

**August 2010**

Interim report from Yukon women's groups:

Review of Yukon's Police Force 2010

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Working draft

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#### ACKNOWLEDGEMENTS:

I acknowledge the courage of the many unnamed women who resist violence, and who demand justice. I thank the women who told us their stories, and offered their ideas for change to build trust between the RCMP and Yukon women.

Thank you to Yukon Government Department of Justice for a contribution agreement with Victoria Faulkner Women's Centre to fund this work. I am also grateful to my colleague Lorraine Netro, Yukon aboriginal women's representative on the Advisory Committee, for her work and her insights, and to Corinne McKay, legal counsel, for her excellent advice and analysis.

I would like to thank the board members, volunteers, and staff of Victoria Faulkner Women's Centre, Liard Aboriginal Women's Society, Yukon Status of Women Council, Whitehorse Aboriginal Women's Circle, Les EssentiElles, Elizabeth Fry Society Yukon, Yukon Aboriginal Women's Council, and Yukon Women's Transition Home Society, for their contributions and advice to the Advisory Committee women's representatives on the Review of Yukon's Police Force.

## **INTRODUCTION**

Women's groups are deeply concerned about the failures in our criminal justice system that make women fearful of reporting physical or sexualized violence to the RCMP. Male violence against women is a serious crime, and a violation of women's fundamental human rights. Women believe that in order to demonstrate its' commitment to reducing the chronic high rate of women abuse in Yukon communities, Canadian legal and political authorities must ensure a swift, adequate, and well-informed first response from the police to women's reports of violence. In addition, more effective prosecutions, and respect for women's equality rights from all sectors of the criminal justice system, including the courts, are required. The mandate of the 2010 Review of Yukon's Police Force was to engage in a dialogue with Yukon people and collaboratively develop solutions that will encourage trust between citizens and the police force. The police are one part the legal system, and of society. People raised concerns that are associated with the criminal justice system as a whole, and also spoke about the social needs that communities and governments need to address, in order to make Yukon women safe.

Sadly, many women fear Yukon's police force. Women say that the RCMP fail to respond appropriately when they report physical or sexualized assault. Others report retaliation when they file complaints about police behaviour. Two women have died in RCMP custody in the last ten years. The RCMP has a daunting task before it to restore a broken trust with Yukon women.

In March 2010, following the acquittal of RCMP constables Sean McLaughlin and Graham Belak, the Liard Aboriginal Women's Society (LAWS) and the Yukon Status of Women Council (YSWC) wrote to RCMP "M" Division in Whitehorse, and to the Commissioner at national headquarters in Ottawa, (Appendices 1, 2) to express concerns about the members' behaviour. The two men testified in court they had engaged in multiple sexual acts, allegedly consensual, with a young nurse new to the community of Watson Lake. LAWS and YSWC requested standing at the subsequent RCMP internal disciplinary hearing, to inform the adjudicators of the severe impact this behaviour has had on Yukon women's willingness to call the police. In a community and a territory with high levels of spousal and sexualized violence, if women are afraid to call the police it could place them in serious danger. The RCMP Adjudications Branch doesn't normally grant standing to outside groups at an "employer-employee disciplinary hearing".

Also in March, a Coroner's Inquest began into the death of Raymond Silverfox, an aboriginal man who died in RCMP cells under degrading and inhumane conditions.

In April 2010, following Yukon Minister of Justice Marian Horne's announcement of the Review of Yukon's Police Force, eight women's organizations<sup>1</sup> wrote to Minister Horne to request funding for two advocates from these organizations to be appointed to an Advisory Committee. While these groups have different mandates and priorities, they are

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<sup>1</sup> Victoria Faulkner Women's Centre, Liard Aboriginal Women's Society, Yukon Status of Women Council, Whitehorse Aboriginal Women's Circle, Les EssentiElles, Elizabeth Fry Society Yukon, Yukon Aboriginal Women's Council, and Yukon Women's Transition Home Society.

united in a common purpose to improve women's lives and to end violence against women.

Lois Moorcroft and Lorraine Netro were subsequently appointed to the Review's Advisory Committee to represent Yukon women's groups' and aboriginal women's perspectives. They co-ordinated a number of meetings to allow women to share their stories about interactions with the RCMP, and to make recommendations for improving police services in the Yukon. They participated in public and agency meetings. The Department of Justice provided funding to conduct the work through a contribution agreement with Victoria Faulkner Women's Centre.

This report describes the review process and methodology, and presents ideas heard at meetings held with women's groups, and with the public, from May to August. Research and public engagement is ongoing through September. The report addresses the needs of women who are victims of domestic violence and sexual assault, as well as of socially marginalized people who are arrested and detained in custody.

