

Review of Yukon's Police Force

FASSY Final Report

"Learn to deal with the person as they are. Work with them. Learn"

Interview Participant

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Background

Research suggests that individuals with Fetal Alcohol Spectrum Disorder (FASD) are at higher risk of becoming involved with the criminal justice system. Fraser (2008) states: “Evidence suggests that individuals with FASD are at high risk of coming into repeated contact with the criminal justice system both as victims and offenders” (Boland et al. 1998; Boland et al. 2002; Chartrand and Forbes-Chilibeck 2003; Conry and Fast 2000; Fast et al. 1999; Fast and Conry 2004; Moore and Green 2004; Streissguth and Kanter 1997; Streissguth et al. 2004; Verbrugge 2003) (p.25).

Streissguth et al. (1996) estimate that approximately 60% of individuals with FASD have come into conflict with the law, while Stade et al. (2004) estimate that up to 70% of individuals with FASD will become involved with the criminal justice system. The number of individuals with FASD in the justice system is thought to be over-represented, although exact figures are unknown (Fast & Conry, 2004). Fast, Conry and Locke (1999) found that youth with FASD are disproportionately represented in the juvenile justice system; over 23% of youth remanded for psychiatric inpatient assessment in British Columbia had FASD. (Hornick, Paetsch, Bertrand & Jacobs, 2008, p. 21)

Introduction

A review of the Yukon Police Force is being conducted to begin dialogue and “create communication across differences that separate individuals and groups”. Due to the high level of individuals with a Fetal Alcohol Spectrum Disorder (FASD) who are involved with the police and justice system it is critical to add their perspective to this dialogue. FASSY interviewed eleven individuals living in the Yukon Territory with a diagnosis along the FASD spectrum. The interviews were conducted with individuals in three Yukon communities to explore differences across regions. Seven women and four men participated in the interviews. All of the participants were adults. The individuals provided their perspectives on both positive and negative experiences with the RCMP in the territory and gave concrete suggestions on ways policing services could be improved in the territory. The following report is a summary of themes drawn from the interview analysis including direct quotes from the individuals involved.

All descriptors and names of individuals or communities have been retracted to ensure confidentiality of participants. A template of the interview questions can be found in Appendix B. Ellipses in the direct quotes represent the removal of words such as umm, like, ahh to increase readability and flow.

Experiences with the RCMP

All eleven individuals interviewed had previous or ongoing contact with the RCMP. Nine of the eleven participants had spent time in RCMP cells. Individuals spoke of positive interactions with specific RCMP members but also provided stories of excessive force, teasing, intimidation and harassment by RCMP members during arrests or other interactions. One participant highlighted the differences she experienced stating “he was really good about it. He wasn’t yelling at me you know he’d just sit down and talk to me”. When asked about other experiences, she explained that other officers yelled at her.

Positive Experiences

Situations of Domestic Violence

Two female participants provided examples of positive experiences with the RCMP during incidents of domestic violence. In both situations the individuals stated that the RCMP in their community responded and did “everything they were supposed to do”. One stated “they assisted me with my old man. They took him away and removed him from [the community]”.

Community Involvement

Two individuals discussed positive experiences with the RCMP from their youth. The two individuals had been raised in different Yukon communities and both highlighted the involvement of specific RCMP officers in youth sports and recreation. The participants gave examples that included rafting, kayaking, bike rallies, karate and other sports. One participant stated, “I like the RCMP when they are doing a lot of youth activities like bike riding. Bike rally, helped with sports, teaching karate. If they could do more of that that would be wonderful because youth are so vulnerable to drugs and alcohol”

Better Here

One individual interviewed explored the difference between his experiences in another province and the Yukon with respect to RCMP treatment. He provided examples of the use of force by RCMP in other jurisdictions that included having his head split by an officer while in cells just after his arrest. The individual showed the scar that remains from this incident.

Alternatively, he stated that he felt that he was treated fairly and with respect by the RCMP in the Yukon. He noted the cops were not as rough in the Yukon during arrests as in other jurisdictions. He said, "I feel that I have been treated with respect considering other times other than the Yukon. You know I've been pretty roughed up by the cops a few times". He further noted, "the cops up in the Yukon have more or less treated me fairly". When he was asked why he thought this was the case he stated, "it's just a smaller town I would have to say and...cops pretty well know everybody up here....I've more or less treated them with respect most of the time so they've never really had a reason to treat me unfairly. If I was rude to them sure I could imagine they could be pretty mean".

