the frustrations of the complainant and should improve the current perception of the Lethbridge City Police Force by the Native.

6. *The police, in their final analysis of an investigation of a Sudden Death, should exercise great care in developing suitable scenarios to "close the file".*

The objective of such investigations is not to develop a scenario to close the file, but rather to resolve the evidence to enable the families (in this Inquiry, the Natives) to draw the only "reasonable" conclusion. This would minimize the rumours which have caused such anguish among the bereaved families.

7. *The Fatality Review Board under the Fatality Inquiries Act must be very cautious in relying upon the "final scenario" assembled by police officers in deciding not to hold a Public Inquiry into a death.*

The Commissioner believes it is imperative to carefully review the need for a Fatality Inquiry in Native deaths. A Public Inquiry is important to the Native as it gives certainty to the cause of death and identification of the victim. Another important function is to minimize the rumours.

8. *The Royal Canadian Mounted Police and Lethbridge City Police must establish and/or maintain appropriate and relevant mechanisms with the Blood Tribe for the notification of next of kin in Sudden Death cases. The Blood Tribe Police must be involved in these procedures.*

The Commissioner was pleased to note the family debriefing process implemented during this Inquiry by the Royal Canadian Mounted Police and Lethbridge City Police after each Sudden Death, Native and non-Native. Families of deceased Blood Tribe members should be kept

abreast of any ongoing investigations by the respective police members as a matter of course and courtesy.

9. *A more efficient procedure should be developed through the Chief Medical Examiner's Office, to notify the next of kin regarding the cause of death, especially in rural areas like the Blood Tribe Reserve.*

Discussions regarding such a procedure occurred between the Chief Medical Examiner and the Commissioner during the Public Hearings. The Chief Medical Examiner indicated a willingness to review this with the idea of developing a more reliable process that ensures communication in a more sensitive manner.

It is necessary to ensure that the next of kin be advised of the cause of death and this has proven ineffective in the past. The Native concept of next of kin is broader in scope than that of the white man's. Therefore, the Blood Tribe Police should be consulted in this regard. It is suggested that the police, as investigators to the Chief Medical Examiner's Office in rural areas, accept the final responsibility of notifying such next of kin since they usually are in contact with them.

10. *The policy of police forces regarding unconscious persons is to be adhered to in all cases.*

This will entail taking the person to a medical facility and obtaining a medical opinion on his/her condition prior to lodging the person in cells. If there is any doubt as to whether the individual is actually unconscious or only "passed out" from alcohol or other chemical substances, the police officer should obtain a medical opinion.

11. *The Chief Medical Examiner should re-emphasize diligence on the part of medical examiners in their classifications of deaths where medical conditions may have been masked by alcohol.*
12. *Pathologists, when they cannot find evidence of a cause of death, must exercise great care in coming to their conclusions, particularly if there has been alcohol consumed prior to death which would tend to mask other symptoms.*

Evidence before the Inquiry has shown that the Chief Medical Examiner has been fully aware of the problems regarding recommendations 11 and 12, but it is important to bring this to the attention of the pathologist and the medical examiner. Any uncertainty must be removed otherwise the next of kin will begin to speculate and doubts will become magnified.

13. *The Chief Medical Examiner should hold discussions with the police forces as to the desirability and feasibility of making the pathologist's report available to the police force concerned on a confidential basis.*

At present, the police information as to cause of death appears to come from the notes of the officer attending the post mortem examination by the pathologist. These are made from the running commentary of the pathologist and may not be really complete or reflected in the final certificate of death.

Information from the pathologist's report is vital to the police in conducting their inquiries and this final information would be most valuable to them.

## 3.2 PHASE II

The Cardston Blockade was examined in depth because it showed a polarization of the respective perceptions held by the Blood Tribe, Royal Canadian Mounted Police and the officials/citizens of Cardston. This situation became the classic example of how a relationship previously based on trust and respect was eroded by misunderstanding, misinterpretation and poor communication.

Each of the respective groups firmly believed that they were acting appropriately. Unfortunately, they were working at cross-purposes due to their erroneous perceptions of each other. The resulting confrontations and violence fostered feelings of distrust, frustration and dismay among all groups.

Recommendations which conceivably could have been developed from this phase of evidence will be included with those developed from the Phase III testimony.

