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Departmental Accomplishments

Justice

Recommended response:

- The Department of Justice continues to work diligently towards ensuring a responsive and culturally relevant justice system.
- Our government continues to move forward with important mandate items, including the Community Safety Planning Program for Yukon First Nations and expansion of services provided by the Sexualized Assault Response Team for communities across the Yukon.
- We have also recently opened the Women's Supervised Housing Program with Connective for justice-involved women, which is the first program of its kind in the North.
- Our efforts are focused on supporting healthy, vibrant and safe communities through strategic investments.

Additional response:

- Our government is committed to continually improving the quality of life for Yukon citizens by fostering healthy and safe communities.

Context:

- Questions may be raised on the status and prioritization of initiatives.
-

Background:**Modernizing Yukon laws**

- It is anticipated that the *Missing Persons Act*, which received assent in 2017, will come into force in 2023 with the making of the *Missing Persons Regulation*.
- Recently enacted legislation for which the Department of Justice is responsible includes:
 - *Sovereign Statute Law Amendment Act (2023)*
 - *An Act to amend the Legal Profession Act (Spring 2022)* and the *Second Act to amend the Legal Profession Act (Fall 2022)*;

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Departmental Accomplishments

Justice

- *Technical Amendments Act* (Fall 2022);
- an Act to amend the *Safer Communities and Neighbourhoods Act* (Fall 2021 and Spring 2022);
- an Act to amend the *Territorial Court Judiciary Pension Plan Act* (Fall 2021);
- the Act to amend the *Land Titles Act, 2015* (Fall 2020; and
- the Act of 2020 to amend the *Condominium Act, 2015* (Fall 2020).

Community Safety Planning

- The Government of Yukon (YG) continues to prioritize support for safer and stronger communities across the territory and has approved funding to support First Nations in their safety planning projects.
- Phase One of the Community Safety Planning program provides up to \$200,000 to each Yukon First Nation to support community safety planning and implementation of priorities identified during the planning process.
- Since the program launch in February 2023, there is growing interest in the Community Safety Planning program from our First Nations partners, and we encourage interested parties to contact the Department of Justice with any questions on applying for this funding.
- Phase Two of the program will explore opportunities to expand community safety planning funding to municipalities.

Administration of Justice Agreement Negotiations

- YG is committed to supporting Yukon First Nations governments to exercise their authority and jurisdiction over the administration of justice as set out in Yukon First Nation Self-Government Agreements.
- In 2020, we implemented an updated approach to justice-related negotiations with Yukon First Nations governments which is rooted in recognition of and respect for First Nation governments' jurisdiction, governance and legal principles.
- YG is currently engaged in Administration of Justice Agreement (AJA) implementation negotiations with Teslin Tlingit Council (TTC) and AJA negotiations with Kwanlin Dün First Nation (KDFN).

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Departmental Accomplishments

Justice

Restorative Justice

- YG is committed to supporting the growth of integrated community-based justice programming and advancing the use of restorative justice approaches and practices throughout the territory.
- In 2020, our government approved the creation of an Integrated Restorative Justice Unit to improve restorative justice service delivery, enhance adult/youth diversions, increase engagement with First Nations governments and better support community-designed and community-led restorative justice initiatives.
- The Integrated Restorative Justice Unit, currently in a pilot phase, has combined dedicated youth justice and adult justice resources to provide consistent program delivery across the Yukon.
- Through the one-government approach, the Integrated Restorative Justice Unit will lead engagements with First Nations governments and stakeholders in relation to adult and youth diversions and restorative justice.
- On October 27, 2021, the Adult Pre- and Post- charge Diversion Protocol for federal offences was signed. This agreement recognizes the Integrated Restorative Justice Unit as an Alternative Measures Program and provides a referral pathway for the pilot to accept pre- and post- charge referrals for adults.

Expansion of Sexualized Assault Response Team (SART) services

- SART launched in Whitehorse in March 2020. SART continues to work to lower barriers and provide safe, wrap-around supports for victims of sexualized violence.
- After more than three years of intense collaborative work, Whitehorse SART agencies have signed the first SART protocol in the Yukon to make this network of services sustainable in Whitehorse.
- We are committed to expanding SART services to Yukon communities, and engagements to begin this process took place in spring and summer of 2023 with First Nations governments, Indigenous women's organizations, service providers and victims of sexualized violence.
- A "what we heard" document is anticipated to be shared with communities in the fall. This will help to expand services in a way that responds to communities' needs and priorities.

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Departmental Accomplishments

Justice

Supervised housing for justice-involved women – Connective

- YG has approved funding for a new community housing program that will provide 24/7 supervised housing and programming services for up to eight justice-involved women.
- On June 1, 2023, Connective officially opened the Women's Supervised Housing Program. As of July 28, 2023, Connective has received three referrals to the program and on August 14 welcomed its first resident. The acceptance of referrals is ongoing.
- In April 2023, YG and Connective collaborated to provide two information sessions for the Territorial Judiciary, RCMP, Public Prosecution Service of Canada, and Legal Aid. An additional information session for stakeholders will be scheduled in the future.
- The Women's Supervised Housing program is the first program of its kind in the North where residents receive person-centred support and programming based on individual needs and goals.

Supervised housing for justice-involved men – Connective

- The Department of Justice supports 24/7 non-custodial supervised community housing that enables justice-involved men to gradually reintegrate or remain supervised in the community.
- Connective began operating its Supervised Housing and Reintegration Program for justice-involved men on May 1, 2020.
- Connective's space has a maximum capacity of 40 beds.
- Since May 1, 2020, Connective has provided services to 107 bail and probation clients, and 12 federal parole clients.

Approved by:



Deputy Minister, Justice

2023-09-18

Date approved

Session Briefing Note

Fall 2023

Departmental Principles

Justice

Recommended response:

- There are five key principles that shape the work and guide the direction of the Department of Justice. These principles are:
 - reconciliation with Yukon First Nations;
 - working as a team;
 - identify and meet our clients' needs;
 - initiative and innovation; and
 - communications.
- These principles support our commitment to continued excellence and success in the delivery of our programs and services.
- These principles are a tool used to guide our work and carry out our mandate.

Context:

- The principles speak to how the department delivers upon its mandate.

Background:

- The following five guiding principles are used to direct the work of the Department of Justice:

Reconciliation with Yukon First Nations

- We commit to embracing the spirit of the Final Report of the Truth and Reconciliation Commission of Canada entitled *Honouring the Truth, Reconciling the Future*, by conducting ourselves in our day-to-day business in a manner that embodies the purpose of reconciliation with our First Nations members in Yukon.
- We recognize the importance of employee education on the history of First Nations peoples and encourage innovative thinking by all Department of Justice personnel in our ability to effect meaningful change towards true reconciliation.

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Departmental Principles

Justice

Working as a team

- We value working together as a team within branches and the department as a whole, while respecting our individual roles in the administration of justice, to work as one entity to meet our collective objective of serving the public.
- We are mindful of the impact of our actions on the people around us both in proximity and in the larger department, and we strive to ensure that we exemplify the best of the department in our approach to our work.

Identify and meet our clients' needs

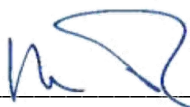
- Department of Justice personnel have a wide variety of responsibilities and an equally diverse clientele, internal and external to government.
- We are committed to ensuring that our clients know we work for them and that we treat them with empathy, inclusion, integrity, respect and professionalism.

Initiative and innovation

- Management will encourage department staff at all levels to think innovatively and to take the initiative to improve the work we do and services that we provide, allowing for positive change and creativity in the workplace.
- Management will encourage department personnel to reconsider our approach to the services we provide and adapt to the changing environment.

Communications

- We are committed to improving the way we communicate internally with one another and externally to the public to better perform as a team, share information and ideas with each other, and ensure that the public understands the work we do.

Approved by:

Deputy Minister, Justice

2023-08-31

Date approved

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Fall 2023

Funding for Justice Organizations

Justice

Recommended response:

- The Department of Justice funds the justice-related work of several community organizations and First Nations governments.
- We discuss the funding with the respective organizations regularly, and each organization works actively with the Department of Justice to ensure accountability of funding used to deliver programs.

Additional response:

- The department does not automatically add a set amount for inflation adjustments. Instead, we regularly discuss ongoing funding pressures and can address these issues through one-time or ongoing funding increases.
- Funding is available to support Gladue report writing for the next four years; the amount available for the 2023-24 fiscal year is \$175,000.
- The governments of Canada and Yukon signed a five-year agreement in July 2022 to support Legal Aid in the Yukon; \$1,066,000 is available from Canada for the 2023-24 fiscal year.
- Under the new Access to Justice Agreement with the Government of Canada, \$163,000 is available for the Yukon Public Legal Education Association in the 2023-24 fiscal year. A new agreement for next year has not been signed yet.

Context:

- Funding for organizations is of public interest.

Background:

- The Department of Justice works with the following organizations created or governed by statute: the RCMP, Yukon Legal Services Society, the Yukon Utilities Board, the Yukon Review Board and the Yukon Human Rights Commission.

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Funding for Justice Organizations

Justice

- The department also funds the Family Law Information Centre, the Indigenous Court Worker Program, Crime Stoppers, Supervised Community Housing, the Justice Wellness Centre and the Sexualized Assault Response Team.
- Like the statutory organizations, these organizations have funding agreements in place. They regularly discuss the appropriate level of funding required each year to meet program needs with the Department of Justice.
- The Department of Justice is providing over \$44 million to the following organizations for justice-related initiatives for the 2023-24 fiscal year, including:
 - \$39,674,154 to the RCMP (includes: Territorial Police Service Agreement, First Nations and Inuit Policing Program and 911 services);
 - \$3,288,000 to Legal Aid;
 - \$658,000 to the Yukon Human Rights Commission;
 - \$648,000 to Yukon First Nations for the Indigenous Court Worker Program;
 - \$808,000 to Connective for supervised community housing for men;
 - \$740,000 to Connective for supervised community housing for women;
 - \$307,000 to community justice projects;
 - \$270,000 to the Yukon Utilities Board;
 - \$175,000 commitment to the Council of Yukon First Nations for the Gladue project;
 - \$165,134 to the Yukon Review Board (amount includes the salary for an administrative employee); and
 - \$10,000 to the Crime Stoppers Yukon Community Association.

Approved by:



Deputy Minister, Justice

2023-08-30

Date approved

Session Briefing Note

Fall 2023

Substance Use Health Emergency Strategy

Justice

Recommended response:

- Substance use, drug toxicity, and overdose-related deaths are devastating Yukon communities.
- Since declaring a substance use health emergency in 2022, the Government of Yukon has worked closely with First Nations and community groups to coordinate a response focusing on prevention, harm reduction, treatment, and community safety.
- The Substance Use Health Emergency Strategy contains 43 recommended actions to be led by the Department of Health and Social Services and the Department of Justice.
- Fourteen of those actions are beginning implementation immediately, and many others will be developed over time in collaboration with our partners.

Additional response:

- The Strategy is adaptive: we will continually assess, regularly report on, and adjust our response to reflect changing circumstances and emerging needs to meet our long-term goals.

Context:

- The Strategy was launched publicly on August 23, 2023; however, questions and concerns were raised about the length of time it took to draft the strategy, that no timelines were included for many actions, and few specific budget commitments.
- The substance use health emergency is a continuous topic of conversation and receives significant attention in the legislature and in the media.
- There have been a high number of overdose deaths and multiple calls from the Chief Coroner and others for increased action from the Yukon government to address the crisis.

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Substance Use Health Emergency Strategy

Justice

- One action relates to possible future changes to criminal law enforcement relating to drug use and possession. This is a polarizing issue that requires further research, analysis, and consideration by all stakeholders involved.

Background:

- On January 20, 2022, the Government of Yukon declared a substance use health emergency.
- At the time, the Yukon had the highest per capita rate of opioid-related overdose deaths in the country.
- Yukon hospital emergency departments have reported a consistent rise in drug poisoning cases since 2016.
- According to the Health Status Report 2021, Yukoners have extraordinarily high rates of alcohol consumption, outpacing nearly all other Canadian regions in heavy drinking and alcohol sales.
- The Strategy contains recommended immediate, short-and long-term actions based on four areas of growth: prevention; harm reduction; treatment and recovery support; and community safety and wellbeing.
- The desired outcomes of the Strategy are:
 - to delay age of initiation of substance use;
 - to minimize substance use across the lifespan;
 - to keep people safe when using substances;
 - to reduce the harms of substance use; and
 - to improve the health, safety and wellbeing of Yukoners and communities.
- The Department of Justice will oversee the fourth area of growth: community safety and wellbeing. Ten of the 43 proposed actions will be led by the Department of Justice.
- The Strategy incorporates or expands on existing Department of Justice initiatives, including the following.
 - Phase I of the Community Safety Planning Program, which launched in February 2023 and provides up to \$200,000 to each First Nation for development and implementation of community safety initiatives uniquely designed to suit their citizens. A proposed Phase II would expand the program to municipalities in 2024.

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Fall 2023

Substance Use Health Emergency Strategy

Justice

- Prevention of gender-based violence and improvements in victims' services through the National Action Plan to End Gender-based Violence and the expansion of the Sexualized Assault Response Team (SART).
- Increased capacity to investigate and disrupt illicit drug supply and organized crime through the *Safer Communities and Neighbourhoods Act* (SCAN).
- Discussing policing capacity and arrangements to have law enforcement be more responsive to community priorities.
- Expanding therapeutic court programming to additional communities.
- Positions created under this Strategy in Community Corrections will also provide better support through new Support and Outreach positions for individuals struggling with substance use when transitioning from the corrections system back to communities.
- The Strategy includes \$326,000 in additional support for "Car 867," a mobile crisis response team offering a range of services including mental health and suicide assessments.
- Car 867, a pilot project, currently operates in Whitehorse on weekdays from 8:30 a.m. to 4:30 p.m. At present capacity, service providers in the program respond to 47 per cent of all incoming mental health-related calls. Additional support will increase Car 867 coverage to seven days per week to help cover critical call periods and an evaluation of the expanded program will be completed.
- The Government of Yukon will collaborate with First Nations governments and provide support for Indigenous-led, community-based therapeutic courts and other restorative justice approaches that focus on healing and treatment alternatives for justice-involved clients struggling with substance use issues.

Approved by:



Deputy Minister, Justice

2023-08-31

Date approved

Session Briefing Note

Fall 2023

National Action Plan to End Gender-Based Violence – Justice Actions

Justice

Recommended response

- Gender-based violence is a serious concern for Yukoners and has far reaching impacts in our communities.
- We all have a role to play in combatting this violence.
- The Government of Yukon has signed an agreement under the National Action Plan to End Gender-Based Violence with the Government of Canada, which allocates \$16.4 million in funding over four years to address gender-based violence in the territory.
- Funding allocated to the Department of Justice will address critical service capacity needs and gaps in prevention work, alongside other initiatives led by the Women and Gender Equity Directorate, Health and Social Services, and women's and 2SLGBTQA+ organizations in the Yukon.

Additional response:

- The Government of Yukon has committed to the Yukon's Missing and Murdered Indigenous Women, Girls, and Two-spirit+ Strategy and the funding provided through the National Action Plan to End Gender-Based Violence agreement will help us advance that work and to build stronger, healthier, and safer communities.
- The Department of Justice is using this funding to address known gaps in services for victims of gender-based violence and will participate in the planned sectoral review that will serve to inform future service delivery.

Context:

- On July 27, 2023, a meeting was held between Government of Yukon (YG) departments and women's equity organizations in the territory to provide an update

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National Action Plan to End Gender-Based Violence – Justice Actions

Justice

on the National Action Plan to End Gender-Based Violence (NAP) funding agreement with Canada and how the funding would be allocated.

- At that time, the Women and Gender Equity Directorate was not in a position to advise of the final funding allocations to the non-profit organizations.
- The Department of Justice is receiving funding through this agreement, and some women and gender equity organizations have questioned why the funding was not allocated directly to the sector.

Background:

- Women and Gender Equity Directorate negotiated an agreement with the Government of Canada (Canada) on the National Action Plan to End Gender-based Violence (NAP) that provides approximately \$16.4 million over four fiscal years.
- Over the four-year period of 2023-27, the Department of Justice's will receive \$6,714,250 to implement seven new initiatives to address gender-based violence, including:
 1. Cultural support for women in territorial custody: development of culturally relevant programming to address gender-based violence for women in territorial custody. Funding will be used to contract this service from the Council of Yukon First Nations.
 2. Transportation for victims of gender-based violence: development of safe, consistent, and confidential transportation for victims of gender-based violence to flee their community, access shelters and/or medical services as required.
 3. A media literacy initiative: as a primary prevention activity to counteract the effects of harmful misinformation that perpetuates gender-based violence, including against 2SLGBTQIA+ people and racialized groups.
 4. Community-based culturally-integrated justice programs: this includes community-based and First Nations government led solutions that will strengthen the justice system's response to gender-based violence.

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Fall 2023

National Action Plan to End Gender-Based Violence – Justice Actions

Justice

5. A multidisciplinary response to services for children and youth who are victims or witness to crimes: this initiative will enhance the justice system's supports to prevent revictimization and recurring trauma for children and youth.
 6. Criminal/family law system navigators: development of a pilot program of criminal/family law navigators to support victims of intimate partner violence of all genders to increase access to justice and to coordinate information to courts and orders.
 7. Integrated case-assessment teams for high-risk intimate partner violence: this team will collaborate with partner organizations and agencies on preventing reoccurrences of gender-based violence. They will respond to referrals of suspected high-risk cases of domestic violence to increase safety, support those involved, enhance support for victims, as well as provide monitoring and intervention, management, and support for perpetrators.
- These initiatives were selected for funding based on the objectives of the National Action Plan, as well as the Yukon's Missing and Murdered Indigenous Women and Girls Two-spirit+ (MMIWG2S+) Strategy, including the priorities for action identified by the Yukon Advisory Committee in December 2022.
 - The other two YG departments receiving funding under National Action Plan are not developing initiatives but flowing funding to NGOs. The Women and Gender Equity Directorate is providing significant funding to the sector and Health and Social Services is providing increased funding to women's shelters throughout the Yukon.
 - At this time, Canada has not confirmed if additional funding will be available beyond the four-year funding agreement to support its ten-year action plan.
 - The Women and Gender Equity Directorate will lead a sector wide engagement and program review, including YG departments, in the first year of funding. The results will serve to inform funding allocations in subsequent years.

Approved by:



Deputy Minister, Justice

2023-10-04

Date approved

Session Briefing Note**National Action Plan to End
Gender-Based Violence**

WGED

HSS, JUSTICE

Recommended response:

- Bilateral negotiations on the National Action Plan to End Gender-Based Violence are complete and we have signed an agreement with Canada that includes initiatives to address gender-based violence in the Yukon.
- We look forward to working with our partners in the NGO sector, other Government of Yukon departments, Yukon First Nations and Government of Canada to enhance prevention and response efforts towards ending gender-based violence.
- We are aware of the need for additional funding and capacity to address the high rates of gender-based violence in Yukon. As a result, we will ensure that project funding is available to women's and 2SLGBTQIA+ organizations that make up the NGO GBV sector within the Yukon while we complete an engagement and program review to determine gaps, opportunities and options to stabilize the sector.

Additional response:

- There is a central role for women's and 2SLGBTQIA+ organizations with respect to implementing the National Action Plan to End Gender-Based Violence within the Yukon and we will work closely with these organizations.

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National Action Plan to End Gender-Based Violence

WGED
HSS, JUSTICE

Context—this may be an issue because:

- A joint news release between Government of Yukon and Government of Canada announcing details of the bilateral funding agreement and Yukon Implementation Plan was published October 11, 2023.
- The Yukon Women's Coalition asked for increased core funding for Yukon Women's and 2SLGBTQIA+ organizations and a central role in funding prioritization and implementation decisions in February 2022.
- During an information session on July 27, 2023 with the NGO gender-based violence sector and WGED, HSS and Justice representatives, questions were raised regarding why WGED intended to conduct a program review and engagement and what the scope of the review would encompass.
- The opposition and the third party have questioned whether the Yukon Women's Coalition were consulted in the development of the Yukon's implementation plan and whether the organizations that make up the Coalition would receive increases to their core funding.

Background:

- Planning is underway for a joint event in partnership with Canada in November 2023. Following this, the Yukon's implementation plan on the National Action Plan to End Gender-Based Violence will be posted on the federal government's website and Government of Yukon will provide a link to it on Yukon.ca.
- Yukon's implementation plan includes a program review and stakeholder engagement in the first 12 months of the agreement to ensure that all of the gender-equity seeking organizations in the territory have the opportunity to inform where to focus efforts to end gender-based violence in the Yukon.

Session Briefing Note

National Action Plan to End Gender-Based Violence

WGED
HSS, JUSTICE

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- The letter from several members of the Yukon Women Coalition that was sent to Minister McLean in February 2022 was used to inform project funds that will be available for the duration of the program review and stakeholder engagement. Organizations that make up the Yukon Women's Coalition, the coalition itself as well as other organizations that receive annual funding from the Women and Gender Equity Directorate can access project-funding for years 1 and 2 of the agreement. The amount of funding available to these organizations exceeds the 1.3m a year that was requested by the coalition in February 2022. In year 1, \$2,074,000 is available to the gender-equity seeking sector and \$1,950,000 in year 2. This makes up 49% of the funding from Canada for years 1 and 2.
 - Project funding is being provided for year 1 and 2 of the agreement as there is an identified need to work with all stakeholders on a program review to understand gaps and strategic investments for the future. Increases to core funding will be determined following the program review and stakeholder engagement.
 - Women and Gender Equality Canada, with input from the provinces and territories, have created an Expected Results Framework that makes up part of the agreement. This framework will be made public along with the Yukon's agreement.
 - The results of every jurisdiction's implementation plans will be made public in an annual report on national progress toward the National Action Plan to End Gender-based Violence objectives as well as the outcomes included in the Expected Results Framework.
 - Due to the need to secure the Yukon's funding under this agreement as efficiently as possible, formal negotiations took place between the Government of Yukon and the federal government in May 2023.
 - Officials from WGED, HSS, and JUS worked together to identify priorities from the NAP that align with Yukon's priorities, including the 12 priorities released by YAC from Yukon's MMIWG2S+ Strategy.
 - Yukon's implementation plan includes 16 actions:

Session Briefing Note

National Action Plan to End Gender-Based Violence

WGED

HSS, JUSTICE

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- 3 are existing Government of Yukon initiatives including SART, the Prevention of Violence Against Aboriginal Women Fund and implementation of Yukon's MMIWG2S+ strategy;
 - 13 are new; and
 - 6 are focused on increasing prevention efforts (4 new and 2 existing initiatives).
- Yukon's agreement with Canada is for approximately \$4 million/year for 4 years beginning in 2023-23.
 - 25% of federal funding must be directed towards gender-based violence prevention. Yukon's implementation plan has dedicated over 40% of the funding to increasing prevention efforts.
 - Contributions are based on a 50-50 cost share split, which includes in-kind and existing contributions from provincial/territorial governments.
 - In February 2023 the Women's Coalition requested increased core funding for several Yukon women's and 2SLGBTQIA+ organizations as well as a formal working relationship with Yukon government on the roll out of the National Action Plan to End Gender-Based Violence. They also requested clarification on funding for implementation of the plan and on the National Action Plan on Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People.
 - Organizations that requested increases to core funding include the Yukon Status of Women Council, Les Essentielles, Victoria Faulkner Women's Centre, Whitehorse Aboriginal Women's Circle, Yukon Women in Trades and Technology, Yukon Women's Transition Home Society, Dawson Shelter Society and Help and Hope for Families Society.
 - In January 2021, the FPT Ministers responsible for the Status of Women endorsed the Joint Declaration for a Canada Free of Gender-Based Violence, which included a common vision, principles, and goals for the National Action Plan (NAP).
 - The vision of the National Action Plan is "a Canada free of gender-based violence. A Canada that supports victims, survivors, and their families, no matter where they live.

Session Briefing Note

National Action Plan to End Gender-Based Violence

WGED
HSS, JUSTICE

- The 5 pillars of the NAP are:
 - Support for survivors and their families
 - Prevention
 - Promotion of responsive legal and justice systems
 - Support for Indigenous-led approaches and informed responses
 - Social infrastructure and enabling environments
- In 2021-22, engagement was held with Indigenous organizations across Canada on Pillar 4: Indigenous led approaches. In Yukon, engagement was held with Yukon Advisory Committee on MMIWG2S+.

Approved by:

____Sierra van der Meer____

Deputy Minister, WGED

____2023-10-17____

[Date approved]

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A/Deputy Minister, Justice

____2023-10-20____

[Date approved]

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Deputy Minister, Health and Social Services

____2023-10-23____

[Date approved]

Session Briefing Note

Fall 2023

Fiduciaries Access to Digital Assets Act

Justice

Recommended response

- The Government of Yukon is tabling a Fiduciaries Access to Digital Assets bill in this fall 2023 session.
- The purpose of the proposed legislation is to facilitate fiduciary access to the digital assets of an individual who is deceased or incapable, while maintaining respect for the privacy and intentions of the individual.
- The proposed legislation is not intended to change the legal framework of fiduciaries, but to affirm and codify the existing authority of fiduciaries to access the digital assets of a deceased or incapable person.

Additional response

- The proposed legislation is based on the recommendations from the Uniform Law Conference of Canada and the *Uniform Access to Digital Assets by Fiduciaries Act*.
- The proposed legislation utilizes a modern and adaptive approach to protecting the digital assets of Yukoners.

Context

- Digital assets held by individuals are growing in number and value in an increasingly digitally-driven world. Fiduciary access to digital assets could be denied by online service providers if the legislation does not provide adequate protection.

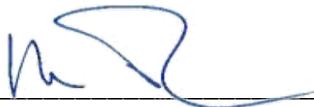
Background:

- Some Canadian jurisdictions have seen situations in which online service providers denied personal representatives access to the digital accounts of deceased account holders.

Session Briefing Note**Fall 2023****Fiduciaries Access to Digital Assets Act**

Justice

- The proposed legislation identifies a list of fiduciaries, provides a definition of “digital asset,” and determines how fiduciaries can gain access to the digital assets of the respective individual with whom they are in a fiduciary relationship.
- Fiduciary access to digital assets is subject to the terms and intentions provided in a will, letter of administration, guardianship order, power of attorney, trust or other legal instruments.
- After the legislation comes into force, provisions in service agreements that limit an appointed fiduciary’s access to a digital asset will be unenforceable unless the original account holder expressly agrees to that provision.
- The proposed legislation is modelled closely after the Uniform Law Conference of Canada's *Uniform Access to Digital Assets by Fiduciaries Act*.
- As of fall 2023, three other jurisdictions in Canada – New Brunswick, Saskatchewan, and Prince Edward Island – have enacted legislation regarding fiduciary access to digital assets.

Approved by:

Deputy Minister, Justice

2023-08-30

Date approved

Session Briefing Note

Fall 2023

Missing Persons Regulation

Justice

Recommended response:

- Regulations for the *Missing Persons Act* were recently completed, and the Act has come into force. This means that police now have more tools to help them locate someone when they are reported missing.

Additional response:

- Missing persons legislation enhances police investigations by allowing quick access to important information like telephone, financial and health records.
- Missing persons legislation is an important component of addressing the complex and very serious matter of missing and murdered Indigenous women, girls, and two-spirit+ people.
- In developing this legislation, the Government of Yukon sought feedback from First Nations governments and stakeholder groups, including several women's advocacy groups.

Context:

- Consultation on the *Missing Persons Act* in 2017 showed concern from the public for proper protections of individuals' privacy rights. Women's advocacy groups also raised concerns about how the legislation may impact women's shelters.
- Missing persons legislation is a high-profile initiative.
- The Act came into force on the first day of the MMIWG2S+ Accountability Forum and supports the implementation of Yukon's MMIWG2S+ strategy.
- The Act came into force during a search for missing Elder Freddy Frost in Old Crow.

Session Briefing Note

Fall 2023

Missing Persons Regulation

Justice

Background:

- The Government of Yukon's *Missing Persons Act* received assent in November 2017. The regulation was approved by Cabinet and the Act came into force on October 16, 2023.
- The regulation provides forms and rules for RCMP members to use and follow while gathering and handling personal information collected during an investigation.
- The regulation sets out reporting requirements to track RCMP use of powers given by the Act and describes circumstances in which RCMP may use certain powers to locate vulnerable people who are at a high risk of harm.
- An engagement process was held from January 7 to February 17, 2020. First Nations governments and stakeholder groups, including women's advocacy groups, were invited to provide feedback on proposed options for the regulation.
- In-person meetings regarding the regulation were held with women's advocacy groups.

Approved by:

David Christie

A/Deputy Minister, Justice

2023-10-19

Date approved

Session Briefing Note

Fall 2023

Public Utilities Act Amendments

Justice

Recommended response:

- The Government of Yukon is reviewing the *Public Utilities Act* to identify amendments that will support an efficient and modern process for regulating electricity in the territory.
- This review is a part of implementing Our Clean Future.

Additional response:

- Changes being considered may include provisions that allow the Yukon Utilities Board to look at how a utility's proposed project or change to electricity rates would affect the Yukon's supply of affordable renewable energy.

Context:

- The review supports several key initiatives in Our Clean Future by allowing the Yukon Utilities Board to consider a project's renewable energy and climate change implications, along with other factors, in decisions involving electricity rates and upcoming energy projects.

Background:

- The Yukon Utilities Board is an independent regulator of electricity that receives its mandate from the *Public Utilities Act*, its regulations and Orders-in-Council. This legislation gives the board authority to set rates that may be charged for electricity and to oversee capital expenditures of public utilities.
- In exercising these powers, the board is currently limited to assessing the safety, reliability, and affordability of electricity services to be provided, and issuing orders that are within the public interest.
- In July 2021, the board released its report on the Battery Energy Storage System (BESS) project, in which it stated that it did not have authority to consider renewable energy and climate action goals associated with the project. These aspects of the project correspond with goals identified in Our Clean Future.

