

2022 AFN Yukon Engagement on First Nations Policing and Justice

Findings and Recommendations

Regional engagement centered around the inaugural Indigenous Community Safety Summit held August 2-4, 2022 on the traditional territories of the Kwanlin Dün First Nation and Ta'an Kwäch'än Council. We are grateful for our partnership with House of Wolf and Associates who hosted the Summit, which enabled us to complete this work.





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Introduction

Each First Nation in the Yukon and across Canada faces unique needs and realities when it comes to community safety, policing services, and approaches to justice. In December 2021, the Assembly of First Nations (AFN) Chiefs-in-Assembly passed Resolution 34/2021: *Support for Regionally Developed First Nations Policing Service*, which called upon the AFN “to advocate for a Nation-to-Nation, treaty-based approach to the development of policing legislation” and “support the development of regional policing solutions that include the transfer of sustainable, guaranteed funding to the respective regions.” As part of this mandate, the AFN Yukon Region engaged Yukon First Nations (YFNs) on their community safety priorities and perspectives. The feedback and perspectives shared through this engagement are summarized in this report, and are being shared with the national AFN Secretariat to guide the creation of the national Indigenous Justice Strategy and First Nations Policing Services legislation.

AFN Yukon partnered with House of Wolf and Associates to support the inaugural Indigenous Community Safety Summit, hosted on the traditional territories of Kwanlin Dün First Nation and Ta'an Kwäch'än Council in Whitehorse, Yukon from August 2-4, 2022. The three-day Summit was held in a hybrid fashion, with presenters and attendees joining both online and in-person at the Kwanlin Dün Cultural Centre. It included presentations, panels and keynote speeches from YFN Chiefs, Community Safety Officers, leaders, and citizens. They engaged in discussions about their priorities related to community safety, policing, and justice in YFNs, and shared successful practices, common challenges, and lessons learned. In the spirit of AFN Resolution 34/2021, AFN Yukon also organized an online survey to hear Yukon First Nation perspectives on the community safety, policing, and justice.

This What We Heard report provides a summary of the dialogue from the Community Safety Summit and survey resolute, an analysis of major themes that emerged from Summit discussions, and a look ahead to potential opportunities and recommendations for future community safety, justice, and policing actions in YFN communities.

In light of the tragedies that occurred in James Smith Cree First Nation in Saskatchewan shortly after the Summit took place, conversations around community safety – specifically within First Nation communities – remains a focal point of national attention for the public and for the AFN.

2022 Indigenous Community Safety Summit

The Community Safety Summit began with a sacred fire ceremony led by Firekeepers Phil and Harold Gatensby from Carcross/Tagish First Nation. They shared words of gratitude for the work taking place at the Summit and spoke to the importance of keeping an open heart and mind through difficult conversations. Elder Dianne Smith from Kwanlin Dün First Nation and Elder Shirley Adamson from Ta'an Kwäch'än Council then shared a prayer and welcomed Summit attendees to their traditional territories.



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In her welcoming remarks, Ta'an Kwäch'än Council Chief Amanda Leas spoke to the weight of the work to be done regarding community safety across the territory. Chief Leas acknowledged the Yukon's ongoing substance use health emergency, violence, and crime that accompanies the crisis. She dedicated the Summit to missing and murdered Indigenous people in the Yukon and across Canada. Kwanlin Dün First Nation Chief Doris Bill also welcomed Summit attendees and spoke about her nation's ongoing community safety officer program. "Community safety is the foundation that must be in place before our communities can heal," explained Chief Bill. She shared information about the important role that Community Safety Officers play in Kwanlin Dün First Nation, and how the program has succeeded, despite challenges faced.

"Community safety is the foundation that must be in place before our communities can heal"

– Chief Doris Bill, Kwanlin Dün First Nation

Summary of Engagement – What We Heard

Themes of Summit Dialogue

The dialogue at the three-day Indigenous Community Safety Summit highlighted recurring themes and perspectives of YFNs' on community safety, justice and policing, which are summarized below. The following section also analyzes ways a federal legislative framework could address community safety from a YFN perspective.

Addressing Individual Needs of Yukon First Nations

All approaches to improving and upholding community safety, justice, and policing services within YFNs must be centered around the unique needs of each community. Each Nation faces different challenges due to geography, population size, remoteness, and other key factors. Programs and services must factor these considerations for each community in their design and delivery. Chief Doris Bill emphasized that the success of the Kwanlin Dün First Nation's Community Safety Officer (CSO) program is because it was built by and for their citizens and remains centered around the needs and traditional cultural values of their community. It was also stressed that in order to build the programs, services and supports that make sense for each First Nation, the voices of citizens – not just leadership and government – must be at the forefront of engagement. Chief Bill explained that when Kwanlin Dün began undertaking their process, it was crucial for leadership to listen to individuals and understand specific concerns that citizens had about the safety of their community. What they heard was "eye opening," she explained, and it was important for the government to move forward with designing their CSO program with those unique interests of Kwanlin Dün citizens in mind.



“Helping communities to find the pathway to their own solutions is really important.”

- Hon. Jeannie McLean, Minister of Education & Women and Gender Equity Directorate

In her keynote, Kluane First Nation citizen Tosh Southwick explained how critical it is to account for First Nations’ unique circumstances in order to avoid tokenizing or pan-Indigenizing Nations and their perspectives. There must be space for the different worldviews, practices and traditions of each Yukon

First Nation to be respected and upheld, she said. This message echoed by all speakers at the Summit, including Yukon Member of Parliament Brendan Hanley and Yukon Justice Minister Tracy-Anne McPhee. Both acknowledged the importance of YFNs’ CSO programs and their community-centered approaches. Specific concerns of citizens from each YFN to be captured so all levels of government may understand how partnerships, mentorship opportunities, capacity building and skill development may be developed to effectively serve community needs.

