



REACHING OUT FROM BOTH SIDES:

Kwanlin Dün First Nation Report to the Review of Yukon's Police Force

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THANK YOU

The title of the report "Reaching Out From Both Sides" is a direct quote from one of the participants at the community meeting. The authors of the report are grateful for the gift of the title and the fact that it references a need for willingness to renew and invest in relationships that comes from both sides as well as the need for change on both sides.

The generous offering of time and energy by all those who shared their stories is also greatly appreciated.

The guidance and support provided by the First Nation leadership and staff was fundamental to the success of the project.

The community members that assisted the consulting team were invaluable in gathering support and information.

OVERVIEW

The Yukon Government and the RCMP are working together to review policing in the Yukon. The Review of Yukon's Police Force was launched in April of 2010 and is led by three Co-Chairs: Dennis Cooley, Deputy Minister of Justice (Yukon), Superintendent Peter Clark, Commanding Officer "M" Division of the RCMP and Simone Arnold, Manager CYFN Justice as a representative of Yukon First Nation people.

The Review intends to: 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 enhancing 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 in Yukon; and review and make recommendations on how best to implement in Yukon the existing RCMP policy on External Investigations and reviews.

Kwanlin Dün First Nation has completed an internal process through which this report has been developed to present to the Review Co-Chairs. The project was funded by the Yukon Government. The report sets out both strengths and problems with the policing services along with a series of recommendations in the following areas:

- Relationship rebuilding and agreements
- Staff selection and promotion
- First Nation RCMP members and Justice staff recruitment and retention
- Cultural awareness, cultural competence and behavior
- Training and professional development
- Working with youth and the community
- Care for the acutely intoxicated in cells
- Monitoring and evaluation of behavior and impact
- Employee assistance and other support
- Community policing and peacemaking
- Complaints about the RCMP
- KDFN investment

1.0 INTRODUCTION

The Yukon Government and the RCMP are working together to review policing in the Yukon. The Review of Yukon's Police Force was launched in the Spring of 2010 and is led by three Co-Chairs: Dennis Cooley, Deputy Minister of Justice (Yukon), Superintendent Peter Clark, Commanding Officer "M" Division of the RCMP and Simone Arnold, Manager CYFN Justice as a representative of Yukon First Nation people. The Co-Chairs intend to make their report to Minister of Justice by September 15, 2010.

The Review priority areas are:

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 enhancing 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 in Yukon; and,
6. Review and make recommendations on how best to implement in Yukon the existing RCMP policy on External Investigations and reviews.

The Review is using a number of strategies to engage citizens in dialogue about policing, including hosting community meetings. Confidential individual meetings are also being held and written submissions welcomed.

Kwanlin Dün First Nation made a request to the Co-Chairs that a process internal to the First Nation be financially supported. The reason provided to support the request was the limited confidence in the safety and confidentiality held by KDFN citizens of the larger process. Representatives of KDFN said that the information that needed to be delivered into the review process would not come from the citizens directly to Co-Chairs at a community meeting or through other ways of talking. The belief is that the level of trust is low enough that people would not feel safe to share their stories and their ideas for a more positive future.

The internal Kwanlin Dün First Nation process was launched in early August 2010 to report by the end of the month. The citizens had a limited amount of time to engage in the process during a busy time of year, but found time due to their keen interest and willingness to believe things could improve.

The Kwanlin Dün First Nation is grateful for the financial support provided and is hopeful that the successful internal process has produced information and ideas that may be helpful in making improvements to policing in the Yukon.

The report is written in an informal style in the hope that the voices of the people will come through and that all who contributed will find their stories and ideas for the future directly reflected here. The hope was to present a balanced report, with the strengths and positive experiences as clearly laid out as the problems. However, the information collected does not support that balance and every effort will be made to both present the information gathered honestly and seek as much balance as possible. Often, when dialogue has not been open or inviting for some time, a backlog of negativity builds up as there is no outlet. When the door is opened and communication initiated, the first flow is often the concerns and problems. If the dialogue is maintained and strengthened, more stories of positive assistance and the many kind and courageous acts of those providing police services will have come forth to provide more strength to build from.

2.0 LIMITATIONS

There were significant limitations that affected the collection of information and the writing of the report. The time of year was the busiest time of year for First Nation people due to the convergence of holidays, traditional activities and preparing to go back to work and back to school in September. Having only two weeks to collection information was also seriously limiting. The time and resources provided did not support a comprehensive review of information related to policing and how it fits into the Justice system as it applies to First Nation people. There has been a lot of work done in the Yukon, across Canada and the world that could help us think about ideas for improvement. It is expected all of that information will be captured in the larger research work completed by other participants in the Review.

The information collected was all related to stories and ideas, not numbers related to anything. Therefore, the authors of this report cannot say with confidence that a problem is only a problem for one person, many people or most people. In some cases, similar stories shared by more than one person told us that it is a more common pattern but we cannot say how common. Therefore, we need to look at the information presented knowing that it does not tell the whole story and think about it carefully.

3.0 HOW INFORMATION WAS GATHERED

The information was gathered during the period August 9th to August 20th on site within the Kwanlin Dün First Nation. The information was gathered by two consultants from Whitehorse, one an Aboriginal nurse and former senior manager within government and the other a community social worker and consultant with a lot of northern experience. Both have long term relationships with the Kwanlin Dün First Nation. The community added two very helpful assistants to the team, one First Nation Elder with many community contacts and a young person with significant relevant life experience and skills in community organizing. The team worked well together and the two community members working with the team were invaluable in connecting with citizens and supporting engagement with the process. The project was carried out in three phases:

Phase 1: Project Start-Up, Document Review and Meeting Planning

Phase 1 involved the consulting team of Gaye Hanson and Teri Lindsay meeting with the Jeanie Dendys from KDFN Department of Justice and Carmen Gibbons from the Department of Health. One of our community member assistants was available to join us. The meeting with the Co-Chairs of the review and staff from the RCMP Department of Justice occurred on August 5, 2010. In these meetings the plans were finalized for communicating with the citizens, the meetings and the individual interviews and surveys. The questions to be used to guide the collection of information were also agreed upon. Key documents for review were identified and collected.

Phase 2: Collection of Information

In Phase 2, the project team completed the following information collection sessions:

- meeting with Chief and Council (4 people),
- Elders Council (11 people)
- Youth (3 people)
- Community Meeting (35 people)
- Jackson Lake Healing Camp (12 women)
- Justice staff (3 people)
- Individual interviews (32 people)
- Self administered surveys (5 people)

In total, 105 people from KDFN participated. Their concerns were very important, the strengths identified were helpful in finding a way forward and their ideas for improvement thoughtful and realistic. The project team is very grateful for the generous contributions of time and energy offered to the project within a very short time frame during an important time of year for fishing, preparing for hunting and gathering of food and medicine plants.

Phase 3: Report

Phase 3 focused on the development of a draft and final report for submission to the Review of Yukon's Police force.

4.0 WHAT WAS SAID

4.1 About the Review of Yukon's Police Force Process

Support for KDFN Internal Process

Individuals engaged in the process were very supportive of the fact that they had been given a chance to speak honestly and openly without fear of being identified by the RCMP or the Yukon Government. Citizens want to provide input but the fear level is high enough that it would have been a significant barrier to engagement.