Session Briefing Note**Fall 2023*****Public Utilities Act Amendments***Justice

- The board's concerns were restated in its October 2022 report on the Atlin Energy Purchase Agreement, in which it called upon the Government of Yukon to provide guidance in legislation if it desires specific policy objectives to be supported by the board.
- Specific Our Clean Future goals include:
 - a 30 per cent reduction in greenhouse gas emissions from 2010 levels;
 - that 93 per cent of electricity in the grid come from renewable sources;
 - that diesel generation be substituted with renewable alternatives; and
 - that the use of fossil fuels for electricity generation be reduced.

[Cross-reference: BN#13 – *Public Utilities Act Regulation Changes for Our Clean Future*]

Approved by:

Deputy Minister, Justice

2023-09-14

Date approved

Session Briefing Note

Fall 2023

Public Utilities Act Regulation Changes for Our Clean Future

Justice

Recommended response:

- The Government of Yukon is working on changes to regulations under the *Public Utilities Act* as part of implementing Our Clean Future, a strategy to address the climate crisis.
- These legislative changes are key to the overarching goals of reducing greenhouse gas emissions and increasing the supply of affordable, renewable energy in the Yukon.

Additional response:

- Changes to the regulations will support the important work of the Yukon Utilities Board and respect its role as the independent decision maker responsible for regulating electricity in the Yukon.

Context:

- In a decision released on October 18, 2022, the Yukon Utilities Board noted that it has no mandate in law to consider renewable energy requirements and called upon the Government of Yukon to provide guidance in legislation if it desires specific policy objectives to be supported by the board.
- Regulation of public utilities and climate change are matters of ongoing concern for Yukoners and are often subject to media attention in the territory.

Background:

- Certain actions in Our Clean Future require changes to regulations under the *Public Utilities Act* in order to be implemented. These include:
 - the emergence of a private market for electric vehicle charging;
 - the creation of a renewable energy portfolio requirement; and
 - purchases of renewable electricity from the Atlin Hydro Expansion project and the Lower Post solar project.

Session Briefing Note

Fall 2023

***Public Utilities Act* Regulation Changes for Our Clean Future**

Justice

- Although Our Clean Future assigns these items to the Department of Energy, Mines and Resources, the *Public Utilities Act* is administered by the Department of Justice.
- The regulatory work is being done in collaboration with both departments, and current work is focused on exploring four different issues:

1) A regulation for electric vehicle charging stations:

- Regulatory changes would be required to fulfil Our Clean Future Action T7, which commits the Government of Yukon to draft legislation by 2024 that will enable private businesses and the Yukon's public utilities to sell electricity for the purpose of electric vehicle charging.
- Currently, the *Public Utilities Act* is a barrier to enterprise in this area because it requires anyone selling electricity in the territory to obtain a franchise and become a regulated public utility. This includes businesses, municipalities and First Nations governments that wish to sell electricity through electric vehicle charging stations.
- The new regulation would prescribe the sale of electricity from Level 2 and 3 electric vehicle charging stations as an "excluded undertaking" to allow for implementing this Our Clean Future action.

2) Implementation of the Renewable Energy Portfolio

- Our Clean Future action E1 commits the Government of Yukon to develop legislation by 2023 that will require at least 93 per cent of the electricity generated on the Yukon Integrated System to come from renewable sources.
- This requirement, called the "Renewable Energy Portfolio", is similar to legislated requirements in other provinces (BC, Nova Scotia, Alberta and New Brunswick) that have implemented a Renewable Energy Portfolio within their jurisdictions.
- If introducing such a requirement in Yukon legislation, regulatory changes under the *Public Utilities Act* would support the implementation of the portfolio by the Yukon Utilities Board.

Session Briefing Note**Fall 2023*****Public Utilities Act Regulation Changes for Our Clean Future***

Justice

3) Regulations for the purchase of electricity from the Atlin Hydro Expansion project and Lower Post Solar project

- Two proposed renewable energy projects located in British Columbia intend to sell renewable electricity to public utilities in the Yukon.
 - Tlingit Homeland Energy Limited Partnership has finalized an agreement with Yukon Energy Corporation to provide electricity from the Atlin Hydroelectric Expansion Project beginning in 2025.
 - Daylu Dena Council intends to sell electricity from the Lower Post Solar Photovoltaic System Project to ATCO Electric Yukon, for use on the Watson Lake electrical grid.
- Since neither of the project proponents are franchised as public utilities in the Yukon, new regulations are needed to enable them to sell electricity within the territory.
- The regulations would provide exemptions that are similar to those already in place for small scale renewable electricity generators under the Independent Power Production and Microgeneration regulations.
- The regulations will contribute to the Government of Yukon's efforts to increase renewable electricity on the Yukon's main grid to 97 per cent by 2030 (action item E1) and on micro-grid in communities dependent on diesel for electricity generation.
- Although the new regulations will prevent Tlingit Homeland Energy LP and Daylu Dena Council from being treated as public utilities, ATCO and Yukon Energy Corporation's purchases of electricity from these projects will still be subject to oversight by the Yukon Utilities Board.

4) Remuneration regulation for Yukon Utilities Board members

- In December 2022, the Yukon Utilities Board Remuneration Regulation [OIC 2022/211] came into force. The new regulation sets out an updated system of pay for board members that is comparable to similar decision-making boards in the Yukon and in Canada.

Session Briefing Note**Fall 2023*****Public Utilities Act Regulation Changes for Our Clean Future***

Justice

- The regulation follows a comprehensive review of the system of pay for utilities regulators in the Yukon and in other Canadian jurisdictions.
- Creation of this regulation is a step in the implementation of Our Clean Future action E3, which commits the Government of Yukon to update the *Public Utilities Act* by 2025 to ensure an effective and efficient process for regulating electricity in the Yukon.

[Cross-reference: BN# 12 – *Public Utilities Act Amendments*]

[Cross-reference: BN# 22 – Yukon Utilities Board - Remuneration]

Approved by:

Deputy Minister, Justice

2023-09-14

Date approved

Session Briefing Note

Fall 2023

SCAN Act Review

Justice

Recommended response:

- The *Safer Communities and Neighbourhoods Act* provides the authority to investigate and resolve complaints of specified activities habitually occurring on a property and adversely affecting the community or neighbourhood.
 - The Government of Yukon is committed to completing a comprehensive review of the *Safer Communities and Neighbourhoods Act*, or the SCAN Act, by 2027.
 - This review began earlier this year, and we anticipate completing the review prior to 2027, but want to provide adequate time for First Nations governments, communities, the public and other stakeholders to provide input into the review process.
-

Context:

- The constitutionality of one provision in the Act is being challenged in *Wright v Yukon* and is scheduled for hearing November 6 to 10, 2023.
-

Background:

- The SCAN Act enables members of the public to file a complaint with the SCAN Unit when there is suspicion that a specified activity is occurring habitually on a property, and it is negatively impacting their neighbourhood or community.
 - The SCAN Unit can investigate specified uses of property that are identified in the Act, including:
 - the illegal sale of liquor and other contraventions of the *Liquor Act*;
 - contraventions of the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) and the *Cannabis Control and Regulation Act* (Yukon) and the use or consumption of intoxicants;
 - prostitution and activities related to prostitution;
 - the sexual abuse or sexual exploitation of a child (added in 2021);
-

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Fall 2023

SCAN Act Review

Justice

- the possession or storage of prohibited, restricted or stolen firearms, explosives, or other restricted weapons in contravention of the *Firearms Act*, the *Explosives Act*, and other laws (added in 2021); and
- organized crime (added in 2021).
- The SCAN Unit supports community safety by responding to the concerns of Yukoners and disrupting specified activities that adversely impact communities.
- The use of civil legislation, rather than criminal, increases the public's access to justice by providing a confidential and timely means of seeking redress.
- The SCAN Unit works closely with First Nations governments. Ten Yukon First Nations governments have protocols in place with the SCAN Unit for the implementation of the legislation in their communities.
- All SCAN Unit activities are initiated by a complaint, after which the SCAN Unit determines if the complaint can be substantiated. The SCAN Unit acts only on the basis of sufficient evidence.
- The SCAN Unit considers the unique needs of vulnerable persons and makes referrals to support agencies when there is a need for protection or assistance.
- Drug trafficking is the most common type of activity for which complaints are received and investigations are undertaken.
- Typically, issues are resolved by a warning. On rare occasions, properties are closed by either assisting a landlord with terminating a tenancy agreement or by applying to the court for a Community Safety Order.
- The Department of Justice has assigned resources and personnel to support the comprehensive review. Current work includes research such as jurisdictional scanning and a case law review. The Department of Justice anticipates beginning engagement and consultation by spring 2024.

[Cross Reference BN# 44 – SCAN]

Approved by:



Deputy Minister, Justice

2023-09-01

Date approved

Session Briefing Note

Fall 2023

Victims of Crime Act Amendments

Justice

Recommended response

- The Department of Justice is tabling amendments to the *Victims of Crime Act* to improve protection of the privacy and safety of Victim Services' clients.
- The Department of Justice continues to improve access to confidential, victim-led, trauma-informed supports and services for victims of crime.

Additional response:

- These amendments will provide additional protection for Victim Services clients by empowering protections outlined in the Victim Bill of Rights to prevail if an access to information request presents a risk of harm for the victim.
- Amendments will reduce the likelihood that information about a person accessing Victim Services' programs and services will be revealed to another individual, on the basis that this constitutes an invasion of client privacy.

Context—this may be an issue because:

- The amendments seek to protect Victim Services records from access to information requests from anyone other than a client requesting their own records.
- Questions may arise concerning balancing the protections for Victim Services' clients against another individual's right to request access to information, as provided in the *Access to Information and Protection of Privacy Act*.

Background:

- Victim Services provides confidential support and resources to anyone who is affected by crime. That includes crisis support, safety planning, outreach, accompaniment, and assistance in navigating the justice system.

Session Briefing Note**Fall 2023*****Victims of Crime Act Amendments***Justice

- Services may be accessed by victims of crime, friends and family who support a victim, witnesses of a crime, and anyone who provides support to people affected by crime.
- Anyone accessing Victim Services programs is given the assurance of confidentiality within statutory limitations, such as the duty to report risk of harm to a child. Information shared with service providers is victim-led and voluntary.
- Because of the nature of services provided, all client records contain information about other people for the purpose of client service related to an offence, safety planning and client protection.
- Clients may access services due to intimate partner violence and/or sexualized violence and may be in the initial stages of leaving a partner who is exhibiting signs of coercive control. It is essential that vulnerable clients are shielded from offenders or alleged offenders who may use access to information requests to verify if their victim has named them to a service provider.
- Currently, provisions in the *Access to Information and Protection of Privacy Act* already enable the public body to deny access to records that may place an individual at risk of significant harm. Moreover, third party information is heavily protected from disclosure to an applicant requesting access to personal information.
- The prospective amendments to the *Victims of Crime Act* provide that revealing information to an applicant that leads them to infer that a victim has accessed services, infringes on victim privacy and that no individual other than the victim should obtain information in their own file without written consent or voluntary disclosure.
- The expansion of Victim Services programs, such as the expansion of the Sexualized Assault Response Team (SART), means that these legislative amendments will improve the protection of potentially even more client records, and will allow program areas to continue to effectively protect client privacy without removing staff from front-line service provision.
- The prospective amendments will reduce ongoing administrative efforts to protect client privacy and safety by removing the burden placed on service providers to search and redact client records for each request.

Session Briefing Note**Fall 2023*****Victims of Crime Act Amendments***Justice

- Amendments to the Act continue to protect client access to information contained in their own file, as prepared on their behalf by Victim Services staff.
- The coordination of services with Victim Services partner agencies and service providers will not be impacted by the proposed amendments.

Approved by:

Deputy Minister, Justice

2023-08-31

Date approved

Session Briefing Note

Electricity Costs and Rate Reviews

Fall 2023

Justice

Recommended response:

- The rates that utilities charge for electricity are set by the Yukon Utilities Board, which is an independent regulator responsible for making decisions that are in the public interest.
- Decisions about the processes used for setting rates and making rate changes are currently within the board's jurisdiction to determine.
- The Government of Yukon respects the board's expertise and discretion in making these important decisions.

Additional response:

- The Government of Yukon will continue to support the board in fulfilling its responsibility to make independent, evidence-based decisions that are consistent with national standards for utility regulation and reflect the interests of Yukoners.
- Anyone may make a complaint to the Board regarding a utility's rates, which could result in a review by the Board and an order for a remedy.

Context:

- Public hearings for Yukon Energy Corporation's 2023-24 General Rate Application are expected to begin in early 2024.
- Public hearings for ATCO Electric Yukon's (ATCO) 2023-24 General Rate Application began in early September 2023 and are expected conclude in late December 2023. The hearings have received media attention.
- Prior to this application, ATCO had not completed a General Rate Application since 2017.

Session Briefing Note

Electricity Costs and Rate Reviews

Fall 2023

Justice

- In fall 2022, questions arose in the media and the Legislative Assembly regarding the system of rate setting and the Government of Yukon's ability to cause a utility to undertake a rate review.
- These questions corresponded with an application by ATCO to the Yukon Utilities Board (the Board) to rebate certain costs to consumers, and concerns from the public that ATCO was profiting beyond what should be permitted.

Background:

Yukon Energy Corporation 2023-24 General Rate Application

- On August 31, 2023, Yukon Energy Corporation (YEC) filed a General Rate Application with the Board.
- This application includes a request to increase rates that would equate to an estimated 6.1 per cent increase for residential customers.
- The hearing is expected to take place in early 2024.

ATCO's 2023-24 General Rate Application

- On July 7, 2023, ATCO filed its 2023-24 General Rate Application with the Yukon Utilities Board. The application included a request to increase electricity rates that may be charged by approximately 5 per cent over 2023 levels to cover higher capital and inflation costs.

ATCO's rate relief application

- On July 18, 2022, ATCO applied to the Board for approval to rebate excess revenue accumulating in certain regulated deferral accounts to residential and commercial customers (excluding industrial).
- Intervenors at the hearing presented evidence that ATCO's failure to request a General Rate Application contributed to excess revenues beyond what was being proposed for rebate. The Board considered this evidence out of scope for the decision at hand.
- On November 7, 2022, the Board issued its decision that the excess revenue should be distributed back to customers but ordered that it should be distributed to all customer classes.

Session Briefing Note

Electricity Costs and Rate Reviews

Fall 2023

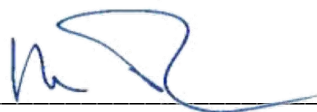
Justice

The system of rate setting in the Yukon

- Currently, the *Public Utilities Act* gives the Board exclusive authority to set or change the rates that utilities may charge and directs the Board to hold public hearings before changes to rates can be made.
- Utility companies (Yukon Energy Corporation and ATCO) must apply to the Board to increase rates through a General Rate Application or for specific, short-term adjustments.
- In determining the rates that the utility may charge, the Board must consider the costs and revenues of the utility. The rates must also include a reasonable return on investment, which is prescribed by the Board.
- The process used to review and change rates typically begins when the utility applies to the Board for a General Rate Application. In this application, the utility requests approval of its proposed rate, based on its current and expected costs.
- General Rate Applications are prompted by the utility's assessment that changes to its costs should be reflected in higher rates. There is no periodic requirement for General Rate Applications in law.
- In a General Rate Application, the utility's changing costs and revenues are accounted for and reviewed alongside changes in demand for electricity. The Board's role is to publicly review the utilities' forecasted costs and their proposed rate, then set a new rate based on costs that are reasonably incurred plus a reasonable rate of return.
- In doing this, it is the Board's responsibility to act in the public interest and ensure that electricity is affordable, safe, and reliable.
- Frequently, the Board allows adjustments to rates through surcharges, interim charges, "rate riders" and rebates. These are added to the rate that the Board allows the utility to charge, based on its costs and a reasonable return. Changes to rates over time may also be prescribed by the Board through a rate schedule.
- Utilities may recover shortfalls from previous years through rate riders. Alternatively, if revenues are above the amount needed to recover costs and a reasonable rate of return, a rebate may be ordered by the Board.

Session Briefing Note**Fall 2023****Electricity Costs and Rate Reviews**Justice

- The rate setting process relies on forecasts of the utilities' costs. As the real cost to generate, transmit and distribute power gradually diverges from the forecasted cost due to environmental, economic, and other unpredictable factors, a review of the current and forecasted costs is needed to set a new, updated rate.
- The General Rate Application process serves the public interest because the utilities' activities and costs are publicly scrutinized. The Board has the discretion to allow certain expenses to be added to the rate base if they were not prudently incurred.
- The Yukon's regulatory system includes an alternative to a full-scale rate review. Any person may file a complaint about rates or rate changes, and subject to the Minister's approval, the Board may investigate the complaint and determine whether action should be taken by the Board.

Approved by:

Deputy Minister, Justice

2023-09-05

Date approved

Session Briefing Note

Fall 2023

Yukon Coroner's Service Building Construction

Justice

Recommended response:

- The Department of Justice, with the assistance of the Department of Highways and Public Works, is currently designing a new facility for the Yukon Coroner's Service.
- The proposed building will be located on the Whitehorse General Hospital grounds and will include the Yukon Coroner's Service offices and a new morgue.
- The current Yukon Coroner's Service building is located in a repurposed building that was not originally designed to meet the standards of a morgue.
- The project design will include the required amenities of a modern coroner's service including:
 - proper ventilation and hard surfaces for routine sanitation and biohazard management;
 - better lighting and energy performance;
 - increased operational space and storage capacity, including office space for both the coroner and a deputy coroner; and
 - a supportive environment for families and loved ones.

Additional response:

- The design architects worked with a Yukon First Nation Elder consultant and Indigeneity design consultant to incorporate First Nations' traditions and offer culturally appropriate and supportive spaces for families.
- We are working closely with the Yukon Hospital Corporation to ensure our design aligns with their planning and future growth.

Session Briefing Note

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Yukon Coroner's Service Building Construction

Justice

Context:

- In 2020, the Government of Yukon authorized the expenditure of \$5.7 million for the design and development of a new Yukon Coroner's Service facility (excluding the land), although this was a placeholder cost before design work was done.

Background:

- In 2021, the new Coroners Act and regulations came into force. The legislative changes followed consultation with Yukon First Nations, as well as engagement with coroners, the RCMP and medical practitioners.
- The construction of the new facility will allow for the operation of a modernized coroners service for the Yukon. The construction of the facility is planned on Yukon Hospital Corporation land, behind the hospital.
- A new purpose-built building containing a morgue and the services' offices is required to provide appropriate and modern posthumous services in the Yukon.
- The existing morgue is in a repurposed space that once served as a geological storage warehouse. The location is aging and does not meet program requirements. It is not equipped with proper ventilation, sanitization options, heating, drainage and lighting.
- The existing facility does not provide sufficient refrigeration space, proper examination space, office space or a respectful and culturally appropriate body viewing space.
- Modernization, along with forced growth, has resulted in a redesign of the service delivery model. A deputy coroner position has been added to the organizational structure. Body transfer is now being provided by Yukon Coroner Services, which requires an additional vehicle. This restructuring adds pressure on the existing facility.

Approved by:



Deputy Minister, Justice

2023-08-31

Date approved

Session Briefing Note

Fall 2023

Yukon Utilities Board – Remuneration

Justice

Recommended response:

- Compensation for Yukon Utilities Board members was increased due to the complexity and impact of the work completed by the Board.
- The Yukon Utilities Board makes decisions that affect Yukon's electricity users, businesses, the territorial government, and Yukon First Nations governments.
- The Yukon Utilities Board is an independent regulator of electricity that has the authority to set rates that may be charged for electricity and oversee capital expenditures of public utilities.

Context:

- The Yukon Utilities Board (the Board) raised the matter of remuneration with the Government of Yukon in early 2021 and remained engaged until the new OIC took effect on December 8, 2022.
- The Chair expressed appreciation and support for the updated remuneration package.

Background:

- The Board is responsible for regulating electrical utilities in the Yukon. The Board's responsibilities include, but are not limited to, the review of rate applications, plans for new projects and facilities, and energy supply contracts.
- As the Yukon's utilities regulator, the Board's decisions can have significant impacts on all Yukoners, governments, businesses, and other stakeholders.
- It is the responsibility of the Board to examine the costs brought forward when the utility proposes to charge ratepayers. These costs are generally separated into three classes:
 - 1) the costs to the utility to run its operations and maintain its equipment, including costs for personnel and materials;

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Yukon Utilities Board – Remuneration

Justice

2) the costs associated with the depreciation of all capital equipment and assets, as updated from time to time; and

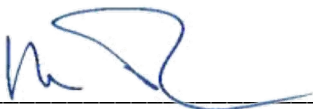
3) the return on rate base, which includes the costs related to borrowing that portion of rate base financed with debt, plus the costs to provide a reasonable rate of return on that portion of rate base financed with equity.

- Board orders are reviewable by the Court of Appeal of Yukon.
- Through Our Clean Future, the Department of Justice is reviewing the *Public Utilities Act*, including the Board's responsibilities and the factors that the Board must consider when making decisions and recommendations.

[Cross-reference: BN# 12 – *Public Utilities Act Amendments*]

[Cross-reference: BN# 13 – *Public Utilities Act Regulation Changes for Our Clean Future*]

Approved by:



Deputy Minister, Justice

2023-09-05

Date approved

Session Briefing Note

Fall 2023

Bail Reform - Repeat Violent Offenders

Justice

Recommended response:

- On March 10, 2023, meetings with other federal, provincial, and territorial Ministers of Justice and Public Safety occurred to discuss the bail system, in particular its treatment of repeat violent offenders.
- The Government of Canada agreed to take action as soon as possible to strengthen public safety through amendments to the *Criminal Code* and on May 16, 2023, tabled Bill C-48 to target repeat violent offenders and serious offences committed with firearms and other dangerous weapons.
- The matter of repeat violent offenders and the bail system involve many complex and interacting factors, and amendments to the *Criminal Code* are only one part of the solution.
- Bill C-48, which is progressing through Parliament, was developed to address concerns about public safety and increase confidence in the justice system related to repeat violent offending.
- At the October 11 to 13 2023 Ministers of Justice and Public Safety meeting, Ministers agreed to continue working on enhancements to bail data.
- We also agreed to monitor the effectiveness and impacts of Bill C-48 after it becomes law. Within our own jurisdictions, Ministers remain mindful of the potential impacts of these measures on groups who are over-represented in the justice system, such as Indigenous Peoples, Black persons and other vulnerable groups, and work to mitigate any negative consequences.
- We are aware of the National Police Federation's recommendations on bail reform, and we are discussing them with the Yukon RCMP "M" Division. Those recommendations are being considered alongside input we have received from Yukon First Nations and others that is

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Bail Reform - Repeat Violent Offenders

Justice

informing the work we are doing to advance improvements to the bail system in the Yukon.

- I look forward to working with the other provinces and territories to explore both legislative and non-legislative tools to better address the issue of repeat violent offenders.

Additional Response:

- We continue to support the work of the Government of Canada and note that changes in this area need to consider the impacts this may have on racialized and marginalized persons and the overrepresentation of Indigenous Peoples in the criminal justice system.
- The solutions to repeat violent offending and random violent acts lie in addressing the root causes of crime. This includes improving access to mental health services, substance use treatment, and social supports such as supportive housing.
- We will continue to partner with First Nations and Indigenous communities to explore forms of reintegration, after care, and support, which are based on individual culture and community needs.

Context:

- A communiqué was released after the ad hoc federal/provincial/territorial (FPT) Ministers meeting on March 10, 2023, announcing that FPT Ministers will continue to work together to explore both legislative and non-legislative options to address the bail system's treatment of repeat violent offenders.
- There have been recent cases of violent attacks by offenders out on bail, including one instance in Ontario that resulted in the death of a police officer.
- Concerns have been raised within the Yukon about the release of violent offenders back into the Yukon communities and the increased rate of organized crime.

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Fall 2023

Bail Reform - Repeat Violent Offenders

Justice

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- Following the direction of FPT Ministers, the Coordinating Committee of Senior FPT Officials – Criminal Justice Criminal Procedure Working Group has undertaken urgent work to examine the issue of repeat violent offending as it relates to bail.
-

Background:

- During the October 2022 meeting of FPT Ministers Responsible for Justice and Public Safety, Ministers discussed public concerns in several jurisdictions about repeat offending and random violent attacks against strangers.
- The concerns included reports of increases in violent offences, particularly cases involving the use of bladed weapons and bear spray in some jurisdictions.
- Ministers agreed to a subsequent meeting to consider concrete proposals to address the concerns. They directed senior criminal justice officials to examine the issues, including potential law reform solutions at the bail stage, and proposed options for Ministers' consideration.
- Ministers also identified the need to explore the root causes of crime, as well as shared commitments to reduce the over-incarceration of Indigenous people, racialized people and those who are marginalized.
- Several factors, such as economic pressures; COVID-19-related social restrictions; and lack of access to primary health care, mental health supports, substance misuse treatment, and safe and affordable housing, have increased concerns about social disorder.
- Notably, significant investments in poverty reduction, housing affordability, and continuum of care for substance use and mental health conditions hold the most promise in addressing the root causes of crime.
- This requires a one-government approach that includes collaboration between the justice, health, mental health, addictions, and social services sectors across all levels of government.
- On January 13, 2023, a letter from Canada's Premiers was sent to the Prime Minister calling for urgent reforms to the bail system. The letter specifically called for changes to the *Criminal Code* that create a reverse onus at the bail stage for the offence of possession of a loaded prohibited or restricted firearm.
- The letter also suggests that a review of other firearms-related offences is also warranted to determine whether they should also attract a reverse onus on bail.

Session Briefing Note

Fall 2023

Bail Reform - Repeat Violent Offenders

Justice

- During the ad hoc FTP March 10, 2023 meeting, Ministers agreed that the bail system functions appropriately in many, but not all cases. Both legislative and non-legislative actions are needed to ensure that the objectives of the bail system are being met.
- The federal government agreed to act as soon as possible to strengthen public safety through amendments to the *Criminal Code* that would target repeat violent offenders and serious offences committed with firearms and other dangerous weapons.
- During this meeting, it was also agreed that non-legislative efforts by federal, provincial and territorial governments could include improved data, policies, practices, training, and programs in the areas of bail support and enforcement.
- Other solutions include programs and funding available for broader public safety objectives, such as combatting criminal use of firearms, gang violence and preventing crime, including gender-based violence and intimate partner violence.
- Options are being developed to identify reforms that will not have a disproportionate impact on Indigenous and other marginalized groups, while still addressing public concerns.
- At the October 11 to 13, 2023 Ministers of Justice and Public Safety meeting, Ministers agreed to continue working on enhancements to bail data and to monitor the effectiveness and impacts of Bill C-48 after it becomes law.
- The Department of Justice is currently working with “M” Division to explore the implementation of the National Police Federation’s seven recommendations.

Approved by:

Ian Davis

A/Deputy Minister, Justice

2023-11-02

Date approved

Session Briefing Note

Fall 2023

Supervised Housing - Men

Justice

Recommended response:

- Supervised housing is a critical component of the criminal justice system, contributing to a safer and healthier Yukon.
- Our government supports non-custodial, supervised housing that enables justice-involved individuals to gradually reintegrate with, or remain supervised in, the community.
- Connective has been operating the Supervised Housing and Reintegration Program for justice-involved men.
- From May 1, 2020 up to August 14, 2023, Connective has provided services to 107 bail and probation clients, and 12 federal parole clients.

Additional response:

- The Men's Supervised Housing program provides structured support in a home environment for men transitioning from corrections.
- Residents receive person-centred support and programming based on individual needs and goals including, but not limited to:
 - criminogenic programming;
 - employment support and education;
 - Indigenous-focused programming;
 - homelessness prevention programs;
 - reintegration services;
 - community living services;
 - peer support;
 - inclusive community drop-in centres; and
 - food security support.

Session Briefing Note

Fall 2023

Supervised Housing - Men

Justice

Context:

- The supervised housing program operates in a co-located, yet separate area of the Whitehorse Correctional Centre, and has received significant attention.

Background:

- On December 23, 2019, the Government of Yukon received formal notification that the Salvation Army had decided to discontinue its supervised housing program in the territory. Service provision of the Yukon Adult Resource Centre (YARC) by the Salvation Army ended on April 30, 2020.
- In the absence of an alternative program, cessation of operations at YARC would have resulted in a gap in critical services for justice-involved individuals.
- The current budget allocation had been carried forward from the previous arrangement with the Salvation Army that existed prior to the fiscal year 2019-20, providing \$550,000 annually.
- In April 2022, Connective identified that their previous budget for the existing men's supervised housing program was insufficient to sustain operations.
- Connective requested an increase of \$250,000 related to the men's facility. In the fall of 2022, a budget increase was approved for an annual operating budget of \$807,632.
- Among other financial pressures, this increase also addressed a disparity in wages for Connective staff performing similar work at different facilities operated by the departments of Justice and Health and Social Services.
- Connective's facility for men has a maximum capacity of 40 beds.
- All residents are subject to general and specific conditions of release. The safety of the community, staff and residents is ensured through 24-hour staff who provide structure, monitoring and support.

Approved by:



Deputy Minister, Justice

2023-09-05

Date approved

Session Briefing Note

Fall 2023

Supervised Housing - Women

Justice

Recommended response:

- On June 1, 2023, Connective officially opened the Women's Supervised Housing Program.
- As of July 28, 2023, Connective has received three referrals to the program and on August 14th welcomed its first resident. The acceptance of referrals is ongoing.
- In April 2023, the Government of Yukon and Connective collaborated to provide two information sessions for the territorial Judiciary, RCMP, Public Prosecution Service of Canada, and Legal Aid. An additional information session for stakeholders will be scheduled in the future.
- The Women's Supervised Housing program is the first program of its kind in the North where residents receive person-centred support and programming based on individual needs and goals, including:
 - criminogenic programming;
 - employment support and education;
 - Indigenous-focused programming;
 - homelessness prevention programs;
 - reintegration services;
 - community living services;
 - peer support;
 - inclusive community drop-in centres; and
 - food security support.

