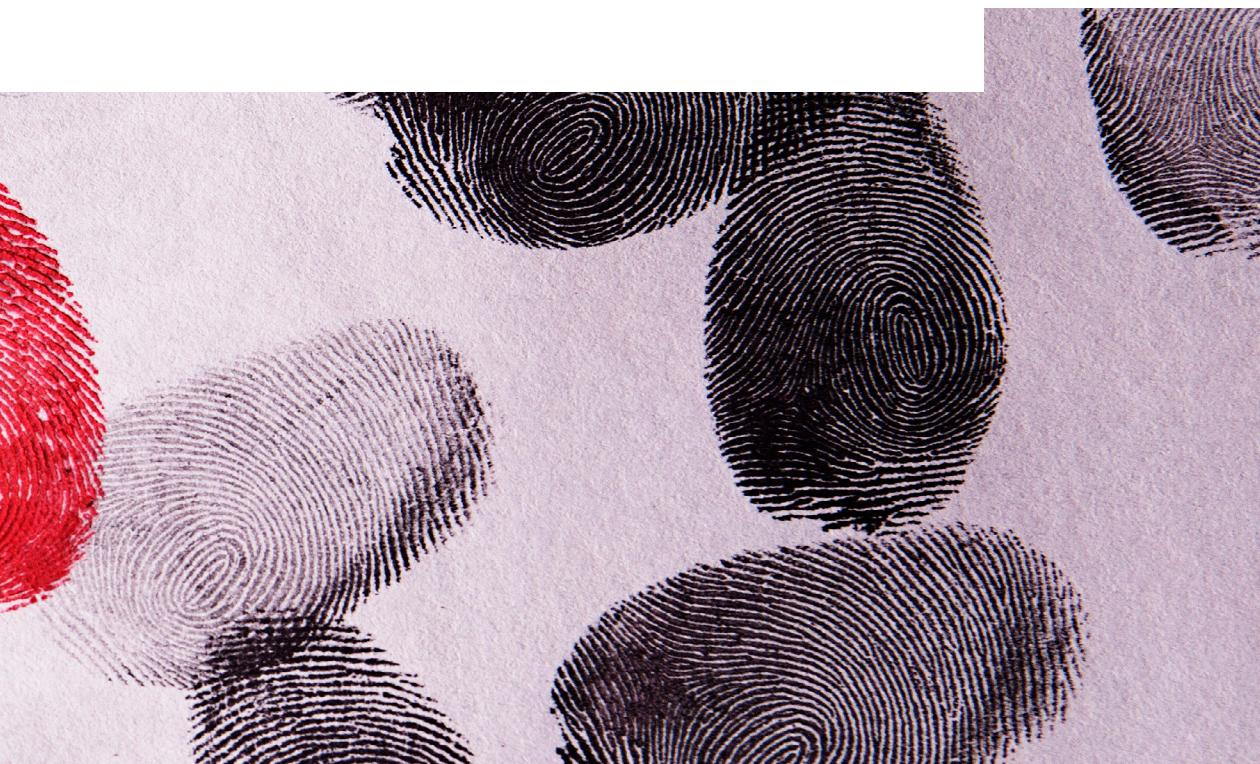


Melaina Sheldon

Department of Justice Yukon Policy Memo



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The Gordon Foundation undertakes research, leadership development and public dialogue so that public policies in Canada reflect a commitment to collaborative stewardship of our freshwater resources and to a people-driven, equitable and evolving North. Our mission is to promote innovative public policies for the North and in fresh water management based on our values of independent thought, protecting the environment, and full participation of indigenous people in the decisions that affect their well-being. Over the past quarter century The Gordon Foundation has invested over \$37 million in a wide variety of northern community initiatives and freshwater protection initiatives.



