

If My Life Depended On It: Yukon women and the RCMP

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You are an inspiration to us all.

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1. EXECUTIVE SUMMARY

The mission statement of the Royal Canadian Mounted Police (RCMP), Canada's national police service, is “to preserve the peace, uphold the law and provide quality service in partnership with our communities”.¹ At present, there does not seem to be an effective partnership between the RCMP and the northern communities it serves. Rather, based on dialogue sessions with the public and submissions to the *Review of Yukon’s Police Force, 2010, (Review)* there seems to be a divide between the RCMP and women’s organizations, aboriginal peoples, and other communities of interest living in the Yukon.

The RCMP stands at a crossroad. Several independent, external, and internal reviews of the organization have been conducted in recent years to investigate wrongdoing in the administration of pension plans, the RCMP internal discipline system, and possibilities for governance and cultural change. In response to recommendations made in these reports and under intense national scrutiny and public pressure, the RCMP has issued a transformation plan in support of a change process. These studies, federal, aboriginal, provincial and territorial governments, and the RCMP itself have stated that Canada’s national police force needs to be more accountable to the public. The Government of Canada has introduced legislation to amend the RCMP Act. At this juncture, RCMP senior leadership could model a cooperative approach in working with communities to preserve the peace and uphold the law in the delivery of police service. Or “the Force” could close ranks, deny the validity of public concerns, and present a collective defensiveness to criticism.

The governance model of the RCMP, entrenched in the *RCMP Act* and grounded in its history and culture, is paramilitary – it relies on a chain of command and orders that must be followed. Members are required, by the *RCMP Act Regulations*, to obey every lawful order, oral or written, of any member who is superior in rank or who has authority over that member.

¹ References for this section: RCMP website, <http://www.rcmp-grc.gc.ca/>; Commission for public complaints against the RCMP website, <http://www.cpc-cpp.gc.ca/>; Brown, D. 2007. *A Matter of Trust: Report of the Independent Investigator into Matters Relating to RCMP Pension and Insurance Plans*. at http://www.publicsafety.gc.ca/rcmppension-retraitegrc/_fl/report-en.pdf; *Rebuilding the Trust: Report of the task force on governance and cultural change in the RCMP*. 2007. at http://www.publicsafety.gc.ca/rcmp-grc/_fl/tsk-frc-rpt-eng.pdf; *RCMP Vision for Change: A Transformation Plan In Support of The RCMP Change Process*. 2010. at <http://www.rcmp-grc.gc.ca/transformation/resrces/plan-eng.pdf>; Royal Canadian Mounted Police, *Pay Council Review of RCMP Internal Discipline System; Final Report and Recommendations*. 2005. At <http://www.rcmp-grc.gc.ca/pubs/adj/ann-08-09/sec-2-eng.htm#17>; *Delivering Change The RCMP Reform Implementation Council Fourth Report*. 2010. at http://www.publicsafety.gc.ca/prg/le/_fl/re-imp-cou-04-2010-eng.pdf; Statistics Canada. 2006. *Measuring Violence Against Women: Statistical Trends*. Accessed at www.statscan.gc.ca; 2010-04-22, Yukon Status of Women Council and Whitehorse Aboriginal Women’s Circle, RCMP Meeting Agenda; Yukon Women’s Directorate. *Violence against women fact sheets*. Accessed at www.womensdirectorate.gov.yk.ca

As David Brown noted in his 2007 report, *A Matter of Trust*, the RCMP Commissioner has complete authority, “his prerogative to direct the operation of the policing function is subject to virtually no oversight. While the Commissioner's authority is subject to the direction of the Minister of Public Safety, that direction is typically exercised in respect of broad policy objectives that go to the national interest.”

A subsequent report from the Task Force on governance and cultural change in the RCMP, *Rebuilding the Trust*, (2007) concluded that trust in the management of the RCMP needs to be rebuilt. The Task Force “heard with remarkable consistency about major problems with the discipline system, recruitment, performance evaluations, promotion and personal development. We also witnessed the dedication and consuming pride members and employees have in their Force. All of this led us to conclude that there is a need to radically overhaul the way in which the RCMP is governed. 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. However, in our view, it is necessary for the RCMP and the Government of Canada to take decisive steps and to report on them publicly.”

The national Task Force notes that modern governance practices are grounded in the principles of oversight and the independence of that oversight function from management, a principle that is clearly accepted in the context of government enterprises and crown corporations. The relationships between a chain of command structure and effective management must be sorted out. Brown states that while those who resist such change express concern with compromising the command and control that is accepted as being central to effective policing, that it is possible to impose a modern governance structure on a police force without compromising the integrity of the policing function. The Task Force found ample evidence that such structural change to police management is necessary.

Regionally, too, trust in the management of the RCMP needs to be rebuilt. Public mistrust was evident in the wake of a high profile trial in March 2010 in which two constables were acquitted of sexual assault in Yukon Supreme Court, and an April inquest into the death of an aboriginal man who died under degrading and inhumane conditions in a cell at the Whitehorse RCMP detachment. The 2010 Review of Yukon’s Police Force was struck “to engage in a dialogue with Yukon people and collaboratively develop solutions that will encourage trust between citizens and the police force.”

In a democratic society, civilian oversight of the police is essential to gaining and holding the public’s trust and confidence. The Yukon police review clearly heard that this belief is widely held across the territory. A proper management and civilian oversight structure for the RCMP must be developed and implemented in order to build and sustain public trust.

Yukon women’s groups offer support services and advance the particular interests of battered women (Kaushee’s Place, Help and Hope, Dawson Shelter Society), incarcerated and criminalized women (Elizabeth Fry Society), aboriginal women (Whitehorse Aboriginal Women’s Society, Yukon Aboriginal Women’s Society, Liard Aboriginal Women’s Society), and Franco-Yukonaises women (Les EssentiElles). Victoria Faulkner

Women's Centre offers a variety of programs at a drop-in centre in Whitehorse and Yukon Status of Women Council² conducts women's equality-focussed research and advocacy across the territory. As a representative of Yukon women's groups and an advocate for women's human rights, I bring a feminist analysis to this research and report.³

In April 2010, following Yukon Minister of Justice Marian Horne's announcement of the Review of Yukon's Police Force, eight women's organizations⁴ wrote to Minister Horne to request funding for two representatives from these organizations to be appointed to represent aboriginal and non-aboriginal women's perspectives on the Advisory Committee. While the groups have different mandates and priorities, they are 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. The Department of Justice is gratefully acknowledged for a contribution agreement with Victoria Faulkner Women's Centre to fund their work.

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 a commitment to reducing the alarmingly high rate of woman abuse in Yukon communities, federal and territorial legal and political authorities must ensure a swift, adequate, and well-informed first response from the police to women's reports of violence. Yukon women seek more effective prosecutions in cases of woman abuse, and respect for women's equality rights from all sectors of the criminal justice system, including the police and the courts.

Sadly, many women fear Yukon's police force. During the 2010 Review many women said 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, and this report will comment on lessons that should be learned from their deaths. It follows that the RCMP has a daunting task before it to restore a broken trust with Yukon women. Nevertheless, women said during the course of the Review that they welcome the opportunity to express their concerns, and hope the Review will lead to positive change. Women's groups suggest a number of achievable improvements, and propose establishing mechanisms for regular communications and cooperation between police and women's groups, as outlined in sections four, five, and six of this report.

Women's interests in police services and community life are comprehensive, and are not limited to women's safety. The police are one part the legal system, and of society. During

² See Appendix 7.1, Mandates of Yukon women's organization.

³ Currently, the author is on the board of Kaushee's Place: Yukon Women's Transition Home Society and Yukon Status of Women Council coordinating collective, and has previously worked and volunteered for Liard Aboriginal Women's Society, Kaushee's Place, and Victoria Faulkner Women's Centre.

