



SHARING COMMON GROUND

Review of Yukon's
Police Force

FINAL REPORT



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Simone Arnold, Peter Clark and Dennis Cooley

An Executive Summary is also available.

Ce document est également disponible en français.

December 31, 2010

The Honourable Marian C. Horne
Minister of Justice and Attorney General
Government of Yukon
Whitehorse, YT Y1A 2C6

Dear Minister,

Pursuant to your request following debate in the Yukon Legislative Assembly on Motion 1033 requesting the Government of Yukon, in conjunction with "M" Division of the Royal Canadian Mounted Police and the Council of Yukon First Nations, to conduct a review of policing in Yukon, we are pleased to submit our final report.

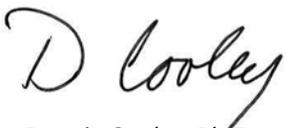
Sincerely,



Simone Arnold
Justice Manager
Council of Yukon First Nations



Chief Superintendent Peter Clark
Commanding Officer
"M" Division, Royal Canadian Mounted Police



Dennis Cooley, Ph.D.
Deputy Minister
Department of Justice
Government of Yukon

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Recommendations

Term of Reference 1: Consider measures and make recommendations to better ensure that Yukon's police force is responsive and accountable to the needs of Yukon citizens.

Recommendation 1.1: That the Minister of Justice establish a Yukon Police Council. The council will be chaired by the Deputy Minister, Yukon Department of Justice, and composed of six members appointed by the Minister, three of whom will be nominated by First Nations.

The role of the council is to make written recommendations to the Minister and the Commanding officer of "M" Division on issues relating to the delivery of policing services in Yukon, including these:

- establishing core policing values that reflect Yukon's history and cultural heritage;
- ensuring that community needs and values are reflected in the policing priorities, objectives, programs and strategies of "M" Division;
- establishing policing practices and standards for "M" Division;
- ensuring that police services are delivered in a manner consistent with community needs, values and expectations;
- acting as a liaison between the community and "M" Division;
- participating in the selection of the "M" Division Commanding Officer; and
- receiving reports on matters that affect the administration of justice, including Annual Performance Plan updates, public complaints, use of conducted energy weapons, and updates on high-profile matters.

The Yukon Police Council may meet with First Nations, municipalities, non-government organizations, or others in carrying out its duties, and will coordinate activities with national organizations such as Commission for Public Complaints Against the RCMP and the Canadian Association of Police Boards.

The council shall meet quarterly or as required to complete its mandate. The council shall report annually to the Yukon Legislature and Yukon First Nation leaders.

Recommendation 1.2: That First Nations, municipalities and "M" Division establish community-based processes — which may include creating a local community advisory committee or inclusion of this function in the mandate of an existing community body — to provide opportunity for community input into developing detachment Annual Performance Plans that reflect local priorities, and to provide a mechanism to coordinate policing and related services within the community and deal with other community policing matters, as appropriate.

Recommendation 1.3: That "M" Division undertake a review of the Commanding Officer's First Nation Advisory Committee. This review should consider the committee's composition, member selection process and terms of reference and ensure that the work of the committee is coordinated with the Yukon Police Council.

Recommendation 1.4: That the Department of Justice and “M” Division develop a communication strategy in consultation with the Yukon Police Council to improve citizens’ understanding of the role of the RCMP, citizens’ rights and responsibilities with respect to law enforcement, how the public complaints process works.

Recommendation 1.5: That “M” Division establish a First Nations Relations Advisor who reports directly to the Commanding Officer “M” Division.

Recommendation 1.6: That the “M” Division Commanding Officer meets with leadership of each Yukon First Nation at least once per year and with all Yukon First Nation leaders together as practicable.

Recommendation 1.7: That “M” Division ensures that First Nations and municipal leaders are offered the opportunity to participate in the selection of Detachment Commanders, and are informed and consulted when members are transferred in and out of a community.

Term of Reference 2: Review how public complaints relating to the RCMP in Yukon are currently dealt with and to make recommendations on any required improvements.

Recommendation 2.1: That the Minister of Justice establish an independent civilian police complaint coordinator, who shall report to the Yukon Police Council and help citizens who have concerns with the RCMP to navigate through the Commission for Public Complaints process and to provide public education on formal and informal complaint processes.

Recommendation 2.2: That “M” Division establish a dedicated regular RCMP member for Professional Standard duties who will assist the RCMP in providing consistent and thorough investigation of complaints that results in an improved response to complainants regarding the service provided by the RCMP.

Term of Reference 3: Determine the skills that Yukon officers require in order to provide policing services in Yukon communities and make recommendations to enhance training, including the potential for Yukon-based training.

Recommendation 3.1: That the Department of Justice and “M” Division establish a working group that includes Yukon First Nations, municipalities and women’s organizations, to review and make recommendations to the Yukon Police Council on:

- the desired skills and attributes of RCMP officers being considered for selection to Yukon;
- human resources policy related to recruitment of members interested in serving in Yukon, including suitability of cadets for service in Yukon;
- policies and practices related to retention of members in Yukon;
- policies around duration of postings to communities; and
- the feasibility of creating specialized Northern duty qualifications, and investing in members who are interested in long-term service in the North.

The review should consider issues such as officer suitability, gender and First Nation balance, and appropriate relief coverage.

Recommendation 3.2: That the Northern Institute of Social Justice (NISJ), in consultation with Government of Yukon, “M” Division, Yukon First Nations and women’s organizations, develop a training and development framework for RCMP members policing in Yukon. The framework should prepare members to provide policing services that are appropriate to Yukon citizens and should include information on:

- Yukon history and First Nation culture;
- dealing with vulnerable persons, including those who are acutely intoxicated, those with mental illness and those with FASD;
- responding to domestic violence and sexual assault;
- non-violent communication and de-escalation skills;
- respectful communications;
- how to work effectively in high-visibility, high-impact environments;
- supervisory and leadership training; and
- wilderness training.

The NISJ shall report back to the Yukon Police Council.

Recommendation 3.3: That First Nations and municipal leaders ensure that members are introduced to community leaders, service providers and provided with an orientation to the community. This orientation should include understanding of the community’s history, First Nation culture and language, and social context.

Recommendation 3.4: That “M” Division develop a community policing mentorship program to enable experienced members to support the development of others.

Recommendation 3.5: That “M” Division review its policies, practices and programs for identifying and responding to members who may suffer from compassion fatigue, vicarious trauma or other related psychological issues and to ensure that members have access to the professional services and support they require.

Term of Reference 4: Review the services provided by the RCMP to citizens who are in vulnerable positions, including victims of domestic violence and sexual assault, as well as individuals who are arrested and detained in custody.

Recommendation 4.1: That the Department of Justice and “M” Division establish an interagency working group including representatives from First Nations, women’s organizations and the Public Prosecutions Office, to develop a comprehensive framework for responding to domestic violence and sexualized assault.

The framework should include:

- the creation of an "M" Division domestic violence/abuse team with specialized training and skills;
- consideration of specialized prosecution services;
- clarification of the primary aggressor/dual charging protocols;
- an update of the role of the Sexual Assault Response Team (SART);
- clarification of victim service responsibilities, including victim assistance volunteers;
- specialized training for "M" Division members and other front-line responders on sexualized assault and domestic violence that addresses child custody issues and the enforcement of civil order and other regulatory remedies; and
- consideration of a legal advocate position to support women and/or a Yukon Court Watch Program.

Recommendation 4.2: That the Department of Justice construct a secure assessment centre with appropriate 24-hour medical support in Whitehorse to accommodate individuals who are detained or arrested by the RCMP and require secure custody, including acutely intoxicated persons.

Recommendation 4.3: That the Department of Justice, Emergency Medical Services, "M" Division and First Nations examine the feasibility of creating an intervention team consisting of a peace officer and an emergency medical service provider that would respond to calls for service involving acutely intoxicated people.

Recommendation 4.4: That the Department of Justice and "M" Division establish an inter-agency working group consisting of representatives from the Women's Directorate, the Department of Health and Social Service, Emergency Medical Services, First Nations, women's organizations and Public Prosecutions Service of Canada to develop a comprehensive strategy for managing high-risk individuals who are frequent users and common clients of government services.

Recommendation 4.5: That the Departments of Justice and Health and Social Services and First Nations lead an initiative and collaborate with "M" Division to ensure that citizens in Yukon have access to emergency victim support and social services on a 24-hour basis.

Term of Reference 5: Identify and build upon successes and best practices in the delivery of policing services to Yukon.

Recommendation 5.1: That the Yukon Police Council, Government of Yukon, "M" Division, First Nations governments, municipalities and citizens continue the dialogue on policing to foster positive relationships between the RCMP and citizens towards increasing public confidence in the police service and reducing crime, including but not limited to these activities:

- planned updates on high-profile and serious matters;
- creation of an annual gathering to honour citizens who contribute to public safety;
- recognition of RCMP members for outstanding performance in building and maintaining community relationships;
- invitations to community leaders to attend graduation ceremonies at depot; and
- support of youth programming in the community

Recommendation 5.2: That the Department of Justice, “M” Division and First Nations explore best practices and innovative methods of increasing the number of women and First Nations citizens involved in the delivery of policing services:

- developing a recruitment strategy to encourage female and First Nations citizens to enter the RCMP;
- working with the Northern Institute of Social Justice to develop a Yukon First Nations career orientation program to prepare citizens for RCMP training at Depot Division, or for other careers in the justice system; and
- examining the feasibility of establishing a renewed special constable program, community safety officer program or similar initiatives.

Recommendation 5.3: That “M” Division monitor the national pilot project on the use of personal video devices and, if the project is successful, adopt the technology for Yukon.

Recommendation 5.4: That “M” Division examine the operation of the police Operational Communications Centre as it relates to response to communities and consider any improvements to make it more responsive to communities.

Recommendation 5.5: That Justice Canada, the Department of Justice, “M” Division and First Nations review different approaches to community and aboriginal justice in order to ensure all communities are offered the opportunity to implement community and restorative justice processes.

Recommendation 5.6: That “M” Division conduct a resource review to assess whether the division has adequate resources to meet its priorities.

Recommendation 5.7: That the Northern Institute of Social Justice develops a special focus on northern policing that would provide research capacity to develop innovative approaches to policing in the north.

Recommendation 5.8: That “M” Division review its services to the Francophone community in order to ensure compliance with the federal *Official Languages Act*.

Term of Reference 6: Review and make recommendations on how best to implement in Yukon the existing RCMP policy on external investigations and reviews.

Recommendation 6.1: That in implementing the interim RCMP External Investigation and Review policy, "M" Division first contact a civilian police investigation agency. If investigators are not available, the "M" Division shall call upon a provincial or municipal police force, and only if an independent investigator or municipal or provincial police force is not available, "M" Division shall request assistance from another RCMP division.

In all cases where RCMP external investigators are used "M" Division shall request that the CPC assign an independent observer to monitor the investigation.

Recommendation 6.2: That the Department of Justice enter into an agreement with an existing civilian police investigation agency to provide external investigations as required by "M" Division.

Recommendation 6.3: That the Yukon Police Council work with the Commission for Public Complaints (CPC) to develop a roster of Yukon citizens who would be available to act as CPC observers when the CPC is called in.

Implementation recommendations

Recommendation 7.1: That on receipt of the report the Minister of Justice shall meet with Yukon First Nation leaders to review its recommendations and receive their input into the development of the implementation strategy.

Recommendation 7.2: That the Minister of Justice, in consultation with "M" Division, Yukon First Nations, municipalities and women's organizations and service providers, prepare an implementation strategy for how to respond to the recommendations in the Report.

Recommendation 7.3: That one year following receipt of the report, the Minister of Justice table a report annually in the Yukon Legislative Assembly and with Yukon First Nation leadership on progress in implementation of the recommendations of the Report, and that this report also be submitted to the RCMP National Aboriginal Policing Services Branch and the Commissioner of the RCMP.

Acknowledgements

The Review of Yukon's Police Force was put into action by the Yukon Minister of Justice but it was the immediate reaction, commitment and passion provided by all those involved that brings us to the conclusion of the Review. The timeline was tight and the issues were deeply personal and difficult for all involved; it would not have been possible to carry out a meaningful Review process without the commitment shown by Yukon citizens, Yukon government, CYFN and RCMP members and staff — throughout the Review we saw staff and citizens go beyond the call of duty to assist us in hearing from Yukoners.

The Advisory Committee members were an important component of the Review process.

The concerns we heard from Yukon citizens and the development of the recommendations would not be as thorough and reflective without the experience, community connections and technical guidance that the Advisory Committee brought to the Co-Chairs and to participants of the Review.

We would like to acknowledge the significant contribution of the Advisory Committee members:

- Mayor Bev Buckway, representing the Association of Yukon Communities;
- Shauna Curtin, Yukon Women's Directorate;
- Lois Moorcroft, representing the coalition of Women's Groups;
- Lorraine Netro, representing First Nation women's groups;
- Robert Riches, Yukon Department of Justice;
- Inspector Andy Seidemann, "M" Division, District Policing Officer;
- Rick Smith, Yukon Department of Community Services; and
- Stuart Whitley, Yukon Department of Health and Social Services.

We would also like to acknowledge the guidance and contribution provided by Professor Curt Taylor Griffiths, who conducted focus groups with RCMP members and provided valuable background research.

We acknowledge the support we received from First Nation leaders, elders, community members, youth and Grand Chief Ruth Massie and thank them for their insight and knowledge.

The First Nation Technical Advisory Group brought guidance to the drafting of the Final Report and Recommendations — we would like to thank Daryn Leas, Jeanie Dendys and Corinne McKay, as well as Victoria Fred.

To those who came out to meet with us on those nice Yukon summer evenings, to those that stood up in front of strangers and voiced their concerns and gratitude, to those that took time alone to write down their thoughts, to those that introduced us to the "right" people in

communities and to all who came out to engagement sessions — sometimes on short notice — thank you for your heartfelt submissions and thank you for taking the time to contribute.

We also wish to acknowledge the significant efforts of the RCMP members, employees, volunteers and their families. The members who choose to serve in the territory come from all across Canada. Whether they stay in the territory for a few years or for their entire career, these men and women make an enormous contribution to the communities in which they serve.

And last, but not least, to those who coordinated the Co-Chairs and an Advisory Committee representative of different agencies, provided support to meetings all over the Yukon, and managed the project — we would like to acknowledge the significant contributions of these individuals:

- Norma Davignon, Project Manager, Yukon Department of Justice;
- Staff Sergeant Roger Lockwood, "M" Division, RCMP Yukon;
- Sergeant Curtis Kuzma, "M" Division, RCMP Yukon;
- Lareina Twardochleb, Policy Analyst, Women's Directorate; and
- Tracy Bruce, Project Assistant, Council of Yukon First Nations.

Chapter 1. Introduction

Effective policing is based on a foundation of trust. In order to be effective, all police services must establish and maintain the trust and confidence of those who they police. Police officers have the special responsibility of enforcing the law and ensuring public safety. Parliament and legislatures provide them with authority that other citizens do not have, including the authority to use force, to arrest and detain, and to search and seize.

Although police officers are given special authorities in order to perform their duties, they are also subject to the rule of law and legislated accountability. They are accountable to use their powers in ways that contribute to the public good and are consistent with their mandate. Essential to the performance of their duties is a requirement that police officers have a high standard of integrity and be diligent in their work at all times. Police officers maintain the public's trust by undertaking fair and honest investigations and by being courteous in their dealings with all members of society.

Individual police officers and police services must constantly balance their authorities and responsibilities with public needs and expectations. When is it appropriate to intervene in a situation? Can a conflict be resolved peacefully? Is force required? If so, what type of force is required? Is an arrest appropriate? If so, who gets arrested? Police officers are routinely placed in situations that result in conflict.

Fundamental to policing is the premise that community support is required for effective and responsive policing. To garner this support, police officers must understand and accept the values, beliefs and culture of the community they serve. Moreover, police must engage the community as partners — and the community must engage with the police service — in order to ensure that policing is responsive to community needs. Public trust and confidence in the police is established in the day-to-day relationships that police officers develop with citizens as they perform their duties. Citizens should be able to trust RCMP members and know that they will uphold the RCMP's core values on and off duty.

The public expects that police officers will act with integrity and that their conduct will be above reproach at all times. From time to time, police services fall short of this expectation.

*We are all making history today,
just by coming here and talking
about our hopes for the future, for
our grandchildren.*

Advisory Committee Member,
Teslin public meeting, Aug 31, 2010

This can be due to the result of a single act by a police officer that offends public sensibility or through a more general decline in the quality of service over time. When either or both occurs, it erodes the public's trust in its policing service. In these situations, there must be independent, transparent and accessible processes that hold individual members and the organization accountable.

During this Review, the Co-Chairs and members of the Advisory Committee heard that some Yukon citizens do not have trust and confidence in "M" Division. This is particularly the case in First Nation communities, and with vulnerable citizens and individuals leading high-risk lifestyles. High profile incidents at the Vancouver International Airport and in other communities in British Columbia and in Yukon have shaken the public's confidence in the RCMP. In Yukon, two incidents have focussed public attention on the RCMP: a situation where two off-duty RCMP members were charged and later found not guilty of sexual assault; and the circumstances experienced by Raymond Silverfox in the holding cells at the Whitehorse detachment in the hours prior to his death.

While these high-profile incidents have caused many citizens to question how the RCMP operates in the territory, Yukon First Nations citizens in particular have concerns rooted in their relationship with the RCMP and based on personal experience or hearsay. These concerns did not arise or develop recently, but they have been heightened by recent events.

The purpose of the Review is to improve the quality of policing services for all citizens in the territory. Both RCMP members and citizens have raised concerns about policing services in the Yukon and have made many valuable and considered suggestions. We acknowledge that we are beginning from a position of strength. The RCMP is a world-class police organization, with a rich tradition in the territory and the citizens we spoke with care about the issues. The Review begins to address the shortcomings and continues to improve the quality of policing services.

First Nations and non-First Nations citizens raised concerns that some members of the community have been subject to discrimination and cultural insensitivity. Citizens, particularly those who work directly with women in crisis, raised concerns about the RCMP's response to calls for assistance in situations involving domestic violence and sexualized assault. Citizens brought forward concerns about being treated with indifference or disrespect when interacting with the RCMP. This was particularly evident in submissions made to us individuals in vulnerable situations — acutely intoxicated persons and offenders with mental health and cognitive disorders such as Fetal Alcohol Spectrum Disorder (FASD).

A number of citizens also noted their frustration with and their suspicions and lack of knowledge about the process for making a complaint against the RCMP. Even some individuals who work in the justice system were unaware of the complaints process.

Members and employees of the RCMP also shared their personal opinions and experiences. These members have affirmed their commitment to policing with integrity and compassion

and in partnership with citizens. Many of them reported feeling appreciated, welcomed and supported by the citizens they serve. Several seek to serve their full career in Yukon and are well-known personalities across the territory. They proudly share examples of youth programs and successful collaboration with elders and local governments.

Some RCMP participants have articulated concerns. They, like the public, believe that concerns about police are not being brought forward to be dealt with. When public concerns do come forward, it takes too long to deal with them. RCMP members have described how their families have been subject to mistreatment in communities and the strain and discomfort this has caused. They have told us that living and working in small communities is challenging. Some have received inappropriate comments from citizens, and in some communities it has been difficult to meet with the Chief and Council to discuss policing priorities and issues.

Within the RCMP membership there is a prevailing view that communities — and some government departments — have not fulfilled their responsibilities and are overly reliant on the RCMP to deliver community and social programs. Despite these concerns, RCMP members, staff and their families remain committed to the people of Yukon and their duty. The Co-Chairs heard many accounts of policing excellence, including stories of RCMP members going above and beyond their normal duties.

Terms of reference

It was within this context that the Yukon Minister of Justice established the Review of Yukon's Police Force. The Review was Co-Chaired by a representative of the Council of Yukon First Nations; the Commanding Officer of RCMP "M" Division; and the Deputy Minister, Department of Justice, Government of Yukon. The Review was established in response to concerns raised by some Yukon citizens regarding the service they have received from the RCMP.

With the assistance of members of an Advisory Committee, the Co-Chairs spoke directly with over one thousand citizens of the territory to gain a better appreciation of their concerns with the RCMP and to build a process for restoring and maintaining public confidence in their police force.

The Co-Chairs and Advisory Committee were guided by the Terms of Reference for the Review, which identified the following six priority areas:

- consider measures and make recommendations to better ensure that Yukon's police force is responsive and accountable to the needs of Yukon citizens;
- review how public complaints relating to the RCMP in Yukon are currently dealt with and to make recommendations on any required improvements;
- determine the skills that Yukon officers require in order to provide policing services in Yukon communities and make recommendations to enhance training, including the potential for Yukon-based training;

- review the services provided by the RCMP to citizens who are in vulnerable positions, including victims of domestic violence and sexual assault, as well as individuals who are arrested and detained in custody;
- identify and build upon successes and best practices in the delivery of policing services to Yukon; and
- review and make recommendations on how best to implement in Yukon the existing RCMP policy on external investigations and reviews.

Review process

Trust is fragile. A trusting relationship that a police officer builds with a community member can take years to develop but can be compromised in a day. A single incident may shake the public's trust in the police as a whole. Once gone, trust may take years to re-establish.

Dialogue is a way of beginning to build trust.

The Co-Chairs and Advisory Committee members committed to a process of dialogue with citizens to collaboratively develop solutions that will encourage trust between citizens and the police force. Through a process of dialogue, the Co-Chairs and Advisory Committee sought to achieve several things:

- listen to and learn about each other;
- promote respect for each other;
- build relationships among individuals and agencies; and
- develop solutions together that will contribute to public safety.

The Review utilized a number of different formats to engage citizens in a dialogue about policing. Stakeholder meetings were convened to hear from individuals and agencies that work closely with the police or with clients who frequently come in contact with the police. Community meetings were held in several locations to allow people to speak about their experiences with the RCMP.

The Co-Chairs and Advisory Committee also recognized that many individuals might be reluctant to speak openly in a public forum about their experiences with police. Confidential meetings were held in these cases, and were moderated by a third party to ensure confidentiality and anonymity.

A special effort was made to engage with First Nations citizens. The Co-Chairs and members of the Advisory Committee attended general assemblies, gatherings and socials, and met with First Nations citizens individually. First Nations citizens were also provided the opportunity to submit written responses directly to CYFN.

The Co-Chairs and Advisory Committee also ensured that RCMP members, staff and volunteers, as well as former RCMP members living in the territory, had the opportunity to provide their perspectives on the challenges and opportunities of living and working in

the north and their recommendations for moving forward. On the Co-Chairs' request, an independent researcher conducted a series of focus groups with current RCMP members and staff. In addition, "M" Division senior management convened a series of meetings with staff.

The Review has a website (www.policereview2010.gov.yk.ca) with useful links to policing resources and meeting summaries. Written submissions were solicited through the project website accepted by mail to the Department of Justice. Between May 1 and December 31, 2010, the website received more than 2,000 hits.

Appendix I provides a list of the groups who provided written submissions to the Review and a list of the meetings convened.

Report themes

This report attempts to capture the comments that citizens of the territory and members of the RCMP expressed during their discussions with the Co-Chairs and the Advisory Committee members and to bring forward recommendations that came out of these discussions. It is not possible within the confines of this report to fully describe the range of emotions and passion expressed during the course of our meetings. Many citizens and RCMP contributors alike were not shy to bring forward their concerns. We heard concerns about gender-biased policing; citizens reluctant to engage with police; allegations of abuse of and/or indifference to vulnerable citizens, including acutely intoxicated persons; and concerns that some youth were mistreated or targeted by police officers. Some First Nations citizens characterized their negative experience with the RCMP as evidence of racism.

The common theme that ran through our discussions with citizens was *trust*.

RCMP core values: Recognizing the dedication of all employees, we will create and maintain an environment of individual safety, well-being and development. We are guided by six goals: integrity; honesty; professionalism; compassion; respect; and accountability.

Source: RCMP 2006

Many citizens, particularly those in frequent contact with the police, have lost trust in the RCMP to uphold the force's core values. We, as Co-Chairs of the Review, believe that restoring the trust in the RCMP in First Nation communities and with vulnerable and at-risk citizens are absolutely essential. We believe that the recommendations in this report will begin the process of building a new relationship between the public and the police to ensure that citizens of the territory receive high-quality policing services. The process will take time and effort on the part of governments, the RCMP and citizens alike. But if we find ways to continue the honest and open dialogue discussions that we have started between citizens and their police, we can move towards a stronger, healthier and positive relationship.

The Minister of Justice stated the following in the Terms of Reference to our Review:

It is a priority for the Government of Yukon that the significant power and authority vested in police officers is administered in an ethical and fair manner in the provision of service to the public. The RCMP is committed to providing policing services that maintain the ethical standards embodied in their core values and are consistent with the Code of Conduct contained in the RCMP Act.

We believe this to be true. Moreover, we believe that the citizens of the territory have a right to expect ethical and fair treatment by RCMP members. RCMP members who choose to work in the territory should be provided with appropriate training and orientation so they can carry out their duties in an ethical and fair manner. On those occasions when citizens receive a lesser quality of service, they should be able to bring forward their concerns and have them addressed in a timely fashion and with the least amount of bureaucracy and at the lowest possible level. If an RCMP member's conduct is deemed to be less than fair and ethical, he or she needs to be held accountable in a meaningful way. Finally, we believe that First Nations governments, municipal leaders, social-service providers and citizens of the territory have an obligation to become more proactively involved in public safety and community policing.

The purpose of the Review of Yukon's Police Force is to bring forward recommendations that will accomplish two goals:

1. seek understanding and start the process that will foster positive relationships between the RCMP and citizens in order to increase public confidence in the police service; and
2. renew relationships between the RCMP and Government of Yukon, First Nations governments, and citizens of the territory to ensure that all Yukon citizens receive high-quality police services.

Report outline

Chapters 2 and 3 provide context for the Review. Chapter 2 provides the historical context, including a summary of the development of public and First Nations governments over the past century. The trend in both public government and First Nations governments over this period has been towards greater self-determination. We also review the complex contribution that the RCMP has made in the development of the territory. Chapter 3 provides an overview of the organization of "M" Division. This information will help set the context for the remaining chapters.

Chapter 4 reviews some of the major issues that were raised during the consultation. It focuses on three groups in particular:

- First Nations citizens and citizens in rural communities;
- women; and
- vulnerable citizens.

The common theme of our discussions with citizens was the need to build a new relationship with the RCMP. Chapter 4 brings forward recommendations aimed at establishing this new relationship. We return to this theme in Chapter 6.

Chapter 5 reviews the dynamics of policing in northern regions. Policing in the north presents opportunities and challenges. It also requires a particular set of attributes, skills and training. We review factors related to policing in the territory, including the selection and deployment of “M” Division members, attributes that facilitate positive police-community relationships, and training to provide knowledge of the history and culture of the communities where they are posted. Chapter 5 also identifies the challenges that officers may encounter.