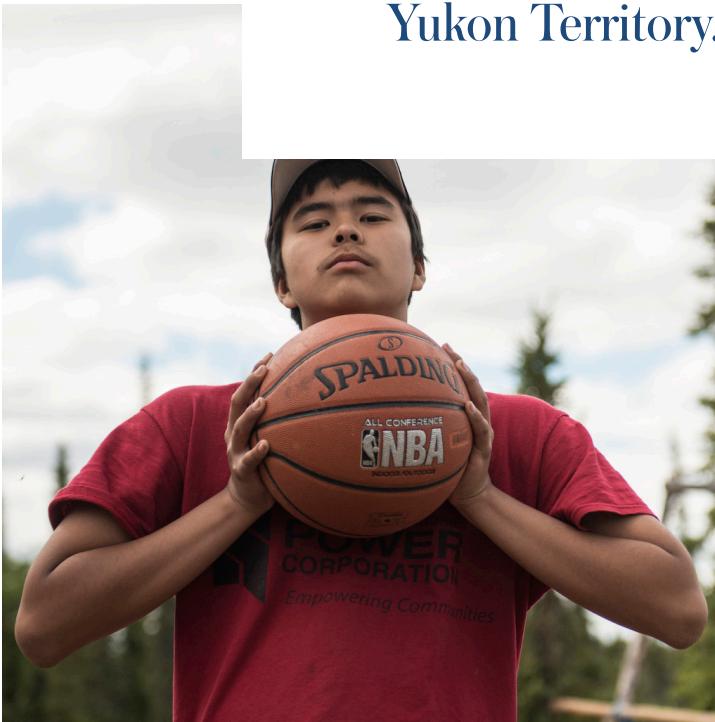
The Jane Glassco Northern Fellowship is a policy and leadership development program that recognizes leadership potential among young northern Canadians who want to address the emerging policy challenges facing the North. The two year long program is built around four regional gatherings and offers skills training, mentorship and networking opportunities. Through self-directed learning, group work and the collective sharing of knowledge, Fellows will foster a deeper understanding of important contemporary northern issues, and develop the skills and confidence to better articulate and share their ideas and policy research publicly. The Fellowship is intended for young northerners between 25 and 35 years of age, who want to build a strong North that benefits all northerners. Through the Fellowship, we hope to foster a bond among the Fellows that will endure throughout their professional lives and support a pan-northern network.



Melaina Sheldon

Melaina Sheldon is of Polish/Ukrainian, Southern Tutchone and Inland Tlingit descent of the Deisheetaan (Beaver) Clan from Teslin, Yukon Territory. As an alumna of the Jane Glassco Northern Fellowship 2015 cohort Melaina completed her fellowship with a focus on crime prevention and relationship-building between First Nations people and law enforcement officers, combining her passion for justice with a deep-seated belief in the power of theatre to effect social change. She currently sits as a member of the Yukon Police Council and as a clan representative on the Teslin Tlingit Justice Council.

In criminal matters First Nations people appear to be presumed guilty rather than innocent by RCMP in the North, resulting in disproportionate incarceration rates of Aboriginal people in the Yukon Territory.