⁴ 2010-04-26, 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 Kaushee's Place, Yukon Women's Transition Home Society to Minister Marian Horne.

the *Review*, 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 must address, in order to make Yukon women safe. This report will not only address the needs of women who are victims of domestic violence and sexual assault, and of socially marginalized people who are arrested and detained in custody. It will report on women's perspectives and recommendations for improving police responsiveness and accountability, handling of public complaints, training requirements, services to vulnerable populations, best practices in policing, and external investigations, the issues enumerated in the Terms of Reference for the Review.

Women are encouraged by the RCMP's official acknowledgement of the need for a significant evolution in the management culture of the institution, and its national commitment to sustaining change and renewing its culture as described in RCMP transformation documents. Civilian oversight and more accessible complaint procedures are essential components of transforming police culture. We agree with Brown's assessment that the RCMP has to go further if it is to become a constructively self-critical and action-oriented organization.

This report is informed by statements made at public, agency, RCMP, and women's meetings, by the confidential statements made to the author in personal communications with thirty-four women from Yukon communities, and by researching the *RCMP Act, Regulations*, national and "M" division policy, Yukon Coroner's inquests, 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, and governance and transformation. Corrine McKay provided legal analysis and comments. The researcher has also taken account of submissions to the Review posted at www.policereview2010.gov.yk.ca, in particular the August 2010 Interim Report from the women's groups' representative, and the Yukon Aboriginal Women's Council Report and Recommendations dated November 21, 2010.

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. It then presents suggestions on how to move forward to achieve progress on the recommendations.

2. Background information and research methodology

In April 2010, in light of events that caused the public to lose confidence in Yukon's police force, Yukon Government Minister of Justice Marian Horne appointed Peter Clark, Chief Superintendent at 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 2010 Simone Arnold, Manager of CYFN Justice Programs, became the third co-chair.

An Advisory Committee was struck with four representatives from Yukon Government: Health and Social Services, Department of Justice, Community Services, Women's Directorate, and an Inspector for the Yukon RCMP. A representative from the Association of Yukon Communities and two members representing Yukon women's groups were also appointed to the Advisory Committee. The Co-Chairs and the Advisory Committee met regularly between April and December.

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 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's initial target date of September 15, 2010, was later extended to December 31.

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 requested and were 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 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.

On April 22, Adeline Webber from Whitehorse Aboriginal Women's Circle and Lois Moorcroft from Yukon Status of Women Council met with RCMP Chief Superintendent Clark to speak on behalf of women's groups about LAWS and YSWC correspondence related to disciplinary hearings for Constables Belak and McLaughlin, as well as sexual assault, spousal assault, dual charging and primary aggressor policies, missing and murdered aboriginal women north of 60, Taser® use in Yukon, and arrest procedure. We requested that Yukon RCMP regularly report more complete criminal justice records and statistics on sexual and spousal assaults, including RCMP reporting of numbers by community between 2005 and 2010 including sex, age, and ethnicity of the accused and the complainant, the number cleared by charge, and the outcome of the charges.

The Yukon Bureau of Statistics discontinued publication of *Yukon Crime Statistics* after 2003. At that time the Yukon RCMP changed over to a new database management system and software, and the publications were suspended indefinitely. When a crime, such as sexual assault, is reported to the police, the incident is recorded as a "reported" incident. Police then conduct a preliminary investigation to determine the validity of the report. Occasionally, crimes reported to the police prove to be unfounded. Unfounded incidents are subtracted from the number of reported incidents to produce the number of "actual (or "founded") incidents".⁵

At the April 22 meeting, Chief Superintendent Clark reported that a recent RCMP survey found Yukon women had an 80% satisfaction rate with the police; we asked him how many women had been surveyed and when, how they were selected, whether they were from rural or urban communities or both, what questions were asked, who conducted the research and how, and whether any women who had called the RCMP to report an assault or been charged with an offence had been included in the survey. To date no response has been received. The Review of Yukon's Police Force had been announced at a media conference earlier that day; we asked whether RCMP could support a funding request for two women's representatives to participate. The conversation closed with a discussion about developing improved community relations between women's groups and the police, and a request for RCMP participation in May 2010 Sexual Assault Prevention Month activities.⁶

In March 2010, the two RCMP constables charged with sexual assault testified in court they had engaged in multiple sexual acts with a young woman new to the community of Watson Lake, following a social event during which the parties consumed a large amount of alcohol. The judge ruled the sexual activity was consensual, and acquitted the men.⁷

⁵ Yukon Bureau of Statistics. *Yukon Crime Statistics: 1995-2003*.

⁶ April 22, 2010 Meeting, Agenda and meeting notes

⁷ HMQ v McLaughlin and Belak 2010YKSC09. 2010-03-16. Whitehorse: Supreme Court Registry 09-1505

Without second-guessing the judicial system that acquitted the men of the criminal charges, women condemn the constables' behaviour as inappropriate police conduct whether on or off duty. After the sentencing decision was released, the Liard Aboriginal Women's Society (LAWS) and the Yukon Status of Women Council (YSWC) requested standing at a subsequent RCMP internal disciplinary hearing, to inform the adjudicators of the severe impact this case has had on Yukon women's willingness to call the police. In a rural community and a northern territory with high levels of spousal and sexualized violence, if women are afraid to call the police when they need help it places them more at risk of serious harm from a violent spouse. The RCMP Adjudications Branch has not yet formally responded, but a representative has indicated that the branch doesn't normally grant standing to outside groups at an "employer-employee disciplinary hearing".

With the likelihood of being denied access to disciplinary hearings, women's groups have turned to the Review in an attempt to address systemic problems in police culture. During the Review, women in communities throughout Yukon said they were troubled by the actions of the two constables charged with sexual assault, and the police and justice system response. Some women disclosed that allegations of police sexual misconduct are not unknown, but are frequently only discussed among women privately as they don't trust 'the system'. The 'public shaming' of the complainant, media coverage, and the outcome of the March 2010 trial have validated other women's decisions not to report police abuse.⁸ Across Canada over the past ten years, a number of RCMP members from the rank of constable to chief superintendent have faced allegations of sexual harassment or sexual assault.⁹ At times after a Code of Conduct Investigation has substantiated complaints of misconduct, members have retired with full pension or resigned without penalty. In some cases, members convicted of sexual assault have kept their positions on the Force. Frequently, Code of Conduct investigations take years to complete. Internal reports suggest that disciplinary structures found in the RCMP Act are unwieldy and do not promote trust or accountability, and highlight the need for improved disciplinary procedures.

Furthermore, as in the case for the constables who were stationed in Watson Lake when they were charged with sexual assault, it is common for RCMP members to be placed on paid suspension from work during investigations into alleged misconduct. The Canadian Taxpayers Federation says this shows a fundamental lack of accountability to taxpayers. Simon Fraser criminologist Robert Gordon calls the practice "a reward for engaging in inappropriate conduct".¹⁰ While members are suspended on paid leave, detachments such as Watson Lake may have less than a full complement of members available to police the community because of resource constraints.

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 used the Commission for Public Complaints (CPC) toll-free phone number, 1-800-665-6878, to file complaints, we heard reports that timely and adequate

⁸ July 5 women's meeting notes, personal communications

⁹ Sexual harassment and sexual assault of women by the RCMP, Clippings file. 1999-2009

¹⁰ "Justice delayed costing millions", *The Province*, September 13, 2010

investigations were not common or that complaints weren't handled appropriately. 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 to review the complaint without further investigation, or to 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, the Minister of Public Safety, the complainant, and the member(s), or sends an interim report to the RCMP Commissioner and the 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, the Minister of Public Safety, the complainant, and the member(s). (<http://www.cpc-cpp.gc.ca/srv/sta-norm/cp-pp-eng.aspx>) It's not surprising that this process is difficult to follow, and that members of the public do not appear to widely understand or trust in it.