Additional Response:

- This program is located on the Whitehorse Correctional Centre property in the former Takhini Haven building; however, it is a separate program and independently operated.

Session Briefing Note

Fall 2023

Supervised Housing - Women

Justice

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- Yukon Community Corrections, the Justice Wellness Centre and the Whitehorse Correctional Centre continue to review their caseloads and work with clients for potential referrals.
 - Connective has been operating a similar supervised housing program for men for the last three years, and this new facility provides equivalent services for women.

Context:

- Supervised housing for justice-involved men is established in the territory, but no equivalent service existed for women involved in the criminal justice system.
- Housing limitations within the Yukon create additional barriers for women involved in the criminal justice system.

Background:

- Supervised housing has been available for men in the Yukon since the mid-1980s. Through contract service providers, men have accessed housing programs and community supports as an alternative to custody, or as a tool to support discharge planning and community reintegration.
- Fifteen years ago, the Salvation Army provided beds for women. Since then, various solutions have filled this service gap intermittently. These have included attempts by the Elizabeth Fry Society to set up housing and Health and Social Services funding two beds in the home of a retired social worker.
- Probation officers at Yukon Community Corrections and case managers at the Whitehorse Correctional Centre and the Justice Wellness Centre work with clients to address immediate housing needs.
- In August 2020, the Government of Yukon invited agencies and organizations to submit options for housing locations and program models.
- Some of the community partners and stakeholders engaged to date include Opportunities North (formally Challenge Disability Resource), Council of Yukon First Nations, Safe at Home Society, Connective, Yukon Anti-Poverty Coalition, and the Women's Transition Home.

Session Briefing Note

Fall 2023

Supervised Housing - Women

Justice

- In January 2022, the Department of Justice received approval to proceed with the implementation of a 24/7, supervised housing pilot program for women with a budget of \$562,000 per year.
- In April 2022, Connective identified program funding shortfalls related to projected operating costs for the women's supervised housing programs.
- Connective requested an increase of \$190,000 to the annual operating cost.
- To address this pressure, the Department of Justice requested and received approval for funding increases for 2023-24.
- On December 29, 2022, the Government of Yukon signed a transfer payment agreement with Connective to provide the Supervised Women's Housing program.
- On February 22, 2023, the Government of Yukon officially announced the Supervised Housing Program for Women to be located in the old Takhini Haven building at 25 University Drive in Whitehorse.
- Connective completed the hiring process with six permanent staff members.
- There were delays with opening the facility due to some deficiencies with the building. These have now been fixed and the facility is fully operational.

Approved by:



Deputy Minister, Justice

2023-09-05

Date approved

Session Briefing Note

Fall 2023

Whitehorse Correctional Centre: Designation as a Hospital/Facility

Justice

Recommended response:

- The Government of Yukon continues to explore alternatives that would facilitate removing the Whitehorse Correctional Centre's designation as a hospital without compromising client care, decreasing institutional safety, or increasing risk to the public.
- The complex needs of individuals who require forensic care, as well as the limited availability of crucial resources throughout the Yukon, have historically presented challenges.
- The Whitehorse Correctional Centre's statutory designation as a hospital will be maintained for the purpose of detaining individuals found Not Criminally Responsible or Unfit for Trial, on a short-term basis.
- The Whitehorse Correctional Centre does not have the capacity to house individuals who require forensic care for prolonged periods of time and require complex care in psychiatric facilities with medical professionals who specialize in forensic services.

Additional response:

- The Government of Yukon is committed to ensuring that individuals are housed humanely, in the least restrictive conditions required to maintain public and institutional safety and meet the individuals' needs and current presenting behaviours.

Context:

- The 2018 Whitehorse Correctional Centre Inspection Report also recommended that the Government of Yukon revoke the institution's designation as a hospital.
- The Third Party raised this issue during debate of the 2023-24 budget.

Session Briefing Note

Fall 2023

Whitehorse Correctional Centre: Designation as a Hospital/Facility

Justice

Background:

- On October 25, 1993, pursuant to section 672.1 of the *Criminal Code*, the Minister of Health and Social Services ordered that the following facilities be designated as hospitals for the custody, treatment or assessment of an accused in respect of whom an order, a disposition or a placement is made under the *Criminal Code*:
 - Whitehorse General Hospital;
 - Mental Health Services, Health Canada; and
 - Whitehorse Correctional Centre.
- Whitehorse General Hospital is designated to detain individuals found Not Criminally Responsible or Unfit for Trial pursuant to the *Criminal Code*. However, they have been reluctant to play this role due to a lack of operational resources when asked to detain such individuals. This leaves Whitehorse Correctional Centre as the only other adequate alternative within the territory.
- Whitehorse Correctional Centre provides all clients with medical and mental health assessments upon intake and makes referrals to the facility's Health Services team, the Forensic Complex Care Team within the Department of Health and Social Services, or the physicians on contract to Whitehorse Correctional Centre, when required.
- In April 2021, Whitehorse Correctional Centre established a contract with a dedicated psychiatrist to provide routine, on-site psychiatric services for inmates. This new contract replaced the previous billing arrangement with HSS.
- Whitehorse Correctional Centre contracted physicians, psychiatrist and case management staff work closely with community resources, the Forensic Complex Care Team, and the Yukon Review Board to access appropriate services and maintain continuity of care for individuals that have complex mental health needs.

Approved by:



Deputy Minister, Justice

2023-09-05

Date approved

Session Briefing Note

Fall 2023

Whitehorse Correctional Centre: Inmate Counts

Justice

Recommended response:

- Continuous efforts are underway within the Department of Justice to operationalize the principle of least restrictive measures, and use incarceration as a last resort while mitigating risks to public safety.
- The Department of Justice is also working with Yukon First Nations governments and other partners to address the complex, systemic factors that contribute to the overrepresentation of First Nation persons throughout the criminal justice system.
- The courts control the number of individuals remanded and sentenced. An admission is counted each time a person begins custody, so the same person may be counted multiple times in a year.
- The Yukon has a relatively low custodial population in comparison to other Canadian jurisdictions. Total admissions to Whitehorse Correctional Centre have fluctuated between 2009 and 2023. After reaching a high of 823 in the 2012–13 fiscal year, total annual admissions have generally been decreasing.

Additional response:

- In the 2022–23 reporting year, there were 293 admissions, and 325 admissions in 2021–22.
- Of the 98 admissions from April 1 to August 24, 2023, 75 are on remand, 18 are serving a territorial sentence of incarceration and four are serving federal sentences. One individual was temporarily held while engaged in proceedings before the Yukon Review Board.

Session Briefing Note

Fall 2023

Whitehorse Correctional Centre: Inmate Counts

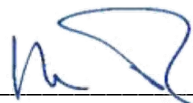
Justice

Context:

- In its final report, the Truth and Reconciliation Commission of Canada called upon federal, provincial and territorial governments to commit to eliminating the overrepresentation of Indigenous peoples in custody over the course of a decade.
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Background:

- Many factors underlie and influence the rates of both crime and incarceration. Across Canada, crime rates have generally been declining over the last decade.
- Client admissions are a direct result of both policing decisions and court dispositions. The high proportion of individuals on remand in the Yukon is consistent with trends in other provinces and territories.
- Of the 98 admissions in the current fiscal year of 2023–24, 68 individuals self-identify as First Nations (69 per cent).
- Of the 293 admissions in the 2022–23 fiscal year, 133 individuals self-identified as First Nations (45 per cent).

Approved by:

Deputy Minister, Justice

2023-09-05

Date approved

Session Briefing Note

Fall 2023

WCC: Inspection – Recommendations Implementation

Justice

Recommended response:

- The Government of Yukon is committed to implementing the remaining recommendations from the 2018 Whitehorse Correctional Centre Inspection Report.
- The recommendations fall broadly into four main categories: those related to mental wellness; segregation practices; programming and services for First Nations; and justice system initiatives.
- In 2020, the Implementation Working Group, which provided input and supported the fulfillment of the Inspection Report's recommendations, recommended that the continued oversight shift to the Community Advisory Board.
- To date, 29 recommendations made in the Inspection Report have been completed, and work is currently underway towards completing and implementing a further 10 recommendations.

Additional response:

- The inspection report provides valuable guidance on how we can work with our partners to increase confidence in facility operations and enhance the administration of justice in the territory.
- The Department of Justice continues to evaluate the delivery of programs and services within corrections by collaborating with Yukon First Nations governments, the Council of Yukon First Nations, other government departments and community-based non-governmental organizations.
- The Department of Justice has published the Implementation Working Group progress reports on yukon.ca.

Session Briefing Note

Fall 2023

WCC: Inspection – Recommendations Implementation

Justice

Context:

- R. v Nehass brought to light challenges associated with the treatment options for inmates with mental illnesses, as well as issues associated with the use of separate confinement and segregation for this vulnerable population.
 - The issuance of the 2018 Whitehorse Correctional Centre Inspection Report garnered significant coverage.
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Background:

- On November 22, 2017, the Minister of Justice appointed David Loukidelis, Queen's Counsel, to inspect the policies and practices of the Whitehorse Correctional Centre (WCC) that involve, affect, or may impact the mental health of clients, including the use of separate confinement and segregation for clients with mental illnesses.
 - Loukidelis presented the final report to the Department of Justice on May 15, 2018. The department provided its initial public response on August 15, 2018.
 - The first action item of the Department of Justice was to create an Implementation Working Group to ensure effective and meaningful fulfillment of the recommendations.
 - The Implementation Working Group was chaired by the Assistant Deputy Minister of Community Justice and Public Safety and included core representation from senior officials from Kwanlin Dün First Nation, the Council of Yukon First Nations, the departments of Justice and Health and Social Services and the Investigations and Standards Office.
 - The Implementation Working Group provided six progress reports. The last Letter of Report was submitted in December 2020 and was accompanied by a Matrix of Recommendations and Responses that thoroughly outlined the status of each recommendation.
 - In the last Letter of Report, the Chair of the Implementation Working Group deemed its work complete and recommended that continued oversight of efforts in correctional reform shift to the Community Advisory Board, given its ability to regularly provide independent advice and recommendations to the Minister of Justice.
 - Of the 40 recommendations made in the Inspection Report, 12 were related to mental wellness. The Implementation Working Group determined that seven of those
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Session Briefing Note

Fall 2023

WCC: Inspection – Recommendations Implementation

Justice

recommendations were complete, four were underway, and one was under consideration. The group considered recommendation 11 – which calls upon the Government of Yukon to work toward establishing a new secure forensic unit at the Whitehorse General Hospital and removing WCC’s statutory designation as a hospital – to be particularly complex in scope and in need of significant government consideration.

- Fourteen of the recommendations made in the Inspection Report are related to segregation practices. The Implementation Working Group determined that 13 of those recommendations were complete and work was currently underway towards completing and implementing the single outstanding recommendation in this category.
- Ten recommendations made in the Inspection Report centred on programming and services for First Nations clients. The Working Group determined that seven of these recommendations were complete and two were underway. The group noted that one recommendation in this category, namely recommendation 35, calls upon the Corrections Branch to cease charging clients for local or long-distance phone calls. This would lead to adverse consequences if it were implemented and was not supported by the Working Group.
- Subsequently, due to the COVID-19 pandemic, free 20-minute phone calls were provided daily to all inmates at WCC. Now, WCC has permanently implemented this recommendation.
- The final grouping of recommendations made in the Inspection Report focused on broader justice system initiatives. Of the four recommendations, the Implementation Working Group determined that one was complete and two were underway. The group noted recommendation 39 – which calls upon the government to undertake an expert assessment of the need for more residential treatment facilities – required broader consideration given that implementation would involve various justice, health, and First Nations partners.
- The Corrections Branch continues to make progress towards the 40 recommendations of the Inspection Report.

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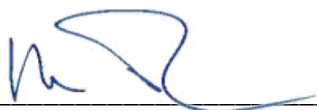
Fall 2023

WCC: Inspection – Recommendations Implementation

Justice

- To date, notable improvements include:
 - All WCC staff, including newly recruited Auxiliary and On-call staff, have received, or are registered to complete the First Nations 101 course offered by Yukon University.
 - WCC has implemented a more robust suicide screening process on intake that includes a two-step review by correctional officers, followed by a Health Services review.
 - WCC has contracted an alcohol and drug use counsellor to work with both remanded and sentenced clients and support through Narcotics Anonymous, which is now available for clients.
 - Free 20-minute phone calls, provided to each inmate daily, encourage contact with family and community contracts for supports.
 - WCC implemented a peer support team with support from the Canadian Mental Health Association – Yukon Division to support staff wellness.
 - The Corrections Act was updated to significantly improve the framework and oversight mechanisms for the use of segregation in the WCC.
 - A substantial amount of programming has been developed and is now being delivered, with specific programs for First Nations inmates (see note 36).
 - The amended Corrections Act includes a clause to require a review of the effectiveness of those provisions, which the Department of Justice anticipates completing by 2026.
- The 2018 inspection report provided very important recommendations to inspire reforms within the corrections system in the Yukon. However, a lot of improvements have already been made within the last five years and much of the work of the corrections branch will continue to be driven by factors other than the 2018 report.

Approved by:



Deputy Minister, Justice

2023-09-20

Date approved

Session Briefing Note

Fall 2023

Whitehorse Correctional Centre: Programming

Justice

Recommended response:

- Whitehorse Correctional Centre offers programming to both remanded and sentenced clients, regardless of incarceration status. However, criminogenic programming is mandatory for all sentenced clients.
- Programming at the correctional centre is classified into four areas:
 - criminogenic;
 - cultural and spiritual;
 - educational, vocational, and health promotion; and
 - leisure, recreation, and wellbeing.
- Programming is offered through the facility-based program staff, contracted service providers, and professional partners.

Additional response:

- The Whitehorse Correctional Centre has a dedicated First Nations Liaison Officer whose work includes connecting clients with available cultural and spiritual supports.
- Cultural programming at the Centre includes opportunities for beading, carving, drumming, fire ceremonies, and talking circles.
- We also work to build relationships with Yukon First Nations to provide ongoing supports for offenders reintegrating into the community.

Context:

Over the past five years, the Department of Justice has been steadily increasing support for delivering culturally appropriate programming at the Whitehorse Correctional Centre.

Session Briefing Note

Fall 2023

Whitehorse Correctional Centre: Programming

Justice

Background:

- The Whitehorse Correctional Centre program plans for 2023-24 include the following:
 - continuing to deliver all existing programming, and expanding program options through in-house training of program staff and the exchange of ideas and program options in partnership with federal/provincial and territorial colleagues in the four areas (criminogenic; cultural/spiritual; educational/vocational/health promotion; and leisure/recreation/wellbeing);
 - continuing to partner with Yukon University to provide educational/vocational options for our clients;
 - cultural programming including 'Emphasizing First Nations Culture'; contracted services for the provision of carving programs, drumming, fire ceremonies and talking circles; and targeted referrals to individuals' First Nations for ongoing community support and assistance;
 - individual spiritual and cultural support by the First Nations Liaison Officer;
 - spiritual supports through partnerships with community spiritual leaders in multiple faiths including First Nations' spirituality, group church services, individual clergy counselling, and one-on-one First Nations Elder and Knowledge Keeper counselling services; and
 - bi-monthly health promotion programming on relevant topics provided by the Centre's Health Services Team.
- In 2022–23, Substance Use Counselling was offered by the Aurora Wellness Group in response to referrals submitted through WCC Case Management. This contractor began seeing clients in November 2022. The substance abuse contract will be tendered again this fall.
- Clients receiving physician-supervised Opioid Agonist Therapy (OAT) are required to attend substance use counselling as part of the OAT treatment program. The Centre's Health Services Team refers all clients required to attend counselling to the contracted provider.

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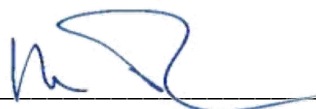
Fall 2023

Whitehorse Correctional Centre: Programming

Justice

- In conjunction with the Department of Health and Social Services, Whitehorse Correctional Centre offers two, five-week intensive treatment sessions at the facility for substance use issues.
- Case managers may also refer inmates to the Forensic Complex Care Team (FCCT) for therapeutic programming as appropriate. FCCT's therapists conduct most of the therapeutic counselling and deliver most therapeutic programs.
- Therapeutic counselling may be individual or group-based, and often includes individual counselling for criminogenic needs (i.e., sexual offending or spousal violence). Individual counselling is also available to address other mental health or substance use concerns.
- To support programming, Whitehorse Correctional Centre staff receive training in:
 - Respectful Relationships;
 - 'Living without Violence', and 'Thinking Leads 2 Change' (a women-focused program); and
 - Facilitation Skills and Substance Use Management (by the Justice Institute of British Columbia).

Approved by:



Deputy Minister, Justice

2023-09-05

Date approved

Session Briefing Note**Fall 2023****405 Alexander Public Safety Concerns**Justice

Recommended response:

- The Government of Yukon takes the concerns related to the shelter seriously and is committed to advancing crime prevention and public safety initiatives through collaborative and strategic partnerships.
- The Department of Justice plays a central role in promoting public safety and recognizes the complex challenges affecting vulnerable shelter residents.
- We will continue to work across departments and with other external partners in responding to the safety needs around 405 Alexander.

Additional response:

- The Department of Justice and Council of Yukon First Nations co-chair the Community Safety Committee. The Community Safety Committee provides a forum for community partners to share concerns, foster communication, build relationships and identify innovative approaches and opportunities to support public safety efforts.
- The Department of Health and Social Services manages a contract with Connective for the operation of the Whitehorse Emergency Shelter.

Context:

- On October 4, MLA Tredger introduced a motion to support YG in working with the City of Whitehorse and the Council of Yukon First Nations to create a “downtown community safety officer program.”
- Numerous inquiries have arisen through media and correspondence regarding the Government of Yukon’s and the RCMP’s role in responding to the needs and concerns of the community, businesses, and the public regarding the shelter.
- Concerns related to the shelter have been shared with Members of the Legislative Assembly, the Chamber of Commerce, media, City of Whitehorse, Connective and

Session Briefing Note**Fall 2023****405 Alexander Public Safety Concerns**Justice

law enforcement by business owners and individuals in the area demanding a response to the identified issues.

Background:

- On October 1, 2022, the responsibility of management and operations of the shelter was assumed by Connective, in partnership with the Council of Yukon First Nations, from the Government of Yukon.
- Operating 24/7, the shelter maintains a minimum of three on-site staff. Services include a referral care clinic, Kwanlin Dün First Nation outreach clinic, mental wellness and substance use support, Emergency Medical Services paramedic specialist program, and cultural activities provided by a Cultural Support Worker.
- The building offers 20 permanent supportive housing units and emergency shelter for up to 54 individuals, with no set maximum duration of stay.
- Two recent independent reports have been released pertaining to the shelter: House of Wolf and Associates' report *A Path Forward* and Vink Consulting's report *Whitehorse Emergency Shelter Evaluation*. The reports provide insight into those with lived experience, shelter clients, staff, local businesses and residents, and present recommendations on next steps.
- In a July 21, 2023 news release, the Yukon RCMP's Chief Superintendent Scott Sheppard announced that Yukoners can expect to see increased enforcement in and around the shelter.

Approved by:

Deputy Minister, Justice

November 23, 2023

Date approved

Session Briefing Note

Community Safety Planning

Fall 2023

Justice

Recommended response:

- The Government of Yukon continues to prioritize support for safer and stronger communities across the territory and has approved funding to support First Nations in their safety planning projects.
- We are committed to ongoing collaboration with the Government of Canada, First Nations governments, and municipalities to support community safety planning processes and implement community safety initiatives.
- For communities and Yukon First Nations in particular, we understand that community safety plans must be specific and reflective of their unique needs and circumstances.

Additional response:

- Phase One of the Community Safety Planning program provides up to \$200,000 to each Yukon First Nation to support community safety planning and implementation of priorities identified during the planning process.
- Since the program launch in February 2023, there is growing interest in the Community Safety Planning program from our First Nations partners, and we encourage interested parties to contact the Department of Justice with any questions on accessing this funding.
- Phase Two of the program will explore opportunities to expand community safety planning funding to municipalities and local advisory councils.

Context:

- The Department of Justice has implemented Phase One of the Community Safety Planning funding program and is working with Yukon First Nations to develop and submit applications to access available funding.

Session Briefing Note

Community Safety Planning

Fall 2023

Justice

- Yukon First Nations governments and municipalities have expressed interest in community safety planning and implementing community safety initiatives.
- The Minister of Justice's 2021 mandate letter directed the Minister to enhance the Community Safety Planning program to ensure consistent funding to community safety planning activities across the Yukon and investigate how this approach might apply to municipalities.

Background:

- In 2017, the Yukon Forum Action Plan prioritized “working with identified First Nations and the Government of Canada to support the development of Community Safety Plans within the Public Safety Canada framework.”
- In December 2020, the Yukon Advisory Committee released Changing the Story to Upholding Dignity and Justice: Yukon's Missing and Murdered Indigenous Women, Girls and Two-spirit People Strategy (the Strategy).
- The Strategy includes an action item to: “Conduct community-based safety assessments designed by communities to identify factors contributing to the ongoing perpetuation of violence and unsafe conditions in each community,” and “develop and implement Community Safety Plans that address these factors and conditions.”
- The Department of Justice issued a news release on March 14, 2022, announcing that Phase One of a Community Safety Planning funding program would make funds available in 2022. The release committed to providing up to \$200,000 for each First Nation for community safety planning or related implementation work.
- In April and May 2022, the Department of Justice reached out to Yukon First Nations for input on developing the Community Safety Planning program guidelines and to receive updates on their current safety planning.
- Feedback from Yukon First Nations indicated that each First Nation is in a different stage of community safety planning and implementation within their communities. Many expressed interests in accessing funding through the Community Safety Planning program.

Session Briefing Note

Community Safety Planning

Fall 2023

Justice

- Community safety planning processes were used at the Whitehorse Emergency Shelter to identify concerns of surrounding businesses, allied stakeholders, members of the public and shelter clients. Results of this process and subsequent recommendations were released in the House of Wolf and Associates' report, *A Path Forward* and Vink Consulting's report *Whitehorse Emergency Shelter Evaluation*.

Government of Canada – Aboriginal Community Safety Planning Initiative:

- In 2010, Public Safety Canada created the Aboriginal Community Safety Planning initiative to support Indigenous communities in developing tailored approaches to community safety that reflect their concerns, priorities, and unique circumstances, as well as funding for implementation.
- The Aboriginal Community Safety Planning initiative also addresses the Government of Canada's commitment to focusing on the high numbers of missing and murdered Indigenous women, girls and two-spirited persons and enhance accessibility to restorative justice programming.
- The Department of Justice continues to engage with our federal partners on their Aboriginal Community Safety Planning initiative and explore other funding opportunities that may be complementary to our safety programs.

Agreements

- To date, the Government of Yukon has signed one agreement under the Community Safety Planning program with Kluane First Nation, and is working with two additional First Nations who have recently submitted their applications.

Approved by:



Deputy Minister, Justice

November 23, 2023

Date approved

Session Briefing Note

Fall 2023

Decriminalization of Opioids

Justice

Recommended response:

- The criminal law regarding controlled drugs and substances is under the purview of the Government of Canada.
- Our government has been working with our partners to address the substance use health emergency, including support for a range of harm reduction initiatives aimed at reducing overdose deaths and curbing the stigma around drug use.
- On August 23, 2023, the Government of Yukon officially launched the Substance Use Health Emergency Strategy with a commitment to gather evidence and carefully consider options to address drug toxicity, organized crime, and violence in communities due to the illicit drug trade.
- The Government of Yukon is monitoring the effectiveness of BC's program and gathering information and evidence from other jurisdictions that are grappling with drug toxicity and organized crime.

Additional response:

- The Government of Yukon continues to support enforcement-based approaches to address illegal trafficking and the toxic drug supply in the territory.
- Our government has been working with the Federal-Provincial-Territorial Working Group on Simple Possession to identify current policies and practices, and to consider the implications of potential alternatives to prosecution and sentencing.
- Yukoners are acutely impacted by the presence of illicit drugs in our territory, and we are committed to continuing our work to address the substance use health emergency.

Session Briefing Note

Fall 2023

Decriminalization of Opioids

Justice

Context:

- The Government of Yukon declared a substance use health emergency on January 20, 2022.
- Decriminalization of drugs is a contentious issue for governments, agencies, and the public, with some having strongly held views.

Background:

- Decriminalizing possession of some drugs removes the risk of criminal penalties for individuals using drugs, but drugs would still need to be purchased from criminal trafficking networks. Legalization, however, establishes a framework for the legal sale and possession of a small amount of some drugs for personal use through a regulated and safe supply chain similar to cannabis and alcohol.
- Under a decriminalization regime, possession of drugs for personal use remains illegal. Instead of criminal sanctions, non-criminal responses such as fines and warnings may be applicable for designated activities. Different approaches will require different levels of support from all partners and stakeholders, and especially the Government of Canada.
- In 2021, the Yukon's Blood Ties Four Directions Centre, with support from the Canadian Drug Policy Coalition and Health Canada, facilitated a Yukon community dialogue about experiences and perspectives on drug policy and the overdose crisis, culminating in a public *Getting to Tomorrow* report. Themes included:
 - fear of police involvement, arrest, discrimination and racism in healthcare preventing people from calling 9-1-1 during an overdose;
 - stigma around drug use preventing people from seeking care and support;
 - criticisms of the *Safer Communities and Neighbourhoods Act*;
 - gaps in harm-reduction and treatment services, especially in rural communities; and
 - impacts of housing insecurity and policies on people who use drugs.
- In February 2022, the Government of Yukon hosted the first phase of a Mental Wellness Summit to discuss the health emergency and actioned a second phase of the summit in the fall.

Session Briefing Note

Fall 2023

Decriminalization of Opioids

Justice

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- In May 2022, upgrades to the Yukon's supervised consumption site were completed to accommodate inhalation-based consumption.
 - The substance use emergency was a topic of discussion at the August 2022 inaugural Indigenous Community Safety Summit, held in Whitehorse.
 - Yukon's Member of Parliament, Brendan Hanley, has publicly expressed support for decriminalizing "simple possession" of narcotic drugs and other controlled substances.
 - Multiple law enforcement bodies, including the Canadian Association of Chiefs of Police, the British Columbia Association of Chiefs of Police, and the Yukon RCMP 'M' Division, have also expressed conditional support for possession-related drug decriminalization, endorsing an "integrated approach" with appropriately resourced health-based services.
 - The Chief Coroner of Yukon has advocated for decriminalization and for work to create a safe supply of drugs.

Yukon statistics

- According to Statistics Canada, there were 60 police-reported criminal incidents of possession of illicit drugs in the Yukon in 2021 and 211 police-reported incidents for drug trafficking.
- On May 5, 2023, the Chief Coroner of Yukon issued a news release regarding recent deaths due to toxic illicit drugs in the Yukon.
 - Eight deaths between April 7 and 27, 2023 were related to substance use.
 - From January 1 to May 5 2023, there were a total of 11 substance use deaths, eight of which involved opioids.
 - Toxic illicit drugs including cocaine, opioids and benzodiazepines continue to take lives, and alcohol is found to be a common contributor in some cases.
 - The Yukon recorded 85 opioid-related deaths from April 2016 to May 5, 2023.
 - Of the eight deaths that occurred between April 7 and 27, 2023, six occurred in Whitehorse and two in other Yukon communities; four were female and four were male; four were members of Yukon First Nations; ages ranged between 22 and 52.

Session Briefing Note

Fall 2023

Decriminalization of Opioids

Justice

Federal legislation and jurisdictional exemptions

- On December 15, 2021, Bill C-216, An Act to amend the Controlled Drugs and Substances Act and to enact the Expungement of Certain Drug-related Convictions Act and the National Strategy on Substance Use Act, was tabled.
 - Bill C-216 sought to rescind a provision of the *Controlled Drugs and Substances Act* that makes it an offence to possess specified substances.
 - On June 1, 2022, the House of Commons voted to reject Bill C-216.

British Columbia

- Health Canada has granted an exemption from the *Controlled Drugs and Substances Act* to the province of British Columbia until January 31, 2026.
- As of January 31, 2023, adults in British Columbia are no longer arrested or charged for possessing small amounts of drugs (such as 2.5 grams or less) for personal use. The drugs are also exempt from seizure.
- The illegal drugs covered by the exemption are:
 - opioids, such as heroin, morphine and fentanyl;
 - crack and powder cocaine;
 - methamphetamine; and
 - MDMA (ecstasy).
- Illegal drug use continues to be prohibited on private property, including places like shopping malls, bars, and cafés.
- Adults are still prohibited from possessing illegal drugs on the premises of schools and licensed childcare facilities.
- The exemption does not apply to people under the age of 18, which means youths 17 years and younger who are found in possession of illegal drugs are subject to the federal *Youth Criminal Justice Act*.

Approved by:



Deputy Minister, Justice

2023-09-08

Date approved

Session Briefing Note

Fall 2023

Firearms – Federal Changes & Buyback Program

Justice

Recommended response:

- The federal government's Bill C-21 would amend several Acts with changes focusing on organized crime, supporting violence prevention programs for youth, and taking measures to combat gun-related domestic violence and self-harm.
- Canadians are concerned about gun violence and the Government of Canada has reaffirmed that they are committed to protecting Canadians and making communities safer for everyone.
- The Government of Yukon supports the rights of legal gun owners in the territory, while also supporting an approach to gun control that helps protect the community and public safety.

Additional response:

- Our government will be closely monitoring the roll out of the Buyback Program to ensure that program implementation does not impact front line policing.
- The Government of Canada will need to ensure that Federal resources are provided to support the roll out of the Buyback Program.

Context:

- Bill C-21 aims to bolster border and law enforcement capacity, reduce the number of firearms in circulation, stop crime before it starts, address root causes of violence, create red and yellow flag laws, and provide resources to help combat domestic violence involving firearms.
- The Yukon has the highest per capita number of prohibited and restricted firearms licenses in Canada. Lawful firearm owners in the territory include many hunters, trappers and people performing remote wilderness work.
- While many of the provisions of Bill C-21 have not been contentious, concerns heard in the Yukon relate to the Buyback Program and the impacts on hunters.