BACKGROUND

- ▶ There is a disproportionate number of incarcerated First Nations men and women in the Yukon Territory, as they comprise only 23% of the population, but make up 70 to 90% of those in custody.
- ▶ Aboriginal offenders tend to be younger than their counterparts. In 2013, 21.3% of all federally incarcerated Aboriginal offenders were 25 years of age or younger as compared to 13.6% of non-Aboriginals.¹ The Aboriginal population is growing, and a prediction from the 2012 Government of Canada report speculated that by 2017, Aboriginal people aged 20 to 29 could make up 40% of the general public population in the Yukon Territory.² These related statistics imply that incarceration rates in the territory are only likely to increase.
- ▶ The remand rate in the Yukon rose in 2010/2011, while it fell in other provinces and territories across Canada. The Adult Correctional Statistics in Canada, 2010/2011 report by Mia Dauvergne also notes, “Overall, most crimes committed by adults admitted to provincial or territorial sentenced custody in 2010/2011 were non-violent. [More specifically,] 76% of all such admissions involved property offences, impaired driving, drug offences or other non-violent offences while 24% involved violent offences.”³
- ▶ In 2011, it was noted that the Yukon also had the highest percentage of complaints against the RCMP concerning “improper-use-of-force” of any jurisdiction in Canada, averaging 47 complaints per year, and these were only complaints that were filed.⁴
- ▶ There is a known and existing tainted historical relationship between Yukon First Nations and RCMP resulting from learned, intergenerational experiences, including: enforcement of the Indian Act, segregation law, residential school and the “60’s Scoop.”
- ▶ There are prevailing, systemic stereotypes about First Nations people in Canada that must be recognized, addressed and debunked.
- ▶ “In 2013–14, more than \$14.6 million was allocated to correctional services within the [Yukon] Department of Justice. This represented 22 percent of the Department’s budget and included: about \$10.6 million directly related to custodial services; about \$1.9 million directly related to community supervision; and about \$2.1 million for other community and custodial programs and services such as community justice initiatives.”⁵

1 Dauvergne, Mia. “Adult Correctional Statistics in Canada 2010/2011.” Accessed January 10, 2016; retrieved from <http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11715-eng.htm>.

2 Ibid.

3 Ibid.

4 Keevil, Genesee. (2011, July 13). Yukon targeted by RCMP complaints commission. The Yukon News. Accessed March 1, 2017; retrieved from <http://yukon-news.com/news/yukon-targeted-by-rcmp-complaints-commission>.

5 Auditor General of Canada. (2015, March 5). Corrections in Yukon — Department of Justice. Accessed October 12, 2015; retrieved from http://www.oag-bvg.gc.ca/internet/English/yuk_201503_e_40251.html.

These facts have led me to conclude that the growing population of Aboriginal youth paired with already existing and increasing incarceration rates of Aboriginal persons, make bleak statistics for Aboriginal youth currently and going forward.

“What vital contribution can they make to Canadian society if they are behind bars?”

The Aboriginal youth population is growing; “[c]lose to half (46%) of Aboriginal people in Canada were under the age of 25, compared with 30% of the non-Aboriginal population.”⁶ This makes them the fastest-growing, next generation of the Canadian workforce. But what vital contribution can they make to Canadian society if they are behind bars?

As the majority of admissions to Yukon incarceration facilities were for non-violent offences and the cost of maintaining correctional facilities far exceeds the cost of the implementation of preventive measures, there exists a need to keep Aboriginal youth from entering the correctional system from the starting point, the first gateway to the correctional system: interactions with the RMCP.

6 Statistics Canada. (2015, November 30). “Aboriginal Peoples: Fact Sheet for Canada.” Accessed December 16, 2017; retrieved from <http://www.statcan.gc.ca/pub/89-656-x/89-656-x2015001-eng.htm#a3>.

1 Status Quo

2 Yukon Police Council Scheduled Reporting

3 Yukon Phoenix Pilot Project Training Initiative

These options could include programs already existing or under development in the Yukon to address these issues. Options have the potential to build a stronger connection and relationship between Yukon First Nations and Yukon RCMP, addressing the issues of systemic and historical stereotypes, focusing on fostering positive RCMP and First Nations interactions and potentially creating a decrease in the anticipated rising rate of Yukon First Nations youth entering the justice and correctional systems in Yukon.



Status Quo

A first option is to wait and see how incarceration rates change in the next five years by maintaining the status quo and not pursuing new initiatives.

ADVANTAGES

- ▶ Low cost: Finances are not being expended on crime prevention initiatives
- ▶ Low risk: Public scrutiny does not increase

DISADVANTAGES

- ▶ Could be depicted as ignorance of a public epidemic
- ▶ Potentially financially unstable if incarceration rates rise, thus increasing correctional costs and overall judicial system costs
- ▶ Public scrutiny increases

Yukon Police Council Scheduled Reporting

The Yukon Police Council was established to provide a formal structure and ongoing mechanism for community members to have input into the policing services they receive. The Council's focus is to promote ongoing dialogue in order to foster positive relationships between the Yukon citizens, the Yukon RCMP ("M" Division) and the Department of Justice.

