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Session Briefing Note**Our Clean Future Annual Report**Environment
Energy, Mines and Resources

Recommended response:

- We continue to make significant progress in the implementation of *Our Clean Future*.
- In September 2022, we released our second annual report. It outlines the progress we made in taking action on climate change in 2021.
 - Notably, in 2021, the Yukon Climate Risk Assessment was released and we saw a 12% decrease in our emissions when compared to 2020.
- Through this report we introduced five new actions and revised 13 existing actions to better meet our goals.
- *Our Clean Future* is an adaptive strategy, which means that we assess and adjust the actions we are taking year-over-year to stay on track to meet our long-term goals.
- We will continue to track and report our progress annually.

Additional response:

- Over the past year, we have advanced several key actions, such as:
 - Legislated greenhouse gas emissions reduction targets and associated reporting through the *Clean Energy Act*;
 - Received and analyzed the recommendations from the Yukon Climate Leadership Council ([Ref ENV #24 / EMR #34](#));
 - Established a standard method for determining the health of wetland ecosystems, and tracking baseline conditions to understand future changes;
 - Established a geohazard mapping program to understand risks to the Yukon's transportation corridors; and,
 - Enacted the single-use paper bag ban on January 1, 2023.

Session Briefing Note

Our Clean Future Annual Report

Environment
Energy, Mines and Resources

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 will continue to build on *Our Clean Future* as we learn more about climate change and introduce more actions. This will be reflected in future annual reports.
- We will also continue to work with experts, stakeholders and partner governments across the territory and beyond, to identify opportunities for new actions and to accelerate and intensify existing actions to reach our ambitious target.

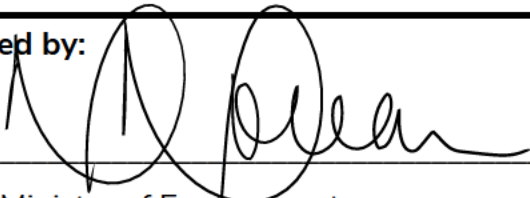
Context — this may be an issue because:

- 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 in September 2020 and is a 10-year strategy.
- *Our Clean Future* contains 136 actions to reduce greenhouse gas emissions by 2030 and supports the Yukon to be highly resilient to the impacts of climate change.


Approved by:



Deputy Minister of Environment

2023-02-01

Date approved



Deputy Minister of Energy, Mines and Resources

Feb. 1, 2023

Date approved

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Spring 2023

Housing Issues

Yukon Housing Corporation

Recommended response:

- As we are aware, homelessness has far-reaching consequences that impact Yukoners. The substance use health emergency and the COVID-19 pandemic have only intensified these issues.
- Meanwhile, rental options are too few and often too expensive. Vacancy rates in the rental market have dropped to 0.8% - the lowest in years –a reality that influences the Yukon Housing growing waitlist.
- Down payment costs remain out of reach for many Yukoners, and homeownership may be less affordable as interest rates rise.
- Across government, we are working with stakeholders to develop new land parcels, increase housing stock, and rapidly increase housing supply while also responding to the findings of the 2022 Office of the Auditor General Report on Housing.

Additional response:

- We continue to enhance our Community Housing stock to support a full housing continuum - 47 new affordable units at 401 Jeckell, 10 units of affordable and supportive housing for seniors through Normandy Living and three new triplexes in Watson Lake, Mayo and Whitehorse demonstrate how we are responding to the 2022 Office of the Auditor General of Canada recommendations on housing.
- Partnership with Da Daghay Development Corporation for the construction of 98 new units is one of numerous housing examples that further support vulnerable Yukoners.
- Through our new approach to housing YG employees in communities, we aim to decrease the housing cost disparities in communities, further incentivize private sector investment in housing, and prioritize

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Housing Issues

Yukon Housing Corporation

allocations of the government's existing staff housing units to meet critical needs for community well-being.

- Finally, as part of the response to the 2022 Office of the Auditor General of Canada recommendations on housing, we have expanded capital incentive programs to include land development for residential housing, while also enhancing our Community Housing stock.
-

Context—this may be an issue because:

- Since COVID-19, Yukoners have faced additional housing challenges including increased housing prices and low vacancy rates.
 - The recently declared substance use health emergency in the Yukon and closure of Chilkoot Trail Inn have added strain on the housing crisis.
-

Background:

Recent interest rate hikes

- The Bank of Canada raised interest rates for an eighth time in January, bringing the Bank rate to 4.50%. At the start of 2022, that rate was 0.25 %. Rising debt costs will make it more challenging for homeowners to qualify for a mortgage and will increase monthly debt costs for existing homeowners and developers.

Housing Action Plan and Safe at Home Plan

- The 10-year Housing Action Plan (HAP) for Yukon was launched in 2015 and provides guidance on housing priorities for the territory.
 - A Housing Action Plan Implementation Committee (HAP – IC) made up of key housing stakeholders and partners from across the territory oversees its implementation.
 - The Safe at Home community-based Action Plan to End and Prevent Homelessness (Safe at Home) was launched in November 2017.
 - The Safe at Home plan was developed by the Government of Yukon, the City of Whitehorse, Kwanlin Dün First Nation, the Ta'an Kwäch'än Council and a number of local NGOs.
-

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Housing Issues

Yukon Housing Corporation

- The Safe at Home Society was awarded \$10 million under the Northern Carve-Out of the National Housing Co-Investment Fund, \$5 million in funding under the federal Rapid Housing Initiative 2.0, and \$1.02 million in funding from YHC's Housing Initiatives Fund - for a supportive housing project proposal.

Land Development

- The Government of Yukon continues to support new land development to increase the supply of land available for housing development. This includes:
 - Government-led land initiatives in Whistle bend, as well initiatives to sell the 5th and Rogers site (See TAB #34) and old Macaulay Lodge site (See TAB #37);
 - First Nations land development projects – KDFN's Copper Ridge West (See TAB #35) and Range Point projects;
 - Private Sector land development project initiatives – the Tank Farm (See TAB #40).
- Community Services estimates an additional 1,476 new housing lots will come online by 2026, enough to accommodate 2,713 additional housing units.

New Housing Construction and partnerships with the Private Sector

- Yukon Housing Corporation offers several loans and grants programs (See TAB #4) to incentivize new housing construction – namely, the *Housing Initiative Fund* (See TAB #63), the *Developer Build Loan* (See TAB #59), and the *Municipal Matching Rental Construction Program* (MMRCP).
- These territorial-based programs complement new housing construction incentive programs under the National Housing Strategy, including the *National Housing Co-investment Fund* and the *Rapid Housing Initiative*.
- Finally, we provide subsidies to households living in private market housing through the *Canada Yukon Housing Benefit* (See TAB #57) and the *Rent Supplement* program.

Community Housing and the Most Vulnerable

- Yukon Housing Corporation and its partners continue to implement the new Community Housing Program, which aims to improve better client outcomes and fiscal resiliency (See TAB #58)
- Currently, YHC offers over 700 units through the Community Housing program in which eligible Yukoners pay 25% of their income for rent (rent-geared-to-income), we provide

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Yukon Housing Corporation

support to more than 80 households through our rent supplement program and more than 130 Yukoners through the Canada-Yukon Housing Benefit.

- Starting in early 2023, YHC is introducing a mixed-income and mixed-use tenant's allocation policy to its Whitehorse buildings while providing tenants with appropriate partner supports to help them maintain housing.
- Work continues with the Safe at Home Society with the intent of allocating a percentage of units to individuals on the By-Name List.
- YHC is working to implement the Aging in Place Action Plan, which includes broadening programming to include Senior Supportive Housing Program as an option for seniors who require additional supports.
- Finally, YHC and housing providers have recently completed or are currently making significant capital investments to expand the community housing stock, including:
 - The 401 Jeckell – 47-unit building (See TAB #19);
 - Three new triplexes in Mayo, Watson and Whitehorse (See TAB #21);
 - A new Housing First building in Watson Lake (See TAB #25);
 - A new 10-plex in Old Crow (See TAB #23);
 - Duplexes in Carmacks, Dawson, Faro and Mayo (See TAB #20); and
 - New emergency shelters in Dawson and Whitehorse (See TAB #42).

Major investments in housing include:

- The Canada Yukon Housing Benefit, an eight-year rent subsidy program to support low to moderate income Yukoners renting private market rental housing (See TAB #57).
- \$3.5M for Normandy Living, a private senior's residence with supports (See TAB #38)
- \$21.7M for the design and construction of the 4th and Jeckell, a 47-unit mixed-income housing development in Whitehorse (See TAB #19).
- \$2.4M over 2021-2022 for the construction of three triplexes in Mayo, Watson Lake, and Whitehorse in addition to \$3M in federal funding under the Rapid Housing Initiative - contributing nine units of housing options. (See TAB #21)
- \$400K in 2021-2022 for the design of the Watson Lake Housing First project which will be tendered in the Fall 2023 (See TAB #25).
- Design work to support the housing needs in the communities of Teslin, Carcross and Dawson in 2022-2023.
- \$5.7M annually under the Housing Initiatives Fund (See TAB #63).
- \$2.4M to Yukon through a Northern Housing Fund under the National Housing Strategy.

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Housing Issues

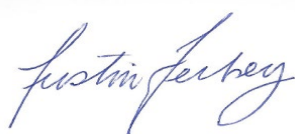
Yukon Housing Corporation

- \$6.9M for First Nation Energy Efficiency Program and \$8.4M for Community Housing retrofits under the Low Carbon Economy Fund (LCEF) provided on a 75% (Canada) - 25% (territory) cost-matching ratio between 2019 and 2024. (See TAB #60 & #61)
- \$4.1M for the construction of a Housing First residence for vulnerable individuals (5th and Wood St.) in Whitehorse
- Continued commitment by Government of Yukon toward the Municipal Matching Rental Construction program for new rental units.

Affordable rental housing incentives (in partnership with the private market):

- Since its inception in 2019, the Housing Initiatives Fund (HIF) intakes have brought on line 361 units and 159 are under construction. (See Tab #63).
 - The sixth intake of the Housing Initiative Fund was launched in November 2022. The deadline to submit an application February 3, 2023.
- The Municipal Matching Rental Construction Grant has supported the construction of over 126 new rental homes throughout the Yukon, ten of which are in progress.
- Since 2020, our homeownership loan program that focuses on providing financial support for the purchase and construction of building projects in rural Yukon, has helped 21 Yukoners to buy or build their first homes. 14 of these projects are completed.

Approved by:



Justin Ferbey
President, Yukon Housing Corporation

January 31, 2023

Date approved

Joint Corporate Note Inflation and affordability

Finance
Executive Council Office

Recommended:

- All Yukon households are seeing their budgets stretched by elevated levels of inflation, with lower-income households often feeling the effects more than others.
- The government continues to assess how inflation is impacting Yukoners and several measures included in the 2023-24 Budget will help make life more affordable for Yukoners.
- In 2023–24, the government is extending the Inflation Relief Rebate Program, which provides a \$50 per month rebate on ATCO Electric and Yukon Energy utility bills for the April and May billing periods, along with an additional three months later in the year.
- Other measures in the 2023-24 Budget to help make life more affordable to Yukoners include funding for food in Yukon schools, the timber harvesting incentive to boost fuelwood supply, a quarterly top-up of \$150 to eligible recipients of the Yukon Senior Income Supplement, and a \$100 monthly increase to eligible Social Assistance recipients.

Additional response:

- This government already 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.

Joint Corporate Note Inflation and affordability

Finance
Executive Council Office

- 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.

Context—this may be an issue because:

- Inflation has increased to decade highs in many countries, including Canada, which is experiencing the highest inflation in almost 40 years.
- Energy prices have been a significant driver and these prices are more obvious to consumers.
- Housing affordability has been a concern in the Yukon for several years.
- [March's rate of inflation in Yukon was the highest in Canada at 5.5 per cent vs 4.3 per cent nationally according to the Whitehorse Consumer Price Index.](#)

Background:

Key government initiatives addressing affordability in Yukon

Highlight of affordability spending in Budget 2023-24

- \$5.3 million to extend the Inflation Relief Rebate. Yukoners will receive a \$50 credit on their power bill in April and May and for an additional three months later in the year.

Joint Corporate Note Inflation and affordability

Finance
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- \$300,000 for the Timber Harvesting Incentive program.
- \$1.5 million to increase monthly social assistance payments by \$100.
- Over \$800,000 to recipients of the Yukon Seniors Income Supplement.
- \$500,000 for food in schools.