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Fall 2023

Firearms – Federal Changes & Buyback Program

Justice

Background:

- On February 16, 2021, the federal government introduced Bill C-21. The Bill contains amendments to the Criminal Code and Firearms Act, including new “red flag” and “yellow flag” laws to allow people to apply to a court for the removal of someone’s firearm if there is cause to fear for personal safety (such as domestic violence or mental health concerns).
- Other changes introduced by Bill C-21 include measures to combat gun-related organized crime; provisions allowing municipalities to ban handguns through bylaws; violence prevention programming; stronger border controls for firearm offences; stricter criminal penalties; and technical amendments to federal authorities.
- The Bill passed third reading in the House of Commons on May 18, 2023, and its second reading at the Senate on June 21, 2023. It is currently at consideration in committee in the Senate but has not yet become law.
- On January 19, 2023, the Yukon’s MP Brendan Hanley and the federal Minister of Public Safety, Marco Mendicino, hosted a roundtable with Yukoners to discuss Bill C-21 and the proposed amendments (which have since been withdrawn).
- On January 20, 2023, Premier Ranj Pillai issued a statement on Bill C-21 that supports the Yukon MP Brendan Hanley’s efforts to advocate for and defend the interests of Yukoners, and his stance that the Yukon does not support Bill C-21 in its present form.
- On May 1, 2023, the Government of Canada introduced revised proposed amendments to Bill C-21. The proposed amendments align with recommendations put forward in the Final Report of the Mass Casualty Commission released on March 30, 2023.

Buyback Program

- In 2022, the Government of Canada banned more than 1,500 models and variants of assault-style firearms. The federal government is finalizing the development of a Buyback Program to safely remove the now prohibited firearms from our communities.

Session Briefing Note

Fall 2023

Firearms – Federal Changes & Buyback Program

Justice

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- The firearms ban includes a period of amnesty, to be followed by a mandatory Buyback Program for the newly banned models. The amnesty period has been extended to October 2025 to ensure affected firearm owners and businesses continue to be protected from criminal liability for unlawful possession while they come into compliance with the law.
 - According to the 2020 Commissioner of Firearms Report, the total number of individual firearms licenses in the Yukon was 8,056 in 2020. Of those, 2,050 licenses were for restricted firearms and 143 were prohibited firearms registered to Yukon residents.
 - Firearm owners will need to confirm intent to participate, disposal choice and the compensation amount for assault-style firearms using a Buyback Portal.
 - The buyback process is expected to involve four stages:
 - notification;
 - collection;
 - transportation/storage; and
 - destruction.
 - Once the Buyback Program is completed, the Government of Canada will create a report on the firearms collected, processed, destroyed and payments issued.
 - In keeping with its core policing mandate, the RCMP will be the agency responsible for leading the collection of these assault-style firearms as it has operations in the Yukon.
 - All RCMP resources used to support the delivery of this program will need to be funded exclusively by the federal government.
 - The mandatory buyback component is a departure from past Canadian firearm regulation changes, in which “grandfather clauses” allowed firearms owners to keep previously legal firearms already in their possession.

Privately made firearms:

- The Government of Yukon strongly supports measures to counter the manufacturing and prohibited use of privately made firearms (commonly known as ghost guns).

Session Briefing Note

Fall 2023**Firearms – Federal Changes & Buyback Program**

Justice

- Privately made firearms are printed using a 3D printer and gun blueprints which can be downloaded online and assembled within hours at a low cost.
- The receiver portion of the firearm can be printed and will not have a serial number, while the remaining firearms parts can all be purchased at gun stores and online without a firearms license.
- The Government of Yukon is currently doing its due diligence by:
 - researching the social, political and criminal aspects of ghost guns;
 - keeping up-to-date on media and social media discussions on these guns;
 - keeping up-to-date with federal/provincial/territorial colleagues; and
 - following world and domestic news on illegal firearms.

Statistics:

- Statistics Canada (2022) notes that police-reported crime included a national increase in incidents of discharging a firearm with intent (up 8 per cent) and using a firearm in the commission of an indictable offence (up 3 per cent).
- The rate of violent *Criminal Code* firearm offences has increased for the eighth consecutive year (rising 4 per cent in 2022), while non-violent firearm offences remain stable.
- Of the 342 firearm-related homicides, 63 per cent were committed with a handgun, and 23 per cent were committed with a rifle or shotgun. The firearm type was unknown or of another type for the remaining 14 per cent of firearm-related homicides.

Approved by:

Deputy Minister, Justice

November 23, 2023

Date approved

Session Briefing Note

Fall 2023

Safer Communities and Neighbourhoods (SCAN)

Justice

Recommended response:

- The SCAN Unit supports community safety by responding to the concerns of Yukoners and disrupting specified activities, including:
 - drug trafficking and illegal alcohol sales;
 - illegal activities related to prostitution;
 - illegal possession and storage of prohibited, restricted or stolen firearms;
 - organized crime; and
 - the sexualized abuse or sexualized exploitation of a child.
- Yukoners may seek relief from recurring crime that negatively impacts community safety by reporting their complaint confidentially – without exposure to threats of violence, retaliation, or intimidation – from those involved in the criminal activity.
- In implementing the legislation, the SCAN Unit considers the unique needs of vulnerable persons and makes referrals to support agencies when there is a need for protection or assistance.

Additional response:

- Agreements are in place between the SCAN Unit and 10 Yukon First Nations governments.
- These agreements facilitate communication, prevention, and enforcement activities when the SCAN Unit investigates complaints on First Nations' Settlement Land.

Context:

- In the spring 2022 sitting, the Legislative Assembly added a clause to the *Safer Communities and Neighbourhoods Act* requiring the Government of Yukon to complete a comprehensive review of the Act within five years, and to table a report of the review's findings in the Legislative Assembly.

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Fall 2023

Safer Communities and Neighbourhoods (SCAN)

Justice

- The constitutionality of one provision in the Act was being challenged in *Wright v Yukon* and a hearing was held on November 6 to 10, 2023. The Judge has reserved her decision.

Background:

- The *Safer Communities and Neighbourhoods Act* (SCAN Act) was enacted in May 2006 and is administered and enforced by a team of investigators known as the SCAN Unit. The unit responds to complaints from citizens about specified activities on properties that are having adverse effects on their communities and neighbourhoods.
- Amendments to the SCAN Act were passed in the fall 2021 session to add three new specified activities.
- The Act defines the types of activity the SCAN Unit can investigate as a “specified use” of property. Specified uses include:
 - the illegal sale of liquor and other contraventions of the *Liquor Act*;
 - contraventions of the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) and the *Cannabis Control and Regulation Act* (Yukon) and the use or consumption of intoxicants;
 - activities related to prostitution;
 - the sexualized abuse or sexualized exploitation of a child (added in 2021);
 - the possession or storage of prohibited, restricted or stolen firearms, explosives, or other restricted weapons in contravention of the *Firearms Act*, the *Explosives Act*, and other laws (added in 2021); and
 - organized crime (added in 2021).
- If a SCAN complainant indicates that a specified activity is taking place at or originating from a property, the SCAN Unit will investigate and consider whether the specified activity is habitual in nature and adversely affecting the community.
- The SCAN Unit may take action to resolve a complaint, including:
 - giving a conversational warning, which allows investigators to identify any vulnerable persons and educate and connect persons at the property with supports through partnering agencies;
 - sending a formal warning letter or written agreement directing the occupants to cease illegal activities;

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Safer Communities and Neighbourhoods (SCAN)

Justice

- serving an eviction notice on behalf of the landlord; or
- applying to the Supreme Court of Yukon for a Community Safety Order, which may include provisions to terminate leases, close a property for up to 90 days, or any other provisions that the court considers necessary.
- The Government of Yukon has added to the investigation and analysis capacity of the SCAN Unit using funding received through the Gun and Gang Violence Action Fund. These enhancements effectively double the capacity of the SCAN Unit so that they may address the evolving nature of criminal activities reported in Yukon communities and neighbourhoods.
- In May 2023, Public Safety Canada announced they would invest additional funding over the next five years, building on the success of the initial Gun and Gang Violence Action Fund initiative.
- The SCAN Unit has signed protocols with:
 - Carcross/Tagish First Nation;
 - Champagne and Aishihik First Nations;
 - First Nation of Na-Cho Nyak Dun;
 - Kluane First Nation;
 - Kwanlin Dün First Nation;
 - Little Salmon/Carmacks First Nation;
 - Selkirk First Nation;
 - Teslin Tlingit Council;
 - Tr'ondëk Hwëch'in First Nation; and
 - Vuntut Gwitchin First Nation.
- The SCAN Unit has received over 1,300 complaints since 2006, including 86 in 2022. In the first seven months of 2023 (January 1 to July 31, 2023), the SCAN Unit received 83 complaints.

[Cross Reference BN# 14 – SCAN Act Review]

Approved by:



Deputy Minister, Justice

November 23, 2023

Date approved

Session Briefing Note

Fall 2023

Crime Rates

Justice

Recommended response:

- Statistics Canada's annual crime rate data provide an important measure of trends in crime, both nationally and in our territory.
- Many provinces and territories recorded increases in the Crime Severity Index from 2021 to 2022, with the exception of New Brunswick, Nunavut, and the Yukon, which recorded decreases.
- Our government recognizes that we must respond to crime through a balance of enforcement activities, supportive social programs, and prevention-based initiatives to address the underlying causes of crime.

Additional response:

- We will continue to invest in innovative community safety initiatives, restorative justice approaches, systemic reform for victims of sexualized assault, supportive housing initiatives, and supports for those with mental health difficulties and substance use challenges.
- We continue to invest significant resources in the Yukon's RCMP, including increased funding for specialized units that investigate homicides, drug trafficking, and organized crime.

Context:

- In 2021, there were heightened concerns about increases in property crimes in the Whitehorse area. .
- In January 2022, the Government of Yukon declared a substance use health emergency in the territory, and there are ongoing concerns from communities around organized crime and the trafficking of drugs and alcohol.

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Crime Rates

Justice

Background:

- Statistics Canada released its annual *Police-reported crime statistics in Canada, 2022*, on July 27, 2023, which bases the published crime statistics on criminal activity that has been reported to the police.
- Increased awareness of high-profile criminal acts, social movements, media reporting and recent changes to legislation, law enforcement policies and local procedures may influence public reporting practices.
- The homicide rates in the Northwest Territories (6.58 homicides per 100,000 population), Yukon (4.57 per 100,000) and Nunavut (2.47 per 100,000) were above the national average in 2022. The relatively small population counts in the territories typically result in more variable annual rates.

Territorial highlights and trends

- The Government of Yukon has increased the Territorial Policing Service budget in the amount of \$3,301,000 for fiscal year 2023–24. This will fund the Government of Yukon's contractual obligations under the Territorial Police Service Agreement, as well as support for the most critical operational needs of the Yukon's RCMP "M" Division—namely six new positions for specialized units, community policing personnel, and support staff.
- In the Yukon, the overall rate of police-reported crime decreased by 6 per cent in 2022, compared to a 2 per cent decrease in 2021.
- The Yukon's adult **Violent Crime Severity Index decreased by 4.85 per cent**, compared to a national increase of 4.61 per cent.
- The Yukon's adult **Non-Violent Crime Severity Index decreased by 5.96 per cent**, compared to a national increase of 4.08 per cent.
- The Yukon's youth **Crime Severity Index decreased by 16.65 percent**, compared to a national increase of 20.62 per cent. This index includes both violent and non-violent crimes committed by youth.

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Fall 2023

Crime Rates

Justice

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- The Yukon's youth **Violent Crime Severity Index decreased by 16.02 percent**, compared to a national increase of 27.36 per cent. This index includes both violent and non-violent crimes committed by youth.
 - The Yukon's youth **Non-Violent Crime Severity Index decreased by 17.38 percent**, compared to a national increase of 8.58 per cent per cent.

Drug-related offences

- Offences relating to possession and trafficking of heroin and other opioids generally decreased in the Yukon in 2021, compared to national opioid offence increase of 13 per cent.
- In total, the Yukon's drug-related offences decreased by 7.89 per cent in 2021, compared to a national decrease of 8.93 per cent.
- The Yukon's drug-related offence of possession of cocaine increased 16.2 per cent in 2022 compared to 2021.
- However, the total possession of other *Controlled Drugs and Substances Act* drugs decreased 1.23 per cent in 2022 compared 2021, in the Yukon.

Property crime in Whitehorse

- According to Statistics Canada's 2022 crime rate data, the Yukon's overall property crime rate decreased by 0.09 per cent compared to 2021. Specifically:
 - breaking and entering decreased by 1.23 per cent;
 - theft over \$5,000 increased by 3.47 per cent; and
 - theft \$5,000 or under decreased by 3.18 per cent.

National highlights and trends

- Notable national trends in 2022 include:
 - The Crime Severity Index increased for the second consecutive year, up 4 per cent in 2022.
 - Increases in breaking and entering, robbery and other types of theft drove the relatively large increase in some census metropolitan areas.

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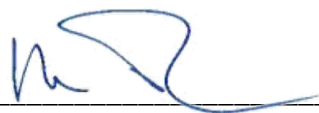
Fall 2023

Crime Rates

Justice

- The Violent Crime Severity Index rose 5 per cent in 2022, following a 6 per cent increase the previous year. Compared with 2021, the increase in the Violent Crime Severity Index in 2022 included higher rates of robbery (+15 per cent), extortion (+39 per cent), homicide (+8 per cent) and level 1 sexual assault (+3 per cent).
- The number of police-reported hate crimes increased 7 per cent in 2022. Hate crimes targeting race or ethnicity and sexual orientation were up, while those targeting a religion were down.
- Gang-related homicides continued to account for about one quarter of all homicides.
- The proportion of women who were killed by their spouse or intimate partner was approximately 11 times higher than the proportion of men.
- The national homicide rate increased for the fourth consecutive year.
- Police reported 874 homicides in 2022, 78 more than the year before. The homicide rate increased 8 per cent from 2.08 homicides per 100,000 population in 2021 to 2.25 homicides per 100,000 population in 2022. This was the highest rate since 1992.
- Rates of homicide are higher among Indigenous people and racialized people.
- Police reported 225 Indigenous homicide victims in 2022, 32 more than in 2021. Over two-thirds (69 per cent) of Indigenous homicide victims were identified by police as First Nations, while 3 per cent were identified as Métis and 4 per cent as Inuk (Inuit).

Approved by:



Deputy Minister, Justice

2023-09-15

Date approved

Session Briefing Note

Federal Policing – Funding

Fall 2023

Justice

Recommended response:

- In 2018, the RCMP announced that the federal policing mandate would shift from conducting investigations to intelligence gathering.
- This change in mandate means that the focus of federally funded RCMP efforts will be re-dedicated to addressing strategic criminal threats that exist in national and international environments.
- The responsibility for investigating crime that impacts the Yukon at a regional level – such as transborder drug trafficking – will increasingly fall to police officers that are 70 per cent funded by the Government of Yukon.
- The Government of Yukon continues to raise concerns about the disproportionate effects on policing in smaller jurisdictions, and request that the Government of Canada reaffirm its commitment to a strong federal policing presence in the Yukon by maintaining funding and resource levels.
- On November 17, 2023, the Department of Justice and RCMP “M” Division representatives attended a meeting in Ottawa with the Government of Canada to discuss federal policing concerns. There will be additional follow-up meetings on this subject.

Additional response:

- The reallocation of federal policing resources increases pressure on contract policing jurisdictions to fund additional officers through the police service agreements.
- After the federal government announced changes to its policing strategy in 2018, the Yukon lost the services of three federally funded police officers.

Session Briefing Note

Federal Policing – Funding

Fall 2023

Justice

- Earlier this year, the RCMP advised the Government of Yukon to anticipate further reductions in funding for federal RCMP positions.
- The Minister of Justice is responsible for setting the yearly policing priorities for the Yukon RCMP. One of the 2023-24 policing priority's is policing with First Nations. A decrease in this funding significantly impacts the territory's ability to prioritize policing with First Nations.
- In the fiscal year 2023–24, additional challenges are expected to arise as collaborative work continues with partners to address the Substance Use Health Emergency in the territory. This involves strengthening relationships with Yukon First Nations.

Context:

- Territorial funding for police is already under significant pressure due to the impacts of new collective bargaining agreements, infrastructure investments, and nationally mandated policy changes.
- Decreasing the number of federal police resources deployed in the Yukon or significantly changing the reporting structure may compromise the capacity of "M" Division to counteract organized crime, inhibit trans-border drug trafficking, and investigate trans-national crime.
- The federal Minister of Public Safety and Emergency Preparedness has yet to respond to the Government of Yukon's concerns regarding proposed reductions to federal policing resources in Yukon.
- The strain on territorial RCMP resources has also been raised in connection with the federal government's impending firearms buyback program.

Background:

- Unlike the First Nations and Inuit Policing Program and the Territorial Police Service Agreement (TPSA), which are cost-shared with Canada, federal policing in the Yukon is 100 per cent funded by the Government of Canada and is not subject to an agreement with the Government of Yukon.

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Federal Policing – Funding

Fall 2023

Justice

- In the Yukon, the Northwest Territories, and Nunavut, Federal Investigation Units have historically been assigned responsibility for investigations related to interprovincial crime and major enterprise offences.
- In August 2018, RCMP Deputy Commissioner Gilles Michaud visited the Yukon and the Northwest Territories to announce changes to the federal policing mandate in the North. He did not address concerns about the resulting reductions to federal policing resources assigned to the territories.
- In October 2018, the Ministers of Justice for the Yukon, the Northwest Territories and Nunavut sent a pan-territorial letter that proposed the addition of a sub-activity to the federal policing budget line for a new program called *Northern Federal Policing Enforcement and Sovereignty*.
- The letter requested that this program be discussed as an avenue to increase federal policing funding. The federal government has not responded.
- On January 24, 2019, the RCMP “M” Division Commanding Officer informed members of the Legislative Assembly that the readjusted budget allocation for the Federal Investigation Unit was \$1,791,000 – a 12.4 per cent decrease from the previous year’s budget of \$2,045,000.
- The budget reductions to the Federal Investigation Unit for 2019–20 resulted in three of the 12 positions in the Federal Investigation Unit remaining unstaffed.
- Federal funding for a further position has been withdrawn in 2022–23. As a direct consequence, the RCMP’s “M” Division has requested further increases to their funding and staffing levels under the TPSA.
- The RCMP recently announced the modernization of recruitment with a new pilot, Federal Policing Recruit Development Program (RDP), to augment resource capacity and support staffing pressures.

Gun and Gang Violence Action Fund

- In 2019, the governments of Canada and Yukon announced \$2,250,735 in federal funding to address gun and gang violence in the territory over five years.
- In May 2023, Canada announced a \$3,998,194 investment in the Yukon, over five years, through the extension of the Gun and Gang Violence Action Fund.

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Federal Policing – Funding

Fall 2023

Justice

- While this funding has supported the territory's broader approach to combating organized criminal activity, the Government of Yukon remains concerned about the effect of decreased federal police resources.

[Cross Reference BN #55 – RCMP Resources.]

Approved by:



Deputy Minister, Justice

November 23, 2023

Date approved

Session Briefing Note

Fall 2023

Impaired Driving

Justice

Recommended response:

- Alcohol and drug-impaired driving in the Yukon are public health and safety issues that we must address collaboratively with stakeholders.
- While there have been recent decreases related to the Yukon's impaired driving incidents from 2019 to 2021, the rates of impaired driving are still significantly higher compared to the 2011 to 2018 timeframe.
- Since 2018, the Department of Justice has been working closely with Public Safety Canada and the RCMP to identify enforcement issues related to drug-impaired driving and to address the RCMP's enforcement capacity that includes equipment requirements, testing methodology and training.
- The RCMP's "M" Division has six approved drug screening devices. Federal funding has supported the purchase of these devices and training for officers to use them.

Additional response:

- In 2019, the Government of Yukon received more than two million dollars in funding from the Government of Canada to enhance training, build law enforcement capacity and improve data collection to deter drug-impaired driving.
- The Government of Yukon and Public Safety Canada have extended the original five-year contribution agreement until March 2025, making it a seven-year agreement with the same funding envelope.

Session Briefing Note

Fall 2023

Impaired Driving

Justice

Context:

- Since legalization of cannabis in October 2018, the need to address enforcement of drug-impaired driving offences has been a significant priority for provincial and territorial governments.
- The Yukon has the second highest rate of impaired driving in Canada, with some of the least restrictive sanctions.
- Public Safety Canada had requested that an analysis be conducted in the Yukon to determine if further funding is required under the Drug Impaired Driving contribution agreement beyond 2025.
- In June 2023, the analysis was completed and outlined the benefits of the drug-impaired driving funding, the challenges due to COVID-19, and the importance of continued funding beyond the current contribution agreement.

Background:**Impaired driving in the Yukon**

- In the Yukon, there were 539 impaired driving incidents in 2022; 615 in 2021; 786 in 2020; and 845 in 2019. Impaired driving has declined steadily since 2019.
- In 2022, Statistics Canada recorded 428 impaired driving incidents in the Yukon involving alcohol alone; 39 incidents involving drugs only; 59 incidents involving a mixture of both alcohol and drugs; and the remaining 13 incidents involving operations while impaired that were unspecified.

Impaired driving in Canada

- In 2021, of all the *Criminal Code* traffic violations in Canada, 78 per cent were alcohol-impaired driving, 11 per cent were drug-impaired driving, 8 per cent were combined alcohol and drug-impaired driving and 3 per cent were unspecified impaired driving, linked to changing legislation. These changes in legislation resulted in the Uniform Crime Reporting Survey creating 19 new violation codes and retiring 15 existing, traffic-specific violation codes.
- The 2022 Police Reported Crime data reveal there were 70,588 impaired driving incidents nationally in 2022; 71,810 impaired driving incidents in 2021; and approximately 6,600 fewer incidents in 2020. This represents a 3 per cent drop in

national impaired driving offences compared to 2021 – or a 25 per cent drop in national impaired driving offences – compared to 2012.

- According to Statistics Canada, their analysis suggests that the COVID-19 pandemic resulted in fewer people leaving their homes and the police devoting more resources to impaired driving offences. This, in turn, led to a national decline in impaired driving incidents.
- From March 2020 to February 2021, Canadian police services also reported a 14 per cent decrease in the impaired operation of a motor vehicle and a 33 per cent decrease from the previous year in impaired driving causing death or bodily harm.

Legislative changes

- The Government of Yukon is developing a new *Motor Vehicles Act* and reviewing a wide range of traffic safety issues including fines, territorial rules around impaired driving, road user safety, and enforcement technology.
- Bill C-46, an Act to amend the Criminal Code, received royal assent in June 2018. Bill C-46 significantly reformed the impaired driving regime of the *Criminal Code* which should improve prosecution efficiency.
- New federal laws came into effect on December 18, 2018. Most notably, changes include the ability for police to conduct mandatory roadside alcohol breath tests on drivers who are pulled over, without the requirement of a specific suspicion that the individual had been drinking.
- These changes to the *Criminal Code* also enabled most jurisdictions to designate “Qualified Technicians” for the purposes of collecting blood samples under section 320.4(b) of the *Criminal Code*.
- The Government of Yukon and the governments of the Northwest Territories and Nunavut are in the unique position of requiring the Attorney General of Canada to approve these designations. This process is ongoing.

Trained law enforcement

- As of December 2022, 45 RCMP officers in the Yukon are trained in the use of Standard Field Sobriety Tests.
- Four of the 45 officers have also completed the Drug Recognition Expert certification and are working as Drug Recognition Experts.

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Fall 2023

Impaired Driving

Justice

- There are 15 “M” Division officers trained to use oral fluid screening devices to test for Tetrahydrocannabinol, the component of cannabis linked to impairment.
- “M” Division has 71 officers trained in Basic Impaired Driving Detection.
- As of 2022, 82 “M” Division officers have been trained in “Intro to Cannabis”.
- There are 45 approved alcohol screening devices throughout the territory and six approved drug screening devices.
- The RCMP Pacific Region Training Centre in Chilliwack, British Columbia normally provides “M” Division with Standardized Field Sobriety Test and Drug Recognition Expert training, but the impacts of the COVID-19 pandemic have impeded delivery of this training.
- “M” Division has advised that they will not have enough students for another Standardized Field Sobriety Test course until November 2023. However, they are exploring the option of sending one or two students to the Pacific Region Training Centre in Chilliwack to obtain the training.

Roadside surveys

- Roadside surveys are used to determine the prevalence of alcohol and drug use among a random selection of drivers from the traffic flow and provide an estimate of the extent to which the general driving population is impaired.
- Roadside surveys were conducted in five jurisdictions before the legalization of cannabis (British Columbia, the Yukon, the Northwest Territories, Manitoba, and Ontario) which provided a baseline in these jurisdictions.
- The Yukon successfully executed a roadside survey in the summer of 2022, targeting both commercial and non-commercial vehicles.
- New Brunswick and Prince Edward Island were expected to conduct their first roadside survey in 2022, and the Northwest Territories plan on conducting their second roadside survey in 2023.

Approved by:



Deputy Minister, Justice

2023-09-08

Date approved

Session Briefing Note

Fall 2023

Policing Priorities

Justice

Recommended response:

- The Minister of Justice is responsible for setting the yearly policing priorities for the Yukon RCMP.
- Each year, the Yukon Police Council (the Council) works to collect community perspectives and provide recommendations to the Minister of Justice to inform policing priorities for the Yukon RCMP.
- The 2023-24 policing priorities are:
 - strengthening relationships and increasing public trust;
 - enhancing policing targeted at toxic illicit drugs and serious crime; and
 - policing with First Nations.

Additional response:

- The Council's recommendations are considered when setting policing priorities, as they reflect the Council's annual engagement processes to identify policing needs from the perspective of Yukoners, communities, and First Nations.
- The Department of Justice monitors trends in criminal activity and continues to engage with the RCMP on progress towards the goals set within the territory's policing priorities.

Context:

- The role of the Minister of Justice in establishing the policing priorities for the Yukon is set out in the Territorial Police Service Agreement (TPSA) with the Government of Canada.
- The Council was formed in 2012 following recommendations in the *Sharing Common Ground: Review of Yukon's Police Force* final report in 2010.

Session Briefing Note

Fall 2023

Policing Priorities

Justice

Background:

- The Council is an independent citizen advisory council that promotes ongoing dialogue to foster positive relationships between Yukoners, the Yukon's RCMP, and the Department of Justice.
- The Council visits several communities annually to meet with First Nations governments, stakeholder groups, RCMP community detachments and Yukoners. The Council uses the feedback from these community meetings to advise the Minister on policing issues affecting people in the Yukon.
- The 2022–23 policing priorities were:
 - enhance policing targeted at the opioid and hard drug crisis;
 - increase public trust;
 - enhance prevention, investigation and enforcement activities related to violence against women, girls and the LGBTQ2S+ population;
 - strengthen relationships with First Nations and First Nations governments and continue to implement First Nations policing activities; and
 - strengthen relationships with communities and partners and continue to implement community policing initiatives.
- The Yukon Police Council engaged with diverse community groups across the Yukon, including stakeholders and the public. Elements and recurring themes from those engagements, as well as feedback received by the Department of Justice, are incorporated into the 2023–24 policing priorities.
- In the fiscal year 2023–24, collaborative work continues with partners to address the Substance Use Health Emergency in the territory. This involves supporting Community safety planning initiatives, working towards violence reduction, and strengthening relationships with Yukon First Nations and municipalities.
- The Minister of Justice provided the 2023–24 policing priorities to the Commanding Officer of the RCMP's "M" Division in June 2023, outlining direction on the unique policing needs of the territory.

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Fall 2023

Policing Priorities

Justice

- The Department of Justice also works towards the implementation of policing priorities through other mechanisms, including:
 - administering federal funding to address emerging issues; and
 - administering agreements with Yukon First Nations and the Government of Canada for First Nations policing.
- The RCMP provides the Government of Yukon and the Council with quarterly updates on policing activities and progress toward meeting the territorial policing priorities. The RCMP also provides the Government of Yukon with an annual report each July.
- In 2023, the Council convened in Whitehorse for meetings in January and May.
- The Council is comprised of a Chair and six citizens appointed by the Minister of Justice for a three-year term. The Council includes members from Whitehorse and the communities, with a minimum of three members appointed based on Yukon First Nations' recommendations.
- In the beginning of 2022, the RCMP's Whitehorse detachment conducted its own public survey to inform priorities at the detachment level.
- The RCMP's 2022 online survey had 253 respondents. Drug-related offences were the most identified priority (51 per cent of respondents).

Approved by:

Deputy Minister, Justice

2023-09-06

Date approved

Session Briefing Note

RCMP Capital Projects

Fall 2023

Justice

Recommended response:

- The Territorial Police Service Agreement includes a cost-shared capital asset management program called the Accommodations Program Charge. The RCMP and the Government of Yukon jointly decide on projects in each five-year cycle of the program.
- The third capital cycle of the Accommodations Program Charge commenced in April 2022 and will end March 31, 2027.
- Cycle Three is expected to fund the renovation of a new RCMP detachment in Old Crow, as well as lifecycle maintenance investments for the Yukon RCMP's existing infrastructure. This includes detachment buildings, accommodations and other RCMP structures.

Additional response:

- The RCMP and the Government of Yukon continue to engage in ongoing discussions regarding the new detachment project in Old Crow. Formal approval will be required from the Government of Yukon prior to the commencement of construction.
- Through collaboration, the Government of Yukon and the RCMP continue to work together, ensuring that policing infrastructure in the territory meets operational requirements.
- From 2017 to 2022 during Cycle Two, our government funded three major detachment projects in Faro, Carcross and Ross River.

Context:

- Negotiations for Accommodations Program Charge (APC) Cycle Three were concurrent with several other RCMP financial pressures, including salary increases and the overages incurred on Cycle Two projects due to COVID-19-related supply chain and labour pressures.