On the RCMP website where the complaint process is described, there is a link to a list of the detachments in Canada. A citizen is instructed to contact the detachment of the region where he or she is located, by clicking on the appropriate regional link. For a person in Ross River or Old Crow who has a complaint, a link by email to a Whitehorse office or phone number is remote. Secondly, there is a link to the Commission for Public Complaints website. This does not inspire confidence that an independent, impartial civilian agency will investigate complaints, although RCMP and CPC both describe the Commission's role as independent. Furthermore, rural Yukon residents may not have universal access to computer technology and some people do not have high computer literacy skills.

During the Review, women's groups' representatives organized, facilitated, and attended several women's meetings in Whitehorse for women to speak directly to the Co-Chairs, and bring forward their concerns and recommendations about the police. Separate meetings were held for aboriginal women, and Yukon Aboriginal Women's Council and Whitehorse Aboriginal Women's Centre submitted a report on the concerns of aboriginal women. I attended dozens of meetings in Whitehorse and rural communities, heard from hundreds of women, and took detailed notes. Introductory comments at the start of each meeting included an assurance that the people's identity would be protected, and the names of participants would not be revealed.

The Co-Chairs were invited to a meeting with staff and clients of Kaushee's Place to hear directly from women who are forced to leave their homes because of their male partner's violence. One meeting was held for women only, recognizing that some women might be intimidated by the presence of the RCMP Chief Superintendent and Deputy Minister of Justice. CYFN Co-Chair Simone Arnold attended this session, and a facilitator and counsellor were present. I was the recorder for one of the discussion tables at the June 25 All-Agency meeting held in Whitehorse; representatives of Yukon Women's Transition Home Society, Blood Ties Four Directions, Second Opinion Society, Yukon Status of

Women Council, Salvation Army, and Elizabeth Fry Society, coincidentally all women, talked about their clients' and agencies' interactions with police.

Women must feel safe if they are to reveal their concerns about the RCMP. Early in the process, the need for confidential avenues of disclosure for women to talk about traumatic incidents involving the police was recognized and accommodated. Upon request, Department of Justice Project Manager Norma Davignon referred women to a departmental official who would transcribe their stories in confidence, and could offer counselling support. Many women also approached women's groups' representatives to offer input in confidence. Some women made anonymous calls, or were referred, to the Women's Advocate at Victoria Faulkner Women's Centre to express their concerns, which were then forwarded to a women's groups' representative on the Review.

A website, www.policereview2010.gov.yk.ca was established to post message, notices, and reports, with a link for submitting input. The public was invited to respond to questions about the respective roles of police and community members in improving public safety, and what changes people recommended to improve policing service. Women attended and spoke at community meetings held across the Yukon, at First Nation and municipal government meetings, at First Nation General Assemblies, and at a number of other consultations. A list of the meetings held is posted on the website.

3. Yukon women's voices: on policing, safety, and community life

The *Review of Yukon's Police Force* afforded an opportunity for women 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 submissions made during the Review. Women ask that police demonstrate more care and compassion in their interactions with the public.

This section of the report articulates concerns about negative aspects of the culture of the RCMP in Yukon, taken from women's experiences presented at meetings, in submissions, or in personal communications. Many women also praised individual RCMP members and positive police initiatives in communities, and these comments too are noted, and incorporated into the Recommendations section of this report. By identifying problems that need to be addressed, we hope that constructive change can begin. Over time, if RCMP engage in building relationships with women and women's groups in communities, safety for women and all community members can be improved.

Women from every walk of life participated in the review of Yukon policing services. Women have many different experiences, and hold differing views, and this certainly applies to all of the women including members and clients of Yukon women's groups who spoke at the many events I attended during the review. Women in leadership positions, privileged and socially excluded women, young, old, rural, urban, aboriginal, visible minorities, and women with a variety of professional backgrounds or with no income presented a broad range of perspectives, as the comments below will show.

Lessons from inquests of Madeleine Henry and Heather Benson

Yukon residents are troubled by the number and the nature of citizens' deaths in-custody or during interactions with RCMP over the past dozen years. In a population of only 30,000 people, the deaths over a relatively short period of four aboriginal men, an aboriginal woman, a white woman, and a white man in which Yukon RCMP members were involved, have had repercussions throughout the territory. These tragic and unnecessary deaths will continue to haunt women who advocate for police to have better training and supervision, for civilian oversight of police, and for sufficient resources to allow for reasonable work schedules for RCMP in Yukon's rural communities, until the kinds of improvements recommended at inquests and in this report are made.

In 2000, Madeleine Henry stopped breathing and subsequently died after being held in the Whitehorse drunk tank. At the time, RCMP records indicated that Ms. Henry who had been previously held in custody for intoxication was 'subject to seizures'. A person can stop breathing during an alcohol withdrawal seizure. Ms. Henry had not been administered a breathalyzer to determine her blood alcohol count when she was brought to the detachment. A doctor testified at the inquest Ms. Henry's blood alcohol count when she was admitted to the hospital after she had stopped breathing was .267 (as compared to .08 per deciliter threshold for impaired driving). Testimony also indicated she had been prescribed Ativan because of her alcohol addiction and related medical problems. Before she stopped breathing, Ms. Henry had requested that the matron bring her an Ativan, which had been taken from her when she was lodged in cells. Two jury recommendations were directed to the RCMP, to ensure that guards document whether they have completed a physical or monitor check on a prisoner, and that RCMP ensure that information from a caution box is passed on.

An RCMP inspector testified at the Henry inquest that he had spent 30 years in the organization, and worked in Saskatchewan for a time at what was then the busiest detachment in Canada, with prisoner numbers very comparable to Whitehorse's. He had never in his service been stationed at a detachment that had a cell death. After coming back to Whitehorse in 1999 there had been three deaths, which he found very trying on a personal level.¹¹ In June of 2000, as a consequence of the incident with Ms. Henry, the Inspector issued a new 'M' division unit supplement to require that RCMP take a breath sample to determine intoxication level before detaining people, and that medical care be sought if the blood alcohol level was above 350. The Inspector also testified about the high numbers of calls in which people's blood alcohol count was off the scale, and drew attention to the problem of police being taken off the street to deal with other crime in order to respond to large numbers of highly intoxicated people. In 2002, 1,857 people were placed in RCMP cells while under the influence of alcohol and/or drugs.¹²

¹¹ *Proceedings at Inquest. In the matter of the Coroner's Act and in the matter of an inquest into the death of Madeleine Yvonne Henry, before Coroner S. Hanley.* Whitehorse: January 21-23, 2003. Volume II. pp. 341-2

¹² *Henry Inquest*, pp. 324-333, 342-345.

A Staff Sergeant was called to testify at the Henry Inquest about the Anchorage Safe City program, which provides medical care for intoxicated people, treating it as a social illness rather than a crime. In Whitehorse, a core group of people who would be better served in a facility with medical professionals come into cells on a regular basis because of an illness. In the Anchorage program, the chronic alcoholics brought in off the street are treated ‘as human beings rather than as criminals’, and are provided meals and clothing before they leave. He hoped that the Inquest would not miss the potential of making real change by recommending a program that would deal with alcoholism as an illness, help people change their life, and prevent more deaths.¹³

The arresting constable testified at the inquest that when he approached Ms. Henry who was lying down in a parking lot and she did not give a verbal response, he used a technique he picked up from other members and applied pressure to the back of her ear to see if she responded to a pain, which was a sign she was conscious. He repeated this until she grunted in pain.¹⁴ A more humane approach would be to use first aid.

Another Coroner’s Inquest jury recommendation after Ms. Henry’s 2000 death was that the Yukon Government Department of Health and Social Services, Alcohol and Drug Services, Royal Canadian Mounted Police, Whitehorse General Hospital, and Salvation Army form a committee to develop a cooperative continuum of care and/or prevention for individuals and families affected by alcohol and/or other substances.¹⁵ This need for a more comprehensive medical and socially based approach to dealing with alcohol addictions came up repeatedly during the current Review and is being addressed by a recently appointed Yukon Task Force on Acutely Intoxicated Persons at Risk. Women have suggested that if this jury recommendation had been acted on earlier, it may have prevented similar deaths of people who were taken to police cells when they were intoxicated.