Structure of the Review

There was concern about the make up of the Review panel and the potential for silencing of the First Nation voice. There was limited confidence that the structure of the Review would result in an honest report that lays out the reality of the situation or provides a foundation for sustained change.

As one Elder said: "How come there are no commoners on the review – not just someone to agree to what they are saying; we should pick them not them picking some "yes man".

4.2 What is Working Now or Promising for Future Improvement

This section provides some highlights of some of the areas that are working or hold promise for the future. It is hoped that further dialogue will hold many more positive stories more identification of strengths and capacities to build from.

Recognition of the Challenges faced by Police

There was significant and widespread recognition of the challenges faced by the RCMP: the difficult behaviour and threats they encounter and the emotional impact of what they see every day. Individuals said they wanted to understand the work and how they could make it better and be more supportive to the police. Concern about police officers having a method of debriefing and gaining access to appropriate supports for their well-being was also expressed. Some individuals wondered if the lack of appropriate supports perhaps explained some of the dehumanizing behaviour they witnessed as individual officers take on more than they can cope with and "shut down" to connecting with the pain and misery of some of the people they deal with. As one person said: "I have empathy for RCMP members always dealing with drunk people; they need more resources and healing."

Policing by "Walking Around" and "Getting Involved"

People talked about how the assignment of officers to the First Nation was working well and is a good start. There was appreciation that there have been and are officers that are doing their best to work with community leaders and First Nation staff. Some officers have been more successful than others in establishing strong relationships and engaging with community event and activities.

The “walking the beat” on foot is popular and they appreciate a policing presence. The welcoming of this approach was communicated as follows:

“The RCMP that work in KDFN are seen walking around the community and talking to people – they “walk the beat”. “The ones that work with KDFN try to get to know us, learn our names and are friendly.”

“If they are parked at the Band office it makes it look like a radar is set up and this is good because people slow down.”

“It was good when the RCMP were involved with the kids, community walks, Health Fairs and community events.”

Quarterly Meetings with Chief and Council and Commanding Officer's Advisory Committee

KDFN appreciates the value of the quarterly meetings and finds the information provided helpful in understanding crime in the community. These meetings should continue. The Commanding Officer's Advisory Committee has been in place for some time and KDFN is uncertain of its effectiveness. The roles and functions of the Committee should be reviewed by the RCMP and KDFN needs to also ensure appropriate representation to the Committee.

Strengths

Individuals involved in the information collection processes saw particular strengths in some of the officers that had rural and remote personal backgrounds and experience in the smaller First Nation communities. They know that connecting with Kwanlin Dün First Nation is more difficult than in the smaller communities due to the urban nature of the community and the size and diversity of the population.

The interests and skills that officers bring in working in the school and with the youth are particularly appreciated. There were stories shared about officers going whitewater rafting with high risk youth, skiing with the kids or serving breakfast to the little ones at the school. These expressions of care, compassion and investment in community are witnessed and speak loudly to the people.

Trust in Individual Officers

Due to the history of colonization, residential school 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.

As was said:

“Some of the RCMP follow up really good with our people – friendly – talk to you and listen.”

“Not all police mock First Nation individuals – there is good and bad on both sides.”

Positive History and Current Opportunities

The Yukon has a positive history of the Northwest Mounted Police and more recently, providing national leadership in the development of restorative justice alternatives. The powerful land claims and self government agreements provide a foundation for government to government relations and First Nation administration of justice that is unique in Canada. Yukon is a small jurisdiction with a great deal of knowledge and wisdom available to help in making things better. Yukon people are experienced at negotiating between governments, designing new solutions, relationship building and implementing change.

4.3 What is Not Working in Policing

This section lays out some of the problems and concerns. As time was limited, there was more focus in the meetings and interviews in problem identification. It is from both the strengths and the problems that solutions can be crafted.

Communication and Relationship Building

The issue of communication and relationship building came out in many different ways. The primary question is “how can you trust someone when you do not know them.” This relates to community members getting to know RCMP members and also the RCMP members getting know individuals and not just those with criminal behaviours.

Communication was spoken about as formal public communication and media relations:

“There needs to be more advertisement on how to contact the RCMP other than 911.”

“Have free telephones that go directly to the RCMP or a crisis line or a volunteer around town and at the river.”

“The role of the media in creating the public view of First Nation people is powerful and the RCMP contributes – look at the difference between the way the police related work is reported for the First Native Hockey Tournament versus the Dustbowl which is a non First Nation baseball event.”

Relationship building had a number of creative suggestions such as:

“Free rides home for youth.”

“Community liaison from KDFN involved in advocating for the citizens and could assist in filling out complaints, writing letters etc.”

Good quality public service was also referenced:

“The front desk staff members of the RCMP are really rude to First Nation people if you go down to make a complaint – they make you wait and are not professional in their attitude.”

Trust and Confidence

The context for lack of trust and confidence is well known – both historical and more current. The problem is, in part, that the negative gets communicated quickly and repeatedly in a way that the positive stories rarely do. To some extent, that is due to the patterns of lateral violence and gossiping within the First Nation community that seems to feed on the negative. As one Elder said: “They don’t bother me but I don’t think much of them.”

Followed by a staff member in the Housing Department:

“There are a lot of trust issues – they will not call the RCMP but rather call the Housing department instead and we call them on behalf of the people because they are afraid and they do not trust them [the RCMP]... the RCMP need to get to know the Elders. People would watch if the RCMP sat with the Elders and it might start to build trust.”

Repeated breaches of trust:

“I have no trust whatsoever.” “I have been refused my rights – not given the opportunity to call a lawyer.”

“I was 5 feet from my door and they would not let me lock my door to my house. They said they would do it. They did not and when I came home my door was wide open and all my food was gone – we had \$500 dollars worth of food in the house and it was all gone.”

“I had a bad experience when my son left [died] – a police officer and a nurse were heartily laughing at my dying son on the hospital bed ... they laughed at him getting hurt because he was doing a “jackass” move. A few hours later he died but he was awake and struggling for breath and heard them before he died.”

“The RCMP can beat and murder the First Nation person and get away with it. Harley Timmers was murdered – three bullets – one in the head and 2 in the chest and they call it self defence, Harley did not have a gun and neither was he trying to reach for a hand gun. How can the RCMP fix that?”

Safety

The concerns about lack of safety when in an encounter with the RCMP or in custody was the most common theme throughout the stories shared. People feared for themselves, their family and friends. People believed that RCMP action can be random, without cause and unpredictable. In some cases, individuals acknowledged that they were involved in public drinking or other illegal activity which was an invitation for police

involvement. Many times, it seemed to be “wrong time, wrong place, First Nation person” that added up to police attention.

Comments include:

“My worry is if I will ever see that person alive again. So I always say goodbye when I see someone getting arrested.”

“They target people who are too scared so they won't complain.”

“They know I am an educated First Nation woman with a good job, so they treat me differently.”

Concerns about safety in cells:

“I worry about the safety of First Nations [people] in the holding cells.”

“Strip search is used as punishment for the young women – they strip you, make you squat and cough and then laugh at you when they leave you naked in the cell. It makes you feel even more worthless and even more ashamed which does not help you sober up.”

“Have a woman from the community be with the woman in cells before the strip search as this can happen right away.”