As well as public input, a number of publications and materials inform the recommendations, such as Coroner's inquests of seven Yukon citizens who died between 1999-2009, either in RCMP custody or during attempted arrest by the police, *RCMP Act, Regulations*, national and "M" division policy, reports of sexual harassment and sexual assault by members of the RCMP in Yukon and elsewhere in Canada, and RCMP publications on the public complaints process, police culture, governance and transformation. Corrine McKay provided legal analysis and assisted with the preparation of the interim report.

The report concludes with a series of recommendations organized around the six priorities established in the Terms of Reference for the Review: a responsive and accountable police force; public complaints; RCMP skills and training; services to vulnerable people; best practices; and external investigations and review. The recommendations are based on the public's input, a literature review, research, and legal analysis.

### **Project Description**

In April 2010, in light of events that caused many members of the public to lose confidence in Yukon's police force, Yukon Government Minister of Justice Marian Horne appointed Peter Clark, the new Chief Superintendent for the Royal Canadian Mounted Police "M" Division, and Dennis Cooley, Deputy Minister of Justice, to co-chair a review of Yukon's RCMP. The Council of Yukon First Nations asked to appoint a co-chair, and in June Simone Arnold, Manager of CYFN Justice Programs, became the third co-chair.

The legislative motion approving a Review of Yukon's Police Force made reference to an advisory committee. An Advisory Committee was struck with four representatives from Yukon Government: Stuart Whitley, Health and Social Services, Robert Riches,

Department of Justice, Rick Smith, Community Services, Shauna Curtin, Women's Directorate, and Andy Seidemann, RCMP. Bev Buckway, President of the Association of Yukon Communities, and Lois Moorcroft and Lorraine Netro, representing Yukon women's groups were also appointed to the Advisory Committee. Initially Simone Arnold was appointed as a member of the Advisory Committee, after she became a Co-Chair another CYFN representative was not appointed to replace her on the Advisory Committee. Project manager Norma Davignon at YG Department of Justice and Lareina Twardochleb, YG Women's Directorate provided technical support, as did Roger Lockwood and Curtis Kuzma of the RCMP.

The Review was directed to engage in a dialogue with Yukoners to collaboratively develop solutions that will encourage trust between citizens and the police force.

The Terms of Reference for the Review identified six priority areas.

1. Consider measures and make recommendations to better ensure that Yukon's police force is responsive and accountable to the needs of Yukon citizens;
2. Review how public complaints relating to the RCMP in Yukon are currently dealt with and to make recommendations on any required improvements;
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;
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;
5. Identify and build upon successes and best practices in the delivery of policing services to Yukon; and,
6. Review and make recommendations on how best to implement in Yukon the existing RCMP policy on External Investigations and Reviews.

The desired outcome of the Review is to develop recommendations that start a process that will foster positive relationships between the RCMP and citizens to increase public confidence in the police service, and renew relationships between the RCMP and Yukon Government (YG) towards ensuring all Yukon citizens receive high quality police services. The Review was asked to report to the Minister by September 15, 2010.

### **Methodology**

The mandate of the Review was to engage citizens in a dialogue about policing in Yukon using a number of different formats, including Internet tools, written submissions, and personal contact with citizens through agency, private, and public meetings. The first meeting between the Co-Chairs and the Advisory Committee was held on April 30, 2010; the group met at least monthly from May through to August.

At the outset, the Co-Chairs and the Advisory Committee members met and agreed on a number of facts, principles and protocols that would guide the review. In particular, the following was noted:

1. Some members of the Yukon public have lost confidence in or do not trust the RCMP.
2. Members of the Yukon public have expressed fear of reprisal from members of the RCMP if they disclose the particulars of personal incidents and allegations of abuse by the police.
3. People have requested and been given assurance that the RCMP would not be observing, keeping track of, or retaliating against those who attend the public meetings.
4. Chief Superintendent Clark would advise members stationed in community detachments not to attend community meetings that are held to invite the public to bring forward concerns or recommendations about the RCMP.
5. The RCMP would conduct a separate consultation with its detachments' members, and invite members of the Advisory Committee to attend, to ensure the transparency of the process.

Women's groups' representatives noted that the police review process needed to be thorough and credible, and that September 15 was an ambitious target date to fulfill the mandate of the review. The committee agreed that it would attempt to complete the work by September 15, and might request an extension if necessary. Two of the co-chairs and some members of the advisory committee were unavailable at times during the spring and summer due to work-related travel and vacation leave. I have asked if an extension to September 30 to submit the final report is possible.