In 2003, Heather Benson died in a motor vehicle rollover while she was being transported by RCMP from Tagish to Whitehorse to appear before a Justice of the Peace. The members who arrested Ms. Benson in the middle of the night had secured evidence, a small number of marijuana plants, after a search warrant had been executed. They had the discretion to issue her a notice to appear before a Justice of the Peace or to call a matron to hold her in cells in Carcross instead of transporting her to Whitehorse. The single mother of two children called a neighbour to come to take her daughter from the home at about 3:00 a.m. because she was being arrested. The non-commissioned officer in charge of the detachment said at the inquest that identity was not at issue, the deceased was not a flight risk, and that RCMP policies regarding contacting a supervisor were not followed during the evening’s sequence of events. The constable who was driving the vehicle had been working for 19 hours without a break; evidence presented at the inquest indicated he was driving well above the speed limit. The prisoner was handcuffed and not wearing a seatbelt. Coroner’s inquest jury recommendations directed to the RCMP were to review safety policies and procedures regarding officer fatigue, operation of equipment and prisoner transport,

¹³ *Henry Inquest*, pp. 356-367.

¹⁴ *Henry Inquest*, Volume I. pp. 38-46.

¹⁵ *Henry Inquest*, pp. 409-411.

Occupational Health and Safety and Workers Compensation Board policies and regulations, and the need for frequent safety training.¹⁶

Fear of reprisals

*It's not a perception about being unsafe to come forward, it's real. I will teach my granddaughter to fear because that's the truth. Women are on their own and get judged so much.*¹⁷ (Women's advocate)

People in vulnerable positions are potentially jeopardizing themselves by coming forward. (Frontline service agency worker)

People won't come forward because of fear of retaliation. It's a safety issue and we don't need our people harassed because they've been harassed all this time and they still get harassed. I'm glad this is being done and it's too bad it took deaths to come to this point. (Elder)

Most of the thirty-four women who spoke to me in confidence during the period of the Review indicated that they were afraid to speak publicly or make a complaint to the RCMP or to the Commission for Public Complaints against the RCMP because they believed that if they did they would face retaliation from RCMP members in their communities. Women said that family members who had made a complaint would be repeatedly stopped and given tickets for things like a missing taillight or brake light, or be charged with speeding when they had been driving at the speed limit. One woman who had registered a complaint about the RCMP said that her kids wouldn't borrow her vehicle because they were always stopped by police when they drove it. She asserted that she had to call the most senior ranking officer in the division before police stopped pulling her over on a regular basis following her formal complaint about RCMP conduct.

Two women told stories about family members who had been severely beaten by police, and said they were very afraid to say anything about it. Three other women reported that family members had been beaten up by police after they made complaints.

At a number of meetings women spoke about the closed nature of police culture, that police keep to themselves. They feel police are protected by their badges and protect each other. You need to break the brotherhood.

Women's safety

The reported rates of crimes of violence against women are high in the Yukon, and the reported rates are a fraction of the actual incidents.¹⁸ Spousal homicide rates [in Canada]

¹⁶ Proceedings at Inquest. In the matter of the Coroner's Act and in the matter of an inquest into the death of Heather Benson, before Coroner S. Hanley, Volumes I-III. November 8, 9, 10 & 14, 2005. Whitehorse: Law Courts.

¹⁷ All quotes in this section are from statements made at meetings during the Review of Yukon's Police Force, or from women's personal communications with the writer.

are almost eight times higher for aboriginal women than for non-aboriginal women.¹⁹ Victimization surveys in Canada estimate that only between 10% and 25% of sexual assaults are reported to police. In the Yukon, as elsewhere in Canada, the number of police “unfounded” complaints for woman abuse cases may be 40% or higher. Only a portion of the number of “actual” complaints proceed to prosecution, and conviction rates are low. Women’s groups are disheartened by the fact that these low numbers mean that in most cases there are no consequences for the abhorrent crime of sexual assault. Women’s groups criticize the paucity of crime reporting statistics, and as noted above have asked Yukon RCMP to report more complete data about the sexual and spousal assaults that are reported as one means of assessing the scale of the problem, and improving the response.

Many women acknowledged RCMP for respectful and thorough work investigating their reports of violence. It is a frustration for police and for women when a violent offender is released on bail if they have documented previous convictions, a risk or reoffending, or danger to the victim. Some Yukon RCMP spoke about the difficulties of maintaining trust with women considering that a complex system where the role of other decision-makers in the justice system to determine the release of the accused, prosecutions, the rules of court and the outcome of trials isn’t generally well understood. Victims have described feelings of betrayal when men accused of violence were released by judicial officers back to the community, despite their expressed fears and letters from women’s organizations before the Court about women’s personal risk of harm and the dangers that the Court would appear to condone violence.

Many women spoke about the need for change throughout the criminal justice system in cases of violence against women. Women said there is room for more appropriate police response, more thorough investigations, and for the public prosecution service and police to work with women’s groups on the systemic problem of woman abuse in Yukon. A better understanding of court procedures could be accomplished by a Women’s Court Watch Yukon program. Court Watch could help to identify other system improvements. Establishing a legal advocate for women could help survivors and accused women to navigate the system. Women expressed the need for increasing the numbers of founded complaints and of prosecutions and convictions for crimes of violence against women, for respecting women’s integrity, and for establishing sexual assault and domestic violence response teams that include medical support. These issues are addressed in recommendations found in the next section of the report.

Charging women and identifying the dominant aggressor

More and more women are getting charged and they're in really dangerous relationships. Yukon has a higher rate of women with violent offence charges - why is that? Are they really offenders? Do police look at who is the dominant aggressor?(Women’s shelter worker)

¹⁸ Statistics Canada, 2006, Victimization Survey

¹⁹ CEDAW/C/CAN/.2008. [29]

I won't be calling the cops again. I don't want to go to jail. I'd rather be beaten. (Women's shelter client)

In rural communities and in Whitehorse, women spoke about the miscarriage of justice when they are arrested for defending themselves and it took months before the charges were dropped. In the meantime, they faced a number of difficulties: losing and trying to regain custody of their children although they hadn't committed an offence, protecting themselves from a violent ex-partner, financial difficulties involved in dealing with the legal system. Women expressed anger and outrage at being unfairly charged. Support workers said some RCMP seem to take the attitude of just arresting both parties and letting the courts figure it out. Another victim support worker alleged police would arrest both parties because 'they're just drunks'.

Although 'M' Division has a protocol for assessing who is the primary aggressor, women said that didn't appear to be consistently followed. RCMP lack of awareness or use of Family Violence Prevention Act orders meant that women might have to relocate to Whitehorse or stay at the shelter, instead of being able to stay in their home and remove the dominant aggressor.

Criticising women's choices and investigating woman assault

The constable who was driving me home after taking a statement at the detachment made me feel like dirt. He told me I shouldn't be going back. Even though my partner beats me, I didn't have anywhere else to stay. (Community member)

You [RCMP] need to know how power and privilege operate, and recognize your own bias. (Community member)

I reported a serial rape and was not believed, it wasn't investigated. I had to watch the rapists come down and mock and sneer and jeer at me on the streets. I had no support from RCMP or in the community. I would not call RCMP today if my life depended on it. (Community member)

I reported a rape and the RCMP told me it didn't happen. (Community member)

RCMP have said that women lie, and so that's why they can't or don't believe women's reports of sexual assault. One woman noted that this Review is being done to deal with public mistrust of police; it is asking why people don't trust the police. She said we must also have an answer from RCMP to the question: "Why don't the police trust women?"