“There must be male and female KDFN citizens who could work with the RCMP; they can attend cells and work in conjunction with cells [staff] and be on call and make sure our people are OK.”

“Suicide watch is also used as punishment – there was a 13 year old woman who woke up naked in cells – think of the trauma – they think we won't remember but we do especially when it is repeat trauma from childhood, we can't forget.”

“I was in cells and there was blood in there from another person – I told the guard and he didn't do anything.”

Use of the drunk tank:

“I have been thrown in the drunk tank when I have only had one or two drinks – they do not even have to prove that you are drunk – they just want to fill it up, maybe...”

“People in the drunk tank are victims of police harassment and brutality – they think if we are drunk that we will forget but we don't “our people get assaulted in the drunk tank”

Related to child welfare and child apprehension:

Since the days of residential school and the breakdown of traditional parenting roles and responsibilities, child apprehension and the involvement of child welfare agencies on First Nation family life has been a fact of life. The RCMP officers have often been involved in the removal of children from their mothers and their homes.

Individuals interviewed, specifically women said:

"I am afraid to call the police if I am threatened with physical or emotional abuse as I know they will take my children no matter what I do."

"I know there is a double standard – the non-native foster home that had my child had drinking parties and even though I could prove it, the child was not taken away from them."

Concerns about safety during police response:

"A lot of female cops are well known for their use of violence – one KDFN member received a detached retina as the RCMP officer dug her fingers into her eye."

"I was in the apartments and someone called in a complaint. I was asleep in the bedroom and all of a sudden there were RCMP members outside and they asked me to get out a second story window. I went to climb out and they grabbed my ankle and threw me to the ground hard as I was a very small young woman. I was handcuffed, a gun was put to my head and put into cells for hours."

Concerns about safety during the court process:

"In the Watson Lake case it was obvious that the victim was being intimidated – the court room was full of members in full uniform and they just stared her down – no wonder she was an "unreliable witness."

Comments from women about being roughed up for no reason:

"They try and egg you on, you know, provoke you" and "even when I was cooperating, they injured me and didn't take me to the hospital – my fingers were bent and I had to straighten them myself – they held me for 12 hours – it seems the younger cops like to rough you up more – they must be from the city."

Overuse of Tasers® on men and women:

"They pull out Tasers® unnecessarily and use them as a threat – one police officer used it all the time – the cop was afraid of everyone and used it all the time."

Taking people out of town and dropping them off as punishment:

"People are being taken at 40 below and dropped off at Fish Lake and told to walk back to "see if you make it back" – it happens here too [like in Saskatchewan]. There is a general sense that the only reason that there have not been deaths is due to the resilience and resourcefulness of those targeted."

"Driving too fast when they have someone in the car."

Lack of respect for need for privacy and confidentiality:

“Too much pressure to give your name to the RCMP when calling 911”. There are reports that the RCMP tell neighbours or the drug dealers and you and your family members are even less safe after that so you just stop calling.”

“When we seek anonymity as a caller – keep it that way.”

Understanding, Cultural Competence and Positive Response to First Nation People

Second only to the concerns about safety, the request to be understood was most common. Individuals see the disrespectful behaviour on the part of RCMP officers due, in part to the lack of understanding of First Nation history and culture. The assumption is that increased awareness and knowledge would change behaviour. Experience tells us that information alone can worsen problems by providing a foundation for even more well-informed stereotypes and fuel for even more targeted racist comments. The information needs to be linked with the development of cultural competence at the service delivery interface and throughout the organization. Accountability for appropriate and respectful communication both internally and externally needs to be linked to employee performance and advancement.

Stereotypes, prejudice, systemic and embedded racism within the RCMP was linked to southern experience and things being worse elsewhere in Canada. As RCMP officers often work in other parts of Canada before coming to the Yukon, their negative attitudes are set in other places. Increased training is recommended by most people engaged in providing input. Information on cultural differences, the history and impacts such as residential school and the intergenerational effects need to be presented, understood and observable in the behaviour of officers and Justice Department staff.

Some of the comments received included:

Racist language:

“squaw, b...., tepee creeper, wagon burner etc.

Judgemental, preconceived ideas about First Nation people:

“Lack of respect – “they think we are stupid”, they are prejudice and treat us poorly because we are native – they call us down and “they think all Indians are drunks.”

Lack of respect and care provided to others:

“They don't care for First Nation people the way they care for other people.”

“Lack of education / knowledge on impact [of colonization and residential school] and link to drug and alcohol use – use in conjunction with use of Tasers® means people are dying in their care – they need more education on how to deal with our people and where we are coming from.”

Disrespect, name calling, verbal abuse, racist comments, comments intended to humiliate:

“They come off like they have the right to treat us poorly – I asked about substance abuse programs because I am not from here and they told me there was only jail.”

The lack of cultural understanding and the racist behaviour:

“I was in a police car and they were laughing and pointing to a drunk native person on the street.”

“Be more respectful of our people – don't treat victims like criminals.”

Rural – urban differences in approaches:

“Train RCMP together and hook small town cops with the city cops so that they learn what it is like in a small city or community.”

“The native is running all the time like the black man in the states; how are you going to change it – with the RCMP, we are nothing...”

Recommendations for cross-cultural training for the RCMP and Department of Justice staff:

“Cross cultural training has to be added – I said it 20 years ago – we need to know more about each other; Chief Jim Boss, Skookum Jim – they need to understand where the pride and history is – we want to know why they prejudge us; the RCMP need to treat us accordingly and learn the difference between a good person and a bad person.”

“They need to be tested in Aboriginal Awareness – they need to know the history and culture and go out on the land and experience it first hand.”

“Increase training on the impact of residential schools including how intergenerational affects impact relationships with authority figures.”

“The Department (Justice) not the police need to change in areas of policy and their [cultural competence related] training.”

“Senior people in supervisory position need to be trained.”

“New recruits do not know anything about the street people.”

“Some of the changes have to be national to make sure it is in the training and the experience they get in other places.”

Day and Night Coverage

Individuals expressed appreciation that the RCMP presence was observable during the day but not usually during the night when there are more problems in the community.

Statements included:

“You see the RCMP up here parked at the Band office during the day but they are not here at night when they are needed.”

“They need to come up here more often, especially at night.”

“They need to increase their hours in Kwanlin Dün.”

Fear of Associating with the RCMP

As much as people want better relationships, there is fear of what the criminal element within the community will see when they see people talking to the RCMP and worry about reprisals decreasing safety:

“I [a male Elder] was asked to accompany the RCMP in their walk around town. I refused because I am worried that the drug dealers will think that I am a snitch and target me or my family – it is not safe to be seen with them.”

“Change community views about speaking to the RCMP – get rid of that old “rat” mentality.”

Appropriate Response to Disability and Diversity

There are individuals affected by disability such as Foetal Alcohol Spectrum Disorder and brain injury that are not able to understand the nature of charges or conditions for probation that end up in and out of jail.

Comments include:

“The jails are full of us”... we have become the “white man’s economy as they all make a living from keeping us in there.”

Also concerns were communicated about RCMP officers that do not understand the north and smaller communities. They often have little experience with First Nation people with more traditional, less mainstream (acculturated) world views and life experience.