Session Briefing Note

RCMP Capital Projects

Fall 2023

Justice

Background:

Cycle Three of the APC

- In early 2021, the RCMP submitted a proposal for "Major Capital" projects in Cycle Three, including the renovation or replacement of detachment buildings in Old Crow, Beaver Creek, and Haines Junction within the next five years.
- The initial cost estimates proposed were deemed prohibitive, particularly in the context of the funding pressures posed by the salary increases and retroactive pay for RCMP Regular Members and overages incurred on Cycle Two projects.
- In late 2022, the Government of Yukon signed off on a revised Cycle Three budget of \$19.627M (territorial contributions) over five years, for the renovation of the detachment building in Old Crow and lifecycle investments to maintain the Yukon RCMP's entire infrastructure portfolio.
- A five-year reconciliation of payments made at the end of Cycle Two identified \$2.367M of unexpended funding from 2021–22 (the Government of Yukon's contribution). These funds have been carried over into Cycle Three and reduce the amount of new funds provided by the Government of Yukon to \$17.260M.

Previous Capital Cycles

- In Cycle One (2012–17), the Government of Yukon invested \$3,115,114 in policing infrastructure, including \$427,151 to plan for Cycle Two projects.
- No new detachments were constructed in Cycle One.
- Cycle Two included three major projects:
 - the renovation of the Ross River detachment building; and
 - two new detachment buildings in Carcross and Faro.
- The modular construction of detachment buildings for Faro and Carcross experienced delays and cost overruns, due in part to COVID-19-related supply chain and labour pressures.
- On February 22, 2022, the Department of Justice approved the budget supplement and time extension required to complete the two outstanding Cycle Two detachment projects, which were operational as of late 2022.

Session Briefing Note

RCMP Capital Projects

Fall 2023

Justice

- Residual funding for Cycle Two was carried forward to Cycle Three to support the completion of the projects.

The APC process

- Pursuant to Article 12 of the Territorial Police Service Agreement, the RCMP manages capital assets through an APC arrangement that includes detachment construction and renovations ("Major Capital"); building repairs and upgrades ("Minor Capital"); and the maintenance of living quarters.
- The APC is structured in five-year cycles, with territorial budget caps established at the beginning of each cycle and paid out in annual allotments over each five-year period. Ministerial approval is required at specified decision points in each project.
- A reconciliation process occurs annually and at the end of each five-year cycle.
- Under the provision for smoothed rate funding, unused APC funding that remains at the end of a five-year cycle is typically carried forward to the next APC cycle to enable the RCMP to continue their work on capital projects without interruption.

Approved by:

Deputy Minister, Justice

November 23, 2023

Date approved

Session Briefing Note

Fall 2023

RCMP Resources

Justice

Recommended response:

- The Department of Justice works to ensure the provision of a professional, accountable, and appropriately funded territorial police service that is responsive to the priorities of Yukoners and worthy of the public's trust.
- Our government funds significant and ongoing investments in the Yukon's police resources through a Territorial Police Service Agreement with the RCMP, as well as through investments in the First Nations and Inuit Policing Program.
- This year, the Government of Yukon approved a policing budget increase of over 20 per cent compared to the previous year.

Additional response:

- This increase reaffirmed our staffing commitment to the Historical Case Unit, while adding two officers to the Crime Reduction Unit. Two additional resources have been added to bring the First Nations and Inuit Policing Program complement to 19 resources.
- And most recently, this government approved additional resources for Car 867, under the Substance Use Health Emergency Strategy. These resources expand the capacity of the Mobile Crisis Response Team from five to seven days a week to cover critical call periods and provide trauma-informed, client-centred support for people experiencing mental health-related issues.

Context:

- There has been significant public interest in the resource levels required to support effective and responsive policing.
- Due to the sparsely populated and vast geography, maintaining a responsive policing presence throughout the territory requires more officers per capita than down south.

Session Briefing Note

Fall 2023

RCMP Resources

Justice

Background:

- According to the 2022 Police Personnel and Expenditures in Canada report, the Yukon has the third highest police per capita ratio in Canada, with a police strength of 320 officers per 100,000 population (139 officers in total). Only the Northwest Territories and Nunavut have higher police-per-capita ratios.
- As of May 15, 2022, the Yukon experienced a decrease in police strength, mirroring the trend seen across the rest of Canada when compared to 2021.
- Currently, the total number of RCMP Regular Members (i.e., officers) assigned to the territory are funded as follows:

Territorial Police Service Agreement	114
First Nations and Inuit Policing Program	19
Divisional Administration	6
Total Regular Members	139

- The RCMP forecasts its anticipated human resources, operational funding, and capital investment needs to the Yukon government in an annual financial planning process.
- In response to the recommendations of the 2010 Sharing Common Ground policing review, evolving community safety concerns, and the requests of RCMP's "M" Division, the Government of Yukon has authorized significant increases in front-line and specialized police resources over the last decade.
- For the 2023-24 fiscal year, the Government of Yukon increased the operational budget of the RCMP's "M" Division by \$3,301,000. This included funding for seven and a half new RCMP positions:
 - one and a half Regular Members (RMs) for the Crime Reduction Unit;
 - two RMs for the Specialized Response Unit;
 - two RMs for the First Nations and Inuit Policing Program; and
 - two Public Service Employees (PSE) for the Crime Reduction Unit.
- Provost duties were devolved from the RCMP in 2018, which removed three full-time equivalent positions. This resulted in a net increase of only eight officers over that period, despite eleven positions being added.
- As of April 2023, 19 RMs are now funded under the First Nation and Inuit Policing Program to provide community policing services in First Nations communities.

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Fall 2023

RCMP Resources

Justice

- RCMP resources within Criminal Operations (contract and federal) include:

Whitehorse Detachment	<ul style="list-style-type: none"> • General Investigations Section (GIS) • Whitehorse Detachment • Operational Communication Centre (OCC)
District Policing	<ul style="list-style-type: none"> • 12 District Detachments • Relief Unit • Traffic Services Unit • Forensic and Identification Section (FIS) • Police Dog Services (PDS) • Air Services • Emergency Response Team (ERT)
Plain Clothes	<ul style="list-style-type: none"> • Crime Reduction Unit (CRU) • Specialized Response Unit (SRU) • Major Crime Unit (MCU) • Internet Child Exploitation (ICE) • Historical Case Unit (HCU) • National Sex Offender Registry (NSOR) • Disclosure and Major Case Management • Intelligence Analysts
Federal Policing	
Operation Records Management	

Historical Case Unit (HCU)

- The “M” Division Historical Case Unit was created in March 2018 in response to increasing demand in the Yukon for dedicated resources to investigate historical homicides, missing persons and investigations related to missing and murdered Indigenous women, girls, and two-spirit people. The unit investigates:
 - historical unsolved homicides and suspicious deaths;
 - missing persons cases where foul play is suspected;
 - “M” Division’s outstanding missing persons investigations; and
 - cases of unidentified human remains.
- The three-member Historical Case Unit became operational in February 2019 and was officially established as a permanent entity during the fiscal year 2022–23.

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RCMP Resources

Justice

Federal Investigation Unit (FIU)

- The federally funded Federal Investigation Unit supplements territorial policing resources and is tasked with federal policing priorities including drug investigations, enforcement of federal laws, protective policing, commercial crime investigations, integrated border enforcement, and intelligence functions.
- In early 2018, the Government of Canada reduced the funding for the Federal Investigation Unit, with the unit shifting focus towards intelligence gathering.
- Three of the 12 positions in this unit were “frozen as vacant” following the 2018 announcement. In 2022, the RCMP informed the Government of Yukon of additional reductions in federally funded positions, resulting in increased funding pressure on territorially funded resources.

Additional resources for opioid response

- In 2019, “M” Division created the Crime Reduction Unit (CRU) to address specific issues in the Yukon, such as drug trafficking, property theft, and organized crime.
- To staff the Crime Reduction Unit, “M” Division initially drew resources from other work units, which, in turn, were forced to deprioritize their core policing activities.
- In February 2022, funding was approved for two additional Regular Members to be temporarily assigned to the CRU for four years, beginning in the fiscal year 2022–23.
- In 2023, the RCMP budget included funding to support one and a half permanent RM positions and two public service employees for the Crime Reduction Unit.

RCMP unionization impacts

- In 2021, the RCMP members’ National Police Federation negotiated a 23.8 per cent salary increase in their first Collective Bargaining Agreement with the Treasury Board of Canada.
- The Collective Bargaining Agreement resulted in a one-time, retroactive payout of an estimated \$3,942,791.56, which was billed to the territory in early 2023.

Approved by:



Deputy Minister, Justice

2023-09-08

Date approved

Session Briefing Note

Fall 2023

Violent Crime

Justice

Recommended response

- The Government of Yukon takes incidents of violent crime seriously. Yukoners deserve to feel safe and live peacefully in their communities.
- Our government values the work of the RCMP in their timely response to these incidents and supports crime prevention efforts to help mitigate the rise in violent crimes.
- The landscape of crime and public safety is changing across the country, and the Yukon is not immune. We are acting on a variety of levels to contend with this complex reality.

Additional response:

- The Government of Yukon has increased funding to the RCMP this year. In addition, support for the Safer Communities and Neighbourhoods Unit has been increased through the Gun and Gang Violence Action Fund. This Unit investigates complaints of drug trafficking and other specified illegal activities in the territory.
- Up to \$200,000 is available to each Yukon First Nation through the Community Safety Planning Program to support community safety planning and implementation work.
- We recognize that responding to immediate public safety concerns and criminal activity is only part of the solution. Our work on the underlying causes of crime and substance use challenges is the work that will make a real difference in the long term.

Context:

- There have been multiple recent instances of violent crimes and public safety concerns in the territory that have been highlighted in the media.

Session Briefing Note

Fall 2023

Violent Crime

Justice

Background:

Violent Crime incidents

- On July 10, 2023, the RCMP responded to a call regarding an individual with a gunshot wound on Long Lake Road. Police believe the incident took place several hours prior and there did not appear to be a risk to public safety.
- On April 19, 2023, Whitehorse RCMP responded to five separate high-risk calls involving multiple weapons, threats, and a serious assault.
 - The Yukon RCMP stated they are prepared to continue to respond appropriately and as required to ensure public safety and to investigate all calls for service in a thorough manner.
- On April 15, 2023, a fatal hit and run was reported in Watson Lake.
 - An investigation is underway, supported by the Yukon Coroner's Office, the Town of Watson Lake, and Liard First Nation.
- On April 12, 2023, RCMP received a call of a break and enter in progress in the Whistle Bend neighbourhood of Whitehorse, where video from a home surveillance camera showed a person who appeared to be carrying a weapon attempting to enter a home.
 - A 23-year-old male was arrested and charged on May 2, 2023. The matter is before the courts.
- On March 11, 2023, a double homicide was reported in the Village of Mayo.
 - The homicide remains under investigation and all avenues of investigation are being pursued. The risk to the public is considered low.
 - On March 14, 2023, the First Nation of Na-Cho Nyäk Dun passed a resolution declaring a State of Emergency related to the ongoing opioid situation.
 - The Government of Yukon has reached out to offer support to the First Nation of Na-cho Nyäk Dun and will continue to do so as the First Nation requests.
- On February 2, 2023, an individual was killed near the corner of 4th Avenue and Ogilvie Street in Whitehorse.
 - An arrest was made on February 7, 2023, and an individual was charged with first-degree murder.

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Fall 2023

Violent Crime

Justice

RCMP Funding Increase

- A \$3.5 million increase has been made to the RCMP this year, which includes support for new positions in the Crime Reduction Unit and the Specialized Response Unit that work to address drug trafficking and other criminal activity in the territory. Budget increases also support additional members for the First Nations and Inuit Policing Program through Community Tripartite Agreements.

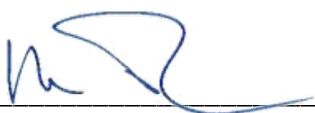
Gun and Gang Violence Action Fund

- The Safer Communities and Neighbourhoods (SCAN) Unit has increased its investigative and analytical capacity through the federal Gun and Gang Violence Action Fund. These enhancements have increased the capacity of the SCAN Unit by three investigators and one crime prevention analyst to enable the Unit to address the evolving nature of criminal activities reported in Yukon communities and neighbourhoods.
- Building on the success of the initial Gun and Gang Violence Action Fund initiative, on May 8, 2023, Public Safety Canada announced they would invest an additional \$390 million over the next five years to provinces and territories to support a variety of initiatives, including law enforcement and prevention programs.
- The Government of Yukon's new five-year funding allocation under this program is \$3,998,194 (2023-2028). This is an increase of \$1,747,459 from the previous funding agreement in 2018-2023, which was \$2,250,735.

Community Safety Planning

- Many First Nations have expressed interest in accessing funding through the Community Safety Planning program.
- Up to \$200,000 is available to each Yukon First Nation through the Community Safety Planning program to support First Nations in community safety planning work.
- Planning is underway for Phase Two of the program, which will include engaging with municipalities and local advisory councils, subject to Cabinet approval.

Approved by:



Deputy Minister, Justice

2023-08-31

Date approved

Session Briefing Note

Community Wellness Court

Fall 2023

Justice

Recommended response:

- The Yukon Community Wellness Court has received funding from the Government of Canada to expand therapeutic courts to Yukon communities. A five-year agreement was signed with Canada providing funding from April 1, 2023 to March 31, 2028 to support the hiring of additional staff required for the project.
- Consultation is underway to support alternative justice models with Yukon First Nations governments and is supported by the Therapeutic Court Legal Sub-Committee.
- Each Community Wellness Court program will be developed to address the individual needs of the community and citizens it serves.

Additional response:

- The Justice Wellness Centre has received funding to expand therapeutic courts in several communities and includes funding to hire resources in the Centre to provide treatment services for court participants.
- Consultation meetings continue with Tr'ondëk Hwëch'in First Nation and Carcross/Tagish First Nation.
- The Justice Wellness Centre team and Therapeutic Court Legal Sub-Committee continue to meet with Carcross/Tagish First Nation to develop the project.

Context—this may be an issue because:

- The Justice Wellness Centre's (JWC) expansion of programming to Watson Lake has provided a framework for multi-government partnerships and community-integrated specialized courts.

Session Briefing Note

Community Wellness Court

Fall 2023

Justice

- The Watson Lake development team has presented the therapeutic court model at the 2023 Council of Yukon First Nations, Justice our Way Conference and the National Association of Justice and Treatment Professionals Virtual Conference.

Background:

- In support of expanding alternative justice models, the JWC provides treatment-based support to all participants. Sentencing outcomes for this court continue to support community dispositions and discharges while reducing recidivism rates.
- The 2014 Community Wellness Court evaluation report showed completed clients improved positive social skills, increased access to mental health and substance use treatment programs and reduced recidivism rates.
- The Government of Yukon is committed to advancing alternative justice models and building sustainable and resourced community programs. The Justice Wellness Centre will continue to partner with First Nations governments to advance Indigenous-led programs and support alternative justice models by providing resources for ongoing development and implementation.

Approved by:



Deputy Minister, Justice

2023-08-31

Date approved

Session Briefing Note**Fall 2023****Domestic Violence Treatment Option Court**Justice

Recommended response:

- The Justice Wellness Centre is re-developing intimate partner violence programming to address increasingly complex client needs and high rates of co-occurring disorders.
- Consultants from The Four Worlds Centre for Development Learning are providing research to support the intimate partner violence program re-design including:
 - a scan of the current domestic violence courts and treatment planning teams throughout Canada;
 - a literature review; and
 - a curriculum evaluation review of treatment modalities used to treat offenders.
- This research will identify specific treatment programs to best serve this population of justice-involved clients with complex needs, and to interrupt violent behaviour within relationships that disproportionately affects women in Yukon communities.

Additional response:

- The planning team for the Domestic Violence Treatment Option re-development project consists of multiple community partners, Justice Wellness Centre staff, and a Cultural Consultant.
- This team is spearheading the treatment program development and implementation process to ensure culturally integrated programming through partnership with First Nation governments. Community capacity building remains at the forefront of Therapeutic Court expansion.

Session Briefing Note

Fall 2023

Domestic Violence Treatment Option Court

Justice

Context:

- 2021 marked the seventh consecutive year of a gradual increase in police-reported intimate partner violence in Canada.
- An increasing number of clients referred to the Domestic Violence Treatment Option Court present with complex needs or co-occurring disorders including addictions to illicit drugs and significant mental health issues.
- The Justice Wellness Centre assessed the efficacy of the programming offered and determined that further research in treatment and additional resources were required to address client needs.

Background:

- The Domestic Violence Treatment Option Court began in 2000 in Whitehorse and expanded to Watson Lake in 2021.
- A review of data collected in 2014 and 2020 indicates that client needs have increased considerably from alcohol use and mild mental health issues to use of illicit substances including opioids, cocaine and barbiturates, coupled with psychosis or significant mental health issues.
- Through the Federal Drug Treatment Court Funding Program, the Justice Wellness Centre has secured funding from the Government of Canada (2023-28) to increase staffing levels and implement the Domestic Violence Treatment Option Court revised program.
- The 2023-28 funding agreement provides for two clinical counsellors, an Indigenous peer support worker with lived experience, a research analyst, a program development consultant, and a cultural consultant.
- The revised program is expected to provide psychotherapeutic services and Indigenous programming to clients with offences related to intimate partner violence. Services will also be provided for clients with mental health issues and/or substance use disorders.
- Referrals to local partner agencies for mental health issues and substance use disorders will continue to take place with our partner agencies for all clients requiring health services and psychiatric care.

Session Briefing Note**Fall 2023****Domestic Violence Treatment Option Court**

Justice

- The Domestic Violence Treatment Option Courts in Whitehorse and Watson Lake will continue to provide augmented treatment services such as trauma programming, peer-led support, First Nation traditional parenting, and the seven sacred teachings. The expanded services will ensure clients can access comprehensive treatment, with the goal of interrupting violent behaviours and reducing violence in relationships.
- The Watson Lake program has implemented several culturally relevant programs and continues to see increased client referrals and community engagement as the program is expanding to address community needs.
- Future expansion of this court program to additional communities will be dependent upon available funding.

Approved by:

Deputy Minister, Justice

2023-09-14

Date approved

Session Briefing Note

Fall 2023

Restorative Justice

Justice

Recommended response:

- The Government of Yukon is committed to supporting the growth of integrated, community-based justice programming and advancing the use of restorative justice practices throughout the territory.
- In 2020, our government approved the creation of an Integrated Restorative Justice Unit to improve restorative justice service delivery, enhance adult/youth diversions, increase engagement with First Nations governments and better support community-designed and community-led restorative justice initiatives.
- The Integrated Restorative Justice Unit, currently in a pilot phase, has combined dedicated youth justice and adult justice resources to provide consistent program delivery across the Yukon.
- The Integrated Restorative Justice Unit leads engagements with First Nations governments and stakeholders about adult and youth diversions and restorative justice.

Additional response:

- This initiative allows our government to support existing restorative justice services and practices as we continue to work in partnership with Yukon First Nations governments through the Yukon Forum and other working groups.
- On October 27, 2021, the Adult Pre- and Post-charge Diversion Protocol for federal offences was signed and provides a pathway for the pilot to accept pre- and post-charge referrals for adults.
- The Government of Yukon continues to work with First Nations governments, the Government of Canada, the RCMP and other territories and provinces to share best practices and to increase the use of restorative justice nationally.

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Fall 2023

Restorative Justice

Justice

Context:

- In 2018, FPT Ministers Responsible for Justice and Public Safety publicly announced their commitment to the goal of a five per cent increase in the use of restorative justice, where possible, by 2021.
- The 2023 Mandate Letter to the Minister of Justice speaks to implementing the principles of restorative justice to better inform service delivery, support community-designed and community-led initiatives, and increase engagement with First Nations governments.
- Yukon Forum commitments include support for restorative justice, the development of First Nations justice programs and participation in FPT initiatives.
- In January 2023, the Integrated Restorative Justice (IRJ) Unit pilot project was extended until March 2025.

Background:

- In July 2020, the IRJ Unit was created as a two-year pilot project. This strategy combined existing youth diversion and restorative justice resources within the departments of Justice and Health and Social Services.
- These resources were amalgamated in January 2021 under oversight provided by a dedicated manager who reported to the Assistant Deputy Minister of Community Justice and Public Safety in the Department of Justice.
- The IRJ Unit has improved the Government of Yukon's delivery of diversion and restorative justice services by aligning government initiatives within the departments of Justice and Health and Social Services by providing a continuum of services to youth and adults and by applying a consistent one-government approach.
- One of the initiatives under the IRJ Unit is to establish formal pre- and post-charge diversion programs for youth and adults with a goal of increasing the use of diversion and restorative justice practices throughout the territory.
- Section 10 of the *Youth Criminal Justice Act* and Section 717 of the *Criminal Code of Canada* require that Alternative Measures/Extrajudicial Sanctions be authorized

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Fall 2023

Restorative Justice

Justice

by the Attorney General or the Attorney General delegate or authorized by a person designated by the Lieutenant Governor in Council of a province.

- The Government of Yukon has signed a diversion agreement authorizing formal pre- and post- charge referrals for federal offences for adults that streamlines diversion referrals. The IRJ Unit is now working on a similar agreement for youth.
- The Chief Federal Prosecutor, Public Prosecution Service of Canada Yukon Region, as a delegate of the Attorney General of Canada, recognized the Yukon Adult Diversion Program, allowing the IRJ Unit to accept pre- and post- charge referrals into their program for adults.
- The work of the IRJ Unit is expected to contribute to a decrease in the rate of victimization, crime and incarceration in the Yukon by addressing the harm caused by crime, and by holding offenders responsible.
- This work contributes to the Government of Yukon's work to reduce the overrepresentation of Indigenous people in the criminal justice system.
- The Government of Yukon continues to work with the Government of Canada, Yukon First Nations governments, and Yukon communities on a range of community-based Indigenous justice projects and restorative reintegration efforts.
- Principally, the Government of Yukon's Department of Justice funds and supports eight Community Justice Workers and 12 Indigenous Court Workers. Some individuals hold both positions within their home community.
- The level of community justice services available in different communities depends on the capacity and the priorities of that community, as the community-led programs are developed and implemented through collaborative work with Yukon First Nations and are responsive to their priorities.
- The roles and responsibilities of Community Justice Workers and Indigenous Court Workers are community specific. Generally, they are responsible for establishing community-based justice processes designed to meet community needs by:
 - promoting community healing;
 - facilitating restorative justice approaches at a community level;
 - developing positive relationships with the community;
 - educating the community about existing justice alternatives;

Session Briefing Note

Fall 2023

Restorative Justice

Justice

- demonstrating accountability to the community about justice matters; and
 - establishing a proactive approach to healing with long-term community wellness.
- The Government of Yukon is committed to advancing restorative justice practices and building capacity in communities with key partners that include First Nations governments, the Council of Yukon First Nations, RCMP, Territorial Court, Therapeutic Courts, Corrections and the Government of Canada (Crown-Indigenous Relations and Northern Affairs Canada, Public Prosecution Service of Canada and Correctional Service of Canada).
- Other work within the Department of Justice to advance the principles of restorative justice includes work to expand therapeutic court models (see Briefing Notes 60 and 61).

Approved by:

Deputy Minister, Justice

2023-09-14

Date approved

Session Briefing Note

Fall 2023

Child and Youth Victim Services (formerly Project Lynx)

Justice

Recommended response:

- The Department of Justice, through Victim Services, is committed to providing specialized and age-appropriate services for children and youth who have experienced crime and are navigating the criminal justice system.
- Progress was made toward implementing national best practices for Child and Youth Advocacy Centres through Project Lynx; however, implementation challenges associated with the Yukon's unique virtual service model made coordinating supports more difficult.
- As a result of the lessons learned, Victim Services is refining their approach to capitalize on a new purpose-built space, increase internal capacity, and more clearly define, lead and deliver a specialized Justice-based service for child and youth victims of crime and their families.

Additional response:

- While Victim Services works to lead this new service approach, child and youth victims and their families may continue to access supports through Victim Services and all partner agencies.
- Victim Services continues to provide coordinated services with partner agencies.

Context:

- The issue of a multi-disciplinary team and integrated service system for children and youth may be raised in the context of responding to child sexualized and physical abuse.

Session Briefing Note

Fall 2023

Child and Youth Victim Services (formerly Project Lynx)

Justice

Background:

- Since January 2014, Victim Services worked to develop Project Lynx, a jointly-administered and jointly-led service for child and youth victims of crime based on national best practices for Child and Youth Advocacy Centres (CYAC).
- National best practices include:
 - multidisciplinary teams responding in a coordinated manner;
 - child-focused settings for service and interviews;
 - culturally sensitive and inclusive services;
 - forensic interviewing;
 - victim advocacy and support services;
 - medical evaluation and treatment;
 - mental health evaluation and treatment;
 - case reviews coordinated through a multidisciplinary team;
 - case tracking; and
 - organizational capacity and development.
- This work focused on building a collaborative multidisciplinary team of professionals working together to provide an integrated service system and support for child and youth victims and witnesses, and their families, as they navigated the criminal justice system.
- Original and founding members of Project Lynx included the following.
 - Department of Justice
 - Victim Services (as the coordinator), and
 - Court Services.
 - Department of Health and Social Services
 - Child Abuse Treatment Services now known as Child, Youth, Family Treatment services, and
 - Family and Children's Services.
 - RCMP - including the Specialized Response Unit.
 - Public Prosecution Service of Canada.
 - Council of Yukon First Nations.

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Fall 2023

Child and Youth Victim Services (formerly Project Lynx)

Justice

- A critical component of the Child and Youth Advocacy Centre model is a physical location that is publicly accessible, identifiable and co-locates staff from many or all partner agencies.
- For Project Lynx, however, the decision was made to begin with a virtual model, with the intent of eventually securing space for the multidisciplinary team.
- The Victim Services Branch worked to lead Project Lynx as a multi-agency, coordinated service on behalf of the partner agencies. This included drafting procedures; hosting joint training; advocating for integrated service change in ATIPP legislation; engaging with multiple other Child and Youth Advocacy Centres in mentorship and training roles; holding several facilitated discussions; conducting meetings; and sharing of evaluation recommendations for better coordination.
- However, it has become clear that there are multiple, significant challenges with applying this model, such as not having identifiable shared space; differing partner agency mandates and resources; unique training needs; and navigation of territorial and national privacy legislation.
- Using the many lessons learned, Victim Services is modifying the approach to a justice-led and justice-focused service for child and youth victims of crime while continuing to coordinate support services for victims and families with all previous Lynx partner agencies and working with partners on an improved service model.
- This will continue to incorporate many of the national best practices for Child and Youth Advocacy Centres, namely child focused interview and testimony space, victim supports, culturally sensitive service and organizational capacity building.
- Funding for the Child and Youth Victims of Crime Initiative, including the coordinator's position, comes primarily from the Victim's Fund through the Policy Centre for Victims Issues, Justice Canada.

Approved by:



Deputy Minister, Justice

2023-09-08

Date approved

Session Briefing Note

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FILU – Family Information Liaison Unit

Justice

Recommended response:

- The Family Information Liaison Unit (FILU) provides centralized, coordinated supports for family members of missing and murdered Indigenous women, girls, and two-spirit+ people to access information related to their loved one's case.
- Providing supports for families remains an important component of the Government of Yukon's work to implement Changing the Story to Upholding Dignity and Justice: Yukon's Missing and Murdered Indigenous Women, Girls and Two-spirit+ People Strategy.
- The Yukon's current funding agreement with Canada for the FILU is renewed until March 31, 2025. This short-term renewal will allow time to assess the capacity, mandate, and direction of the unit.

Additional response:

- The Yukon's FILU Coordinator works with the Yukon Aboriginal Women's Council, the RCMP, the coroners service and others to provide coordinated support for families including information gathering, outreach, training, and healing opportunities.
- This renewed funding will ensure there is no gap in service and allow ongoing discussions with the Government of Canada on the evolution of services delivered by FILU.

Context:

- Funding from the Government of Canada (Canada) was set to expire March 31, 2023, and there had been some uncertainty about whether the funding would be extended.
- While funding has been extended, Canada's announcement to extend services for missing and murdered Indigenous men may leave questions about the mandate of the FILU in Yukon in relation to services.

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Fall 2023

FILU – Family Information Liaison Unit

Justice

Background:

- On August 3, 2016, the Government of Canada announced the independent National Inquiry into Missing and Murdered Indigenous Women and Girls. At the same time, Canada announced that funding would be available for the creation of Family Information Liaison Units (FILU) through each provincial and territorial government.
- Victim Services sought advice related to the development of the Yukon's FILU from: families of missing and murdered Indigenous women and girls, Women and Gender Equity Directorate, Executive Council Office, Department of Justice, Indigenous women's organizations, Kwanlin Dün First Nation, Council of Yukon First Nations, the RCMP, Association of Yukon Communities, and Women's Coalition.
- Canada has provided \$285,000 per year to Yukon, starting in 2017–18, in two to three-year increments. FILU agreements across Canada were set to expire on March 31, 2023. Canada then signed agreements for an additional two years, to March 31, 2025.
- On May 29, 2023, Canada announced that \$37.3 million over five years and \$7.75 million annually on an ongoing basis would be provided to provinces and territories to “ensure that the critical services provided by FILUs to families of all missing and murdered Indigenous people, including men and boys, continue to be available for as long as they are needed, and enable FILUs to expand their operations to address gaps in service delivery and remain responsive to the needs of Indigenous communities.”
- Canada has indicated that they will provide this funding through five-year agreements starting in 2025–26. Until that time, the FILU programs will receive some additional funding and can complete strategic planning to be ready for a new five-year agreement in 2025–26.
- This will provide the Yukon with time to analyze capacity, workload, funding needs and policy direction in terms of incorporating additional mandate for the Yukon's FILU to support families of men and boys.
- Canada has indicated that opening the funding to include support for families of missing and murdered Indigenous men and boys would allow each jurisdiction to

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Fall 2023

FILU – Family Information Liaison Unit

Justice

make decisions about the mandate and capacity of their FILU. This increase in mandate was not prescriptive.