On its website, <http://www.policereview2010.gov.yk.ca>, the review posted messages from the Co-Chairs, the terms of reference, the engagement strategy, and the dialogue questions. Notices of events, and reports of what we heard were updated during the review process. People could submit their responses to the dialogue questions electronically or by mail. The dialogue questions are:

1. What concerns do you have with the policing service you receive?
2. How has the RCMP contributed to public safety in your community?
3. What is the community's role in interacting with the police to improve public safety?
4. What is the Ramp's role in interacting with the community to improve public safety?
5. What changes would you recommend to improve the policing service in the Yukon?

Women need safety to reveal their concerns about the RCMP. Early in the process, we recognized this need for confidential avenues of disclosure, and asked for support to be made available for women who talked about traumatic incidents involving the police. Department of Justice Project Manager Norma Davignon could refer women to a

departmental official who would transcribe their stories in confidence, and could offer counselling support. Women also approached women's groups' representatives Lois Moorcroft and Lorraine Netro personally, to offer anonymous input to the Review. Women were also referred to the Women's Advocate at Victoria Faulkner Women's Centre, and some women made anonymous calls to her to seek advice and discuss concerns about the actions of individual members, and about the culture of the RCMP in Yukon.

From August 2 - 13, the Yukon Human Rights Commission opened its phone lines to allow people to report complaints about the RCMP anonymously to an impartial agency with expertise in hearing complaints. The Commission issued a media release and advertised in local media. The Yukon Human Rights Commission will make a submission to the Review.

Yukon Government asked Bringing Youth Towards Equality (BYTE), the Salvation Army, Fetal Alcohol Syndrome Society of Yukon (FASSY), and Kwanlin Dun First Nation (KDFN) to conduct consultations with their constituent groups. Their reports were submitted to the Review Co-Chairs, to inform the final report. The documents they prepared were posted on the website.

The review has held community meetings in Old Crow, Dawson City, Watson Lake, Carcross, Whitehorse, and Burwash Landing. Meetings in Teslin and Carmacks are scheduled for late August and early September.

CYFN Co-Chair Simone Arnold attended a number of First Nation General Assemblies held throughout the summer, to seek input from YFN citizens.

Advisory Committee members were responsible for soliciting input from their departments, agencies, or constituents. YG Community Services met with ambulance and public safety personnel; Justice organized participation for Victims Services, Offender Programs, Whitehorse Correctional Centre staff; Health and Social Services' Youth Justice submitted a report; the Women's Directorate assisted the women's groups' representatives, and took notes at several of the meetings. Women's Directorate is responsible for completing gender-based analysis of the data, recommendations, and the final report prepared by the three Co-Chairs. The Elders Advisory Committee at Whitehorse Correctional Centre held meetings with inmates at WCC. Inspector Andy Seidemann visited rural detachments to meet with RCMP members, different Advisory Committee members attended those sessions. AYC President Bev Buckway met with municipalities, and hosted a public meeting in Whitehorse with a facilitated interview matrix discussion, followed by an open question and answer session.

Lorraine Netro and Lois Moorcroft organized, facilitated, and attended several meetings in Whitehorse with women's groups to encourage Yukon women to speak directly to the three Co-Chairs about the police, and bring forward their concerns and recommendations. Two meetings were held specifically for Yukon First Nations women. The Co-Chairs were invited to a meeting with staff and clients of Kaushee's Place, the Yukon Women's

Transition Home Society to hear directly the concerns of women who are forced to leave their homes because of their male partner's violence. One meeting was held for women only, to encourage women to speak who might be intimidated by the presence of the RCMP Chief-Superintendent and Deputy Minister of Justice. CYFN Co-Chair Simone Arnold attended this session; a facilitator and counsellor were present. A women's meeting was held at Help and Hope for Families in Watson Lake. Appendix 7.5 lists the meetings I attended during the review.

Lois Moorcroft and Lorraine Netro kept notes at the meetings they attended, and have each prepared an interim report. Moorcroft reviewed minutes, the notes prepared by participants and those posted on the web, and analyzed the data to prepare a summary of the findings and recommendations that were presented by Yukon women who participated in the review. A final report will be prepared when the public engagement is completed, based on the initial findings and recommendations, public input, a literature review, research, and legal analysis.

### **Literature Review:**

I undertook a literature review to better inform the recommendations in this report to improve police service to women. Canadian Centre for Justice Statistics (CCJC) and Statistics Canada publications document the prevalence of violence against women. Justice Canada and Status of Women Ministers publications address responses and best practices for violence against women and the criminal justice system. I asked the RCMP for its Yukon records of sexual assault and domestic violence incidents for the previous five years, and for data on the use of Conductive Energy Weapons (CEWs), or Tasers® by Yukon members.