This builds on previous programs to protect the affordability of Yukoners including

- Last year, the Government of Yukon announced almost \$10 million in new inflation relief measures targeted at vulnerable groups.
- 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, this program is retroactive to April 1, 2022. Yukon also introduced the Timber Harvesting Incentive that gives commercial timber harvesters \$10 per cubic metre.
- The pilot program giving an extra \$500 per month to Extended Family Caregiver agreement caregivers and foster caregivers was extended to the end of the fiscal year.
- 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

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-
- Accelerated Canada Workers Benefit payments and new minimum entitlement starting in July 2023 (\$4 billion over six years, starting in 2022-23).
 - Making all Canada Student Loans and Canada Apprentice Loans 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 will be doubled for six months in 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 (below \$39,826, and gradually phased out above that level). Single Canadians without children would receive up to an extra \$234 and couples with two children would receive up to an extra \$467 this year. Seniors would receive an extra \$225 on average.

Inflation outlook

- The inflation rate in Whitehorse was 5.5 per cent in March, down from 7.0 in February, but 1.2 percentage points higher than the national inflation rate of 4.3 per cent. Whitehorse's inflation rate was the highest in Canada for fourth consecutive month.
- This ranking is a reversal from earlier in 2022 when Whitehorse had the lowest inflation in Canada. For 2022 as a whole, the relatively lower inflation at the beginning of the year and higher inflation at the end of the year cancelled out, and so, the annual inflation rate in Whitehorse was the same as the national rate: 6.8 per cent.
- It is natural that relatively lower inflation in Whitehorse is eventually followed by relatively higher inflation as prices in Whitehorse follow the national trend over the long term.

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- The Bank of Canada has started to take a more aggressive approach to battling inflation by raising interest rates 4.25 percentage points since March 2022. The Bank's increase of 0.25 percentage point on January 25 brought the overnight rate to 4.5 per cent, the highest rate since early 2008. [This rate was maintained at the April rate announcement.](#)
- The housing market in the Yukon has stayed resilient the face of higher interest rates that have cooled markets in most other parts of Canada. Yukon was the only Canadian jurisdiction that saw residential sales in 2022 increase over 2021
- It wasn't until the fourth quarter until signs of cooling showed in the Yukon data, with average sales prices falling across all housing type. Compared with the end of 2021, prices were down by 1.2 per cent for single-detached, 3.9 per cent for duplexes, 11.4 per cent for condos, and 1.6 per cent for mobile homes.
- Most forecasters expect inflation in Canada will move towards historic norms over the next couple of years as supply chain problems subside and the effect of higher interest rates move through the economy. Canadian inflation is expected to decline from near 7 per cent in 2022, to between 3.5-4.0 per cent in 2023. Inflation in 2024 is expected to return to the midpoint of the Bank of Canada's target range of 1-3 per cent.
- Inflation in Whitehorse follows the national trend and therefore expected to fall to 3.8 per cent in 2023 and to 2.5 per cent in 2024.

INFLATION RELIEF ACROSS GOVERNMENT

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, beginning with the Yukon Business Relief Program (YBRP) in

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2020, which was open to any business from any sector that experienced at least a 30% 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 TRRP committed \$15 million over three years to support the tourism sector and was focused on four 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:
 - 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).

Community Tourism Destination Development Fund

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- In October 2022, the Department of Tourism and Culture announced the creation of the new Community Tourism Destination Development Fund, which is slated to run for an initial three-year term.
- The new annual funding program is available to local businesses, First Nations governments, First Nation Development entities, municipalities and not-for-profit 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 identifies 4 strategic objectives and 22 key actions, which reflect input gathered through extensive public and sector engagement.
- We have identified 10 actions in support of pandemic recovery to be completed over three years as Phase 1 implementation, which includes:
 - Modernizing existing funding;
 - Offering new funding streams;
 - Industry branding and promotion;
 - Marketing and export strategies;
 - Workshops; and

Joint Corporate Note Inflation and affordability

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- Labour market supports.

In 2023-24, three 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.

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

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- Tourism Cooperative Marketing Fund;

Yukon Development Corporation:

Inflation Relief Rebate

- The Inflation Relief Rebate provides \$50 per month to all non-government residential and commercial electricity customers to help ease the impacts of rising inflation.
- The IRR initially covered June, July, and August 2022, and was extended to cover October, November, and December 2022. The budgets for these were included in 2022-23 Supplementary Estimates.
- The IRR was subsequently extended for March, April, and May 2023. The budget in 2023-24 is comprised of:
 - \$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 three 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:

- Economic Development is in the process of developing a temporary paid sick leave program. Program criteria, including eligibility and duration, are currently being developed.

Energy, Mines and Resources:

Energy retrofits and funding to improve efficiency and offset costs

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- 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.
- For commercial and institutional buildings, the Energy Branch offers rebates for greenhouse gas-reducing retrofits and renewable heating.
- For First Nation and municipal buildings, the Energy Branch offers retrofit and funding support through its Community Institutional Energy Efficiency Program.
- There are two current incentives for wood, one for harvesters and one to offset fuelwood costs:
 - In October 2022 we launched the timber harvesting incentive to provide registered Yukon timber harvesting businesses an incentive of \$10 per cubic metre of timber harvested or sold between April 1, 2022 and March 31, 2023. We have paid out \$163,000 to industry so far.
 - In September 2022, we launched a new firewood rebate to offset the increased costs of firewood for home heating. The rebate provides \$50 for each cord of firewood purchased, up to a maximum of 10 cords. As of February 14, 2023 we processed 586 applications, and paid out approximately \$69,850 in rebates for 1,389 cords of firewood.

Yukon Housing Corporation:

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

Joint Corporate Note Inflation and affordability

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- 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;
- The Opportunities Yukon 45-unit Cornerstone Development in Whitehorse opened in summer 2022 and is providing supportive living and accessible housing;
- 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;
- In Old Crow, the 10-Plex Mixed-Use Housing complex is under construction with expected completion in summer 2023; and
- The 10-Plex Housing First Project in Watson Lake is included in the Northern Carve-Out. Construction is anticipated to begin in 2023-24.

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, Mayo, and Carmacks. These homes are on track for completion in summer 2023.
- The demolition of Macaulay Lodge in Whitehorse was completed in October 2022. Planning for the redevelopment of the site to support mixed commercial and residential use is underway.

Health and Social Services:

For 2022-23:

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- 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 six-month extension of \$500 per month to caregivers of children in out of home care; and
- Committed \$100,000 to Yukon Anti-Poverty Coalition to continue to support food security across the territory.

For 2023-24:

- a quarterly top-up of \$150 to eligible Yukon Senior Income Supplement recipients; and
- a \$100 monthly increase to eligible Social Assistance recipients.

Public Service Commission: *(no change from Fall BN)*

Remote work policy in support of employees working in communities

- In fall 2021, the Yukon government introduced a new remote work policy to support employees to continue working remotely in the long term.
- Implementing the new remote work policy is an action in the Our Clean Future strategy, as people are supported to work from home and reduce their emissions by commuting less.
- The new remote work policy also enables employees to work remotely from Yukon communities outside of Whitehorse, in some circumstances.
- The Public Service Commission will strive to support more long-term remote work arrangements throughout the Yukon government where it makes sense, and will track data on long-term arrangements going forward.

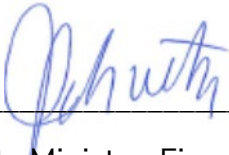
Session Briefing Note

FIN TAB #26
ECO TAB #73
Spring 2023

Joint Corporate Note Inflation and affordability

Finance
Executive Council Office

Approved by:



a/Deputy Minister, Finance

April 24, 2023

Approved

2023 04 21



Deputy Minister, Executive Council Office

Approved

**Truth and Reconciliation Commission
– Update on Calls to Action**

Executive Council
Office

Recommended response:

- Reconciliation is an ongoing process, and the Government of Yukon is continuing our work to respond to the Truth and Reconciliation Commission's Calls to Action.
- We are working collaboratively with First Nations to advance progress in key areas including health and social services, education, justice and heritage, through the Yukon Forum Joint Priority Action Plan.
- We are also working with Yukon First Nations to implement Yukon's *Missing and Murdered Indigenous Women, Girls and 2-Spirit+ People Strategy*, which will further advance reconciliation and address the Calls to Action.

Additional response:

- The Government of Yukon and Yukon First Nations governments are leaders in demonstrating a collaborative approach to reconciliation.
- At the Yukon Forum in November 2022, we discussed the approach to implementing and reporting on the Calls to Action with Yukon First Nations.
- We will continue our collaborative work to implement and report on the Calls to Action, including implementing the *Putting People First* recommendations for health and social services.

Context—this may be an issue because:

- The Yukon government (YG) previously made public its intention to fulfill its commitments to the Truth and Reconciliation Commission's (TRC) Calls to Action.
- The Calls to Action were a topic at the November 29, 2022 Yukon Forum.

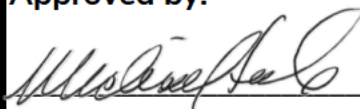
Background:

- 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

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

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) collaborate on addressing the Calls to Action through the Yukon Forum Joint Priority Action Plan.
- YG has taken 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 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
 - 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

February 6, 2023

Date

Session Briefing Note**Spring 2023****Corporate Note – Budget Highlights**

Finance

Embargoed until day of budget tabling

Recommended response:

- In 2023-24, the Yukon continues to demonstrate its robust position nationally with population and economic growth among the strongest in the country.
- Budget 2023-24 delivers spending initiatives aimed at making life more affordable for Yukoners while also including several inflation relief measures to help combat the rising cost of goods.
- This budget continues to invest in the Yukon's health and social system and includes investments in new and expanded health services through the implementation of *Putting People First*. This includes addressing the substance-use health emergency and supporting the mental health of Yukoners.
- It delivers on our commitment to support a green economy with investments outlined in *Our Clean Future*.
- There are also strategic investments in infrastructure, particularly in housing for the most vulnerable. Other investments in housing include funds for land development, investments in housing projects in Dawson City, Watson Lake and Teslin, subsidies and supports for renters and funding for various affordable and community housing projects.
- Like in previous budgets, Budget 2023-24 continues to build relationships and further reconciliation with Yukon First Nations.

Session Briefing Note**Spring 2023****Corporate Note – Budget Highlights**

Finance

Embargoed until day of budget tabling

Additional response:

- The Yukon government is delivering on its commitment to grow a strong and resilient economy while ensuring robust, sustainable fiscal management.
- A surplus of 2.49 per cent of expenditures serves as a prudent fiscal management tool and demonstrates the ability of the government to address unforeseen events without going into a deficit.
- The fiscal summary includes a \$50 million contingency for presently undefined expected expenditures in 2023-24. This will not affect the Yukon's forecast fiscal position and allows the government to remain transparent about potential pressures.

Context—this may be an issue because:

- The 2023-24 Main Estimates will be debated during the March 2023 legislative session.
-

Background:

- The 2023-24 Main Estimates include a surplus of \$48.2 million and year-end debt of \$374.8 million.
- Total revenue is expected to be \$1.58 billion in 2023-24. This is an increase of \$115.2 million or 7.3 per cent from the 2022-23 Main Estimates.
- Forecast O&M expenditures total \$1.45 billion, with O&M recoveries offsetting this amount by \$130.9 million. This is an increase of 2.6 per cent in net O&M expenditures from the 2022-23 Main Estimates.

Session Briefing Note

Spring 2023

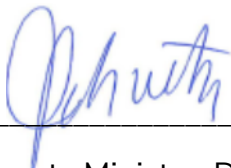
Corporate Note – Budget Highlights

Finance

Embargoed until day of budget tabling

- Forecast capital expenditures total \$483.8 million with recoveries of \$164.5 million. This is a 9.9 per cent decrease in net capital expenditures from the 2022-23 Main Estimates. This represents a reduction of \$63 million from last year's capital budget. This reduction reflects a sustainable approach to budgeting in the territory following elevated capital spending over the last two years, which helped stimulate Yukon's economy during the pandemic.
- There are 5,332.0 FTEs in the 2023-24 budget, which is a decrease of 89.1 FTEs from 2022-23.