Women said that some police take attitudes that unjustly blame women for male violence. Police have told women things like: you shouldn't have been there, you asked for it, you shouldn't have been drinking. Women in frontline services say that one bad experience with an RCMP member may stop a woman from calling police to report sexual assault or physical abuse in future.

Respecting women's dignity and human rights

Be kind. Be nice to women. (Community member)

Two male and two female officers twisted her arm, dropped her, undid her bra, removed her shirt in front of all four officers. She should be able to get her bra back. This woman had to go to cells topless. I've observed two other aboriginal women where RCMP forcibly removed their bras and they were in cells in underwear only. Is it police protocol to treat women like that? (Victim services worker)

Those men's [McLaughlin's and Belak's] behaviour was not responsible. We expect our police to be respectable. (Kaska elder)

Women in Watson Lake and across the territory believe police should be held to a high standard of ethical behaviour. While the Yukon Supreme Court acquitted two constables of sexual assault charges for their actions following a party on March 8, 2009, women condemn the constables' behaviour as inappropriate police conduct. Responsible policemen would have offered to walk the woman home, not ask her to come to a constable's private house after she had been drinking large amounts of alcohol, and have repeated sex with her.

Police should respect women's dignity. If police are arresting a woman in the middle of the night when she is likely to be undressed or in night clothes, they should arrange if at all possible to have a woman member present to assist. The constable's evidence at the Heather Benson inquest was that she answered the door in a housecoat wearing a t-shirt underneath. Because she became very agitated with them and made a sudden movement toward a pile of clothes while in her bedroom he thought she might be a threat to herself or to him so he handcuffed her, then he stood and watched her put on pants and finish dressing.²⁰

The Supreme Court of Canada ruling in *R v Golden*, 2001, set a number of standards for the conduct of strip searches. The decision means that police are required to respect a person's constitutional rights, and is referenced in the RCMP National Operations Policy related to personal searches. Police are required to use the minimum amount of force necessary, to carry out strip searches whenever possible in a private area and by an officer of the same gender as the person being searched, ensure the health and safety of all involved, and to keep a proper record of the reasons for and the manner in which the strip search was conducted.

'M' division had not been able to report the number or circumstances of strip searches conducted in the Yukon in recent years, as the documentation is maintained in individual files and is not searchable in the records management system. During the review, women are asking RCMP to be more accountable to the public. Answers to the question of how many strip searches have been conducted over the last five years, and under what circumstances, can be reported without invading the privacy of the persons involved.

²⁰ *Benson Inquest*, pp. 51-53

Social status of the complainant and alleged offender

*Do we need to take your gun, sir?*²¹

One woman said her husband was a community leader who beat her often, but that police didn't take her seriously and would not lay charges when she called them for help. By the time police arrived, she would be distraught and her husband would be calm and composed, and not appear to be a threat to her safety. Women also commented that when they call police to lay charges, they would be called down in the community and even by their own family members if the husband or partner had more social status than she did. Police need better training so that they respond appropriately to protect women's safety. When women do not feel safe to call the RCMP as a result of previous experience, their risk of personal danger from a violent spouse escalates.

Police need to have a better understanding of the nature of violence in communities, and work with First Nations and women's groups to address the problem. LAWS's project *Together for Justice: On Violence, Language, and Responsibility* proposes to develop an action plan to address violence; the plan is further described in section five of this report.

Two women spoke to me about wife assault by police. There is limited research available on spousal abuse by police, but some evidence that police have higher rates of wife abuse than other occupations²². Many women have described the code of silence for abused women. This is even more prevalent for women who would have to call a colleague of their husband if the abuser is a member of the police force.

Kaushee's Place confidential 24/7 crisis line at 1-867-668-5733 accepts collect calls from anyone reporting abuse.

Vulnerability of youth

I've seen a lot of discrimination against youth for being native, black, female. Where's the faith in the system when we hear these stories? (Youth worker)

I've seen RCMP body slamming youth. (Justice worker)

Can you back up a little before people are apprehended, find some way of preventing that? Many youth with big long criminal records are good people. (Elder)

²¹ A community member reported that the attending RCMP member asked her husband this question when he came to the house to investigate her report of violence and threats, personal communication.

²² Ammons, J. 2005. *Batterers with Badges*; Wetendorf, D. 2000. *The Impact of Police-Perpetrated Domestic Violence*; Former RCMP member Jocelyn Hotte was convicted of first degree murder for the death of his ex-wife; Alex Roslin writes in "Killer cop", *This Magazine*, November-December 2004 about the 'secret shame of conjugal violence' among police.

We had a great constable here who coached the hockey team, was often at the school, he had a really good rapport with the youth. There was a big hole when he left. The exception needs to be the rule. (Community member)

Many of the positive comments made about RCMP related to police contributions to sports and recreation for youth, such as soccer, hockey, and baseball. Police also noted that summer community recreation programs have a noticeable impact on reducing vandalism. Police with young families usually volunteer to help with sports activities. These efforts are greatly appreciated and should be encouraged.

Youth also spoke about the lack of ‘anything to do’ in small towns, and the prevalence of drinking. Youth said police crime prevention efforts should include education about the use of date rape drugs, and protecting your drinks.

One young woman said that after she had filed a complaint about RCMP behaviour, the member continued to accost and goad her until she would get angry enough to risk being arrested for assaulting a peace officer. Another said that she wouldn’t even think about filing a formal complaint because she was too afraid of retaliation.

Concerning racism

If you want to get a promotion, kill an Indian. That’s what happened with the RCMP who killed Harley Timmers ... (Community member)

Racism in the RCMP is real. First Nations people are beat up by RCMP, they come out of there with black eyes all the time. I often wonder how many First Nations women are abused by police - I know they wouldn’t go for help because they won’t be believed and don’t feel safe to report. (Elder)

The RCMP down here have bad attitudes, they don’t know how to be compassionate with people. They don’t know how to deal with First Nations people. I’ve watched them be rude, roughing people up, mean. They intimidate First Nations people by the way they deal with them. (Community member)

At several Review meetings, I observed a deep-rooted fear of the RCMP that went beyond a mere lack of trust. The frequent and outspoken allegations of racism must be tackled head on. Many First Nations people had open-hearted suggestions about how to repair the relationships with police. People suggested that RCMP should get out of their cars and walk around the villages, ‘you don’t need to be afraid of us’. First Nations are willing to work with RCMP leadership and detachment members, and their recommendations on training and best practices appear in section four below. The RCMP could recruit, mentor, support and promote more First Nations members to build good will in aboriginal communities.

A deeper understanding of aboriginal Yukon cultures, history, and traditions is not something that can be gained in a brief ‘aboriginal perceptions course’.

Knowledge of Yukon First Nations history and culture

Many people come to the Yukon with no idea of its history. They don't recognize we had very strict laws, policed very strictly, very honourable people with traditional ways of education and how to interrelate with others. Today we're dealing with the aftermath of people who've been terribly injured, emotionally, mentally, physically and spiritually. It's very important that the RCMP and other agencies that deal with the justice system have this education about our early and more recent history. (First Nations elder)

First Nations Policing: Community tripartite agreement

We need to revitalize our Community Tripartite Agreement (CTA) in Watson Lake. (Community member)

At community meetings in Watson Lake, people expressed anger, frustration, and sorrow about the current mistrust of police and the unchecked level of violence, particularly against aboriginal women. Women spoke too about the deterioration of strong relationships that were established between Liard First Nation, the RCMP, and the community when the CTA was first implemented over a decade ago; CTA commitments are no longer being met. None of the additional First Nations Community Police Service members are aboriginal, the Community Consultative Group and police/First Nations leadership aren't meeting, and anticipated support of the Dene Keh community justice program isn't apparent. With a concerted effort the Framework Agreement and a Letter of Understanding could bring the CTA back on track. Kaska women support the objectives of the agreement, and suggest that involving women, the First Nation and the RCMP in rebuilding this partnership could increase responsibility and accountability and strengthen personal safety in the community. Liard Aboriginal Women's Society has indicated its willingness to work with the RCMP, Liard First Nation, and the Yukon Government to bring the Watson Lake Community Tripartite Agreement to its full potential.