Supporting the Modern Treaty Rights of YFNs

The dialogue at Indigenous Safety Summit emphasized the unique governance context of YFNs and highlighted the significant legal and policy implications that must be considered in discussions about a federal Indigenous Justice Strategy. In the Yukon, 11 of the 14 First Nations have signed Final and Self-Government Agreements. Final Agreements outline the devolution of responsibility for the administration of justice and the maintenance of law and order by these 11 YFNs. In his presentation on Administration of Justice Agreements (AJAs), Champagne and Aishihik First Nation citizen, lawyer, and YFN agreements expert Dave Joe explained these AJA clauses allow a First Nation to develop their own laws and law enforcement mechanisms, in accordance to their traditions, laws, and values. For example, First Nations whose governance structures involve clan systems may choose to set up their own courts or adjudication systems based on their clan customs and traditions.

AFN B.C. Regional Chief Terry Teegee (who shares the national AFN justice and policing portfolio with Quebec Regional Chief Ghislain Picard) also discussed AJAs within the modern treaty context. He said the foundation of these types of agreements must be based on respect for each Nation’s justice principles and their right to self-government. Agreements need to be worked out between each First Nation and Crown governments (provincial/territorial, and federal), and the authority of Nations’ governing bodies must be upheld and implemented, Regional Chief Teegee furthered.

There needs to be a stronger understanding, regionally and nationally, of where YFN laws take precedence over territorial and Canadian laws. Given the adoption of the *U.N. Declaration on the Rights of Indigenous Peoples Act* in Canada, there are opportunities for **all 14** YFNs to further codify their sovereignty and rights to self-determination. There must be space and resources made available to enable YFNs to design and implement their own systems of justice.



Mental Health and Community Safety

Achieving community safety goes beyond surveillance and law enforcement; it is about addressing mental health, addictions, trauma, wellness, and health care of community member. Summit dialogue, as well as the tragedies that took place in James Smith Cree First Nation in Saskatchewan in September 2022, highlight the need for all levels of government to commit to dealing with the challenges of addictions, trauma, health, and mental health issues –the root cause of community safety issues – from a compassionate and harm-reduction lens. The health and safety issues many YFNs face – whether it be directly, indirectly, or intergenerationally – largely stem from traumatic histories of colonialism, racism, residential school experiences, violence, and abuse. Cycles of economic disenfranchisement, trauma, poor health outcomes, illness, crime, and violence are perpetuated by historic and ongoing state colonialism. A national Indigenous Justice Strategy must provide supports to interrupt these cycles. The federal government must create space for YFNs to support community safety by addressing the traumas that their communities have endured for generations.

“Lack of access to [mental health] resources continues the cycle”

- Lydia Wilks, Whitehorse Youth

Both Karen Nicloux and Chief Doris Bill explained that more community-based mental health and harm reduction supports need to be put in place to make any community safety programs sustainable, including:

- Accessible counselling and therapy, provided in a trauma-informed way
- Resources for community-based aftercare services
- Increasing the amount of addictions support workers available outside of Whitehorse
- Culturally-relevant and informed mental wellness programming

Chief Bill further explained that Kwanlin Dün First Nation is implementing mental wellness and harm reduction programming as part of their community safety initiatives. One of these programs serves men struggling with alcoholism. The program was created when it became evident there were insufficient supports available specifically for men.

Trauma-informed practices must also be learned and applied by law enforcement officers and agencies who come face-to-face with First Nation people on a regular basis. This includes CSOs, RCMP officers, and local and provincial/territorial law enforcement officers, which have historically had difficult and violent relationships with Indigenous peoples. Far too often, First Nation people are met with unjustified levels of suspicion, violence, and harm when interacting with police or other law enforcement agencies. While a new legislative framework cannot reverse the inherent racial biases that are carried by individual officers, it can set out approaches for training and enforcing law enforcement officers to approach Indigenous people, and all racialized individuals, from a place of compassion for the entirety of their lives and experiences.



Shifting Towards Prevention, Healing, and Restorative Justice

At the Community Level

Through the various panels and presentations, Summit dialogue drew clear connections between community healing, wellness, and safety. Beyond policing or law enforcement, there are a range of broader community supports and programs that play an important role in upholding community safety and security by strengthening culture, families, and interpersonal relationships. These community-led programs are seen as a means of preventing crime and upholding safety through healing and restorative methods, rather than punitive policing practices. Chief Doris Bill discussed expanding on child and family supports as part of Kwanlin Dün's community safety programming approach. Understanding that supporting families is a key component to building strong, stable, and safe communities, Kwanlin Dün works directly with parents to help strengthen their parenting skills.

“The hope of our people rests in our people; it’s the power and spirit of our culture, our communities, traditional knowledge, and Elders that gives me optimism.”

*– Gina Nagano, President and Community Safety Specialist,
House of Wolf and Associates*

Henry Gilson emphasized the importance of supporting some of the more informal ways YFNs people are providing mental health supports to one another. “There’s a lot of unrecognized uncles and grandfathers out there who end up taking young people out on the land

and just being there for them,” he said, referring to those who are helping protect YFN youth from the impacts of the ongoing opioid pandemic by supporting their reconnection to culture and the land. Many individuals are providing these and similar supports to life people up people in their communities, but these efforts remain largely informalized. Predictable and sustainable funding from territorial and federal partners to YFNs would allow for these types of community-led supports to better contribute to the over-all well-being and safety of YFNs people.

Expanding, and refocusing, restorative justice initiatives, programs, and services to empower victims and reduce re-offences, in direct partnership with each YFN, is key to building stronger, safer communities for the future. Dave Joe explained that corrections and healing can be built into First Nations’ AJAs. By doing so, a First Nation can implement their authority to decide who enforces their laws, and the penalties for individuals who violate them. First Nations generally do not prefer jail and punitive measures as the focal point of their justice systems. Instead, many expressed they would rather address issues through restorative processes by exploring justice options that focus on healing traumas and understanding the root causes of peoples’ relationships to crime and violence.



At the Systemic Level

Summit discussions also examined the importance of healing and restorative approaches in the Canadian justice system. Greater civilian oversight over the administration of justice, increased trauma-informed training for law enforcement professionals, and expansion of mental health supports for people involved in the criminal justice system are solutions shared at the summit, which should be considered within a new Indigenous Justice Strategy.