Negative Experiences

Many of the participants provided examples of negative experiences with the RCMP. In all, nine of the eleven participants described negative experiences. The stories provided involved either themselves or members of their family. The stories included incidents of violence and excessive force, harassment, threatening and teasing. The combination of these RCMP behaviours led many of these individuals to express fear or mistrust of the RCMP. When asked about how she feels that she has been treated she stated “Like they don’t really care and they don’t give a shit. Seems like they don’t want to do their job... “Seems like they don’t want to do their job...Like they say they’re supposed to serve and protect and it’s like they don’t do it. They just kind a like smirk and look away like it’s just a big joke or something”

Only one participant indicated that she had no negative experiences with the RCMP. A further individual did not report any negative experiences in the Yukon but did report previous incidents of excessive force in other jurisdictions.

Arrests

Multiple participants described either witnessing or being involved in arrests where individuals were hurt by RCMP officers. One participant described the arrests he had witnessed as “rough. Excessive force that doesn’t need to be used”. He stated that he witnessed the RCMP “dragging someone along the ground by handcuffs behind their back”.

When another participant described his treatment during arrests for breeches he stated that the RCMP had “bad attitudes I guess”. He described the situation as, “me being mad as hell because I was being breeched and them being a bunch of snobs”.

When asked how the RCMP treated her, another participant stated, “really fucking poorly”. She provided multiple stories of excessive force being used on her during arrests. Of one recent incident she stated they “throw me around, you know, laughing at me. Took all my shirts off. Left one shirt on”. Further she said, “They grabbed my hair and they ripped my hair. Like they took my ponytail out of my hair”. Of her arrest she described that “my ribs were bruised because they had those handcuffs on so bloody tight”. She went on to state, “my forehead was bruised everywhere. That was kinda my fault too cause after they smacked my head against the window from arresting me at [location] I smacked my head twice when they put me inside that car. I smacked it on that window about two, three times and I told them see I can kick my own ass. I don’t need you guys to kick my ass for me”.

In describing a second incident that occurred in another community the same participant stated, “he just threw me in the car. Slammed the car on my leg. He dented my leg. I have an indent on my leg now”. She also stated that on the same occasion, “he had me in the car. I didn’t have a seatbelt on. And I was handcuffed. And when he slammed on the brakes my face smacked against the windshield of the back of the RCMP station or the cop car and smashed out my lens”. Overall, of her experiences with the RCMP, this individual stated, “I can’t even fuckin’ talk to them anymore”. She said “they just looked at me like a hitchhiker, a lost person, a trouble maker”.

Another participant talked about being injured during an arrest. The following is his description of the arrest: “Really violent. They twist my arm. Now my arms all screwed. Right there. My arms all screwed up in there and I can’t heal it. They go like that and they pushed it right up. Pushed it right up”. This example of injury during an arrest was shared by another participant who stated, “they’re rough I guess when they’re arresting”. [They] shove you around I guess, stuff like that, when you’re getting arrested. Like you’re cooperating but they’re just pushing you”. This participant also described the use of tight handcuffs during arrests. She stated, “they just left me in the backseat of the cop car for a couple hours and then brought me into the cells”. Another participant stated that when she was intoxicated in public the RCMP responded and “I got maced. They roughed me up pretty good. Scrapes and bruises all over me”. When she was being arrested she said, “when they put the handcuffs on they bring your arms way back like that. Right up to your back...they bend your arms. Couple times I had bruises on my wrists from the cuffs being too tight”.