### 3.3 PHASE III

14. *The Blood Tribe must be consulted by the police, whether Royal Canadian Mounted Police, Blood Tribe Police or both, to ascertain what model of policing service is expected by the community.*

In this fashion, the standard to be delivered will be established. It must be kept in mind that the Province of Alberta is responsible for the standard of justice by virtue of its overall responsibilities for the administration of justice and enforcement of the Criminal Code.

The forum in which this consultation would best occur is that of the Blood Tribe Police Commission.

15. *Federal, Provincial and Chief and Council representatives should resolve long term (minimum five years) funding guarantees for the Blood Tribe Police Force with provision for responsibility for any financial short-falls.*

Some considerations to be resolved and agreed to, without limiting the scope of these negotiations, would include:

- i) Salary scale, on the basis of a comparative police force, including pension, medical insurance, liability insurance, etc. in the total pay package;
- ii) Equipment for police and administrative staff, procurement and maintenance;
- iii) Any other related specifics in the cost of operating a police force.

The Commissioner believes this is a step of utmost importance to ensure that this particular aspiration of the Blood Tribe to develop an accredited police force is attained.

The Blood Tribe Chief and Council need to recognize on an on-going basis the complexities of managing a stand alone police force. The commitment to having their own Police Force must be continuing and unflinching.

16. *Funds identified for the Blood Tribe Police Force, including the Blood Tribe Police facility, should be placed under the auspices and sole control of the Blood Tribe Police Commission.*

This structurally removes these funds from the competing priorities of other Blood Tribe departments that beset Chief and Council. It reinforces the independent role of the Police Commission as established by the Blood Tribe by-law. It will ensure stability and continuity of funding, thus enhancing the choice of "police officer" as a career by Blood Tribe members.

17. *The Blood Tribe Police Commission must assume its mandate for providing policy direction and approval of all fiscal matters for the Blood Tribe Police Force.*

It is unfortunate that the Commission was not appointed prior to the planning and development of the police force. It must work diligently to overcome this handicap and take charge. The Police Commission must not delegate any of its fiscal responsibilities to the Police Chief whose duty is to oversee the daily operations of the police force and to carry out the Police Commission directives.

18. *Capital expenses for present or future police facilities should be agreed upon in advance by the involved levels of government.*

This will remove the need for on-going fund raising for the facility. It will ensure the immediate construction as well as on-going maintenance and control costs. The suitability and usefulness of the present facility, almost completed, should be reviewed by the Blood Tribe Police Commission. Expertise present as advisory members to that Commission should be used to advise on any changes that may be required to upgrade the building. The additions to the building could be obtained from Kainai Industries in the opinion of the Commissioner and this possibility should be examined by the Police Commission.

19. *The Blood Tribe Police Commission should identify and explain to Blood Tribe members the respective types of offences that the Royal Canadian Mounted Police and the Blood Tribe Police will handle.*

This allocating of jurisdiction to enforce offences between the two police forces needs clarification on an on-going basis. The fullest cooperation is required. The advisory members of the Police Commission would be a good source of advice to assist the Police Commission to disseminate to the public such information.

20. *Seminars for the Police Commission members on their responsibilities and duties should be sponsored on an on-going and frequent basis by the Provincial Director of Law Enforcement.*

Such seminars would familiarize the Commissioners with their duties and obligations. It would keep currently serving Commissioners up-to-date on policing and teach newly appointed Commissioners their new responsibilities. This should be specific to the Blood Tribe or any other reserve. There should also be general seminars for all Native and Non-Native Police Commissions.

21. *The Provincial Director of Law Enforcement should provide frequent and regular supervision of Blood Tribe Police staffing with power to call upon the local Royal Canadian Mounted Police for specific guidance and training of the members of the Blood Tribe Police.*

The Blood Tribe Police is being phased into an accredited police force. The local Detachment of the Royal Canadian Mounted Police is part of Lethbridge Subdivision and, therefore, part of 'K' Division. Field training, including co-patrols, had previously been arranged with the Royal Canadian Mounted Police, after training was completed at the Department of the Solicitor General Academy. This must be continued throughout the whole of the transition period. The cooperation between the Royal Canadian Mounted Police and the Blood Tribe Police is good, but it is suspected that a certain amount of pride on either side might slow the process. The Director of Law Enforcement should be able to deal immediately and directly with the local police forces to facilitate the process.