Approved by:



a/Deputy Minister, Department

February 23, 2023

Approved

Recommended response:

- Overall, the changes outlined in the Supplementary Estimates #2 show a government that continues to make sure Yukoners and our economy remain healthy as we emerge from the pandemic while also responding to new and emerging challenges.
- Inflation continues to have an impact on Yukoners, as well as an impact on government projects. Several changes included as part of this Supplementary Estimates are in response to higher costs or work progressing faster than planned.
- The capital budget has no overall gross change in this Supplementary Estimates, but this is not because no adjustments were made. Major projects are still getting the resources they need to reach completion, but other projects were decreased to reflect timelines and funds were reallocated accordingly.
- The increase of \$37.5 million for the Department of Highways and Public Works is being offset by deferrals and offsets in other projects.

Session Briefing Note

TAB#28

Corporate Note – Fin/HPW 2022-23

Spring 2023

Supplementary Overview

Embargoed until day of budget tabling

Additional response:

- The largest expenditures are on three important capital projects, accounting for \$53.8 million altogether.
- The first is the replacement of the Nisutlin Bay Bridge. This increase covers higher costs and an accelerated schedule. The additional work on this project results in an increase of \$35.8 million as part of this Supplementary Estimate.
- We also provided additional funding for building the Carmacks Bypass, which is part of the Yukon Resource Gateway Program. Work in this area makes up \$11.8 million of the Capital increase.
- The third project is the construction of the Dempster Fibre Line, which will open a second fibre optic link instead of relying just on one, and so give Yukoners more reliable access to the internet as well as necessary redundancy. This project includes a proposed increase of \$5.7 million.

Session Briefing Note

TAB#28

Corporate Note – Fin/HPW 2022-23

Spring 2023

Supplementary Overview

Embargoed until day of budget tabling

- These increases are offset by decreases in capital. The most significant reductions can be seen in the Yukon Housing Corporation. This is largely the result of revised timelines for various projects and initiatives as well as lower uptake in application-based programs, but also accounts for the housing and building cycle as Normandy Living, Cornerstone and the 47-unit 4th and Jeckell facility are all ready and taking in clients and we are now shifting towards building new relationships for potential future projects.
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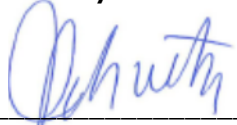
Context—this may be an issue because:

- The 2022-23 Supplementary Estimates #2 is tabled in the spring session and will be the subject of debate.
-

Background:

- Opposition may request an explanation for the changes included as part of the Supplementary Estimates #2.


Approved by:



a/Deputy Minister, Finance

March 02, 2023

Approved



Deputy Minister, HPW

March 02, 2023

Approved

Session Briefing Note

Spring 2023

Budget (Significant Changes)

Justice

Recommended response:

- The Department of Justice promotes a high quality and cost-effective justice system, where Yukon laws are fair, accessible and impartially administered.
- We build relationships with our partners to support good governance; encourage innovation; foster safe communities; and support culturally relevant services.

Additional response:

- Up to \$200,000 is now available through the Community Safety Planning program for each Yukon First Nation. We encourage Yukon First Nations to reach out to the Department of Justice with any questions about developing an application for this funding program.
- Another significant change this year is setting aside \$825,000 going until March 2025 to extend the work of the Integrated Restorative Justice Unit to work collaboratively with Yukon First Nations and advance restorative justice work across the territory.

Context:

- Questions may be raised with respect to the Department of Justice's budget and expenditures.

Background:

Community Safety Planning Project

- The Department of Justice has launched Phase One of the Community Safety Planning funding program to provide up to \$200,000 for each First Nation for community safety planning or related implementation work.
- Funding for this program will be in place until 2030.
- For further detail, see Briefing Note 41: Community Safety Planning.

Session Briefing Note

Spring 2023

Budget (Significant Changes)

Justice

Community Safety Officer Program

- The Government of Yukon has allocated a time-limited increase of \$1,028,000 for the 2023–24 fiscal year for the Community Safety Officer (CSO) programs, which ends in March 2026.
- In the Yukon, CSO programs are led, designed and implemented by Yukon First Nations governments. The Government of Yukon (YG) has no role outside of contributing funding, cost-shared with the Government of Canada (Canada).
- For further detail, see Briefing Note 40: Community Safety Officers.

Yukon Legal Services Society

- The Government of Yukon has earmarked a time-limited increase of \$580,000 for the 2023–24 fiscal year to fund a legal aid clinic.
- This is partially to offset a decrease in funding from the Government of Canada so that legal aid services can be sustained.
- For further detail, see Briefing Note 111: Funding for Legal Aid.

Gladue Report Writing Project

- The Government of Yukon has allocated a time-limited increase of \$175,000 for Gladue Reporting.
- These funds are 100 per cent recoverable from the Government of Canada.
- This project has seen a roster of Yukon First Nations Gladue writers trained to provide the court with Gladue reports as requested.
- Two 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.

Integrated Restorative Justice Unit

- The Government of Yukon has earmarked a time-limited increase of \$825,000 for integrated restorative justice services within the Department of Justice.
- This two-and-a-half-year pilot project ends in March 2025.

Session Briefing Note

Spring 2023

Budget (Significant Changes)

Justice

- This Integrated Restorative Justice Unit has improved the Government of Yukon's delivery of restorative justice services by aligning government initiatives, providing a continuum of restorative justice services to youth and adults, and by applying a consistent approach.
- For further detail, see Briefing Note 60: Restorative Justice.

Supervised Housing Services – Connective Programs

- The Government of Yukon has allocated a time-limited increase of \$258,000 for supervised housing services for justice-involved men and an increase of \$357,000 for the women's facility at Takhini Haven.
- Connective has been operating the Supervised Housing and Reintegration Program for men who are justice-involved, and will be operating similar services for women at a new facility at Takhini Haven.
- Since May 1, 2020, Connective has provided services to 97 bail and probation clients and 12 federal parole clients.
- For further detail, see Briefing Notes 33 and 34 on supervised housing.

Strengthening Safety, Access and Justice for Yukon Victims of Crime Project

- There is a time-limited increase of \$249,000 for the Strengthening Safety, Access and Justice for Yukon Victims of Crime Project.
- This funding is 100 per cent recoverable from the Government of Canada.

RCMP Incremental Increases

- The Government of Yukon has allocated an ongoing increase of \$3,518,000 as of March 31, 2023 for RCMP incremental increases.
- For further information, see Briefing Note 56: RCMP Resources.

Morgue and Coroner's Office

- The Government of Yukon has earmarked \$300,000 for the Capital Budget in the 2023–2024 fiscal year for work on a new morgue and coroners' office facility.
- The construction of the new facility will allow for the operationalization of a modernized coroners service for the Yukon. The facility is designed for construction on Yukon Hospital Corporation land, behind the hospital.

Session Briefing Note

Spring 2023

Budget (Significant Changes)

Justice

- A new purpose-built Yukon Coroner's Service building containing a morgue and the services' offices is required to provide appropriate and modern posthumous services in the Yukon.
- For further information, see Briefing Note 21: Yukon Coroner's Service Building.

Whitehorse Correctional Centre

- The Government of Yukon has allocated an increase of \$250,000 for the Capital Budget in the 2023–2024 fiscal year for upgrades to the Whitehorse Correctional Centre surveillance camera system.
- A further increase of \$195,000 is for upgrades to the Whitehorse Correctional Centre security system.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

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 launch of our new Community Safety Planning Program for Yukon First Nations.
- We have also recently signed an agreement with Connective to provide supervised housing for justice-involved women, which will be 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

Two new pieces of legislation received assent during the fall 2022 sitting.

- The *Second Act to Amend the Legal Profession Act, 2017 (2022)* supports the healthy operation of Law Society of Yukon processes, protects the rights of complainants and ensures those who act in good faith on behalf of the Society receive the same protections as their peers across Canada.
 - The *Technical Amendments Act (2022)* included amendments to three different Acts: the *Land Titles Act, 2015*; the *Condominium Act, 2015* and the *Corrections Act, 2009*.
-

- The amendments to the *Condominium Act*, 2015 addressed minor errors, inaccurate cross-references and repeal of regulatory provisions that have not been proclaimed and, therefore, did not come into force on October 1, 2022.
- The amendments to the *Land Titles Act*, 2015 rectified errors in the legislation and ensure cohesion and alignment with the operational requirements of the electronic Yukon Land Titles Registry system.
- Amendments to the *Corrections Act*, 2009 support the separation of facility-based corrections and community corrections.

Administration of Justice Agreement Negotiations

- The Government of Yukon has implemented a new approach to justice-related negotiations with Yukon First Nations governments.
- It is based on recognizing and respecting First Nation jurisdiction, governance and legal principles; providing new opportunities for collaborations and partnerships; and promoting incremental and capacity-building initiatives.

Restorative Justice

- The Government of Yukon 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, the Government of Yukon approved the creation of an Integrated Restorative Justice Unit to improve the Government of Yukon's restorative justice service delivery, increase engagement with First Nations governments and better support community-designed and community-led restorative justice initiatives.
- This unit has now been extended into 2025. It combines dedicated youth justice and adult justice resources, along with a manager, to provide consistent program delivery across the Yukon.
- 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.

Session Briefing Note

Spring 2023

Departmental Accomplishments

Justice

Modernization of the Yukon Land Titles Office

- The Department of Justice has implemented the new Yukon Land Titles Registry computer system for the Land Titles Office.
- The new system creates efficiencies in the land title registration process by enabling users to search registry data.

Sexualized Assault Response Team (SART)

- SART launched in Whitehorse in March 2020, and recently agreed to a protocol among the SART parties for service delivery in Whitehorse.
- The Department of Justice, through the Victim Services Branch, plays a key role in SART by providing victims of sexualized violence with specialized accompaniment and support services from trained SART support workers.
- Work is underway to conduct a public engagement on expanding SART services across Yukon communities.

Independent Legal Advice (ILA) Program

- The ILA Program, delivered through Victim Services, provides confidential and independent legal advice for victims of intimate partner violence and sexualized violence.
- Victims of all genders and ages can access independent lawyers to assist in making informed choices, such as deciding whether to report the incident.
- Initially a one-year pilot program, the Government of Canada has provided funding to support the program for an additional five years.

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.
- All residents are subject to general and specific conditions of release. The safety of the community, staff and resident safety is ensured through 24-hour staff who provide structure, monitoring and support.

Session Briefing Note**Spring 2023****Departmental Accomplishments**

Justice

Supervised housing for justice-involved women – Connective

- The Government of Yukon 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.
- Connective will operate and administer the program, in partnership with the Council of Yukon First Nations, and will begin recruiting and training staff to welcome its first program participants later this year.
- The facility is in the former Takhini Haven building and will be independently operated on the Whitehorse Correctional Centre property.
- The facility will provide better access to safe housing and support for women on bail or who are in the process of reintegrating into their communities.

Approved by:

 Acting Deputy Minister, Justice

 Date approved

Session Briefing Note

Spring 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;
 - identifying and meeting 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.

Session Briefing Note

Spring 2023

Departmental Principles

Justice

Working as a team

- We value working together as a team within the department, 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:

Acting Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 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 will be available from Canada for the 2023-24 fiscal year.

Context:

- Funding for organizations is of public interest.

Session Briefing Note

Spring 2023

Funding for Justice Organizations

Justice

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.
- 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:
 - \$39,129,428 to the RCMP (includes: Territorial Police Service Agreement, First Nations and Inuit Policing Program);
 - \$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);
 - \$70,000 to the Yukon Aboriginal Women's Council; and
 - \$10,000 to the Crime Stoppers Yukon Community Association.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

Condominium Act and Regulations

Justice

Recommended response:

- The *Condominium Act, 2015* came into force on October 1, 2022.
- The amended Act provides a balance between economic development objectives and consumer protection measures.
- The accompanying regulations set out a legislative framework for the creation of bare land, leasehold, phased and converted condominiums, as well as condominium governance and reserve fund requirements.

Additional response:

- The new Act and regulations provide a new legal framework that will provide additional rights and protection measures to condominium corporations, unit owners, developers, Yukon First Nations governments and professionals involved in condominium development in the Yukon.
- To help inform partners, stakeholders and the public of the legislative changes, the Department of Justice launched an education campaign on the new condominium legislation and regulations.

Context:

- The *Condominium Act, 2015* is the product of years of consultation with our partners and various stakeholders, including the Law Society of Yukon, the City of Whitehorse and the Association of Canada Lands Surveyors.
- As the popularity of condominiums continues to grow in the Yukon, it is expected that condominium legislation will continue to evolve over the years to respond to the ever-changing and expanding condominium market.