Rather than focusing on punitive actions, discipline, and incarceration, Regional Chief Teegee explained that an Indigenous Justice Strategy should incorporate interpersonal healing and principles of restorative justice. He explained this is an important aspect of addressing the systemic racism that currently exists in the justice system. “We need to look for community-based solutions to reduce rates of pre-trial detention, reduce over-incarceration, and adjust jury selection processes,” said Regional Chief Teegee. These are all factors which contribute to the systemic forms of discrimination that are faced by Indigenous people in the justice system, he furthered.

“We have a real opportunity to discuss how we can meet the unique needs of First Nations across the country.”

- Regional Chief Terry Teegee, AFN BC Region

Another approach to addressing the systemic racism of the justice system is through proper funding and establishment of First Nations Courts and Gladue Courts. YFN leaders, Yukon Government speakers, and

AFN representatives acknowledged that a new First Nations Policing framework and legislation should explore holistic approaches to the administration of justice. This includes consideration for the socio-economic context of an individual’s life experiences through fuller implementation of Gladue Principles in the court system. A new legislative framework should be built with flexibility to allow for such holistic approaches, and should provide justice alternatives to the systems which currently exist to target and marginalize First Nations.



Building and Maintaining Community Partnerships

Summit dialogue strongly underscored the absolute importance of building and maintaining strong community partnerships to improve community safety. Partnerships are important for both First Nations and external community organizations, governments, and service providers. When discussing Kwanlin Dūn First Nation's CSO program, Chief Doris Bill explained that building partnerships with organizations who already worked within the community was key to its success. One of these partnerships was with the RCMP. Rebuilding a relationship with them was a difficult process, but one that was critical for the sake of community safety. Gina Nagano further underscored the importance of these kinds of, explaining that Kwanlin Dūn was able to reclaim their seat at the table as an equal partner in taking care of their own people by building back trust with the RCMP and other levels of government.

During the Summit's panel on emergency preparedness, Teslin Tlingit Council (TTC) Naa Shaáde Háni (Chief) Eric Morris and Teslin Mayor Gord Curran further exemplified the importance of strong, on-the-ground partnerships. "It's

"It's not if we're going to work together, it's how."

- Mayor Gord Curran, Village of Teslin

not if we're going to

work together, it's how," Mayor Curran said in speaking about the strong relationship between TTC and the Village of Teslin. Both leaders explained that by identifying their many shared priorities,

supporting each other, and sharing knowledge and resources, their governments have established effective and functional processes, which has allowed them to weather significant emergencies, including severe flooding events. As a result, outside agencies and governments have been forced to take a more 'bottom-up' approach, fitting into the way TTC and the Village of Teslin manage emergencies, instead of the other way around.

Local responders are often the ones who carry the knowledge and relationships necessary to best support communities in times of emergency and crisis. This is further demonstrated in the way local organizations are responding to the Yukon's substance use health emergency. As Lydia Wilks, a youth panelist who grew up in Whitehorse, explained, organizations like Blood Ties have been able to save lives by reaching those struggling with substance use in Whitehorse directly, and providing resources and support. Similarly, former Tahltan Chief Rick McLean spoke to the importance of building partnerships between First Nations local agencies, like the BC Wildfire Service, whose support was vital to his community during the 2017 and 2018 wildfire seasons.

"Reconciliation is about learning the truth of what happened in our community, but it is also about building trust."

- Tosh Southwick, Kluane First Nation



First Nations also want to find ways to support each other and work together, when possible and appropriate. “We want to be able to support our neighbours with people who are trained,” said former Kanaka Bar Chief Patrick Michel.

The desire for intercommunity collaboration was a running theme Summit. Throughout the event, participants expressed gratitude for the opportunity to come together and learn from one another. While each community faces unique circumstances, First Nations are often better equipped than colonial governments or outside agencies to support other First Nations through an emergency. Communities need to be given more opportunities to gather and discuss how they may learn from and support one another, share knowledge, resources, and become more resilient overall.

Learning from the Community Safety Officer Program

The many strengths and successes of the Yukon CSO Program, developed by House of Wolf and Associates, was highlighted throughout the summit. There are currently four YFNs that operate a CSO program: Carcross/Tagish First Nation, Kwanlin Dün First Nation, Selkirk First Nation, and Teslin Tlingit Council. Many summit participants emphasized how mitigative and healing measures are much more effective at achieving safety for First Nations than ‘traditional’ policing and punitive law enforcement. The CSO program is centered on this principle. CSOs are trusted and known members of a YFN who engage their community in crime prevention and community safety.

Presenting on Kwanlin Dün First Nation’s program, both Chief Bill and Minister Jeannie McLean spoke about much safer citizens felt because of the program. In a community survey, 94% of Kwanlin Dün citizens reported feeling safer today than when the program first started. Chief Bill also shared how important the CSO program was in responding to the drug crisis in the territory. “Kwanlin Dün had implemented the Community Safety Officer program prior to the crisis, and it has been a huge help because your CSOs are the eyes and ears for your community,” she said. Officers carry naloxone, they are on site, and they can calm and support people who may be experiencing an overdose.

The five Community Safety Officers who joined the Summit spoke about the valuable role that trust plays in the Program and in community safety overall. CSOs spoke about their focused efforts on earning the trust of the community, something the police and RCMP,

“The [safety officer] program has allowed us to focus on proactive prevention as opposed to reacting.”

– Chief Doris Bill, Kwanlin Dün First Nation

generally, have not done effectively. Margaret and Joyce Douville from TTC explained that CSOs in their community make people feel safer and more comfortable by, for example, choosing to not wear formal uniforms. This makes citizens see CSOs as part of the community, and not as people who wield power over them. Similarly, Sarah Jean Graham, a CSO in Carcross/Tagish First Nation, explained that, in addition to CSOs not wearing uniforms, they removed the word “officer” from their program to break down barriers and build trust between citizens and CSOs.



The CSO program is a concrete example of how First Nations are honouring restorative justice approaches through their own public safety services. Several attendees expressed interest in learning more about the program, and understanding how it – or some variation of it – may be applied within their community.