22. *The "on-site" representative of the Director of Law Enforcement should remain in place as a consultant to the Blood Tribe Police Force.*



This has provided a stable and practical resource for the Blood Tribe Police. It is necessary for the Blood Tribe Police to obtain or develop its own management and police expertise so as to pursue its goal of a stand alone accredited police force. The presence of this "on-site" representative is the stabilizing influence in this process. The position should be maintained on an indefinite basis after consultation with the Police Commission and with the approval of Chief and Council.

23. *The recruitment of Blood Tribe Police officers should be conducted in an objective and impartial manner, preferably based on a point scale system.*

This will remove the potential charges of nepotism and increase the credibility of the police officers and the force. Employment of Blood members is a very important consideration. However, the Police Commission must not use the recruiting of police officers as a stop gap employment measure, but rather as a way of acquiring career police officers.

24. *Priority should be given to continuous recruiting and access to on-going recruit training for Blood Tribe Police officer candidates.*

This should occur in response to the routine attrition of positions on the force. It is absolutely necessary to ensure that trained replacements are available. This is important in maintaining an accredited police force, let alone one that is striving for this recognition.

25. *There should be a continuing education program sponsored by the Police Commission and Chief and Council to enable Blood Tribe Police Force members to upgrade themselves academically and professionally.*

It is recognized that this is a very important consideration in maintaining a professional police force. It will provide an incentive for the dedicated police officer to advance his/her career.

Workshops could be used to provide Native and non-Native police officers the latest information on police procedures/techniques so as to ensure all respective police forces are operating with the same knowledge base.

26. *The Blood Tribe Police Commission should initiate a review of staffing within the Blood Tribe Police Force to ensure that the personnel are appropriately suited to their respective positions.*

The intent of this recommendation is to have the Police Commission review whether staff have the competence and necessary skills to carry this police force through to accreditation and a stand alone status. Part of this process is to ensure that all job descriptions are completed in writing and are updated as required.

27. *Continued involvement of a liaison officer should occur between the Royal Canadian Mounted Police and the Blood Tribe Police Force as part of the latter's transition to a stand alone accredited police force.*

The Commissioner is pleased with the re-introduction of a Royal Canadian Mounted Police liaison officer position assigned to provide services on the Blood Tribe Reserve. It is hoped that a seasoned officer will be retained in this position to assist in bridging the knowledge-/culture gap.

The position is important today in the Blood Tribe Police transition stage but remains a priority even when the Blood Tribe Police become an accredited police force. The Royal Canadian Mounted Police will retain its back-up role as the Provincial Police Force. This position is more than a "messenger" service, it should be a "seconded" position of actual and practical assistance in ensuring that this police project succeeds.

28. *A sub-detachment or satellite office comprised of Royal Canadian Mounted Police Officers should be established on the Blood Reserve to provide continuous "on-site" visibility.*

Notwithstanding the view, by some, of the negative features of dual policing, the Commissioner believes there will be an element of dual policing until the Blood Tribe Police is a stand alone force. This is the price which must be paid to provide the type of services which meet the cultural needs of this community. The Royal Canadian Mounted Police will continue to provide a back-up capability as it does for other community police forces. This will enhance the opportunity of increasing communications and mutual understanding.

29. *The Lethbridge Community College should consider setting a quota for Native students in its courses for police candidates.*

This would assist in developing a pro-active approach to encourage Native students to join the Law Enforcement Program. If efforts to fill the available Native quota are unsuccessful, then the college would fill this quota with non-Native applicants. This is the approach used at most colleges and universities. It would emphasize the importance of providing for Native inclusion in the education system.

The Commissioner is pleased that the Program Chairman is actively pursuing initiatives to encourage more Native participation in the Law Enforcement Program. If such space was provided for Native students, then police forces such as the Lethbridge City Police who rely on such graduates for their recruiting, would be better able to achieve their own "quotas" of Native police officers.

30. *Lethbridge Community College should devise programs to educate the predominant population which comes into contact with the Indians in the specific aspects of the Blood culture.*

Lethbridge Community College could take a leading role in such an endeavour to work at bridging the cultural differences by enlightening the white population, and opening lines of communication between the different cultures on an equal and open basis.

Consultations with Blood Tribe leaders and respected Elders should occur in developing such programs.

Lethbridge Community College is developing/proposing a course on the Blood and Peigan cultures. The Commissioner supports such a proposal through the College or, if required, by the respective police forces. It must be specific to the culture of the Bloods for the Blood Reserve, with changes if necessary for the Peigan Reserve.