Chapter 6 brings forward a number of recommendations that are aimed at building relationships of trust between “M” Division and the community at large. We also make recommendations that will continue to move Yukon towards the types of trusting relationships that are the foundation of effective policing. These recommendations will develop a new institutional framework to better ensure that the RCMP is more responsive and accountable to Yukon citizens. This will be achieved in several ways:

- ensuring that appropriate structures are in place to allow citizens to participate in establishing police priorities;
- ensuring that an accessible and transparent complaints process is in place; and
- ensuring that there is an independent process for investigating RCMP members or employees who may be involved in a serious incident.

Chapter 6 also makes a number of recommendations for improving relationships at the community level.

Chapter 7 makes recommendations for the next stage of the process. One key to bringing about meaningful and permanent change is that the development of a coordinated plan. The Co-Chairs believe that it is important to build on the momentum of the Review by working together to develop an implementation strategy for the recommendations. Some recommendations can be implemented quickly; others may take more time. Some may be addressed within current budgets; others will require additional resources.

At almost every meeting over the course of the Review we heard about the need for change. This was a clear and consistent message. Citizens were at times sceptical about the Review. They told us that other reviews in Yukon and elsewhere in the country had taken place but many of the same issues persist. The Co-Chairs recognize that there is work to be done. Change takes time and commitment. It also requires the energy of individuals, groups and governments.

Chapter 2. Our communities, our police

At a public meeting in Teslin, a citizen reminded the Co-Chairs and the Advisory Committee that in order to understand where we are today we have to understand where we come from. The relationship between an individual citizen and a police officer is shaped by personal experiences and the relationship between communities and the police is shaped by collective experiences over time.

Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence.

Source: Sir Robert Peel's *Nine Principles of Policing*, 1829

In this chapter we address how Yukon's political and social history have shaped relationships with the RCMP. On the political level, both public government and First Nation governments in the territory have been on a trajectory towards political maturity and greater control over the affairs of the citizens they represent. Over the past century, the public government has gone through the devolution process, which has shifted power away from Ottawa and disbursed it throughout the territory. Similarly, 11 of the 14 Yukon First Nations have final land claims agreements and self-government agreements that are recognized and protected by section 35(1) of Canada's *Constitution Act, 1982*.

First Nations peoples have lived in the Yukon for time immemorial. Prior to European contact, they were organized into strong, self-reliant communities with traditional governing systems. First Nations communities occupied this land for centuries, living in small groups, hunting caribou, moose and mountain sheep in spring and fall, fishing in the summer and berry picking in the fall.

The Klondike Gold Rush, mission schools and the construction of the Alaska Highway led to considerable upheaval within First Nation communities. The effects of these events are still evident in First Nation communities, and the RCMP's role in them was complex. Indeed, as described in greater detail later in this chapter and in Chapter 4, many of the issues facing

First Nation communities and many of the challenges associated with policing in the north are a result of the inter-generational effects of the dramatic social changes that were thrust upon First Nation communities.

Both public government and First Nations governments are on a path toward greater local control over matters that affect the citizens of the territory. The relationship between the Government of Yukon, First Nations and the Government of Canada as it relates to policing services has not kept pace with this movement toward greater local autonomy. Chapter 3 makes some recommendations that adjust the institutional framework for policing in the territory to enhance “M” Division’s responsiveness and accountability.

The path to political maturity

Yukon’s modern history is one of a land of extremes — of dramatic changes in fortune and in ways of life — moving towards progressively more stable and mature social and political relationships. This process of maturation has taken place in a short period of time, making the changes, the steps forward and back and the relationships perhaps easier to trace than in jurisdictions where this development took place more slowly. While in many places societal change precedes political change by decades, in Yukon these changes have followed fast on each other’s heels, forging uncommon relationships between governments, institutions and individuals. The Royal Canadian Mounted Police (RCMP), formed in 1920 — and its predecessors, the Royal North-West Mounted Police (RNWMP) and the North-West Mounted Police (NWMP) — have been part of many of these relationships for well over a century.

We want our members to have compassion, understanding and a love for their job.

Participant, Watson Lake public meeting

Until the latter half of the 1800s, what is now Yukon was inhabited almost exclusively by First Nations people. They had their own social, cultural and political institutions that governed their behaviour and relationships. While some First Nations people came into contact with non-First Nation explorers, traders or itinerant miners, such contact, for the most part, was sporadic. The posts established by traders at Rampart House, Fort Frances, Fort Selkirk and other spots along the waterways of Yukon remained the primary point of contact between First Nation and non-First Nations citizens for many years.

A number of small mining strikes were made in Yukon — then a district of the Northwest Territories — starting in the mid-1880s. This brought about an increase in the non-First Nations population and greater potential for discord. Missionaries and community members in the area became concerned about the impact of the miners on the First Nations population, particularly in respect to the introduction of alcohol and the potential for exploitation of women. The federal government decided it was time to enhance its presence in the region and did so by establishing the territory’s first NWMP contingent, headed by Inspector Charles Constantine.

The NWMP were representatives of the Dominion in Yukon. Inspector Constantine held a number of official posts, including mining registrar, customs agent, postmaster and justice of the peace. He was also the Indian Agent, with special responsibility to ensure the protection of First Nations people in accordance with the law.

The discovery of gold in the Klondike in 1896 transformed the Yukon, its people, its society, its institutions and the relationships between all of these factors. News of the strike reached all corners of the outside world and by 1898 tens of thousands of fortune seekers from all over the world had rushed to the Klondike.

The NWMP became an important symbol of the rule of law in Yukon, establishing posts at the summits of the White Pass and the Chilkoot Pass. The NWMP ensured that gold seekers entering the territory had enough supplies to sustain themselves and understood that the region they were entering was subject to Canadian law, which would be swiftly enforced.

The impact on the First Nations people and the NWMP who lived in Yukon was instantaneous and immense. The First Nations people, who lived a life largely unaffected by the outside world, suddenly found their traditional economies and values sacrificed to the interests of the newcomers. The lands they had traditionally used were occupied by non-First Nations people. Game became scarce as a population that reached 40,000 struggled to sustain itself. Skills that had traditionally been valued did not necessarily lend themselves to the new wage economy. Traditional ceremonies and practices were scorned or made illegal. The NWMP were responsible for enforcing laws that separated children from their brothers, sisters, parents and grandparents, and for enforcing the laws that criminalized customary practices.

The flood of newcomers and new ways was overwhelming, as was the pressure they put on First Nations societies. First Nations recognized and tried to address this immense dislocation — Chief Isaac of the Hän in what is now Dawson City moved many of his people to the downriver community of Moosehide; Chief Jim Boss (Kishwóot) wrote to the federal government in 1902 demanding protection for his people's rights. The process of moving from a traditional lifestyle to a modern one, a process which sometimes takes centuries, was telescoped into a few years.

The relatively small NWMP presence in Yukon prior to the Klondike Gold Rush — 19 men in 1896 — was insufficient to meet the demands of the huge influx of gold seekers. By late 1898 the number of NWMP officers had risen to 285, organized into 31 detachments.

The sudden expansion of population in Yukon meant that Canada — which was intent on establishing its authority in a resource-rich area — took steps to further the territory's political development. In 1898, the first *Yukon Act* came into effect, carving out a separate jurisdiction from the sprawling Northwest Territories and establishing a territorial government. The administration originally established by the *Yukon Act* consisted of a Commissioner, appointed by Ottawa, to govern the territory, with the assistance of a council, also appointed from

Ottawa. Decisions about Yukon and its people were often made by or pursuant to direction from Ottawa, far from the people who were most directly affected. Yukon had two levels of government — federal and territorial — but although their legal jurisdictions might have been separate their responsibilities and interests could sometimes be conflated.

Responsibility for First Nations people clearly fell to the federal government and this constitutional delineation led to the creation of parallel systems of health care, education and government services.

With the increased population came a rise in illegal activity. The demands on the NWMP of law enforcement and protection of the public were such that, in the larger gold mining communities they were unable to also carry out the work of Dominion agents.

In many of the smaller communities in Yukon, the NWMP officer was one of the few, if not the only, non-First Nations resident, and was the face of secular authority. The NWMP officer in those communities carried out the duties of the Dominion agent as well as law enforcement. This dual role, and the sometimes competing priorities, sometimes gave rise to a tension in the officer's primary focus. NWMP officers in small communities frequently found themselves navigating singular relationships with the other residents. They were part of the community — living in the same place, subject to the same conditions and understanding the local realities — and yet not part of the community, owing to a duty to act on behalf and in the interest of the government in accordance with its laws.

Providing education and training for First Nations children, although not a police responsibility, affected the relationship between the police and First Nations people. While in some of the smaller Yukon communities, First Nations children and non-First Nations children were permitted to go to day school together, federal government practice — already common in other parts of Canada — was to separate aboriginal children from their parents so they could attend residential schools, commonly run by religious institutions. This practice was introduced to Yukon in the early 20th century.

Children were taken from their families and communities and placed in foreign environments where they were forbidden to speak their own language, eat the foods to which they were accustomed, practice traditional beliefs or develop traditional skills. Some children were enrolled at an early age in a residential school so far from their home that they were unable to visit family and friends. They left the school as teenagers, totally alienated from their communities, unable to speak their language or participate in a traditional economy. Many children suffered physical and sexual abuse. All suffered the pain and dislocation of forced separation.

The residential school process spanned almost a century. The Chooutla School remained in operation in Carcross until 1969; many Yukon children attended Lower Post Indian Residential School south of Watson Lake, which did not close until 1975. The last federally run residential

school, the Gordon Residential School in Saskatchewan, closed in 1996. The impact of these schools on the First Nations peoples of Yukon has been severe and debilitating. The pain of separation was felt not just by the children who were removed from their families and communities but by those from whom they had been taken. The lost opportunities to learn traditional values and skills and to form healthy family relationships have had an impact beyond those who attended residential schools. Many children and grandchildren have also been deprived of their opportunity to grow up in healthy households and a legacy of depression, violence and substance abuse can be clearly traced back to residential schools. The federal government's apology to aboriginal people for forced residential schooling, and the subsequent apology by the Commissioner of the RCMP, acknowledge the multiple wounds left by the experience.

The residential school experience exemplifies the complex and sometimes contradictory function of the police in many communities. The local police member's authority in small communities was extensive and, in the case of First Nations peoples, could reach into almost every facet of their life. As the agent for the federal government, keeping the peace, supplying medicines, registering births and deaths, delivering the mail and other duties, it was also the police member who was called upon to remove children from their families so that they could attend schools far away and ensured that those communities that practised potlatches stopped doing so.

Although the *Yukon Act* was amended in the early years of the 20th century to provide for the direct election of the members of the Territorial Council, the Commissioner of Yukon remained the real authority. As the territory's population waned and its economic output diminished in the years following the gold rush, governmental infrastructure in the territory — both physical and administrative — also shrank. The Territorial Council's ability to provide services declined and many aspects of the remaining territorial and federal public service became interwoven. From 1901 to 1903 NWMP strength increased from 250 to 303 officers, who took on a greater capacity as representatives of the federal government while retaining their role as law enforcement agents.

The tension between those functions became evident again when World War II began to have a direct effect on Yukon and its people. The construction of the Alaska Highway, starting in 1942, and the arrival of thousands of American troops and contractors who were building it had a tremendous impact upon the territory. This influenced many traditional communities which because of location had not been strongly affected by the Klondike Gold Rush.

Although some Yukon communities at the time were comprised of First Nations and non-First Nations people, for other Yukon First Nations people, the RCMP member was the only non-First Nations person with whom they came into regular contact. The sudden influx of American soldiers into more remote parts of the territory and the impact of the actual construction of the road brought about huge changes in Yukon. Outsiders brought disease to which First Nations people had no resistance. Areas which had previously been difficult to

reach were suddenly much easier to get to; this had a tremendous impact on the territory's wildlife. Increased hunting by Yukoners and soldiers led to concerns about the sustainability of game. The short-term interaction between soldiers and the local population and the further introduction of alcohol and the social fraternization was overwhelming, even for those communities who had maintained traditional practices in the early part of the 20th century.

The large number of American soldiers, who were used to U.S. laws and who did not reflexively recognize the authority of the RCMP, also put strains on the force. RCMP members were called upon to police a much larger population and to protect the resident population from the new arrivals.

The completion of the highway in 1944 and the departure of troops and contractors did not lead to a resumption of pre-war ways of life in Yukon. The highway had made the territory much more accessible to people who wanted to visit or live here. The territory's population began to creep upwards again. The natural hub of this post-war Yukon was on the Alaska Highway and in 1955 the capital was moved from Dawson City to Whitehorse. At the same time, sternwheelers, which had long been the primary means of shipping goods in the territory, gave way to the car, the truck and increasingly the airplane. That shift displaced First Nation workers who had continued to live a subsistence lifestyle in communities along the Yukon River by cutting the wood that fuelled the boats and drove them into new communities situated directly on the highway.

Throughout the post-war period and increasingly from the 1960s on, the territorial government took on administrative and governmental responsibilities which had previously been carried out by the federal government. The polio epidemic of 1953 led to an amalgamation of the territorial and federal health systems, although that amalgamation was a focus for dissatisfaction with the decisions of a distant federal government. Yukon citizens wanted more control of the decision making that affected their lives.

Until the 1960s, the relationship between the territorial government and First Nations people was minimal. The federal government exercised its constitutional responsibility and was the government focus for First Nations people in Yukon. The redundancy of running parallel programs became increasingly clear, however, and the federal and territorial governments began to develop administrative arrangements that would provide access to First Nations people for territorially-run programs, including child welfare and education.

In 1962, the territorial government entered into a policing agreement with Canada for the provision of RCMP services. Previously the RCMP had been responsible only to the federal government; the new agreement brought new accountabilities.

As Yukon moved into a system of party politics, the primacy of the elected legislature over the appointed Commissioner was affirmed by the Minister of Indian Affairs and Northern Development in the famous "Epp Letter" in 1979. In the 1980s and 1990s the territorial

government took on increasing responsibility for providing programs to the general population through a series of devolutions, which included the Northern Canada Power Commission (1987), inter-territorial roads (1990) and Yukon's portion of the Alaska Highway (1992) and hospital (1993), and community health care (1997).

This growing move towards self-determination was matched by Yukon First Nations. Although Yukon First Nations had petitioned the federal government to recognize and protect their rights to lands and resources as early as 1902, when Chief Jim Boss (Kishwóot) engaged a lawyer to present his people's claim to the federal government, the modern negotiating process began in Yukon in 1973. The Council of Yukon Indians, a group representing Status and Non-Status Indians, presented their claim, *Together Today for Our Children Tomorrow: A Statement of Grievances and an Approach to Settlement by the Yukon Indian People*, to Prime Minister Pierre Trudeau and triggered the formal land claim negotiating process.

Originally, the only parties to the negotiation were Canada and Yukon First Nations; the territorial government sat with the federal government in an advisory capacity. Over time it became clear that many of the matters to be negotiated, including resource harvesting and heritage, fell within the legislative jurisdiction of Yukon, and the territorial government gradually assumed a stronger and more independent voice at the table.

The land claim negotiation process was marked by starts and stops but in 1993 negotiators for the three parties — the Council for Yukon Indians, Yukon and Canada — signed the Umbrella Final Agreement (UFA), the provisions of which would be incorporated in each of the Yukon First Nation Final Agreements. Although the UFA is a political document that does not affect legal rights, the final agreements are land claims agreements under s.35 of Canada's *Constitution Act, 1982*.

The Yukon First Nation Final Agreements brought clarity in respect of the First Nations constitutionally protected treaty rights. These rights cover a broad spectrum and include as central elements financial and economic compensation, ownership of identified settlement lands, harvesting rights and rights of access to or involvement in public government. The agreements also address a great number of other matters such as enrolment, heritage, water, forestry and resource royalty sharing.

First Nations, Yukon and Canada negotiated self-government agreements concurrently with First Nation Final Agreements. Self-government agreements, which are specific to each First Nation, specify that the First Nation is a legal entity, with all the rights and privileges of a natural person; they further state that the predecessor *Indian Act* band no longer exists and that the provisions of the *Indian Act*, with very few exceptions, no longer applies to the Yukon First Nation.

Each First Nation is able to govern itself in accordance with the provisions of the Self-Government Agreement and its own constitution. It has the authority to delegate its powers

to other bodies and to enter into agreements for services and for program delivery with other governments. A self-governing First Nation has the ability to legislate in respect of an extensive list of law-making authorities including the Administration of Justice. It also has the authority to enforce the laws it has made using its own enforcement officers.

The Government of Yukon, which was a party to the negotiation of the final and self-government agreements, saw the agreements as an opportunity not just to clarify the rights of First Nations people but to bring decision making closer to the people who were affected by those decisions. The First Nation final agreements establish several boards and committees — both territory-wide and specific to each First Nation — which have the authority to make recommendations to decisions makers. These boards are commonly appointed by the First Nation and by Yukon. The agreements also set out a process that must be followed if the decision maker decides to reject or vary a recommendation from the board and specifies that unless the recommendation is rejected or varied within a certain time period it will be deemed to be accepted. The recommendations of the people affected by the decision become the default position of government.

With the implementation of the agreements and the clarification of First Nations' rights to land and resources, the Government of Yukon took the opportunity to advance territorial authority over issues of direct importance to Yukoners by negotiating the devolution of the Northern Affairs Program, which covered the vast bulk of natural resources in the territory. The Yukon Devolution Transfer Agreement was signed in October of 2001 and a new *Yukon Act*, which gave the territory jurisdiction over its land and water, came into effect in April 2003.

Administration of justice

Eleven of the 14 Yukon First Nations have entered into Yukon First Nation Final and Self-Government Agreements with the Governments of Yukon and Canada. Although these Agreements do vary from First Nation to First Nation, each of the various Yukon First Nation Self-Government Agreements states, at s.3.13.17, the First Nation has "...the power to enact laws of a local or private nature on Settlement Land in relation to...administration of justice." Section 13.6.0 of the Self-Government Agreements expands upon that particular law-making power.

Section 13.6.2 of the Self-Government Agreements specifies that the negotiations in respect of administration of justice agreements:

Shall deal with such matters as adjudication, civil remedies, punitive sanctions, including fine, penalty and imprisonment for enforcing any law of...[the First Nation]..., prosecution, corrections, law enforcement, the relations of any...[First Nation]...courts to other courts and any other matter related to aboriginal justice to which the Parties agree.

The interplay between the law-making powers of Yukon First Nations and the governments of Yukon and Canada is complex. Most Yukon laws of general application are inoperative to the

extent that a valid First Nation law provides for the same matter. In effect, a law passed by the First Nation, acting within the scope of its authority, would “oust” the Yukon’s law dealing with the same matter. Federal laws are not automatically displaced in the same manner and s.13.5.2 of the Self-Government Agreements call for Canada and the First Nation to negotiate a separate agreement setting out the instances in which the First Nation’s laws’ shall prevail over Canada’s to the extent of any inconsistency or conflict.

The extent to which the First Nation’s law-making power over the administration of justice encompasses enforcement of the *Criminal Code* and other federal statutes has yet to be explored. Any discussions relating to the practicalities of policing will also have to address how governments work together to implement their respective authorities and how *Criminal Code* law enforcement by First Nations can be funded.

From the past to the present

The last 150 years reflects enormous political and social changes in Yukon. The population has expanded and contracted and expanded and contracted and the social upheaval that accompanies such changes has been immense. First Nations people in Yukon, the original inhabitants, have negotiated treaties which recognize their constitutionally protected rights and agreements which provide for extensive powers of self-determination.

The Government of Yukon has moved from its original position as the local representative of federal authority to the government responsible for and to the citizens of the territory. The processes that led to land claims and devolution have also forged a new relationship between Yukon and Yukon First Nations which acknowledges the need to collaboratively shape Yukon’s future.

This is the right time for the Government of Yukon and Yukon First Nations to establish a new relationship with the Government of Canada regarding the services delivered by the RCMP. This new relationship must acknowledge that although there may be differences in priorities or processes, all the parties’ primary interest is ensuring safe and healthy communities.

Chapter 3. The structure of policing in Yukon

Since the arrival of the NWMP, the police force has adapted to the territory's changing circumstances (see Chapter 2). Today it is no different. The RCMP continually must adjust to changing dynamics such as new accountabilities, an increasing population, greater economic activity, new illicit drugs, advancement in technologies, more complex and time consuming investigations, court demands for extensive and detailed disclosure requests, and heightened public expectations. "M" Division understands that as self-government agreements are signed, Yukon First Nations are moving towards greater self-determination and that there is a need for the RCMP to demonstrate its flexibility and willingness to adapt to new arrangements.

This Chapter provides information on the organization of "M" Division in Yukon.

Policing agreements

The RCMP provides policing services to the territory under several policing agreements. Each agreement creates different funding arrangements and accountabilities, but each acknowledges that the internal management of the RCMP — including its administration and the determination and application of professional police procedures — remains under the control of Canada. Within these agreements there is sufficient authority to ensure that Yukon citizens have input into establishing policing priorities, both at the community and territorial level. We will return to this theme in Chapter 6 when we discuss our recommendation for a Yukon Police Council and other recommendations to build relationships between community members and "M" Division.

The RCMP provides police services to the territory under the Territorial Police Service Agreement between the Governments of Canada and Yukon. The agreement establishes that 70 percent of policing costs will be paid by the Government of Yukon and 30 percent will be paid by Canada. Under this agreement 93 regular members, 15 civilian members and 20 support staff deliver services to Yukon.

You have to teach the rookies about our culture. You have to go back to the old ways. I have a sister that is named after one of the policeman's wives because she was so close to us. That is a real honour.

Elder, Whitehorse Correctional Centre
Elders Committee

The Aboriginal Community Constable Program is funded under another agreement between the Governments of Canada and Yukon: Yukon pays 54 percent of the policing costs and Canada pays 46 percent. The RCMP provides Yukon with 12 regular members throughout Yukon who are attached to the program. "M" Division is allotted 12 Aboriginal Community Constables, who are posted in Whitehorse and in the communities (Table 1).

Table 1. Aboriginal Community Constable Program

Detachment	First Nation	Maximum complement
Beaver Creek	White River First Nation	1
Carcross	Carcross/Tagish First Nation	1
Carmacks	Little Salmon/Carmacks First Nation	1
Dawson	Tr'ondëk Hwëch'in	1
Haines Junction	Champagne and Aishihik First Nations	1
Mayo	First Nation of Na-Cho Nyak Dun	1
Old Crow	Vuntut Gwitchin First Nation	1
Pelly Crossing	Selkirk First Nation	1
Ross River	Ross River Dena Council	1
Teslin	Teslin Tlingit Council	1
Whitehorse	Kwanlin Dün First Nation	2

Five regular members work within the Community Policing Services Framework Agreement entered into between Canada and Yukon. One of the five members serves in Whitehorse as the Administrator for "M" Division's First Nation Community Policing Services Program. The remaining four members serve at Watson Lake Detachment within a Community Tripartite Agreement (CTA) between Canada, Yukon and the Liard First Nation. The CTA agreement specifies that Yukon is billed 48 percent of the costs for the members and Canada is billed 52 percent. This is the only tripartite agreement in northern Canada and is currently being renegotiated by the governments involved.

Although the goal of the agreements is to staff the designated positions with aboriginal RCMP members this has not been realized due to a shortage of First Nations members. Recruitment and retention efforts and the need for more local first Nation recruits are discussed in later chapters.

RCMP duties

The RCMP members within "M" Division perform a number of duties throughout the 13 detachments and headquarters in Yukon. Outside the three police agreements previously discussed, seven regular members are attached to "M" Division administration duties and 12 members are assigned to federal policing duties.

Federal positions in Yukon are created and funded from the federal RCMP business line and are independent of policing agreements. These men and women are responsible for drug investigations, federal statues, protective policing, commercial crime investigations, Integrated Border Enforcement and intelligence functions across the territory.

Additionally, one regular member works out of Watson Lake Detachment to support the delivery of policing services to northern British Columbia, with costs recovered from that jurisdiction.

In support of the detachment and headquarters regular and civilian members, 37 public service employees perform a variety of support and administrative functions throughout the territory (Table 2).

Table 2. RCMP members and staff in Yukon, 2010

	Regular members	Civilian members	Total members	Public service employees	Total full-time employees
Territorial Police Service Agreement	93	15	108	20.59	128.59
Aboriginal Community Constable Program	12	0	12	0	12
First Nations Community Policing Service Agreement	5	0	5	0	5
Division Administration	7	4	11	14	25
Federal and Technical Police Services and Integrated Boarder Enforcement	12	2	14	1	15
Cost recovery	1	2	3	2	5
Total employees	130	23	153	37.59	190.59

The RCMP in Yukon carries out varied and comprehensive law enforcement work. The Commanding Officer of "M" Division has the authority to deploy police resources throughout the territory as required. To provide police services to the communities and to support the detachments throughout the territory, dedicated RCMP personnel work in a variety of capacities, which include crime prevention and drug awareness, staff relations, general investigation units, serious/major crime investigation units, relief duties, school resource officers, media and public information, traffic enforcement and collision reconstruction, air services, telecommunication technicians, computer specialists, operational communications, explosive disposal, police dog services, emergency response unit, search and rescue, forensic crime scene specialists, crime reduction, First Nations and youth coordinators and analytical and planning duties.

Within the agreements, the Commanding Officer and the Yukon Minister of Justice work in partnership to establish standards and levels of policing in the territory. Any increase or decrease in the number of RCMP members attached to policing agreements is determined by the contracting government through an established annual process.

During the course of this Review, people expressed an interest in the number of aboriginal RCMP members in Yukon relative to the other two northern territories. Table 3 shows the number of aboriginal members in Yukon, Northwest Territories (NWT) and Nunavut.

Table 3. Number of aboriginal RCMP members in Yukon, NWT and Nunavut, 2010

RCMP Division	Established positions	Aboriginal regular members	Percentage of total
"M" Division - Yukon	130	17	13
"G" Division - NWT	201	28	14
"V" Division - Nunavut	127	22	17

Of the 17 regular aboriginal members serving in Yukon, five have identified themselves as being born in the territory. An additional 11 public service employees and civilian members of the RCMP have also self-identified as being aboriginal.

Calls for service

The RCMP in Yukon responded to 18,391 calls for service in 2009. Figure 1 breaks down the number of calls for service from the 13 detachments.