Urban attitudes:

“Big city attitudes – they don’t understand the north.” They [the RCMP] give lip service to having 14 status natives working in the Yukon – ten of them look white and grew up white – we need cops who have lived the native life. Most of them don’t know the first thing about culture or the way of life because they have never lived it.”

Appropriate Response to Potentially Life Threatening Illness and Injury

As part of the concern about safety, there is proof in recent experience that an individual under the influence of alcohol or drugs, has a medical condition or that has been physically assaulted can have somewhat hidden life threatening injuries. The RCMP needs additional capacity to assess and monitor these situations.

Medical conditions and health problems:

“They need to understand that we can't break down sugar like the white culture”
[Diabetic states of high or low blood sugar can look like intoxication and be life threatening]

“They need to know that people with addictions have many health problems.”

Staggering:

“The aging process makes you lose your balance.”

Appropriate Response to Alcoholism and Drug Addiction and Mental Health Issues

As a group requiring special care, there are those that are addicted and chronic users of drugs and alcohol. To the extent possible, they need appropriate care and to be left with some dignity. Many individuals struggling with addictions have complicating mental health problems that need to be understood in order for the response to be appropriate and the trauma that may have been a cause of problems not repeated and deepened.

Comments include:

Respect:

“There is very little respect – they ridicule people who need their help the most – they have a low tolerance for individuals who are intoxicated or high.”

Skills:

“They need education on how to handle an intoxicated person – also cultural training so they understand why.”

Justice system response to FASD and addiction:

“Stacking charges is a game to make sure someone is kept off the street. They charge the person knowing they are addicted and put a bunch of conditions for probation that they know will be breached so by the time they get to court they have one real charge and 15 or 16 breach charges so they get a lot more time. In some cases they are FASD and do not even understand the conditions.”

Appropriate Response to Domestic Violence and Sexualized Violence

The report from women's community representatives will go into this area more comprehensively. There are concerns about unfair unequal treatment as women that fight back against physical assault to protect themselves get charged.

The comments received included:

Lack of Understanding of the potentially deadly nature of domestic violence:

[to a woman making a complaint of domestic violence] "What you need is a counsellor and we are not counsellors."

"They need to be treated with respect and compassion." They need more help and have unique needs – they are co-dependent and each journey is different."

Suggestions:

"Family members should be present to offer support even if they did break the law and are in the drunk tank – they have feelings and are hurting and having family there would be supportive."

"There needs to be some sort of counselling available if women are in the drunk tank – refer to counsellors, resource people, Indian doctor..."

RCMP Escalation of Violence and Use of Violence

There are reports of RCMP members intentionally baiting a First Nation person to see if they can make them angry and take an action that will result in another charge or a more serious charge. Instead of using skills to defuse the situation and calm a person that they are dealing with, they intentionally escalate the situation instead. Several people wondered aloud if the RCMP even have the necessary skills to de-escalate a situation as it is not usually observed.

The reports of use of violence and the consequences include:

"They have replaced taking us in the back alley and beating us with flashlights to letting their dogs tear us up and using Tasers® - you need to talk to them and ask them not to let their dogs chew up our people – I saw a man who had his arm all chewed up and it was infected. There was another man who had been Tasered® eleven times – I saw the burns – good thing he was big and strong or he would be dead – they also used mace on him even though he was listening."

"You watch your friend get roughed up and you know if you say anything, you will be next or be their target later."

"Stop being so violent / rough with our people."

Unnecessary roughness from the RCMP was spoken of and reported repeatedly by every group engaged in the process - including reports of physical abuse: "they beat my dad up in cells", "banged my head against a car door" and aggressive attitudes.

Appropriate Response to Calls to the RCMP for Help

The lack of appropriate response and slow response time to calls for help were also a reoccurring theme. Comments include:

Response time:

"Response time to the subdivision can be very slow and sometimes not at all – by the time they get there the violence has stopped and everyone has run away – repeat callers get an even slower response – almost saying they deserve what they get."

"There is a serious lack of response time – if they do some they treat our people in a very violent way – wait times can be up to 45 minutes to hours. They come into your home and address you aggressively and in a hostile way – people hesitate to contact the RCMP for help because of how they know they will be treated – they need to treat us more like human beings."

"Dispatchers at 911 are disrespectful, judgemental and ask too many questions."

"Take 911 calls seriously and respond to them – train the dispatcher to be courteous."

Community safety and protection:

"As an Elder, I feel I have very little protection – drunk people try to break in and I am defenceless. When I call for help it takes 20 minutes or more for the police to arrive."

"As an Elder living out of town in an isolated place, I do not have any protection from my neighbour as we are the only ones out there. I call in and they talk to him on the phone – what is the use of calling.... Things have been so much worse since the [residential school] payouts."

"They don't do anything about the drug dealers or the bootleggers."

"The young kids are getting hooked on crack because nothing is done about the crack houses."

"I have an awful fear of getting broken into when I leave my house – if you leave your house it will be like my friend who had all of her jewellery stolen, if I stay away too long, I am afraid so I only go for short periods; I want a big dog but I don't want to hurt anyone."

"Police don't help when we get beat up – they take sides and put the wrong one in jail."

"Proper procedures not followed – not taking statements or taking them days later when things are forgotten."

Inappropriate response to police reports:

“Two [First Nation] men who needed to eat went to McDonald's and found the place unlocked, so they went in – a bunch of street guys followed them in. The fellows reported the open building and waited around for the RCMP. The focus of the RCMP attack was on them rather than the street people. One was bi-polar and the other person his attendant. The cops beat these guys up and put them in cells. They went to the hospital the next morning. First Nation people need to be there to assist the RCMP and keep people in cells safe – watching the camera or the person all the time.”

“34 under age kids with lots of booze and very intoxicated on Taylor Street and the RCMP did nothing – most were First Nation kids and they didn't care.”

Identified people and homes for modified police response:

“Some individuals seemed to think who you are and where you live makes a difference to the police response.”

“How they deal with complaints from our people; they ignore us as if we don't count – have proof [to support the complaint] and the police won't do anything about it.”

“Response time is slow or not at all – I have seen it – they will finish their coffee break or if it is a repeat caller they will wait to respond – they don't want to deal with you if you are First Nation. A really late response means that nothing is going on by the time they get there and there is no report to write.”

Unsafe Response to the Acutely Intoxicated People

The collection of information for the Review was joined with collection of information for the Task Force on Acutely Intoxicated Persons At Risk”. There are some relevant comments that came to light about police responses to these individuals:

Comments include:

“Intoxicated people at risk need First Nation people as guards and a place where we can work with people which is not detox and not the hospital.”

“Need more medical attention in cells for intoxicated people.” – a medical doctor or nurse.”

“The paramedics are being diverted to cells and are then not as available for other emergencies.”

“Doctors [at the hospital] seem to be there for the RCMP not the patient.”

“They don't seem to care – always judging.”

Relevant Experience, Staff Turnover and Broken Relationships

There are concerns about the lack of relevant training for RCMP officers and how the policies of the RCMP seem to contribute to staff turnover and broken relationships.

Comments include:

"RCMP" are like the changing of the guard; young cops coming in from the city with their cocky attitudes – laughing at First Nation people – I have observed the disrespect and how the behaviour changed when they knew they were being watched by a First Nation Elder" They need to be shown how to understand, be more aware and how to connect with First Nation people in small groups. By the time they learn anything about us they are gone – moved on to some other place. What is the point of trying to get to know them?"