Seven people died in Yukon during interactions with RCMP or in police custody between 1999 and 2009, five men and two women. Four people died in cells. Upon request, the Department of Justice provided the transcripts of the Proceedings of Coroner's Inquests held into these deaths. In 2000 an aboriginal woman stopped breathing and subsequently died after being held in the Whitehorse 'drunk tank', jury recommendations addressed RCMP practices in the detachment holding cells, and the need for a committee to develop a continuum of care. In the case of Heather Benson, who died in a motor vehicle rollover in 2003 while she was being transported by RCMP from Tagish to Whitehorse to appear before a Justice of the Peace, Coroner's Inquest jury recommendations asked the RCMP to address safety policy and procedures.

The RCMP were asked to provide copies of their national, regional and unit policies related to arrest procedure, prisoner policy, informing citizens of their rights, violence in relationships, sexual assault, spousal violence, acutely (habitually) intoxicated persons, dual charging, primary aggressor, enforcement of civil orders - such as Family Property and Support Act and Family Violence Prevention Act, public complaints, and discipline of members. In addition, RCMP were asked for the unit supplements for the communities of Watson Lake, Whitehorse, Old Crow, Carcross, and Ross River related to these policy areas.



In 2009, Yukon Status of Women Council received an anonymous package in the mail titled “Sexual harassment and sexual assault in the RCMP” with a number of media clippings and court documents related to allegations against and convictions of RCMP members of violent crime against women. These events occurred between 1999 and 2009. With volunteer assistance from women's groups’ members, I investigated these reports, and made inquiries to the RCMP about their discipline policies under such circumstances. Corinne McKay, legal counsel, assisted with research on the RCMP Act and Regulations, Code of Conduct and RCMP discipline policy.

The 2010 Supreme Court of Yukon trial judgement and reasons for decision in R. v. McLaughlin and Belak was also examined. In March 2009, the complainant had attended a party at the home of one of her new colleague’s in the rural community of Watson Lake, and had consumed a considerable amount of alcohol. She later accepted an invitation from one of the constables to go to his residence with the two members, where repeated allegedly consensual sexual activities took place. Many Yukon women who attended police review meetings, some of whom attended portions of the trial, report distrust of the RCMP because of the incident and the way the force rallied to protect their own.

Reports from the RCMP and Commission for Public Complaints Against the RCMP websites were reviewed.

### **Recommendations**

The *Review of Yukon’s Police Force* afforded an opportunity for Yukon people to bring forward their concerns and comments about the RCMP. Its purpose was to develop recommendations to improve public trust in the RCMP. This presupposition, that there is a lack of trust in the RCMP, was borne out by the oral and written submissions made to us during the Review. In 2007, the national Task force on governance and cultural change in the RCMP introduced their report, *Rebuilding the trust*, with the statement:

We have also seen that there is a need to improve significantly the accountability of the RCMP to the public, to elected political leaders and to the members and employees of the Force.... A new approach to the organization of the Force and its governance structure is essential, and a new independent body is needed for complaints and oversight of the RCMP.

Rebuilding the trust is our primary goal. We believe that it can be achieved by ensuring accountability, increasing transparency, strengthening governance, providing greater support to members and employees plus the implementation of many more recommendations that will improve the organization. (*Task force on governance and cultural change in the RCMP, rebuilding the trust*. 2007, Accessed at: <http://www.publicsafety.gc.ca/rcmp-grc/report-rapport-eng.aspx>)

Public distrust of the RCMP is not a recent, or insignificant, matter. During the Review, I encountered a deep-seated fear of RCMP in many quarters. Citizens in Whitehorse, and in rural Yukon communities are sensitive to the two most high profile events that triggered the Review, the Silverfox inquest and the R. v. McLaughlin and Belak sexual assault trial. Some women said that they are afraid to go to the RCMP to report sexual assault or physical abuse. This fear puts vulnerable women more at risk of harm.

It became clear during the 2010 Review of Yukon's Police Force that Yukon people find the fact of seven citizens' deaths in-custody or during interactions with RCMP in the past ten years completely unacceptable. Four of those deaths were in cells, in the "drunk tank", even though similar inquest recommendations have been made for at least a decade, and RCMP state they have made policy changes. The deaths of these four aboriginal men, an aboriginal woman, a white woman, and a white man by actions of Yukon RCMP members, in a population of 30,000, has had repercussions throughout the territory.

Yukon people are also aware of, and disturbed by, the actions of the RCMP nationally for: killing Robert Dziekanski by an unwarranted use of the (Taser®) Conductive Energy Weapon (CEW); causing the deaths of aboriginal people in a number of high-profile incidents in the past decade; Justice O'Connor's report on the torture of Maher Arar; allegations of police threatening women protestors with sexual assault and violating women's human rights at recent G-20 meetings in Toronto; and Justice Major's report on the Air India bombing.

The RCMP face the vital task of rebuilding public trust. Based on the comments, testimonials, and submissions to the Review, there is a clear need for the RCMP to acknowledge mistakes that have been made in order to re-establish trust with Yukon women, First Nations people, and all citizens. The police are essential to a resolution of the current climate of distrust in the Yukon, and the national, RCMP. Women's groups request profound change, as found in the preliminary recommendations below.