Figure 1. Number of calls for service, "M" Division, 2009

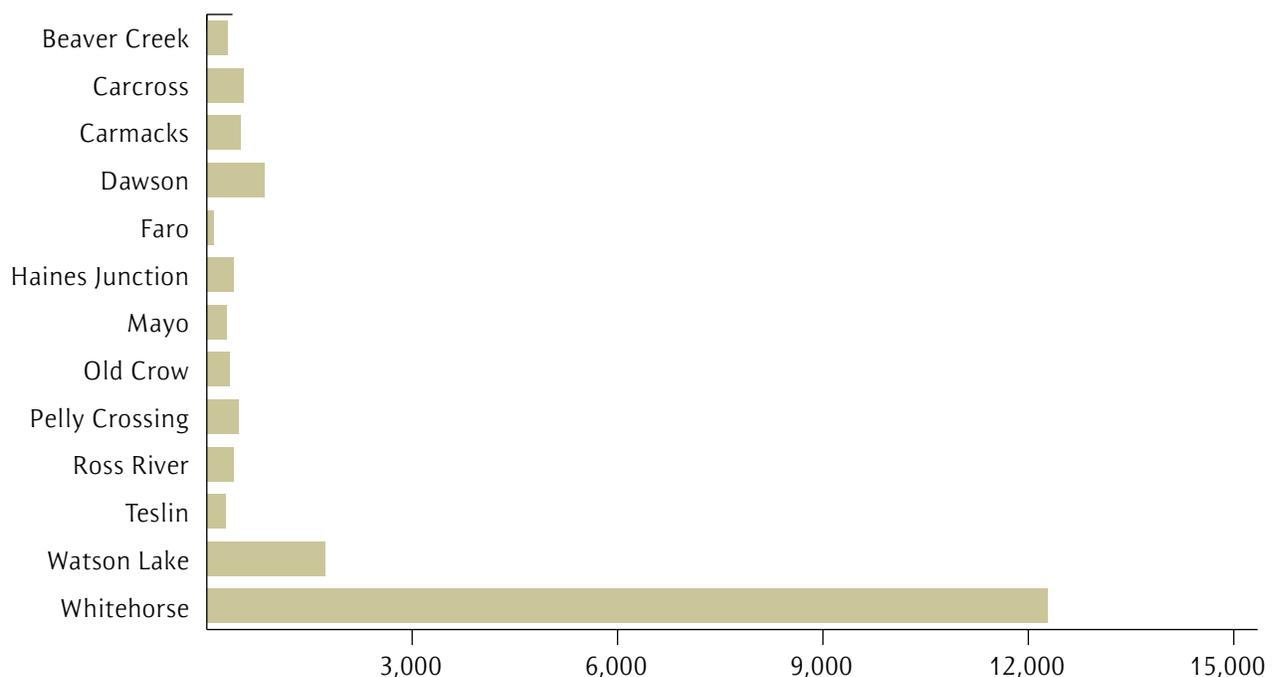


Table 4 breaks down the number of criminal offences in 2009 (not all occurrences involve criminal investigation).

Table 4. "M" Division crime statistics, 2009

Crimes against persons	1,435
Crimes against property	3,249
Other <i>Criminal Code</i> offences	4,099
Impaired driving	623
Driving while disqualified, prohibited or licence suspended	77
<i>Controlled Drugs and Substances Act</i> offences	251

First Nations Coordinator

The RCMP First Nations Coordinator is a liaison between the RCMP and First Nations communities. The coordinator proactively engages First Nation communities and leaders to help foster better understanding of RCMP policies and practices. Recently the coordinator has been involved in the informal resolution of complaints by meeting with local persons and detachment personnel. The coordinator serves as a Board Director for the Fetal Alcohol Spectrum Society Yukon (FASSY) and the RCMP liaison for the Sisters In Spirit initiative (which focuses on missing and murdered women and girls); he also reviews youth program funding requests as a board member of the Youth Directorate. In addition, he coordinates the Commanding Officer's First Nations Advisory Group, coordinating the group members' needs and suggestions with the Commanding Officer.

When serious investigations are undertaken, the Coordinator is part of the major case management investigative process. He serves as the community liaison, and meets with First Nations leaders, elders and community members to explain RCMP investigations, inform First Nation leaders of serious investigations, and provide a bridge between detachments and First Nation communities. In one of the communities, for example, the Chief and Council raised issues about one of the RCMP members posted to their community. Although communication had broken down, the First Nations Coordinator intervened and assisted in setting up a meeting to discuss the issues. As a result, the RCMP detachment and the Chief and Council now engage in regular meetings, which has drastically improved communications and satisfaction in the relationship.

The First Nations Coordinator also helps to recruit local First Nations citizens who may be interested in joining the RCMP. The coordinator works directly with applicants to assist them through the process, including arranging ride-alongs to expose the applicants to police work.

In addition to conventional recruiting efforts, the coordinator provides one-on-one information sessions, tutors potential applicants to prepare them for examinations, travels to communities to meet with potential applicants and seeks the support of Chief and Council, elders and community to identify, recommend and encourage applicants.

Chapter 4. Our police service, our communities

Policing in Canada's north presents challenges and opportunities for frontline police officers. The region's harsh geography and climate mean that officers are often required to have skills such as driving snow machines, all-terrain vehicles and boats, and to learn outdoor survival skills. The size and remoteness of northern communities often mean that police officers are called upon to perform a variety of duties that might not be required in larger urban settings with greater access to a range of social services. Most significantly, however, a police officer who relocates from outside of Yukon learns very quickly the importance of building relationships with community members and the success that follows such efforts.

In the last chapter, we reviewed data that highlights the types of calls that police officers are likely to receive. The Co-Chairs were told by those who work in the justice system that drug and alcohol abuse are a factor in the majority of crimes against persons that are committed in Yukon. Police officers in the north frequently respond to calls involving interpersonal violence where the individuals involved in the conflict know each other. As we traveled across the territory and spoke with citizens about their experiences with the RCMP, we heard concerns about the specialised social and cultural needs of First Nation communities

and the importance of providing policing services that respect and understand these cultural needs. Some people felt that the RCMP do not respond effectively to these circumstances. The Co-Chairs, and those who shared their experiences, are gravely concerned about the underlying reasons that led to this lack of confidence and mistrust.

In this chapter, we will provide an overview of the concerns that we heard from citizens. In particular, we will focus on the concerns raised by First Nations citizens, citizens who deal with women in crisis, and concerns about the treatment of vulnerable people.

First Nations and rural communities

The Co-Chairs were privileged to spend a considerable amount of time in First Nations communities throughout the territory. Despite the anger and disillusionment that some First Nations citizens felt towards the RCMP and the justice system, they welcomed us into their

Park your car and meet the community. The glass window that separates you from my community will dissolve. Park your vehicle and walk around my village. Get to know my people.

Participant, Watson Lake public meeting

communities and treated us with respect and dignity. Indeed, the grace with which First Nations governments, citizens and communities welcomed us was remarkable.

We met with First Nations elders, Chiefs and Council members, community leaders, service providers and citizens and heard a range of opinions. A common theme ran through our meetings, however: the need to build and maintain trust with the RCMP.

We also met with municipal governments and their constituents. These participants acknowledged that RCMP members are role models and valuable contributors to the community. They recognized members of the RCMP for their patience and professionalism and for regularly meeting with municipal governments (including elected officials) to identify community policing priorities and for going the extra mile to support community programs and build relationships.

The discussions we had with First Nations citizens reflected their complex relationship with the RCMP in the territory. First Nations people expressed sincere admiration for the work that RCMP members have done, and continue to do, in First Nations communities. They recognized that living and working in isolated communities is challenging and they respect members of the RCMP for the services they provide. They acknowledged that RCMP members contribute to the growth and development of their communities. They respect the RCMP for being role models for their children and for caring for their elders.

At the same time, however, they had concerns about the police service they receive. Elders spoke about how some of the “new generation” of RCMP members no longer valued First Nation cultures. Women talked about how their calls for service were sometimes treated with suspicion or ignored. Men talked about feeling intimidated. Mothers and fathers spoke about how their children experienced unfair treatment from the RCMP. Chiefs and Council members expressed frustration that citizens of their communities sometimes received second-class justice.

Some First Nations citizens said that they no longer call the police when they witness a conflict, or even more seriously, when they are the victim in a conflict. They worry that the response from the RCMP will be indifference or hostility. What was most disconcerting about our discussions with First Nations citizens is that they consistently did not report incidents in which they felt they were subject to mistreatment. Time and again we heard stories of questionable conduct by RCMP members, followed by an acknowledgement that the incident had not been reported or investigated. This means that the RCMP member had not been afforded an opportunity to face the allegation and address any wrongdoing. We heard several reasons why people do not report incidents:

- they are not aware of the Commission for Public Complaints Against the RCMP (CPC);
- if they are aware of the CPC, they do not know how to file a complaint;
- they fear reprisal if they made a complaint against the RCMP; and
- they feel that nothing would be achieved by making a complaint.

This is a serious concern for the Co-Chairs. Unless these matters are brought forward, it is not possible to address the alleged misconduct.

The following studies and inquiries reveals that many of the issues related to the delivery of policing services in Yukon in 2010 are similar to those identified more than a decade ago in other jurisdictions. A consistent finding of commissions of inquiry is that the relations between police and aboriginal persons have often been characterized by mutual hostility and mistrust and, in some instances, racial discrimination. These factors increase the likelihood of conflict and that incidents may escalate.

In an effort to present applicable Canadian research three provincial inquiries were reviewed. It should be noted that these studies are from different jurisdictions and that they include municipal police forces that are guided by different policies than the RCMP. In addition, significant time has passed since they were completed.

Manitoba Aboriginal Justice Inquiry, 1991

The Manitoba Aboriginal Justice Inquiry is the most comprehensive review of First Nations involvement in the justice system in Canada. The report's central finding was that aboriginal people experience systemic discrimination every time they come into contact with the justice system. Systemic discrimination is the norm and affects both offenders and victims.

In its final report (Hamilton and Sinclair 1991), the inquiry described police-aboriginal relations in Manitoba as "seriously deficient," noting that "there are strong feelings of mistrust, if not hatred, directed towards RCMP members in some areas. Many officers are seen as being arbitrary and antagonistic toward aboriginal people." (p. 610). The most frequent complaints heard by the inquiry were that police officers were not in touch with the culture and needs of the aboriginal communities they policed. The report's findings were directed towards municipal police services in Manitoba, as well as the RCMP, which provides policing services to a large number of communities in the province.

Aboriginal peoples who appeared before the Manitoba Aboriginal Justice Inquiry described a huge gap between the community and the police. Many aboriginal persons with whom the Inquiry commissioners met "...spoke of policing which at times was unresponsive and at times overzealous, usually insensitive and often abusive" (Hamilton and Sinclair 1991: 4). The inquiry concluded that many of the difficulties could be traced to "over-policing" or "under-policing." Over-policing occurs when the police focus inordinately on the activities of aboriginal persons and on law enforcement. Under-policing occurs when there is a lack of preventative and support services.

The justice system has failed Manitoba's aboriginal people on a massive scale. It has been insensitive and inaccessible, and has arrested and imprisoned aboriginal people in grossly disproportionate numbers. Aboriginal people who are arrested are more likely than non-aboriginal people to be denied bail, spend more time in pre-trial detention and spend less time with their lawyers, and, if convicted, are more likely to be incarcerated.

Source: Hamilton and Sinclair 1991: 1

The province of Manitoba conducted a ten-year review of the status of the Manitoba Inquiry (Chartrand and Whitecloud 2001). The review is informative for a number of reasons, not the least of which is the acknowledgment that in the ten years following the release of the report not much has been done with regard to the implementation of the recommendations of the Manitoba Inquiry.

A recent article in the *Winnipeg Free Press* (Owen 2010) cites Grand Chief Ron Evans of the Assembly of Manitoba Chiefs, who said he believes the relationship between police and aboriginal leadership has improved over the past 20 years. He credits the RCMP for creating a position, as a result of the Manitoba inquiry, that works directly with First Nations groups on high-profile public safety issues; this has helped to bridge gaps between parties.

Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta, 1991

Racism and systemic discrimination were also noted in a review undertaken in Alberta. The task force reviewed the criminal justice system in Alberta as it relates to aboriginal people and identified problems and proposes solutions to ensure that Indian and Métis people receive fair, just and equitable treatment at all stages of the criminal justice process.

In its report (Task Force 1991), the task force recognized that aboriginal people in Alberta had concerns about the criminal justice system. The report acknowledged that aboriginal people in Canada were over-represented in correctional centres and often faced prejudice and discriminatory treatment. The report maintained that "unless more balance can be created, justice will remain elusive and discontent will continue" (Task Force 1991: 1). In order to achieve this more balanced approach, the report stated that aboriginal people must be involved in police development, program planning and implementation, and service delivery with respect to the criminal justice system.

The report noted that policing styles have an impact on the quality of life in aboriginal communities. It also cited issues that were raised by citizens in Yukon in this 2010 Review of policing: the need for cross-cultural training by aboriginal people, aboriginal involvement in crime prevention initiatives; and greater employment opportunities for aboriginal people involved in the justice system.

The task force reported that aboriginal people in Alberta, “reported that prejudice against aboriginals existed at all levels of the criminal justice system.” The report goes on to say that “we have heard many accounts of racial prejudice attributed specifically to the police” and that “the perception that police are prejudiced against them is generally shared by aboriginal people” (Task Force 1991: 2-5). In spite of these concerns, the report also acknowledged that aboriginal people did not reject the RCMP; rather, “they challenge it to meet the policing needs of contemporary aboriginal people” (pp. 2–7).

We have confirmed by an extensive opinion survey what we knew from our own knowledge and experience, that is the majority of Indian people do not have confidence in the criminal justice system. Without that confidence particularly with regards to the Police and the Courts, the Criminal justice system cannot service the vitally important role of inspiring respect for the law among our people.

Task Force 1991: 2–7

Saskatchewan Commission on First Nations and Métis Peoples and Justice Reform, 2004

Racism and discrimination are also cited in the report of the Saskatchewan Commission on First Nations and Métis Peoples and Justice Reform. In 2001 the Government of Saskatchewan established the commission to review the justice system, with the intent of devising solutions to overcome systemic discriminatory practices and address attitudes based on racial or cultural prejudice. The commission was established following allegations that the Saskatoon police were involved in dropping off aboriginal men at the edge of the city; one individual froze to death. The commission held extensive consultations with community members and issued a report that examined a range of issues faced by First Nations citizens, including their relationship with the police.

There currently exists in Saskatchewan, an atmosphere of distrust and fear that cannot be ignored. First Nations and Métis people in particular are fearful of police. Mothers of aboriginal youth have spoken about the apprehension they feel when their children leave the home at night. Their fears involve the possibility of police abusing their children.

Commission on First Nations and Métis Peoples and Justice Reform 2004: 5-3

The concerns expressed by aboriginal persons in Saskatchewan were similar to those we heard in Yukon in 2010: lack of appreciation for the culture and history of First Nation communities; fear and mistrust of the police; verbal and physical abuse; and intimidation by police officers.

With respect to the treatment of First Nation and Métis people, the Saskatchewan Commission made the following observation:

The Commission began its work with the belief that racism is a factor in the delivery of a justice system that generally begins with police contact. While First Nations and Metis people have experienced difficulty with a system that is often foreign and oppressive, determining what role racism plays is difficult. Without direct evidence of racist actions, whether through the use of inappropriate language or behaviour, it is difficult to determine with any accuracy how significant racist attitudes are. There is no doubt that racism does exist. However, the Commission has also heard that most police officers perform their duties with fairness and professionalism regardless of the race of the person they are dealing with. Nevertheless, the Commission has concluded that racism in police services does exist and is a major contributor to the environment of mistrust and misunderstanding that exists in Saskatchewan (p. 5-4).

The Saskatchewan commission then went on to make a series of recommendations designed to address what it saw as systemic racism within the province's police services. Some of the recommendations in this report draw on those of the Saskatchewan Commission.

Police reviews in Yukon

To date, there have been two reviews into police-First Nations relationships in Yukon: a study published in 1979 (Parnell 1979) and a more recent study (Clark 2006).

The Parnell study of the RCMP in Yukon was undertaken due to "the tension and hostility which has sometimes existed between Indian people and the police in Yukon" (Parnell 1979: 1). The study involved interviews with RCMP members, community residents and service delivery personnel in an attempt to ascertain the perceptions of each group about police-community relations and to use this information to fashion solutions. A total of 136 interviews were conducted in Carmacks, Haines Junction, Mayo, Watson Lake and Whitehorse.

Among the findings was that the majority of First Nations residents did not recall seeing police officers involved in activities of a preventative nature; officers were most often seen in car patrols as a "watch-dog enforcer" (Parnell 1979: 14). With respect to the enforcement of the law, 46.1% of the First Nations respondents indicated that it was "About right" (p. 15).

From the perspective of RCMP members in Yukon interviewed in 1979, nearly all encounters between the police and First Nations persons involved alcohol, directly or indirectly. The problems of youth and young adults were a major contributor to the difficulties that surrounded police-First Nations relations. A lack of follow-through by First Nations victims and complainants hindered the ability of the police to enforce the law. Police officers spent an inordinate amount of time dealing with social problems not related to law enforcement. A number of members mentioned that new recruits might pick up negative attitudes toward First Nations persons from their training supervisor and that "Shop-talk also molds younger officers' approaches, not always in a good direction" (Parnell 1979:30).

The age and experience of police members were also mentioned by the officers interviewed; younger officers (under the age of 30) were seen by First Nations citizens as tending to be aggressive, heavy-handed and unable to handle their frustrations. In the view of the officers interviewed, "...this situation could be aided by improved selection methods to obtain recruits who do have appropriate qualities" (Parnell 1979:30). Officers also identified a need for better training and closer supervision.

Similar to their police counterparts, resource personnel in Yukon who were interviewed for the 1979 study identified alcohol as a major contributor to the state of police-First Nations relations. These personnel also stated that police officers often felt isolated in the community due in part to the relatively short periods of time they spent there, and that neither the police nor the community often took the initiative to develop positive relationships with one another. Resource personnel perceived police officers as too often authoritarian in their approach to policing the community, and noted a lack of supervision by senior officers.

First Nations people interviewed for the 1979 study identified a number of factors as contributing to an improvement in police-First Nations relations. These included more involvement by police officers in community affairs; more sensitivity by officers to community relations; and better communication between police and First Nations persons (Parnell 1979:16).

The 1979 study also found a perception that relations between the police and First Nations people improved when the officers took the time to get to know First Nations persons on a personal level, took part in socially mixed sports and social activities, were prepared to listen and to try to understand First Nations persons, explained police operations, were sensitive to peoples' rights; and were friendly with community residents (Parnell 1979: 28–29).

Many of Parnell's findings, such as the prevalence of alcohol abuse and its relationship to crime, and RCMP member involvement in communities, were echoed during the 2010 Review.

A more recent review of policing was released in 2006. As part of a federal initiative, Public Safety Canada reviewed policing in Yukon, Northwest Territories and Nunavut. The review was endorsed by each of the territories and extensive community consultations took place. In Yukon, more than 120 meetings were held with communities and stakeholders. A final pan-territorial report and individual territorial reports were produced.

The review included RCMP members and community resource personnel as well as government agencies and personnel in justice-related agencies. The issues addressed in the study included perceptions of crime and public safety; views on policing in Yukon; and programs and initiatives that appeared to be effective in the communities.

The report (2006:15) stated that “It became clear in the community consultations that, unfortunately, the RCMP faces a legacy of distrust and misunderstanding.” However, it also found that, “In some communities officers had been able to establish positive relationships of trust and respect.” The community consultations also revealed that “The RCMP is the police service of choice in Yukon.” However, residents identified a number of critical issues that required improving: communication and accessibility of police officers; visibility of officers in the community; accountability to the community; and the complaints process. In many respects, these are the same issues that the Co-Chairs heard during our meetings in 2010.

We would be remiss if we did not acknowledge that four years has passed since the Clark report was written. Since then, the RCMP has been undergoing a transition and “M” Division has made some progress to improve the delivery of policing services. For example, with the support of the Yukon Minister of Justice, additional RCMP members have been deployed throughout the territory. Each detachment in the communities will have a minimum of three regular members. This increased capacity has resulted in more RCMP members being in the communities and on the street in Whitehorse. In addition, a pool of regular members has been established to ensure that at any given time a minimum of two regular members are available to respond in each detachment.

Attracting and retaining mature and experienced RCMP members to serve in Yukon is another ongoing priority. The average age of RCMP members serving in Yukon in 2010 is 32.

RCMP members serving in Yukon are increasingly active and visible: a 2010 survey of Yukon citizens reported that over 80 percent of respondents reported that RCMP members were visible in their community (RCMP 2010c). In spite of these improvements, the Co-Chairs acknowledge that there may be additional opportunities to collaborate with communities and enhance the delivery of police services across the territory.

In-custody deaths and coroner’s inquiries

In 2010, the B.C. Civil Liberties Association released a report (MacAlister 2010) that examined in-custody deaths in British Columbia, New Brunswick, Northwest Territories, Nova Scotia, Ontario, Saskatchewan and Yukon. The study reviewed in-custody deaths to gain a better understanding of them, and to provide specific recommendations to address ways to prevent these incidents from arising and how to best to investigate them.

The study included a summary of deaths in custody that occurred in Yukon between 1992 and 2007. During this time there were eight in-custody deaths involving the police in Yukon: six were men and two were women, and six of the eight individuals who died were First Nations.

Four of the deaths were ruled as accidental. In all four of these cases, drugs and/or alcohol played a significant role. Of the remaining four cases, two were ruled as suicides, one was a homicide, and one was a natural death. Four of the eight deaths occurred in police cells.

A summary of in-custody deaths in Yukon, 1992–2007 (Source: MacAlister 2010)

March 30, 1995 — Robert Keddie: A 40-year-old Caucasian man died at Whitehorse General Hospital. He was arrested for public intoxication and logged into police cells at 5:35 pm. At 11:10 pm, the man was discovered not breathing. CPR was administered and the ambulance transported the man to the hospital where he was pronounced dead. The deceased had a history of drug/alcohol abuse and idiopathic seizures. No use of force or weapons were used. The death was ruled an accident as a result of acute morphine overdose with a significant contributing factor being acute alcohol intoxication.

September 9, 1998 — Harley Clayton Johnnie (AKA Timmers): A 23-year-old First Nations man died at Vancouver General Hospital where he had been medevaced from Whitehorse, Yukon. Two days earlier, an RCMP officer received a call regarding a stolen car along with a description and license number. The officer eventually observed the car and pursued it. The suspect lost control of the vehicle and a foot chase ensued. The officer caught up with the suspect and there was an altercation between the two men. The suspect was able to put the officer in a chokehold. Fearing for his life, the officer shot the suspect. A police issued weapon was used. The suspect did not have a weapon. The death was ruled a homicide, with the cause of death being a gunshot wound to the head.

March 11, 1999 — Randy McGinty: A 44-year-old First Nations man died in his home after RCMP arrived at the home. The deceased had a physical altercation with his common-law wife who went to a neighbour's home and called the RCMP. They surrounded the house and phone contact was made. An RCMP negotiator was also called in. The RCMP were unaware the deceased had a gun. Around noon, a gunshot was heard. The RCMP entered the home and found the deceased with a gunshot wound to the head and a gun in his left hand. The death was ruled a suicide, with the cause of death as a gunshot wound to the head.

December 25, 1999 — John Allick (AKA Tibbett): A 38-year-old First Nations man was pronounced dead at Whitehorse General Hospital. He had been picked up by the RCMP for causing a disturbance and housed in cells. He was brought to the hospital by ambulance from RCMP cells where he was found hanging from a strip from a blanket. The death was ruled a suicide by hanging.

March 18, 2000 — Fred Stewart: A 36-year-old First Nations man was pronounced dead at the Watson Lake General Hospital. The man had been housed in RCMP cells for public intoxication. He was taken to hospital by ambulance after he was discovered collapsed in his cell. The death was ruled an accident from acute alcohol poisoning.

June 14, 2000 — Madeleine Henry: A First Nations woman died at Whitehorse General Hospital. On May 31, the woman had been taken to RCMP cells for public intoxication. She was found having difficulty breathing and was taken by ambulance to hospital. She was medevaced to hospital in Vancouver and returned to Whitehorse Hospital on June 09, where she remained on life support until she died. The death was ruled as natural due to multifocal

bilateral pneumonia, the consequences of anoxic ischemia encephalopathy as a result of cardio-respiratory arrest.

September 27, 2003 — Heather Benson: A 37-year-old Caucasian woman died at km 132 on the South Klondike Highway, Yukon, while being transported in an RCMP vehicle. She was being transported from Carcross to Whitehorse to attend court on charges of cultivating marijuana. The police vehicle left the road and she was thrown from the vehicle. She was not wearing a seatbelt. The death was ruled an accident due to multiple injuries as a result of a motor vehicle accident.

September 28, 2003 — Clark Whitehouse: A 34-year-old First Nations man was pronounced dead at Whitehorse General Hospital. He had been involved in an RCMP police chase near Lewes Lake, Yukon when the officer noticed he was not wearing a seatbelt. He was seen to ingest a white substance and became medically distressed. RCMP performed CPR and he was taken to hospital by ambulance. The death was ruled an accident due to acute cocaine intoxication.

In-custody deaths since 2007

The report of the B.C. Civil Liberties Association reviewed deaths between 1992 and 2007. Since 2007, three deaths occurred in Whitehorse which are of interest to the Co-Chairs.

August 30, 2008 — Grant McLeod: RCMP were called to a Whitehorse hotel by a complaint of an individual acting aggressively and threatening people with a needle. A scuffle ensued and in the process the man was noted to not be breathing. An ambulance was called and he was taken to Whitehorse General Hospital, where he was pronounced dead. He died of cocaine intoxication.

December 2, 2008 — Raymond Silverfox: At 5:13 a.m., RCMP members arrested a First Nations man at a local shelter for causing a disturbance and subsequently detained him in Whitehorse RCMP cells. Prior to arrest, he was examined by Emergency Medical Services, but his blood alcohol was not checked. Once in police custody, the man continued to be sick, vomiting more than 20 times in the 13 hours he was in RCMP custody. Several hours later, the man was found unresponsive on the floor of the cell which was dirty with the presence of bodily fluids. He was transported to Whitehorse General Hospital where he died. The death was ruled an accident due to sepsis and acute pneumonia.

May 2, 2010 — Robert Stone: This 34-year-old First Nation man died at the Detox Centre in Whitehorse. On the night of May 1, 2010, Robert Stone was picked up and assessed by the ambulance service. He became combative and the RCMP was called. He spent approximately five hours in RCMP cells. He complained of chest pains and was transported to Whitehorse General Hospital. He was examined by a physician and treated for alcohol withdrawal. Once he was released from the hospital, he checked himself into the Detox Centre, where he died about four hours later. An autopsy was inconclusive on cause of death, but conclusively ruled out any action of violence as causing death. A coroner's inquest was announced in September 2010 and is pending.

The Yukon *Coroners Act* requires the coroner to undertake an inquest when an individual dies in custody. An inquest is a formal hearing into the events surrounding a death or deaths, attended by a jury, where evidence is heard. Parties with substantial direct interest may also participate. On the basis of an inquest's findings, the jury usually presents a number of recommendations, which are then forwarded by the chief coroner to appropriate agencies for consideration. Although they are non-binding, each recommendation is designed to prevent similar deaths in the future. They also inform the public of what has been learned through the investigation and/or inquest process.

Inquests were held in the deaths noted above (except, as noted, in the case of Robert Stone; an inquest is pending). The results of the inquests are included in Appendix II.