- Canada also announced:
 - Community Support and Healing for Families Initiative: \$20 million over five years and \$4.15 million annually on an ongoing basis to ensure that all families of missing and murdered Indigenous people, including men and boys, have access to Indigenous-led, community-based supports to assist them with their grief and in their healing journey.
 - Access to Indigenous-led victims services and supports: \$38.6 million over five years and \$8.45 million annually on an ongoing basis to support a wide range of Indigenous-led and co-developed activities to support and assist Indigenous victims of crime and survivors of violence across Canada.
- Canada announced an additional stream of funding in the 2023 federal budget. The federal/provincial/territorial Working Group on Victims of Crime, of which the Government of Yukon's Director of Victim Services is a member, will continue to receive updates and additional information on this stream of funding.

Approved by:



Deputy Minister, Justice

2023-08-31

Date approved

Expansion of SART Services

JUS, WGED

Recommended Response:

- The Sexualized Assault Response Team, or SART, continues to work to lower barriers and provide safe, wrap-around supports for victims of sexualized violence.
- After more than three years of intense collaborative work, Whitehorse SART agencies have signed the first SART protocol in the Yukon to make this network of services sustainable in Whitehorse.
- We are committed to expanding SART services to Yukon communities. Engagements to begin this process took place in spring and summer of 2023 with First Nations governments, Indigenous women's organizations, service providers and victims of sexualized violence.
- A "what we heard" document is anticipated to be shared with communities in early 2024. This will help to expand services in a way that responds to communities' needs and priorities.

Additional Response:

- Early components of SART's service expansion include SART cross-agency training being made available to front-line workers from communities outside Whitehorse and updating the services inventory for the communities.
- Victims of sexualized violence living in communities can access the 24/7 toll-free support line and get priority access to counselling through the Mental Wellness and Substance Use community hubs.
- Available services also include Victim Services, community health centres and hospitals, First Nations governments, the RCMP and women's shelters or safe houses where available.

Expansion of SART Services

JUS, WGED

Context - this may be an issue because:

- The July 5, 2021 mandate letters include a commitment to expand the services of the Yukon's SART to Yukon communities beyond Whitehorse.
- Two separate but coordinated engagements took place this summer, and community members and service providers may be looking for updates and publication of "what we heard" documents.

Background:

Expansion

- Engagement with First Nations governments, rural service providers and victims occurred in the spring and summer. The engagement results will be reported back to the communities with a "what we heard" report in October and November.
- Engagement is being supported by consulting groups and the contracts have been awarded through two public procurement processes:
 - Rumsey Consulting led the engagement with First Nations governments, Indigenous women's organizations and service providers; and
 - Ipsos and Sisco led the sensitive engagement with victims of sexualized violence.
 - Rumsey Consulting will combine the results of the two engagements into the final "what we heard" document.
- The Council of Yukon First Nations is a member of the engagement working group for the expansion of Sexualized Assault Response Team (SART) services and assisted in ensuring the engagement occurred in a culturally responsive way.

Whitehorse SART

- SART in Whitehorse was officially launched March 6, 2020.
- There are three main components of SART: victim support, legal/criminal justice services, and medical services. Services are available for victims of all genders, ages and sexual orientations.
- Coordination of existing medical and victim services is supported by two Government of Yukon positions: the SART Victim Support Coordinator and the SART Clinical

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Expansion of SART Services

JUS, WGED

Coordinator. They work in partnership to ensure there is continuity of care and wrap-around services for victims of sexualized violence.

- Available services include a 24/7 support line, weekend and weekday victim support workers, 24/7 on-call physicians at Whitehorse General Hospital and rapid access to counselling through Mental Wellness and Substance Use Services Hubs.
- The Whitehorse SART protocol has been signed by the partner agencies and is available on sartyukon.ca. Educational materials about the protocol for front-line workers have been developed and are also available on sartyukon.ca.
- Current Whitehorse SART member agencies include:
 - Government of Yukon Health and Social Services, Department of Justice and Women and Gender Equity Directorate;
 - Public Prosecution Service of Canada;
 - RCMP "M" Division;
 - Yukon Hospital Corporation; and
 - Yukon Women Transition Home.
- SART is based on the core principles of:
 - victim's choice;
 - dignity and respect;
 - preventing system re-traumatization;
 - cultural safety; and
 - access, equity and inclusion.

Approved by:



Deputy Minister, Women & Gender Equity
Directorate



Deputy Minister, Justice

November 23, 2023

Date

November 23, 2023

Date

Session Briefing Note**Fall 2023****Inter-Community Transportation for Victims of Crime**

Justice

Recommended response

- The Government of Yukon recognizes that victims of sexualized violence and intimate partner violence in rural communities may need to leave their community to access services and/or to seek safety from a perpetrator.
- The Government of Yukon is aware that there are limited options for transportation to and from Yukon communities and that this can be a barrier for victims to connect with services.
- The Government of Yukon, along with our Sexualized Assault Response Team's partners, have completed engagements on the expansion of the Sexualized Assault Response Team's services into communities, and included the need for expansion as one of the 14 key priority areas in the Substance Use Health Emergency Strategy.
- Engagement was conducted with Yukon First Nations governments, service providers and victims of sexualized assault. The engagement goals were to identify barriers, solutions and priorities for communities and victims.
- Preliminary results identify the need for safe transportation options for victims of sexualized violence.

Additional response:

- The Sexualized Assault Response Team and its partners are working to identify flexible and creative options that will meet the differing needs of individual victims and communities.
- This work is being coordinated with broader inter-departmental initiatives exploring transportation options for people travelling throughout the Yukon.

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Inter-Community Transportation for Victims of Crime

Justice

Context:

- Engagement on the expansion of the Sexualized Assault Response Team (SART) services was conducted over the summer, and issues of transportation for victims were raised.
- Commitment to implementation of the Yukon's MMIWG2S+ Strategy action includes creating safe and affordable transportation and communication options between Yukon communities.
- Confidence and Supply Agreement (CASA) 2023 Commitment: Continue to work with Yukon First Nations, communities, and local businesses to develop low-cost transportation options for people travelling throughout the Yukon.

Background:

- Transportation options for victims of intimate partner violence and sexualized violence in Yukon communities are limited. There are few publicly available transportation options and limited confidential, 24/7 methods of fleeing a community.
- We recognize that each victim will have different needs and/or access to resources. The Government of Yukon and SART partners are exploring options to better tailor the supports and services provided to victims of sexualized assault in the communities. Work has begun on finding solutions that will work best for each case and will utilize resources most effectively.
- SART's inter-departmental team is working to provide interim solutions for inter-community transportation of victims of sexualized assault and intimate partner violence, who are accessing non-urgent and time-sensitive clinical, legal or support services in Whitehorse, Dawson City or Watson Lake.
- The options considered for this work are unlikely to be mutually exclusive, as a combination of different approaches will be required to address the unique needs of victims in different communities, as transportation requirements could vary.
- For example, providing consistent travel options to attend scheduled meetings with lawyers, regular counselling sessions or medical appointments is a distinct need.

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Inter-Community Transportation for Victims of Crime

Justice

Requiring immediate transportation to escape the threat of violence and seeking safety at a women's shelter or other temporary accommodation away from a perpetrator is an urgent need.

- An inventory of transportation programs services for each community is nearing completion, and an information sheet on travel programs for victims of sexualized violence and intimate partner violence is in development.
- Scoping has begun for an after-hours purchase order program with gas stations in communities that would be administered through Victim Services and a local non-government organization as one option to pay for gas for private transportation for victims.

Opportunities:

- Government of Yukon SART members are participating in an inter-departmental initiative to develop low-cost transportation options for people traveling throughout the Yukon, which is a CASA commitment.
- Safe transportation is recommended in recent reports and commitments on improving services and safety for Yukoners.
 - Substance Use Health Emergency Strategy, action item 3 in the Fourth Area of Growth: Community Safety and Wellbeing: Invest in preventing gender-based violence and improving services for victims of crime by expanding services to rural Yukon communities, including transportation to and from communities.
 - Yukon's MMIWG2S+ Strategy action item 2.8: Create safe and affordable transportation and communication options to and between Yukon communities.
 - Putting People First Recommendation 2.9: Working in partnership with First Nations and municipal governments, provide safe and alternative driving services between rural communities and Whitehorse.
 - Aging in Place Action Plan recommended action 3.5: Develop partnerships with First Nations governments and the private sector to increase transportation options within and between communities.

Session Briefing Note**Fall 2023****Inter-Community Transportation for
Victims of Crime**

Justice

- CASA 2023 Commitment: Continue to work with Yukon First Nations, communities, and local businesses to develop low-cost transportation options for people travelling throughout the Yukon.

Approved by:

Deputy Minister, Justice

2023-11-21

Date approved

Session Briefing Note

Fall 2023

Administration of Justice Agreement Negotiations

Justice

Recommended response:

- The Government of Yukon is committed to supporting Yukon First Nations governments to exercise their authority and jurisdiction over the administration of justice as set out in Yukon First Nation Self-Government Agreements.
- We believe that administration of justice powers are fundamental to self-government.
- In 2020, we implemented an updated approach to justice-related negotiations with Yukon First Nations governments which is rooted in recognition of and respect for First Nations governments' jurisdiction, governance and legal principles.
- This approach provides opportunities for collaboration and partnership, and it promotes incremental and capacity-building initiatives for justice-related matters.

Additional response:

- We want to be open and flexible to address First Nations governments' interests related to the administration of justice and other justice-related matters.
- We remain committed to working with Yukon First Nations governments and the Government of Canada to negotiate and implement Administration of Justice Agreements.

Context:

- The Government of Yukon (YG) has been engaged in Administration of Justice Agreement (AJA) implementation negotiations with Teslin Tlingit Council (TTC) and AJA negotiations with Kwanlin Dün First Nation (KDFN).

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Fall 2023

Administration of Justice Agreement Negotiations

Justice

- YG is currently in bilateral negotiations with KDFN regarding the implementation of interim justice provisions pursuant to the KDFN Self-Government Agreement (SGA).

Background:

- AJAs address how a Yukon First Nation with an SGA will exercise its authority for the administration, enforcement and adjudication of First Nation laws.
- Section 13.6.1 of each Yukon First Nation SGA commits the parties to negotiate with a view to concluding an AJA.
- YG's Department of Justice is the corporate lead for AJA negotiations.
- The only AJA in the Yukon to date was signed by the TTC, YG and Government of Canada (Canada) in 2011.
- Other First Nations governments that have completed AJA Framework Agreements include KDFN, Champagne and Aishihik First Nations (CAFN), Kluane First Nation (KFN) and Vuntut Gwitchin First Nation (VGFN).
- Seven Yukon First Nations governments have interim justice provisions extension agreements with YG and Canada, as provided for in SGAs. These agreements extend YG's obligations to prosecute, adjudicate and provide for any term of imprisonment for violations of First Nation laws until an AJA has been reached.
- Other Yukon First Nations with SGAs have begun, and then stepped back from, AJA negotiations.
- In July 2020, an updated YG approach for AJAs and justice-related matters was implemented to guide negotiations with Yukon First Nations governments and Canada.
- The scope of activities that could support matters addressed by AJA negotiations are broad ranging and may include topics such as land-based healing.
- Since fall 2020, the frequency of negotiations has been affected by matters such as government elections, the COVID-19 pandemic and negotiation partners' readiness, interests, mandates and prioritization related to participation in AJA negotiations.

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Administration of Justice Agreement Negotiations

Justice

Status of AJA Implementation Negotiations – Teslin Tlingit Council

- The 2011 TTC AJA Implementation Plan provides funding for TTC's Peacemaker Court but left the implementation of other AJA matters to future negotiations.
- In March 2020 and 2021 respectively, two agreements were signed related to the implementation of the TTC AJA:
 - a bilateral agreement with TTC on how YG will implement Transitional Measures provisions of the TTC AJA; and
 - a trilateral agreement with TTC and Canada related to enforcement implementation.
- The final aspect of TTC AJA implementation matters to be negotiated is TTC's corrections and community services model.

Status of AJA Negotiations - Kwanlin Dün First Nation

- KDFN's proposed AJA model contemplates changes to the Yukon's existing justice system, which may impact KDFN Citizens or Yukoners generally.
- The focus of AJA discussions to date has been the KDFN Court.
- In August 2021, at KDFN's request, AJA negotiations were paused for KDFN to undertake internal work and mandating.

Status of AJA Negotiations – VGFN and Tr'ondëk Hwëch'in (TH)

- Representatives from YG and TH met in March 2023 to discuss recommencing AJA negotiations.
- Preliminary AJA negotiations with VGFN recommenced in 2018. In July 2020, VGFN paused AJA negotiations.

Approved by:



Deputy Minister, Justice

2023-09-18

Date approved

Session Briefing Note

Community Safety Officers

Fall 2023

Justice

Recommended response:

- Community safety initiatives, such as the Community Safety Officer programs developed by Kwanlin Dün First Nation and other Yukon First Nations governments, have been successful in improving citizens' feelings of safety in their respective communities.
- We are committed to working with First Nations governments and the Government of Canada to support community-designed and community-led initiatives like Community Safety Officer programs.

Additional response:

- We recognize the value and impact that First Nation Community Safety Officer programs have in keeping communities safe.
-

Context:

- There have been various requests from Yukon First Nations governments for funding for their Community Safety Officer programs. Funding provided to date has been ad hoc in nature.
 - Some First Nations governments may question why funding for Community Safety Officer programs is not available through the community safety planning funding program.
-

Background:

- In the Yukon, Community Safety Officer (CSO) programs are led, designed, and implemented by Yukon First Nations governments. The Government of Yukon (YG) currently has no role outside of contributing funding, cost-shared with the Government of Canada.
 - Four Yukon First Nations are operating CSO programs to address community safety issues and complement existing law enforcement: Kwanlin Dün First Nation (KDFN), Selkirk First Nation (SFN), Teslin Tlingit Council (TTC), and Carcross/Tagish First Nation (CTFN).
-

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Community Safety Officers

Fall 2023

Justice

- YG has supported KDFN's CSO program since 2016. Since 2019, YG has cost-shared that funding with Canada.
- In 2021–22, YG secured a commitment from Canada to cost-share funding for SFN's CSO program.
- YG cost-shares funding with Canada on a 48/52 per cent basis respectively for KDFN's and SFN's CSO programs.

Federal commitment to funding Community Safety Officer programs

- There is no permanent source of funding for CSO programs in Canada. However, in recent years, Canada has begun to provide funding for some CSO programs through the federal First Nations and Inuit Policing Program (FNIPP).
- The 2021 federal budget contained substantial new funding to stabilize and enhance the FNIPP, including \$540 million over the next five years. Of that, \$127 million in ongoing funding is earmarked for Indigenous community safety initiatives and expanding initiatives that may be funded, including CSO programs.
- As part of the 2021 federal budget investments, Canada established a three-year funding envelope available for CSO pilot programs starting in 2023–24 which was proposal driven.
- Canada is co-developing a legislative framework with the Assembly of First Nations that recognizes First Nations policing as an essential service and expands the number of communities served by First Nations policing. Canada has stated the focus will be on core policing, not alternative police service delivery such as CSO programs.

Kwanlin Dūn First Nation

- KDFN designed a CSO pilot program to address its community safety concerns. YG provided funding for KDFN's CSO pilot program from 2016 to 2019.
- In 2019, YG and Canada agreed to cost-share and extend the pilot for two years to allow KDFN to conduct a program evaluation, which found the program to be a successful, culturally-responsive community safety service that has led to positive outcomes.
- Since 2021, YG and Canada have provided cost-share funding for KDFN's CSO program on an annual basis.

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Community Safety Officers

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Justice

- KDFN's CSO program is well known internationally and has received a lot of media attention. Many First Nations governments in Canada have also contacted KDFN to discuss the merits of its CSO program model.

Selkirk First Nation

- SFN established its CSO program in 2019.
- In March 2020, YG provided SFN with a small amount of funding to purchase equipment for its CSO program but did not provide any further funding.
- In December 2021, after consistent requests from YG, Canada agreed to cost-share funding for SFN's CSO program until March 31, 2023, and has since agreed to cost-share funding in 2023-24.

Teslin Tlingit Council

- TTC established its CSO program in 2021.
- In fall 2021, TTC requested funding for its CSO program as part of social impact funding for the Nisutlin Bay Bridge Replacement Project. However, YG is not able to provide funding for CSO programs outside of a cost-sharing agreement with Canada.
- Despite YG efforts, Canada did not agree to fund TTC's CSO program through the FPT FNIPP Federal Budget 2021 stage one allocations.

Carcross/Tagish First Nation

- In January 2022, C/TFN established a CSO program on a part-time basis. This program has expanded to include two full-time and one casual position.

Approved by:



Deputy Minister, Justice

November 23, 2023

Date approved

Session Briefing Note

Fall 2023

First Nations and Inuit Policing Program

Justice

Recommended response:

- The federal First Nations and Inuit Policing Program supports law enforcement and community safety in First Nations communities.
- We are working with the Government of Canada to secure funding for several First Nations policing initiatives under this program, including funding for additional RCMP resources to support Yukon First Nations communities and funding for Yukon First Nations' Community Safety Officer programs.
- Along with other provinces and territories, Government of Yukon is also participating in Public Safety Canada's engagement regarding the development of federal legislation to recognize First Nations policing as an essential service.

Additional response:

- We are committed to supporting Yukon First Nations' needs and interests related to policing and community safety.
- We are working with First Nations governments and the RCMP to implement resources through this program to build safer communities.

Context:

- The Government of Yukon (YG) is continuing efforts to secure additional cost-shared funding from the Government of Canada to support enhanced community policing for Yukon First Nation communities through Community Tripartite Agreements (CTAs) and Yukon First Nations' Community Safety Officer programs.

Background:**Government of Canada's First Nations and Inuit Policing Program (FNIPP)**

- Since 1991, the Government of Canada (Canada) has provided opportunities to cost-share funding with provinces and territories for policing for First Nations and Inuit communities through the FNIPP. The program is intended to:

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Fall 2023

First Nations and Inuit Policing Program

Justice

- ensure First Nations enjoy their right to personal security and public safety;
 - support responsible, accountable policing in First Nations communities; and
 - promote policing partnerships with First Nations based on trust, mutual respect, and participation in decision-making.
- The FNIPP provides funding for:
 - “self-administered” Indigenous police services in First Nations communities when enabled by provincial policing legislation, such as a provincial Police Act. Such legislation does not exist in Yukon; and
 - CTAs between Canada, YG, and First Nations, which enable the redeployment of RCMP resources to First Nation communities to enhance community policing. Yukon currently has 19 FNIPP officers in the territory.
- In the last few years, the FNIPP has also provided some funding for alternative police services such as Community Safety Officers (CSOs). Those Yukon’s First Nations’ Community Safety Officer (CSO) programs which receive cost-shared funding are funded through this program.
- FNIPP funding is cost-shared between provinces/territories and Canada on a 48/52 percent basis, respectively.

Federal Budget 2021 Investments in the FNIPP

- The 2021 federal budget contained new funding to stabilize and enhance the FNIPP: \$540 million over the subsequent five years, with \$127 million ongoing.
- Public Safety Canada (PSC) engaged with provinces and territories to develop principles and methodology to guide funding allocation of Canada’s new FNIPP investments.
- YG has been successful in securing FNIPP funding for six CTA officers, a Yukon First Nations’ CSO program, and funding to engage with First Nations about FNIPP-related matters.
- Additional funding for CSOs is available as part of a national three-year pilot project and has limited funding over three years. Two Yukon First Nations submitted proposals to access this FNIPP funding.

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First Nations and Inuit Policing Program

Justice

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- Separate from federal Budget 2021 investments, Yukon received two additional FNIPP officers under a dedicated “Northern Expansion” initiative to expand the program to new communities.

Federal Legislation for First Nation Police Services

- In 2020, Canada committed to co-develop, in partnership with First Nations, a legislative framework that recognizes Indigenous policing as an essential service.
- Canada has identified the Assembly of First Nations (AFN) as their official co-development partner for this and is limiting the role of provinces and territories to providing jurisdictional input at federal-provincial-territorial (FPT) meetings.
- As part of FPT meetings, YG provided input into shared FPT principles that Canada will consider through their process with the AFN and continues to participate in conversations related to costing and elements of the legislation.
- In 2022, Canada held engagement sessions with First Nations governments, organizations, and citizens as well as provinces and territories to inform the co-development of its legislation.
- In September 2022, Canada released a What We Heard report, which informed its discussions with the AFN, the First Nations Chiefs of Police Association, and the First Nations Police Governance Council.
- The AFN Yukon Region conducted its own survey related to First Nations policing and justice to inform the development of the legislation and released its findings and recommendations report in 2022.
- Canada and the AFN have met to negotiate the guiding principles; however, they were unable to reach an agreement. In December 2022, the AFN passed a resolution where First Nation police services legislation would be modelled after Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families, which is currently before the Supreme Court of Canada.
- Canada has advised provinces and territories that they have told AFN that they are not taking a rights-based approach to the content of the federal legislation. It is unclear what impact this will have on co-development discussions between Canada and AFN.

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First Nations and Inuit Policing Program

Justice

- Canada intends to table its legislation in winter 2023-24 and remains committed to working with Indigenous partners and finding a way forward with the AFN.

The Yukon's Community Tripartite Agreements (CTAs)

- YG currently has 11 signed CTAs with Yukon First Nations, which fund 19 FNIPP officers throughout the territory. Three First Nations do not currently have CTAs: Teslin Tlingit Council, Kluane First Nation, and Ta'an Kwäch'än Council.
- Under a CTA, First Nation signatories and their local RCMP detachment are meant to formalize both parties' expectations, desired working relationships, and community policing priorities through co-developed Letters of Expectation.
- Letters of Expectation give partnered First Nations greater input and participation on how their communities are served and policed by the RCMP. Eight of the 11 Yukon CTAs have a signed Letter of Expectation.
- Between 2020 and 2023, YG has made \$5,000 in annual funding available to each Yukon First Nation with a CTA to support work toward identifying the community's policing interests and facilitating the drafting, review and monitoring of Letters of Expectation.
- As of 2023-24, Canada has committed annual Community Consultative Group Boards advisory funding to First Nations for this purpose, i.e., to support a formal mechanism for communities and the RCMP to regularly engage and collaborate on policing needs and priorities.

Approved by:



Deputy Minister, Justice

2023-10-03

Date approved

Session Briefing Note

Fall 2023

Gladue Report Writing

Justice

Recommended response:

- Gladue reports provide the courts with important background on Indigenous offenders to inform fit sentences. The information may include the effects of residential school, systemic discrimination, and economic and social disadvantage.
- The Government of Yukon, along with the federal government, continues to support Gladue Report writing to meet the needs of Indigenous offenders and the courts through the Access to Justice Funding Agreement.
- The program is administered by the Council of Yukon First Nations and is carried out by trained Yukon First Nation Gladue writers.

Additional response:

- A joint management committee provides oversight to the Gladue Report Writing Project.
- This committee is comprised of the Council of Yukon First Nations, the Public Prosecution Service of Canada, Kwanlin Dün First Nation, the Yukon Legal Services Society, and the Government of Yukon.

Context:

- There is \$175,000 in the 2023-24 budget to support Gladue Report writing.
- The Government of Canada has committed to ongoing funding for the Gladue Report Writing Project through the Access to Justice Funding Agreement – the umbrella agreement for Legal Aid, Yukon Public Legal Education Association, and Indigenous Court Workers.

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Fall 2023

Gladue Report Writing

Justice

Background:

- The Council of Yukon First Nation has reported for the first quarter of 2023-24 that they have received 15 applications. Thirteen were accepted and 7 have been completed to date.
- In 2022-23, a total of 102 reports were completed.
- Indigenous adults are overrepresented in admissions to provincial and territorial correctional centres and have been for a long time. In 2013–14, Indigenous adults accounted for nearly one quarter (24 per cent) of admissions, while representing only three per cent of the Canadian adult population.
- In the 1999 decision in *R. v Gladue*, the Supreme Court of Canada referred to their overrepresentation as “the tip of the iceberg.”
- In the Yukon, between 2016 and 2019, First Nations citizens represented 66.5 to 68.4 per cent of admissions to the Whitehorse Correctional Centre.
- In 2022–23, 133 of the 188 admissions to the Whitehorse Correctional Centre were for individuals who self-identified as First Nations (71 per cent).
- Yukon First Nations make up about 23 per cent of the Yukon's overall population, and they are significantly overrepresented in the criminal justice system.
- The high rate of incarceration for Indigenous peoples has been linked to systemic discrimination and attitudes based on racial or cultural prejudice, as well as economic and social disadvantage, substance use and intergenerational loss, violence and trauma.
- In 2015, CYFN, the Law Society of Yukon and the Public Prosecution Service of Canada (PPSC) approached the Government of Yukon with a report and recommendations to establish a formal report writing service.
- These recommendations were put to the Government of Yukon and received approval in early 2018.
- Under the leadership of CYFN and the Gladue Management Committee, the program has developed and now receives ongoing federal funding.
- The program has seen a roster of Yukon First Nations Gladue writers trained to provide the court with Gladue reports as requested.

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Gladue Report Writing

Justice

- Annual Gladue Report Writer training sessions have been held, and a Gladue Report Writer mentoring program has been developed.
- A report template has been developed and serves as a guide for Gladue reports.
- Initially, there was a prerequisite that clients had to be Yukon First Nations. The prerequisite was changed in November 2018 to allow for all Indigenous applicants (First Nation, Inuit and Métis).
- CYFN is proactively engaging with others, including Victim Services and Yukon Community Corrections, to improve collaboration and services for Yukon First Nations citizens.
- Gladue reports support Indigenous accused (adults and youth), the judiciary and justice personnel in applying the sentencing principles set out in section 718.2 (e) of the *Criminal Code of Canada* and section 38 (2)(d) of the *Youth Criminal Justice Act*.
- Both statutes indicate that a court that imposes a sentence on an Indigenous offender shall also take into consideration the following principles:
 - all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Indigenous offenders;
 - the unique systemic or background factors that may have played a part in bringing the particular Indigenous offender before the courts; and
 - the types of sentencing procedures and sanctions that may be appropriate in the circumstances of the offender because of their Indigenous heritage or connection.

Approved by:



Deputy Minister, Justice

2023-09-14

Date approved

Session Briefing Note**Fall 2023****Government of Canada's Indigenous Justice Strategy**

Justice

Recommended response

- The Government of Yukon is committed to working with Justice Canada, provinces and territories, and Indigenous partners on the development of the federal Indigenous Justice Strategy.
- This strategy is intended to address systemic racism and the overrepresentation of Indigenous peoples in the justice system.
- We have a shared responsibility to take steps to address the overrepresentation of Indigenous people in the criminal justice system and collaborative work is necessary to make meaningful progress.

Additional response:

- The overrepresentation of Indigenous people in the Yukon's justice system is driven by complex factors, including systemic racism.
- Some of these factors are common across Canada, and some are manifested quite differently in the unique context of the North.

Context:

- The Council of Yukon First Nations has been awarded funding from the Government of Canada (Canada) to lead an engagement process in the Yukon to provide input into the strategy.
- The Indigenous Justice Strategy is one of several national justice-related initiatives being discussed among federal, provincial, territorial, and Indigenous governments.
- Many reports, inquiries, and commissions in recent decades have called for action to address the longstanding overrepresentation of Indigenous people in the justice system. Recent examples include the Truth and Reconciliation Commission's Calls to Action and Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

Session Briefing Note

Fall 2023

Government of Canada's Indigenous Justice Strategy

Justice

Background:

- In January 2021, the federal Minister of Justice, with support from other federal departments, was mandated to develop an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous people in the Canadian justice system.
- The federal Indigenous Justice Strategy is being developed in consultation and cooperation with Indigenous, provincial, and territorial partners.
- Beginning in the summer of 2021, Justice Canada held pre-engagement discussions with the National Indigenous Organizations to develop a vision, scope, key priorities, and an engagement approach.
- Canada learned that the issues currently important to Indigenous people include:
 - developing more restorative justice processes;
 - addressing enforcement of Indigenous by-laws and laws;
 - increased and better supported opportunities for diversion; and
 - revitalizing Indigenous legal systems and support for communities to reclaim jurisdiction over the administration of justice.
- Based on this information, federal engagement is focused on two broad themes:
 - supporting Indigenous justice systems; and
 - reforming the criminal justice system to reduce systemic discrimination and the overrepresentation of Indigenous people.
- There are two streams of engagement processes: those directed by Indigenous organizations and those directed by Justice Canada.
- Justice Canada has provided funding for 38 Indigenous-led engagement processes. The Council of Yukon First Nations and the Inuvialuit Regional Corporation have received funding to lead engagement.
- Kūwiingu-Néewul Engagement Services (KES) has been contracted to lead Justice Canada's engagement processes on the Indigenous Justice Strategy. This includes regional and distinctions-based (First Nation, Inuit, Métis) dialogue sessions with Indigenous partners, stakeholders, justice practitioners, provincial and territorial representatives, and other federal government departments.

Session Briefing Note

Fall 2023

Government of Canada's Indigenous Justice Strategy

Justice

- Canada is coordinating input from provinces and territories on the Indigenous Justice Strategy through the FPT Aboriginal Justice Working Group. The Department of Justice represents the Government of Yukon (YG) on this FPT working group.
- In terms of next steps, Justice Canada anticipates that by fall 2023-spring 2024:
 - a draft Indigenous Justice Strategy will be developed for distribution to interested communities for additional comment; and
 - an Advisory Council will be established comprised of representatives of interested communities to provide further input on the strategy.
- Justice Canada is also hosting a series of in-person regional meetings across Canada between September and December 2023. The goal is to gather a group of about 30 people, including Indigenous community partners and other officials from justice, social services, health and other sectors, to have more in-depth inter-sectoral collaboration on the Indigenous Justice Strategy in that jurisdiction.
- Justice Canada expects to release the Indigenous Justice Strategy once the Indigenous-led and Justice Canada-led engagements are concluded in 2024.