The establishment of the Yukon Police Council is a key recommendation flowing from Sharing Common Ground, the final report of the Review of Yukon's Police Force 2010.⁷

The Yukon Police Council's main roles are to ensure that a broad representation of Yukon citizens have input into the Territorial Police Service objectives, priorities and goals established by the Minister of Justice; provide advice that the Minister of Justice may consider when establishing policing objectives, priorities and goals pursuant to the Territorial Police Services Agreement; and increase the flow of information among citizens, the Department of Justice and "M" Division of the RCMP.⁸

ADVANTAGES

- ▶ Yukon Police Council maintains community presence and activity
- ▶ Yukon RCMP conduct and guide their actions as a collective
- ▶ Yukon RCMP person-to-person interactions are guided by the priorities
- ▶ The Council no longer remains unique to the Yukon Territory, but is initiated nationally

DISADVANTAGES

- ▶ Policing priorities are set yearly, but lack feasible and tangible initiatives that address all priorities set for the year
- ▶ Results of policing priorities that are addressed remain difficult to quantify
- ▶ The Yukon Police Council is perceived as ineffective
- ▶ Incarceration rates and community police complaints continue to rise despite the Yukon Police Council's recommendations

⁷ Simone Arnold, Peter Clark and Dennis Cooley, Sharing Common Ground; Review of Yukon's Police Force Final Report (Whitehorse: Government of Yukon, 2011); retrieved from http://www.policereview2010.gov.yk.ca/pdf/Sharing_Common_Ground_Final_Report.pdf.

⁸ Yukon Government. (2016 March 3). Yukon Police Council — Department of Justice. Accessed March 3, 2017; retrieved from <http://yukonpolicecouncil.ca/>.

Yukon Phoenix Pilot Project Training Initiative

The Yukon Phoenix Project is a training pilot project with an aim to bring Yukon First Nations youth (ages 12–14) and members of the Whitehorse division of the RCMP together in a two-day training workshop, utilizing the Yukon College First Nations Initiatives Department’s core competency training, Yukon First Nations History and Cultural Training and Popular Theatre techniques for the fostering of mutual education, understanding and respect between First Nations youth and law enforcement officers.

ADVANTAGES

- ▶ Yukon Police Council’s policing priorities are addressed
- ▶ Participation numbers and thus results are quantifiable
- ▶ Yukon First Nations youth (pre-teens/early teens, i.e., before they commit crimes) are educated on the Canadian Criminal Code, their legal rights and consequences of criminal activity as a minor and as an adult
- ▶ Yukon First Nations youth and Yukon RCMP learn together the history of Yukon First Nations and their relationship with the RCMP
- ▶ The project provides a place for a safe, premeditated interaction between youth and RCMP, creating a muscle memory for future, positive interactions
- ▶ Has potential for crime prevention and thus, lower incarceration rates for Aboriginal youth
- ▶ Varying production costs depending on number of participants
- ▶ Could become an effective training tool for RCMP to foster better relationships with the First Nations community, aiding in potentially de-escalating interactions and administering equitable and fair enforcement for First Nations offenders

DISADVANTAGES

- ▶ The nature of the workshop requires an intimate group to foster trust and there will initially be low impact as capacity per project would remain small; no more than four youth and four RCMP are able to participate per workshop
- ▶ Time availability of students, RCMP and workshop facilitators can be difficult to schedule as students are in school or on summer holidays, RCMP have regularly scheduled shifts, and currently the facilitators are not based in Whitehorse where the pilot project will initially be conducted. Availability for RCMP participation is potentially difficult, as staffing rates in the territory remain low
- ▶ Student availability may be difficult if the workshops are not a part of curriculum
- ▶ There is a high turnover rate of RCMP within the territory; those trained may not stay in the territory, creating a need for the training to be ongoing
- ▶ Potential high cost to sustain the project; facilitator fees, RCMP wages, venue costs, etc.
- ▶ Need to have a consistent, trained facilitator for project delivery and maintenance
- ▶ Potential to be perceived as ineffective
- ▶ Potential parental disapproval

“

There exists a need to keep Aboriginal youth from entering the correctional system from the starting point.”