The RCMP and First Nations citizens in Yukon

There is no reason to believe that the circumstances that First Nations people in Yukon find themselves in are dissimilar to those in other parts of the country. We Co-Chairs believe that First Nations citizens in Yukon, like those in Manitoba and Saskatchewan, have experienced discriminatory treatment. Yukon First Nations citizens report experiencing discriminatory treatment in the justice system, and in other areas of life as well — in the educational system, the health care system and the communities. Despite the great strides that First Nations citizens and governments have made toward full and equal participation in the social and economic affairs of the territory, it is clear that there is much work to be done.

The Co-Chairs believe that the perception of racism expressed during the Review by Yukon aboriginal and non-aboriginal persons in communities across Yukon is an underlying issue that contributes to the atmosphere of mistrust that First Nations citizens have towards the RCMP and the entire justice system. This pervasive social issue needs to be confronted head on. We believe that this report and recommendations can help address this important issue.

It was clear from our meeting with First Nations citizens that they wish the RCMP to be visible and accessible in communities. They want the RCMP to have a strong presence in First Nations and rural communities. First Nations citizens, like all citizens in the territory, want to know that they can trust and rely on the officers stationed in their community and that they will receive the respectful service when they are in Whitehorse. They want to know that their calls for service will be responded to in a timely and respectful way.

First Nations citizens want greater involvement with "M" Division and greater input into how police services are provided within their communities. First Nations leaders know it

There is often a communication breakdown between the police and the community. It is important to keep communities informed, and to understand how First Nations would like to communicate and ask them the best way to do so.

"M" Division Member, focus group participant

is important to have their citizens directly involved in delivering police services, either as participants or in a related capacity. They are also aware of the challenges that need to be addressed to ensure that today's youth consider a career in law enforcement and become leaders of and mentors in their community.

First Nations leaders understand the importance of developing good relationships and have an interest in strengthening and building a new dynamic relationship. Equally important, they want processes in place that will maintain relationships of mutual respect over time rather than rebuilding these relationships every few years. If people are not talking, relationships surely will fail. First Nations people have a great of historical and traditional knowledge and are more than willing to share it with the RCMP. They do not want to lose the opportunity to create a harmonious way of life for their families, especially for youth.

Leaders and citizens know that they can make an important contribution to developing these relationships. We spoke with many people who said that they needed to be more active in seeking out new RCMP members transferred into their community to welcome them, get to know them and to help them learn about the community. Indeed, there was lots of discussion at our meetings about the ways in which First Nations citizens can pass along the traditional and community knowledge that will assist in community policing.

Building and maintaining solid relationships between members of the community and the RCMP and passing along traditional knowledge from First Nations citizens to RCMP members is the basis for effective community policing in the north. These relationships will provide new officers and their families with an understanding of the family relationships and social dynamics of a particular community, which will better equip the member to respond to calls for service.

Moreover, members who have built strong relationships with community members can benefit in other ways. We heard many stories about how members who had a relationship with a citizen were able to call on him or her to help resolve a conflict in a community before it escalated into a violent situation. If members and community leaders have strong relationships, they are in a better position to respond to questions from citizens following a conflict in their community. We heard many positive stories about how RCMP members and community leaders were able to share information about a particular conflict in a community and therefore address the concerns of other community members. This helped control the spread of rumours in the community and build positive relationships.

"M" Division members report, however, that community expectations are at times unreasonable, failing to consider the contributions already being made by members and their families or beyond the scope of community policing. The RCMP and communities have a shared interest in resolving this disparity. We believe that "M" Division and communities need to discuss the resources that they have available to them and set achievable and mutually agreed upon priorities with measurable outcomes.

The relationship between the RCMP and First Nations citizens needs to continue to evolve. Citizens want the members of their detachment to be “present” in the community. They want members and their families to spend their time in the community, as opposed to being in Whitehorse or elsewhere. This also means that members should walk the streets and meet with citizens. Being “present” also means participating in community life. First Nation and non-First Nations citizens in rural communities expect members to participate in community sports and cultural events.

First Nations citizens spoke respectfully about individual officers currently serving in the territory, and about those they remember from the past, who took the time to have tea with elders, who participated in ceremonies, who drove citizens to church, or who played sports with their children. These members are role models for their community. They exemplify the values of the RCMP. Citizens know who these members are; they know that they can trust them when they are in crisis and they respond generously when the member or the member's family is in need of assistance.

RCMP members respect the need to be present and active in the community and acknowledge the importance of having relationships with the citizens they serve. RCMP members describe their contributions to youth, interactions with elders and their efforts to build community capacity by coaching, delivering services and supporting non-police activities. Some members are perplexed, troubled and frustrated by the lack of recognition of their efforts and by the expectations of the communities.

We agree with First Nations citizens that “M” Division would benefit from increasing training related to Yukon First Nations culture and history. We also acknowledge that the Yukon Minister of Justice, in her 2009 correspondence to the “M” Division Commanding Officer, identified cultural training and community orientation as a priority for the RCMP. The RCMP's training curriculum should be reviewed to ensure that it meets the current needs of Yukon First Nations. The RCMP welcomes this focus by the Minister, as it supports providing members who serve communities with a greater understanding of the culture and history of each individual the First Nation, how the community operates, who its leaders are and how to participate in First Nations events.

We believe that all public servants — including members of the RCMP and others involved in the justice system — must understand the social and political forces that have shaped the lives of the citizens they serve. We recommend a comprehensive approach to training in Yukon and support the idea that those members who interact with the public in the territory receive appropriate cultural sensitivity training. As with all training, skills must be practised, appropriate behaviour must be acknowledged and corrective action taken when necessary.

Increasing First Nations involvement in policing

Throughout our consultations, First Nations leaders and citizens recommended a number of ways to encourage First Nations citizens to become involved in the delivery of policing services. Many First Nations leaders recognized that First Nations governments need to become more active participants in the priority-setting processes used at the detachment level. Detachment Commanders complete an annual performance plan that outlines priorities for the detachment. The Detachment Commander is required to meet with First Nations and municipal leaders in the development of this plan. In some communities this process works well. In others, there is room for improvement. Many First Nations leaders that we spoke with recognized that they need to become more active in this process. We return to this theme in Chapter 6, when we recommend the development of community processes that include a local community advisory board in those communities that want them.

Early in the Review, the Co-Chairs met with the Commanding Officer's First Nation Advisory Committee. The committee is composed of one representative from each First Nation in the territory. Committee members meet twice annually to discuss policing issues in their traditional territories. When we met with the committee, we were impressed with their commitment to work with the RCMP to improve police and community relationships and their interest in ensuring that the committee supports the 2010 Policing Review. Indeed, the committee members suggested that the mandate of the committee be updated to address this concern. The need for a review of the committee's terms of reference was highlighted by a Chief at a CYFN leadership meeting and in the Kwanlin Dün First Nation submission.

The Co-Chairs strongly support the continuation of the Commanding Officer's First Nation Advisory Committee. The committee has the potential to be a key part of ensuring strong links between First Nations and "M" Division. In our discussions with the committee members, there was general agreement that the committee's mandate, operation and membership should be re-examined with the goal of ensuring that the committee attracts individuals who have a keen interest in policing, an appreciation and understanding of local perspectives, and the skills and experience that will help achieve the change required to improve relationships and services in First Nation communities. These individuals must also be able to act as a local resource for both First Nation community members and "M" Division.

RECOMMENDATION

That "M" Division undertake a review of the Commanding Officer's First Nation Advisory Committee. This review should consider the committee's composition, member selection process and terms of reference and ensure that the work of the committee is coordinated with the Yukon Police Council.

The Co-Chairs also recommend establishing a First Nations Relations Advisor who reports directly to the Commanding Officer. The First Nations Relations Advisor would provide strategic advice to the Commanding Officer and support him or her in building relationships with First Nations leaders and citizens. The Advisor would provide advice on policies and programs undertaken by the division, be proactive in the early identification of conflicts, assist in mediating conflicts that may arise, and more generally, facilitate the flow of information between the RCMP and First Nations governments.

RECOMMENDATION

That "M" Division establish a First Nations Relations Advisor who reports directly to the Commanding Officer "M" Division.

We also strongly believe that the "M" Division Commanding Officer should meet with the leaders of each first nation, as well as meet with the First Nation leadership as a whole. During the consultation process, the Co-Chairs witnessed first-hand how direct communication between police management and First Nations leaders helped to resolve issues and build stronger relationships. We recognize that this will require a commitment on the part of both the Commanding Officer and First Nations leaders to find the time to meet and discuss policing issues.

RECOMMENDATION

That the "M" Division Commanding Officer meets with leadership of each Yukon First Nation at least once per year and with all Yukon First Nation leaders together as practicable.

First Nations leaders and citizens noted that one way of building a new relationship between First Nation communities and "M" Division is to find ways of involving First Nations citizens in the delivery of police services and in other areas within the justice system.

We acknowledge that increasing First Nations involvement in the delivery of policing services is easier said than done. The Co-Chairs believe that it is important to support those First Nations citizens who show an interest in law enforcement and develop them so that they can become members of the RCMP.

We recommend that the Northern Institute of Social Justice (NISJ) in Whitehorse, in collaboration with its partners, develop a First Nations career orientation program to prepare First Nations citizens for a career in the justice system. The goal of the program would be to recruit First Nations citizens who have an interest in working in the justice system and provide

them knowledge and skills-based training. The course would assist people interested in joining the RCMP, help them with the application process and prepare them for entry into Depot Division. In 2009 NISJ delivered a correctional officer career exploration training program for women that was well received by participants; it resulted in ten women — two of whom were Yukon First Nations — being hired as Correctional Officers.

The Northern Institute of Social Justice (NISJ) is located at Yukon College in Whitehorse. The institute provides training and education for jobs with a social-justice related component in several fields:

- public and First Nation governments,
- non-government organizations, and
- businesses.

The NISJ also conducts research related to training and education.

Drawing on the north's leadership, unique values and diverse cultures, NISJ delivers integrated training and education programs and conducts related research in order to help employers attract and retain a well-qualified workforce; help individuals develop careers; and provide tools to support community leadership, capacity development and transformation of service delivery.

We recommend that the Government of Yukon, the RCMP and First Nations governments collaborate to develop an RCMP recruitment strategy targeted specifically to women and First Nations citizens. This would be a related component to the First Nations career orientation program.

RECOMMENDATION

That the Department of Justice, "M" Division and First Nations explore best practices and innovative methods of increasing the number of women and First Nations citizens involved in the delivery of policing services:

- developing a recruitment strategy to encourage female and First Nations citizens to enter the RCMP;
- working with the Northern Institute of Social Justice to develop a Yukon First Nations career orientation program to prepare citizens for RCMP training at Depot Division, or for other careers in the justice system; and
- examining the feasibility of establishing a renewed special constable program, community safety officer program or similar initiatives.

There is a history of best practices that support local involvement in the delivery of RCMP services to communities. The Indian Special Constable (ISC) program was established by the RCMP in the 1970s. Constables were recruited and trained by the RCMP and deployed to detachments to assist in policing First Nations reserves and communities. In 1990 the ISC program was replaced by the Aboriginal Constable Development Program (ACDP), which is designed to increase the number of First Nations persons who are eligible to become regular RCMP members.

Aboriginal Community Constables

Today, the RCMP is pursuing other models. For example, a pilot project which will test then evaluate the Aboriginal Community Constable (ACC) program commenced in the fall of 2010. This would provide armed uniformed peace officers at the rank of Special Constable; they would bridge the gap between the community and regular members of the RCMP, who are subject to transfer, by providing continuity at the community level.

The ACC focus on crime prevention, community mobilization/engagement and crime reduction would enhance, not replace, the work of general duty RCMP constables. ACC officers would have the capacity to provide tactical, enforcement and investigational support to other RCMP officers, if required, and would also be positioned to de-escalate crises and provide responding police officers with local information and advice.

On November 15, 2010, the first troop of cadets under the ACC pilot program began their training at Depot. As part of the pilot project, ACCs will return to their aboriginal communities in Manitoba, Alberta, the Northwest Territories and Nunavut. Results will be reviewed at the end of the pilot project, and if the program is determined to be a success other First Nations communities will have the opportunity to have an ACC.

The ACC pilot supports the RCMP's national Aboriginal Strategic Priority. The ACC program serves to attract, develop and retain people with local linguistic, cultural and community skills that go beyond those taught at Depot. Among the RCMP members in "M" Division who policed in the communities there was support for developing a community support officer program such as the ACC, as reflected in the following comments:

- A community constable program would be a good idea if the community realizes that they are not police. They have to know the role.
- It would help bridge the gap. They would provide continuity.

ACC members could take on some of the workload, particularly in building community capacity and collaborating with territorial and First Nation government services, including serving court documents. RCMP members also felt that the ACCs could provide continuity in community and youth programs.

First Nations recruitment

Between 2004 and 2010 nine aboriginal Yukon males applied to join the RCMP. Of these applicants, one was hired and four withdrew their applications; four others either did not pass the initial entrance examination or did not meet the basic qualifications required of an applicant.

During the same period, nine aboriginal Yukon females applied to join the RCMP; six of these applicants either withdrew or lost contact with the recruiting unit and the remaining three did not pass the initial entrance examination.

The RCMP remains committed to the recruitment of a workforce that reflects the population it serves. During the fall of 2010 a nationwide recruiting campaign, targeting First Nations applicants aged 18 to 34, was launched by the RCMP. The campaign was run by Poirier Communications (the first full-service, fully aboriginal-owned advertising agency in Canada) and included internet advertising, print and career publications, and radio advertising. Ads appeared nationally, including Yukon, in both English and French and an Inuktitut version was run in northern areas. This was the RCMP's fifth national aboriginal recruiting and advertising campaign.

"M" Division continues its efforts to recruit Yukon citizens into the RCMP. In addition to offering both group and one-on-one recruiting information sessions, "M" Division offers the Police Observer Program to familiarize the public with the RCMP's work and allow individuals to experience police-community interactions. This ride-along experience is available to adult individuals who wish to gain knowledge of policing, including those who are considering a career with the RCMP.

The Co-Chairs recommend that the Department of Justice, "M" Division and First Nations governments examine whether Yukon communities might benefit from a special constable program or other initiatives such as the community safety officer program.

First Nations justice

First Nations leaders and citizens told us that they want to see a more holistic approach to justice, one premised upon a balance between enforcement, crime prevention and social development and includes the various facets of the community that deal with justice issues. Those who work in the justice system need to recognize the historical imbalances that have given rise to the over-representation of First Nations people. As we attempt to achieve this balance we need to recognize that communities that are well informed, through good research and criminal analysis, will make good decisions about what is good for them. Social development and crime prevention initiatives will rarely be successful if community safety is not achieved.

An important element of developing a culturally sensitive and compatible police service involves symbolism or things the First Nations citizens can recognize. The culture of Aboriginal people has always been rooted in ceremony, ritual and symbolism.

Yukon is recognized as a leader in developing restorative justice practices. This is due in large part because of the strong leadership provided by members of the judiciary, individual First Nation's leaders, and strong support from restorative justice practices from the RCMP. In addition, there are community justice committees in a number of communities across the territory. We heard, however, that in recent years there appears to be less institutional support for restorative justice than was the case in the past.

We believe that there is a need for the federal, territorial and First Nation's governments to reaffirm their commitment to restorative justice principles. We recommend that these orders of government review different approaches to community and aboriginal justice in order to ensure that all communities are offered the opportunity to participate in restorative justice programs.

Restorative justice programs in aboriginal communities have a broader mandate and set of goals and expectations than similar programs in non-aboriginal communities. For aboriginal communities, the development of restorative justice programs is part of a reclaiming of the process of social control and order maintenance — a process that was explicitly taken away from aboriginal communities during the period of colonization. In this way, the development of restorative justice programs by aboriginal communities is very much a part of decolonization of reasserting the importance, vitality and significance of aboriginal community control over aboriginal people.

Source: Rudin 2003

RECOMMENDATION

That Justice Canada, the Department of Justice, "M" Division and First Nations review different approaches to community and aboriginal justice in order to ensure all communities are offered the opportunity to implement community and restorative justice processes.

Women's experiences with the RCMP

The terms of reference for this Review included addressing the concerns of "victims of domestic violence and sexual assault." The Co-Chairs and members of the Advisory Committee met directly with leaders in the women's community, and with individual women who have had interactions with the RCMP, either as victims or offenders.

It is the policy of the RCMP to fully investigate reports of intimate partner violence. The police will conduct an investigation and, if there are reasonable grounds to commence a prosecution, will do so. Ultimately, it is the responsibility of the Public Prosecution Service of Canada to independently determine if the prosecution will proceed.

Our engagements with the women's community were widely attended, although the subject matter was sometimes painful. Many women shared stories about their experience with the RCMP and the larger justice system. These stories were difficult for the Co-Chairs to listen to, and they were no doubt difficult for the women to talk about. The Co-Chairs acknowledge the strength of the women who met with us and thank them for their courage in relating their experiences.

The backdrop of many of our discussions with women was the incident in which two RCMP members were charged, but found not guilty after a trial, with the sexual assault of a community member. The incident received extensive attention in the media. The women with whom we talked brought forward a number of concerns. Women's groups in Yukon are deeply concerned about shortcomings across the criminal justice system, social services and community dynamics that make women fearful of reporting physical or sexualized violence to the police.

Those mens' behaviour was not responsible. We expect our police to be respectable.

Source: Kaska elder

In many of the situations where police are involved, women are in vulnerable family situations and dealing with child custody, welfare, domestic violence and the dynamics of social isolation in small and remote communities. Some women do not feel safe in reporting their abuse and do not trust that they will be safe after making a disclosure. They worry that they will not be taken seriously, that they will not be heard, that their situation will not improve, or that they will not receive the assistance that they require.

Most distressing is that we heard from some women who fear reporting crimes against them to the RCMP. Women feel that if they request support as often as is necessary to maintain safety in cases of domestic violence, the police will consider them to be a nuisance. It is well documented that most women fleeing violence make many attempts before their situations change. We were told that complaining often brings shame to their families and scorn from those in the community who support the abuser. This was particularly true for First Nation women. When women do not feel safe to call the RCMP, the risk of personal danger escalates.

Some women say that the RCMP fails to respond with compassion when they report physical or sexualized assault. Some feel that they are being blamed for the violence. The RCMP has shared data that confirms these v violence are taking place. More than 100 times in 2009, RCMP members commenced sexual assault investigations. In many of these incidents, police found that witnesses did not support the investigation. The Co-Chairs, and those who shared

their experiences, are gravely concerned about the underlying reasons that led to inability of the police to complete investigations. The lack of confidence in and mistrust of the process needs to be addressed.

Many First Nations women shared personal stories of their experiences in relation to the RCMP. In reviewing these accounts, a number of important themes become clear. First Nations women are in a particularly vulnerable position — first, in relation to the gender bias that they frequently face when dealing with the justice system, and second, with respect to racism they often feel as a result of being First Nations. One of the recurring concerns they shared is that First Nations women do not trust the RCMP. The struggles of aboriginal women with the police have been strongly associated with the denial of their rights, destruction of family structures and traditions, poverty, addiction and violence.

The safety and honour of women is essential to the health of our communities.

Participant, women's public meeting

We were told that First Nation women are the caretakers and nurturers of their families and are pillars of our communities. Traditionally women are revered as the givers of life and caretakers of traditional values passed on to future generations. The effects of the encroachment of European culture, removal of children from their mothers to residential schools and gender dynamics that provide socio-economic privileges to men are clear.

Although aboriginal women make up the largest percentage of female victims — which in northern Canada is three times higher than the national average — their disappearances and murders have not always been treated with the attention they deserved. The Native Women's Association of Canada (NWAC) Sisters in Spirit project has identified more than 580 aboriginal women in Canada who have disappeared or been murdered. The Sisters in Spirit project asserts that these cases reveal a lack of recognition of the scope of the problem by police and lend legitimacy to the belief that the complaints of women are not taken seriously.

The Co-Chairs recognized the dialogue already taking place between the RCMP and the Yukon Aboriginal Women's Council and Whitehorse Aboriginal Women's Circle regarding the Sisters in Spirit initiative in Yukon. Collaboration between these organizations and police investigators provides an opportunity to enhance communication regarding unsolved cases and identify risk factors that could reduce victimization in the future. To date, research by the Yukon Sisters in Spirit project has identified 29 Yukon First Nations women who are known to have died or have fallen out of contact with their family or community. "M" Division is having discussions with local representatives to examine the circumstances of these women and determine if more police investigations should be undertaken.

Some women who took part in the Policing Review believe that some RCMP investigators feel women are responsible for their own victimization in cases of intimate partner violence and sexualized assault. They feel that their safety is not a priority to some investigators. Women

also feel that the RCMP does not fully understand the dynamics of our smaller communities and the devastating effects on the victim who must continue to have relationships with members of the community. They also noted that abusers may be prominent members of their community and their status should not protect them from investigation or lend them greater credibility than a victim.

It was important for the women who we spoke with to convey to us that women's experience of violence is different from men's in that in many cases they experience an imbalance of power even before violence is introduced to a situation. They told us that women may not be believed by police attending the scene of intimate partner violence because they respond to the officers' arrival by succumbing to anger and fear and having an emotional outburst or because they do not have immediate evidence of bruising or injury.

Sexualized violence is an exercise in power. It is very difficult to prosecute as it is an intimate crime and the woman's credibility is still the key question in a prosecution. Women also expressed the fear that if violence is reported and an appropriate investigation does not take place, this sends a signal to perpetrators that they are immune to the sanctions of the law and therefore free to continue to victimize those who are vulnerable in the community.

The physical effects of violence against women

Women's physical response to violence is different than men's. Women have more subcutaneous fat and adipose tissue than men and therefore bruises take longer to appear. In the case of aboriginal women, bruising can be even less evident as a result of their skin pigmentation. Some men who are experienced at committing acts of violence become adept at hurting women in ways that damage is not visible, such as slapping rather than punching or injuring internal organs such as the kidneys or stomach. Some abusers choke their victims because it's easy for them to do and can be lethal. By choking a woman, they gain immediate control, terrify her and have power and control over her. The bruising, red marks on the neck and redness of veins in the eyes after being choked take 12 hours or more to show up. The police require training to ensure that they understand the physical effects of violence against women and how to best collect evidence.

In cases of domestic violence, women reported being questioned by police officers as they were being driven to shelters for the choices they had made, for staying in an abusive relationship or for exposing their children to violence. These women feel some investigators do not understand that women may not be able to leave a relationship for many reasons, including economic dependence, fear of family or community reprisals or the belief that the perpetrator will change and the violence will end.

Another reason that some women may not report domestic violence until they are in fear for their lives is that they have limited alternatives about where to go to be safe. Yukon has a very small number of emergency shelter beds in an even smaller number of communities. Civil remedies to remove people believed to be a risk to the safety of their family are available but police make limited use of them. During meetings with lawyers and justice workers, the Co-Chairs learned that many people who work within the criminal justice system were not aware of the different types of judicial interventions available in civil and criminal law. In order for the justice system to provide victims of crime with the protection they are entitled to, they require a greater understanding of the legal options available. The RCMP must be included in providing this information, as should all those people who provide services to victim. They should be fully familiar with these remedies and should understand the importance of making sure that women and children are protected in their homes through the use of tools such as Emergency Intervention Orders, Victim Assistance Orders or Exclusive Possession Orders. The Co-Chairs agree that a comprehensive training program for police, victims' advocates, justice workers and others is necessary.

RCMP investigators have expressed concern and frustration about the difficulty of properly investigating domestic violence and sexual assault cases. Victims can be hesitant to provide information, bring forward evidence and testify in court. Several meetings of women's groups identified the charging policy of the RCMP as problematic. For example, the Dawson City women's group said that mandatory charging worked in some cases but not all. In Whitehorse, various women's organizations, including Kaushee's Place, stated that they would like to see a law enacted regarding primary aggressor charging. Many women described circumstances such as having their child apprehended and being arrested for uttering threats, or having the children placed in the care and control of the aggressor, as the women were declared by the RCMP to be too upset to care for them. The Co-Chairs believe that this issue deserves additional examination and collaboration and we have prepared a recommendation to advance and ensure further work on this issue.

The topic of specialized training for police and justice system workers was raised at several meetings. Citizens expressed a concern that police require more training in how to respond to domestic violence. It was felt that investigators were not aware of specific behaviours often displayed by female victims of violence, such as resistance to questioning, self-blame, and desire to protect themselves from future assaults; if police are aware of these things they do not seem to temper their responses to reflect that awareness. Female members were not seen as more sympathetic or better at relating to women victims or suspects; in fact, there were some reports that the responses of female RCMP members were even more problematic and judgmental. In many cases a woman who has experienced physical abuse feels utterly powerless and having this powerlessness reinforced by police, who are the ultimate authority in terms of protection, aggravates the problem.

Some women who participated in the consultation process felt that responses to sexualized assault were not consistent. Participants felt that police need to show compassion and understanding for what it takes for a woman to come forward to report either domestic violence or sexualized violence. They also stressed the importance of a professional, compassionate and complete investigation. Investigators need to know that cycles of abuse depend to some extent on the isolation of the victim. Abusers act to control the victim and to cut her off from as many supports as possible. The police are the last bastion of potential support; if the complainant is not believed, or cannot obtain help without judgment, the cycle of violence is more likely to continue. It is important for this to be understood by police who respond to incidents of domestic violence.

The issues raised by the women's community in the territory are serious and the Co-Chairs recommend that the Minister acknowledge this in her prioritization of the recommendations. Some work on these difficult issues has already begun. The Department of Justice has undertaken a Victims of Crime Strategy and in 2009 the Yukon Minister of Justice communicated to the Commanding Officer of the RCMP that police participation in the implementation of the legislation was a policing priority. The RCMP continues to participate in this important work, which includes a *Victims of Crime Act*, a social marketing campaign in partnership with the Women's Directorate to reduce violence against women and some staffing strategies to make services more readily available in the communities. In addition, a working group is in place to review the concerns expressed by women's groups regarding the charging policy of the RCMP in cases of domestic violence.

The Co-Chairs believe that the issues that were raised by the women's community fall into two themes: more training for police officers and others in the justice system; and enhancement of services for women. We recommend that both the training and enhancement of services be coordinated, and that an inter-agency working group — comprised of representatives from the Department of Justice, "M" Division, First Nations, women's organizations and the Public Prosecution Service of Canada — develop a coordinated and comprehensive framework for responses to domestic violence and sexualized assault.

A key element of this work should include an assessment of the feasibility of developing a domestic violence/abuse team that would include specially trained officers.

RECOMMENDATION

That the Department of Justice and "M" Division establish an interagency working group including representatives from First Nations, women's organizations and the Public Prosecutions Office, to develop a comprehensive framework for responding to domestic violence and sexualized assault.

The framework should include:

- the creation of an "M" Division domestic violence/abuse team with specialized training and skills;
- consideration of specialized prosecution services;
- clarification of the primary aggressor/dual charging protocols;
- an update of the role of the Sexual Assault Response Team (SART);
- clarification of victim service responsibilities, including victim assistance volunteers;
- specialized training for "M" Division members and other front-line responders on sexualized assault and domestic violence that addresses child custody issues and the enforcement of civil order and other regulatory remedies; and
- consideration of a legal advocate position to support women and/or a Yukon Court Watch Program.