"Don't send the young ones – they need at least five years experience. Life experience of the individual is important."

"The RCMP members should not come to the Yukon without a few years of experience."

"Maybe we would have better luck with the black man or the brown man from India, maybe they would understand better than the white man."

"It is hard once we build relationships with the RCMP in our community – they just get transferred."

Working With Youth

In the youth years, individuals make important choices that can influence the course of their lives. The RCMP, if relating to youth and working with youth can influence positive choices.

As was said:

"RCMP don't really listen to youth when questioning them – they have no trust in youth."

"The current KDFN RCMP not active with the youth in the community"

"Increase RCMP community participation through events, kid's sports, youth activities, walking the beat, Elders Council etc."

"One officer assigned to KDFN is quoted as saying: "I am not interested in hold their hands [the youth] as I would rather work on enforcement of the law."

Community Peacemaking Capacity

The meetings provided opportunities for various calls for community peacemaking capacity – both within the Nation and between the First Nation and RCMP.

One person said:

“For the protection of the children and the people; they had a program here once to help everyone to learn to get along – unless everyone can learn to get along, we aren't going to get along.”

4.4 Recruitment, Training, Support and Retention of FN RCMP and Department of Justice Staff

People engaged in the process would like to see more First Nation people in all ranks of the RCMP and throughout the levels within the Department of Justice.

As one person said: “Recruit more FN police.”

Alternatively, some people would like to see a First Nation Police Force:

“Cops are too young – they think they know it all; scrap the RCMP and start over; we [KDFN] almost had a police force back in 1996 – we were days or weeks from signing. It took us three years to put the book together and then an election came and the new Chief and Council scrapped it – it would have taken 5 years to phase out the RCMP. We had a retired sergeant to run it and it was like the BC First Nation [named]. We need our own – the RCMP are not trained for the north any more like it used to be with the Northwest Mounted Police – arrest, Taser®, or shoot you is all they are trained for”.

“Special constables in the old village were more involved with the First Nation – the problem is that once you meet the educational standards of the RCMP in order to get in, you think more mainstream because they have gone too far down the road with their education – they have lost the connection to culture and traditional people.”

First Nation Officers or those with good skills:

“We need cops to build relationships. It takes a long time but in the end it makes a difference – one cop in the community connected with the people, he had a good relationship with the youth – he interacts with the students, goes on trips and stuff – works with high risk youth.”

“Need First Nation person negotiating with a suicidal First Nation person.”

“First Nation people open up to other First Nation people”

Concerns about retention of First Nation police officers are also widespread as reflected in the following comments about racism internally and lack of outdoor skills:

“They ostracize their own First Nation [RCMP] members and that is not right.”

“Training is needed in the outdoor lifestyle – outdoor education – maybe that death of that young RCMP officer in Mayo could have been prevented – there were four of them and nobody made him put on a life jacket. Maybe we could teach outdoor skills with the cross cultural training.”

PTSD, Burnout, Compassion Fatigue:

The individuals interviewed and that spoke up recognized the high potential for police officers to be affected by PTSD, burnout and compassion fatigue. Left unresolved, these conditions can lead to unacceptable behaviors as officers try unsuccessfully to cope.

Some of the statements included:

“RCMP need to deal with their feelings – they carry anger and it builds if they don't catch it – seems like they are twice as hard on you if they are angry – they need counselling for the stuff they deal with.”

“Police officers need debriefing for what they go through so they don't carry it with them to the next person.”

4.5 Monitoring and Complaints about RCMP

Complaints about RCMP

Individuals stated that they understood there were several options available for the submission of a complaint about RCMP services. There was also an understanding that the process was formal and took time and had all the features of a large bureaucratic organization – impersonal and slow. Anything that could be done to provide a more personal, quicker approach would be appreciated.

Investigation of Complaints about the RCMP

A more serious concern was stated by many people – “The RCMP have to stop investigating themselves” and “RCMP investigating RCMP – that's just wrong.” People saw the process of RCMP members or police force members from anywhere in the country being involved in investigating “their own” as biased and unlikely to be fair or result in positive change. The understanding that the code of “blue on blue” means that police officers protect each other, no matter what the situation or concern. This means that there is no reasonable assumption of one police officer being objective or fair in reviewing the actions of another police officer. An independent body needs to be established to investigate complaints. “Civilian investigation teams should be utilized to see how people are treated when they are incarcerated; unbiased, open minded and non-critical.” “Impartial person should investigate rather than the RCMP.” We should go to a Committee rather than the RCMP to make complaints.” Also, building a more accessible process: the complaints process needs to be made more public – “our people may need help with this process.” In addition, complaints were heard about the fact that “we never hear anything” meaning that a complaint is issued and no feedback is received by the complainant or the community about what happened. It is understand that this does not happen in every case but one case is too many.

Targeted Retribution by RCMP

There were numerous reports of complainants or members of their families being targeted by the RCMP after a complaint had been submitted. Stopping vehicles owned by family members was reported frequently. In one story that was shared with us, a person who had issued a complaint about unnecessary violence on the part of a member of the RCMP was picked up and held in a cell. He was told his pregnant girlfriend was being held in custody and would face a number of serious charges unless he withdrew the complaint. His girlfriend was not in custody and he withdrew the complaint. As another person said: “the complain process needs to be safe without repercussions.”

“Make a public complain against a RCMP member for assault and the others will let him know that they can make it “go away”. The RCMP delays the complaint and meanwhile targets him [the complainant] for harassment – they pick up his partner and negotiate to let a partner out of jail and drop charges if the person drops the complaint against the RCMP – he drops the complaint and no charges are laid on him or his partner.”

Consequences for Abusive Police Officers

People expressed frustration about the fact that they rarely saw any serious consequences for police officers facing complaints.

As one person said:

“They just transfer the cops that are abusive – put them in another community – they don’t do anything. One cop (from the communities) in particular roughs up native women, like we are targets and he is getting transferred.”

4.6 Roles and Responsibilities for Kwanlin Dün First Nation

There is a general sense that if positive change is to occur, there needs to be investment from the RCMP, the Department of Justice and Kwanlin Dün First Nation. There were a number of ideas for First Nation contributions.

Learning About the RCMP and Department of Justice

Just as there are suggestions about the RCMP and the Department of Justice learning more about First Nations, the First Nation people are interested in learning more about these agencies. To strengthen relationships and build stronger accountability, First Nation people need to understand the policies and practices of the RCMP and Department of Justice. Through becoming more informed, First Nations can be better partners in moving into a more positive future.

Contributing to Positive Change

The First Nation sees the need to create a dialogue internally about roles and responsibilities of leadership, departmental staff and citizens in contributing to positive change. Investment of internal resources and planning within Kwanlin Dün is one place to begin the improvement but that can only go a limited distance. In addition, investment in strengthening the relationship with other governments is important. Moving the dialogue into further stages and entering into joint planning, policy and practice review may contribute to positive change as well.

As was said by individuals:

“KDFN should be addressing the social issues through Chief and Council, justice and health – not just during working hours but outside of working hours – at night and on the weekend.”

“Community recognition for people who start on the healing path and continue on their healing path.”