These recommendations suggest ways the police can demonstrate the stated RCMP commitment to be more accountable to the people they serve. As a representative of Yukon women's groups on the Review's Advisory Committee, I offer recommendations to address in particular the concerns of Yukon women. They are a work in progress. They address institutional change within the RCMP organization, changes to national and regional practices, and actions RCMP could take in Yukon communities. Political action, legislative initiatives, policy changes, consistent actions of RCMP leadership and rank and file members, civilian oversight, police committees, and improved relationships with women's groups, First Nations' governments, agencies, citizens, and communities, are all required to implement the recommendations. The Yukon public have expressed cynicism about whether recommendations will be implemented, which must be addressed in the Review's final report. Successful implementation of the recommendations will further the goal of building trust with the Yukon public, including women and First Nations citizens.

The recommendations section of this report is informed by conversations with women and the public at meetings in Whitehorse and the communities between May and August. Further research, and public engagement in the Review of Yukon's Police Force is ongoing into September 2010.

The section is organized into six categories according to the priorities identified in the Terms of Reference for the *Review of Yukon's Police Force*. The six inter-related categories are: 1. Responsive and accountable police force; 2. Public complaints; 3. RCMP skills and training; 4. Services to vulnerable people; 5. Best practices; and 6. External investigations and review.

## **1. Responsive and accountable police force**

### **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

Yukon Government (YG) and RCMP "M" Division adopt a community based policing model for Yukon, with an emphasis on crime prevention, partnerships and collaboration that are adaptable to the needs of individual communities. The YG Minister of Justice would seek advice from representatives of women's groups, First Nations, and communities to set the objectives, priorities and goals of the Territorial Police Service.

#### RECOMMENDATION 1.2

RCMP "M" Division, and Yukon Government commit resources immediately to establish an impartial and independent legal advocate position that will assist women victims of violence and women who are charged with offences in their dealings with the police and the justice system. This position will work closely with Yukon women's groups, and provide support and act as a liaison for the victim and the domestic violence response team (see Recommendation 4.1).

Many women spoke about the need for change throughout the criminal justice system. A legal advocate for women would be a start. For more recommendations on improving police service to women, see Sections 2, Public complaints, 3. Skills and training, 4. Services to vulnerable people, and 5. Best Practices, e.g. responsible and respectful behaviour, serious and professional investigations when women report violence, increasing numbers of prosecutions and convictions for crimes of violence against women, respecting women's integrity, and establishing sexual assault and domestic violence response teams that include medical support, and work with frontline women's groups and community agencies.

#### RECOMMENDATION 1.3

Yukon RCMP issue a report to demonstrate lessons learned and how RCMP has responded to improve its policies and police services based on the recommendations found in Yukon Coroner proceedings, of inquests into the seven deaths of citizens where RCMP was involved: John Tibbett Jr., Harley Timmers, Madeleine Henry, Freddy Stewart, Heather Benson, Clark Whitehouse, and Raymond Silverfox (Inquest proceedings, Yukon Coroner. 2000 to 2010). RCMP offer to meet with family members who survive these men and women to bring resolution to their deaths.

#### RECOMMENDATION 1.4

RCMP and Government of Yukon implement the practice of transportation of intoxicated persons to a medically attended secure custody facility, and/or release of intoxicated persons to friends or family members where it is safe to do so.

At the 2000 Madeleine Henry inquest, an RCMP sergeant described the Anchorage Safe City Program, which operates a transfer station staffed by trained medical personnel to deal with intoxicated people, “who gather medical evidence, and treat people as humans”, (2000, p. 361). At that time the Anchorage transfer station had been in operation for 15 years without a single death. The Henry Coroner’s Inquest jury recommended that GY and RCMP research the “Safe City Program, and form a committee with a number of agencies to develop a cooperative continuum of care and/or prevention for individuals and families affected by alcohol and/or other substances” (2000, p.410). Such an approach could be used to implement recommendation 1.4.

#### RECOMMENDATION 1.5

Repeal the section of the RCMP Act that allows members to resign or retire to avoid discipline. Establish new powers to discipline police officers for at least five years after their retirement. Make revisions to the RCMP Act, Regulations, and Discipline policy to improve member accountability for unacceptable or criminal behaviours.

Currently, RCMP must be active members in order to be subject to disciplinary measures; many RCMP have resigned to avoid disciplinary measures when faced with allegations of sexual harassment and sexual assault. (2009, Clippings file.)