Background:

- In 2015, the *Condominium Act, 2015* was passed unanimously by the Yukon Legislative Assembly, but was not brought into force.

Session Briefing Note

Spring 2023

Condominium Act and Regulations

Justice

-
- On November 27, 2018, the Department of Justice launched a public engagement on the condominium regulations. This original engagement period was set to run until the end of January 2019.
 - On January 22, 2019, the draft regulations were released, and the engagement was extended to March 1, 2019.
 - The engagement period included the following activities:
 - four public meetings held in January and February, with approximately 100 attendees (including one meeting specifically for condominium owners);
 - an online survey that resulted in 117 responses and written submissions; and
 - seven meetings held with developers, property managers and condominium owners.
 - The outcome of the engagement on the draft regulations was shared in a What We Heard Report with the Stakeholder Advisory Committee and the Drafting Advisory Group for their consideration.
 - Between January 2019 and January 2022, the Department of Justice spent significant time reviewing and revising the *Condominium Act, 2015* and the draft condominium regulations.
 - This work included editing for errors and omissions, addressing consistency issues and developing solutions to respond to concerns raised during the engagement process.
 - Bill No. 16 – Act of 2020 to Amend the *Condominium Act, 2015*, was passed by the Legislative Assembly in December 2020.
 - Targeted engagement on the policy for the condominium regulations was conducted with the Land Titles Office Stakeholder Advisory Committee between January and March 2021.
 - The Department of Justice shared the revised draft regulations with the Land Titles Office Stakeholder Advisory Committee and a group of individuals who are members of the Law Society of Yukon for their final feedback. This engagement was concluded on July 30, 2021.
 - On February 10, 2022, the Government of Yukon approved the following regulations for the *Condominium Act, 2015*:
 - the *Condominium General Regulation*;
 - the *Condominium Reserve Fund Regulation*;

Session Briefing Note

Spring 2023

Condominium Act and Regulations

Justice

- the *Bare Land Condominium Regulation*;
- the *Condominiums on Leasehold Land Regulation*;
- the *Phased Development Regulation*; and
- the *Converted Building Condominium Regulation*.
- The *Condominium Act, 2015* came into force on October 1, 2022. The proclamation of the legislation in the fall supported the building season without unnecessary disruption and provided time for stakeholders to prepare before the enactment of the law.
- The Department of Justice launched an education campaign to provide partners, stakeholders and the public with more details on the legislative changes. The education campaign included a dedicated campaign web page with frequently asked questions, prescribed forms and fact sheets on various condominium-related topics. The education campaign also included conducting information sessions with developers, condominium corporations and realtors.
- The *Technical Amendments Act (2022)* was passed in fall 2022. This included technical amendments to the *Condominium Act, 2015* to rectify minor errors, inaccurate cross-references and regulatory provisions that were no longer applicable.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

Corrections Act:

Justice

Alternative Housing Regulation

Recommended response:

- The Government of Yukon is committed to a people-centred approach to justice that emphasizes wellness and respects the rights of those in custody.
- The Government of Yukon's amendments to the *Corrections Act*, 2009 and the *Corrections Regulation* have positioned the Yukon as a leader in segregation reform.
- These amendments came into force on June 19, 2020, and include the addition of definitions, establishment of parameters for the use of segregation and prohibitions on the use of segregation, as well as the creation of oversight and accountability processes.
- In addition to the segregation amendments, the Act now permits the creation of regulations that would establish "alternative housing."
- The Department of Justice is developing a framework for how it might use "alternative housing" to support clients identified as either vulnerable or as candidates who require more specialized programming.

Additional response:

- Alternative housing regulations would authorize the Whitehorse Correctional Centre to establish individualized housing conditions for justice-involved clients who require accommodations or services that cannot be provided within the general population.

Context:

- The use of segregation, restrictive confinement, or other housing approaches that keep inmates out of general population are a frequent topic of public interest.

Session Briefing Note

Spring 2023

Corrections Act: **Alternative Housing Regulation**

Justice

Background:

- In the *Sheepway v Hendriks* decision released on September 19, 2019, former Chief Justice Veale found that the Whitehorse Correctional Centre did not have the statutory authority to operate the Secure Living Unit. This highlighted the need for regulations to ensuring procedural fairness for inmates in separate confinement.
- Amendments to the *Corrections Act*, 2009 and *Corrections Regulation*, specific to the use of segregation and restrictive confinement, came into force on June 19, 2020.
- These progressive amendments follow the United Nations' Nelson Mandela Rules.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

Missing Persons Regulation

Justice

Recommended response:

- The Government of Yukon is developing regulations to support the *Missing Persons Act*.
- The Missing Persons Regulation will provide the forms and information needed to bring the Act into force, ensuring that the RCMP have additional tools to help them locate someone when they are reported missing.

Additional response:

- The Missing Persons Regulation will put in place privacy protections for people involved in these investigations, while still ensuring that the RCMP can act quickly to locate a person who is reported missing.
- 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 the regulation, 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.

Session Briefing Note

Spring 2023

Missing Persons Regulation

Justice

Background:

- The Government of Yukon's Missing Persons Act received assent in November 2017. The Act cannot come into force until the regulation is complete.
- The regulation will provide forms and rules for RCMP members to use and follow while gathering and handling personal information collected during an investigation.
- It will also set out reporting requirements to track RCMP use of powers given by the Act and describe 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 were held with women's advocacy groups.

Approved by:_____
Deputy Minister, Justice_____
Date approved

Session Briefing Note

Spring 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 include provisions that allow the Yukon Utilities Board to look at how projects and electricity rates would affect greenhouse gas reduction goals and 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 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**Spring 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#14 – *Public Utilities Act Regulation Changes for Our Clean Future*]

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Public Utilities Act Regulation Changes for Our Clean Future

Spring 2023

Justice

Recommended response:

- The Government of Yukon is working on several changes to regulations under the *Public Utilities Act* as part of implementing Our Clean Future, a strategy to address the climate crisis.
- These changes will support several key initiatives in Our Clean Future by enabling the Yukon Utilities Board to consider renewable energy and climate change implications in its decisions.

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—this may be an issue because:

- In a decision released on October 18, 2022, the Yukon Utilities Board (YUB) 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 of media attention in the territory.

Background:

- Certain action items in Our Clean Future (OCF) require changes to the *Public Utilities Act* (PUA) regulations in order to be implemented. These include:
 - 1) the emergence of a private market for electric vehicle charging;
 - 2) the purchase of electricity from the Atlin Hydro Expansion project;
 - 3) the creation of a renewable energy portfolio requirement; and
 - 4) changes to YUB member remuneration.
- Although OCF assigns these items to the Department of Energy, Mines and Resources (EMR), the PUA is administered by the Department of Justice.

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Public Utilities Act Regulation

Changes for Our Clean Future

Spring 2023

Justice

- The regulation changes must be made in collaboration with both departments.

1) A regulation for electric vehicle charging stations:

- Our Clean Future Action T7 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 PUA 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.

2) Implementation of the Renewable Energy Portfolio

- OCF 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" (REP), is similar to legislated requirements in other provinces (BC, Nova Scotia, Alberta and New Brunswick) that have implemented a REP within their jurisdictions.
- Justice and EMR officials are developing legislation to implement the REP in the Yukon.

3) A regulation for the purchase of electricity from the Atlin Hydro Expansion project

- Yukon Energy Corporation (YEC) and Tlingit Homeland Energy LP (THELP) have finalized an agreement to provide electricity from the Atlin Hydro Expansion project beginning in 2025. The energy purchase agreement has been reviewed and accepted by the YUB and is considered necessary to meet Government of Yukon policy objectives in Our Clean Future.
- Current legislation does not allow THELP to sell electricity from the Atlin Hydro Expansion project to YEC without being deemed a public utility under the PUA.

Session Briefing Note

Public Utilities Act Regulation

Changes for Our Clean Future

Spring 2023

Justice

4) Remuneration Regulation for YUB members

- In December 2022, the *Yukon Utilities Board Remuneration Regulation* came into force. The 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.
- 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 OCF action item E3, which commits the Government of Yukon to update the PUA by 2025 to ensure an effective and efficient process for regulating electricity in the Yukon.

[Cross-reference: BN# 13 – *Public Utilities Act Amendments*]

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

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

References to the Sovereign Statute Law Amendment Act, 2023

Justice

Recommended response:

- The References to the Sovereign Statute Law Amendment Act, 2023 updates the Yukon's statutes to reflect the recent change in the Sovereign of Canada in light of the passing of Queen Elizabeth II.
- The bill makes administrative updates to the references to the Sovereign in statutes.
- It also introduces a provision to the *Regulations Act* to simplify the process of making similar updates in future by regulation instead of requiring a visit to the Legislative Assembly.

Context:

- The Bill is anticipated to be tabled alongside the Public Service Commission (PSC)'s request to amend the *Public Service Act* and *Coroners Act* to remove the requirement for public servants to swear an Oath of Allegiance to the Sovereign.
- The Bill amends the *Legal Profession Act, 2017* and *Territorial Court Act* in the context of an Oath of Allegiance.

Background:

- After the death of Queen Elizabeth II in September 2022, the monarchy is now headed by King Charles III.
- This legislation amends references to the Sovereign in Yukon statutes.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 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 is proposed to begin in 2023. 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*, with a hearing anticipated in September 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 affecting 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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Spring 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 illegal 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 work of the SCAN Unit also relieves pressure on the RCMP and court resources.
- 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 from a community member, after which the SCAN Unit assesses if the complaint can be substantiated. The SCAN Unit takes action only on the basis of sufficient evidence.
- In 2022, the SCAN Unit received 86 complaints. Almost half of these complaints were related to suspected organized crime.
- Illegal drug activities are the most common type of activity for which complaints are received and investigations are undertaken.
- Most commonly, 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 is currently conducting research to support a comprehensive review.

[Cross Reference BN# 44 – SCAN]

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Electricity Costs and Rate Reviews

Spring 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 can result in a review by the board and an order for a remedy.

Context—this may be an issue because:

- 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 Electric Yukon (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.
- ATCO has not filed a General Rate Application (GRA) with the board since its last GRA was completed in 2017.

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Electricity Costs and Rate Reviews

Spring 2023

Justice

Background:

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 GRA 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.

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 GRA 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 GRA. In this application, the utility requests approval of its proposed rate, based on its current and expected costs.
- GRAs are prompted by the utility's assessment that changes to its costs should be reflected in higher rates. There is no periodic requirement for GRAs in law.
- In a GRA, 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 its proposed rate, then set a new rate based on costs that are reasonably incurred plus a reasonable rate of return.

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Justice

- 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 the reasonable rate of return, a rebate may be ordered by the board.
- 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 GRA process serves the public interest because the utilities' activities and costs are publicly scrutinized. The board has discretion not 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_____
Date approved

Session Briefing Note

Spring 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 building is planned for location on the Whitehorse Hospital campus. It will co-locate the Yukon Coroner's Service offices and a new morgue.
- The current building is located in a re-purposed building that was not originally designed to meet the needs of a morgue.
- The project is currently being designed to have better ventilation, more space, better lighting and overall better energy performance. It will also be designed to provide a supportive environment for families.
- In addition, it will provide sufficient space for a deputy coroner, a key position in the modernized service delivery model.
- Design work is expected to be completed in the summer and fall of 2023, with construction scheduled to begin in 2024.

Additional response:

- The new location was chosen for its privacy and proximity to nature.
- We have been working with a Yukon First Nation Elder consultant and Indigeneity design consultant to incorporate First Nations' traditions to have culturally appropriate and supportive spaces for families.
- We are working closely with the Yukon Hospital Corporation to ensure our design is in line with their planning and future growth.
- A heritage impact assessment will be conducted on the site prior to the ground being disturbed.

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Yukon Coroner's Service Building Construction

Justice

Context:

- There is \$300,000 included in the capital budget this year to advance planning work on this project.
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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 operationalization of a modernized coroners service for the Yukon. The facility is designed for construction on Yukon Hospital Corporation (YHC) land, behind the hospital.
- A new purpose-built YCS 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 existing site is aging and does not meet program and occupational health and safety standards. It is not equipped with proper ventilation, sanitization options, heating, drainage and lighting.
- The existing facility also 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, have resulted in a redesign of the service delivery model. A deputy coroner position is being added to the organizational structure, and the contract for body transfer has been brought in house, all adding pressure on the existing facility.
- While not currently done in the Yukon, the examination room in the new building will also have the capacity to do autopsies in the future.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

Yukon Utilities Board – Remuneration

Justice

Recommended response:

- Compensation for Yukon Utilities Board members was recently increased to consider 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: it has the authority to set rates that may be charged for electricity and to 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. Processes for reimbursements are currently being developed.