A few of the participants provided stories of harm that had been done to their friends or family by the RCMP. One participant gave examples of individuals with FASD she had seen being arrested by members of the RCMP. She stated that they “used their batons and sometimes they used their tazers”. A second participant described that the RCMP roughed up one of her cousins while he was in jail. She stated that she heard him screaming and telling the RCMP to leave him alone. This participant also witnessed her father being tazerred by the RCMP. A third participant described that his cousin was “tazerred 9 times”. This participant also shared that his cousin “got his teeth knocked out by a billy club coming from a cop. He got beat right up really good. He came home all bloody. ‘I phone the cops, cops beat me up’.” This participant

stated that his cousin “never got over that yet”. When asked about whether this cousin had charged the RCMP the participant said, “he tried to but the RCMP they just ignored him. They just said get away and drop it. That’s all they said”. Another participant discussed multiple occasions when RCMP officers “beat up” her son. She stated, “he was totally terrified of them”. She continued stating, “they keep harassing natives. The teenage kids and the ones that got awards. Or just cause they got into a little tiny bit of trouble drinking. They harass them. They intimidate them. They go after them. They make a name for them. They throw them in the dog house”. This participant did not believe that the RCMP provided any help to members of her family. She shared “they just totally give us a bad name. They won’t try to support. They won’t try to help”.

Neglect/Ignoring

One participant described that when she attempted to call the police for help from a community her call was routed to Whitehorse. She stated that the dispatch in Whitehorse had hung up on her multiple times. Another participant described situations where she felt like her reports had been ignored by RCMP officers. This participant stated, “there’s no trust. You know there’s no trust at all. Who you supposed to talk to? If you lay a complaint they don’t answer you back. They don’t care”. She described a time when she called the RCMP and an officer asked ““What do you want us to do about it?”

Harassment/Intimidation

Two participants described specific incidents of harassment and intimidation they had experienced. One individual discussed the threatening and harassing behaviour stating, “I kind

of felt like I was being...bothered. Like they kept coming around all the time for every little reason. And it wasn't really an emergency. It was like they were bothering me just because I was dating [boyfriend name] and I wasn't even doing anything wrong". She described the following situation where she felt intimidated by the behaviour of an RCMP officer who accused her of lying in her court testimony.

He said I was a liar. And he said he was going to try to charge me so I could go in court and get charged for perjury or something like that...he was just shaking his finger at me. And he was just cowering right over me and looking at me with these steel eyes and I was just looking at him like that. And I was just like I am telling you the truth. I'll tell you every single detail of that incident" When asked how she felt about that incident the individual stated "I felt really intimidated. So I told his lawyer and he said 'oh don't worry about it. He's just mad because the crown couldn't get their way'.

Another individual gave multiple examples of the RCMP harassing and threatening him. He stated, "people like to talk around [community] and it's not true. I'm right here behaving my curfew and all that probation. I keep on checking in there and they keep on harassing me and threatening me". When asked to describe the threatening or harassing he stated, "'Oh I'm going to charge you if anybody says anything around' [community]. He believes [community] people over me. He doesn't care about me". The participant further stated that the treatment he receives from the RCMP is different when he is alone and when he has a support person with him. Of the difference he stated, "When you're there he's nice. But when nobody's not there he just calls me right down. Threatening me and everything...Holy man I get yelled at

when I was here". This individual expressed fear in approaching the RCMP. He stated they "just made me feel scared and nervous the way they talk to me over there. It's just not right".

Further he shared, "I feel like somebody's watching me. Back of my head so I have to look at the back of my head. So I get nervous. I been through alot since I was young"

One further incident of harassment is of particular significance. A participant stated that prior to being sent to Whitehorse Corrections Centre (WCC) the RCMP officers in his community make intimidating statements. The RCMP said to him: "Have a good time in the hotel. Somebody's waiting for you".

Overall these experiences and stories provide significant rationale for improvement to RCMP practices and treatment of individuals and specifically individuals with a Fetal Alcohol Spectrum Disorder.

Suggestions for Improvement

The individuals involved in these interviews provided relevant and thoughtful suggestions for ways to improve and re-establish trust in the policing services in the Yukon.

Respect

The need for RCMP members to have respect for all citizens was a key theme that ran through many of the interviews. Six of the participants specifically discussed respect as a key component to improving policing services. When participants who had experienced both positive and negative interactions with the RCMP spoke of the key differences in those experiences, respect was critical. One participant identified 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 they’re role as an RCMP is. The other ones are just ...like wild cowboys...It’s like give a mouse a cookie you know they want more and they just take all the power and they think they’re God and they do whatever they want. They don’t listen to anybody”. 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".

Another participant noted that there were good cops and bad cops. When he was asked the difference between them he stated: "Good cops treat you with respect and they're there to do their job". He also noted the need for mutual respect between citizens and the RCMP.