#### RECOMMENDATION 1.6:

RCMP “M” Division make a formal apology to First Nations people, and acknowledge past wrongs that continue to foster mistrust in the police. RCMP “M” Division, YG, and First Nations governments meet to build constructive working relationships, and to develop acceptable language for the apology for historical wrongs. (e.g. Residential schools, deaths in custody, removing children from First Nations’ families, violent and racist acts towards First Nations citizens.)

#### RECOMMENDATION 1.7:

Through more training, RCMP members increase the practice of non-violent communications, and use skills to de-escalate situations instead of resorting to violent force, whenever possible. RCMP use the language of empathy and negotiation, and adopt peaceful means of conflict resolution.

See also Section 3. RCMP Skills and Training for other recommendations linking improved training to a more responsive and accountable police force.

#### RECOMMENDATION 1.8

Abolish the use of the Taser® Conductive Energy Weapon (CEW) in the Yukon. In the interim, maintain and publish annual statistics of the number of times the CEW is used by RCMP members, and the circumstances. Until the use of CEWs ceases, monitor and document its use by RCMP, the number of times a CEW is deployed, the circumstances including the sex, age, and ethnicity of the subject and the alleged offence, the number of times a member uses a CEW, and maintain annual maintenance and inspection records.

#### RECOMMENDATION 1.9:

See Sections 3. Training, and 5. Best practices, for recommendations on:

- RCMP knowledge of medical needs, Kits on Ice, date rape drugs, condom use, healthy sexuality, trauma, Canadian Charter of Rights and Freedoms protections, and local resources;
- Knowledge of prosecution of violent crime, criminal law, evidence gathering
- Community safety measures, e.g. Family Violence Protection Act Orders;
- Interagency cooperation and information exchange [community and service agencies input into annual RCMP priority setting];
- Sexual assault and domestic violence response teams that include medical support.

#### RECOMMENDATION 1.10:

RCMP ensure cameras are present and working in RCMP vehicles and the “garage” of the Whitehorse RCMP building, to be able to monitor complaints that people are beaten.

First Nations, street people, and frontline service agency staff reported many allegations of RCMP violence.

#### RECOMMENDATION 1.11:

Ensure an appropriate body is established to develop a workplan with quarterly and annual achievement goals for all recommendations accepted by the Co-Chairs representing the three parties to the Review: Government Yukon, RCMP, and Yukon First Nations.

## 2. Public complaints

### **Review how public complaints relating to the RCMP in Yukon are currently dealt with and make recommendations on any required improvements:**

“The police have to be policed too.”

The process for the public to file complaints about the RCMP is confusing, and information about it is not readily available, particularly for vulnerable or marginalized people. While some Yukon citizens had found the Commission for Public Complaints (CPC) phone number, 1-800-665-6878, and filed complaints, reports of timely and adequate investigations were not common. Instead, we often heard that complaints aren't appropriately handled. Below is an explanation of how the process unfolds, based on a flowchart found on the CPC website.

Under the current regime, whether a complaint is made directly to the RCMP, to the CPC, or to a provincial authority, the complaint is first referred to the RCMP for investigation. If the complainant is dissatisfied with the RCMP's report, he or she must request the CPC to review the report. The CPC then decides that the RCMP report is satisfactory, or review the complaint without further investigation, ask the RCMP to conduct a further investigation, conduct an investigation itself, or hold a public hearing. The CPC then either sends a 'satisfied report' to the RCMP Commissioner, Minister of Public Safety, the complainant, and the member(s), or sends an interim report to the RCMP Commissioner and Minister of Public Safety. It is up to the RCMP Commissioner to determine what further action will be taken. If no action is taken, reasons will be given. The CPC Chair sends a final report to the RCMP Commissioner, Minister of Public Safety, the complainant, and the member(s). (<http://www.cpc-cpp.gc.ca/srv/sta-norm/cp-pp-eng.aspx>)

As we heard during the Review, civilian government should provide a check and balance to what is essentially a para-military police force, and this isn't happening. Members of the public clearly believe that the RCMP shouldn't investigate itself, and recently the RCMP has adopted this position nationally. Changes to federal and territorial legislation are required to make such a change. This issue is also addressed in section 6. External reports and investigations.

#### RECOMMENDATION 2.1

Every police wear a video-camera to record public interactions so that police misconduct, or false allegations of complaint, can be properly assessed.

#### RECOMMENDATION 2.2

Incorporate standards and accountability into a Yukon community-based policing model. Require an external investigation for all in-custody RCMP deaths.

Investigate the possibility of a law enforcement review agency.  
Establish an independent and impartial public complaints agency that will conduct vigorous independent investigation and handling of public complaints.  
Resolve jurisdictional issue re RCMP Act, Yukon legislation, Territorial Policing Agreement, First Nations governments, and municipalities.