The Sexual Assault Response Team (SART) is a coordinating committee that was developed to provide a collaborative service to victims of sexualized crime. The interdisciplinary committee is made up of representatives of the RCMP, Crown, Kaushee's Place, Whitehorse General Hospital, and Yukon Departments of Justice and Health and Social Services and Women's Directorate. Members of the committee met with the Co-Chairs and Advisory Committee on October 26, 2010 and also put forward recommendations as part of their written submission. SART members brought forward a number of significant recommendations that should be considered as the inter-agency working group examines the possibility of establishing a domestic violence/abuse team. The recommendations are posted on the Policing Review's website.

Another issue raised by the women's community concerned services to Francophone women. Francophone women were concerned about language barriers they face when dealing with a member whose first language is not French. They noted that for many Francophone women it is particularly stressful to give statements in English. They requested that "M" Division provide more French language services and make French-speaking members available to women reporting sexual assault or other violent crime.

Within "M" Division eight positions are designated to be occupied by bilingual members of the RCMP. These positions are located throughout the division and six are currently occupied by members who have demonstrated proficiency in French; 13 additional members of the

RCMP have varying degrees of proficiency in French, but do not occupy a designated bilingual position.

The Co-Chairs recommend that “M” Division review its services to the Francophone community in order to ensure compliance with the federal *Official Languages Act*.

RECOMMENDATION

That “M” Division review its services to the Francophone community in order to ensure compliance with the federal *Official Languages Act*.

Vulnerable citizens

Often, police officers responding to a call for service in the territory will encounter a vulnerable citizen. The term “vulnerable citizens” refers to individuals who suffer from one or more conditions or social circumstance that result in social exclusion, and/or to individuals who are marginalized because of their particular social circumstances. Vulnerable citizens include, for example, acutely intoxicated persons and chronic inebriates, individuals with cognitive disorder and FASD, and individuals in distress as a result of a mental illness.

We recognize that is a relatively loose definition but for the purpose of this report the concept of “vulnerable citizens” helps to focus attention on the needs of the people that RCMP members typically encounter during the course of their duties. As discussed in Chapter 3, policing in Yukon today is less about organized crime, gangs and guns, and violence from strangers and more about social order problems related to alcohol and drug abuse and domestic violence.

The Co-Chairs and Advisory Committee members were interested in understanding the views and experiences of vulnerable citizens — those most likely to come in contact with the police. We recognized, however that many individuals in vulnerable situations may be reticent to come forward and speak directly to us. In order to receive their input, we asked a number of different groups to meet with their clients and report back to us.

Salvation Army

The Salvation Army operates a ten-bed shelter and drop-in centre in downtown Whitehorse that provides meals and shelter to those in need. The Salvation Army also operates the Adult Resource Centre, a halfway house for men involved in the justice system. On our behalf, the Salvation Army held a number of meetings with their clients to discuss the policing services they receive.

There were criticisms of the police voiced in the discussion groups by clients of the Salvation Army (MacDonald 2010). In answer to the question: “What concerns do you have with

the police service you receive?", 71 percent of the clients who responded offered negative comments. Many of the responses centered on verbal and physical abuse by police officers. These negative opinions are reflected in the following comments:

- All cops should be fired. The ones that are prejudiced should not be on the police force. When they get you by yourself, you better watch out (p. 4).
- They broke my ribs and hurt my foot by slamming the cell door on it. When I said I would complain, they said "go ahead" and laughed (p. 5).
- The police are verbally abusive to people. They are always being degrading to Native people. I've been shoved around, yelled at and called nasty names. I've seen the police in the cells trying to antagonize people so they can have an excuse to rough them up (p. 5).

Many of the Salvation Army clients felt that the police discriminated in their treatment of First Nations persons. Among their comments:

- The cops treat First Nations people way worse than they do white people (p. 17).
- My concern is the way they treat people when they put them in the drunk tank (p. 16).
- The police don't treat people fairly. They give Native people more hassles than anyone else. It seems like they are racist (p. 13).

On the other hand, the majority of the persons (60%) in the discussion groups who responded to the question as to whether the RCMP contributed to public safety indicated that they felt the RCMP was doing a good job in some way in the community.

As one respondent noted, "I was being threatened and harassed by a neighbour and I called the police. They were quite responsive and helped me resolve my situation...when I'm out around town, I see the police, so I know they are out patrolling tried to keep us safe" (p.6). Another stated, "We need the police to maintain safety...the police are doing as good a job as they can" (p. 6). One respondent distinguished between experienced and less experienced police officers: "The older cops are good, but the younger ones are assholes" (p. 20).

Many of the comments made by respondents with respect to how policing services in Yukon could be improved centred on the need for additional training, including providing information on the culture and history of First Nation communities, vulnerable groups and strategies for building trust with the community. One participant commented: "Police need to learn Native traditions. They need to learn to respect and know the culture of other people. If the police and us understand each other, we can work together" (p. 8).

There was a widely held view that it was important for the police to meet with the community on a regular basis and to be involved in community programs. Another suggestion was that there should be a police liaison person in every community who is called when a person is detained and when they are released.

Fetal Alcohol Spectrum Society of Yukon

The Fetal Alcohol Spectrum Society of Yukon (FASSY) held a series of workshops with their clients to record their experiences. Many of their concerns echoed those of the Salvation Army clients. At times, FASSY clients experienced what they perceived to be rough treatment by “M” Division members. When participants who had experienced both positive and negative interactions with the RCMP spoke of the key differences between those experiences, respect was critical.

One participant said that a “couple cops are really good...other than that...most of them just seem like they’re a bunch of wild cowboys.” When asked about the difference between pretty good cops and wild cowboys he stated: “Well, you know, they respect you as a person. You know they understand what their role as an RCMP is. The other ones are just...like wild cowboys...” He indicated that the wild cowboys are rough and use excessive force, including dragging someone in handcuffs across the ground.

Alternatively, he stated about the good cops, “they ask you your name. They try to refer to you by your name....They interact like normal human beings...I’ve only dealt with two cops like that out of the whole RCMP that I’ve seen. There have been only two cops that I’ve dealt with that have been nice.” The key piece of advice provided by this individual was “just respect people. You know...I’m sure they don’t go home or wherever they’re from and treat their parents or friends or acquaintances the way they do other people here.”

FASSY clients noted that, like many people in the justice system, police officers do not always understand or take into account the fact that a person has FASD and how that impairs their ability to reason. Three participants specifically mentioned the need for greater understanding and awareness of how FASD can affect an individual’s interaction with and understanding of policing processes; another suggested that the RCMP give individuals enough time to process requests or commands.

Yukon is recognized as a leader in responding to FASD in the justice system but there is much more that can be done to ensure that individuals with FASD have the same access to justice as all citizens. In Chapter 5, we make a recommendation to develop a comprehensive training framework for RCMP members. Understanding FASD should be a key element of this training. As one individual said: “Learn to deal with the person as they are. Work with them. Learn.”

The stories collected from individuals with FASD in the Yukon Territory demonstrate ways that trust has been both built and broken with RCMP. The participants shared their experiences with hope that this trust will be re-built through concerted efforts to change attitudes and practices

Source: FASSY 2010: 20

Whitehorse Correctional Centre inmates and probation clients

We asked members of the Elders Advisory Committee at the Whitehorse Correctional Centre (WCC) to collect the views and experiences of inmates. Two members of the committee facilitated two sessions with inmates. The inmates were forthright and their views were varied; their contributions reinforce what was heard throughout the Review. They spoke of adversarial relationships and racial profiling but also commended the RCMP for taking impaired driving seriously and for their interaction with First Nations members when possible.

In addition, probation clients made the following comments:

- Be less judgmental about First Nations.
- Treat people with respect and RCMP will be treated the same way.
- Learn about the history of First Nations people and their struggles.
- Have better supervision of new officers.

Bringing Youth Towards Equality

Bringing Youth Towards Equality (BYTE) also conducted focus groups with their clients. They found that Yukon youth are receptive to the RCMP. Among the youth surveyed, there was an interest in seeing a stronger commitment to community involvement by the RCMP. The youth surveyed would like to help take action within their communities, particularly around issues of alcohol and drugs. They want to see RCMP actively engaged in their communities as community members and protectors. Many of their suggestions centred on creating appealing and informal ways of connecting to youth and to community.

The youth surveyed by BYTE expressed concerns about trust between youth and police. Many youth indicated that they had experienced intimidation from police and noted that when police interact with youth, they begin with the assumption that youth are participating in illegal or dangerous activities. The youth who participated in the BYTE survey wanted to ensure that youth voices are included in a plan to rebuild the relationship between RCMP and Yukon communities.

I would suggest a lot more community involvement — being around the people they see regularly in work situations in a positive way so that there is more compassion and less stereotyping....

Source: BYTE 2010: 13

Responding to acutely intoxicated persons

The death of Raymond Silverfox was one of the catalysts for this Review. We have already described the events leading up to his death. Shortly after the Review commenced, Robert Stone died in the Health and Social Services detoxification unit. His death heightened the need to address how Yukon responds to acutely intoxicated persons.

On May 5, 2010, RCMP Superintendent Peter Clark spoke about the inquest into the death of Raymond Silverfox: "...I acknowledge that the RCMP did not meet the high standard of care we have established for ourselves and that you should expect us to achieve...we have failed you and we have failed ourselves...and for that we apologize."

Source: RCMP 2010b

Dealing with acutely intoxicated persons strains community resources, medical care and law enforcement. Individuals caught in the web of alcohol abuse usually follow a predictable cycle marked by ambulances, nursing stations, emergency wards, emergency shelters, police cells and the detoxification unit.

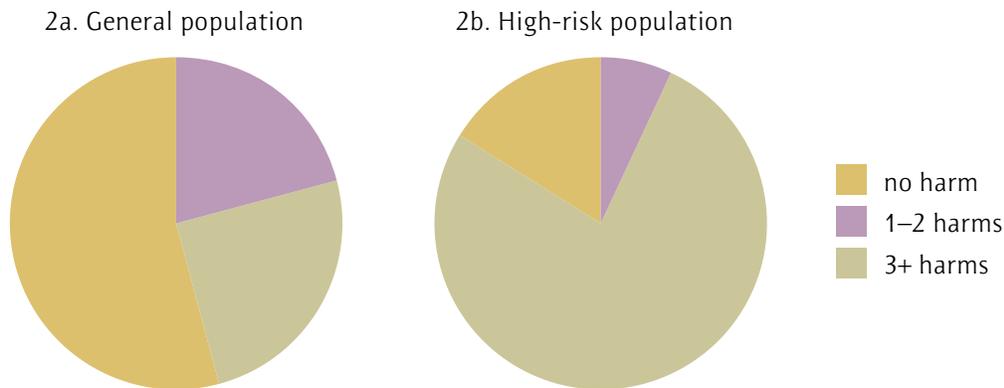
The Yukon Addictions Survey of citizens' drinking and drug use sampled a number of high-risk respondents from downtown Whitehorse, including some street corners, a soup kitchen, the Salvation Army and a skateboard park. The high-risk population tended to drink more frequently than the general population, and consume more drinks per occasion than the general population. The survey concluded that alcohol is a significant concern for the high-risk group — when most of these people drink, they drink heavily.

The Yukon Addictions Survey has a section on victimization; surveyors asked whether the respondent had been harmed by another person's drinking or drug use during the previous 12 months, including being insulted or harassed; having family problems; being pushed or shoved; or having arguments due to the drinking or drug use of another person. While a majority of the general population reported experiencing no harm from others who drank or took drugs during the past year, a large majority of the high-risk sample reported having been victimized through three or more types of harm by someone who drank or used drugs.

Harm as a result of alcohol and other drug use — Yukon Addictions Survey

The contrast between the general population and the high-risk samples in rates of all harm suggests that respondents in the high-risk sample live their lives in a milieu where drug and alcohol-affected disturbing behaviour is the rule, rather than the exception. A comparison between the two samples in terms of the number of different types of harm experienced in the past 12 months illustrates this point further (Figure 2a and b).

Figure 2. Number of different types of harm experienced in previous 12 months, 2005



Source: Yukon Department of Health and Social Services 2005: 12

The Government of Yukon recognizes the need to respond to the problems associated with acutely intoxicated persons. In May, 2010, the Yukon Minister of Health and Social Services announced the formation of a task force on that will bring together representatives of the Departments of Health and Social Services and Justice, the RCMP, Emergency Medical Services, the Yukon Medical Association, the Salvation Army, the Yukon Hospital Corporation and Yukon First Nations.

During the Policing Review it became clear that substance abuse is a significant issue that leads to many contacts with the police. It needs to be addressed in a coordinated fashion by the Government of Yukon, First Nations governments, the RCMP and non-government organizations. The RCMP is responsible for responding to acutely intoxicated persons and persons who are high on drugs, but the RCMP cannot and should not be the lead organization in this response. Substance abuse is a medical issue that requires a therapeutic response.

The RCMP is on record as stating that while law enforcement should provide a first response and enforcement function, once it has been determined that an individual is intoxicated, and there is no enforcement or investigative requirement, options other than transportation to the police cells need to be available. From the police perspective, a medically supervised and specialized secure facility for intoxicated individuals is needed.

Emergency medical service calls

According to data provided by the Department of Community Services, nearly half of the calls for service received by Emergency Medical Service (EMS) involve the presence of alcohol. For example, in a one-week period in April, 2010 there were a total of 55 service calls: 27 (49.1 percent) of these service calls were alcohol-related and 10 (18.2 percent) involved an acutely-intoxicated person. Nine of them (16.4 percent) also involved the RCMP in some capacity. 16 events (29.1%) resulted in transport to Whitehorse General Hospital; six of these service calls involved transporting an acutely-intoxicated person to the hospital.

EMS calls for service

For a ten-week period between April and early June, 2010, Whitehorse EMS responded to 673 service calls: 49.2% were alcohol-related; 14.4% involved acutely-intoxicated persons, and 26.2% required RCMP assistance.

Of the 673 service calls, 207 (30.8%) resulted in an individual being transported to Whitehorse General Hospital; 5.4 percent involved the transportation of acutely intoxicated person.

A combination of alcohol, at least one acutely intoxicated person and the RCMP was involved in 8.8% of the total calls.

In the communities, between June 2009 and May 2010, EMS ambulance attendants responded to 1,366 service calls. Of that total, 187 service calls (13.7%) were alcohol-related and 136 service calls (10.0%) involved acutely-intoxicated persons. Further, 57 calls (4.2%) required RCMP assistance. In addition, 153 service calls (11.2%) resulted in transporting an individual to a community nursing station and 34 service calls (2.5%) involved a combination of alcohol, acutely-intoxicated persons and the RCMP; all but one call required transport to a community nursing station or ultimately Whitehorse General Hospital.

The RCMP also generates calls into EMS. For example, if a person in custody in Whitehorse has a medical problem, the RCMP calls in EMS to respond and assess. Similarly, EMS is called if an acutely intoxicated person taken into Whitehorse Detachment custody blows into an Alcohol Sensor Device (ASD) and produces a reading of more than 350 milligrams, or if he or she appears to require medical attention.

Between January and December 2009, EMS responded a total of 214 calls for service at Whitehorse Detachment cells. Of that total, 123 events (57.5 percent) resulted in transport to Whitehorse General Hospital.

The numbers show that EMS responds to a very high number of alcohol-related events, both in Whitehorse and in the communities. Since police officers and paramedics often interact at the street level, it is imperative that the two services coordinate their efforts so that people requiring medical attention and/or police intervention receive high-quality services that ensure the safety of all concerned, especially the most vulnerable members of society.

It is clear that the police and EMS staff spend a considerable amount of time responding to acutely intoxicated persons. The Co-Chairs heard from both police officers and ambulance attendants that the current way of responding may not be the most efficient. From "M" Division's perspective, police officers should provide a first response, but systems should be established to move people who are intoxicated, and not the subject of investigation or enforcement, to social or medical networks and thereby allow the police to perform other duties.

In addition to calls dealing with acutely intoxicated persons, from December 8, 2009 to December 8, 2010, the Whitehorse Detachment responded to 254 calls for service involving mental health issues. The community detachments responded to 127 such calls for a total of 381 events in the territory. These calls for service range from a suicidal individual to a person exhibiting extreme abnormal behaviour. The RCMP are often responders to these types of calls and act to ensure safety, detain when necessary and assist in conveying the individual to medical or mental health professionals.

Front-line workers offered a number of suggestions for reorganising the response to acutely intoxicated persons. For example, one ambulance attendant suggested that a peace officer — rather than a police officer — might attend a call with an ambulance attendant. The ambulance attendant would address any medical issues arising from the call and the peace officer could assess the situation to determine whether the individual required secure custody or could be dealt with through another service. The Co-Chairs believe this idea had merit and deserves further exploration.

RECOMMENDATION

That the Department of Justice, Emergency Medical Services, "M" Division and First Nations examine the feasibility of creating an intervention team consisting of a peace officer and an emergency medical service provider that would respond to calls for service involving acutely intoxicated people.

RCMP holding cells

Between March 1, 2009 and March 1, 2010, Whitehorse Detachment held 2,994 prisoners; the outlying detachments held a total of 1,084 prisoners in 2009. Typically, prisoners who are not the subject of investigation are held in RCMP cells for short periods of time, less than 24 hours. Prisoners requiring longer periods of incarceration are transported to Whitehorse Correctional Centre (WCC).

The primary responsibility for guarding these prisoners falls to the 57 local citizens who are hired by the Canadian Corps of Commissionaires, the federal agency contracted to guard all RCMP prisoners in Canada. These 57 Commissionaires are Yukon citizens who have applied, undergone a selection and training process and been hired to work throughout the territory. The ranks include 22 females, and five individuals of First Nations descent. While a Corps of Commissionaire guard is under the direction of an "M" Division member, he or she is responsible for monitoring the safety and well-being of prisoners in police custody.

These are some of the duties of guards:

- assessing, monitoring and determining the responsiveness of prisoners;
- monitoring prisoners to ensure their security, health and well-being;
- recording prisoner activity and maintain a prisoner log book;
- organizing meals for prisoners;
- maintaining cell block security; and
- participating in health and safety meetings under the *Canada Labour Code*.

All guards hired by the Commissionaires are subject to suitability screening and require the support of the local detachment. They must pass an RCMP training course and be certified in emergency- level first aid and Cardiopulmonary resuscitation (CPR). A Corps of Commissionaire instructor delivers guard training and recertification at all 13 detachments in Yukon.

Approved training for RCMP guards includes several topics:

- detachment familiarization;
- care and handling of prisoners;
- awareness of dangers;
- legal implications; and
- statute of powers and limitations and obligations.

While ideally, all guard duties would be performed by the citizens employed by the Corps of Commissionaires the reality is that a shortfall of qualified guards exists, particularly in the communities outside of Whitehorse, because of the inability to attract and retain qualified and interested people from local communities and First Nations.

When Corps of Commissionaire guards are not available, guarding duties default to on-duty RCMP members. This places an additional strain on smaller detachments and erodes the ability of RCMP members to respond to calls for service. The Co-Chairs believe that, particularly in community detachments, more community and First Nations citizens need to be identified and recruited to care for prisoners held at detachments and other options to deliver these services need to be considered.

A police officer responding to a call regarding an intoxicated person may arrest the individual if his or her capabilities are so impaired by liquor that he or she is likely to cause injury to themselves or be a danger, nuisance, or disturbance to others. The RCMP would prefer not to incarcerate these individuals, but police officers may have no other safe choice. Although the law provides for an adult or family member to take responsibility for the intoxicated person, practically speaking, the person in custody may not provide information that will allow their early release. Unfortunately, only a small number of intoxicated persons are released to the care of another person; most remain in custody.

"M" Division recognizes the importance of providing prisoners with a suitable environment while they are in custody; it also acknowledges the need to ensure that policies and procedures are being complied with. In early 2010, the RCMP initiated a special directed review on Whitehorse cell block operations. In March, 2010 experts from outside Yukon, including an independent reviewer from the Vancouver Police Department, travelled to Whitehorse to examine cell block operations, policies and practices.

The review determined that Whitehorse Detachment houses an inordinate number of intoxicated individuals and that a number of extremely intoxicated individuals are brought to the detachment cells due to safety concerns. We believe this is a medical issue not a law enforcement issue. The review stated that it is generally accepted that some type of exposure to alcohol and drug counselling prior to release may help these individuals break their cycle of addiction. Whitehorse Detachment has asked for a counsellor to attend cells on Fridays to speak with prisoners who were picked up for intoxication. This service is being provided on an intermittent basis.

Since the death of Raymond Silverfox in December 2008, improvements have been made to policies in Whitehorse detachment cells regarding persons in custody, particularly acutely intoxicated individuals. Prisoners suspected to be under the influence of alcohol are now requested to provide a breath sample to assist in determining their level of intoxication. If an individual's blood alcohol level is high, a medical examination is required before police will incarcerate him or her.

In addition, if the prisoner is suspected of having an injury or illness, medical attention is obtained before he or she is incarcerated. Awareness, training and supervision have dramatically increased the number of medical examinations of prisoners since 2009. For example, in 2009, medical assistance was provided to 417 persons in police custody; this puts additional pressure on EMS and Whitehorse General Hospital. From January to July 2010 medical attention has been provided to Whitehorse prisoners more than 290 times.

The RCMP has also revised its policy and training to ensure that additional guards will be called to work when large numbers of prisoners are in custody, a prisoner's condition or circumstance requires close supervision, or close monitoring is required. Policies and training and supervision regarding the cleanliness of police cells have also been clarified to ensure that cells are habitable and clean. Supervision has been enhanced by appointing a head guard and establishing a Corporal supervisor position within the RCMP Provost Unit.

In addition to policy compliance, changes in the behaviour of members and guards around the cells have been made. Members are reminded — both in briefings and in interactions with their supervisors — of expectations and requirements regarding the treatment of individuals in police care and custody. They are also reminded that these individuals are often in the midst of personal difficulties and may suffer from mental health issues or a cognitive disorder and that they must be treated with compassion and respect.

Members are made aware that inappropriate comments and mistreatment of prisoners will not be tolerated and can result in written guidance or discipline or formal investigation. Supervisors are cognizant that if this type of behaviour is observed it may be an indication the RCMP member or employee is experiencing compassion fatigue and may trigger a supervisory referral to the RCMP Member/Employee Assistance Program or a mandatory referral to RCMP Health Services for a fitness for duty assessment.

Detachment Commanders also give priority to the condition of detachment cells. If people held in cells vomit, urinate, or defecate in the cell, they are cleaned and fresh clothing is provided when needed.

Secure assessment centre

The death of Raymond Silverfox was tragic. The Commanding Officer of “M” Division has acknowledged publicly that the RCMP fell short of its own expectations and those of the public. “M” Division has taken steps to address some of the policy and procedural deficiencies identified in its review of cell block procedures. There is a larger issue, however: many of these individuals do not belong in cells. They require services that are not typically available in a police cell.

The Co-Chairs believe that a new approach to the care and custody of acutely intoxicated persons is required. We recommend that the Department of Justice construct a secure assessment centre attached to the new correctional centre. It would house all RCMP prisoners who are not subject of immediate police investigation, including those who are acutely intoxicated and require a secure setting because they are acting aggressively. The secure assessment centre should be staffed by Correctional Officers specially trained to deal with acutely intoxicated individuals and people in crisis. The centre would have 24-hour medical services.

The Co-Chairs acknowledge that the establishment of a secure assessment centre is only a partial response to the much larger issue of responding to acutely intoxicated persons at risk. This larger issue is being addressed by a Health and Social Services task force. We believe, however, that the centre is an important element of a comprehensive response to acutely intoxicated persons.

RECOMMENDATION

That the Department of Justice construct a secure assessment centre in Whitehorse with appropriate 24-hour medical support in Whitehorse to accommodate individuals who are detained or arrested by the RCMP and require secure custody, including acutely intoxicated persons.

The Co-Chairs acknowledge that while acting on this recommendation would substantially improve the quality of services available in Whitehorse, there remains the issue of services provided to acutely intoxicated persons in communities. We heard that finding suitable and reliable citizens to guard prisoners in detachment cells is often difficult in the communities. The work is challenging and the hours are irregular. Nevertheless, these community guards make an important contribution to the safety and well-being of the individuals they are guarding and to the community as a whole.

One suggestion we heard was to review the use of the Corps of Commissionaires in community detachments and assess whether these duties could be performed by On-Call Corrections Officers. Perhaps, community members interested in becoming guards could receive a modified version of the Correctional Officer Basic Training program offered in conjunction with the Northern Institute of Social Justice. They would be employed by the Government of Yukon and report to the Director of Corrections, Yukon Department of Justice. This suggestion requires additional research but is consistent with our recommendation to shift the care and custody of prisoners in Whitehorse to WCC. There may be other types of duties that these individuals could perform, for example, moving in-custody prisoners or providing supervision to offenders released to a community from WCC.

Common clients

The Co-Chairs acknowledge that a number of acutely intoxicated persons, individuals with FASD, individuals with mental health problems and other vulnerable citizens are frequent users of services from a variety of government departments and non-government organizations. These “common clients” — while small in number — are frequent users of WCC, the hospital, policing services and detoxification facilities. They are also frequent users of the ambulance service and social assistance. The Co-Chairs recommend that the relevant Government of Yukon departments work with “M” Division and other agencies to develop a collective response that will address the needs of these individuals.

RECOMMENDATION

That the Department of Justice and “M” Division establish an inter-agency working group consisting of representatives from the Women’s Directorate, the Department of Health and Social Service, Emergency Medical Services, First Nations, women’s organizations and Public Prosecutions Service of Canada to develop a comprehensive strategy for managing high-risk individuals who are frequent users and common clients of government services.

Chapter 5. Policing northern communities

As we work towards building a new relationship between the police and citizens, it is important to understand the dynamics of policing northern communities. Police work in small detachments challenges officers on both a professional and personal level. It requires a range of investigative skills. It tests their resourcefulness, their mental and physical stamina, their adaptability and their resilience. Police officers posted to communities have a local profile and multi-faceted role that is different than their counterparts in large detachments.

The scarcity of government services, community capacity and specialized policing expertise in small detachments means that police officers must tend to a variety of duties. As in many smaller communities in southern Canada, members serving in Yukon community detachments may be on call 24 hours a day. They may be involved in an investigation from its initial stages through to court. Being on duty 24/7 can be stressful for officers and their families. As one “M” Division member stated, “Members are entitled to have their own lives. We are entitled to have downtime.” A number of officers in the focus group sessions indicated that they often worked long hours and were essentially on call 24 hours a day.

Members need to respect First Nation culture and take time to learn about our history. Training is very important.

Yukon First Nation Chief

This chapter reviews factors related to police work in the territory, including the selection and deployment of “M” Division members, the attributes that facilitate positive police-community relationships, and training to provide information about the history, culture, and the communities to which they are posted. Identifying the challenges that officers encounter will assist in the development of strategies to build trust and improve police-community relationships.