Approved by:



Deputy Minister, Justice

November 23, 2023

Date approved

Session Briefing Note

Fall 2023

Land-Based Healing

Justice

Recommended response:

- Yukon First Nations have expressed that land-based healing is an important approach and practice with respect to many Yukon First Nations' visions for both health and justice.
- Support for First Nations-led land-based healing is a priority for our government. We are committed to working collaboratively with our Indigenous partners towards the development of long-term arrangements that are sustainable and meet the needs of First Nations communities.
- The new Substance Use Health Emergency Strategy commits the Government of Yukon to support land-based healing models that include culturally-appropriate, Indigenous-led treatment options.

Additional response:

- We are committed to engaging in trilateral discussions with the Government of Canada and those Yukon First Nations who have an interest in determining how best to support long-term arrangements for land-based healing models that are open and transparent.

Context:

- The Government of Yukon (YG) does not have a standardized definition/terminology for what is meant by land-based healing, nor the scope of matters that may fall under First Nations' land-based healing interests.
- Funding provided to date to Yukon First Nations has been ad-hoc in nature and for a range of initiatives related to land-based healing.
- Currently, land-based programming funded by YG is primarily supported through the Department of Health and Social Services.

Session Briefing Note

Land-Based Healing

Fall 2023

Justice

Background:

Government of Yukon funding support for land-based healing

- YG has supported land-based healing facilities and programs in the territory since the 2000s.
- Since 2009, support and funding for land-based healing and programming has focused on Kwanlin Dün First Nation's Jackson Lake Healing Camp.
- Many Yukon First Nations have requested support for developing and implementing their own unique models of land-based healing programming and/or facilities.

Government of Yukon commitments to support land-based healing

- Commitments to support Yukon First Nation interests in land-based healing, treatment, cultural programming, and/or facilities are included in the following:
 - 2023 mandate letter for Health and Social Services;
 - the 2023 Confidence and Supply Agreement;
 - YG's Putting People First report;
 - YG's MMIWG2S+ Strategy: Changing the Story to Upholding Dignity and Justice; and
 - the Substance Use Health Emergency Strategy.
- Administration of Justice Agreement negotiations with the Government of Canada and Yukon First Nations with Self-Government Agreements may include land-based healing as a subject of negotiation.

Examples of not-for-profit, land-based healing initiatives in the Yukon

Other land-based healing initiatives in the Yukon include the following.

- The Shāwthän Näzhì project was launched in fall 2020 as a land-based pilot program focusing on intergenerational trauma. It has now been established as a non-profit society in partnership with the Council of Yukon First Nations and the goal is to broaden programming and train up to 30 mental wellness staff.
- In February 2022, Shāwthän Näzhì: Recovery Support Program was awarded \$500K over three years through the Arctic Inspiration Prize to provide intensive and ongoing aftercare support following attendance at treatment programs.

Session Briefing Note**Fall 2023****Land-Based Healing**Justice

- Another Yukon project that received an Arctic Inspiration Prize was in the youth category. The N'tsaÜw Chu' Kedts'edán Kù Traditional Camp was also awarded \$100K to build a traditional camp on the Porter Creek Secondary School campus.

Approved by:

Deputy Minister, Justice

2023-08-30

Date approved

Yukon's Missing and Murdered Indigenous Women, Girls and Two-Spirit+ People Strategy

WGED, JUS

Recommended response:

- The Government of Yukon is committed to taking action to address the crisis of missing and murdered Indigenous women, girls, and Two- spirit+ people. We continue to approach this work in the spirit of decolonization and in partnership with Yukon First Nations and Indigenous women's organizations.
- We are now reviewing the Yukon Advisory Committee's Implementation Plan that was released on June 6, 2023, to determine current work underway, remaining gaps, and where Yukon government can lead or support implementation.
- The Government of Yukon appreciates the work of the Yukon Advisory Committee and acknowledges the dedication and commitment in producing the Changing the Story to Upholding Dignity and Justice Strategy, Priority Action Items Document and Implementation Plan. We look forward to working with our partners to explore the objectives of the Implementation Plan.

Additional response:

- The Yukon Advisory Committee released the Implementation Plan to accompany Yukon's MMIWG2S+ Strategy and hosted a Technical Forum to introduce partners, contributors and signatories to the Plan in June 2023.
- Like the Yukon's MMIWG2S+ Strategy, the Implementation Plan is a whole of Yukon plan and covers a 15-year period, from 2023-38.
- The Government of Yukon looks forward to hosting a second Accountability Forum from October 16 to 18, 2023 and bringing together families and survivors with partners and contributors.

Yukon's Missing and Murdered Indigenous Women, Girls and Two-Spirit+ People Strategy

WGED, JUS

Context—this may be an issue because:

- The National Action Plan on MMIWG was released June 3, 2021. National media coverage and stakeholders have focused on the need for urgent action.
- The Government of Yukon, along with federal, municipal, and First Nation government leaders, committed to take action for the implementation of *Changing the Story to Upholding Dignity and Justice: Yukon's MMIWG2S+ Strategy* in December 2020. An associated implementation plan was released in June 2023.
- While there is alignment between some of the priorities of the National Action Plan to End Gender Based Violence: Yukon Implementation Plan and Yukon's MMIWG2S+ Strategy, there is no dedicated Yukon government fund to support the MMIWG2S+ Strategy.
- As a Yukon-wide strategy, a multi-partner approach and commitment to implementation as well as dedicated financial resources will be needed.

Background:

- The Yukon Advisory Committee on MMIWG2S+ was created in 2015 and includes representatives of the Government of Yukon (YG), Yukon First Nations governments, all three Indigenous women's organizations, 2SLGBTQIA+ Yukoners, and an elder.
- The Yukon Advisory Committee on MMIWG2S+ worked closely with Yukon First Nations, Yukon Indigenous women's groups, and family representatives to finalize *Changing the Story to Upholding Dignity and Justice: Yukon's MMIWG2S+ Strategy*, which was released on December 10, 2020, in ceremony at the Kwanlin Dün Cultural Centre.
- YG's MMIWG2S+ Strategy outlines 31 actions under four pathways to guide action in response to *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*:
 - Strengthening Connections and Supports;

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TAB 02, 86

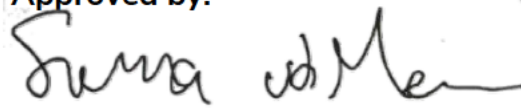
Fall 2023

Yukon's Missing and Murdered Indigenous Women, Girls and Two-Spirit+ People Strategy

WGED, JUS

- Community Safety and Justice;
 - Economic Independence and Education; and
 - Community Action and Accountability.
- Input from Yukon First Nations on the first draft of the Implementation Framework was sought through the Yukon Forum, Council of Yukon First Nations Health Commission, Justice Commission, and First Nations Education Commission.
 - The Yukon Advisory Committee completed and released the Implementation Plan on June 6, 2023. A technical meeting of partners and contributors was also held on June 7, 2023, at the Haa Shagóon Hídi in Carcross.
 - YG will host a second Accountability Forum for families on October 15 to 17, 2023, bringing together families and survivors with partners and contributors.
 - A third day has been added to the 2023 Accountability Forum, with a focus on family and survivors, allowing more time to hear and appreciate their stories. There will also be emphasis on learning from best practices. To incorporate this important feedback the Government increased the 2022-23 budget for the Accountability Forum to \$217,000, an increase of \$67,000.
 - The Women and Gender Equity Directorate co-chairs the ADM Committee on Truth and Reconciliation with Aboriginal Relations, which, among other items, is mandated to provide leadership and coordination to YG's contribution to the implementation of the MMIWG2S+ Strategy.

Approved by:



Deputy Minister, WGED

October 4, 2023

Date approved



Deputy Minister, Justice

October 5, 2023

Date approved

Session Briefing Note

International Human Rights

Fall 2023

Justice

Recommended response:

- The Government of Yukon participates on the Pan-Canadian Continuing Committee of Officials on Human Rights and the Senior Committee of Officials on Human Rights.
- Our government is reviewing legislation, policy and practices as they relate to Canada's potential accession to two additional human rights instruments:
 - the United Nations International Convention for the Protection of All Persons from Enforced Disappearance; and
 - the Organization of American States Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women.

Additional response:

- We are also considering the Government of Canada's support for the United Nations Declaration on the Rights of Indigenous People, and what that might mean for the unique Land Claims context in the Yukon and fit with our own work towards reconciliation.

Context—this may be an issue because:

- A meeting of the Federal-Provincial-Territorial (FPT) Ministers Responsible for Human Rights took place in June 2023.
- The Senior Officials Committee on Human Rights (SOCHR) began implementing its engagement strategy and protocol in 2020.
- Federal officials within the Continuing Committee of Officials on Human Rights (CCOHR) meet periodically with Canadian human rights commissions, civil society organizations and National Indigenous Organizations.

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International Human Rights

Fall 2023

Justice

Background:

- Reporting on international human rights is coordinated through the FPT CCOHR.
- The following seven conventions have a reporting cycle of three or four years:
 - Convention on the Rights of Persons with Disabilities;
 - International Covenant on Economic, Social and Cultural Rights;
 - Convention on the Rights of the Child;
 - International Covenant on Civil and Political Rights;
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - Convention on the Elimination of All Forms of Discrimination Against Women; and
 - International Convention on the Elimination of All Forms of Racial Discrimination.
- When the United Nations committee responsible for the convention has reviewed Canada's reports, they issue "Concluding Observations," which offer both commendations and recommendations. This committee also reports on progress in implementing previous recommendations.
- In August 2018, the Government of Yukon provided formal support for Canada's accession to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD); however, the process for accession to this Protocol is currently on hold.
- At the 2023 FPT meetings of the Ministers Responsible for Human Rights, Ministers reaffirmed their 2017 commitment to strengthen intergovernmental collaboration to implement Canada's international human rights obligations and increase public dialogue on human rights by:
 - continuing the Forum of Ministers on Human Rights, which will meet every two years in order to share information, discuss matters related to Canada's international human rights obligations and give direction to the SOCHR and the CCOHR on the fulfillment of Canada's human rights obligations;
 - endorsing the protocol for follow-up to recommendations from international human rights bodies and the engagement strategy on Canada's International Human Rights Reporting Process; and

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International Human Rights

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Justice

- enhancing public knowledge and awareness and facilitating information sharing among FPTs, through appropriate mechanisms.
- Notably, there is also the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which speaks to the individual and collective rights of Indigenous Peoples, taking into account their specific cultural, language, identity, religion, health, education, economic and social circumstances.
- UNDRIP was fully endorsed by Canada in 2016.

Approved by:

Deputy Minister, Justice

2023-09-14

Date approved

Session Briefing Note

Systemic Racism and Justice

Fall 2023

Justice

Recommended response:

- The Government of Yukon recognizes that systemic racism is a reality for Indigenous and racialized peoples in Yukon and supports efforts to dismantle systemic racism within the structures of government, including in the justice system.
- Our government has a responsibility to protect and promote the human rights of the Yukon's increasingly diverse landscape of communities and cultures.
- Dismantling systemic racism requires collective, ongoing commitment, education, and action from our government and all our partners.

Additional response:

- Inequality in education and healthcare outcomes, income distribution, and overrepresentation in the criminal justice system are indicators that systemic barriers and structural racism continue to exist in the Yukon.
- The Government of Yukon commends the Government of Canada for its commitment to combat all forms of racism through the implementation of Building a Foundation for Change: Canada's Anti-Racism Strategy and other national initiatives.

Context:

- On March 21, 2023, all parties in the Yukon Legislative Assembly recognized the International Day for the Elimination of Racial Discrimination and acknowledged the existence and impacts of systemic racism in the Yukon.
- In June 2023, the full implementation plan for Yukon's Missing and Murdered Indigenous Women, Girls, and Two-spirit+ (MMIWG2S+) People Strategy was released by the Yukon Advisory Committee. This strategy explicitly seeks to address systemic racism and has many implications for the Government of Yukon's approach to justice-related matters.

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Systemic Racism and Justice

Fall 2023

Justice

Background:

- Racism is a belief that race is a fundamental determinant of traits and capacities and that racial differences result in an inherent superiority of a particular race.
- “Systemic racism” is about rules, practices or systems that perpetuate unequal access to resources, opportunities, and power along racial lines, with or without the presence of racist attitudes among the people enforcing those rules, practices, and systems.
- Systemic racism is the operationalization of racism when it is embedded into a system and is perpetuated by policies and prevalent socialized behaviours that negatively impact racially marginalized peoples.
- Justice-related systemic racism issues in Canada include the overrepresentation of Black and Indigenous individuals in the criminal justice and carceral system; the under- and over-policing of Indigenous and racialized communities; and other matters related to access to the administration of justice.
- In the 2021 Census, Yukon’s population identified as Indigenous and as a visible minority at 22.3 and 12.8 per cent, respectively. The Yukon’s Indigenous population remains higher than the national average. The visible minority population remains lower than the national average, although it is a fast-growing demographic in the territory.

Departmental efforts to address systemic racism

- The Government of Yukon does not currently have a whole-of-government anti-racism approach to address systemic racism and structural barriers.
- The Department of Justice is supporting or leading multiple initiatives to improve the relationship between the justice system and Indigenous and racialized Yukoners, including:
 - Support for the Gladue Report writing service, administered by the Council of Yukon First Nations, to provide a mechanism for the courts to consider the unique effects of residential schools; systemic racism; economic and social disadvantage; and intergenerational loss, violence, and trauma on Indigenous peoples (see Tab #83);

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Systemic Racism and Justice

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- Ongoing negotiation of Administration and Justice Agreements with Yukon First Nations governments to support the exercise of First Nation authority and jurisdiction over administration of justice matters (see Tab #80);
 - Establishment of the Integrated Restorative Justice Unit pilot project to improve the Yukon government's restorative justice service delivery, increase engagement with First Nations governments and better support community-designed and community-led restorative justice initiatives (see Tab #62);
 - Support of community-led justice initiatives that provide culturally-relevant programs and services; and
 - Partnerships with the Family Information Liaison Unit and Yukon Aboriginal Women's Council to provide support for family members of MMIWG2S+ people.
- Other Yukon government initiatives such as Breaking Trail Together target aspects of the larger issue of systemic racism in the Yukon by aiming to achieve a representative number of Indigenous individuals employed by the public service.

Government of Canada efforts to address systemic racism

- Through *Building a Foundation for Change: Canada's Anti-Racism Strategy 2019-2022*, the Government of Canada (Canada) established the Federal Anti-Racism Secretariat and sought to take immediate steps to nationally combat racism and discrimination.
- The Secretariat leads and supports anti-racism initiatives in the federal government and develops further areas for action through engagement with communities, Indigenous peoples, stakeholders, and provincial / territorial partners, including impacts of policies, programs, and laws.
- The Secretariat planned to release a national anti-racism action plan in late 2022 and proposed creating an Anti-Racism Ministers Action Table; both are still pending.

Approved by:



Deputy Minister, Justice

2023-08-30

Date approved

**United Nations Declaration on the
Rights of Indigenous Peoples**

Executive Council
Office / Justice

Recommended response:

- The ongoing process of reconciliation remains a key priority of the government. We are guided in that work by *Together Today for Our Children Tomorrow*, the Truth and Reconciliation Calls to Action, and the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples.
- Our approach to reconciliation is characterized by the implementation of modern treaties with Yukon First Nations, the Tetlit Gwich'in and the Inuvialuit; the negotiation of enduring agreements with non-Treaty First Nations; the advancement of joint priorities at the Yukon Forum; and collaboration with Indigenous governments on key pieces of legislation including the *Child and Family Services Act* and the new mining legislation currently being developed.
- We are undertaking a thorough review of the United Nations Declaration to identify how it might further advance reconciliation.

Additional Response:

- The Declaration recognizes the important role of treaties in strengthening relationships between the federal, territorial, and Indigenous governments and the need to take into account the unique context of each jurisdiction. In the Yukon, this means we must look at the Declaration in light of our modern treaties.
- Our government intends to build on the good work already underway and draw from the Declaration and other sources to support and strengthen reconciliation efforts in the Yukon.
- An invitation was extended to the leaders of Yukon First Nations to begin discussions on the Declaration and its potential application in the Yukon.

United Nations Declaration on the Rights of Indigenous Peoples

Executive Council
Office / Justice

- The Yukon government continues to monitor the Government of Canada's efforts to implement its *United Nations Declaration on the Rights of Indigenous Peoples Act* and the associated Action Plan, recognizing that each province and territory has its own approach to reconciliation and the Declaration.

Context—this may be an issue because:

- Questions about the Yukon government's (YG) intentions with respect to the implementation of the Declaration in Yukon have arisen in various contexts, including at the Yukon Forum and in discussions with some Yukon First Nations and the Inuvialuit.
- The governments of Canada, British Columbia and the Northwest Territories have affirmed in legislation that the *United Nations Declaration on the Rights of Indigenous Peoples* (the "Declaration") applies to their laws. These actions have raised expectations that other jurisdictions will adopt similar legislation.
- In October 2022, an Opposition MLA tabled a private member's bill to amend the Yukon Oil and Gas Act to require the consent of non-Treaty Yukon First Nations before project approval. The MLA cited the Declaration as rationale for the bill.

Background:

- The Declaration, adopted by the UN General Assembly in 2007 and fully endorsed by Canada in 2016, speaks to the individual and collective rights of Indigenous Peoples, taking into account their specific cultural, language, identity, religion, health, education, economic and social circumstances.
- The Declaration is an international set of standards that emphasizes Indigenous Peoples' right to live in dignity, to maintain and strengthen Indigenous institutions, cultures and traditions, and to pursue self-determined development in keeping with Indigenous needs and aspirations. It is supported by 151 countries.
- The Declaration was designed as a guiding document rather than a specific legal instrument and may not be directly compatible with or easily implemented in Canadian or Yukon law.

The Government of Canada and the Declaration

- In 2016, Canada committed to developing legislation to implement the Declaration. In

United Nations Declaration on the Rights of Indigenous Peoples

Executive Council
Office / Justice

April 2021, the First Nation of Na-Cho Nyäk Dun and Champagne and Aishihik First Nations made submissions to the committee hearings on the federal bill requesting that the federal legislation be made to apply to the Yukon.

- On June 21, 2021, the federal *United Nations Declaration on the Rights of Indigenous Peoples Act* (the Act) came into force. It requires Canada to take all measures necessary to ensure that “the laws of Canada” are consistent with the Declaration.
- The Action Plan required under the Act to achieve the objectives of the Declaration was developed in consultation with Indigenous Peoples and finalized in June 2023.
- It is unclear how implementation of the federal Act and Action Plan may affect the Yukon. Potential implications include a shift in Canada’s approach to treaty implementation and/or the amendment of federal laws relating to the Yukon such as the Yukon Act, the Yukon *Environmental and Socio-economic Assessment Act*, the Yukon *First Nations Land Claims Settlement Act* and the Yukon *First Nations Self-Government Act*.

The Yukon Context and YG’s Commitments Related to the Declaration

- The Yukon Legislative Assembly passed a motion in 2014 supporting Canada’s endorsement of the Declaration (when Canada’s support was still qualified).
- In September 2021, the Deputy Minister’s Review Committee established an Assistant Deputy Ministers’ Committee on Truth and Reconciliation to consider YG’s approach to the Declaration. That Committee has been working with departments to prepare for potential future engagement on the Declaration with Yukon and transboundary First Nations and the Inuvialuit.
- In March 2023, YG sought consent from Yukon First Nation Chiefs to initiate a discussion on the Declaration with the Premier and the Leader of the NDP. The Chiefs asked for the Leader of the NDP to approach them separately and deferred on consenting to a discussion.
- YG has not committed to implement the Declaration but has made commitments related to the Truth and Reconciliation Commission’s *Calls to Action* and *Changing the Story to Upholding Dignity and Justice: Yukon’s Missing and Murdered Indigenous Women, Girls and Two-spirit+ People Strategy*, both of which reference the Declaration.
- Strategic Priority 1 of the Yukon *Mineral Development Strategy and Recommendations* is to establish a modern mineral resource management regime that aligns with treaties,

United Nations Declaration on the Rights of Indigenous Peoples

Executive Council
Office / Justice

Canada's Constitution Act, court-guided agreements, recommendations of the Truth and Reconciliation Commission, and the principles of reconciliation in the Declaration.

The Government of Northwest Territories and the Declaration

- On October 5, 2023, the Legislative Assembly of the Northwest Territories passed the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*. The Act, developed in partnership with Indigenous governments and organizations, formalizes the mechanisms to be used by the GNWT to ensure that future legislation and policies are consistent with the Declaration.
- The leaders of the GNWT and Indigenous governments and organizations have also signed a Memorandum of Understanding which commits the parties to work collaboratively and cooperatively to prepare and implement an action plan to achieve the objectives of the Declaration.

Approved by:


Deputy Minister, Executive Council Office

Oct. 11. 2023
Date


Deputy Minister, Department of Justice

Oct 11, 2023
Date

Acting

Session Briefing Note

Registration of First Nations Settlement Land

100
Fall 2023

Justice

Recommended response:

- The Government of Yukon is committed to supporting First Nations governments who have an interest in using the Land Titles Office to register their Category A and Category B Settlement Land without affecting Aboriginal rights and title.
- The option to bring Settlement Land under the *Land Titles Act, 2015* and to use the Land Titles Office to register interests in Settlement Land remains at the discretion of a First Nations government.

Additional response:

- Amendments have been completed to the Self-Government Agreements of Kwanlin Dün First Nation, Kluane First Nation, Champagne and Aishihik First Nations, Carcross/Tagish First Nation and effective June 2023, Ta'an Kwäch'än Council, in order to facilitate this.
- These First Nations can now register Settlement Land through the Land Titles Office without affecting Aboriginal rights and title.

Context:

- Other Yukon First Nations governments may request amendments to their Self-Government Agreements to enable Settlement Land to be registered in accordance with the *Land Titles Act, 2015*.

Background:

- The *Land Titles Act, 2015* came into effect in June 2016.
- That Act enables eligible Yukon First Nations governments to bring their Settlement Land under the jurisdiction of the Act.

Session Briefing Note

Registration of First Nations Settlement Land

100
Fall 2023
Justice

- This allows interested First Nations governments to raise certificates of title to land in the Land Titles Office (LTO), and to use the structures of the LTO to register interests in their Settlement Land.
- Kwanlin Dün First Nation (KDFN) registered its first parcel of Category A Settlement Land in the LTO on September 28, 2018.
- Between November 2018 and March 2020, the Government of Yukon (YG) participated in a Land Titles Registry Working Group with Kluane First Nation (KFN), Champagne and Aishihik First Nations (CAFN), Carcross/Tagish First Nation (C/TFN) and Ta'an Kwäch'än Council (TKC).
- That work resulted in amendments to the *Land Titles Act, 2015*, the *Settlement Lands Regulation* and the Self-Government Agreements of KFN, CAFN and C/TFN.
- In fall 2022, TKC indicated its interest and passed a resolution to amend its Self-Government Agreement to allow Settlement Land to be registered in the LTO.
- YG (in May 2023) and the Government of Canada (in June 2023) approved amendments to the TKC's Self-Government Agreement.
- The amendments to the KFN, CAFN, C/TFN and TKC Self-Government Agreements largely mirror the amending provisions of the KDFN Self-Government Agreement in 2017.
- However, the amendments require that YG consult with KFN, CAFN, C/TFN and TKC before: (1) amending the *Land Titles Act, 2015*; or (2) enacting any law of general application that may have an impact on rights or interests in Settlement Land registered in the LTO.

Approved by:



Deputy Minister, Justice

2023-09-18

Date approved

Yukon Land Titles Registry – Land Titles Modernization Project

Fall 2023

Justice

Recommended response:

- Commenced in 2012, the Yukon Land Titles Modernization Project has improved business processes, policies and legislation.
- The project continues to improve the quality of service so that it meets national standards, while maintaining the Land Titles Office's current high level of accuracy and certainty in title.
- The current focus is to complete active title conversion and digitization to improve the effectiveness of our services.

Additional response:

- The first two phases of the project are complete. So far, the project has:
 - decreased the average time for registration and processing of documents from nine weeks to five to seven business days;
 - developed a process and prescribed forms to enable Yukon First Nations governments to register Category A or Category B Settlement Land in the Land Titles Office;
 - completed the conversion of 100 per cent of active titles from paper form to electronic data and compiled title history for 65 per cent of active titles;
 - opened the customer portal to the public to do online searches, effective December 1, 2021; and
 - operationalized all registration functions required by the *Land Titles Act* and *Condominium Act*.
- The next phase of the project is awaiting some scoping work and research, including to ensure appropriate tools to manage risks of fraud for online submissions.

Yukon Land Titles Registry – Land Titles Modernization Project

Fall 2023

Justice

Context:

- The Land Titles Modernization Project has had a very active Stakeholder Advisory Committee, which favours the advancement of this project.

Background:

- The project has been guided by a Stakeholder Advisory Committee comprised of representatives from the Whitehorse Chamber of Commerce, the Real Property Bar, the Association of Canada Lands Surveyors, the Surveyor General of Canada – Yukon Branch, the Association of Yukon Communities, several Government of Yukon departments, First Nations governments and many other members.
- After a negotiated Request for Proposals, a 20-year Master Services Agreement was awarded to Information Services Corporation (ISC) in 2017.
- The Yukon Land Titles Registry system is now operational. Land Titles Office staff enter data into the system from paper forms submitted by customers.
- Public access to online searches has been available since December 1, 2021.

Approved by:



Deputy Minister, Justice

2023-09-18

Date approved

Session Briefing Note

Fall 2023

Funding for Legal Aid

Justice

Recommended response:

- We recognize the importance of predictable funding to ensure the continued operational stability and accessibility of this vital service for low-income Yukoners to increase access to justice.
- Funding for the Yukon Legal Services Society provides a stable core budget for its regular operations.
- The budget for 2023-24 has allocated \$3,288,000 in core funding, which includes \$550,784 in time-limited funding to support a new legal aid clinic.

Additional response:

- The Government of Yukon recognizes the critical importance of services provided by the Society to Yukoners and remains committed to ensuring the Society has sufficient resources to discharge its mandate.

Context:

- The amount of legal aid funding contributed by the Government of Yukon is a topic of continued public interest.

Background:

- 2022-23 Total core funding for legal aid was \$2,788,000.
- **2023-24** Total core funding for the Yukon Legal Services Society is **\$3,288,000**.
 - the Government of Yukon will pay 51 per cent of the core funding, or \$1,671,535.
 - the Government of Canada's contribution is 49 per cent, or \$1,616,465.
 - Canada has allocated \$550,784 of their 2023-24 core-funding contribution for the Society to support the new legal aid clinic.
 - Additional funding from the Government of Yukon in 2023-24 will include up to \$150,000 to cover conflict cases, as well as \$35,000 for Community Wellness Court proceedings.

Session Briefing Note

Fall 2023

Funding for Legal Aid

Justice

- Pursuant to the new five-year Access to Justice Agreement with Canada, the federal contributions to core funding will decrease annually, as shown below:

2022-23	2023-24	2024-25	2025-26	2026-27
\$1,356,163	\$ 1,616,465	\$1,050,591	\$1,036,252	\$1,020,412

- The Yukon Legal Services Society provides legal aid services in the Yukon under the authority of the *Legal Services Society Act*. A board of directors appointed by the Minister of Justice governs the Society.
- The Act allows the Society to provide eligible Yukoners with legal services in certain types of criminal, civil and family court proceedings.
- The Society also provides poverty law services, such as advice and representation regarding the Canada Pension Plan, Employment Insurance, or Income Assistance.
- The Yukon Legal Services Society has four Whitehorse-based clinics and a total staff of 19: 11 lawyers, seven support staff, and an executive director.
- When staff lawyers are unable to provide client representation due to legal conflicts of interest, private lawyers are retained at a set rate to control costs.
- When these costs exceed core budget allocations, the Department of Justice provides additional funding up to an annually agreed-upon cap of \$150,000, pursuant to the Conflict Case Agreement.

Approved by:



Deputy Minister, Justice

2023-08-30

Date approved

Session Briefing Note

Fall 2023

Outside Counsel Costs – Government-Wide

Justice

Recommended response:

- All legal services to the Government of Yukon are provided through the Department of Justice by an in-house legal team, which contracts with outside counsel as needed.
- The actual expenditures for outside counsel for the 2022–23 fiscal year totalled \$1,177,731.46.

Additional response:

- Legislative drafting and other matters requiring specialized legal expertise not available within the Department of Justice contribute to outside counsel costs, as do legal matters outside of the Yukon.
- By department, contract commitments for outside counsel for the 2023–24 fiscal year are \$1,671,736.91 and are as follows:
 - Energy, Mines and Resources: \$341,933.12
 - Health and Social Services: \$338,983.25
 - Justice: \$323,311.30
 - Economic Development: \$197,457.09
 - Highways and Public Works: \$188,041.92
 - Executive Council Office: \$92,275.00
 - Public Service Commission: \$85,000.00
 - Community Services: \$45,177.50
 - Education: \$40,733.50
 - Yukon Housing Corporation: \$11,780.00
 - Environment: \$4,420.00
 - Tourism and Culture: \$2,624.23
- Total projected contract commitments each fiscal year are generally higher than actual costs. The actual expenditures as of July 31, 2023, are: \$254,682.09.

Session Briefing Note

Fall 2023

Outside Counsel Costs – Government-Wide

Justice

Context:

- The amount the Government of Yukon spends on hiring outside counsel is a subject of public interest.