Survey Results

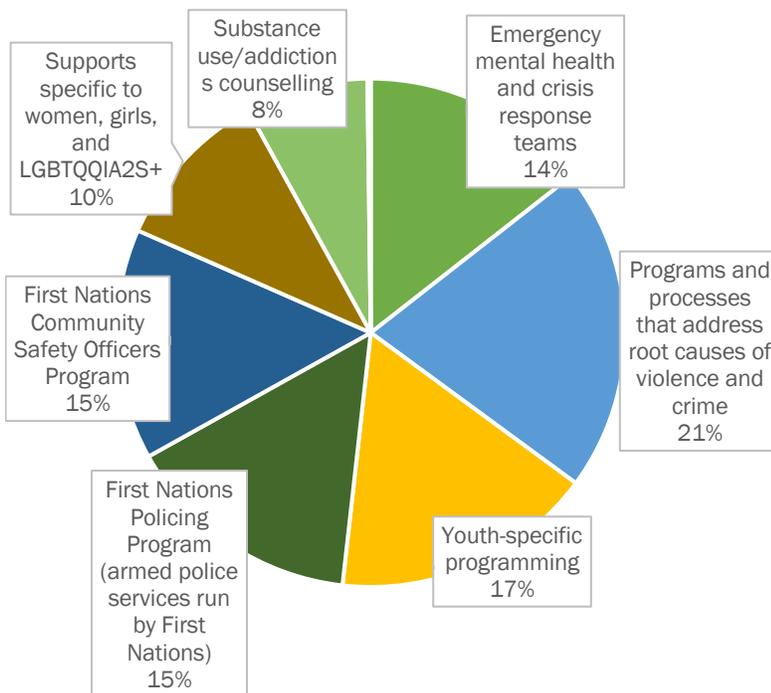
AFN Yukon launched an online survey to hear directly from YFNs people about their community safety concerns and priorities. The survey was open for two weeks and was promoted on AFN Yukon social media. The survey was also shared with all participants at the Indigenous Community Safety Summit. Below is an analysis of the aggregate data collected through the survey, emphasizing responses from people who identified as a YFN citizen, a First Nation person from another community, or a summit attendee.

Prevention and Education over Reaction and Punishment

First Nations expressed a clear desire for more investment towards proactive crime prevention within

communities, rather than reactive or punitive approaches. When asked to identify the programs and services that they are most interested in expanding within their communities (Question

Figure 1: What are the top three programs and services related to community safety you would like to see more of in your community?





12), survey respondents¹ would most like to see an increase in programs that address the root causes of crime, such as restorative justice initiatives, crime prevention education and programming, as well as youth-specific programming like recreation, skill development, and career development opportunities. These responses reflect the need for programming and services that focus on community safety, security and violence from a more holistic lens, understanding that building strong communities is an important preventative measure to reducing crime or violence.

The desire for crime prevention and restorative justice approaches was highlighted when respondents were asked to identify the greatest challenges that their community currently faces regarding safety and justice (Question 7), the results of which are listed in Figure 2. These results continue to emphasize the need for increased investment into prevention-focused programs that are focused on building strong communities and healing traumas.

Building Trust Between First Nations and Law Enforcement

A key challenge that exists for many First Nations is the mistrust that citizens have of the law enforcement officers and agencies operating in their communities. As indicated by Figure 2, the third most pressing concern within communities is the lack of trust

“The police never come to my community. They only come when there is a crime. We need the police to come to community when we are not in crisis. They need to attend our potlatches, community suppers, walk the halls of the schools, etc.”

- Survey respondent

between First Nation citizens and police. The relationships between police forces and many

YFNs continues to be negative. This reality is largely the result of historical and ongoing anti-Indigenous racism and violence in policing.

This perspective was reflected both within the dialogue from the Community Safety Summit and responses to the survey. For example, when asked to elaborate on what is and is not working well within their community in terms of public safety, one survey respondent answered, “there is a lack of trust between the police and the community; there is no proper monitoring system, but there is plenty of police”. Without checks and balances to monitor police actions, citizens continue to be suspicious of police and their ability to actually keep their community safe. “[Police] also need better legal training i.e., what their obligations are under the Canadian Charter of Rights and Freedoms.

Figure 2: Top three challenges communities are currently facing with safety and justice:

- 1. Not enough effort toward crime prevention (41.95%)**
- 2. Not enough effort toward restorative justice approaches (36.97%)**
- 3. Community members do not trust police officers (36.45%)**

¹ Survey responses captured in this section refer to people who self-identified as Yukon First Nation and non-First Nation Yukon residents (who attended the Summit).



There should be concrete accountability measures in place as well as concrete oversight measures especially as they pertain to use of force,” wrote another survey respondent.

Relationship building is always important – not only in times of crisis. Police and law enforcement must be willing to build trusting and respectful relationships with communities, as well as work in good faith to sustain these relationships. “The police never come to my community,” wrote one survey participant, “they only come when there is a crime. We need the police to come to community when we are *not* in crisis. They need to attend our potlatches, community suppers, walk the halls of the schools, etc.,” they said. In order for police to build trusting partnerships with First Nations, they must demonstrate a full and equal relationship with citizens and the community as a whole.