“Help organize a KDFN Neighbourhood watch.”

“Establish a Community watch or committee that works with the RCMP.”

“The community needs to utilize social resources available – health, justice programs etc.”

“Involve family members more.”

“Community liaison from KDFN involved in advocating for the citizens and could assist in filling out complaints, writing letters etc.”

“Community needs to start changing, start helping instead of criticising – the youth need motivation and life skills courses.”

Helping with Cross Cultural Training and Relationship Development

There is a powerful call for cross cultural training and holding of officers accountable for improved relationships with First Nation people. First Nation citizens understand that the RCMP and the Department of Justice will need the help of First Nation people design, deliver and evaluate the effectiveness of a series of cross cultural learning experiences. Also, First Nation people will need to be involved in defining the assessment criteria that determines the success of the training as it translates into behaviour.

As people said:

“Respect them and understand that they have a job to do – “open up their minds and hearts.”

“Stop labelling and judging the RCMP.”

Inviting Community Involvement of the RCMP

Kwanlin Dün citizens involved in the review process have said they want more involvement of the police in community events. In order to move to more community based policing and increased community involvement, KDFN will need to provide the appropriate invitations, help create the opportunities and invest in the relationships that will make it happen. The RCMP cannot do this alone. The Department of Justice needs to write these requirements into the policing agreement to ensure accountability and set the foundation for positive change.

Comments included:

“Include RCMP in community events – they need to be involved with different KDFN Departments.”

“Invite them to healing workshops and more community activities.”

“Need longer time stationed in KDFN to get to know the people.”

“Use a KDFN student RCMP in the village.”

Investment in Parenting

Within the First Nation worldview, there is a deep understanding that parenting matters and that the formation of the character of an individual is due in large part to the quality of parenting by the two parents and also the extended family and community. The citizens engaged in the process recognized that although there has been progress in this area, more could be done within the First Nation to further support and educate parents and the community about raising children and the traditional First Nation and mainstream methods that might help. The RCMP can assist through involvement with young families and the schools as well as youth programs after school.

The sense of ownership by the parents was communicated as:

“What do we [First Nation parents] about our young people being a "smartie" – kids hear it [the disrespect of the RCMP] from their parents – some of our kids are racists toward the cops and the racism seems to be getting worse – they [the RCMP] should not be targeting anybody...”

“I was raised here and used to be in the jail house a few times – my dad said to me in our language that even if I was drinking, I had to “watch myself” – the parents need to talk to the children and just like me, they will behave themselves.”

5.0 WHAT IT MEANS

In sorting through everything that has been said, the conclusions are clear. There is a significant lack of trust and confidence in the RCMP and the ability of the Department of Justice to set in place policing arrangements that work for the First Nation people of Kwanlin Dün. People do not have confidence that they are safe in police custody and feel at risk in their own homes due to lack of consistency and reliability in police response.

There is a recognition that some of the problems are national in scope and that negative influences to attitudes and behaviours of RCMP come in with RCMP offices from other places in Canada where the racism and related practices are well known. People worry about the experienced police officers coming already negatively inclined toward First Nation people and also worry about asking new recruits to operate in the Yukon, with its many demands.

There is an appreciation of the difficult job of policing and maintaining a Justice system that is both accountable and response to the needs of First Nation people. The needs are somewhat unique and innovation is required in redeveloping the approaches. There is a commitment from the First Nation to continue to invest and try new things to find improvement. Fundamental issues of communication, problem solving and relationship building as well as powerful accountability mechanisms need to be sorted out.

The complaints process needs significant work to ensure individuals can be held to account for their behaviour. The preservation of fundamental human rights and the honouring of human dignity is a stake. The current trust in the safety and responsiveness of the complaints process is at a low point.

Training is very important as is the supervision and debriefing support to ensure well trained officers that begin with good skills and a positive attitude are supported in maintaining that approach. There are a number of suggestions for areas of improved training but knowledge and skills are only as good as the action that follows.

Strengths have been identified that provide a good starting point for change. To build on what is working and well received in the First Nation community is a good way to begin again. An honest and forthright accounting of the problems is also necessary to build a good foundation. The Review has made a good beginning on those two fronts and follow-up will be needed to keep all Yukon citizens engaged in the change process.

Hope remains that the situation can be improved. As one person said “we have to have hope because some days that is all we have.” The First Nation people that participated are happy that a start has been made through the review process. They are willing to keep talking and planning – a humble beginning to a process for making things better.

6.0 WHAT NOW - RECOMMENDATIONS

High Priority for Action

6.1 Relationship Rebuilding and Agreements

Investment in Further Dialogue – Jointly design ways of engaging in ongoing dialogue. Kwanlin Dün First Nation is willing to invest in dialogue and joint action and will also watch for response to the issues that are raised and things to change.

Yukon Tripartite Policing Agreement – Negotiate a 3 to 5 year policing agreement at a Yukon wide level that sets out the terms and conditions of the relationships, the investments to be made from all parties and the accountability framework to guide improvement in policing.

First Nation Specific Formal Tripartite Agreements and Protocols - Negotiate policing agreements between the Yukon Government, Canada and individual First Nations – both those with and without self government agreements with effective mechanisms to support relationship development, joint planning, monitoring and evaluation of local policing programs and services. Parties need responsibilities spelled out and each needs recourse if the agreement is not upheld.

6.2 Staff Selection and Promotion

RCMP Candidate Assessment for Racism – Find methods for assessing the level of racist attitudes and negative life experiences of candidates that may lead to an inability to provide respectful service to First Nation members and make sure these members are not allowed entry to the RCMP.

RCMP Candidate Assessment for Violent Response – Find methods for assessing the degree to which a first and primary response to a police situation may be violence and screen those candidates out.

RCMP Promotion – Review the candidates for promotion against criteria related to complaints of racism and use of Taser® and other violent police tactics and reward officers that develop skills in non violent communication and de-escalation of potentially harmful situations.

6.3 Cultural Awareness, Cultural Competence and Behaviour

Training and mentorship in cultural competence for RCMP – Systematic training, beginning with depot training needs to focus on First Nation cultural awareness with a view to building skills and behaviours that are culturally competent. The training needs to go beyond awareness to behaviour that demonstrates appropriate responses to cultural and racial differences. Mentorship between new and more experienced police officers may be helpful. Supportive RCMP policies and procedures with enforcement to monitor compliance are necessary to ensure positive change is made on the frontline.

Training and Mentorship for Department of Justice – In order to hold the RCMP accountable, Department of Justice officials need to be fully culturally competent at the individual, work group and system wide levels. Additional training and mentorship is required. Internal and external access to relevant and change-oriented advice may also need to be strengthened.

Terms and Conditions in RCMP Agreements – Incentives for building and maintaining a culturally competent workforce need to be built into agreements, with fines or disincentives for breach of the agreed upon ethical conduct guidelines.

6.4 Care for the Acutely Intoxicated in Cells

Increased risk assessment skills and medical care – The RCMP should have access to medical (physician, nurse, paramedic) advice and assistance in the care of individuals in cells and a medically trained person should be there to care for them. If they are ill, they need a bed, a blanket and medically trained professional watching over them.

Safe House / Sobering Centre – A safe house for intoxicated people is needed for a safe place other than the drunk tank the detoxification unit.