#### RECOMMENDATION 2.3

RCMP and GY provide public information about the current complaints process. GY monitor the current Commission for Public Complaints process to ensure complaints are addressed appropriately, and that the requirement for RCMP to respond in writing within 30 days of an initial complaint is followed, (mindful that federal legislative change will take some time to implement).

#### RECOMMENDATION 2.4

Improve access to information on RCMP policies and procedures related to decisions made on any and all complaints of police misbehaviour or misconduct. Ensure the timely reporting of the number and the nature of complaints, findings made, the number of unfounded complaints, and actions taken as a result of found complaints. [*Federal Privacy Act*]

#### RECOMMENDATION 2.5

Remove the ability of RCMP members to accept an early pension and thus avoid accountability for misconduct. [*RCMP Act*]

### **3. Skills and training**

**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

- Process required for the recruitment of women and First Nations into the RCMP program;
- Process to screen out recruits who display sexist or racist attitudes or behaviours;
- Process to discipline or dismiss members that display sexist or racist attitudes or behaviours;
- Establish a more comprehensive gender and culture awareness training regime for the RCMP;
- Lengthen the initial Depot training in Regina to a minimum of two years, with 2 10-month sessions and work placement in between;
- Adopt a four year apprenticeship model with 6-week training sessions after the completion of years 3 and 4 of policing, increasing responsibilities over time;

- College or university education as entry level requirements to the Force;
- Increase the numbers of women instructors and recruits, offer more human rights training at depot by male and female instructors who incorporate these values;
- Involve First Nations in regular training and recruitment drives;
- Use respectful communications - try First aid, and “Are you OK?” or “Do you need help?” instead of RCMP member “applying pain to the back of the ear to see if the person is conscious” (Henry inquest);
- Provide RCMP with professional training on power and oppression, sexualized assault, domestic violence, dynamics of woman abuse, feminist critiques of masculinity;
- Ensure recruits obtain knowledge of medical needs, Kits on Ice, date rape drugs, condom use, healthy sexuality, trauma, Charter protections;
- Offer specialized training for sexual assault and domestic violence response teams that include medical support:
  - Specialized training in evidence gathering, approaching and interviewing traumatized and socially marginalized people;
  - Education on prosecution of violent crime and criminal law;
  - Address the use of black humour, and RCMP becoming desensitized to violence, death, and brutality, by holding annual professional development that include professional psychological and mental health assessments;
- First Aid, CPR, emergency response, water rescue, annual refreshers and requirement to maintain current certification.

### RECOMMENDATION 3.2

Provide Yukon-specific training, developed in consultation with women’s groups, First Nations, and the Northern Institute for Social Justice that includes the following:

- **Violence against women in the north**, missing and murdered aboriginal women, disappeared women along the “Highway of Tears”, an understanding of the differences between women’s and men’s response to violence;
- Training on community safety measures, e.g. Family Violence Protection Act Orders, Family Property and Support Act Orders;
- Gender and cultural awareness training, encourage non-judgemental and compassionate perspectives;
- **Knowledge of RCMP history in the north**; Yukon RCMP need knowledge of historical and contemporary RCMP/ First Nations relations, the contributions of YFN community constables to RNWMP and police survival, RCMP agency removing FN children and transporting them to ‘residential school’, the 60s scoop, five YFN citizens deaths during interactions with or in RCMP custody between 1999 and 2009;
- Yukon First Nations history and culture;
- YFN land claims legislation and self-government rights;
- Knowledge of Yukon environment, weather, hypothermia, water rescue.

### RECOMMENDATION 3.3



Establish a process for community orientation of new RCMP members. A local police committee would be responsible for developing an orientation protocol for each detachment in collaboration with First Nations government, municipalities, service agencies, and women's groups. The committee would advise the Minister and RCMP on the community's annual priorities for policing.

#### **4. Services to citizens in vulnerable positions**

##### **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;**

It is in the public interest to better investigate and more rigorously prosecute cases of sexualized assault and woman abuse. This would be a deterrent to that crime. A thorough investigation by qualified investigators is the first step in a successful prosecution. The reported rates of crimes of violence against women are extremely high in the Yukon, and the reported rates are a fraction of the actual incidents. (Statistics Canada, 2006, Victimization Survey) Spousal homicide rates [in Canada] are almost eight times higher for aboriginal women than for non-aboriginal women. (CEDAW/C/CAN/.2008. [29])

Women said that they are afraid to go to the RCMP to report sexual assault or physical abuse. Police have told women they shouldn't have been there; they asked for it, they shouldn't have been drinking. Women report RCMP take a long time to come when they call, or fail to do a proper investigation. These attitudes unjustly blame women for male violence.