RECOMMENDATIONS

The Yukon Department of Justice support and focus efforts on implementable and tangible outcomes of Yukon Police Council Policing Priorities such as: crime prevention, relationship-building with First Nations citizens, and supporting children and youth, including those at risk, via public and financial support of grassroots initiatives, such as the Yukon Phoenix Pilot Project aimed at fostering RCMP and First Nations relations and crime prevention in the territory.

If pilot workshops are successful, the Yukon Department of Justice, in conjunction with the Yukon Department of Education, support the evolution of the workshop into a curriculum based, territorial-wide, two-day training workshop for Grade 8 students and RCMP, focused on the history of policing in the territory and the operation of the criminal justice system, with the intention of halting the predicted increase of incarceration rates of Yukon First Nations youth.

SUPPORT

Groups that have indicated their support of these recommendations include:

- ▶ Yukon RCMP (M Division) Officer in Charge of Criminal Operations
- ▶ Yukon College First Nations Initiatives Department
- ▶ Yukon College Northern Institute of Social Justice
- ▶ Stage Left Productions (Calgary, AB)

Further supporters to be contacted include:

- ▶ Yukon Department of Education
- ▶ Yukon Mental Health Supports
- ▶ Yukon First Nations Government Justice Departments: Teslin Tlingit Justice Council

IMPLEMENTATION

This policy recommendation will be tested via a pilot project in September or October of 2017. This pilot project will discern the effectiveness of the training with direct feedback from officers and Yukon First Nations youth. If response from the workshop is positive, future workshops can be delivered as a part of regular school curriculum starting as early as September 2018 and would be available to non-First Nations youth as well.

Should this pilot prove useful, the Yukon Minister of Justice and Education, Tracy-Anne McPhee, could be approached to inquire about the Justice Department's capability of assisting with implementation costs. The RCMP would be expected to supplement the wages of officers in support

of workshop participation. The pilot project, with in-kind assistance, would run a total cost of \$22,000 for two days. Funding support will be sought after by the Yukon-based theatre workshop facilitator via the Jane Glassco Northern Fellowship Alumni Fund and the Crime Prevention and Victim Services Trust Fund (Yukon).

A Yukon school will be identified as a pilot "host." The Yukon College Northern Institute of Social Justice and the First Nations Initiatives Department will be essential to workshop delivery. Currently the First Nations Initiatives department is reconfiguring and developing workshop materials that speak directly to the workshop theme: the historical relationship between RCMP and First Nations people of the Yukon.

“

There are prevailing, systemic stereotypes about First Nations people in Canada that must be recognized, addressed and debunked.”

APPENDIX A : YUKON PHOENIX PILOT PROJECT SCOPE

The Yukon Phoenix Project will be a pilot project with an aim to bring Yukon First Nations youth (ages 12–14) and members of the Whitehorse division of the RCMP together in a two-day⁹ training workshop, utilizing the Yukon College First Nations Initiatives Department’s core competency training, Yukon First Nations History and Cultural Training and Popular Theatre techniques facilitated by Calgary-based Stage Left Productions Artistic Director, Michele Decottignies, and assisted by a Yukon theatre artist, for the fostering of mutual education, understanding and respect between First Nations youth and law enforcement officers through workshop education and theatrical role-playing.