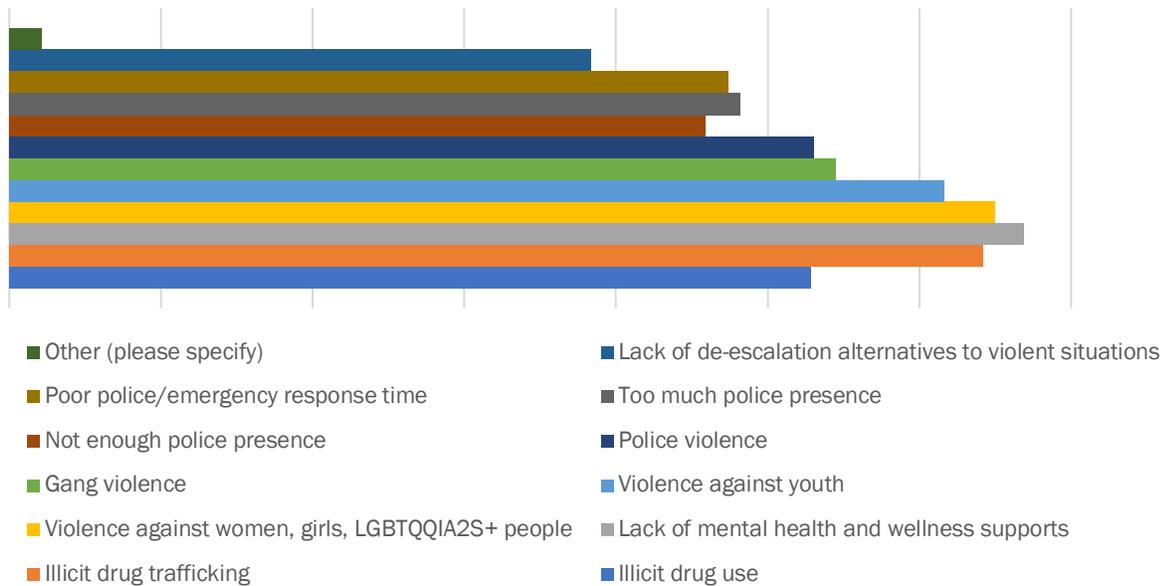
When police forces and individual officers view themselves as part of the broader community, trust is more likely to be built and sustained. Survey responses shared examples of some of the *positive* community impacts that are felt when stronger relationships exist between First Nations and law enforcement. One respondent explained that their “local detachment is really great to work with and they have a big part with our local school”. These kinds of examples show the difference made when police and/or RCMP take time to build reciprocal relationships and operate with genuine respect for the experiences of First Nations individuals and communities. When officers see themselves as part of the community, rather than superior to citizens, trust can be secured.



Mental Health and Community Safety

Survey responses also echoed the connections between mental health and wellness to community safety. It is well-understood that public safety depends on access to adequate and culturally appropriate resources to support the health and wellbeing of communities and citizens. As Figure 3 illustrates below, survey respondents² expressed that their top safety concern is the lack of mental health and wellness supports available in their community. Without sufficient programs and services in place to build a strong foundation of wellness within First Nations, achieving proper community safety will be challenging. All of government, law enforcement and local service providers must address the challenges of trauma, health and mental health issues that exist.

Figure 3: What are your top three concerns related to safety in your community?



A great deal of the mental health challenges, traumas and illnesses experienced by First Nations are rooted in historic and ongoing colonial violence, including the residential school system, the 60s Scoop, and the epidemic of missing and murdered Indigenous women, girls, and 2SLGBTQIA+ people.

² Survey responses captured in this section refer to people who self-identified as Yukon First Nation, non-First Nation Yukon residents, and Indigenous peoples living outside of Yukon.



According to survey respondents, police are often untrained and ill-equipped to safely respond to individuals in crisis. “Police need to be better trained in mental health de-escalation if they are to be performing wellness checks,” wrote one survey participant. Whether they are RCMP, local police, First Nations police, or a CSO officer, summit presenters and survey participants pointed out that every law enforcement representative must receive adequate, culturally-appropriate training to properly support the unique safety needs of First Nations.

“We should have First Nation staff hired in every community.”

- Survey respondent

An Indigenous Justice Strategy will need to consider how it can empower First Nations citizens to feel safe in their communities. To do this, people need to feel trust for the law enforcement officers in their communities to actually keep them safe. One approach towards building this sense of trust and safety may be increasing the number of First Nations people who oversee law enforcement and/or

community safety. Figure 1 shows that a combined total of 30% of survey respondents would like to see more First Nations policing (armed police services run by First Nations) or First Nations Community Safety Officers (unarmed emergency response services run by First Nations) in their communities. This indicates that, in addition to wanting to see supports that focus on proactive crime prevention, First Nations prefer it when policing, law enforcement, and community safety enforcement is led by their own citizens.

“[The RCMP] are underfunded, are not equipped to help people with severe mental health issues, and do not receive enough culturally relevant training to make them culturally safe.”

- Survey respondent

Conclusion: Recommendations for the Indigenous Justice Strategy and First Nations Policing Legislation

The opportunities and recommendations below are based on the findings described in this report from the 2022 Indigenous Community Safety Summit and the AFN Yukon community safety survey. They are intended to inform future conversations and decision-making for the AFN’s contributions to the federal government’s Indigenous Justice Strategy and First Nations Policing legislative framework.

- 1. Addressing the Unique Needs of Yukon First Nations:** Each YFN is different and has unique challenges, successes, and contexts. The needs of each of the 14 First Nations need to be



captured so they are the ones identifying programs, supports, and services that will effectively improve community safety. This may include increasing investment into First Nation-led mental health and wellness programs, and/or the expansion of the Community Safety Officer Program to more YFNs. Many Summit attendees expressed interest in learning more about the program, and understanding how it may be applied within their community.

2. **Community Partnerships:** A new First Nations Policing framework must identify and support existing partnerships that are vital to community safety, and aim to strengthen relationships that First Nations say are lacking. While responding to the unique needs of YFNs in developing public/community safety initiatives, it will also be important to account for existing partnerships and the potential to improve or create relationships for the sake of public safety.
3. **Healing and Restorative Justice:** The creation of a new Indigenous Justice Strategy must empower First Nations to re-orient programs and services so they can both support diverting offenders and victims out of the Canadian justice system, while re-building their own justice systems. A more holistic approach, which would allow First Nations to take a leading role in reconciliation for victims, offenders, and community members, may be pursued through:
 - Implementation of Administration of Justice Agreements outlined in YFN Final Agreements.
 - Direct dialogue on administration of justice reform with the 3 YFNs that have not pursued Final Agreements
 - Development of First Nations Courts
 - Implementation of Gladue Principles in the court system
4. **Resource Identification and Mobilization:** Developing new legislative frameworks require sufficient, predictable, and equitable resources. Having First Nations Policing declared as an essential service – in a manner similar to nursing and traditional police services – is an important mechanism for the urgent mobilization of funding. However, this designation of ‘policing’ as an essential service cannot be limited to traditional armed law enforcement services. The definition in the proposed legislation must be flexible enough to allow for alternative law enforcement services, including citizen-led community safety officers like those operating in YFN communities, to ensure that First Nations can determine how to best protect their communities. As we saw during the COVID-19 pandemic, once a service is declared essential, related funding and services are treated as a priority.