The reader will find a more complete analysis and recommendations about improving First Nations policing in the Yukon Aboriginal Women's Council's Report dated November 21, 2010,²³ which this report endorses in its entirety.

Use of Taser® conducted energy weapons

An aboriginal woman reported that an RCMP member Tasered® her son in the leg three times when he was drinking under age. He was drinking in a graveyard with a non-aboriginal youth, who wasn't Tasered®. The two young men were inebriated and stumbling, and she said they had not committed a federal criminal offence. She didn't believe they were a threat to the public or to the police, or actively resisting arrest. She didn't think the police needed to use a conducted energy weapon in order to apprehend the youth. Other mothers stated RCMP use conducted energy weapons with a cavalier attitude, particularly against aboriginal youth.

²³ www.policereview2010.gov.yk.ca

Looking south to British Columbia, the death of Robert Dziekanski at Vancouver International Airport almost immediately after he was Tasered® by RCMP resulted in a Commission of Inquiry. Released in 2009, the Braidwood Commission reported that between 2001 and 2007 in B.C., six subjects died during or after deployment of a conducted energy weapon by RCMP. Since 2003, 25 people in Canada, including eight in British Columbia, have died after a conducted energy weapon was deployed against them. According to Amnesty International, more than 300 people have died in the United States from police use of CEWs. In developing his recommendations, Braidwood was guided by the principle that the police are subject to civilian authority²⁴. The need for civilian oversight of police is often noted and readily apparent, but has not yet been enacted to govern the conduct of the RCMP.

Improve police accountability

The police are not above the law. The police should be policed too. (Community member)

We need a public complaints process that's accessible to individuals to instil public confidence. (Community member)

How do you lay charges against the people you're supposed to get to lay charges? (Community member)

As stated earlier, women said that civilian oversight of the police is essential to gaining and holding the public's trust and confidence. Problems plaguing the RCMP disciplinary system have been the subject of at least five studies aimed at improving the management of the discipline framework and model. RCMP management is still evaluating the recommendations of the Lordon report to make improvements, which will address timely scheduling of internal Code of Conduct investigations, among other problems.²⁵ Continued delays in addressing these issues will further erode public trust.

The RCMP Act provides that RCMP must be active members in order to be subject to disciplinary measures. RCMP may resign or retire to avoid disciplinary measures when a Code of Conduct investigation substantiates misconduct, including sexual harassment and sexual assault. Without impeding the right of a member to resign or retire, this report recommends that changes be made to the *RCMP Act* to ensure police remain accountable for their actions until a Code of Conduct investigation initiated before the retirement or resignation is completed. In no case should a Code of Conduct investigation take more than five years to complete.

When complaints are filed against police, witnesses to the events may be other professionals, such as paramedics or hospital staff. An ambulance worker said that because

²⁴ *Restoring Public Confidence: Restricting the Use of Conducted Energy Weapons in British Columbia*. 2009. Braidwood Commission on Conducted Energy Weapon Use. Accessed at <http://www.braidwoodinquiry.ca/report/P1Report.php>

²⁵ <http://www.rcmp-grc.gc.ca/pubs/adj/ann-08-09/sec-2-eng.htm#22>

she regularly works with police she felt compromised by being questioned by a police officer about an incident she witnessed. These investigations should be done by a civilian agency.

Concern for family members of police

Women stated concern for RCMP wives and family members. In small northern communities, newcomers stand out and the family members of RCMP are under a lot of scrutiny. It's virtually impossible for RCMP and their families to have any privacy in the community, except at home. Resource allocations for Yukon RCMP must be adequate to ensure replacements are available so that RCMP can take family vacations. Rural detachments shouldn't have to function for extended periods of time with inadequate staffing levels.

Concern for women RCMP

The women on the force, if they say anything they'll be harassed. Most of the women in the RCMP have had sexual innuendos or harassment from male officers. Woman RCMP may be afraid to show compassion. (Women's advocate)

We need to aim a little higher. RCMP need women instructors and women superior officers so there are supports for women in the RCMP. (Women's advocate)

Women said that increasing the numbers of female RCMP is very important but that higher numbers of women alone will not change things unless the system they work within also changes. Women RCMP who report sexual harassment by coworkers or superiors find that it may take years for a Code of Conduct investigation to wind its way to completion, and that there are likely to be no consequences as the officers can retire with full pension before an Adjudication Board imposes any penalties.²⁶

Specific allegations of sexual harassment of Yukon female RCMP by fellow members or superiors are not reported here because of the risk that in a small territory the individuals concerned would be readily identified.

Concern for RCMP

It takes a special kind of person to witness all that violence and trauma every day and keep his humanity intact. (Community member)

I see young recruits come to the community with a sparkle in their eyes and a passion to serve, often within a few months their eyes look dead. (Women's advocate)

Policing is a hard job. Many people appreciate the work police do and acknowledge they wouldn't be prepared to do it themselves. The police are often called to respond to

²⁶ This was the case for former Chief Superintendent Ben Soave, former Assistant Commissioner Bradley Holman, and other RCMP members.

situations where a deficit of social services or community response is an underlying problem, and action by governments and community agencies is needed on addictions, treatment programs, lack of housing, and other issues. Recommendations below about increasing interagency cooperation may help to address the underlying problems.

Constant exposure to insults, threats, and danger in the line of duty, witnessing traffic accident deaths, and seeing people at their worst are some of the difficult tasks people mentioned when expressing their concern for the well-being of RCMP. Women said that police tend to become jaded and cynical over time because of work-related stress, and that a male-dominated RCMP culture works to diminish the need for members to pay attention to signs of “compassion fatigue”. Senior RCMP need to play a leadership role in offering greater support to its members, for example by developing a mentorship program. Leaders need to remove any stigma attached to counselling or using employee assistance programs. Recommendations below regarding training address this matter in more detail.

Working together

I believe we have to work together. I'm getting tired of the disrespect when I try to work with RCMP. (Justice worker)

Some people are still alive because they were put in jail when they were intoxicated. Others are dead because they were put in jail when they were intoxicated. (Community member)

We want to feel safe and secure again when we call the RCMP, we're not feeling that now. (Community member)

Some of us still have a lot of hope, but we've seen so many studies and partnerships go round and round. (Elder)

It will take commitment and a concerted effort to work together to make the kinds of positive changes people envisioned during the Review. Section 5, Moving forward together, and many of the recommendations below suggest how this could be accomplished.

Appreciation of RCMP

The constable told me I was worth more than that. He said nobody deserves to be raped. He made me feel respected when I thinking about suicide. (Community member)

This young woman's statement shows us that police compassion can prevent self-destructive behaviour. Police can and do save lives. Women are more than grateful for this. I have witnessed exemplary RCMP leadership that gave me hope for the future. And I have heard senior RCMP utter hateful condemnation of women that caused me to despair. Women need to be able to trust that when they call the RCMP they will be respected and be offered help to solve their problem. Women are conflicted by the unpredictability of the

response they will get when they call the police for help. The next section of the report presents recommendations to tip that balance towards responsible, respectful police service.

4. Recommendations

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. Meaningful police response is essential to a resolution of the current climate of distrust in the Yukon RCMP, as is the case nationally.

These recommendations are based on an analysis of notes taken during police review meetings, women's personal communications made in confidence to the researcher, and submissions to the Review posted at www.policereview2010.gov.yk.ca, in particular the August women's groups' representative Interim Report, and the Yukon Aboriginal Women's Council Report and Recommendations dated November 21, 2010.

The recommendations section of this report is organized into six categories according to the priorities identified in the Terms of Reference for the *Review of Yukon's Police Force*. These 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.