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:

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Yukon Utilities Board – Remuneration

Justice

1) the costs to the utility to run its operations and maintain its equipment, including costs for personnel and materials;

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.
- As part of implementing 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# 13 – *Public Utilities Act Amendments*]

[Cross-reference: BN# 14 – *Public Utilities Act Regulation Changes for Our Clean Future*]

Approved by:

Deputy Minister, Justice

Date approved

Recommended response:

- I met with other federal, provincial, and territorial Ministers of Justice and Public Safety on March 10 to discuss the bail system and in particular its treatment of repeat violent offenders.
- The federal government agreed to take action 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.
- This is only part of the solution, and we will continue with other jurisdictions to explore the issue of repeat violent offenders and the bail system, and the many complex and interacting factors that contribute to crime and community safety.
- We continue to support the work with the Government of Canada and the provinces and territories to explore both legislative and non-legislative tools to better address this issue.
- Any changes in this area need to consider the particular impacts this may have on racialized and marginalized accused persons and the overrepresentation of Indigenous people in the criminal justice system.

Additional Response:

- The solutions to repeat violent offending and random violent attacks lie in addressing the root causes of crime, which includes improving access to mental health services, substance use treatment services and social supports including 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.

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Bail Reform - Repeat Violent Offenders

JUS

Context:

- A communiqué was released after the Ad hoc 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 Yukon communities.
- Following the direction of FPT Ministers, the Coordinating Committee of Senior FPT Officials – Criminal Justice (CCSO-CJ) Criminal Procedure Working Group (CPWG) 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 involved reported 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 propose options for Ministers' consideration.
- Ministers also identified the need to take into consideration 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.

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Spring 2023

Bail Reform - Repeat Violent Offenders

JUS

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- 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 whole-of-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.
 - 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 action is needed to ensure that the objectives of the bail system are being met.
 - The federal government agreed to take action 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.
 - It was also agreed at the March 10th meeting that non-legislative efforts by federal, provincial and territorial governments could include improved data, policies, practices, training, and programs in the areas of bail supports and enforcement.
 - This could include funding and programs 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.
 - The CPWG considered available data and other evidence that could support the development of options.

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JUS

- The CPWG worked to identify reforms that will not have a disproportionate impact on Indigenous and other marginalized groups, while still addressing public concerns.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

Bail Supervision

Justice

Recommended response:

- The Department of Justice is committed to addressing the overrepresentation of First Nations persons throughout the criminal justice system.
- The Department of Justice works collaboratively with Yukon First Nations governments and justice stakeholders to support the use of bail throughout the territory as an alternative to incarceration.
- Kwanlin Dün First Nation can assist with bail plans for their citizens and works collaboratively with Yukon Community Corrections to complete bail verification reports when required.
- Yukon Community Corrections continues to provide the bail review program for other Yukon First Nations and Yukoners.

Additional response:

- The Department of Justice will continue to work with First Nations governments, including Kwanlin Dün First Nation, to inform individuals at the Whitehorse Correctional Centre about available supports.
- Probation officers regularly attend Bail Court to offer support in making bail decisions in consultation with Yukon First Nations.

Context:

- On January 13, 2023, Premiers from all provinces and territories sent a letter to Prime Minister Trudeau requesting reform of the bail system. The Government of Canada and other partners and stakeholders recognize the need for bail reform.
- There have been several high profile cases in Canada recently where firearms have been used violently by offenders on bail.
- The overrepresentation of Indigenous peoples throughout the criminal justice system has been highlighted in various reports, inquiries and court cases.

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Bail Supervision

Justice

Background:

- Recognizing a gap in service delivery, Kwanlin Dün First Nation (KDFN) initiated the Bail Verification Pilot Program in 2018. This pilot program allowed individuals who self-identified as Yukon First Nations to request that KDFN court workers conduct a bail assessment.
- KDFN's bail assessments were intended to help with the verification and development of bail plans for consideration by the courts. Bail plans could include items such as:
 - programming options;
 - potential surety or sureties;
 - supervision requirements (for example, a curfew); and
 - considerations around work, if employment was available.
- Typically, KDFN court workers provided the courts with supportive oral statements relating to bail plans for their clients.
- The Government of Yukon did not directly fund the KDFN Bail Verification Pilot Program. Per the KDFN Indigenous Community Justice work plan, funds from the KDFN Indigenous Community Justice Program and funds from the Indigenous Court Worker Services Transfer Payment Agreement were used to support this initiative.
- In 2019, KDFN raised concerns about continuing the Bail Verification Pilot Program. Instead, they sought to have Yukon Community Corrections (YCC) take on the lead role for bail verification.
- Because managing individuals on bail and preparing court-ordered bail reports are both core functions of Probation Officers, the responsibility for the KDFN Bail Verification Program has been transferred back to the Government of Yukon in partnership with KDFN. This transfer to YCC was completed in January 2020.
- The Corrections Branch developed standardized YCC Bail Verification Reports for use by the courts, and corresponding bail verification operational policy and training materials for Probation Officers.
- While transferring responsibility for the KDFN Bail Verification Program to the Government of Yukon, the Corrections Branch met with other justice system stakeholders and participants, including members of the judiciary, the Yukon Legal

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Bail Supervision

Justice

Services Society and the Public Prosecution Service of Canada, to ensure a seamless transition.

- In January 2022, KDFN notified the Department of Justice of renewed interest in administering bail verification.
- In February 2022, KDFN resumed its role in administering a bail verification program for its citizens.
- In January 2023, KDFN advised they have a court worker in place that helps their citizens with the judicial process but they do not have anyone completing bail verifications.
- KDFN indicated they are focusing on Circuit Court and implementing a restorative justice program.
- YCC continues to provide bail supervision and bail verification to all Yukoners.

Approved by:_____
Acting Deputy Minister, Justice_____
Date approved

Session Briefing Note

Spring 2023

Corrections: Infectious Disease Response

Justice

Recommended response:

- The Corrections Branch takes a measured, proactive approach, guided by the principle of least restrictive measures, to respond to COVID-19 and other infectious health concerns.
- This approach was developed in consultation with Yukon Communicable Disease Control and the office of the Chief Medical Officer of Health.
- The approach balances the health and safety of correctional staff, clients and the public, with values that are integral to the delivery of humane correctional services, such as inmate dignity and respect.
- The diligence of the measures taken by the Corrections Branch to mitigate the introduction and spread of COVID-19 and other infectious diseases, has protected the clients, visitors, and staff at Whitehorse Correctional Centre despite several outbreaks.

Additional response:

- The Corrections Branch continues to carefully monitor and assess the threats posed by infectious disease to ensure that its response is appropriate to the circumstances and proportional to the level of risk.
- The circumstances of each person incarcerated at the Whitehorse Correctional Centre are reviewed on admission to ensure all clients are housed safely while in the Whitehorse Correctional Centre. Their condition is re-evaluated prior to their release back to the community.
- To promote transparency, the Corrections Branch provides regular public updates about the precautionary measures it has implemented to reduce the potential for transmission of infectious disease.

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Corrections: Infectious Disease Response

Justice

Context:

- Yukon Communicable Disease Control declared an outbreak at WCC on February 23, 2023 due to three cases of COVID-19 at the facility. The outbreak was declared to be over on March 10, 2023.
 - Nationally and internationally, correctional institutions have been identified as high-risk environments for the spread of COVID-19.
 - Various organizations, advocates, members of the public, as well as clients and their families, have expressed concern regarding the vulnerability of the custodial population and the potentially devastating effects an outbreak of COVID-19 may have within a correctional center.
 - Most jurisdictions in Canada have reported COVID-19 spreading among correctional service employees, as well as within the custodial population.
-

Background:

- The Whitehorse Correctional Centre (WCC) continues to be affected by increased staff illness because of community spread of COVID-19 and other infectious illnesses.
- Frontline staff continue their efforts to ensure maximum unlock time and program delivery to clients to the extent possible during an outbreak.
- On January 19, 2023, CMOH once again declared a COVID-19 outbreak due to transmission among the custodial population. This status remained in place until February 3, 2023.
- On December 12, 2022, CMOH declared an Influenza A outbreak due to transmission of this infection within a congregate setting. The facility was in outbreak status until December 29, 2022.

Historic information pertaining to the COVID-19 response:

- Throughout the COVID-19 pandemic, the Corrections Branch outlined all precautionary measures implemented at WCC, as well as those in place in Yukon Community Corrections (YCC), through publicly available updates.
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Spring 2023

Corrections: Infectious Disease Response

Justice

- Throughout the pandemic, the Corrections Branch continued to participate in discussions with federal-provincial-territorial (FPT) Heads of Corrections and sub-committees regarding COVID-19 best practices for correctional programs.
- Early in the pandemic, the WCC began providing all individuals incarcerated at the facility with free daily telephone calls to support the maintenance of personal connections with family and friends to offset the isolating effects of the COVID-19 pandemic.
- In January 2021, WCC finalized its formal COVID-19 Outbreak Plan.
- In March 2021, Yukon Communicable Disease Control (YCDC) and Environmental Health Services conducted inspections of WCC in relation to COVID-19. All deficiencies identified were immediately addressed.
- On January 21, 2021, COVID-19 vaccinations were administered to clients, as well as some correctional staff, at WCC.
- On February 24, 2021, COVID-19 second-dose vaccinations were administered to clients and staff at the correctional center. In addition, clients and staff interested in getting their first dose were able to participate.
- Between June 23, 2021, and July 25, 2021, WCC had a total of four clients test positive for COVID-19. All were new admissions and the inmates recovered with no further spread within the correctional facility.
- In August 2021, to align with the relaxation of restrictions elsewhere in the territory, WCC reduced the 14-day intake observation period for COVID-19 symptoms to seven days.
- In October 2021, with support from YCDC, WCC implemented the use of the Abbott ID Now COVID-19 rapid screener for asymptomatic testing as part of all new inmate admissions.
- On December 13, 2021, the Chief Medical Officer of Health (CMOH) declared an outbreak at WCC because of one client and multiple staff illnesses. On-site nursing staff continued daily screening of clients, finding no further spread amongst the custodial population. The CMOH declared an end to this outbreak on January 26, 2022.

Session Briefing Note**Spring 2023****Corrections:
Infectious Disease Response**

Justice

- As a result of an increase in staff and inmate illness, the CMOH declared another outbreak at WCC on April 28, 2022. This outbreak ended on May 16, 2022.
- On June 20, 2022, following consultation with YCDC and the CMOH, WCC resumed unobstructed personal visits for clients with masking provisions in place. Visits had been permitted only by maintaining a glass barrier between visitors and inmates since March 2020.
- Front entrance symptom screening of staff concluded on June 30, 2022. Shift supervisors now conduct verbal screenings when required.
- On July 21, 2022, the CMOH once again declared an outbreak at WCC due to COVID transmission among the custodial population. This status remained in place until August 8, 2022.

Approved by:_____
Deputy Minister, Justice_____
Date approved

Session Briefing Note

Spring 2023

Supervised Housing - Men

Justice

Recommended response:

- Supervised housing is a critical component of the criminal justice system and contributes to a safer, 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 men who are justice-involved.
- Since May 1, 2020, Connective has provided services to 97 bail and probation clients and 12 federal parole clients.

Additional response:

- The Men's Supervised Housing program provides structured support and a home environment for men transitioning from corrections.
- Residents receive person-centred supports and programming based on individual needs and goals. Programming options include:
 - 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 programming and referrals are completed based on individual clients' needs.

Session Briefing Note

Spring 2023

Supervised Housing - Men

Justice

Context:

- The supervised housing program operating in a co-located, yet separate area of the Whitehorse Correctional Centre building, 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 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 were insufficient to sustain operations.
- Connective has requested an increase of \$250,000 related to the men's facility. In the fall of 2022, a budget increase was approved to provide 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 space 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 resident safety is ensured through 24-hour staff who provide structure, monitoring and support.