Background:

- “Outside counsel” refers to private bar lawyers hired on contract by the Department of Justice to provide legal services for the Government of Yukon, often in consultation with a client department from which the costs are recovered. All outside counsel contracts are set up through the Legal Services Branch.
- Typical reasons for retaining outside counsel include:
 - the situation is urgent and the requirements to deal with the matter or case exceed available resources within Legal Services;
 - the matter is so large or important that Legal Services would not be able to provide these services while continuing to meet the needs of other clients;
 - the work requires expertise unavailable within Legal Services;
 - the use of a Legal Services lawyer may cause a conflict of interest;
 - using outside counsel is more cost effective than using Legal Services;
 - representation of the Government of Yukon is needed in a legal action started and conducted outside Yukon; or
 - special circumstances exist that require a particular lawyer or law firm.

Approved by:

Deputy Minister, Justice

2023-08-31

Date approved

Housing Issues

Yukon Housing Corporation

Recommended response:

- There are challenges the Yukon's housing continuum, including:
 - a lack of affordable rental supply;
 - high house prices and mortgage rates; and
 - homelessness and a lack of access to housing with services.
- Exceptionally high building costs and rising interest rates are creating significant challenges for new housing projects, for both Yukon Housing Corporation and its partners.
- We continue working hard to move projects forward - through collaboration and strong partnerships - to provide relevant solutions to Yukoners' housing needs.

Additional response:

- Our government is seeking to increase housing options across the continuum and to make housing more affordable for Yukoners. (See [Tab #0](#))
- We continue to work to increase housing and land supply and to provide rental subsidies and support programs for homeowners to offer more affordable options for Yukoners.
- Following the 2022 Office of the Auditor General's (OAG) report, the Corporation and Department of Health and Social Services continue to progress implementing the OAG's recommendations. ([Tab #09](#))

Context:

- On a square footage basis, contractors' bids for YHC projects have more than doubled in the last two years alone.
- The rental vacancy rate in the Yukon for all building types is currently 2.2 per cent (YBS Spring Rental Survey).
- The Banks 5-year average mortgage interest rate increased from 4.75 per cent in February 2022 to 6.24 per cent in May 2023 (Weekly Updates).

Housing Issues

Yukon Housing Corporation

Background:

- In 2022-23, the Yukon Housing Corporation lapsed 34 per cent of its revised capital budget.
 - This was largely due to cancellation and scaling back of projects being supported through the corporation's loans and grants programs.
- New housing projects led by YHC's partners – including the Safe at Home Society and the Vimy Heritage Housing Society – continue to face delays.
- The 5th and Rogers RFP received only a single application. It is currently under review.

Approved by:



Colin McDowell
A/ President, Yukon Housing Corporation

September 8, 2023

Date approved

ENV #21 / EMR #36

Fall 2023

Session Briefing Note Our Clean Future Implementation

Environment and Energy,
Mines and Resources

Recommended response:

- Our Clean Future is the Government of Yukon's path to address the climate emergency.
- The strategy is continually being strengthened year after year as we assess our progress, review new research, consider the input of others and identify new and innovative solutions.
- We have committed to an ambitious target of reducing our emissions by 45 per cent below 2010 levels by 2030.
- We have also committed to ensuring the Yukon is highly resilient to the impacts of climate change by 2030, because we know the North will face climate impacts.

Additional response:

- It is important to look back on our progress to date and remain diligent in implementation when it comes to addressing climate change.
- We have legislated greenhouse gas emissions targets and associated reporting through the Clean Energy Act. (See EMR BN #31 / ENV #23)
- We launched the five-year Sustainable Canadian Agricultural Partnership this year which will enhance the agriculture sector's resiliency and adaptation to climate change. (See EMR BN # 20)
- In collaboration with Yukon's public utilities, we exceeded our target to install seven megawatts of renewable electricity capacity through the Micro-Generation program by 2030. (See EMR BN #37)
- We launched the Better Buildings program to offer affordable financing for energy retrofits on Yukoners' homes and buildings.

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Fall 2023

Session Briefing Note Our Clean Future Implementation

Environment and Energy,
Mines and Resources

- We established a geohazard mapping program to understand risks from climate change to the Yukon's transportation corridors.
- We advanced emergency preparedness by progressing on Community Wildfire Protection Plans for Dawson City, Mayo, Watson Lake, Beaver Creek, the Town of Faro and the Kluane Lake Region.
- We have begun work on developing flood maps for all flood-prone Yukon communities. Flood maps for the Southern Lakes, Carmacks, and Teslin [are anticipated to be released in 2024](#). The next communities for flood hazard mapping will be Old Crow, Ross River and Dawson/Klondike, with work occurring in 2024-25.
- We completed the installation of a biomass heating system at Elijah Smith Elementary School in May 2023.

Third response:

- Although we have made progress on many of our commitments, there is still significant work required to meet our 45 per cent greenhouse gas emissions target reduction by 2030.
- We are working with industry to establish a mining emissions intensity target for quartz and placer mining operations.
- We will continue to build on Our Clean Future as we learn more and implement new actions. This will be reflected in future annual reports.
- [Our 2022 Annual Report will be released in late 2023. We look forward to highlighting the good work that has been done in 2022.](#)
- [As this is an adaptative management strategy which involves 14 departments and agencies, it has taken some time to ensure that the report is strategically focused on helping us reach our targets.](#)

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Fall 2023

Session Briefing Note Our Clean Future Implementation

Environment and Energy,
Mines and Resources

- As a government, we continue to collaborate on implementation of actions.
- We will continue to work with experts, stakeholders and partner governments across the territory and beyond, to identify opportunities to accelerate and intensify our efforts to reach our ambitious targets.
- We established the Yukon Climate Leadership Council to provide advice and perspectives to support us in meeting our greenhouse gas emissions targets. We are working to integrate the work of the Council directly into Our Clean Future and continue to implement existing actions that align with their recommendations.
- With the end of the second Yukon Youth Panel on Climate Change in 2022, we are exploring how to continue mentorship opportunities on climate change for the important voice of youth.

Context — this may be an issue because:

- Climate change is of high interest to Yukoners; they will want to know the government's progress in delivering on Our Clean Future commitments.

Background:

- Our Clean Future was released on September 14, 2020.
- Our Clean Future contains 136 actions to reduce greenhouse gas emissions and support the Yukon to be highly resilient to the impacts of climate change by 2030.
- The Our Clean Future 2020 Annual Report was publicly released on August 12, 2021. The 2021 Annual Report was publicly released on September 12, 2022.

ENV #21 / EMR #36

Fall 2023

Session Briefing Note Our Clean Future Implementation

Environment and Energy,
Mines and Resources

Approved by:



Deputy Minister
Department of Environment

2023-11-14

Date approved



Deputy Minister
Department of Energy, Mines and Resources

November 14, 2023

Date approved

Session Briefing Note

Inflation and Affordability (Corporate Note)

Recommended:

- All Yukon households continue to see their budgets stretched by higher prices, with lower-income households often feeling the worst effects.
- At the same time, our government continues to track inflation and its impact on Yukoners, so that we can take steps to ease the burden, as we have been doing for the last year.
- The Government of Yukon continues to work hard to make life more affordable for Yukoners and has announced an extension of the temporary \$150 Inflation Relief Rebate to reduce the impacts that inflation continues to have on Yukoners.
- All non-government residential and commercial electricity customers will see a \$50 credit on their bills starting in November 2023 and running through December 2023 and January 2024.
- Several other measures included in the 2023-24 Budget are helping to make life more affordable for Yukoners.
 - o funding for food in Yukon schools;
 - o the timber harvesting incentive and a support program for commercial fuelwood harvesters and retailers to boost the fuelwood supply;
 - o a quarterly top-up of \$150 to eligible recipients of the Yukon Senior Income Supplement;

Session Briefing Note

Inflation and Affordability (Corporate Note)

- o a \$100 monthly increase to eligible Social Assistance recipients;
 - o increasing the Yukon Child Benefit to \$867 per child and tying the benefit amount in future years to the rate of inflation; and
 - o a 10 per cent increase to monthly payments to caregivers with children in out of home care.
- The Government of Yukon has also made significant and ongoing financial investments in Early Learning and Child Care. The new Universal Child Care Program has reduced fees to less than \$10 per day on average.

Additional response:

- This government first established a strong record of making life more affordable for Yukoners with almost \$10 million-worth of inflation relief made available in last year's budget.
- This included more funding for Food Network Yukon, a 10 per cent top up to the Pioneer Utility Grant and rebates on the purchase of firewood.
- Yukoners are also receiving inflation relief from the federal government. This includes the accelerated Canada Workers' Benefit, the elimination of interest on student loans, a doubling of the GST tax credit, dental care and the Canada Housing Benefit for renters.

Session Briefing Note

Inflation and Affordability

(Corporate Note)

Context—this may be an issue because:

- Inflation has fallen from many decade highs but remains elevated in Canada and in the Yukon.
- Energy prices remain elevated, and higher costs for food and shelter have become prominent drivers of overall inflation in recent months. These are all areas where higher prices are more obvious to consumers.
- Housing affordability has been a concern in the Yukon for several years.
- [While remaining above historic norms, inflation of 3.8 per cent in September matched the national figure and was the lowest year-over-year increase in the Whitehorse Consumer Price Index \(CPI\) since January 2022 \(3.7 per cent\).](#)

Background:

Key government initiatives addressing inflation in the Yukon

- Our energy programs are successfully encouraging Yukon residents and local businesses to reduce their energy use, save money and choose low carbon options to live and move.
- A significant portion of the Government of Yukon's Five-Year Capital Plan is allocated to housing and land development in order to continue to help address the supply side of the housing equation.
- Yukon Housing Corporation is investing across all parts of the housing continuum, including increase to supportive housing, subsidized Community Housing, and rental subsidy programs.
- This builds on previous programs to improve affordability for Yukoners under previous budgets.
- Last year, the Government of Yukon announced almost \$10 million in new inflation relief measures targeted at vulnerable groups.

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Inflation and Affordability

(Corporate Note)

- The inflation relief rebate covered seven months at a total cost to Government of \$7.6 million. The inflation relief rebate automatically applied a \$50 credit to all residential and commercial ATCO Electric Yukon and Yukon Energy electricity bills.
- Yukoners on social assistance received a one-time payment of \$150.
- Seniors were supported by a 10 per cent top up in the Pioneer Utility grant and a one-time payment of \$150 to recipients of the Yukon Seniors Income Supplement.
- Yukoners who heat their homes with wood are eligible for a \$50 rebate per cord of fuel wood purchased from April 1, 2022 to March 31, 2023. Yukon also introduced the Timber Harvesting Incentive that gives commercial timber harvesters \$10 per cubic metre.
- The pilot program that gave an extra \$500 per month to Extended Family Caregiver agreement caregivers and foster caregivers was extended by 6 months to March 31, 2023.
- In June 2022, the Yukon government extended the Tourism Accommodation Sector Supplement and Tourism Non-Accommodation Sector Supplement programs, administered through Economic Development.

Yukoners are also supported by Federal Government affordability programs:

- Accelerated Canada Workers Benefit payments and new minimum entitlement started in July 2023 (\$4 billion over six years, starting in 2022-23).
- All Canada Student Loans and Canada Apprentice Loans became permanently interest-free starting in April 2023 (\$2.7 billion over five years and \$556.3 million ongoing).
- GST Tax Credit: The GST tax credit has doubled for six months in the current benefit year. Additional payment will be provided in one lump sum, before the end of the benefit year. Targeted to individuals and families with low incomes

Session Briefing Note

Inflation and Affordability (Corporate Note)

(below \$39,826, and gradually phased out above that level). Single Canadians without children will receive up to an extra \$234, and couples with two children will receive up to an extra \$467 this year. Seniors will receive an extra \$225 on average.

Government initiatives which are indexed to inflation:

- Higher inflation impacts various government of Yukon programs through indexation, (indexation is updated each April unless otherwise noted), including:
 - o Tobacco Tax is updated each January
 - o Comprehensive Municipal Grant Regulation (with a one-year lag).
 - o The minimum wage.
 - o Subsidies for medical travel.
 - o Pioneer Utility grant.
 - o Residential rent caps.
 - o Seniors benefits (updated each October)
 - o Social Assistance Payments (updated each November)
 - o Student Financial Assistance (updated each school year)

Inflation outlook

- Following record annual inflation for Whitehorse of 6.8 per cent in 2022, the same increase seen nationally, monthly inflation has remained elevated in 2023. [September's inflation of 3.8 per cent was the lowest since January 2022 and matched the national increase. Prior to September, Whitehorse inflation had exceeded the Canadian figure for fourteen consecutive months.](#)

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Inflation and Affordability (Corporate Note)

- Early in the recovery from the COVID-19 pandemic, some price pressures were slower to materialize in the Yukon than in other parts of the country, as inflation for Whitehorse was amongst the lowest in Canada in the first half of 2022.
- Robust price growth in the CPI components of food, shelter and recreation, education and reading material have been key drivers of overall inflation in 2023. Stronger growth in these three components in the Whitehorse CPI, account for much of the difference between the overall levels of inflation for Whitehorse and Canada in recent months.
- The Bank of Canada continues to be aggressive in trying to get inflation under control. With a 0.25 percentage point increase in July, the Bank has raised the target for its overnight rate 4.75 percentage points since January 2022. At 5.0 per cent, the overnight rate is at its highest level since early 2001.
- Most forecasters still expect inflation in Canada will move towards historic norms over the next couple of years as the effect of higher interest rates move through the economy. Canadian inflation is expected to decline from near 7 per cent in 2022, to 3.5-4.0 per cent in 2023. Inflation in 2024 is expected to return to within the Bank of Canada's target range of 1-3 per cent.
- While inflation in Whitehorse has been stronger in recent months, it generally follows the national trend. Current expectations are for inflation to come in at 5.5 per cent in 2023, before falling to 2.5 per cent in 2024.

Carbon Taxes and Grocery Prices

- The effect of the carbon tax on CPI has contributed to inflation, but only modestly and mostly through the direct effect on fuel prices.
- According to the Bank of Canada, the direct effect of carbon tax is adding 0.15 percentage points to inflation this year.

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Inflation and Affordability (Corporate Note)

- An economist at the University of Calgary¹, estimates that accounting for indirect effects brings this impact to 0.2 percentage points.
- For food in particular, the entire \$65 per tonne carbon tax increases monthly spending on groceries by at most \$20 per month, and likely closer to \$5 per month after accounting for emissions allowances provided by the federal Output Based Allocation system.²
- Overall, food price increases appear to be predominantly driven by other factors as prices have increased across North America independent of the implementation of a carbon tax.
- In the US, with no carbon tax system in place, food prices have increased by 26 per cent since the carbon tax came into effect in Canada in January 2018. In Canada the increase has been a similar 28 per cent.
- Whitehorse recorded an 18 per cent increase in food prices since January 2018 while Urban Alaska reported a 28 per cent increase.

INFLATION RELIEF ACROSS GOVERNMENT

Programs currently in place:

Tourism and Culture:

Community Tourism Destination Development Fund

- In October 2022, the Department of Tourism and Culture announced the creation of the Community Tourism Destination Development Fund, which is slated to run for an initial 3-year term.
- The new annual funding program is available to local businesses, First Nations governments, First Nation Development entities, municipalities and not-for-profit

¹ Trevor Tombe

² Energy and Environmental Policy Trends: Indirect Carbon Tax Costs Reduced By Policy Design, Kent Fellows and Trevor Tombe, University of Calgary

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Inflation and Affordability

(Corporate Note)

organizations for projects that will improve tourism-related services and infrastructure.

- Projects can focus on infrastructure like accommodations, attractions, activities and amenities, and special consideration will be given to umbrella projects, where multiple organizations are working together.

Creative and Cultural Industries

- In November 2021, the Department of Tourism and Culture released Creative Potential; Advancing the Yukon's Creative and Cultural Industries, a 10-year strategy to support the growth and development of the creative and cultural industries in the Yukon.
- The CCIS identified 4 strategic objectives and 22 key actions, which reflect input gathered through extensive public and sector engagement.
- We also identified 10 actions in support of pandemic recovery to be completed over 3 years as Phase 1 implementation, which includes:
 - Modernizing existing funding;
 - Offering new funding streams;
 - Industry branding and promotion;
 - Marketing and export strategies;
 - Workshops; and
 - Labour market supports.
- In 2023-24, 3 new funding programs will provide \$450,000 annually to the creative and cultural sectors, including:
 - Express Micro-grant;
 - Indigenous Artists and Cultural Carriers Micro-grant; and
 - Creative and Cultural Career Advancement Fund.

Session Briefing Note

Inflation and Affordability

(Corporate Note)

Additional Funding Programs

- Tourism and Culture also provides annual supports to the tourism and culture sectors through Transfer Payment Agreements (TPAs) with many NGOs across the Yukon and through a number of regular funding programs, including:
 - Advanced Artist Award;
 - Arts Fund;
 - Arts Operating Funds;
 - Cultural Industries Training Funds;
 - Culture Quest;
 - New Canadian Events Fund;
 - Touring Artist Fund;
 - Historic Properties Assistance Program;
 - Historic Resources Fund;
 - Museums Contribution Program;
 - Special Projects Capital Assistance Program (SPCAP); and
 - Tourism Cooperative Marketing Fund;

Yukon Development Corporation:

Inflation Relief Rebate

- The Inflation Relief Rebate (IRR) provides \$50 per month to all non-government residential and commercial electricity customers to help ease the impacts of rising inflation.
- The IRR was subsequently extended for March, April, and May 2023. The budget in 2023-24 is comprised of:

Session Briefing Note

Inflation and Affordability

(Corporate Note)

- \$2,056,000 for program costs in April and May 2023 (costs for March 2023 are included in the 2022-23 Supplementary Estimates #2).
- \$3,246,000 for a further 3 additional months. We will continue to monitor inflation and costs of living, and we anticipate this will show on electricity bills next winter when electricity bills are typically higher.

Economic Development:

Paid sick leave program

- On April 1, 2023, Economic Development launched the Paid Sick Leave Rebate. The program will run for two 12-month blocks:
 - April 1, 2023 to March 31, 2024; and
 - April 1, 2024 to March 31, 2025
- The Paid Sick Leave Rebate is a temporary program that offers up to 40 hours of paid sick leave to employees and self-employed Yukoners that earn less than the average private-sector wage of \$33.94/hour. The program is available to employees regardless of whether their employer offers paid sick leave.

Energy, Mines and Resources:

Energy retrofits and funding to improve efficiency and offset costs

- Our energy programs are successfully encouraging Yukon residents and local businesses to reduce their energy use, save money and choose low carbon options to live and move.
- Energy efficiency programs are available for the transportation sector, renewable heating sector, and the construction sector focusing on high efficiency buildings.
- For existing homes, the Energy Branch offers the Good Energy rebate program for high performance heating systems and upgrades to thermal enclosures including insulation and windows, and high performance new homes. Taking these measures will save homeowners money on their energy costs.

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Inflation and Affordability

(Corporate Note)

- For commercial and institutional buildings, the Energy Branch offers rebates for greenhouse gas-reducing retrofits and renewable heating.
- Between January 1, 2018, and June 30, 2023, 176 high-performance retrofits to residential, commercial and institutional buildings have been completed across the territory.
- Innovative programs like the Better Buildings Program, combined with our Good Energy rebates, make energy retrofits more accessible and affordable for Yukoners.
- For First Nation and municipal buildings, the Energy Branch offers retrofit and funding support through its Community Institutional Energy Efficiency Program.
- To help increase the supply of firewood, we distributed \$315,000 to 33 Yukon businesses under the Timber Harvest Incentive program in 2022-23. We are offering this program for another year as it increased timber harvest volumes and prompted new harvesting businesses to emerge. No new applications have been received yet for this year, but we did not anticipate to see them until the fall when the businesses start operating again.
- The Government of Yukon and the Canadian Northern Economic Development Agency combined financial contributions to launch a new \$200,000 support program offering funding for commercial harvesters and retailers.
- The program will help forest sector businesses with the cost of purchases and repairs from local suppliers for harvest equipment, vehicles and trailers, personal protective equipment, and other equipment. For larger harvesting businesses, the funds can also be used for things like planning and administrative costs.
- Applicants have until March 31, 2024, to apply or until available funds are exhausted.

Session Briefing Note **Inflation and Affordability** **(Corporate Note)** ---

Yukon Housing Corporation:

Projects under the Five-Year Capital Plan which support housing affordability and those in need include:

- The 47-unit housing complex at 401 Jeckell Street in Whitehorse opened in January 2023. The building provides new homes to Yukoners, including 5 three-bedroom, 12 two-bedroom, 16 one-bedroom and 14 bachelor units.
- A Yukon Housing Corporation Housing Initiatives Fund recipient, Right On Property Group, has completed Boreal Commons, a new 87-unit rental development in Whitehorse's Whistle Bend neighbourhood. This large-scale housing project will help address the need for more rental housing in the Yukon, including for more affordable and accessible units.
- Normandy Living, the Yukon's first private seniors' supportive living community, has officially opened its doors in Whitehorse with 84 modern suites, including housing units for First Nations Elders and affordable units for low-income seniors.
- Triplex housing units in Watson Lake, Mayo and Whitehorse were completed in spring 2022 and are providing affordable homes to families in each of these communities.
- A 10-Plex Mixed-Use Housing complex in Old Crow is under construction.
- Construction of a 10-Plex Housing First Project in Watson Lake started in the summer 2023 and is expected to be completed by fall 2024;
- Two accessible duplexes in Mayo and Carmacks were completed this summer and are now available for YHC clients.

Other highlights from the plan

- More homes will be created for Yukon families in rural communities through the construction of three duplexes in Dawson City and Faro. These homes are on track for completion in summer 2024.

Session Briefing Note

Inflation and Affordability

(Corporate Note)

Health and Social Services:

- A 37.5 per cent top-up to eligible Yukon Senior Income Supplement recipients' monthly payment;
- a \$100 monthly increase to eligible Social Assistance recipients; and
- a 10 per cent increase to monthly payments to caregivers of children in out of home care.

Covid-19 and other temporary inflation relief measures no longer in place:

Tourism and Culture:

COVID-19 Business Relief Programs

- In response to the COVID-19 pandemic, the Government of Yukon acted quickly and decisively by implementing one of the most robust business relief programs in the country. This began with the Yukon Business Relief Program (YBRP) in 2020, which was open to any business from any sector that experienced at least a 30 per cent revenue loss due to the pandemic.
- In that same year, Tourism and Culture (T&C) also launched the Tourism Relief and Recovery Plan (TRRP), which was reviewed and endorsed by the Yukon Tourism Advisory Board (YTAB) and industry.
- The Tourism Relief and Recovery Plan committed \$15 million over 3 years to support the tourism sector and was focused on 4 key themes:
 - Providing tourism sector leadership;
 - Rebuilding confidence and capabilities for tourism;
 - Supporting the recovery of tourism industry operators; and
 - Refining the brand and inspiring travelers to visit.
- Through the TRRP, various financial support programs were rolled out during the course of the pandemic to sustain the tourism industry and prepare it for the eventual reopening of borders, including:

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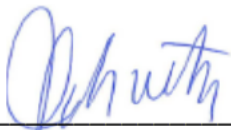
Inflation and Affordability (Corporate Note)

- Tourism Accommodation Sector Supplement (TASS);
- Tourism Non-Accommodation Sector Supplement (TNASS);
- Culture and Tourism Non-profit Sector Supplement;
- Great Yukon Summer (GYS) program;
- Great Yukon Summer Freeze program;
- ELEVATE program; and
- A top-up to the Tourism Cooperative Marketing Fund (TCMF).

Health and Social Services:

- a one-time \$150 payment to social assistance recipients;
- a one-time payment of \$150 to Yukon Seniors Income Supplement recipients;
- a one-time 10 per cent additional payment to Pioneer Utility Grant recipients;
- a 6-month extension of \$500 per month to caregivers of children in out of home care; and
- a commitment of \$100,000 to Yukon Anti-Poverty Coalition to continue to support food security across the territory.

Approved by:



Deputy Minister, Finance

October 26, 2023

Approved

Truth and Reconciliation Commission – Update on Calls to Action

Executive Council
Office

Recommended response:

- Reconciliation is an ongoing process and a shared responsibility of all governments and individuals in our society.
- Our government is deeply committed to advancing reconciliation through collaboration and partnership with Indigenous governments.
- While there is still more work to do, our efforts are resulting in meaningful change and creating better programs and services for all Yukoners.
- In honour of the National Day for Truth and Reconciliation this year, we shared our progress toward addressing the Truth and Reconciliation Commission's Calls to Action through the release of the Pathways magazine and an accompanying report.
- The magazine and report provide an update on our actions being taken across the Yukon government and in close collaboration with First Nations governments and organizations in areas including child welfare, health, education and justice.

Additional response:

- The Government of Yukon and Yukon First Nations governments are leaders in demonstrating a collaborative approach to reconciliation.
- We will continue our collaborative work to implement and report on the Calls to Action, including through work on Yukon Forum joint priorities and by implementing the *Putting People First* recommendations.

Context—this may be an issue because:

- The 2023 mandate letters include a commitment to fulfill the Truth and Reconciliation Commission's (TRC) Calls to Action.
- CASA 2023 contains a commitment to work with First Nations to continue to implement the TRC recommendations through targeted investment.

**Truth and Reconciliation Commission
– Update on Calls to Action**Executive Council
Office

- It is expected that the media and opposition will be interested in the fall 2023 public update, which will be the first comprehensive public update since 2016.

Background:

- The TRC report, *Honouring the Truth, Reconciling for the Future*, was released in June 2015. It contains 94 Calls to Action focused on redressing the harms resulting from Residential Schools and creating better relations between the federal, provincial and territorial governments and Indigenous Peoples. Thirty-two of the Calls to Action relate directly to YG.
- YG and Yukon First Nations (YFNs) have collaborated on addressing the Calls to Action under the 2017 Yukon Forum Joint Priority Action Plan and through other reconciliation initiatives, such as supporting the important work of the YFN-led Yukon Residential Schools and Missing Children Project.
- YG has taken additional steps to address the Calls to Action, including:
 - establishing the position of Assistant Deputy Minister of First Nations Initiatives at the Department of Education, signing an agreement to establish a YFN School Board, and entering into education agreements with all YFNs (speaks to Calls 7 and 10 directed to the federal government);
 - supporting Indigenous athletes and the North American Indigenous Games (Call 88);
 - implementing the YFN Procurement Policy (relates to Call 92) and the Representative Public Service Plan: *Breaking Trail Together* (relates to Call 7);
 - working with YFNs and Yukon Indigenous women's groups to implement the Yukon's *Missing and Murdered Indigenous Women, Girls and 2-Spirit+ People Strategy* (MMIWG2S+ Strategy) (relates to Call 41);
 - participating at the Trilateral Table on the Wellbeing of YFN Children and Families to address gaps for culturally appropriate parenting programs (Call 5); and

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- receiving input from YFNs on Health and Social Services programming through the Mental Health Advisory Committee (relates to Call 19).

Approved by:



Deputy Minister, Executive Council Office

October 10, 2023

Date

Session Briefing Note (Corporate)**Fall 2023****2023-24 Supplementary Estimates #1**

Finance

Key Information

Recommended response:

- The 2023-24 Supplementary Estimates No. 1 forecasts an overall gross increase of \$132.7 million in O&M spending, with an offsetting increase of \$26.8 million in recoveries. The net increase in new O&M spending is forecast at \$105.9 million.
- Revenues are expected to increase by \$18.7 million, mainly to reflect an increase of \$2 million to the Canada Health Transfer and \$15 million for federal funding for Affordable Housing in the North.
- A large portion of the increase in O&M is for the new collective agreement between the Government of Yukon and Yukon Employee's Union. This new collective agreement was ratified in June and accounts for a \$36.9 million increase in O&M.
- The Supplementary Estimates also respond to several new or unanticipated challenges requiring funding. Some of these items include:
 - \$25.0 million for environmental care and maintenance work at the Minto Mine following the cessation of operations at the site in May, which will ensure that our environment remains protected;
 - \$19.6 million for wildland firefighting costs in response to the significant fire season experienced in the territory and which helped ensure the safety of Yukoners;
 - \$14.9 million in response to operational funding pressures at the Yukon Hospital Corporation to ensure that Yukoners have access to the health care services and supports they need;

Session Briefing Note (Corporate)**2023-24 Supplementary Estimates #1****Key Information**

- \$9.8 million in response to cost pressures for Insured Health to support the wellbeing of Yukoners; and
- \$1.9 million to support the Substance Use Health Emergency Strategy, and \$1.4 million for initiatives to support reconciliation with Yukon First Nations governments.
- The Supplementary Estimates also include a \$21.4 million capital allocation to support the development of a marine services platform in Skagway, which will create positive opportunities for Yukon's mining industry and its broader economy. We have identified offsetting adjustments based on timelines, loan program uptake, and the progress of various capital projects to accommodate this new project without any gross changes to capital spending.
- The Yukon government has maintained its surplus by making use of its contingency fund, included as part of Budget 2023-24. This \$50 million contingency fund helped shelter the government's fiscal position and allowed us to respond to emerging challenges throughout the year. The use of the contingency fund has allowed the government to present a revised surplus of \$3.6 million as part of these Supplementary Estimates.

Additional response:

- Changes in the Supplementary Estimates result in a revised year-end net debt of \$423.8 million.

Session Briefing Note (Corporate)**Fall 2023****2023-24 Supplementary Estimates #1**

Finance

Key Information

- The use of the contingency fund will cover the following emergency cost pressures:
 - \$25 million for unplanned maintenance costs at the Minto mine;
 - \$19.6 million for increased wildland firefighting activity.
 - \$2.3 million for other emergency response measures, like the Village of Mayo evacuation in response to the Talbot Creek fire;
 - and \$1.9 million for Substance Use Emergency response.
-

Context—this may be an issue because:

- The 2023-24 Second Appropriation Act is tabled in the fall session and will be the subject of debate.
-

Background:

- Supplementary Estimates are used annually by a government to account for spending that is unforeseen at the time of tabling the annual Budget. It is common to have one or two spending updates throughout the fiscal year.
- They are tabled during the fall and spring sessions, debated and voted on in the legislature and provide departments with increased spending authority for O&M and Capital for the current fiscal year.

Approved by:

Deputy Minister, Finance

September 29, 2023

[Date approved]