Desirable officer qualities for northern service

Policing in northern communities is a “high-demand, high-expectation” occupation: there is a high demand on members’ resourcefulness and creativity and high expectations by citizens, who expect members to not only engage in law enforcement but also be visible and participate in community life.

To date, little academic research has been carried out on the attributes that members require in order to provide high-quality policing services in First Nations and northern communities.

With the exception of the 1979 study of policing in Yukon (Parnell 1979), the study by Griffiths et al. (1995) in the Eastern Arctic, and the focus groups conducted for this Review, no data have been gathered on this very important issue.

In researching this report, a sample of RCMP members in "M" Division was invited to participate in focus groups. Members were asked to identify, on the basis of their personal policing experience, the qualities required of police officers transferred to the Division. These are some of their perceptions:

- An absence of personal problems — RCMP focus groups noted that some members request to be transferred to the North, including Yukon, after experiencing family break-ups.
- A stable relationship — Officers in the "M" Division focus groups stated that it was essential that members be in a stable relationship that can withstand the pressures and challenges of policing in small communities. In the view of some members, current RCMP human resources services did not give enough attention to RCMP families and to ensuring that the member's spouse was fully involved in the process.
- Self-confidence and an ability to make decisions — These key attributes, and the ability to make decisions without the support and input of fellow members, were identified by officers in the "M" Division focus groups. As one "M" Division member commented, "You need to be able to talk with people and to have the confidence to work by yourself."
- Tolerance, adaptability, and innovation — RCMP members in "M" Division felt it was important that officers be able to adapt to and understand First Nations cultures.
- Self-reliance and mechanical aptitude — Several of the officers in "M" Division who participated in the focus group discussions also identified having mechanical skills as a key attribute for those posted to Yukon communities. RCMP members who originate in urban centres were viewed as being at a disadvantage in this area when compared to those with a background using machinery and recreational vehicles.
- An ability to listen and learn — Focus group participants recognized that citizens who have spent their entire lives in small communities have a considerable amount of local information and traditional knowledge and most of them are more than willing to pass this on to a new member if he or she is receptive.

If you want to be a know-it-all, [community members] will sit back and nod and then ignore you. If you listen to them, they will listen to you, and have mutual sharing.

RCMP member of "M" Division, focus group

Although northern postings in the RCMP are classified as "voluntary," some members receive little information on the cultures and communities they will be policing prior to their arrival. It has been suggested that the selection of members for service in northern communities should be carried out by personnel who have extensive experience in policing small and remote

communities. There was also a widely shared view that the screening process for selecting RCMP members to police in northern communities was not standardized.

A current “M” Division member who participated in the focus groups recalled the process by which he was posted to Yukon:

I came as a recruit to Whitehorse. At first I was told I couldn't, then, at the last minute in the staffing interview I was asked what I thought of Yukon — told “for sure you're going to Yukon.” I met with a psychologist for five minutes. I didn't get any information. I looked online and found stuff about the gold rush. I've enjoyed it. I've adapted.

Focus group discussion also yielded concern that some of the spouses of RCMP members who are being considered for posting in Yukon are not adequately involved in the selection process. As one “M” Division member noted: “The member’s spouse is often not included in the staffing interview. That’s not right. You’re asking your wife or husband to put their life on hold. You need to include this spouse. It’s a package deal.”

There was support for the idea of peer interviews among the officers who participated in the focus group sessions in “M” Division: “Members are provided one trip to house-hunt; during that visit, they should meet with RCMP management and members to determine their suitability to police in Yukon.” Another officer stated, “You can’t tell suitability by looking at a personnel file. An interview is the only way.”

A number of RCMP members currently serving in communities outside of Whitehorse suggested that a posting to Yukon communities should be considered a “specialist” position, similar to dog handler or Emergency Response Team member. This would require the members to have specialized training that is currently not available, including community policing strategies and training courses on Yukon First Nations and communities.

Police officers posted to the North encounter challenges not typically experienced by their colleagues in larger centre. The process by which members become accepted by the community and establish relationships with community members is one of the most crucial aspects of policing in northern communities.

Solid investigative skills and adaptability and flexibility are primary attributes for successful policing in northern and remote communities. This adaptability and flexibility extend to the manner in which the provisions of the law are enforced and how individual officers exercise their discretion. Adaptability in how and whether seat belt laws and traffic laws are enforced, for example, was identified as one of the most critical attributes for officers by members participating in focus groups in “M” Division.

In the focus group sessions, "M" Division members offered a number of observations with respect to the skills required to effectively police First Nation communities in Yukon:

- an ability to think on your feet;
- being adaptable to the situation;
- being street smart;
- being able to get along with the community so you can get assistance;
- understanding that policing in communities is not black and white. There are gray areas that you have to deal with. You might let a minor infraction go; and
- having empathy, compassion and an ability to work by yourself.

Developing a policing style suitable for the community and ensuring the proper exercise of discretion, while at the same time maintaining the integrity of the police and the law is a very difficult balancing act for RCMP members. The personal style of police officers in northern detachments and the relations between the police and the community will have a significant impact on the rates of arrest, and on the success of any community-based initiatives designed to prevent or reduce crime. The lack of an orientation program for members who are posted to northern communities means that each member must determine, often by trial and error, the most effective way to police the community.

To be effective, police officers are required to adapt their approach to fit the needs of the community they are policing, while at the same time carrying out their mandate to enforce the provisions of the *Criminal Code* and other legislation. This is particularly true for offences of a less serious nature.

The specialized work done by police officers posted to northern communities suggests that the criteria to assess performance should be reconsidered. RCMP members interviewed by Parnell (1979) suggested that more weight be given to the capacity of officers to do effective preventative work and to engage in public education; to develop positive relationships with the community; and to deal with social problems through prevention and the use of conflict resolution skills. These activities are not quantitative in nature and assessment measures at the time did not include them.

RECOMMENDATION

That the Department of Justice and “M” Division establish a working group that includes Yukon First Nations, municipalities and women’s organizations, to review and make recommendations to the Yukon Police Council on:

- the desired skills and attributes of RCMP officers being considered for selection to Yukon;
- human resources policy related to recruitment of members interested in serving in Yukon, including suitability of cadets for service in Yukon;
- policies and practices related to retention of members in Yukon;
- policies around duration of postings to communities; and
- the feasibility of creating specialized Northern duty qualifications and investing in members who are interested in long-term service in the North.

The review should consider issues such as officer suitability, gender and First Nations balance, and appropriate relief coverage.

RCMP training

People interested in joining the RCMP must first undergo a stringent application process, which includes testing, background interviews, suitability interviews, a polygraph test and medical examinations. Applicants are then required to attend Depot Division in Regina, where they take part in the Cadet Training Program (CTP). The CTP is a 24-week initiative that uses integrated community policing and a problem-based approach. The program is carefully structured and is recognized as one of best in the world. Cadets chosen to attend depot come from a wide variety of educational and work backgrounds; most have some post-secondary education before joining the RCMP. The average cadet is 28 years old.

The CTP is designed so that each cadet takes part in scenarios that gradually increase in complexity, allowing them to transfer their acquired knowledge, skills and abilities to a variety of lifelike situations. Over the course of the training program potential RCMP members are continually assessed against a set of predetermined competencies and receive guidance to ensure that they meet the established benchmarks.

As part of the training, cadets take part in three courses designed to prepare them for working with different cultures. Bias-free policing, Ethics and Cultural Awareness are scenario-based training courses that are designed to breakdown cadet perceptions and biases and teach them to conduct themselves in an ethical and bias-free manner.

In recent years, the RCMP has invested heavily in training to ensure biased-free policing. This has a foundation in depot, where cadets receive 18.5 hours of in-class and out-of-class teaching on concepts such as diversity, prejudice, discrimination, ethics, Canadian human rights history and relevant legislation. The training environment also provides cadets with

opportunities to explore their own personal biases. Cadets learn to apply the concepts of bias-free policing during several training scenarios that also teach the core elements of police work; for example, how to respond to vandalism in a minority community setting or investigate a case of fraud involving seniors. Cadets learn how to exercise their police duties in a climate of tolerance and respect. By the time they graduate from depot, and are offered employment by the RCMP, they have had instilled the value that the public interest is best served by learning about, and working with, community members. This training is followed up by continuous learning when the cadet leaves depot.

After graduating from depot cadets are normally offered full-time employment with the RCMP and interviewed to determine their posting preferences across Canada. For the next six months of their career they take part in additional supervised field training with a carefully selected and trained coach who works closely with them, monitors their behaviour and skills, provides guidance and recommends the completion of probation or extended training and supervision.

RCMP in-service training continues to evolve. In late 2010, for example, an on-line training course, "Aboriginal and First Nations Awareness," was made available to all RCMP members and is required to be included in each new RCMP member's individual learning plan after he or she completes the six-month field training. To complete the e-learning course members are required to meet several objectives:

- explain who aboriginal peoples are and define the terms that are commonly used to refer to indigenous peoples in Canada;
- recall the history, geography, and demographic characteristics of aboriginal people;
- understand how aboriginal people perceive their relationships with the land;
- recall the history of aboriginal treaties;
- define culture and its influence on the aboriginal way of life, communication and points of view;
- recall the characteristics of the six indigenous cultural regions in Canada;
- recall the differences between aboriginal and traditional Western cultures; and
- understand the impacts of the various social and economic factors facing aboriginal communities across Canada today.

RCMP members participate regularly in training to ensure that they have the knowledge and skills for use-of-force options, including pepper spray, batons, conducted energy weapons (Taser) and firearms. Additional mandatory training includes first aid and CPR recertification.

Throughout their careers, members continually receive additional training. Continuous learning and development are encouraged in a number of ways. For example, members performing traffic duties will receive advanced courses on traffic accident investigation and members assigned to major crimes section will receive advanced major crime management courses through the Canadian Police College. RCMP members are also encouraged to

participate in training in Yukon including courses at Yukon College or those based in communities. There is an expectation that RCMP members will continue to train and learn new skills throughout their career.

It is RCMP policy that each employee annually submits an individual learning plan to his or her supervisor. The annual performance evaluation process includes supervisory comments on steps taken to achieve their goals. “M” Division has a dedicated training unit which has been tasked to develop a Division Training Plan during 2010. This initiative, which continues to evolve, now coordinates Individual Learning Plans to meet the training needs of “M” Division, provide training in support of the Minister’s Policing Priorities and to support individual career development interests.

Employees of the RCMP have access to an employer-supported initiative that funds employee’s learning activities provided by accredited educational institutions. Employees can secure full or partial funding to take courses that are relevant to the operational needs of their current job or to personal development for succession-planning purposes. This training is voluntary and is completed outside working hours either through distance learning models or local institutions, such as Yukon College.

In addition, a number of on-line courses and websites offer specific law enforcement and non-policing courses. An example is a bias-free policing website, hosted by RCMP National Crime Prevention Services, which provides summaries of over 100 cultural profiles; dozens of religious summaries created by Citizenship and Immigration Canada and provides contact information for diversity coordinators who can advise employees.

The training that cadets receive at depot prepares them for a career in law enforcement anywhere in Canada. However, the Co-Chairs agree that RCMP members who come to serve in the territory would benefit from additional and ongoing training to prepare them to police in Whitehorse and the communities. The need for Yukon-based training was raised in nearly all of the meetings that we attended and in the focus group sessions with “M” Division members.

First and foremost, members who serve in the territory need to have an understanding of Yukon history and Yukon First Nations cultures. They need to understand that Yukon First Nations are self-governing and that many of them have settled land claims and self-government agreements that permit them, among other things, to negotiate administration of justice agreements, enact laws and exercise administration of justice powers. At a minimum, members need to have a general understanding of these agreements.

They need to know how to police in the North. They need to know how to run a boat, how to run a snow machine, how to run a quad. They need to know about wilderness survival.

Participant, Teslin Tlingit Council meeting

Members also need to understand how to deal with the types of clients they are likely to encounter in Yukon: acutely intoxicated persons, individuals with FASD, and individuals with mental health problems. Finally, members need basic wilderness training; they need to know how to run a snow machine, a quad and a boat and be comfortable in the Yukon wilderness.

RECOMMENDATION

That the Northern Institute of Social Justice, in consultation with Government of Yukon, "M" Division, Yukon First Nations and women's organizations, develop a training and development framework for RCMP members policing in Yukon. The framework should prepare members to provide policing services that are appropriate to Yukon citizens and should include information on these subjects:

- Yukon history and First Nation culture;
- dealing with vulnerable persons, including those who are acutely intoxicated, those with mental illness and those with FASD;
- responding to domestic violence and sexual assault;
- non-violent communication and de-escalation skills;
- respectful communications;
- how to work effectively in high-visibility, high-impact environments;
- supervisory and leadership training; and
- wilderness training.

The NISJ shall report back to the Yukon Police Council.

Member/Employee Assistance Program

Policing is a difficult occupation. Police officers routinely encounter citizens in crisis and must respond in a professional manner. It is now recognized that the stress of responding to these types of situations can have negative consequences. Police officers, like counsellors, social workers, nurses, paramedics, correctional workers, mental health workers, and others who work in the social services, sometimes experience compassion fatigue, emotional distress, loss of motivation, reduced commitment to work, post-traumatic stress disorder (PTSD), depression and anxiety.

The RCMP's Member/Employee Assistance Program (MEAP) is a confidential and voluntary initiative that provides assistance to employees and families of the RCMP who may require help with personal, social, health and work-related issues, including psychological and physical issues that arise from routine work as a police officer.

RCMP members and support staff within the RCMP have confidential access to trained MEAP volunteers, who are a point of contact for professional resources to deal with a variety of issues that can affect an employee's performance. These include medical assistance, referral to psychologists, support in dealing with operational stresses, critical incident stress debriefings, marital support, credit counselling and substance abuse programs.

Although the MEAP program is voluntary, RCMP members may become involved in it in a number of ways including a referral by a family member, co-worker or supervisor. If the issue the member is dealing with is adversely affecting their on-duty performance a medical plan may be directed; this may result in him or her being removed from duty until it is determined that he or she is able to return to work.

For those members and employees who seek spiritual support, the division has a volunteer chaplain, who provides a variety of confidential support and assistance services.

Employee well-being remains a high priority within the RCMP. New techniques and services are continuously evolving; as an adaptive and responsive organization, the RCMP should continue to look for new ways to support employees' physical, mental and spiritual well-being.

RECOMMENDATION

That "M" Division review its policies, practices and programs for identifying and responding to members who may suffer from compassion fatigue, vicarious trauma or other related psychological issues and to ensure that members have access to the professional services and support they require.

Transfer policy

All members serving in the territory have gone through a process to determine their suitability. This process involves reviewing an individual's service record; assessing training and skills; medical examinations and tests; and interviews with the eligible member and his or her family to determine if the spouse and children are well-suited for a move to a remote community.

Employees are required to review a letter of expectations before transferring to Yukon. The letter specifies the responsibilities and expectations associated with serving in "M" Division:

- "M" Division is staffed by members who volunteer to work and live in the unique conditions of Canada's north; and
- RCMP members are aware that they will face unique demands in order to serve communities:
 - understanding the philosophies and objectives of the RCMP;
 - practising community-based policing; and
 - developing innovative and proactive measures, in partnership with available community resources.

The Letter of Expectations further states the following:

- members will respect the language, customs and cultural activities of communities;
- members will integrate and participate with communities to garner respect;
- while recognizing the importance of unfettered time off, members are expected to be good citizens and contribute in meaningful ways towards the betterment of the communities they live in, whether on or off duty;
- each community is distinct and characterized by traditions and cultures and RCMP members have a responsibility to become familiar with their community; and
- dependents should also be involved in learning about their community and its economic, social and cultural aspects.

When deploying to Yukon, members commit to serving a minimum of five years in the division. Although RCMP members are expected to remain at a community detachment for a minimum number of years, they can request to extend their service and remain within a community. These requests are carefully considered and often include consultation between the police and the community.

When possible, requests to remain in communities are supported, but in the smaller detachments this is not always possible, due to performance, need for skill development, family circumstances and the fact that an extension may result in multiple departures in the following years. The RCMP seeks to avoid cases where two or more RCMP members leave the detachment at the same time as this has an adverse impact on the community and on detachment operations.

Police resources

The issue of police resources arises in any discussions of police service delivery. There was a widespread view among the "M" Division officers who participated in the focus group sessions that the police in Yukon were under-resourced and unable to meet the expectations of the communities. One "M" Division officer stated: "We need proper clerical support so we can have feet on the ground." Officers also indicated that government services in the communities were under-funded and that additional resources should be provided to these agencies to reduce demands on the police.

There was a perception among some community residents who met with Clark (2006) that the police and youth had fewer interactions in recent years. Among the reasons for this decreased level of interaction were staff shortages and the workload of officers in the detachment. Similarly, officers interviewed by Clark indicated that it had become increasingly difficult to find time to interact with youth in a non-enforcement capacity.

In May of 2010 the National Compensation Services of the RCMP conducted a survey of regular members, civilian members and public service employees serving at isolated posts across Canada (RCMP 2010a). The purpose was to gain a better understanding of those

serving at isolated posts and provide data to support development of proposals for changes to the federal government’s Isolated Posts and Government Housing Directive. The study, conducted in late 2009, had responses from 563 individuals, representing 42.7 percent of those serving at isolated posts. These are two of the report highlights:

- 20% percent of the regular members surveyed complained that their workload was rarely or never manageable; and
- over 60 percent of employees indicated that relief was rarely or never provided when they took leave or when they were off duty.

Because the survey sampled several provinces and territories, the results may not be typical for “M” Division. The Yukon Department of Justice investment in police resources in Whitehorse and community detachments has served to make workloads manageable, bringing all detachments to a minimum of three RCMP members. In addition, in 2009 the Department of Justice provided new funding to create a pool of police officers to provide relief in community detachments. This relief unit has had a positive impact on the quality of life in small detachments.

The complexity of police work continues to grow, reflecting increased legal requirements and judicial decisions. An investigation that was once conducted and documented in a few hours may now take much longer. The additional steps required add complexity to policing and adversely affect the individual member’s ability to engage in community activities.

Consideration must also be given to the fact that there is, across communities, considerable variation in the personal and community resources that can be mobilized to participate in and support specific initiatives. Levels of interest among community residents in being involved in specific policing initiatives are also likely to differ.

In light of this, the Co-Chairs recommend that “M” Division undertake a resource review to assess whether the division has adequate resources to deliver on its identified policing priorities, and on the recommendations in this report.

RECOMMENDATION

That “M” Division conduct a resource review to assess whether the division has adequate resources to meet its priorities.

Review of technology

Citizens brought forward a number of issues related to the use of technology by “M” Division members. First, citizens wanted assurances that all of the surveillance cameras in the Whitehorse Detachment lock-up were fully functioning and there were no blind spots. As part of a review of the cell block that was undertaken in 2009, all cameras within the operational

area of the detachment are now fully functioning. These camera's provide both audio and video coverage of the secure parking garage, cells, hallways and booking area. The system is at capacity and no new camera's can be added to provide coverage to the administrative work area. Funding for a cell block retrofit has been identified and the will include adding system capacity to support further technology upgrades.

Citizens also asked whether it would be possible for "M" Division members to wear video cameras on their uniforms that could be activated when interacting with a citizen. The video and audio captured by the camera would provide important evidence for investigators and court purposes. This technology would also be used when there was an allegation of inappropriate conduct by either a police officer or a citizen.

This technology, and policies surrounding its use, is currently being developed. RCMP national headquarters is conducting a pilot project to assess the utility of these cameras. The Co-Chairs recommend that "M" Division monitor this pilot project and, if it is successful, consider bringing the technology to the division.

RECOMMENDATION

That "M" Division monitor the national pilot project on the use of personal video devices and, if the project is successful, adopt the technology for Yukon.

Citizens, particularly those in rural communities, also raised concerns about telephone communications with detachments. When members are not in the detachment, during the night shift and on weekends, calls to detachments are routed to Whitehorse. Staff at the Whitehorse Operational Communications Centre take the caller's information and then contact investigators by radio and dispatch them as required. Some citizens told us that they would prefer to speak directly to the local police officer. This request must be balanced against the efficiencies of centralized dispatch and data collection, police and public safety and the need to provide off-duty officers with adequate time to rest.

We recommend that "M" Division review the role of the Operational Communications Centre to assess whether service to citizens in rural communities can be enhanced without compromising operational and administrative efficiencies and benefits.

RECOMMENDATION

That "M" Division examine the operation of the police Operational Communications Centre as it relates to response to communities and consider any improvements to make it more responsive to communities.

Chapter 6. Building a new relationship for policing in Yukon

The Co-Chairs have heard that many Yukoners view the RCMP as their police service of choice for the territory. Although citizens have expressed concerns about particular incidents that have occurred in the territory, they have also expressed their genuine appreciation for the work undertaken by members of “M” Division. First Nations leaders, municipal representatives, service providers and citizens expressed their commitment to work with “M” Division to build relationships of trust that are the foundation of effective policing in any community.

Due to the history of colonization, residential schools and other impacts trust in institutions and people representing institutional power is difficult for a lot of First Nation people. They have been told by parents to “trust the RCMP, they are your friend” and at the same time children saw parents hiding from the RCMP, hiding food, hiding regalia and not being open about information as they had been taught through life experience to fear power as exercised by strangers.

How RCMP officers move beyond being a faceless representative of institutionalized power is to be human and connect to the people. First Nation people are interested in knowing the human being behind the uniform as that is a human being that may prove trustworthy.

Source: Dendys and Gibbons 2010: 10.

It is the view of the Co-Chairs that a key component of establishing trust in the police in Yukon is a strong focus on building relationships with community members. This was a common theme of the meetings with various stakeholder groups over the past several months.

This chapter brings forward recommendations that are aimed at building relationships of trust between “M” Division and the community it serves. We believe that building relationships of trust needs to take place on two levels:

1. Structural reforms need to be made to respond to some of the issues raised by citizens. We need to establish a framework to ensure that citizens in the territory participate and have input into establishing police priorities, goals and objectives; a more formal process is also needed for citizens to bring forward their questions and concerns about the RCMP.

2. Citizens also expressed significant support for a local and responsive complaints process, and had considerable interest in the issue of “police investigating police.” This chapter contains recommendations that address the institutional framework of policing in the territory.

Building relationships of trust also operates at the community level. An extensive body of research indicates that citizens who have positive encounters with the police tend to have more positive attitudes toward them, but that negative encounters with the police have a much greater impact on community attitudes towards the police. The actions of the police are more likely to be judged as being fair when persons are treated with respect and dignity, persons in encounters with the police are given an opportunity to explain their situation, police officers are seen as being even-handed and objective, and when community residents perceive that the police are attempting to serve the interests of the community and to improve the quality of life in the community. These factors also affect the willingness of crime victims to report their victimization and to cooperate with police. Positive experiences with and positive attitudes toward the police are a fundamental component of building trust in them.

The change we seek is “collaboration.” We want to help shape this jurisdiction. There is a need to have the RCMP because our people are hurting each other.

Participant, First Nation women's meeting

The second part of this chapter brings forward recommendations that we believe will continue to move us towards the types of trusting relationships that are the foundation of effective policing. Our recommendations will develop a new institutional framework to better ensure that the RCMP is more responsive and accountable to Yukon citizens.

The Brown Commission and the transformation of the RCMP

The RCMP has continually evolved and adapted to face policing challenges. This adaptation has been accelerated by an ambitious and comprehensive change process. Momentum started building with the 2007 Task Force on Governance and Cultural Change in the RCMP. The task force addressed issues such as organizational status and structure, oversight, accountability, leadership, workload, employee wellness and communication. The report made 49 recommendations on how the force should be governed, led and managed.

While many of the task force's individual recommendations have been addressed — or are being addressed — the RCMP's efforts go even further. The Commissioner started the reform process in January 2008, when he established a Change Management Team, a key task force recommendation. The team included individuals from all employee categories, with representation from national headquarters and every RCMP region. It focused on supporting the reform and renewal process, and tapping into and encouraging employees' active participation in identifying issues and finding solutions and improvements.

The RCMP articulated a Vision for Change that is an important element in charting its course. Developed through an open and consultative process, the vision describes six fundamental elements at the heart of a progressive, proactive and innovative national police service. Not only has it been driving and guiding transformation efforts, it serves as the framework for presenting the changes described in this report.

RCMP's Vision for Change

The RCMP's Vision for Change sets out the RCMP's desired state, identifying the key characteristics required to modernize and equip the force to meet current and future challenges.

Adaptability

The RCMP will use lessons learned and best practices, foster and encourage innovation at all levels, and commit to continuous improvement to ensure that it can meet current and future policing demands.

Accountability

The Force will establish realistic expectations and goals for its actions, evaluate and openly communicate the results, and will be accountable for its decisions.

Trust

The RCMP will foster and uphold confidence in its reliable and strong leadership by delivering the highest quality of service to Canadians in an effective, competent and consistent manner.

Engaged employees

The RCMP will encourage employee engagement through open communication, supporting professional development and by listening to and working with its employees.

Outstanding leadership

Leadership in the RCMP is not dependent on rank or position. Everyone in the Force can demonstrate leadership by how they act and interact with others. RCMP leaders will earn respect and trust by putting the public and their employees first. They will communicate effectively, adapt to policing challenges and ensure that employees have the resources and competencies they need.

World-class police services

The RCMP will provide world-class police services by setting reasonable expectations, by communicating openly and being accountable for its actions, and by establishing constructive and collaborative relationships with partner agencies and stakeholders.

Source: RCMP 2008

In the performance of their duties, RCMP supervisors provide guidance, supervision and direction to their subordinates. Supervisors interact with employees in operational settings, during performance feedback discussions with employees, in writing an investigative file or by creating a written performance log that is acknowledged by both the member and supervisor and retained on employee files. These interactions take place countless times each. The on-duty and off-duty conduct of RCMP members is subject to the *Code of Conduct*, which is established in Part IV of the *RCMP Act* and Part III of the Act's regulations. The legislation creates an obligation by members of the RCMP to report infractions of the *Code of Conduct* and for those in command positions to initiate investigations into alleged infractions that come to their attention.

Discipline within the RCMP is necessary to maintain professional standards and should be both progressive and corrective. The discipline process has a foundation in legislation dating back to the 1988 revision of legislation pertaining to the RCMP. Today, there is general agreement, both within the RCMP and government that the discipline and labour relations legislation that the RCMP currently operates within needs to be modernized.

In 2010 the Government of Canada proposed a new labour relations regime for the RCMP. Bill C-43 (*Royal Canadian Mounted Police Modernization Act*) is currently being considered by the House of Commons. If enacted, this legislation will allow RCMP members to work in a non-unionized environment, enabled through joint consultation processes, or to work in a unionized environment, represented by a certified bargaining agent.

The proposed legislation also introduces or enhances several human resource management processes in relation to grievances, discipline and terms and conditions of employment. These changes include providing the Commissioner of the RCMP with new authority to discipline, demote or terminate the employment of any member, including commissioned officers. The proposed legislation ensures that the RCMP is able to address and resolve conduct issues transparently, consistently and promptly.