Approved by:

Acting Deputy Minister, Justice

Date approved

Recommended response:

- 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 opened the Supervised Women's Housing program with Connective.
- The programming will provide an alternative to custody and will support women to access services through the Yukon's treatment courts and will be the first program of its kind in the North.
- Connective is completing the hiring process for seven new staff and will begin their organization orientation and additional program training in the upcoming weeks.
- It is anticipated that acceptance of referrals to the women's program will start in Spring 2023.
- Information sessions of the new program have been scheduled in the following weeks for stakeholders and the judiciary.

Additional Response:

- Programming will be independently operated on the Whitehorse Correctional Centre property.
- Yukon Community Corrections is currently working with Connective to identify potential referrals and client needs.
- Connective has been operating a similar supervised housing program for men for the last two years, and this new facility will provide equivalent services for women.

Supervised Housing – Women

Spring 2023

Context:

- Supervised housing for justice-involved men is established in the territory, but no equivalent service exists 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. Unfortunately, neither of these options currently exist for women in the Yukon.
- 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, Women's Transition Home.
- 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 the projected operating costs for the women's supervised housing programs. These forecasts were linked to the increased costs Connective has realized when delivering similar community programs administered by the Department of Health and Social Services (HSS).

Supervised Housing – Women

Spring 2023

- Connective also identified challenges with recruiting and retaining staff at Justice-funded facilities. They observed that staff who were hired and trained to work at Justice facilities later moved to HSS-funded programs due to the significantly higher wages.
- 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 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.

Approved by:

Deputy Minister, Justice

Date approved

Deputy Minister, Women and Gender Equity Directorate

Date approved

Session Briefing Note

Spring 2023

Whitehorse Correctional Centre: Designation as a Hospital/Facility

Justice

Recommended response:

- The Government of Yukon continues to explore alternatives that would facilitate removing 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, therefore, be maintained for the purpose of detaining individuals found Not Criminally Responsible, or Unfit for Trial, on a short-term basis.
- Whitehorse Correctional Centre does not have the capacity to house individuals who require forensic care for prolonged periods of time.
- Individuals who require complex care are more appropriately placed in accredited psychiatric facilities capable of delivering appropriate healthcare by 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, based on their individualized needs and current presenting behaviour.

Session Briefing Note

Spring 2023

Whitehorse Correctional Centre: Designation as a Hospital/Facility

Justice

Context:

- The 2018 Whitehorse Correctional Centre Inspection Report recommended that the Government of Yukon revoke the institution's designation as a hospital.

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 (WGH);
 - Mental Health Services, Health Canada; and
 - Whitehorse Correctional Centre (WCC).
- While WGH is designated to detain individuals found Not Criminally Responsible or Unfit for Trial pursuant to the *Criminal Code*, they have been reluctant to play this role when asked to detain such individuals. This leaves WCC as the only other adequate alternative within the territory.
- WCC 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 (HSS), or the physicians on contract to WCC, when required.
- In April 2021, WCC 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.
- The WCC contracted physicians, contracted psychiatrist and case management staff work closely with community resources, the Forensic Complex Care Team and the Yukon Review Board (YRB) to access appropriate services and maintain continuity of care for individuals that have complex mental health needs.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

Whitehorse Correctional Centre: Inmate Counts

Justice

Recommended response:

- Significant 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 to address the overrepresentation of First Nation persons throughout the criminal justice system. We are committed to working with Yukon First Nations governments and other partners to address the complex, systemic factors that contribute to this issue.
- 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 reporting year of 2021-22, there were 325 admissions, and there were 399 admissions in 2020-21.
- Of the 188 total admissions in the 2022-23 fiscal year, 40 were individuals serving a territorial sentence of incarceration, four were serving federal sentences, and 143 individuals were, or are, on remand. One individual was held temporarily while engaged in proceedings before the Yukon Review Board.

Session Briefing Note

Spring 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.
-

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.
- Inmate 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 188 admissions in 2022-23, approximately 133 of the admissions were individuals who self-identified as First Nations.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

Whitehorse Correctional Centre: Programming

Justice

Recommended response:

- Whitehorse Correctional Centre offers programming to all clients regardless of incarceration status. However, criminogenic programming is mandatory for all sentenced clients.
- Programming at the correctional centre is classified into four sections:
 - Criminogenic;
 - Cultural/Spiritual;
 - Educational/Vocational/Health Promotion; and
 - Leisure/Recreation/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 inmates with available cultural and spiritual supports.
- Supportive programming at the centre includes opportunities for 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:

- The 2018 inspection report identified “a need for First Nations individuals at WCC to receive better culturally-appropriate programming, as well as meaningful access to the guidance of elders, traditional learning and spiritual practices.”
- The Department of Justice has been increasing support for delivering culturally appropriate programming at the Whitehorse Correctional Centre (WCC).

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Spring 2023

Whitehorse Correctional Centre: Programming

Justice

Background:

Programming that was offered in 2022-2023 included the following.

- WCC partnered with Yukon University to provide educational/vocational options for our clients.
- Cultural programming included: '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.
- WCC had a dedicated First Nations Liaison Officer who assisted inmates with their individual spiritual and cultural needs while they were incarcerated.
- WCC also offered 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 were all available.
- Health promotion programming presented on relevant topics twice a month through the WCC Health Services Team.
- 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.
- Clients receiving physician-supervised Opioid Agonist Therapy (OAT) were required to attend substance abuse counselling as part of the OAT treatment program. WCC Health Services staff referred all clients required to attend counselling to the contracted provider.
- In conjunction with Health and Social Services, WCC offered 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.

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Spring 2023

Whitehorse Correctional Centre: Programming

Justice

- 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.

Approved by:_____
Deputy Minister, Justice_____
Date approved

Session Briefing Note

Spring 2023

Community Safety Officers

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 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 (CSO) programs. Funding provided to date has been ad hoc in nature.
 - Some First Nations governments may question why funding for CSO programs is not available through the community safety planning funding program.
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Background:

- In the Yukon, CSO programs are led, designed and implemented by Yukon First Nations governments. The Government of Yukon (YG) has no role outside of contributing funding, cost-shared with the Government of Canada (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 (C/TFN). Other Yukon First Nations have also expressed interest in establishing or are currently implementing, CSO programs.
 - YG has supported KDFN's CSO program since 2016. Since 2019, YG has cost-shared that funding with Canada.
-

Session Briefing Note

Spring 2023

Community Safety Officers

Justice

- In 2021–22, YG secured a commitment from Canada to cost-share funding for SFN's CSO program starting in the last quarter of the 2021–22 fiscal year.
- YG cost-shares funding on a 48/52 per cent basis with Canada for KDFN's and SFN's CSO programs.

Federal Commitment to Funding for CSO Programs

- There is no permanent source of funding for CSO programs in Canada. However, there may be new opportunities for federal funding under the First Nations and Inuit Policing Program (FNIPP) starting in 2023–24.
- 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.
- YG requested funding for one additional FNIPP RCMP resource and one Yukon First Nation CSO program in 2022–23 but was not successful in either request.
- Federal-Provincial-Territorial (FPT) discussions to determine how FNIPP funding will be allocated are ongoing. YG will continue to advocate for federal funding for First Nations' CSO programs.
- Canada is co-developing a legislative framework with 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 Dün 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 extend the pilot for two years to allow KDFN conduct a program evaluation which found the program to be a successful, culturally-responsive community safety service that has led to positive outcomes.
- In December 2020, KDFN forwarded a copy of its CSO program evaluation and requested continued and increased annual funding for 2021 to 2024.
- Since then, YG and Canada have agreed to cost-share funding for KDFN's CSO on an annual versus multi-year basis.

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Spring 2023

Community Safety Officers

Justice

- In February 2023, KDFN made a written request to territorial and federal Ministers seeking increased funding for its CSO program for 2023 to 2026.
- 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.
- KDFN Chief Bill has presented to the House of Commons Standing Committee on Indigenous and Northern Affairs regarding KDFN's CSO program.

Selkirk First Nation

- Selkirk First Nation 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.

Teslin Tlingit Council

- In 2021, TTC established a CSO program, which is currently operational.
- In fall 2021, TTC requested funding for its CSO program as part of social impact funding for the Nisutlin Bay Bridge Replacement Project. YG advised TTC that it could not provide funding outside of a cost-sharing agreement with Canada.
- YG advocated for funding for TTC's CSO program through the FPT FNIPP Federal Budget 2021 stage one allocations, but was unsuccessful.

Carcross/Tagish First Nation

- In January 2022, C/TFN established a CSO program on a part-time basis.

First Nation of Na-Cho Nyäk Dun (FNNND)

- FNNND has advised YG of its intention to establish a CSO program and is requesting funding from YG to support implementation of its CSO model.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

Community Safety Planning

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 Yukon First Nations in particular, we recognize that the development of community safety plans and initiatives must be specific to each community's unique circumstances.

Additional response:

- Phase One of the Community Safety Planning program has recently launched, which provides up to \$200,000 to each Yukon First Nation for community safety planning and for implementing priorities identified in the planning process to support safety in communities.
- We encourage interested Yukon First Nations 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, and we expect to be discussing this program expansion with municipalities this year.

Context:

- The Department of Justice is currently implementing Phase One of the Community Safety Planning funding program and working with Yukon First Nations to develop and submit applications to access available funding.
- Yukon First Nations governments and municipalities have expressed interest in community safety planning and implementing community safety initiatives.

Session Briefing Note

Spring 2023

Community Safety Planning

Justice

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- 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 and urban neighbourhoods in Whitehorse.
-

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 in 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 different stages of community safety planning and implementation within their communities. Many expressed interests in accessing funding through the Community Safety Planning program.
- A community safety planning process was used at 405 Alexander Street to identify concerns of surrounding businesses, allied stakeholders, members of the public and shelter clients.

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Spring 2023

Community Safety Planning

Justice

Government of Canada – Aboriginal Community Safety Planning Initiative:

- In 2010, Public Safety Canada (PSC) created the Aboriginal Community Safety Planning (ACSP) 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 ACSP initiative also addresses the Government of Canada's commitment to focusing on the high numbers of MMIWG2S+ people and enhance accessibility to restorative justice programming.
- The Department of Justice continues to engage with our federal partners on their ACSP initiative and explore other funding opportunities that may be complementary to our safety programs.
- Planning is underway for engaging with municipalities on Phase Two of the program, which would expand funding to municipalities.

Approved by:_____
Deputy Minister, Justice_____
Date approved

Session Briefing Note

Spring 2023

Decriminalization of Opioids

Justice

Recommended response:

- The criminal law around controlled drugs and substances is under the purview of the Government of Canada.
- Our government has been working with partners to address the substance use health emergency, including support for a range of harm reduction initiatives aimed at reducing overdose deaths and curbing stigma around drug use.
- The Government of Yukon is gathering information and carefully considering available options for further action.

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 practice, and to consider the implications of potential alternatives to prosecuting 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 this substance use health emergency.

Context:

- The Government of Yukon declared a substance use health emergency on January 20, 2022. The substance use emergency was a topic of discussion at the August 2022 inaugural Indigenous Community Safety Summit, held in Whitehorse.

Session Briefing Note

Spring 2023

Decriminalization of Opioids

Justice

Background:

- 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.
- 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 the Yukon's 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.
- In May 2022, upgrades to the Yukon's supervised consumption site were completed to accommodate inhalation-based consumption.
- The 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 Yukon's RCMP 'M' Division, have also expressed conditional support for possession-related drug decriminalization, endorsing an "integrated approach" with appropriately resourced health-based services.
- The Yukon's Chief Coroner has advocated for decriminalization and for work to create a safe supply of drugs.

Session Briefing Note

Spring 2023

Decriminalization of Opioids

Justice

Yukon Statistics:

- According to Statistics Canada, there were 60 police-reported criminal incidents for possession of illicit drugs in the Yukon in 2021 and 211 police-reported incidents for drug trafficking.
- The Yukon Coroner's Service released a statement on December 15, 2022, stating that 25 people died from toxic drug use in 2022.
- Toxic illicit drugs include cocaine, opioids and benzodiazepines.
- Opioids were involved in 20 deaths in 2022 in the Yukon, with 19 of those involving fentanyl, compared to 24 fentanyl-involved deaths in 2021.
- Fourteen of these fatalities involved cocaine in combination with an opioid, while five cases involved cocaine and no opioids. Benzodiazepines were confirmed in six cases and alcohol was a factor in at least seven cases.
- In 2021, cocaine was involved in 16 of the 25 cases, benzodiazepines in five, and alcohol was a factor in 11 cases. Carfentanil was present in two cases.
- The Yukon has now seen 76 people die from opioid use since April 2016.