31. *Consideration should be given to initiating a recruiting office within the Lethbridge City Police Department to interface more closely with the City of Lethbridge Personnel Department.*

This would enable the police to be more effective in pro-actively recruiting candidates from minority groups. The police would be better able to respond to their own needs if they had more control of the recruiting process.

32. *The Blood Tribe should consider the development, in concert with the Royal Canadian Mounted Police, of a formal citizens advisory group which would reflect the community's perception of how it is being policed.*

Such a group could be comprised of the following members:

- i) An elected Council member;
- ii) A community Elder;
- iii) A Native women's representative;
- iv) The Detachment Commander of the Royal Canadian Mounted Police;
- v) The chairperson of the Blood Tribe Police Commission.

This would assist the Police Commission in keeping abreast of Blood Tribe opinion.

This process of equal consultation is most important. Until now the standards of service delivered have been the sole prerogative of the Royal Canadian Mounted Police. It is a good example of the fact that even the most admirable solution thrust upon or given to the Blood members will not receive their whole-hearted cooperation because they had no voice in identifying the problem and working out the resolution.

33. *Consideration should be given to establishing a Provincial Native Police Commission under an independent chairperson to assist in the resolution of policing issues and setting of minimum police force standards*

The Commission should involve representatives of the Federal, Provincial and Indian Governments. It would monitor the development of police projects and help the local or regional Native Police Commissions to achieve their goals in policing for the Native population. This would include helping a Native Police Force seek accreditation.

The Blood Tribe Police Commission would not be deprived of its legitimate control over daily operations, recruitment, policy setting, crime

prevention community programs or funding considerations for the Blood Tribe Police Force.

34. *The Royal Canadian Mounted Police should further review the relative strengths in the Ontario approach to provincial police/Native police relationships regarding self-policing models.*

This relationship was favourably reviewed by Assistant Commissioner R. H. Head in that:

"it offers the local bands some input and some "ownership" in their policing program."

The Commissioner is aware of and supports the initiative taken by the Royal Canadian Mounted Police Headquarters in seconding a Liaison Officer to work within the Ontario Provincial Police Headquarters - Contract Policing Section. The resulting additional knowledge and expertise may be of value to 'K' Division contract policing personnel in consultation with the respective Natives.

#### **RECOMMENDATIONS ARISING FROM MATTERS BEYOND THE TERMS OF REFERENCE OF THE INQUIRY**

Many of the recommendations made by the Commissioner deal only with symptoms. Recommendations which deal with the underlying issues and problems, will have to be bold and innovative and in consultation/negotiation with the Natives.

35. *Consideration should be given to the establishment of a Standing Commission involving representatives of the three levels of government, being the Federal, Provincial and Indian Governments, under an independent chairperson whose mandate is dispute resolution in an open exchange of ideas where all parties are equal participants.*

The Standing Commission would be a forum to identify problems, develop resolutions and facilitate implementation of such resolutions. It would entertain issues on a regional or provincial concern in any area proposed by the representative parties. The more basic or causal issues

could be examined, such as the issue of self-government. The Office of the Indian Commissioner of Ontario could be a valuable resource in the development not only of the Commission structure but also in operationalizing its dispute resolution mandate.

36. *There should be either a drastic change or a replacement of the Indian Act in consultation with the Indians.*

The Department of Indian Affairs and Northern Development has entered into negotiations with Indian bands for community self-government within the framework of the current *Indian Act* and associated statutes. The *Indian Act*, however, is perceived as an obstacle to the status Indians' desire to achieve independence and self-determination and, in fact, excludes other aboriginal groups from these negotiations.

Criteria for the individual bands negotiating the status of community self-government is considered discriminatory by the Commissioner because of the guidelines set up by the Federal Government. Achieving this status depends in part on establishing sound fiscal management, but primarily it depends on the wealth of the band, both in natural resources and finances. This discriminates against the more impoverished bands.

The *Indian Act* has governed the lives of successive generations of Indians. Negative measures such as residential schooling, the pass system and the attempted destruction of Indian spirituality have fostered a distrust and anger towards the *Indian Act*.

The perceived discrimination and the negative emotions created by this Act are considered by the Commissioner to be a serious obstacle hampering any negotiations. It is believed negotiation between the Federal, Provincial and Indian Governments outside the *Indian Act* is necessary in order to reach mutually constructive resolutions.