Community Safety Opportunities and Recommendations for Action

Community Safety Opportunities	Recommended Regional Coordination <i>(For AFN and YFN Consideration)</i>	Recommended Actions for Government of Canada
<p>Increase understanding of the unique community safety, justice and policing concerns and needs of each Yukon First Nation to support a more coordinated and effective emergency response.</p>	<ul style="list-style-type: none"> • Explore opportunities for Yukon First Nations to organize and hold localized community safety workshops. • Analyze successful First Nation-led community health and wellness programs, services, and partnerships to provide First Nations with an information toolkit on how to implement these types of successful initiatives. • Recommend culturally-informed and relevant training and/or education resources that can be incorporated into the federal First Nations Policing framework and the Indigenous Justice Strategy. 	<ul style="list-style-type: none"> • Invest sustainable federal resources into community safety programs, services, and partnerships determined by Yukon First Nations. • Expand the definition of ‘First Nations policing’ to be an essential service within the proposed federal legislation to include alternative law enforcement services like citizen-led community safety officer programs. • Include implementing and properly resourcing Administration of Justice agreements with Yukon First Nations as a priority in the federal Indigenous Justice Strategy. • Explore ways to strengthen inter-agency and inter-governmental relations with First Nations for improved emergency response. • Amend policies and allocate funding to increase and strengthen partnerships between First Nations for public safety and emergency response services.
<p>Amplify successful programs, partnerships, services, and/or supports aimed at upholding community health and wellness so First Nations can learn from each other.</p>		
<p>Strengthen relationships between First Nations and local agencies (e.g., first responders) by highlighting successful models, education resources, and partnership opportunities.</p>		



<p>Develop alternative approaches to the administration of justice that may be implemented within the Modern Treaty context of most Yukon First Nations.</p>	<ul style="list-style-type: none"> • Develop information materials outlining alternative approaches to the administration of justice, and steps necessary to realize such approaches (i.e., Gladue principles, First Nation courts, etc.). 	<ul style="list-style-type: none"> • Provide funding for Yukon First Nations to develop their own alternative approaches to law enforcement and the administration of justice. • Through the Indigenous Justice Strategy, empower First Nations to: <ul style="list-style-type: none"> ○ Rebuild their own justice systems ○ Develop programs and services that divert offenders and victims out of the Canadian Justice system
<p>Improve policies and funding programs to reach Yukon First Nations directly with community safety resources.</p>	<ul style="list-style-type: none"> • Seek out bilateral opportunities between Yukon First Nations and the Government of Canada to ensure any federal legislation, funding, and policy initiatives related to First Nations' community safety is inclusive of Yukon First Nation needs and priorities. 	<ul style="list-style-type: none"> • Expand access to First Nations policing and community safety funding to include alternative law enforcement service models, such as the Community Safety Officer program operating in several Yukon First Nations. • Implement the justice arrangements outlined in the Umbrella Final Agreement, and Yukon First Nations' own Final and Self Government Agreements. • Engage the three Yukon First Nations that have not pursued Final Agreements to have direct dialogue on justice reform. • Reform policies and legislation to better include Gladue principles in the Canadian justice system.



Appendices

Appendix A: Indigenous Community Safety Summit Annotated Agenda

Keynote: Truth & Reconciliation

Tosh Southwick, Klane First Nation

Tosh Southwick delivered a presentation on the topics of truth and reconciliation, decolonization, Indigenization, and authentic Nation-to-Nation relationship building. The presentation focused on the different forms that reconciliation, decolonization, and Indigenization processes can take in the modern Yukon context, where First Nations governments are actively working in partnership with each other and with Crown governments to not only create strong relationships, but to actively nurture and sustain them. She spoke to the importance of co-creation, making space for Indigenous voices, and avoiding tokenism or pan-Indigenity, specifically in the context of community safety, justice, and policing. The approaches taken to upholding community justice and safety will be different for all communities, and the creation of a national Indigenous Justice Strategy and First Nations Policing Services legislation must address the diverse needs of all citizens by including different Indigenous worldviews and cultures into the foundation of its core values, beliefs, policies, and operations. The justice system is inherently colonial and systemically racist, and the racialized stereotypes and forms of prejudice which are embedded within the current system need to be addressed. To address these barriers, an equity-focused approach must be employed to build a community safety program that allows all people to get the services and supports that they need; one that is based in fairness, equity, and flexibility.

Keynote: The Umbrella Final Agreement and Administration of Justice

Dave Joe, Champagne and Aishihik First Nations

Dave Joe delivered a presentation on Administration of Justice Agreements (AJAs) and the opportunities that Yukon First Nations have to enter into them. In the modern treaty context of the Yukon, where 11 First Nations have signed Self-Government Agreements, and three First Nations are establishing their own pathways of self-government, the authorities of the territorial government must work alongside the authorities of Yukon First Nations governments. First Nations with signed agreements have authority over anything falling within their treaty, including the First Nation's law-making power and authority, and if there is a conflict between a Yukon First Nation law and a law of the territorial government, it is the First Nation's law that is paramount. The presentation also explained the core components involved in an AJA and described the process that a First Nation would have to complete to ratify such an agreement. In embarking in these agreements, First Nations will consider how they might incorporate their own values into the laws they create, how those laws should be enforced and by whom, and how Canada's Criminal Code might be coordinated with the application and enforcement of Yukon First Nation laws. By entering into an AJA, Yukon First



Nations would create, establish, and eventually implement their own unique processes and approaches to the administration of justice in their communities.

Panel: Substance Use Health Emergency

CYFN Grand Chief Peter Johnston (Moderator), Chief Doris Bill, Karen Nicloux, Youth Lidia Wilks, Youth Henry Gilson

This panel shared their thoughts on the territory's Substance Use Health Emergency, and discussed their perspectives on the toxic drugs, opioids, and addiction crisis in the Yukon. Each panelist was asked to respond to the following questions:

- What did the territorial declaration of a Substance Use Health Emergency mean to your community?
- What have the impacts of substance use been in your community?
- What approaches have been successful for people who face addiction in your community?