#### **RECOMMENDATION 4: IMPROVE INVESTIGATION AND PROSECUTION OF SEXUAL ASSAULT, ASSAULT OF WOMEN, AND DOMESTIC VIOLENCE**

- 4.1 RCMP, YG Justice, and Federal Office of Public Prosecutions establish a sexual assault and domestic violence response team that includes medical support and access to victim services. Women's groups, including First Nations women's groups need to be involved in the design and delivery of the response team; it could be build on the current Sexual Assault Response Team (SART) model. The legal advocate (see R.1.2) would be able to provide support and act as a liaison for the victim and the domestic violence response team.
- 4.2 YG and RCMP follow the existing RCMP National policy on primary aggressor to assess who initiated the violence in calls to domestic violence complaints. Establish guidelines for police to use a primary aggressor screening model, whether either person acted in self-defence, the history of violence between the persons, differences in physical size. Require Crown review and approval of proposed dual charges for spousal violence, to ensure that women are not being charged when they are protecting themselves or their children from harm. (FPT

- Working Group, Spousal abuse policies and legislation, 2001) Investigate whether primary aggressor legislation is appropriate for Yukon.
- 4.3 RCMP and Crown establish a sexual assault and domestic violence prosecutor team with training and expertise in evidence gathering and criminal law, and adopt skilled interview techniques, such as the response-based interview model developed by Dr. Allan Wade.
  - 4.4 Set a goal of increasing prosecutions of woman assault charges from the current rate of 10% to 50% within one year, 65% in two years, and 80% in three years.
  - 4.5 RCMP ensure that members sent to investigate all sexual assault, domestic violence, and woman abuse cases are bilingual when the complainant's first language is French, have an understanding of the nature of violence against women, violence against women in aboriginal communities, and women's responses to violence.
  - 4.7 RCMP, YG, Federal Crown work with women's groups to establish, and monitor the success of, the above initiatives.

See related Recommendations 31, 3.2, 3.3 and 5.2.

#### RECOMMENDATION 4.8

YG and RCMP assist with funding and other resources for a northern conference honouring women's resistance.

#### RECOMMENDATION 4.9

RCMP immediately adopt an interim measure to allow access to family members to see intoxicated persons who have been taken into custody, to make sure they are safe in cells, even if it's not safe for RCMP to release them to family members or other community service agencies.

#### RECOMMENDATION 4.10

RCMP deliver pamphlets to youth and citizens about their human rights, not just 'reading their Charter rights' when arresting people.

### **5. Best practices**

#### **Identify and build upon successes and best practices in the delivery of policing services to Yukon.**

Women said they want to see the RCMP move away from acting separately, with a segregated mentality. Women described RCMP institutional successful interagency work

that has occurred in the past, and acknowledged many RCMP members who were good leaders or role models.

#### RECOMMENDATION 5.1

RCMP demonstrate sincere, respectful behaviour towards women. Be kind. RCMP participate consistently on inter-agency committees dealing with sexual assault, spousal violence, crime prevention, and community safety priorities.

#### RECOMMENDATION 5.2

Set a priority on recruiting two full troops of women at each RCMP Police Academy, with particular outreach to indigenous, racialized, and gay and lesbian women (GLTBQ), simultaneously increase the initial training session to two 10-month sessions, adding women's human rights law, sexual assault, criminal law, and CCRF protections curriculum and practice. In general, increase RCMP recruitment to represent the cultural and ethnic makeup of communities.

Citizens take pride in seeing police from different backgrounds, and it's easier to build trust in communities if the police are not strangers, 'outsiders'. Women are approximately 20% of the members of the RCMP.

#### RECOMMENDATION 5.3

RCMP seek advice from the communities it serves. Develop standards, procedures and policies in consultation with vulnerable groups. Incorporate community's values and expectations into RCMP policing practice.

#### RECOMMENDATION 5.4

Mandatory RCMP participation in interagency cooperation and information exchange, provide for community and service agencies input into annual RCMP priority setting.

#### RECOMMENDATION 5.5

Provide a ride-along program, so that First Nations' Chief and Council, municipal council, and community service agencies' staff working with vulnerable populations regularly accompany RCMP on patrol.

#### RECOMMENDATION 5.6

YG and RCMP collaborate with the staff of transition homes and other women's groups to conduct a fully funded Yukon Court Watch, to follow cases of violence against women and women charged with assault when there has been a history of victimization. Information would be collected and a report submitted annually to women's groups for analysis, and to inform an annual evaluation report to the RCMP.

## **6. External Investigations and Reviews**

**Review and make recommendations on how best to implement in Yukon the existing RCMP policy on External Investigations and Reviews.**

### RECOMMENDATION 6.1

Establish a complaint body that is independent of the RCMP.

This recommendation requires analysis of jurisdictional issues, and consideration of the proposed new federal legislation. The RCMP and the Government of Canada has stated a commitment to external investigations and reviews.

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