Increasing community involvement in policing

Citizens want greater input into establishing the policing priorities for "M" Division. They want an effective complaints process. They want to ensure that an independent investigation will be undertaken when the RCMP is involved in a death or serious injury investigation.

Among the RCMP members from communities outside of Whitehorse who participated in the focus group sessions, there was a widespread concern that communities' expectations of the police were unrealistic. One member stated, "There is the expectation that the police will look after everything." Another noted, "The community expectation is Cadillac police service on a Volkswagen budget." Police officers stated that they were expected to attend community events, organize sports programs for youth, and engage in similar activities. One detachment supervisor stated that he had instructed his officers to pick one activity to be involved in.

There was a feeling among some of the “M” Division members who participated in the focus groups that communities must assume greater ownership of their problems and engage as full partners with the police. In the absence of this ownership, the unfulfilled expectations of community residents may lead to a higher rate of complaints against the police. Another “M” Division member stated, “There is a need to send a strong message to communities: ‘You need to encourage and work with the police.’” That said, there appears to be an interest in Yukon communities to partner with the police to address the priorities they have identified. This would provide the foundation for a community policing approach.

We don't ever hear any updates from the RCMP; improved communication with public should be a goal.

Council of Yukon First Nations
Justice Network member

There are a number of potential obstacles to any efforts to solicit and sustain the participation of community residents. Among these is the distrust of the police that exists among some community leaders and residents. There may also be differing levels of interest among community residents in working with the police.

Establishing a Yukon Police Council

Across Canada, one way of promoting the accountability and responsiveness of police services is through the use of civilian police boards. Civilian boards help ensure that high standards of policing are maintained and that the interaction between police and the community is fair and responsive. Members of police boards often carry out a variety of tasks, including establishing annual police priorities; bringing forward concerns and feedback from community members; exchanging information with senior management from the police service; undertaking reviews of police practices; and participating in the selection of senior staff within the police service.

Police boards typically operate at a provincial or municipal level. In British Columbia, for example, where there are 11 municipal police departments, the B.C. *Police Act* requires each municipality that has a police service (excluding the RCMP) to have a police board. The Vancouver Police Board provides oversight of policing in Vancouver. Police board members are chosen to reflect the demographics of the community. They are people who have demonstrated that they can act in the community’s best interest. Each board member is appointed for a term of up to four years.

Similar arrangements are in place for municipal police services in other provinces. The Edmonton Police Commission is composed of nine citizens who live in the city and represent the views of other residents on policing matters. The mandate of the commission is to ensure that the Edmonton Police Service operates in a manner that reflects citizens’ values.

Under the *RCMP Act*, the RCMP is answerable to the federal Minister of Public Safety. The RCMP is legislated under the *Royal Canadian Mounted Police Act* and is therefore not bound by provincial police acts. Under the Territorial Police Service Agreement between

Yukon and Canada, the internal management of the Territorial Police Service, including its administration, and the determination and application of professional police procedures, remains under the control of Canada. The Minister of Public Safety is responsible to Parliament for the operational policies of the RCMP as established by the RCMP Commissioner.

The Territorial Police Service Agreement recognizes the primacy of the territorial Minister as the chief law enforcement officer in the territory. The agreement specifically states that the territorial Minister shall set the objectives, priorities and goals for the Territorial Police Service. As important, the territorial Minister, in consultation with the RCMP Commissioner, is also responsible for establishing the level of policing services. For this reason, no municipal, provincial or territorial jurisdiction that contracts the RCMP for policing services has a police board. These functions are undertaken by the Minister of Justice and/or municipal representatives as signatories to the policing service agreements.

Yukon, like the other two territories, does not have a police act. In Yukon, the Minister of Justice is responsible for many of the functions typically performed by a police board. For example, under the Territorial Police Service Agreement the Minister of Justice has the authority to establish yearly policing priorities for the territory, participate in the selection of the Commanding Officer, and receive reports from the Commanding Officer regarding the operational and administrative status of the Territorial Police Service. The Minister must also be advised of the particulars of any new or outstanding complaints made against the Police Service by members of the public. The Minister may also write to the federal Public Safety Minister requesting modifications to operational and policy standards, which can be changed on agreement between the RCMP Commissioner and the Minister of Public Safety.

The RCMP seeks to be responsive to the policing needs of Yukon citizens. Although not bound by territorial legislation, "M" Division is committed to meeting or exceeding any legislated police standards (for example, the Yukon *Victims of Crime Act*) and in collaborating to meet or exceed government standards.

The Co-Chairs have heard that citizens in the territory want more input into policing priorities in Yukon. We believe that an independent body of civilians could be a vital part of making recommendations, encouraging accountability and providing input into our policing services. A police council would ensure that the Minister is well informed when providing direction to the Commanding Officer.

We therefore recommend that the Minister of Justice establish the Yukon Police Council to inform strategic direction to the RCMP from the Minister of Justice. The council, whose members would be appointed by the Minister of Justice, would provide direct community input into establishing policing priorities for the territory and would ensure that police services are delivered in a manner consistent with community needs, values and expectations. The council would have a mandate to act as a liaison between members of the community and "M" Division.

It would provide a channel for citizen input into strategic, high-level decision making and would increase the flow of information between citizens, the Department of Justice and “M” Division.

We also heard that First Nations and municipal leaders also want consistent and coordinated ways to have input into priorities at a local detachment level. “M” Division, like all divisions in the RCMP, requires each Detachment Commander to complete an Annual Performance Plan that emphasizes community consultation. The plan is based on discussions between the police and the community; it reflects local policing priorities and those of the Yukon Minister of Justice. The plan is prepared by the detachment and agreed to by the local government. Each plan reflects specific community needs and includes scheduled updates by the detachment. We heard that in many communities this process is not well understood and many community leaders acknowledged that they had not fully participated in this process in the past.

RECOMMENDATION

That the Minister of Justice establish a Yukon Police Council. The council will be chaired by the Deputy Minister, Yukon Department of Justice, and composed of six members appointed by the Minister, three of whom will be nominated by First Nations.

The role of the council is to make written recommendations to the Minister and the Commanding officer of “M” Division on issues relating to the delivery of policing services in Yukon, including these:

- establishing core policing values that reflect Yukon’s history and cultural heritage;
- ensuring that community needs and values are reflected in the policing priorities, objectives, programs and strategies of “M” Division;
- establishing policing practices and standards for “M” Division;
- ensuring that police services are delivered in a manner consistent with community needs, values and expectations;
- acting as a liaison between the community and “M” Division;
- participating in the selection of the “M” Division Commanding Officer; and
- receiving reports on matters that affect the administration of justice, including Annual Performance Plan updates, public complaints, use of conducted energy weapons, and updates on high profile matters.

The Yukon Police Council may meet with First Nations, municipalities, non-government organizations, or others in carrying out its duties, and will coordinate activities with national organizations such as Commission for Public Complaints Against the RCMP and the Canadian Association of Police Boards.

The council shall meet quarterly or as required to complete its mandate. The council shall report annually to the Yukon Legislature and Yukon First Nation leaders.

As noted throughout the recommendations included in this report, we believe that, once established, the Yukon Police Council will also play a key role in monitoring the implementation of the recommendations of this report.

Clear and consistent communication

It was clear that citizens have a strong interest in receiving information about policing services in Yukon. It was also clear that citizens do not always have complete information about police services in their community. On many occasions when we met with citizens, the Co-Chairs were able to address particular issues and concerns that had arisen because of misinformation or because the citizens did not fully understand the context of the situation. This was a consistent theme throughout our discussions with citizens as well. The issue of clearer and more consistent communication was noted in the Kwanlin Dün First Nation submission (Dendys and Gibbons 2010) and by citizens at our public meeting in Whitehorse.

One area in particular that seems to highlight the public's lack of information about the RCMP was their understanding of the public complaints process. We discuss how the public complaints process works in greater detail below. We have heard that the system as it is complex and under-utilized by Yukon citizens.

During 2009, "M" Division and the Commission for Public Complaints against the RCMP collectively received 20 complaints from the public. Of these complaints, half were either withdrawn or resolved informally at the local level. During 2010, public awareness of the complaints process increased and double the number of public complaints were made. This suggests that the public complaints process is under-utilized. As more citizens become aware of the CPC it is likely that more complaints will be filed.

It is clear that the public requires more information about how the public complaints process works and how they can have access to it. In the next section of this report, we recommend the establishment of a Yukon-based independent complaints coordinator. One of the functions of this position will be to work with the CPC to increase public awareness about the complaints process.

The complaints process is not the only area about which the public requires additional information. At a public meeting in Whitehorse, we heard that citizens do not understand their rights and responsibilities with respect to the RCMP. Citizens need to have a better understanding of their Charter rights with respect to the police, and know how they can assist the police in doing their job.

In addition, citizens that we talked to wanted more information about unsolved major crimes, particularly recent major crimes. We learned that citizens often assume that if there is no new information provided about a particular unsolved crime then the RCMP is not actively investigating the file. In reality, "M" Division may be pursuing the investigation but, for a variety of reasons, may not be able to come forward with new information.

These examples, and others, suggest that members of the public want more information about the police services in their community. It is in the interests of “M” Division and the Department of Justice to have a well-informed public. The Co-Chairs recommend, therefore, that the government of Yukon and “M” Division develop a communication strategy to identify gaps in the public’s knowledge about policing and the justice system and find creative ways of providing citizens with meaningful information. This could include, for example, public education campaigns targeted at specific issues or more general campaigns to raise public awareness about justice issues.

RECOMMENDATION

That the Department of Justice and “M” Division develop a communication strategy in consultation with the Yukon Police Council to improve citizens’ understanding of the role of the RCMP, citizens’ rights and responsibilities with respect to law enforcement, how the public complaints process works.

An accessible complaints process

One of the most consistent issues that was raised in our meetings with citizens was the need for a more accessible, Yukon-based complaints process. The need for a different type of process arose out of a number of related concerns. First, some citizens were apprehensive about expressing a concern or complaint about a member from their local detachment. They feared that this may result in some sort of negative reprisal or retaliation. Second, many citizens were not even aware of the existing process for filing a complaint against the RCMP. Third, those who knew about the Commission for Public Complaints against the RCMP did not understand the process for filing a complaint. With little knowledge of the process and little understanding of how it works, citizens are unlikely to use the process.

We believe there is room to improve the complaints process in order to make it more accessible to citizens of the territory and to increase their confidence that their concerns will be taken seriously.

It was noted that many aboriginal women were unaware that a process to raise complaints even existed and how to access it. For those who were aware of the process, most were hesitant to use it as the process was presumed to be or was, based upon experience, ineffective, whereby aboriginal women indicated that such measures could not address the real issues or effect change where change was required.

Source: Yukon Aboriginal Women’s Council, 2010: 16.

When a complaint is made to either the RCMP or CPC by an individual or organization, the complaints process is initiated. It is tracked closely by the CPC. The RCMP will investigate the complaint and is obligated to report back to the complainant and the CPC within a specified time with its findings and explain what, if any remediation has taken place with the member.

Remediation could include formal and informal discipline, guidance and an apology to the complainant, if the complaint is found to be warranted. The majority of complaints against the RCMP are informally resolved at the local level to the satisfaction of the complainant.

If, during the public complaints process, information indicates that a member of the RCMP may have committed a criminal offence, or an infraction of the RCMP *Code of Conduct*, then the RCMP will initiate a separate investigation and advise the citizen involved of the steps that have been taken.

If the complainant is not satisfied with the findings presented by the RCMP he or she may request that the CPC review the relevant material. If after reviewing the RCMP material the CPC determines that it is not satisfied with the findings it may request further investigation, initiate its own investigation or hold a public hearing, depending on the nature of the complaint. If further action is warranted, the CPC will issue a report to the RCMP Commissioner, the Public Safety Minister, the complainant and the member when its findings are complete. Currently the CPC has access to all complaints that are made, including those made directly to the RCMP.

The biggest concerns about the current complaints process are a lack of public understanding of how the process works and public mistrust of the process. This was acknowledged by the CPC in its submission to the Review as an issue that they need to address.

Currently, the Government of Canada has tabled Bill C-38, an act that would provide the CPC with additional powers. These would be some of the CPC's increased investigative powers:

- greater access to RCMP information and enhanced investigative powers, such as the authority to summon, compel and enforce the appearance of persons and to give evidence and materials for all complaint investigations and hearings;
- the ability to conduct policy reviews, conduct joint investigations with other review bodies, share information with other police review bodies, and provide reports to provinces and territories that contract policing services from the RCMP;
- establishment of a "no wrong door" policy for complainants (i.e., they may file their complaints with the RCMP, the commission or a provincial or territorial police complaints body); and
- allowing complainants a greater role in the process if a complaint leads to disciplinary proceedings.

These significant changes to the RCMP watchdog will greatly enhance the response to complaints against the RCMP. The changes that are being contemplated in Bill C-38 will improve the functioning of the CPC. However, to further address two key concerns raised by citizens in Yukon — accessibility and lack of information about the complaints process — we recommend that the Government of Yukon establish the office of independent police complaint coordinator. The coordinator should be independent of the Department of Justice, should have no connection to the RCMP and should report directly to the Yukon Police Council.

The coordinator would be a resource person for citizens who have concerns about the RCMP. He or she would help individuals with a concern about policing services to navigate through the existing processes to address the issue. For example, if a citizen had a concern about the treatment he or she received from an “M” Division member, the coordinator could help him or her resolve the issue at the lowest level possible, which is usually at the detachment. The coordinator might facilitate a meeting between the citizen and the detachment commander or with officers at “M” Division headquarters.

If the issue could not be resolved informally and the citizen wished to file a formal complaint with the CPC, the complaint coordinator could provide assistance to complete the paperwork necessary to file the complaint, monitor the complaint as it was investigated and ensure that the citizen understands how the complaint was resolved.

The complaints coordinator should have a solid understanding of human rights law and the justice system, experience in informal dispute resolution and a complete understanding of the *RCMP Act*, which dictates how complaints against the RCMP are addressed.

Having a Yukon-based complaint coordinator would help address citizens’ concerns about access to the complaints process. Citizens would have a person in the territory they could talk to when they had a concern with the RCMP. In addition, having a Yukon-based coordinator should result in more concerns being resolved locally. The coordinator would also be a buffer between the citizen and the police, which might help alleviate some of the fear of reprisal.

RECOMMENDATION

That the Minister of Justice establish an independent civilian police complaint coordinator, who shall report to the Yukon Police Council and help citizens who have concerns with the RCMP to navigate through the Commission for Public Complaints process and to provide public education on formal and informal complaints processes.

In 2009, the RCMP approved the creation of the Professional Integrity Office (PIO), an initiative at national headquarters that promotes high standards of ethics and integrity within the RCMP. These high standards are essential to maintaining public and internal trust in the RCMP.

The PIO takes a comprehensive approach to address integrity by providing direction in the development of the framework of strategies, plans, policies and processes that govern the design and implementation of the RCMP's conduct regime.

Specifically, the PIO ensures that the rights and privileges of RCMP members are not exceeded, that police officers treat others in a fair and respectful manner; that officers do right even when nobody is looking and that decisions are made based on sound, value-based reasoning.

To do this the Professional Integrity Officer oversees the RCMP programs of the Adjudication Services Branch, Employee Management Relations (Professional Standards and External review, National Claims and Litigation, Honours and Recognition), and the Values and Ethics Office.

The Co-Chairs acknowledge and support the work done at the national level. The Co-Chairs wish to ensure that work carried out at the national level is reflected at "M" Division. We therefore recommend that "M" Division create a Professional Standards investigator.

Most RCMP divisions have a Professional Standards Unit that serves two functions:

- the management of policy for all matters with respect to public complaints, *Code of Conduct* investigations and harassment investigations for its respective division; and
- the provision of investigative services for both internal *Code of Conduct* and public complaints.

The Professional Standards Unit is vital to the division as it provides capacity to act and a source of advice and guidance to all employees, managers and members of the public on matters relating to internal investigations, discipline, harassment, human rights issues and performance management. The availability of such advice in "M" Division would be important in helping managers address conduct and performance issues, thereby meeting the objective of administering discipline at the most appropriate supervisory level.

As part of this Policing Review, the Minister of Justice and the Commanding Officer of "M" Division requested that the Commission for Public Complaints Against the RCMP (CPC) undertake an independent analysis of the 155 public complaints made against "M" Division over the past five years. The CPC's report is posted on the Review's website.

Accountability is so hard because there are so many walls that are thrown up in front of us. If there was a local place to go that would be a helpful step to make a complaint. Is there another way to access the public complaints process? We need to be assured that citizens won't suffer retaliation if they make a complaint.

Participant, women's organizations meeting

The CPC's review determined that there is room to improve the manner in which public complaints against the RCMP are dealt with in Yukon. Some investigations have been delayed due to a change in investigators; others failed to document the reasons for the complainant withdrawing a complaint. These issues are problematic as they can lead to a perception that nothing is being done about the complaint. The lack of documentation could be due to the complainant being improperly persuaded by the RCMP to withdraw the complaint.

While the CPC review did not reveal a pattern of misconduct by any member of the RCMP or evidence of racism in the files examined, the Co-Chairs heard that many complaints about the RCMP are not being recorded. The lack of reporting, and the many stories and concerns which we heard, underscores the significance of this issue for the people of Yukon.

The Co-Chairs agree with the CPC recommendation to have a dedicated regular member located in "M" Division to increase the overall quality and consistency of public complaint investigations. We believe that a Professional Standards specialist will enhance accountability and provide an important conduit between the RCMP and the public complaint coordinator (whose establishment we also recommend in this report).

RECOMMENDATION

That "M" Division establish a dedicated regular RCMP member for Professional Standard duties who will assist the RCMP in providing consistent and thorough investigation of complaints that results in an improved response to complainants regarding the service provided by the RCMP.

Implementing the external investigation policy

A commonly heard concern in our discussions with citizens was the issue of RCMP investigating its own members or employees when they are involved in a serious incident. This is a concern not only in Yukon, but across Canada. Canadians have said that they want an agency that is independent of the RCMP to conduct sensitive investigations involving RCMP members and employees. The challenge of who investigates the police is one faced by police services across Canada, not just the RCMP.

Some provinces have an independent civilian agency that has the authority to investigate serious incidents involving police officers or employees of police services. The Alberta Serious Incident Response Team (ASIRT) performs this function in Alberta. ASIRT is an agency of the Government of Alberta; it is led by a civilian director who is a lawyer and Crown Prosecutor. Its investigations are conducted by four civilian investigators and ten sworn police officers drawn from the Calgary Police Service, the Edmonton Police Service and the RCMP.

ASIRT investigators are called upon when a member of a police service is involved in serious incident. For example, ASIRT may be called upon when a police officer is the subject of a criminal investigation, is charged with a serious crime, when a person dies in custody or from the actions of a police officer, or if a police officer is involved in a shooting.

More recently, the Government of British Columbia announced it would create its own civilian-based agency to handle investigations involving police. B.C. plans to establish an Independent Investigation Office in response to the recommendations of the Braidwood Commissions of Inquiry established to report on the use of conducted energy weapons (Tasers) in the province. Like ASIRT in Alberta, the B.C. office would be civilian-based and independent of any police service. It would have the authority to investigate serious incidents involving police officers, including members of the RCMP.

**Recommendation 8 from the Braidwood Commissions of Inquiry:
Police investigating themselves**

8. I recommend that:

- British Columbia develop a civilian-based criminal investigative body, which I suggest be named the Independent Investigation Office (IIO).
- The IIO be mandated to investigate all police-related incidents occurring throughout the province, in which:
 - “police-related incidents” include, but are not necessarily limited to, incidents:
 - in which a person dies or suffers serious harm:
 - i. while in the custody or care of a municipal police officer or RCMP officer, or
 - ii. the death or serious harm could be seen to be the result of the conduct of any municipal police officer or RCMP officer, or
 - which involve possible contravention, by a municipal police officer or RCMP officer, of:
 - i. any provision of the *Criminal Code*, or
 - ii. any other federal or provincial statute that, if the incident were investigated by a police officer, might in the minds of reasonable, informed members of the public undermine confidence in the police.

Source: Braidwood Commission on the Death of Robert Dziekanski 2010: 422

The RCMP as an organization is on record that it would rather not conduct investigations on its own members when serious incidents are concerned. However, independent agencies such as ASIRT are not established in all jurisdictions. Early in 2010, as an interim measure, the RCMP implemented the External Investigation or Review Policy to ensure that investigations of RCMP employees are fair, effective, thorough, impartial and culturally sensitive, and conducted in a manner that promotes public confidence.

The RCMP's external investigation and review policy is triggered in these cases:

- there is a serious injury or death of an individual involving an RCMP employee; or
- it appears that an employee of the RCMP may have contravened a provision of the *Criminal Code* or other statute and the matter is of a serious or sensitive nature.

The policy directs that the RCMP look for an appropriate provincial or federally established body to conduct the investigation. If no such body exists a provincial or municipal police force will be asked to conduct the investigation. If no provincial or municipal police force is available RCMP members from outside the division will be conduct the investigation.

Currently, there is no Yukon-based civilian independent investigation agency, nor do the Co-Chairs believe it is the best use of resources to establish one. It would be difficult to find individuals in Yukon who have the expertise to conduct complex investigation and who have no ties to the RCMP. In addition, the number of investigations per year would not be sufficient to justify its establishment.

The Co-Chairs acknowledge that the RCMP's new external investigation policy goes a long way toward ensuring fair and independent investigations of serious incidents involving the RCMP. We recommend that when applying the policy, the Commanding Officer consult with the Department of Justice and first seek the assistance of a civilian police investigation agency such as ASIRT to conduct the investigation. If a civilian police investigation agency is not available, then the Commanding Officer shall call upon a provincial or municipal police service to conduct the investigation. Only as a last resort shall the Commanding Officer call upon another RCMP division to conduct the investigation.

RECOMMENDATION

That in implementing the interim RCMP External Investigation and Review policy, "M" Division first contact a civilian police investigation agency. If investigators are not available, the RCMP shall call upon a provincial or municipal police force, and only if an independent investigator or municipal or provincial police force is not available, "M" Division shall request assistance from another RCMP division.

In all cases where RCMP external investigators are used "M" Division shall request that the CPC assign an independent observer to monitor the investigation.

We also recommend that the Department of Justice enter into discussions with an existing civilian police investigation agency to assess whether it is possible to have a standing arrangement to supply investigators to Yukon on an on-call basis. Under this arrangement, the civilian police investigation agency from another jurisdiction would serve Yukon's regime as well.

RECOMMENDATION

That the Department of Justice enter into an agreement with existing civilian police investigation agency to provide external investigations as required by "M" Division.

The use of independent observers

In March 2007, the CPC implemented an innovative Independent Observer project. The pilot project assigned CPC staff to observe and assess the impartiality of the investigations conducted by the RCMP. The Independent Observer program was modelled on the 2005 Public Safety Cooperation Protocol between the RCMP and the Assembly of First Nations that commits the parties to work collaboratively to resolve disputes between the RCMP and First Nations peoples. The pilot project was conducted in British Columbia (E Division) and but "M" Division also made use of the initiative.

The civilian Independent Observer assesses the impartiality of the team that conducts the investigation. He or she monitors the investigation to ensure that its integrity is not compromised by factors such as a member of the investigating team having a previous work or social relationship with the individual under investigation; having attended training at depot during the same period as the individual under investigation; or having been stationed or working at the detachment where the investigation is taking place.

In addition, the Independent Observer identifies any other factors that could affect the perception of impartiality as it relates to the investigative member participating in the investigation, such as comments made by the members of the investigative team to one another, to the Independent Observer or to any other person.

The goal of the Independent Observer program is enhanced public confidence in RCMP-led investigations into its own members with respect to the impartiality of the RCMP team conducting the investigation.

The Independent Observer program was used in the case of Raymond Silverfox and in the criminal investigation into allegations made against off-duty RCMP members in Watson Lake. These reports are public documents and serve to confirm that the RCMP investigations were impartial and professionally conducted. The Co-Chairs support the use of the Independent Observer program in "M" Division. We do recommend, however, that the CPC establish a

roster of trained Independent Observers from Yukon who could be called upon when required. This would provide citizens with a greater degree of reassurance about the integrity of any investigation performed by an external agency or police force. It would help increase public confidence in these investigations.

RECOMMENDATION

That the Yukon Police Council work with the Commission for Public Complaints (CPC) to develop a roster of Yukon citizens who would be available to act as CPC observers when the CPC is called in.

Building relationships in communities

It is the view of the Co-Chairs and the Advisory Committee that a key component to ensuring trust in the police in Yukon is a strong focus on policing with the community. This was a common theme of the meetings with various stakeholder groups over the past several months. This section of the report outlines how the policing model must be adapted to the specific requirements of Yukon communities; both the police and the community must be involved in making the implementation of community policing a success.

There has been much uncertainty on the part of government and community residents as to what community policing actually means. Over the past several decades, the term has come to refer to both a philosophy of police work and the mechanics of operational police practice. Any definition of community policing must acknowledge the fact that this model of police work incorporates many elements of traditional police practice while expanding the activities and objectives of police services, patrol officers and community residents. Community policing is much more than new programs in a community; it involves substantial participation by the community in the delivery of police services.

Community policing is best defined as a philosophy, management style, and organizational strategy centred on police–community partnerships and problem solving to address problems of crime and disorder in communities and to improve the quality of life in communities.

Community policing is based on the three Ps: prevention, problem solving and partnership with the community. The basic idea is that the police and the community constitute a partnership that brings together their resources and talents to identify and solve problems. These are some of the key principles of community policing:

- citizens are responsible for becoming actively involved in identifying and responding to problems in their neighbourhoods and communities;
- the community is a source of operational information and law enforcement knowledge for the police;

- police are more directly accountable to the community;
- police have a proactive and preventive role in the community that goes beyond traditional law enforcement;
- the cultural and gender mix of a police agency should reflect the community that it serves; and
- the operational structure of the police agency should facilitate broad consultation on strategic and policing issues.

A key feature of community policing is networking with community groups and organizations as well as with the private sector and other government agencies at the municipal, provincial and federal levels. Police-community partnerships may also have more general objectives, such as improving the quality of life in the community or be focused specific issues, such as drug houses, street-level drug trafficking or traffic problems.

In his study of policing in Yukon, Clark (2006: 16) found that community residents in the consultation groups felt that the community should participate in finding solutions to problems of crime and social disorder.

A number of factors hinder the sustainability and continuity of justice initiatives in northern communities. When an RCMP member who has developed a collaborative relationship and program to meet community needs is transferred out of a detachment, he or she may be replaced by an officer who has other interests or skills. This challenge can be mitigated by community involvement and ownership of programs and priorities.

Establishing local community processes

Community policing committees have been used by many police services to facilitate the development of partnerships and trust with the community and to involve community residents in the identification of community issues and possible solutions.

In recent years, a number of initiatives across Canada have provided local community input and oversight of the police. In Alberta, for example, communities have the option of establishing a local policing committee under the province's *Police Act*. A total of 40 communities in Alberta are eligible to establish policing committees; as of 2008, seven policing committees had been created. Community policing committees in Alberta provide feedback to the RCMP concerning policing strategies and activities; assist in the development of crime prevention programs; and review and advise the police on annual priorities.