RECOMMENDATIONS: 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) establish a civilian oversight body reporting to the Minister of Justice to monitor RCMP "M" Division adherence to 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. Include representatives of women's groups, First Nations, and communities to set the objectives, priorities and goals of the Territorial Police Service. This body would develop a model for an accessible, transparent and accountable civilian public complaints agency.

RECOMMENDATION 1.2

RCMP "M" Division and Yukon Government commit resources to establish an impartial and independent legal advocate position to 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 specialized domestic violence response team recommended below (R. 4.1).

RECOMMENDATION 1.3

Yukon RCMP demonstrate a willingness to accept criticism and make amends. If requested, Command level officers would meet with family members of people who have died in police custody, to help the families bring resolution to the deaths.

RECOMMENDATION 1.4

Yukon Government recommend to the federal Public Safety Minister the repeal of *RCMP Act* provisions that allow members to resign or retire to avoid discipline, and the creation of new powers in the Act to discipline police officers for at least five years after their retirement. YG Department of Justice allocate resources for a review of RCMP publications on disciplinary practices, and recommend revisions to the *RCMP Act, Regulations*, and Discipline policy to improve member accountability for Code of Conduct violations or criminal behaviour. Recommend that all disciplinary matters be resolved within a maximum of two years, and that members be placed on supervised administrative duties rather than leave with pay during investigations or appeals.

RECOMMENDATION 1.5

RCMP “M” Division, YG, and First Nations governments meet to build constructive working relationships. This may result in an “M” Division formal apology to First Nations people that acknowledges past wrongs that continue to foster mistrust in the police. As identified by Yukon residents during the review, this includes acting as a state agent to remove children from their homes to attend residential schools, deaths in custody, removing children from First Nations’ families, violent or racist acts towards First Nations citizens.)

RECOMMENDATION 1.6

RCMP members adopt peaceful means of conflict resolution and use the language of empathy and negotiation to de-escalate situations instead of resorting to violent force, whenever possible.

RECOMMENDATION 1.7:

Abolish the use of the Taser® Conductive Energy Weapon (CEW) in the Yukon. In the interim, develop Yukon policy limiting the use of conducted energy weapons in accordance with the Braidwood inquiry recommendations. 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. Maintain and publish annual statistics of CEW use by Yukon RCMP members.

RECOMMENDATION 1.8:

RCMP provide ride-along programs in all communities to encourage First Nations leaders, elders, municipal leaders, community agency and social service delivery personnel to have opportunities to witness community policing at work in Yukon villages, towns, and cities.

RECOMMENDATION 1.9:

RCMP ensure cameras are present and working in RCMP vehicles and the “garage” of the Whitehorse RCMP building, to be able to monitor reports from frontline service agency staff and street people alleging RCMP violence.

RECOMMENDATIONS: 2. Public complaints

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

We heard during the Review that civilian oversight of police is needed as a check and balance system. Nationally, the RCMP has stated it should no longer investigate itself. However, changes to federal and territorial legislation are required to ensure investigations into complaints and in-custody deaths are conducted by an independent agency. As recommended above, a Yukon civilian oversight body would develop a model for an accessible, transparent and accountable civilian public complaints agency. Yukon Government has the responsibility to ensure that RCMP compliance with a civilian complaints model is part of the police contract agreement.

RECOMMENDATION 2.1

Use an independent and impartial public complaints agency to investigate public complaints.

RECOMMENDATION 2.2

Every RCMP wear a video-camera to record public interactions, so that police conduct can be properly assessed if complaints are made.

RECOMMENDATION 2.3

YG 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. Ensure an accessible process and 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 founded complaints.

RECOMMENDATION 2.4

YG recommend amendments to the *RCMP Act* to ensure members will be held accountable for any finding of misconduct within five years of retirement or resignation.

RECOMMENDATIONS: 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

- Lengthen the initial Depot training in Regina to a minimum of two years, with 2 10-month sessions and supervised 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;
- Consider adding 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;
- Provide RCMP with professional training on power and oppression, sexualized assault, domestic violence, dynamics of woman abuse, feminist critiques of cultural constructs of masculinity;
- Ensure recruits obtain knowledge of medical needs, Kits on Ice, date rape drugs, condom use, healthy sexuality, trauma, Charter protections;
- Provide specialized training for all recruits in evidence gathering, approaching and interviewing traumatized and socially marginalized people;
- Offer specialized training for sexual assault and domestic violence response teams that include medical support;
- Provide more education on criminal law and effective prosecution of violent crime;
- 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;
- Increase training in First Aid, CPR, emergency response, water rescue, knowledge of Yukon environment, weather, hypothermia,
- Establish annual refreshers and requirements to maintain current health and safety 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 and civil remedies, such as Family Violence Protection Act Orders, Family Property and Support Act Orders;
- Gender and cultural awareness training, encourage non-judgemental and compassionate perspectives;
- Information about Yukon women's groups services to women,
- Schedule opportunities to develop interagency cooperation and information exchange by inviting community and service agencies, interagency groups, and senior RCMP into the classroom to meet RCMP members participating in Yukon training;
- **Developing curriculum on RCMP/First Nations history in the north:**
- Historical and contemporary RCMP/ First Nations relations, the contributions of YFN community constables to RNWMP and police survival, RCMP agency in removing FN children and transporting them to 'residential school', the 60s scoop, lessons learned from YFN citizens' deaths during interactions with or in RCMP custody between 1999 and 2009;
- Yukon First Nations history, culture, governance and social practices across the territory;
- YFN land claims legislation and self-government rights.

RECOMMENDATION 3.3

Establish a process for community orientation of new RCMP members. Collaborate with First Nations governments, municipalities, service agencies, interagency committees, and women's groups to develop an orientation protocol for each detachment. Schedule time for meeting with community representatives to ensure input into annual RCMP priority setting.

RECOMMENDATIONS: 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 a crime prevalent in the Yukon. A thorough investigation by qualified investigators is an essential first step to successful prosecutions.

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, which could build on the current Sexual Assault Response Team (SART) model. A legal

advocate (see R.1.2) would be available to provide support and act as a liaison for the victim and the domestic violence response team.

- 4.2 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 the Office of Public Prosecutions (formerly referred to as the 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 Office of Public Prosecutions establish a sexual assault and domestic violence prosecutor team with training and expertise in evidence gathering and criminal law, and adopt skilled interview technique. Work with women's groups and women's legal advocate.
- 4.4 Office of Public Prosecutions and RCMP 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, and that RCMP have an understanding of the nature of violence against women, violence against women in aboriginal communities, and women's responses to violence. RCMP ensure that regular training is provided to members on effective sexual assault investigation techniques, because of the frequent occurrence of this crime in Yukon and a potential delay in the capacity of RCMP to have specialized sexual assault team available for all shifts and in all communities.
- 4.6 RCMP, YG, Office of Public Prosecutions work with women's groups to establish, and monitor the success of, the above initiatives.

Related Recommendations are found under Training and Best Practices.

RECOMMENDATION 4.7

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 4.8:

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

RECOMMENDATION 4.9:

RCMP take intoxicated persons to a secure medically attended facility, and/or release intoxicated persons to friends or family members where it is safe to do so

RECOMMENDATIONS: 5. Best practices

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

Women described RCMP successful interagency work that has occurred in the past, and acknowledged many RCMP members who were good leaders or role models who participated in such activities.

Citizens take pride in seeing police from different backgrounds, and it’s easier to build trust in communities if the police are not strangers, or ‘outsiders’. Presently women, aboriginal, and minority communities are underrepresented in the RCMP.

Additional best practices, for example the ride-along program, specialized sexual assault investigation teams, and improved training, are found throughout the Recommendations section of this report.

RECOMMENDATION 5.1

RCMP participate consistently on inter-agency committees dealing with sexual assault, spousal violence, crime prevention, and community safety priorities. Such participation would support interagency cooperation and information exchange, and provide community and service agencies with an opportunity for input into annual RCMP priority setting.