In discussing the answers to these questions, panelists noted that while the Substance Use Health Emergency declaration shone a light on the crisis itself, it did not create the action or investment that is still necessary to actually make communities safer. Issues discussed included the lack of detox facilities both in Whitehorse and in remote communities, the lack of trauma-informed care and services available, the importance of land-based healing options, and the need for aftercare services within each community to support people once they return from treatment. Panelists also discussed the need for more proactive supports for harm reduction and harm prevention, acknowledging the cyclical nature of addictions and mental health issues in families and communities. “Lack of access to resources continues the cycle,” explained Lydia Wilks, with other panelists agreeing that harm reduction measures have been successful in their communities, and should remain a focus of efforts to combat the crisis. These measures included increasing the availability of naloxone kits and nasal spray kits, providing training on how to administer drug testing kits and naloxone kits, and supporting those community organizations (i.e., Blood Ties in Whitehorse) who are working to provide education and resources on harm reduction and safe drug use.

Panel: MMIWG2S+ and Yukon Strategy

Minister Jeanie McLean (Minister of Education & Women and Gender Equity Directorate)

Minister Jeanine McLean discussed the ways that trauma and intergenerational trauma continue to contribute to the challenges faced on the ground within communities each day, explaining that it is important to analyze the past, present and future to know how colonization has led communities to where they are today, and where they want to go from here. She discussed the importance of “walking the talk” of creating concrete strategies to address the traumas that remain prevalent within Yukon First Nations, and shared details on the Yukon MMIWG2S+ Strategy, *Changing the Story to Upholding Dignity and Justice: Yukon's Missing and Murdered Indigenous Women, Girls and Two-spirit+ People Strategy*. She shared background on the development of the Strategy, the importance of taking a community-centric approach, and the anticipated challenges that lie ahead



with the implementation of the Strategy. Minister McLean's presentation concluded with her asking Summit participants about the visions that they have for their communities. Responses ranged from visions of alcohol and drug-free communities, parents being reunited with their children, an increase in land-based healing opportunities and First Nations-led intervention for addictions and trauma, and healthy First Nation communities for generations to come.

Panel: Community Safety Officers

Margaret Douville (Teslin Tlingit Council), Joyce Douville (Teslin Tlingit Council), Darcy Marcotte (Selkirk First Nation), Elias Park (Kwanlin Dün First Nation), and Sarah Jean Graham (Carcross/Tagish First Nation)

This panel of practicing Community Safety Officers discussed the CSO programs in their respective communities; the needs that their programs aim to meet, and the successes and challenges of their roles. Each panelist was asked to respond to the following questions:

- What needs did your community have to make the CSO program necessary?
- What has the impact of the CSO program been on people in your community?
- What has your relationship been like with other service providers, and how have those relationships helped the community?

Panelists shared that their communities were dealing with a series of safety concerns including incidents of violent crime in the community, the ongoing opioid crisis, and mistrust between community members and the RCMP. They spoke of the ways that the overall sense of safety within their communities has improved since the beginning of their programs, and the ways that they and their CSO colleagues have gained the trust of the community by performing their duties free of judgment, building respectful relationships with citizens, and eliminating CSO uniforms in order to make people feel more comfortable with them. They also discussed the importance of rebuilding relationships with the RCMP, police forces and other partners who have a problematic legacy in their communities. The CSOs concluded with an expression of pride that they feel within their roles, knowing that they are playing an important part in their communities to keep people safe.

Panel: Climate Change and Emergency Preparedness

Mathieya Alatini (Moderator), Former Chief Rick McLean (Tahltan), Former Chief Patrick Michel (Kanaka Bar First Nation), Devin Naveau (Mattagami First Nation), Chief Eric Morris (Teslin Tlingit Council), Mayor Gord Curran (Village of Teslin)

This panel of leaders discussed the emergency events that their respective communities have faced, and the important lessons learned that have emerged from each experience. The panelists were asked to respond to the following questions:

- What type of emergencies did your community experience, and what was your role during the emergency?
- Are there any key lessons that stand out from your experiences?



- What recommendations for systems or policy changes stand out for you (i.e., capacity development, partnerships, etc.)?
- How does climate action and emergency preparedness shift into economic development?

All panelists spoke at length about the importance of the strong long-standing relationship and partnership between different levels of government, particularly at the local level, as well as relationships with supporting agencies who provide supports and services to manage responses to crises in a coordinated way. They explained that communication is key during preparation for, response to, and recovery from emergencies. This communication is especially important for higher levels of government who need to understand local contexts and fit within the practices that are already established at the community level, as opposed to imposing high-level government policy upon communities. The panel concluded by discussing the impending impacts of climate change and the effects it is already having, and will continue to have, upon First Nations' social, economic, and cultural well-being. First Nations have the knowledge and skills to confront climate change from a values-driven lens, and they must be given the support and resourcing from the territorial and federal governments in order to take action.

Keynote: A Shadow of Conflict

Gayle Bedard (Lax Kw'alaams First Nation)

Gayle Bedard's presentation focused on conflict and the role that conflict plays in everyday life, especially as we deal more with truth and reconciliation between Indigenous communities and the broader Canadian public. She explained that conflict is everywhere, including between different worldviews, and it is important for each person to understand how they deal with conflict because that is determined by the traumas, experiences and difficulties that one has faced throughout their life. She also discussed the intergenerational trauma model, which comprises all the systems of family, community, interpersonal, and national trauma that infiltrates the lives of Indigenous communities. The intergenerational trauma model impacts all aspects of a person's life, and in the context of community safety, justice and policing, it is important to understand the entirety of a person's story and background, and how they may have ended up in the position they are in. sh

Keynote: Community Safety Initiatives and Building a Safer Future

Tracy-Anne McPhee (Minister of Justice, Minister Health and Social Services and Deputy Premier of the Yukon)

Minister McPhee delivered a presentation about community safety and provided perspective about the Yukon Government's support for First Nations-driven initiatives. She emphasized the need to look at collaborative, Indigenous-led approaches to community safety which allows communities to identify their own unique circumstances and priorities. The CSO programs in Kwanlin Dün First Nation, Selkirk First Nation, Teslin Tlingit Council, and Carcross/Tagish First Nation are all examples of these types of approaches which are First Nation-led, designed and established. Minister McPhee noted that the Yukon Government is committed to being open and flexible for the development and implementation of Yukon First Nations systems of justice, whether it's programs or entire systems,



including Administration of Justice Agreements (AJAs), which are about recognition and respect for First Nations justice principles. The agreements also allow the territorial government to take a holistic view of justice initiatives and services to consider the connections between health, mental health, and community safety as key parts of the administration of restorative justice within community.