A third participant described differences in her experiences with RCMP across Yukon communities. She has experiences with RCMP in at least three different communities and notes significant differences. The key differences lay in whether she felt like she was being treated with respect. She provided multiple examples of positive experiences with RCMP officers in one community. She stated "he just sits there and talks to me like I'm a person. He treats me like a person...like I'm not a thing". Further, she noted, "They treat me, you know...with a lot of respect and I treat them with respect. I still talk to them on a daily, daily basis. You know he just wants to know where I'm at and you know how I'm doing". Alternatively, she provided examples of rough treatment and misunderstanding by other officers. These included slamming the police car door on her legs, pulling her hair and laughing at her. In describing some of the misunderstandings she stated, "Every time that I was yelling at him or that I had a situation with him. Basically it's all time. I'd always tell him you know I'm sorry that I apologize for my actions. He just didn't pay attention. He didn't look at me. He never paid any attention. It was like I wasn't even a person. I wasn't there. Like I was invisible"

When asked what ways the RCMP could treat people better, two additional participants stated that the police needed to have more respect. One of these individuals expressed

apprehension that the RCMP would ever gain respect back from community members. Another participant stated, “I don’t know what will change them”. A key comment that sums up this theme of respect came from a female participant who stated, “Treat everybody the same. ‘Cause if you can’t treat anybody the same then why are you even here to do your job. Why do you even have a job?”

Understanding FASD and Other Disabilities

A second key theme for improving policing services identified by multiple participants during the interviews was increased understanding of Fetal Alcohol Spectrum Disorder. Three participants specifically mentioned the need for greater understanding and awareness of how FASD can impact an individual’s interaction with and understanding of policing processes.

When asked if she thought the RCMP were helpful one participant stated, “it depends on if they are aware of FAS”. She described her concern by stating, “If he [RCMP officer] deals with a client with FAS how is he going to know how to treat them or what to do. And if they say oh well they don’t understand. They literally mean they don’t understand”. She provided the following suggestion, “Do an education course or have FASSY put on a little course for them. Just have a refresher course every now and again”. Further, she indicated the need for RCMP to explain to a client the reasons for what is happening to them. Finally, she acknowledged the need for RCMP to take into account that some people with FASD may also have more than one disability.

Another participant noted it would be helpful if the RCMP would “work with the people with FAS”. When asked how the RCMP could do this he stated, “they need to understand that

when they get an FAS person in custody then they need to look at their own attitude...I am sure they can do a lot better by understanding what they are getting themselves into when they go to arrest an individual...when they read the rights and stuff then they have to make sure they understand those rights". He suggested the RCMP "should be working with the justice department. The justice department needs to make them understand that when you arrest these individuals you've got to make them understand that you can't mistreat these guys. These guys have no idea what the hell's going on and they end up in the justice system. And they're as confused as hell. I was as confused as hell....I'm like what the hell am I doing here". Ultimately, this individual noted that the RCMP needs to change their attitude towards the individuals and to understand the individuals they are arresting.

The third participant that discussed the need for greater awareness of FAS stated: "People in general...that drink a lot and do drugs a lot 'cause they're usually FAS. And they really don't know how to behave and the RCMP shouldn't act like that because they should know better...they shouldn't fight back with FAS people because they're special and they shouldn't be ...They should just deal with them but not beat them up or whatever". She stated, "It seems like they just pick on people that have FAS...FASD...like if you go into the jail you'll see all of them are like that. Most of them are like that. And these people are... They're kind of like mentally handicapped and they have behaviour problems but they shouldn't be incarcerated for it."

One participant provided the suggestion that RCMP must give individuals enough time to process requests of commands. "You've gotta give a little bit of time for someone to sit

down and respond”. This is particularly important for individuals with a cognitive disability. Another participant asked that consideration be given to the amount of noise or external stimulus in any situation that may affect an individual’s ability to process and respond to information without becoming anxious or frustrated. Sirens were one example used by this participant. She described that sirens increased anxiety and decreased her ability to process information.