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 and Bill C-216 was rejected at second reading.

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 will no longer be arrested or charged for possessing small amounts of drugs for personal use such as 2.5 grams or less. The drugs will also be exempt from seizures.

Session Briefing Note

Spring 2023

Decriminalization of Opioids

Justice

- 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 will continue to be prohibited on private property, including places like shopping malls, bars and cafes.
- Adults are still prohibited from possessing illegal drugs on the premises of schools and licensed childcare facilities.
- The exemption will 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_____
Date approved

Session Briefing Note

Spring 2023

Firearms – Federal Changes

Justice

Recommended response:

- The *Criminal Code of Canada* and the *Firearms Act* are under the purview of the Government of Canada.
- 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.
- Our government supports the lawful ownership of firearms and will continue to protect the rights of legal firearms owners in the Yukon.

Additional response:

- I would like to thank Minister Mendicino for coming to the Yukon and listening to Yukoners about the proposed federal changes.
- I would also like to acknowledge the withdrawal of the proposed amendments to Bill C-21 as a positive step.
- I continue to encourage the Government of Canada to listen to Yukoners and consider how any changes to federal firearms legislation can be tailored to better address the concerns of responsible gun owners in the Yukon.

Context:

- Premier Pillai and MP Hanley have both stated opposition to Bill C-21 and called on the Government of Canada to engage with Yukoners and amend the Bill.
- The Yukon has the highest per capita number of prohibited and restricted firearms licenses in Canada. Lawful firearm owners in the territory include many Indigenous and non-Indigenous hunters, trappers and people performing remote wilderness work.

Session Briefing Note

Spring 2023

Firearms – Federal Changes

Justice

- In January 2023, Minister of Public Safety Marco Mendicino and MP Hanley co-hosted two roundtable meetings in the Yukon to hear from Yukon First Nations and other Yukoners about their concerns with the proposed legislation.
 - The Government of Yukon has heard from many Yukoners stating strong opposition to Bill C-21, following the amendments proposed to the Bill in November 2022. These amendments have since been withdrawn.
 - In the North, there is a growing concern about theft of legal weapons that are later used for criminal purposes, as well as illicit firearms smuggled across borders.
-

Background:

- Current Canadian discourse on firearm control is focused on two separate, yet related, federal measures:
 - a ban on around 1,500 models of “assault-style firearms,” through an Order-in-Council that was announced in May 2020; and
 - Bill C-21: An Act to amend certain Acts and make certain consequential amendments (firearms), which the federal government introduced in the House of Commons in May 2022 and is currently at committee review.
- Bill C-21 would amend several federal Acts, introduce “red and yellow flag” laws enabling emergency access limitation orders for safety risk cases, and increase maximum penalties for firearms offences, among other changes.
- On November 22, 2022, Liberal Member of Parliament Paul Chiang, Secretary to the Minister of Diversity and Inclusion, proposed amendments to Bill C-21 after it passed second reading, which have now been withdrawn due to strong opposition. The proposed amendments had included adding long guns to the banned list in the following four ways:
 - any rifle or shotgun that is capable of discharging centre-fire ammunition in a semi-automatic manner that can accept a magazine with more than five rounds, whether or not it has such a magazine;
 - long guns that can generate more than 10,000 joules of energy;
 - firearms with a muzzle wider than 20 millimetres; and
 - It would have banned many long guns considered to be semi-automatic firearms.

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Firearms – Federal Changes

Justice

- The firearms ban will include 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 2023.
- The mandatory buyback component is a departure from past Canadian firearm regulation changes, in which the “grandfather clauses” allowed firearm owners to keep previously legal firearms already in their possession.

Statistics

- According to Statistics Canada’s 2022 report, Victimization of First Nations people, Métis and Inuit in Canada, firearms accounted for 44 per cent of homicide deaths among non-Indigenous people throughout Canada from 2015 to 2020.
- 60 per cent of homicides among non-Indigenous people involved a handgun.
- Among Indigenous people throughout Canada, homicides involving firearms make up 23 per cent of homicides. Among Inuit people, this proportion decreased to 11 per cent.
- The Yukon had the highest homicide rate of homicides affecting Indigenous people at approximately 20.43 homicides per 100,000.
- In the Yukon, 73 per cent of firearm-related homicides involving Indigenous people have been committed with a rifle or hunting firearm, rather than with handguns, which accounted for 15 per cent of homicides.
- Among homicides in Canada reported by the police from 2015 to 2020, about one in six of all Indigenous homicide victims were killed by a current or former spouse, or current or former intimate partner.
- According to the 2021 Police-reported Crime Statistics in Canada, there has been an increase in violent crimes and homicides over the past few years in the Yukon. Many of the crimes involving firearms were connected to organized criminal activity or domestic violence.
- According to Statistics Canada’s 2021 Firearms and Violent Crime in Canada, firearm-related violent crime decreased by five per cent. However, firearm-related violent crime has generally been increasing since 2012.
- The rate of firearm-related violent crime in 2021 was 25 per cent higher than it was a decade earlier in 2012.

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Firearms – Federal Changes

Justice

- The report also found that the rate of homicides caused by a firearm was up six per cent in 2021, marking the most homicides by firearm ever recorded.
- In 2021, handguns accounted for 63 per cent of firearm-related violent crimes in urban areas, 26 per cent in the rural South and 20 percent in the rural North.
- Handgun-related violent crime declined six per cent in 2021, marking the lowest rate since 2014. However, handguns were involved in over half of all the firearm-related crimes.
- The rate of violent crime involving a rifle or shotgun declined eight per cent in 2021. However, a rifle or shotgun was present in 18 per cent of firearm-related violent crime in 2021.
- In 2021, the Yukon was one of five provinces and/or territories that had the highest rates of firearm-related incidents.

Firearms-related amendments to the *Safer Communities and Neighbourhoods Act*

- Amendments to the *Safer Communities and Neighbourhoods (SCAN) Act* were passed in the fall 2021 legislative session, adding three specified uses that the SCAN Unit can investigate.
- One of these new specified uses is the possession or storage of prohibited, restricted or stolen firearms, restricted weapons or explosives in contravention of the *Firearms Act*, *Explosives Act* or any other law.

[Cross Reference BN# 44 – SCAN]

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 2023

First Nation of Na-cho Nyäk Dun State of Emergency Declaration

Justice

Recommended response

- I would like to express my condolences for those affected by the recent deaths in the community of Mayo.
- I know this has had a substantial impact on the community, and that there is a desire to work together on community safety.
- We recognize and understand the intent of the State of Emergency declared by the First Nation of Na-cho Nyäk Dun and will continue to work with them, and indeed the whole community of Mayo, during these difficult times to address their concerns.
- This is a territory-wide challenge which will involve work from all of our partners to coordinate an effective response. Officials from the Yukon government will work with representatives of the RCMP, the Village of Mayo and the First Nation of Na-cho Nyäk Dun to discuss appropriate actions related to their state of emergency declaration.
- We have developed partnerships and taken many steps to address the Substance Use Health Emergency declared in January of 2022; however, we recognize that toxic, illicit drugs still circulate in our communities along with related criminal activities associated with these drugs.
- We continue to support public safety efforts in Mayo. Our Safer Communities and Neighbourhoods (SCAN) team works to investigate complaints related to alleged drug trafficking activity working closely with the local RCMP detachment.
- The Mayo detachment also benefits from the First Nation and Inuit Policing Program which provides for more community-based police services.

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First Nation of Na-cho Nyäk Dun State of Emergency Declaration

Justice

- The Community Safety Planning Program provides up to \$200,000 to each Yukon First Nation government to support work on community safety planning and implementing priority actions to address community safety. This funding is something we will look to engage with the First Nation of Na-cho Nyäk Dun on.

Additional response:

- Department of Justice and First Nation of Na-cho Nyäk Dun officials have had preliminary discussions about First Nation of Na-cho Nyäk Dun's vision to establish a Community Support Team in Mayo. We look forward to continuing conversations and looking at ways we may be able to support and partner on this initiative.
- I recognize that the investigation into the suspected homicides on March 11 is ongoing. I thank the RCMP and the community for their response to that traumatic event but cannot comment further on that matter at this time.

Context:

- On March 11, 2023, a suspected double homicide took place on the Settlement Land of the First Nation of Na-cho Nyäk Dun (FNNND).
- On March 14, FNNND declared a State of Emergency related to the opioid emergency.
- The First Nation has indicated that they wish to meet with RCMP and the Yukon government to discuss an action plan to address the emergency.

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First Nation of Na-cho Nyäk Dun State of Emergency Declaration

Justice

Background:

- On March 14, 2023, FNNND passed a resolution declaring a State of Emergency related to the ongoing opioid situation.
- The FNNND, Mayor of Mayo, and residents of the community have expressed concerns related to violence, crime, overdoses and death in the community.
- FNNND has requested to meet with the Yukon government and the RCMP to develop an action plan in response to the declared state of emergency.
- The Department of Justice currently supports FNNND and whole community of Mayo through the following public safety and victims of crime initiatives.

First Nations and Inuit Policing Program (See Note 52)

- The First Nations and Inuit Policing Program (FNIPP) supports law enforcement and community safety efforts in First Nation communities. This is actioned through Community Tripartite Agreements (CTA). These agreements establish local requirements for policing priorities.
- Currently FNNND has one FNIPP complement based in the Mayo detachment working under the local CTA.

The Safer Communities and Neighbourhoods Unit (SCAN (See Note 44)

- The Safer Communities and Neighbourhoods Unit (SCAN) has had a communication protocol with the First Nation of Na-cho Nyäk Dun since 2012.
- The SCAN Unit has attended the community of Mayo on several occasions for the purposes of investigating complaints and networking with the local RCMP detachment. These complaints have primarily involved alleged drug trafficking.
- The SCAN Unit was invited to and presented at the Community Safety Planning meeting in Mayo in May 2022. This presentation outlined the complaint process and possible outcomes which could occur if specified uses, including drug trafficking, are taking place at or originating from a property within the community.
- The SCAN Unit consistently shares information with the RCMP both in Whitehorse and in the communities, especially regarding SCAN investigations involving drug trafficking and organized criminal groups.

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First Nation of Na-cho Nyäk Dun State of Emergency Declaration

Justice

Community Safety Planning (See Note 41)

- The Community Safety Planning funding program provides assistance to Yukon First Nations governments with the costs of community safety planning and subsequent implementation. Up to \$200,000 is available for each Yukon First Nation government under this funding program, available until 2030.
- Representatives within the Public Safety and Investigations Branch are available to support First Nation Governments with their applications to the program.

Victim Services

- Victims of crime and their families can receive confidential support through Victim Services whether or not a crime has been reported to police. This can include crisis support, exploring options and resources, updates on investigations and court process, and emergency support via the Victims of Crime Emergency Fund.
- Victims and their families can connect with Victim Services by calling, emailing or being referred by police or another agency. A Victim Services worker can travel to Mayo to meet in person, or support can be provided by phone or video.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Spring 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 sexual abuse or sexual 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:

- Protocols 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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Safer Communities and Neighbourhoods (SCAN)

Justice

- The constitutionality of one provision in the Act is being challenged in *Wright v Yukon*.
-

Background:

- The *Safer Communities and Neighbourhoods (SCAN)* Act was enacted in May 2006 and is administered and enforced by a team of investigators known as the SCAN Unit that respond to complaints from citizens about specified uses 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 uses.
 - 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;
 - prostitution and activities related to prostitution;
 - the sexual abuse or sexual 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 the 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;
 - serving an eviction notice on behalf of the landlord; or
-

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Safer Communities and Neighbourhoods (SCAN)

Justice

- 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.
- 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.

[Cross Reference BN# 16 – SCAN Act Review]

Approved by:

Deputy Minister

Date approved

Recommended response:

- Statistics Canada's annual crime rate data provides an important measure of trends in crime, both nationally and in our territory.
- The 2021 data indicates that the Yukon is seeing reductions in violent firearms offences, drug-related offences and impaired driving.
- We will continue to be vigilant in working together with Indigenous leaders, multiple levels of government, law enforcement and community partners to improve community safety.
- National increases in rates of sexualized assault, hate crimes, homicides and gun and gang-related violence have also prompted us to look at whether these concerning trends are relevant here.