6.5 Police Response

Review of Police Response to KDFN – A review of police response to KDFN needs to be undertaken to ensure that the response time is comparable to other parts of Whitehorse and the appropriateness of the response is ensured. In particular the lack of action against known drug dealers needs to be dealt with.

Community Planning and Liaison – The results of the review should be taken to the Oversight group as identified in 7.13 and the quarterly meetings with the RCMP to plan for collaboration on improvement if necessary.

6.6 Community Policing and Peacemaking

Community Policing – The community, RCMP and Department of Justice should further develop the philosophy and practices of community policing based on relationship building and investment in community activities and participation in community events. As one person said: “I have an easier time trusting the RCMP officers I see walking our streets, working with the youth in sports and attending community events – one officer even cooked for us one time.”

Community Peacemaker – The community, RCMP and Department of Justice should develop a program of community peacemaking including the development of cultural circle models and mainstream mediation models to sort out disputes between neighbors and other individuals in conflict. Use community peacemakers as first responders in some cases.

Child Welfare Intervention – Use the protocols in place to involve the First Nation Justice and Health departments in high risk family situations to avoid child apprehension that can be prevented and work together for the safety of children that need help.

First Nation Police Force Feasibility Study – Linked to the process around the administration of justice agreements, assess the feasibility of KDFN establishing its own police force to cover all shifts, weekend and holidays.

6.7 Working with Youth and the Community

Establish Connections with Youth – The RCMP working with KDFN develop a series of stronger connections with youth through activities that they enjoy. In particular, high risk youth, both in and out of school should be the focus.

Work in DARE and other Safety / Prevention Programs – The RCMP role in preventing injury is an important one and should be strengthened.

Mandatory Youth Programming – In the past, the involvement with the youth has been subject to the interests and preferences of officers assigned to KDFN. The involvement with youth needs to a formal part of the work planned for all officers and only those with skills and interest in sport, art and/or recreation should be assigned to the First Nation.

6.8 KDFN Investment

The First Nation contribution to ensuring the success in delivering on all of the recommendations is understood to be important. In addition, the recommendations below also require investment directly from the First Nation:

Community Planning and Implementation Oversight Group – A group should be established with membership of KDFN citizens, representatives of KDFN leadership and staff, the RCMP and Department of Justice to plan and oversee the response to this report.

KDFN Neighbourhood Watch – Work with the RCMP and possibly the Department of Justice to develop a Neighbourhood Watch Program in the subdivision.

KDFN Liaison Officers – Work with the RCMP to secure funding to increase the availability of KDFN liaison officer services, including an on call capacity to be a witness to a person in cells that may be at risk of harm.

Engagement of the RCMP – Actively seek way of engaging the RCMP in community Health and Justice programs, KDFN events, community feasts and potlatches.

Medium Priority for Action

6.9 Training and Professional Development

First Nation Review of Training – There should be a First Nation led review of RCMP basic training to further understand how the training affects the behaviour of officers after graduation. The review may result in recommendations for positive change as the training relates to policing First Nation communities.

Longer More Comprehensive Training – In general, RCMP officers should be recruited older and more experienced in life. A college or university degree or diploma may help in ensuring a level of education that is a foundation for further learning. Basic training should be 1 to 2 years with a focus on ensuring graduates have a full range of skills in non violent approaches and de-escalation along with advanced cultural competence.

More Professional Development – RCMP officers need to be offered a full range of professional development, including specialized skills in community policing, restorative justice and working with First Nation people.

Emergency Medical Assessment Skills – RCMP officers need a high standard of emergency medical skills beyond First Aid. The implications of not providing medical care in potentially life threatening situations need to be fully understood so that the best decisions can be made that may save lives of individuals in custody.

Trauma Related Behaviours and Trauma Prevention – As a significant number of First Nation people in conflict with the law have a background of trauma and suffer from varying degrees of post-traumatic stress disorder (PTSD), police officers need training in order to identify the related behaviours and the skills to respond appropriately. Police action that further traumatizes a person does not assist in the person becoming well or behaving better. This training would also increase the level of awareness about when the officers or their colleagues experience trauma in their work and how that may affect behaviour and the need to access support services.

Skills in Non violent Communication, De-escalation and Conflict Resolution – Every other method should be exhausted before a violent response – either verbal or physical is employed. It should be the last not first response. Therefore, in order to keep police officers and the public safe, they need advanced skills in non violent communication, de-escalating approaches and conflict resolution.

Northern / Outdoor Safety and Survival Training – Northern outdoor skills could save lives of police officers or others and therefore, they should be mandatory for any police officer working in the Yukon.

6.10 Monitoring and Evaluation of Behaviour and Impact

Electronic Monitoring – Any encounter that is not witnessed by a First Nation third party should be electronically monitored – all call outs should be recorded.

In Person Monitoring – A third party First Nation person needs to go along with any call to a First Nation household, particularly if it involves domestic violence – as an advocate and a support person.

Evaluation of Tapes – Supervisory staff working with First Nation liaison staff should review the electronic records for breeches in policy or expected ethical and safe practice. There needs to be consequences for both unacceptable and very positive practice.

6.11 Employee Assistance and Other Support

Active Employee Assistance – RCMP Officers need timely access to a series of options for employee assistance. An individual in trouble may not recognize the symptoms of PTSD or burnout and therefore colleagues and supervisors must be trained in recognition and methods for connecting officers to the best resources.

Other Supports – The RCMP officers should be consulted to find out what other supports they may need in order to stay well on and off the job. First Nation options for healing may appeal to some members and the option should be made available.

6.12 Complaints about the RCMP

Complaints Process – The Complaints process needs to be streamlined for efficiency and made more personal in the appointment of an individual that could take a complaint through a personal interview.

Investigations – An independent body should be appointed nationally with a representative locally within the Yukon to hear complaints and strengthen accountability. KDFN should be involved in the design of the investigation process and the appointments of individuals to the national body and the selection of the local representative.

Retribution Prevention – Protection needs to be offered to a complainant through protection of identity or another method to reduce the risk of targeted retribution against them or their family if they submit a complaint.

Longer Term

6.13 First Nation RCMP Members and Justice Staff Recruitment and Retention

Increased First Nation Recruitment – Increase the level of First Nation recruitment from the Yukon to both the RCMP and the Department of Justice. Also invest in developing First Nation people so that they take on more senior responsibilities and have greater influence over policy and practice.

First Nation Retention – Carry out an internal review of issues related to the retention of First Nation members of the RCMP and staff members of the Department of Justice and correct any barriers to retention that can be changed.

APPENDIX 1: Background

The policing review process within KDFN did not provide the time or resources to complete a comprehensive review of relevant literature. Therefore, this section highlights a few selected resources that may not have been reviewed in the general background research completed by the Review staff and consultants.

The question of how best to provide policing services to First Nation people has been around for a long time in all regions of Canada where First Nation people live. As Canadians, we know that the policing needs to be different, somehow responsive to the unique history and life experience of First Nation people. The diversity of social and cultural realities of First Nation families and communities provide challenges to police forces and the justice system overall. The history of Kwanlin Dün First Nation includes a Tribal Police Force that was active in the 1970's and discontinued for reasons that are unclear. Further attempts to re-establish a Tribal Police Force were made in the 1990's to fail in the final stages due to a change of political direction.