This cross-cultural collaboration will utilize embodied Popular Theatre techniques (with “popular” meaning “by, of and for the people”). These creative techniques immerse the participants in collective engagement, exploration and discovery that is complementary to traditional teachings, as they are holistic: they engage participants in spiritual, emotional, intellectual and physical learning and sharing. And this workshop’s intensity is meant to be the beginning of a long-term, reciprocal community collaboration.¹⁰

The Calgary Congress for Equity and Diversity in the Arts website defines reciprocal collaboration as follows:

Reciprocity means that there is an ethic of mutual respect and a back-and-forth sharing of resources. Everyone involved both gives and receives something — be it resources, knowledge, ideas, time, energy, space or other contributions. In reciprocal collaboration the knowledge, expertise and experience of diverse [persons] is valued, sought out, acknowledged and integrated. The contributions made by those of us on the margins are understood as just as significant as those that are made by [those that are considered authorities or higher ups].¹¹

This definition deeply applies to the work the Yukon Phoenix Project aims to accomplish by bringing together Yukon First Nations Youth and Yukon RCMP in a facilitated environment, where they are encouraged to interact and engage with each other on a “level playing field,” with a focus on breaking down mutually held stereotypes of the “other.” Through this guided educational workshop and popular theatre techniques, all participants become both educator and learner.

⁹ Logistically, the availability of currently employed RCMP officers has determined that a workshop of this nature cannot run more than three days. Personal communication, Superintendent Brian Jones, Yukon RCMP “M” Division, Officer in Charge of Criminal Operations. Friday, March 31, 2017. Whitehorse, Yukon.

¹⁰ M. Decottignies (personal correspondence, February 14, 2017).

¹¹ The Calgary Congress for Equity and Diversity In The Arts (CCEDA). “Values: Reciprocal Collaboration.” Accessed February 14, 2017; retrieved from <http://www.calgaryartsequity.org/values.html>.

APPENDIX B : YUKON PHOENIX PILOT PROJECT BUDGET

FUNDING	CASH	IN KIND	ACTUAL
Jane Glassco N. Fellowship Alumni Fund	\$5,000		\$5,000
Crime Prevention and Victim Services Fund	\$10,000		\$10,000
Yukon RCMP 2 Day Workshop — NISJ		\$5,000	
Yukon College NISJ: Lunch & Refreshments		\$1,000	
Yukon College: Venue Fees		\$1,000	
Subtotals	\$15,000	\$7,000	\$15,000
Total Project Funding	\$15,000		\$15,000
Total Project Funding with In-Kind		\$7,000	\$22,000

EXPENSES	CASH	IN KIND	ACTUAL
Labour and Fees			
Theatre Workshop Facilitators x 2 Facilitator 1: Canmore, AB based Facilitator 2: Teslin, YT Based	\$5,000		\$5,000
Travel Costs: flight/gas mileage/car park	\$1,500		\$1,500
Theatre Workshop Facilitators accommodations/per diem/incidentals	\$1,500		\$1,500
Youth honoraria (4 y x \$250/day x 2 days)	\$2,000		\$2,000
Health Support (2 x \$250/day x 2 days)	\$1,000		\$1,000
Elder Advisors (2 x \$250/day x 2 days)	\$1,000		\$1,000
FNI Core Competency 2-day training		\$5,000	
Space rental Yukon College in-kind		\$1,000	
Production			
Materials and supplies:tape/paper/markers	\$200		\$200
Meals			
Lunch & Refreshments: 16 people x 2 days	\$500	\$1,000	
Memorabilia/Gifts			
Presenter/Participant gifts	\$1,500		\$500
Visual Recording and Report Production			
Photographer fees: shooting and editing	\$800		\$1,500
Report production: edit/design/print			\$800
Subtotals	\$15,000	\$7,000	\$15,000
Total Project Expenses			\$15,000
Total Project Funding with In-Kind		\$7,000	\$22,000

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CONTACT

The Gordon Foundation
11 Church Street, Suite 400
Toronto, ON M5E 1W1

416-601-4776

info@gordonfn.org
gordonfoundation.ca

🐦 @TheGordonFdn

🐦 @GlasscoFellows