RECOMMENDATION 5.2

Set a priority on recruiting women for 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 Canadian Charter of Rights and Freedom protections curriculum and practice. In general, increase RCMP recruitment to represent the cultural and ethnic makeup of communities. Aim for full troops of women, or recruiting women in sufficient numbers to develop an esprit de corps during their training.

RECOMMENDATION 5.3

YG, RCMP, and First Nations work with the staff of transition homes and other women's organizations to establish and fund a Women's Court Watch Yukon project to monitor woman abuse cases in Yukon courts. The project would follow cases of violence against women and of 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.

RECOMMENDATIONS: 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.

The RCMP and the Government of Canada have stated their commitment to external investigations and reviews. Government of Yukon has limited jurisdiction to establish a complaint body that is independent of the RCMP, as the force is governed by the federal statute.

RECOMMENDATION 6.1:

YG develop a Yukon Police Act which includes a civilian oversight body, in partnership with First Nations governments and women's groups.

RECOMMENDATION 6.2:

YG use the current federal/provincial/territorial negotiations process renewing the police services contract agreement that expires in 2012 as an opportunity to ensure RCMP accept and follow accountability standards provided for in a Yukon Police Act.

RECOMMENDATION 6.3:

As an interim measure, YG investigate the ability of contracting civilian external investigative bodies that operate in the neighbouring jurisdictions of B.C. and Alberta. Support training for Yukon residents to participate in these external investigations and review.

5. Moving forward together

In the Yukon, the police review has provided an opportunity for the RCMP to acknowledge mistakes and take steps to remedy them. Drawing again on *Rebuilding the Trust*, the future of the RCMP will be largely determined by its capacity to communicate with and listen to people outside the Force, including the public and community interests. As in any large organization, unforeseen problems will arise and errors will be made. These can be remedied by explaining police actions and acknowledging any mistakes publicly, as well as taking steps as quickly as possible to remedy the situation.

Yukon women's groups have suggested that the way forward here in the north is to develop and maintain respectful relationships between the police and women's groups. This can be accomplished by collaborating on projects, scheduling regular meetings, identifying priorities, and developing and monitoring an action plan to improve services for women and children who are victims of violence.

It is essential to develop a plan for the implementation of recommendations that address police responsiveness and accountability, handling of public complaints, training requirements, services to vulnerable populations, best practices in policing, and external investigations. The 2010 police review recommendations accepted by YG, RCMP, and Yukon First Nations need to be monitored by an appropriate body, established by the Yukon Government, which develops a workplan with quarterly and annual achievement goals.

Liard Aboriginal Women's Society has applied for funding for a two-year project, ***Together for Justice: On Violence, Language, and Responsibility***. LAWS is partnering with the RCMP and other Yukon women's groups on this initiative to offer a series of seven workshops in Watson Lake and in Whitehorse in 2011 and 2012.

LAWS has invited National RCMP Commissioner William Elliott and "M" Division Commanding Officer Peter Clark to its first gathering, ***Bridging the Gap: A Cross Cultural Conversation Between Women, First Nations, RCMP and Community Agencies***, to participate in a conversation about current practices, about issues of violence, and about shared concerns regarding violence in Yukon communities, particularly against indigenous women. The leadership of RCMP command-level officers will encourage junior members to participate in this and subsequent sessions in a sustained and earnest way. The process may at times be challenging for everyone.

LAWS has asked the RCMP to commit to long-term meaningful participation in *Together for Justice*. LAWS goals in this are:

1. to build relationships between the various parties,
2. to establish plans for ongoing communication and cooperation, and
3. to strategize for improvements in services for victims of violence.

Together for Justice reflects a mutual desire to address extraordinarily high levels of violence in our communities and families. RCMP participation is crucial to the goal of creating lasting change by working together to develop a plan of action to address violence in our communities. *Together for Justice* sessions will serve to educate the participants on safety, the importance of accurate language, violence, responsibility, and recovery. With significant involvement of RCMP members from every level of the organization, women, First Nations, police, and frontline service agencies, *Together for Justice* can help all participants to develop greater understanding and cultural sensitivity in police service delivery, and improve community safety throughout the Yukon.

Over time, other cooperative projects will undoubtedly be undertaken as police, government, organizations, and citizens work to implement recommendations brought

forward during the course of the Review.

Women's groups appreciate the RCMP and Yukon Government participation in the 2010 Review of Yukon's Police Force. Women look forward to ongoing opportunities for collaboration with the police and the territorial government to achieve safety and justice for every member of Yukon society.

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APPENDIX 7.1 MANDATES OF YUKON WOMEN'S ORGANIZATIONS

Yukon Status of Women Council is a feminist collective striving to achieve women's equality through research, political advocacy, education and public policy work. Operating for over 30 years, it envisions a world of equal opportunity where gender equity exists in all spheres of life; where all women have the opportunity to explore their own potential; where all women are safe and their lives are valued equally; and where there is respect for women's opinions, needs and actions.

The Liard Aboriginal Women's Society is a non-profit organization working to help heal the legacy of physical and sexual abuse in residential schools. LAWS serves the Kaska communities of Good Hope Lake, Fort Ware, Lower Post, Watson Lake and Ross River, offering a variety of programs ranging from Western Psychotherapy, which includes counselling and training, to traditional healing ways including music, sweats and healing ceremonies. LAWS has a camp at Frances Lake, on the Campbell Highway where many of its cultural activities take place.

Whitehorse Aboriginal Women's Circle is a non-profit society established in 2003 to provide an avenue for all aboriginal women a place to voice their concerns and to seek support and guidance from each another. The Whitehorse Aboriginal Women's Circle participates in community events that promote and foster wellness and healing for all women, men, children, youth and elders in all communities.

Les EssentiElles' mandate to improve the quality of life of francophone Yukon women while meeting their needs and representing their interests at the territorial and national levels. Another goal of this group is to create solidarity between French, English and First Nations women as well as with other Yukon and national organizations to improve women's conditions and to break the isolation faced by French women living in a minority setting. The group also provides listening and referral services to Francophone women in the Yukon.

Kaushee's Place offers shelter, outreach, support and advocacy for women and their children fleeing abuse. Kaushee's offers a 24-hour crisis line and a drop-in outreach service. Kaushee's is governed by the Yukon Women's Transition Home Society non-profit board and offers thirty day crisis level stay, and independent second-stage housing in a secure environment based on Yukon housing rates. There is a full time child care worker and a donation room available for women.

Yukon Aboriginal Women's Society was established in 1983 to advance the interests of women of Indian or Inuit ancestry in the Yukon including Status, Non-Status, Indians and Metis; support and enforce the Indian Rights of Status Indian women and the civil and human rights of all native women in the Yukon and Northern B.C.; help Indian women increase their feeling of adequacy and their sense of responsibility through planning, developing and managing self-help projects; encourage Indian women to assume a more positive and active part in developing skills to support their people; promote and aid in the development and preservation of Indian culture, arts and handicrafts; and remain non-partisan in its activities and dealings with the Government and political parties of Canada.

Victoria Faulkner Women's Centre is a local non-government, non-profit organization that has been offering programming, advocacy and support to women throughout the Yukon for more than thirty years. The Centre organizes annual events such as International Women's Day, Sexual Assault Prevention Month and Take Back the Night. The Women's Advocate offers support and assists women in assessing their options and accessing information and services. The Centre offers various programs such as Summer Moms and Kids, Rural Pregnant Mom Suite, Healthy Moms and Babies, art, film festival, and thematic discussions. VFWC has drop-in hours Monday to Friday at 503 Hanson Street in Whitehorse.

Elizabeth Fry Society Yukon was formed in 2005 to fill an identified gap in services provided to incarcerated women and women released from prison. Elizabeth Fry Society Yukon seeks to prevent the incarceration of women offenders and to assist women who have been incarcerated with their reintegration into society. One of its key goals is to increase the availability of community-based services and resources to marginalized, victimized, criminalized and imprisoned women.