Advances have been made in First Nation policing in Canada and throughout the world and those practices that may be helpful here will be considered by the Review. What we know for sure in the Yukon is that we have serious problems that have resulted in deaths, injury, lost trust and low confidence in the safety and security of individuals in custody and those asking for help when under threat.

We also know that we have found some things that have worked and lost sight of them for some reason. The Tri-partite policing agreements signed between Liard First Nation, the Yukon Government and the RCMP is an example of such success. The early versions of the agreement were strong and provided a foundation for jointly held responsibility and accountability to one another.

The Liard First Nation experience with the establishment of the Liard First Nation Consultative Police Board was initially positive. The Board was set up to "provide recommendations and strategic directions to the Watson Lake detachment in the areas of recruiting, training, cultural and traditional awareness, community policing and other related matters. The tripartite agreement between Canada, the RCMP, Government of Yukon and the Liard First Nation provided enriched funding for the Liard First Nation Department of Justice and provided a formal framework for the relationship and accountability between parties.

Over the years, the agreement became "watered down" to the point that no one seems sure about the current status or will to implement. Perhaps an agreement, fully implemented and monitored would have prevented recent events and the public impact in Watson Lake.

The questions of how to develop appropriate policing responses the diversity of First Nation people found within the community of Kwanlin Dün First Nation is an important one. We know "one size does not fit all" and responses need to be tailored to individuals and families that lives across the spectrum of acculturation, with a variety of values and life experiences; therefore seeing the world very differently.

As summarized by Bill Hanson in Dual Realities – Dual Strategies: The Future Paths of Aboriginal Peoples' Development (1985): "The challenge for the programmer is to determine where the various groups of Indian/Native people are in their relationship to modern day institutionalized life and understanding that each has different needs, aspirations, priorities, capabilities and socio-cultural orientation in terms of preferred lifeway. ... The present practice of measuring successful progress of an indigenous race by how well they respond, individually and collectively, to the acculturation process of civilization, Christianization, colonization and modern industrialization must be seriously questioned." Bill Hanson challenges us to find ways to respond to the full diversity of people within the Nation and support a variety of pathways into the future. He also suggests that we need to take care in defining success.

The Royal Commission on Aboriginal Peoples published an entire volume on the relationship between Aboriginal people and the justice system. The volume entitled Aboriginal Peoples and the Justice System was published in 1993 and identifies many of the issues that will be found in this report. Some of the relevant summary findings from a variety of provincial and territorial reviews done in the years leading up to the time of RCAP include:

- The police should be "more involved in and accountable to the communities they serve".
- Community-based external policing or autonomous Aboriginal police forces should be facilitated wherever they are desired.
- The Police Commission should "be provided with sufficient resources to enable it to fulfil properly the leadership, training, information and assessment roles that constitute its mandate".
- The RCMP and municipal police departments should recruit more members of visible minority (one term used in 1993 to describe Aboriginal / First Nation people) groups.
- Police departments should develop outreach programs and liaison roles to provide members of visible minorities with greater access to and more positive interaction with the police.
- An emphasis on a community policing approach in Aboriginal communities
- Establishment of employment equity programs to achieve greater Aboriginal representation ... and to achieve Aboriginal participation equivalent to the Aboriginal proportion of the population.
- Strengthening and review of cross-cultural education ... race relations programs.
- Development of crime prevention programs, open custody facilities, and wilderness camps for Aboriginal youths in and near Aboriginal communities.
- The establishment of an Aboriginal liaison / cultural relations officer position within the Police Commission.

The entire body of knowledge created to support RCAP and the many relevant findings of the work of the Aboriginal Health Foundation over the past decade need to be mined for good ideas to support planning for the future.

Two Yukon experts on the use of circles in restorative justice were two of three co-authors of Peacemaking Circles: From Crime to Community (2003) Barry Stuart and Mark Wedge are seen as experts in this area nationally and internationally. Although Barry Stuart, a former judge in the Yukon no longer lives here, Mark Wedge, now Chief of the Carcross Tagish First Nation remains a local resource. They describe the peacemaking process in inclusive terms: "The peacemaking Circle process described in this book does not, however derive from any specific aboriginal tradition. Neither are its sources only ancient. Contemporary principles and practices of consensus-building, dialogue and dispute resolution have helped shape our [the authors] understanding of Circles." The book and the experience of the authors is another rich source of the kind of thinking we need to engage on the path forward.

The area of restorative justice as applied to indigenous people throughout Canada and the world is contributing important knowledge and wisdom, some of which is directly applicable to policing. One such publication is Justice as Healing: Indigenous Ways edited by Wanda D. McCaslin (2005). This book is a collection of short papers from leading authors that contribute important concepts as building blocks to a renewed system of policing for the Yukon.

One such idea is captured by Green and Healy in "Resisting Justice as Force" which says "That relationships of force produce negative effects makes sense in light of the ineffectiveness of criminal punishment. While our clients generally dislike custody, their return rate is high. In our experience, the harsher these youths are treated by justice officials, the farther they get from mainstream. Their families attest that the longer they are in custody, the worse they are when they finally return home....In total, this "relationship of force" is not reducing recidivism or making for safer communities."

In the introduction to the healing section, good advice is provided by the editor, Wanda McCaslin on beginning with the truth: "Speaking the truth to where we are raises a call for healing. In response to this truth-telling, Indigenous people turn to the fabric of our lives for help, namely to our relationships with our families and communities as well as with Creator and the natural and spirit worlds. This second phase of the healing process encourages not just "offenders" but all those affected to become more mindful of how profoundly connected we are. Among Aboriginal people, our relatives – from the closest to the most extended – are our life's blood. Without them, our lives are not properly balanced, and it easy to fall into unbalanced ways. As Chief Yazzie says, acting as if we have no relatives is how hurtful behaviour arises. The Indigenous response is not to sever our ties even more by sending people off to prison but to rebuild the bonds that hold us on a good path."

This review is step one in the process as described above. By speaking the truth and accepting the reality of the current situation, the healing has begun.

**APPENDIX 2: Review of Yukon's Police Force and Task Force on Acutely
Intoxicated Persons at Risk: Questions for KDFN Input**

**Review of Yukon's Police Force and
Task Force on Acutely Intoxicated Persons at Risk**

Questions for KDFN Input

Policing

- 1. What concerns do you have about the policing service you and your community members receive?***
2. What about people who are in jail, victims of domestic violence or sexual assault – do they have more needs?
3. How should complaints about the RCMP be handled to make it easy for people?
4. What is good about how the RCMP works with KDFN people?
5. What could KDFN people do to work with the RCMP to better serve the community?
- 6. What changes do you recommend to make policing better?**

Intoxicated People at Risk

- 7. What concerns do you have about how the ambulance or hospital care for very drunk people or people high on drugs and at risk?**
- 8. What concerns do you have about how the RCMP care for very drunk people or people high on drugs and at risk?**
9. What concerns do you have about how detox, the Salvation Army or alcohol and drug services care for very drunk people; people high on drugs and at risk; or people with long term addictions problems?
- 10. To make things better and keep people safer, what needs to change?**

*the bold questions were considered as priority for short time frames or larger groups

Appendix 3: Bibliography

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