Understanding Culture and Yukon

Some of the participants highlighted the need for RCMP to have increased awareness and understanding Yukon cultures and community. One client described the impact of the RCMP on her family by stating:

Violated. Because we’re...I say we are because I feel like a lot of us are suffering...it’s only been since a hundred years since we were exposed to alcohol and so we’re having a hard time with it...we’re not accustomed to it and we don’t know how to socialize right now...there’s a lot of problems regarding alcohol and drugs but I don’t think incarcerating them is the answer...a lot of people are walking around with a lot of pain because of mission school and all kinds of things. Like there’s a lot of mistrust for being native”.

This participant continued with a request for understanding from the RCMP stating, “We’re in tune with nature. If they can just understand that... ..we’re just trying to protect our land. We’re just trying to protect our people and our land....it’s almost like, it’s really weird but it feels like we’re still in a war... It just seems like we’re prisoners of war. They chose to try to get

rid of the people that are FAS because they are easy targets. Cause they're always in trouble". She finished by stating "it's injustice".

Two suggestions put forward by the participants were: 1) take an anthropology course and the history of the locations of where they are going and 2) respect cultural boundaries. One participant specifically noted that the RCMP needs to have more respect for First Nations peoples even if they are not disabled. Finally one participant stated, "I think they need to sit them all down in a big conference room and just explain that the RCMP is here to help people not to criticize our civilians or citizens of whatever nationality. It could be white people, it could be all different colours".

Involvement in Community

As was previously identified in the positive experiences section, two of the participants gave specific examples of ways RCMP can engage with the community and build positive relationships through sports and recreation. These were concrete suggestions for RCMP to develop or re-develop these community initiatives, particularly with youth. Another participant stated that the way the RCMP could do a better job would be "start working with the community". He discussed his attendance at two recent potlatches when the RCMP had been present. He indicated that this was the first time he had ever seen members present and helping at a potlatch. "I think what it is, is just they want to reassure people that I'm not your enemy". He shared that he would like to see more examples of this type of behaviour and community involvement.

Other Suggestions

- 1) "Listen. Don't jump right into conclusions because somebody's drunk. You know. If they're going to be cooperative with you then they'll be cooperative. If they're not than their not but don't you know rough them up"
- 2) "Work in a day care or something. Learn how to treat people right...that's the best analogy I can think of you know cause little kids they don't know anything. They just do wild. They're just wild. They gotta be trained. You throw an RCMP into the mix...Learn to deal with the person as they are. Work with them. Learn...Day care is the best place to start!"
- 3) Use positive rather than negative reinforcement
- 4) Work shorter shifts in the communities.
- 5) "We need role models"
- 6) "They gotta change their attitude...If you want to have an attitude that's going to be that rough with other civilians then maybe you should think about having a different job like wrestling or maybe join some kind of anger management program"

Summary

Trust is fragile. A trust relationship that a police officer builds with a community member can take years to develop but can be compromised overnight. Once gone, trust can take many years to re-emerge (Review of Yukon's Police Force Engagement Strategy).

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. FASSY looks forward to working with the Yukon Government Department of Justice and the Yukon RCMP towards change and re-establishing respectful, trusting relationships with all people in the Yukon Territory.

References

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Victims of Crime Research Digest, 1, 24-28.

Hornick, J. P., Paetsch, J. J., Bertrand, L.D. & Jacobs, L. (2008). FASD and access to justice in the Yukon. Yukon Department of Justice. Canadian Research Institute for Law and the Family.

Appendix A

Interview Consent Form

FASSY Yukon Police Review Consent

I have been asked by FASSY to answer questions about my experiences with police in the Yukon.

I have been told that my information will be used in a report to help the police work better with people including those with FASD.

I have been told that my name will not be part of the report or given to anyone.

I agree to participate in this interview. I agree that what I talk about can be used in the report for the Yukon Police Review.

Participant Signature

Witness Signature

Appendix B

Interview Template

FASSY RCMP Review Interview Questions

1. Have you had to talk to or deal with the RCMP (police)? A little? Lots?
2. What reasons do you talk to the RCMP?
3. How have you been treated by the RCMP? What have they said? What have they done?
4. How do you feel when you talk to the RCMP on the street? At their office? In cells?
When you are on probation?
5. Have you ever spent time at an RCMP office or in cells?
6. How were you treated when you were in cells? What did police say or do?
7. Does/has the RCMP help you?
8. Does/has the RCMP help your family?
9. Does/has the RCMP hurt you?
10. Does/has the RCMP hurt your family?
11. What ways could the RCMP treat people better?