Each year "M" Division detachments are required to complete an Annual Performance Plan. This plan is based on discussions between the police and the community that reflects local policing priorities and those provided by the Yukon Minister of Justice. The plan is prepared by the detachment and agreed to by local government. Each plan reflects its community and First Nation needs and includes updates provided by the detachment.

The Co-Chairs and the Advisory Committee found differing levels of participation, understanding and political support for participating with the police in the detachment's Annual Performance Plan. The report submitted on behalf of the Kwanlin Dün First Nation, for example, stated that "KDFN appreciates the value of the quarterly meetings and finds the information provided helpful in understanding crime in the community" and that "these meetings should continue" (Dendys and Gibbons 2010: 10). Similarly, the City of Whitehorse has confirmed that municipal government is engaged in and appreciative of its voice in the police planning process.

Clark's review of policing in the territory (Clark 2006) noted that there were no established mechanisms in Yukon communities for securing ongoing community input into setting priorities for policing or other facets of the delivery of police services. At the time, Chiefs and Council members indicated that they rarely, if ever, met with police officers to discuss community issues and priorities nor did they usually meet with incoming RCMP members (Clark 2006: 26).

This is no longer the case in 2010. The majority of community leaders are aware of the detachment's Annual Performance Plans and confirmed their participation in the process. We encourage continued improvements and increased participation in this important process.

Some communities already have successful processes for establishing local policing priorities. We recommend that all First Nations and municipalities, along with and M Division, formalize processes to engage the community in establishing policing priorities and developing crime prevention initiatives. This may include the involvement of a new version of the RCMP Special Constable program or other initiatives, such as the development of a local community Advisory Committee to work directly with the detachment. In some communities, this may include working with a committee that already exists. The goal is to provide a framework for community input into developing detachment Annual Performance Plans, so that they reflect local priorities and provide a mechanism for coordinate policing and related services within the community.

RECOMMENDATION

That First Nations, municipalities and "M" Division establish community-based processes — which may include creating a local community advisory committee or inclusion of this function in the mandate of an existing community body — to provide opportunity for community input into developing detachment Annual Performance Plans that reflect local priorities, and to provide a mechanism to coordinate policing and related services within the community and deal with other community policing matters, as appropriate.

Advisory committee/community participation in the selection of detachment commanders

The leadership of detachments and the rotation of police officers in and out of detachments are significant challenges in Yukon. This is particularly the case in the communities outside of Whitehorse.

We heard from many First Nation and municipal leaders that they appreciated the opportunity to be informed about staffing decisions in their detachments. We also heard that this notification does not always take place when transfers occur. We believe that this discussion is important; our recommendations reflect this importance.

RCMP staffing and promotion policy does provide for community input into selection of the Detachment Commander. RCMP policy provides for a designated individual to participate in the structured interview committee that makes a recommendation for promotion.

In Yukon, special provisions are available for the Commanding Officer of "M" Division to authorize the participation of community members in the selection of Detachment Commanders at Corporal and Sergeant Detachments. When these provisions are triggered by the Commanding Officer, the staffing advertisement will tell applicants that a community leader or contract partner will be involved. Normally, three interested and qualified candidates are identified by the RCMP and invited to participate in a structured interview. If three candidates cannot be identified, fewer than three may be interviewed by the committee.

The structured interview committee consists of the supervisor of the position, a community leader and one other RCMP member at the rank of the position being filled or higher. An RCMP Staff Relations Representative may sit as an observer if requested by the member being interviewed. Prior to being interviewed, candidates are provided with the names of committee members. If a candidate objects to the participation of any of these members, the reasons must be provided in writing.

In making their recommendation, the committee members consider all the information provided in the applicant's résumé and the structured interview before recommending a candidate. The committee completes a written record of their decision and includes feedback about the applicants they didn't choose.

The Co-Chairs think that community representatives should also be consulted when members are transferred into and out of a community. In some instances, the community may wish to understand the reasons for relocation and to know how RCMP human resource practices affect their community.

The Co-Chairs recommend that "M" Division involve First Nations and municipal leaders in the selection of Detachment Commanders, and ensure that they inform and consult with communities and First Nations when members are transferred.

RECOMMENDATION

That “M” Division ensures that First Nations and municipal leaders are offered the opportunity to participate in the selection of Detachment Commanders, and are informed and consulted when members are transferred in and out of a community.

Community orientation

Throughout this report, we have stressed the importance of building strong relationships between the police and community members. This is fundamental to the delivery of high-quality policing services. In order to build strong relationships, the members of the community must know who the police officers are in their community, and the members must come to know their community where they serve.

We heard that there needs to be a process in communities that encourages citizens and members to come to know one another. We heard many First Nations and municipal leaders acknowledge that they need to be more proactive in reaching out to members of the detachment.

The Co-Chairs believe that community leaders need to be much more active in welcoming and orienting new members to their community. This is particularly applicable in the communities outside Whitehorse. There was a perception among some members in “M” Division focus groups that the police-community relationship was one way.

In communities where there were positive relations between First Nations people and police, members spent more time in the community and were involved in various sporting activities and local events.

We recommend that each community develop an orientation process that introduces members to the community. This orientation is intended to supplement other training that members may receive on Yukon First Nations history and culture, governance and land claims processes.

RECOMMENDATION

That First Nations and municipal leaders ensure that members are introduced to community leaders, service providers and provided with an orientation to the community. This orientation should include understanding of the community’s history, First Nation culture and language, and social context.

Sustaining relationships

Any strategies for improving the delivery of police services in Yukon communities must consider the specific attributes of individual communities. It is not possible to develop a one-size-fits-all community policing model. There are appreciable differences across Yukon communities in the challenges that are faced by residents and the delivery of policing services must take these differences into account. As one "M" Division member observed, "Every community has First Nations and non-First Nations persons. Every community has a 'haves' and the 'have-nots.'" Another member in the focus groups observed: "There is a silent majority in the communities. We only hear from the squeaky wheel."

Sustainability and continuity are key issues in the implementation of community policing initiatives in Yukon communities. Too often, an RCMP member will develop a successful program that lapses when he or she is transferred. In the focus group discussions members mentioned the white-water kayaking program and the Young Riders ski and snowboard programs, all of which were developed by constables with special interest and expertise in those areas. Unfortunately, when the members were transferred the programs did not continue.

For a variety of reasons, northern communities have traditionally had a limited capacity to sustain participation in police partnerships and initiatives. This is true across the north, not just Yukon. The extent of personal and community resources determines the ability of a community to engage in and sustain initiatives.

Often, there is a core group of community residents who are involved in most, if not all, of the initiatives. We heard that if other community members do not become involved, this often leads to a high burn-out rate for this core group. As one "M" Division member stated in a focus group session, "the volunteers (in the communities) are all the same. They get burned out."

The Co-Chairs believe that initiatives such as the Young Riders ski and snowboard program contribute to the quality of life in a community, build relationships between people and help reduce youth crime by providing direct support to them and to others who may be at risk or otherwise vulnerable. The Co-Chairs believe that "M" Division members have, and should continue to have, a key part in supporting these programs. It was also recognized during the Review process, however, that there is a need for programs to be owned at the community level and have the active participation of RCMP members. This will ensure a consistent knowledge base for maintaining programs that meet community needs.

You get stuff going. For example, I built a curling rink in [my community]. It was great, but the next year I wasn't there so there was no curling.

Member of "M" Division, RCMP focus group

Chapter 7. Going forward: Continuing the dialogue

The Co-Chairs and Advisory Committee have had positive and productive discussions during the Review of Yukon's Police Force. A process has started that will build stronger, more meaningful relationships between the RCMP, Government of Yukon, First Nations governments, municipal governments and citizens.

As we travelled across the territory, citizens welcomed us into their communities to share their experiences. They did so in a respectful manner. Citizens recognize and value the contribution that "M" Division members make to their communities and they are optimistic about the future.

We believe that this report reflects the concerns that have been expressed to us, that it provides meaningful responses to those concerns and that it includes recommendations that will start us down the path to a renewed relationship.

There is still much work to be done.

Change is necessary

The RCMP prides itself on being a world-class police force and an adaptive organization that recognizes the need to analyze events, learn and implement positive changes. During the course of this Review, "M" Division has not been inactive and waiting for recommendations. The RCMP has identified changes that will respond to concerns heard during the public engagement and is already working to implement those changes that are the responsibility of "M" Division.

"M" Division is actively responding in several ways:

- demonstrating professionalism to ensure that prisoners receive both care and compassion while in police custody;
- initiating investigations into instances where RCMP members may be in violation of the *RCMP Code of Conduct*;
- holding employees accountable to complete an annual learning plan that supports the continuous development of their skills and knowledge;
- complying with the interim External Investigation and Review Policy, which requires the use of outside agencies when it appears that an employee of the RCMP may have contravened a provision of the *Criminal Code* or other statute and the matter is of a serious or sensitive nature;

- creating venues for the Professional Integrity Officer and the Commanding Officer to clarify expectations of Detachment Commanders as to leadership and ethics;
- delivering a presentation to Detachment Commanders that enhances their use of Annual Performance Plans, including the importance of meeting with community leaders;
- redeploying RCMP resources within “M” Division to focus on policing priorities identified in the Review; and
- supporting community initiatives such as partnerships between the RCMP, the Liard Aboriginal Women’s Society (LAWS), Kaushee’s Place, and other community agencies to provide workshops that improve the response to violence.

The opportunity and responsibility to participate in change

The Co-Chairs and “M” Division fully recognize that public trust and cooperation are essential to any effective policing model. The ability to work closely with community leaders when implementing policing priorities and to have community members feel comfortable when approaching the police with questions, concerns or to report offences allows officers to ensure safe homes and safe communities across the territory. The Government of Yukon makes a large contribution by providing justice services within Yukon. Improving RCMP services will require that the Government of Yukon examine the way in which resources are expended within the communities and to assess the programs that are available to support community-based policing.

“M” Division remains committed to hearing and responding to the concerns of clients and to directly addressing each of the recommendations submitted by the Co-Chairs. “M” Division, as well as public and First Nations government, NGOs and citizens, is encouraged to seek out ways of continuing the dialogue that was started by the Minister who commissioned this Review.

RECOMMENDATION

That the Yukon Police Council, Government of Yukon, “M” Division, First Nations governments, municipalities and citizens continue the dialogue on policing to foster positive relationships between the RCMP and citizens towards increasing public confidence in the police service and reducing crime, including but not limited to these activities:

- planned updates on high-profile and serious matters;
- creation of an annual gathering to honour citizens who contribute to public safety;
- recognition of RCMP members for outstanding performance in building and maintaining community relationships;
- invitations to community leaders to attend graduation ceremonies at depot; and
- support of youth programming in the community.

As Yukon continues to grow and develop additional pressures will continue to be placed on communities, governments and the RCMP. It is the responsibility for all parties to work collaboratively in order that the territory remains a singular and special part of Canada. This is an opportunity to shape Yukon into a place where citizens take pride in taking an active part in the police services delivered to them.

Developing an implementation plan

The Co-Chairs acknowledge that the recommendations provided to the Minister are extensive and that they involve a number of Government of Yukon departments, First Nations and NGOs. They have implications for both human resources and financial resources. They will also take time to implement; it may be years before we see the impact of some of these recommendations. Nevertheless, we believe that this Review has started the process of change. We therefore recommend that the Minister capitalize on this momentum and begin to implement the recommendations as soon as possible.

We recommend that the Minister convene a meeting with First Nations leaders to discuss the report and recommendations and to hear from First Nations leaders as to which recommendations are priorities for them. Following this meeting, we recommend that the Minister, in consultation with “M” Division, First Nations leaders, municipalities and women’s organizations, prepare a strategy for implementing the recommendations.

RECOMMENDATION

That on receipt of the report the Minister of Justice shall meet with Yukon First Nation leaders to review its recommendations and receive their input into the development of the implementation strategy.

As this implementation strategy is developed, we suggest that the Minister convene an oversight committee to help prioritize the recommendations and monitor their implementation. This function could be assumed by the Yukon Police Council should the Minister accept the recommendation to create this body. Finally, we encourage the Minister to report to the Yukon Legislative Assembly and other bodies on the progress of implementing the recommendation.

RECOMMENDATION

That the Minister of Justice, in consultation with “M” Division, Yukon First Nations, municipalities and women’s organizations and service providers, prepare an implementation strategy for how to respond to the recommendations in the Report.

RECOMMENDATION

That one year following receipt of the report, the Minister of Justice table a report annually in the Yukon Legislative Assembly and with Yukon First Nation leadership on progress in implementation of the recommendations of the Report, and that this report also be submitted to the RCMP National Aboriginal Policing Services Branch and the Commissioner of the RCMP.

A final word

We have been privileged to participate in this Review of Yukon's Police Force. For eight months, we had the opportunity to meet with citizens with the singular purpose of listening to citizens in order to understand ways to improve the quality of policing services in the territory. Our discussions were honest, forthright and genuine. On many occasions, our meetings became highly emotional as citizens told of their positive and negative experiences with the justice system.

Despite the painful and tragic events that gave rise to this Review, the process has been marked by optimism. Time and again, the people we talked with during this Review looked for and found common ground on which to build new and lasting relationships. What unites First Nations and municipal leaders, RCMP members, staff and volunteers, those who work in the justice system and their clients, women in crisis and those who offer them support is the desire to work together to ensure healthy relationships and peaceful communities.

This is the common ground that we all share.

Appendix I

Review of Yukon's Police Force: Meeting dates and submissions

Copies of these submissions are available on the review's website: www.policereview2010.gov.yk.ca.

Justice agencies

May 12	Yukon Legal Services Society (Legal Aid) pre-meeting
May 13	Salvation Army pre-meeting
May 27	Fetal Alcohol Syndrome Society of Yukon (FASSY) pre-meeting
June 17	Yukon Legal Services Society, staff lawyers
June 25	All-agency meeting
August 26	Second Opinion Society
September 20	Canadian Bar Association – Yukon, Criminal Law Sub-section
September 20	Committee on Abuse in Residential Schools Society (CAIRS)
October 26	Sexual Assault Response Team

Women-focused

June 8	Transition Home Directors pre-meeting
June 19 and August 2	Yukon Aboriginal Women's Council (with Co-Chairs)
June 28	Women's Groups Meeting
June 30	Kaushee's Transition Home, staff and clients
July 5	Women's public meeting
August 10	Watson Lake Women's Meeting, Help and Hope

Youth

May 14	Rachel Parks, Bringing Youth Towards Equality pre-meeting
June	BYTE Youth Consultation Report
July 7	Youth Leadership Training Group

First Nations

May 25	Vuntut Gwitchin Chief and Council
May 26	Tr'ondëk Hwëch'in officials pre-meeting
May 26	"M" Division Commanding Officer's First Nation Advisory Committee
May 28	CYFN Justice Network
June 29	CYFN leadership
July 20	Carcross/Tagish First Nation, Executive Council
July 21	Little Salmon/Carmacks First Nation, Council
June 12	Ta'an Kwäch'än Council General Assembly
July 13	Council of Yukon First Nations General Assembly
July 24	Champagne and Aishihik First Nations General Assembly
August 21	Tr'ondëk Hwëch'in General Assembly
August 26	Tr'ondëk Hwëch'in Chief and Council
August 31	Teslin Tlingit Council Executive Council
September 22	CYFN Health Commission
October 5	CYFN Leadership Meeting
October 7	Tr'ondëk Hwëch'in staff
October 13	Champagne and Aishihik First Nations elders and staff
October 14	Carcross/Tagish First Nation elders
November 4 and 5	Draft Recommendation Discussion, Yukon First Nations

Community/public meetings

May 25	Old Crow Community Lunch Meeting
May 25	City of Dawson, municipal staff meeting
June 3 and August 10	Watson Lake Public Meetings
July 5	Women's Public Meeting
July 10	Yukon Council on Aging (information mail-out)
July 20	Carcross Public Meeting
August 5	Whitehorse Public Meeting
August 20	Carcross – hosted by Carcross/Tagish First Nation Justice
August 31	Teslin Mayor and Council
August 31	Teslin Public Meeting
September 7	Carmacks Mayor and Council
September 7	Carmacks Public Meeting
September 30	Whitehorse Public Meeting
October 7	Dawson Public Meeting
October 26	Faro Public Meeting

Government of Yukon

June 8	Victims of Crime Strategy Implementation Advisory Committee
June 18	Whitehorse Correctional Centre, Elder's Advisory Group
July 27	Emergency Medical Services

Advisory Committee

RCMP Headquarters and Detachment Sessions with members, staff and volunteers
 RCMP veterans and former RCMP members
 Emergency Measures Services Sessions
 Association of Yukon Communities (AYC): June 2010 – community tour; September 11 – update to the AYC
 Aboriginal Women's Groups, June 19th and August 2nd
 Community Justice and Public Safety Engagement Sessions (throughout division)
 Women's meetings in Whitehorse and Watson Lake, June 28, July 5 and August 10

Meeting notes and written submissions

Aboriginal Courtworkers and Community Justice
 All-agency meeting notes
 Bringing Youth Towards Equality (BYTE) Youth Consultation Report
 Community Justice and Public Safety Staff and Clients
 Commission for Public Complaints Against the RCMP
 Dawson Regional Women's Committee
 Fetal Alcohol Syndrome Society of Yukon (FASSY) Report
 Facilitated Session for Women
 Kwanlin Dün First Nation Submission
 Kaushee's Place Submission
 Old Crow Community Meeting
 Preliminary Report for Yukon First Nation Women, August 2010
 PSAC Regional Aboriginal People's Committee Submission
 Salvation Army Client Report
 Second Opinion Society Submission
 Teslin Tlingit Council, Executive Council comments, August 2010
 Whitehorse Mayor Buckway Submission
 Whitehorse Public Meeting Comments, August 5, 2010
 Youth Justice, Department of Health and Social Services
 Yukon Aboriginal Women's Council Report and Recommendations, November 2010
 Yukon Human Rights Commission Submission
 Yukon Sexual Assault Response Team
 Yukon women's groups, interim report, August 2010

Appendix II

Coroner's inquests recommendations

Robert Keddie (1995)	
Directed to RCMP:	
that alarm bell should be used in emergencies as directed in the RCMP policy manual	Addressed
that alarm bell button should be more easily accessed by guard to save time going through locked doors	Addressed
when RCMP officers are not in building, a portable hand-held radio should be carried by the guard to save time going through locked doors	Addressed
Guards should have authority to phone ambulance	Addressed
Guards should have current CPR certification	Addressed

Harley Clayton Johnnie AKA Timmers (1999)	
To: "M" Division, RCMP; Minister of Justice, Yukon; Minister of Justice Canada	
1. Communications:	Addressed
a. Communication protocols must be followed particularly when officers exit their vehicles or is pursuing a suspect by foot.	
b. Emergency services should be connected to a common clock.	Addressed
c. Consideration should be given for the acquisition of a wireless portable lapel microphone for officers.	Under review
d. Consideration should be given to improving the method of transmitting radio messages, so that transmissions would not be lost if one person speaks over top of another, (e.g., queuing transmissions).	Addressed
2. Training	Addressed
a. That on arriving at a new station, an officer must immediately be allowed sufficient time to familiarize himself or herself with the area.	
i. location of streets and how they are named (e.g., Porter Creek after trees); along with updated and accurate maps; and	
ii. culture and diversity of citizens and appropriate approaches relevant to their culture and ethnic background.	

<p>b. That the Incident Management/Intervention Model not be implemented nationally before it has been subjected to outside expert and peer review, community and ethnic community review to address the following factors:</p> <ul style="list-style-type: none"> i. Its utility as an objective guide for officers on the use of force; ii. Its utility as an objective guide for the use of independent agencies as an assessment of the use of force by officers; iii. Its utility as an objective guide for officers in the use of force against members of distinct racial and ethnic groups or communities, such as First Nations people; and iv. To review when intermediary weapons can be deployed to prevent an escalation of force and to reduce the number of injuries/deaths to officers and citizens. 	<p>The Incident Management/ Intervention Model was developed by the RCMP National Training Branch. This Model was in use prior to this incident. This Model is subject to continuous review and is widely accepted by other police services.</p>
<p>3. Risk Assessment by Officers</p> <ul style="list-style-type: none"> a. To review the use of risk assessment in police training with emphasis on the following principles: <ul style="list-style-type: none"> i. the safety of the public/officers/suspect; ii. the flexibility and fluidity of the risk assessment process; iii. Loss of life or injury as a factor; iv. risk assessment as a continuous process; v. the best strategy is the least intervention; vi. the best intervention causes the least harm; vii. the onus is on the officer to give the suspect an opportunity to de-escalate; viii. that barring leaving a person in danger, an officer may always disengage to create a de-escalation; and ix. an officer's fitness and self-confidence must not lead to over-confidence and an underestimation of the physical abilities of suspects. 	<p>Addressed</p>
<p>4. Police Practices</p> <ul style="list-style-type: none"> a. Undertake a full review of the use of head locks by police officers. 	<p>Addressed</p>
<ul style="list-style-type: none"> b. To undertake a public review (through workshop/symposium) by October 2000 to discuss matters relating to: <ul style="list-style-type: none"> i. the number of RCMP members per patrol vehicle; ii. the number of vehicles per watch; and iii. current and anticipated budget limitations. <p>Upon reaching a decision, the RCMP should report publicly through a news release, including all conference proceedings.</p> <p>In the meantime, officers should be paired during night patrol (dark), with minimal reductions in the number of patrol cars (for example, use of ride-alongs, auxiliaries or other resource re-allocations).</p>	<p>This recommendation has been reviewed by a working group consisting of representatives from the RCMP, YTG, CYFN and KDFN. The group agreed that the proposed workshop/ symposium is not required and would divert resources from the RCMP.</p>
<ul style="list-style-type: none"> c. Hand cuffing procedure must be followed at all times. 	<p>Addressed</p>
<ul style="list-style-type: none"> d. This incident should be used as a training tool for RCMP members. The purpose of the scenario should be to point out the various risk assessment and decision-making points of the Incident Management/Intervention model. 	<p>Addressed</p>
<ul style="list-style-type: none"> e. To undertake tests to ensure that the failure of the weapon used on the night in question was specific to those circumstances and not a general failure of the weapon. 	<p>Addressed</p>

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f. To also ensure that all equipment on a fully complemented service belt will function when exposed to extreme cold for an extended period of time.	Addressed
5. Case Review a. Where an officer is involved in the death of another person, a senior officer, together with at least one senior investigator, from another division, should be dispatched immediately to take control of any investigation.	Addressed

John Allick AKA Tibbett (2000)	
1. That blue cell block door has a portion which is transparent	Addressed
2. That blankets be shortened to approximately 3 by 5	Addressed
3. Consideration of exchange of information between WCC and the RCMP	Addressed
4. Camera and intercom system in cell #5 with consideration to all cells not already monitored	Addressed

Randy McGinty (2002)	
Directed to the RCMP:	
1. That a properly trained First Nation person assist the negotiator in volatile situations.	Addressed
The negotiator kit is compatible with any upgrades to the Communications System and is tested on a regular basis.	Addressed

Madeleine Henry (2003)	
1. Directed to: Department of Health and Social Services (YTG) Alcohol and Drug Services, Whitehorse General Hospital, Royal Canadian Mounted Police To review and research, in collaboration with the Royal Canadian Mounted Police, the City of Anchorage "Safe City Program," on or before June 30, 2003, and to make these findings available to the public for consideration and comment.	Addressed
2. Directed to: St. John Ambulance, Red Cross To encourage and facilitate more in-depth instruction regarding the use of air ventilation masks used during CPR.	Addressed
3. Directed to: Royal Canadian Mounted Police That guards document, in log notes, whether they have completed a physical or monitor check on a prisoner.	Addressed
4. Directed to: Royal Canadian Mounted Police To ensure that information from the caution box on form C-13 is passed on from one prisoner report to the next.	Addressed

<p>Directed to: Department of Health and Social Services (YTG), Alcohol and Drug Services, Royal Canadian Mounted Police, Whitehorse General Hospital, Salvation Army</p> <p>That the above mentioned agencies form a committee to develop a cooperative continuum of care and/or prevention for individuals and families affected by alcohol and/or other substances.</p>	<p>Addressed</p>
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<p>Freddy Stewart (2002)</p>	
<p>1. Directed to: RCMP/Guards/Matrons Education/new policy regarding advanced First Aid and medical conditions and recognition of medical conditions of prisoners including alcohol poisoning and drug overdose.</p>	<p>Addressed</p>
<p>2. Directed to RCMP Do more thorough searches and not leave prisoner alone at any time including in car/vehicle.</p>	<p>Addressed</p>
<p>3. Directed to: RCMP Improve video and add audio. Add camera with audio in secure bay area/garage. Improve duplication quality without date and time in middle of screen.</p>	<p>Addressed</p>
<p>4. Directed to: Kaska Nation Provide a well-being care centre for meals and accommodation for men.</p>	<p>There was no response from the Kaska Nation to the recommendation made to them at the time.</p>
<p>5. Directed to RCMP Camera/Intercom on outside entrance for emergencies to get attention of guards or members.</p>	<p>This will not done as it is impractical and would do little to enhance the ability to provide access by emergency personnel to the cell block</p>

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Heather Benson (2005)	
1. Directed to RCMP We recommend that there be a review of safety policies and procedures regarding officer fatigue, operation of equipment and prisoner transport – taking into consideration Occupational Health and Safety Regulations and Workers’ Compensation policies and regulations and the need for frequent safety training.	Addressed
2. Directed to the RCMP We recommend the RCMP investigate the feasibility of installing low-light cameras with displays on the dash that enable police driving vehicles to monitor prisoners in the rear at night without the need to perform shoulder checks.	Addressed
3. Directed to either the RCMP or/and the Department of Justice That efforts be made to increase public awareness of the need for sufficient numbers of guards and matrons in rural detachments.	Addressed
4. Directed to the Coroner That in future inquests, an explanation or glossary of legal terms be made available to the jury early in the proceedings.	Addressed

Clark Whitehouse (2005)	
No recommendations	

Grant McLeod (2009)	
1. Directed to the Chilkoot Inn: Install video surveillance cameras in all hallways, stairwells and exits/entrances. No recommendations to RCMP.	No response from Chilkoot Inn

Raymond Silverfox (2010)	
1. Directed to the RCMP: Establish a Community Consultative Group which will include First Nations, medical community, Yukon Government and Salvation Army. The CCG will review the issue of public intoxication and provide possible alternatives to incarceration and speak to the medical care of intoxicated persons in the Yukon.	Addressed
2. Directed to the RCMP RCMP to ensure regular Joint Health and Safety Committee meetings are held monthly and include a guard representative.	Addressed
3. Directed to RCMP: Increase guard staffing levels.	Addressed
4. Directed to Corps of Commissionaires: Review guards’ compensation and training requirements.	No response from Corps of Commissionaires

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Yukon
Justice



Royal Canadian Mounted Police Gendarmerie royale du Canada