Presentation: Federal First Nations Policing Legislation

Chief Doris Bill (Moderator), AFN BC Regional Chief Terry Teegee, Julie McGregor (AFN Justice Director)

AFN BC Regional Chief Terry Teegee and AFN Justice Director Julie McGregor presented on the Federal First Nations policing legislation and First Nation Policing Program, which included remarks on behalf of Regional Chief Ghislaine Picard, and spoke of the need to address systemic racism in the current legal system and court systems. This requires community-based solutions to reduce rates of pre-trial detention, reduce over-incarceration, and adjust jury selection processes; all examples of processes that add to the ongoing systemic challenges faced by Indigenous people in Canada's legal system. He also advocated for the fuller implementation and funding of First Nations courts and Gladue Courts as a means of accounting for the community safety and justice needs of First Nations across Canada.

Regional Chief Teegee went on to explain the need for reforms to the First Nation Policing Program, which has been significantly underfunded and inadequate in addressing community needs. He advocated for the recognition of First Nation policing as an essential service in order to ensure that First Nations get the community safety resources, infrastructure and personnel that they need to keep communities safe and strong. Regional Chief Teegee said that solutions must be grounded in culture, traditions, teachings to maintain the safety and security of First Nation people, and called for the exploration of law enforcement options that could help mitigate the more harmful, punitive styles of law enforcement that are currently used. Julie McGregor further described the importance of having First Nations Policing declared as an essential service in order to mobilize funding and services in a more timely way. What works in First Nations communities varies from community to community, and a new federal approach must account for these differences as a matter of upholding UNDRIP, signed self-government agreements, and the right to self-determination.

Appendix B: AFN Yukon Survey of First Nations Policing Legislation

AFN Yukon Survey on First Nations Policing Legislation

Complete this survey and be entered into a draw for one of three \$100 Visa gift cards

The Assembly of First Nations is engaging First Nations to have their perspectives guide the creation of the national Indigenous Justice Strategy and First Nations Policing Services legislation.

Every First Nation faces unique community safety, policing and justice realities. This survey will ask you to rate and explain existing needs and concerns, specifically in the Yukon, around community safety and policing. It also asks for your perspectives on a new federal legislative framework that would provide equitable funding and resources for First Nations policing services.

This survey has 12 questions and should take 10-15 minutes to complete. It will remain open until Wednesday, August 10.

* 1. What First Nation are you from?

I am not a First Nation person

Yes, I am from

* 2. Do you live in the Yukon most of the time or outside the territory?

Yes, I live in the Yukon

No I live in (province/territory)

* 3. Are you attending the community safety summit?

Yes

No

AFN Yukon Survey on First Nations Policing Legislation

Partnerships and Establishing Social License to Operate in Indigenous Communities

* 4. Using this scale below, to what extended do you agree or disagree with the following statements (1 = strongly disagree, 5 = strongly agree)

1 - strongly disagree 2 - disagree 3 - neutral 4 - agree 5 - strongly agree

I trust the police agency operating in my community to protect me and my family.

I trust the police/RCMP officer(s) who work in my community to protect me and my family.

If I am in danger or in need of help, I would feel safe to call the police in my community.

My community would be safer if we had a First Nation-run armed security force (police services).

My community would be safer if we had unarmed workers to deal with criminal, violent, and safety issues.

My community would be safer if we had both unarmed and armed First-Nation run safety offices

* 5. Using this scale below, how do current policing or safety services meet the safety needs and priorities of your community right now (1 = extremely poor, 2 = extremely well)

1 - extremely poor 2 - poor 3 - okay 4 - good 5 - extremely well

* 6. Please explain your response to question 5 - what is working well with current policing and/or safety services in your community, and what is not working?

* 7. What are the TOP THREE challenges your community are currently facing with community safety and justice?

- Not enough police presence
- Too much police presence
- Not enough effort toward crime prevention
- Not enough effort toward restorative justice options
- Community members do not trust police officers
- Police officers do not trust community members
- Policing is not the right approach, we need community-based safety workers
- Community members do not trust Community Safety Officers
- Community Safety Officers do not trust community members
- Other (please specify)

* 8. Do you have Community Safety Officers in your community?

- Yes
- No
- Unsure

* 9. What role(s) would you like to see Community Safety Officers play in your community (if you have or had these offices)?

AFN Yukon Survey on First Nations Policing Legislation

Community Safety and Community Services

* 10. Using this scale below, to what extent do you agree or disagree with the following statements about a new national framework on First Nations policing (1 = strongly disagree, 5 = strongly agree)

1 - strongly disagree 2 - disagree 3 - neutral 4 - agree 5 - strongly agree

Policing legislation should focus more on disciplinary action (arrests, jail time, laying charges) and less on community safety

Policing legislation should focus more on community safety and less on disciplinary action

Policing legislation should focus equally on punitive action and community safety

* 11. What are your TOP THREE concerns related to safety in your community?

- Illicit drug use
- Illicit drug trafficking
- Lack of mental health and wellness supports
- Violence against women, girls, LGBTQIA2S+ people
- Violence against youth
- Gang violence
- Police violence
- Not enough police presence
- Too much police presence
- Poor police/emergency response time
- Lack of de-escalation alternatives to violent situations
- Other (please specify)

* 12. What are the TOP THREE programs and services related to community safety you would like to see more of in your community?

- Emergency mental health and crisis response teams
- Programs and processes that address root causes of violence and crime (restorative justice initiatives, crime prevention education and programming)
- Youth-specific programming (recreation, skills development, career development, etc.)
- First Nations Policing Program (armed police services run by First Nations)
- First Nations Community Safety Officers Program (unarmed emergency response services run by First Nations)
- Supports specific to women, girls, and LGBTQIA2S+
- Substance use/addictions counselling
- Other (please specify)