Additional response:

- Our government recognizes that we must respond to crime through enforcement activities, supportive social programs and prevention-based initiatives that address the underlying causes of crime.
- 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 RCMP, including increased funding for specialized units that investigate homicides, drug trafficking and organized crime.

Context:

- In 2021, community concerns were raised relating to the increase in Whitehorse-area property crime and the potential need for additional resources and supports for the RCMP.

Background:

- Statistics Canada released its annual Juristat Article, Police-reported crime statistics in Canada, 2021, on August 2, 2022, 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.
- Yukon statistics often show significant fluctuations in crime indices, as they are calculated per 100,000 population to enable comparison to other jurisdictions.
- Small changes in the numbers of reported criminal activities in the territory may be perceived as large fluctuations when expressed as percentages.

Territorial Highlights and Trends

- In the Yukon, the overall rate of police-reported crime decreased by two per cent in 2021 (by volume), but by less than one per cent at 0.68 per cent as measured by the Crime Severity Index.
- The Yukon's (adult) **Violent Crime Severity Index increased by 5.27 per cent**, compared to a national increase of 5.15 per cent.
- The Yukon's **Non-Violent Crime Severity Index decreased by 3.41 per cent**, compared to a national decrease of 2.81 per cent.
- The Yukon's **Youth Crime Severity Index decreased by less than one per cent at 0.68**, compared to a national decrease of 4.72 per cent. This index includes both violent and non-violent crimes committed by youth.
- The violations that contributed most significantly to the Yukon's Crime Severity Index decreases were reductions in violent firearms offences, fraud, mischief, drug-related offences, impaired driving and possession of stolen property.
- Territorial increases in homicide, shoplifting of \$5,000 or under, child pornography and disturbing the peace partially offset the above decreases.
- The Yukon's police-reported sexualized assault numbers decreased by three per cent in 2021, compared to a national increase of 18 per cent. This decrease follows a 55 per cent increase in the Yukon's 2019 numbers.

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Crime Rates

Justice

- The most recent Territorial Police Service Agreement (TPSA) quarterly report (October to December 2022) from the Yukon's RCMP found that there was a decrease of 493 calls for service in April to June 2022 compared to the same timeframe in 2021.

Firearms:

- According to the article *Firearms and violent crime in Canada, 2021*, firearm-related violent crime decreased five per cent. However, firearm-related violent crime has generally been increasing since the early 2010s.
- The Yukon's reported numbers of "other" Criminal Code violations involving a weapon are stabilizing. There were 61 incidents in 2021, a slight decrease from the 62 incidents in 2020. However, this was still a substantial increase from the 42 reported violations in 2019 and the 13 reported in 2018.
- In 2021, the Yukon was one of five provinces and territories that had the highest rates of firearm-related incidents.
- Statistics Canada reported a national increase in violent crime for the seventh consecutive year in 2021, rising by four per cent. This includes discharging a firearm with intent (up eight per cent) and using a firearm in the commission of an indictable offence (up three per cent). The 2021 national rate at which a firearm was present in the commission of an offence was 27 per 100,000 population.
- The proportion of homicides in Canada that involved a firearm rose from 26 per cent of all homicides in 2013 to 41 per cent in 2021.
- According to the Commissioner of Firearms Report, in 2020, there were 8,056 individual firearms licenses in the Yukon. Of those, 2,050 licenses were for restricted firearms and 143 for prohibited firearms registered to Yukon residents.

Drug-related Offences

- Offences relating to possession and trafficking of opioids generally decreased in the Yukon in 2021, compared to a national opioid offence increase of 13 per cent.
- In total, drug-related offences in the Yukon decreased by 7.89 per cent in 2021, compared to a national decrease of 8.93 per cent.
- The number of police-reported impaired driving incidents in the Yukon decreased in 2021 with 615 incidents, down from 786 incidents in 2020, and 845 in 2019.

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Crime Rates

Justice

- According to the TPSA quarterly report from the Yukon's RCMP (October to December 2022), deaths caused by illegal toxic drugs in the Yukon occurred at a rate of 48.4 per 100,000 population in 2021.
- The report also found that over the past five years in the Yukon, trafficking offences relating to heroin, cocaine and other drugs increased by 90 per cent.

Property Crime in Whitehorse

- According to Statistics Canada's 2021 crime rate data, the Yukon's overall property crime rate decreased by 3.76 per cent compared to 2020. Specifically:
 - breaking and entering increased by 3.48 per cent;
 - theft under \$5,000 (non-motor vehicle) increased by 14.53 per cent; and
 - theft over \$5,000 (non-motor vehicle) decreased 14.97 percent.

National Highlights and Trends in 2021

- **An 18 per cent increase in level one sexual assault.** This offence accounted for 40 per cent of the national increase in the violent crime severity index.
- **A 27 per cent increase in hate crimes over the last year and a 72 per cent increase over the past two years.** The vast majority of hate crimes targeted either religion (67 per cent increase), particularly affecting Jewish, Muslim and Catholic faiths; sexual orientation (64 per cent increase); or race or ethnicity (six per cent increase), particularly affecting Arab and Asian people.
- A three per cent increase in homicides (+29 instances). The rate of homicide for individuals identified by police as racialized increased by 34 per cent in 2021.
- A nine per cent decrease in rates of impaired driving.
- A 13 per cent increase in opioid-related offences, though rates of heroin are down 32 per cent, ecstasy down 25 per cent, methamphetamine down 20 per cent and cocaine-related offences down 15 per cent.
- Forty-one per cent of homicides were firearm-related and almost half (46 per cent) were considered by police to be gang-related.
- According to the 2021 Police-reported crime statistics in Canada, sexualized assault and hate crimes are highly underreported crimes.
- Statistics Canada estimated in 2019, that one in five criminal incidents perceived as hate-motivated crimes were reported to the police. In 2021, only six per cent of

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sexualized assault incidents experienced by Canadians aged 15 and older in the previous 12 months were brought to the attention of police.

[Cross Reference BN #43 – Firearms – Federal Changes]

[Cross Reference BN #53 – Impaired Driving]

Approved by:

Deputy Minister

Date approved

Session Briefing Note

Spring 2023

Federal Policing - Funding

Justice

Recommended response:

- In 2018, the RCMP announced that the federal policing mandate would shift over time 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 funded by the Government of Yukon.
- Our government has communicated to the Government of Canada that the proposed change in the mandate will disproportionately affect policing in smaller jurisdictions, such as the Yukon.

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 service of three federally funded police officers.
- Earlier this year, the RCMP advised the Government of Yukon to anticipate further reductions in funding for federal RCMP positions.
- We have asked the Government of Canada to reaffirm its commitment to a strong federal policing presence in the Yukon and called on the federal Ministers of Public Safety and Emergency Preparedness to maintain funding and resource levels for federal policing in the Yukon.

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Federal Policing - Funding

Justice

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 Ministers of Public Safety and Emergency Preparedness have yet to respond to the Government of Yukon’s concerns regarding proposed reductions to federal policing resources in the 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.
 - In the Yukon, the Northwest Territories and Nunavut, Federal Investigation Units have historically been assigned the 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 of 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.
-

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Federal Policing - Funding

Justice

- 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 – down from the previous year’s budget of \$2,045,000 at a 12.4 per cent decrease.
- 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.

Gun and Gang Violence Action Fund

- In 2019, the governments of Canada and the Yukon announced \$2,250,735 in federal funding to address gun and gang violence in the territory over five years.
- 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 #56 – RCMP Resources.]

Approved by:

Deputy Minister, Justice

Date approved

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Spring 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 currently working with federal partners on several new First Nations policing initiatives under this program.
- These include augmenting RCMP resources to support additional Yukon First Nations communities, funding Community Safety Officer programs, and contributing to federal engagement about national 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 continues to advocate for funding to be available to support policing under Community Tripartite Agreements (CTAs) with Canada and Yukon First Nations, and for funding for Community Safety Officer programs.

Background:

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

- Since 1991, the Government of Canada (Canada) has funded policing for First Nations and Inuit communities through the FNIPP. The program is intended to:
 - 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.

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First Nations and Inuit Policing Program

Justice

- The FNIPP is governed by a bilateral Framework Agreement between Canada and the Government of Yukon (YG), enabling RCMP resource deployment through subsidiary CTAs with a First Nation.
- FNIPP may also fund “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 the Yukon.
- Yukon First Nations’ Community Safety Officer (CSO) programs are also funded through the FNIPP.
- FNIPP funding is cost-shared. Canada pays 52 per cent, and YG 48 per cent.

Framework Agreement Negotiations

- A renewed Framework Agreement was approved through a federal Order in Council in July 2022. Once signed by all partnering parties, the new agreement will come into effect on April 1, 2023.
- The Yukon’s existing CTAs will remain in force under the new Framework Agreement. However, First Nations governments will have the option to renegotiate their existing CTAs after the new agreement comes into effect.

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.
- Throughout 2021 and 2022, Public Safety Canada (PSC) engaged with provinces and territories to develop principles and methodology to guide funding allocation.
- The first round of national funding allocation decisions occurred in July 2022.
 - YG requested funding for one additional FNIPP RCMP resource and one additional Yukon First Nation CSO program but was not successful in either request.
 - Instead, the first phase of allocations prioritized stabilizing existing self-administered agreements and other previously underfunded initiatives.
- The second round of national funding allocation decisions was in February 2023.
 - YG requested an additional six CTA resources in Phase Two and was successful in securing that CTA funding as well as funding to engage with First Nations about FNIPP-related matters. This has resulted in a commitment

from Canada for cost-shared funding of approximately \$1,042,080 in 2023-24, \$3,006,000 in 2024-25 and \$3,106,000 in 2025-26. This funding is subject to appropriation and approvals.

- Limited additional funding for CSO programs is available. YG will continue its efforts to secure funding for Yukon First Nation CSO programs.
- Separate from Budget 2021 Phase One and Two processes, the Yukon has been offered two additional FNIPP officers under a dedicated “Northern Expansion” initiative to expand the program to new communities.
 - The first of these resources was added to Yukon’s Framework Agreement in January 2023, and discussions are ongoing between YG and a First Nation government with the intent to dedicate this resource to a new CTA.
 - The second Northern Expansion resource will be reflected in YG’s new Framework Agreement in 2023-24, and is available for allocation to a new CTA with a First Nation. Discussions have yet to take place.

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 submit for consideration through their process with the AFN.
- 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 this legislation.
- In September 2022, Canada released a What We Heard report, which will serve to inform its discussions with the AFN, the First Nations Chiefs of Police Association and the First Nations Police Governance Council.
- Canada and the Assembly of First Nations are currently negotiating the guiding principles that will form the basis of the new federal legislation.

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First Nations and Inuit Policing Program

Justice

- The intent is for these two parties to develop draft legislation as soon as possible so Canada is in a position to table legislation by fall 2023.

The Yukon's Community Tripartite Agreements (CTAs)

- YG currently has 11 signed CTAs with Yukon First Nations, which fund 17 RCMP officers throughout the territory. Three First Nations do not currently have CTAs: Teslin Tlingit Council, Kluane First Nation and Ta'an Kwäch'än Council.
- Discussions are underway between YG, PSC, RCMP M Division, and a First Nation to implement a new CTA for two new RCMP officers which would bring the total FNIPP officer complement in the territory to 19 positions.
- 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 (LOEs).
- LOEs give partnered First Nations greater input and oversight on how their communities are served and policed by the RCMP. Eight of the 11 Yukon CTAs have a signed LOE.
- 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 LOEs.
- As of 2023-2024, Canada will be offering annual funding to First Nations for this purpose.

[Cross Reference BN #40 – Community Safety Officers, BN #56 – RCMP Resources]

Approved by:	
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Deputy Minister, Justice	Date approved

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Spring 2023

Impaired Driving

Justice

Recommended response:

- Alcohol and drug-impaired driving in the Yukon are public health and safety issues that we must address by working together.
- Since 2018, we have 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, including 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.

Context:

- Since the 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.

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Impaired Driving

Justice

Background:

Impaired driving in the Yukon

- In the Yukon, there were 615 total impaired driving incidents in 2021, down from 786 incidents in 2020 and 845 in 2019.
- While there have been recent decreases related to the Yukon's impaired driving incidents from 2019–21, these numbers still represent a significant increase compared to the 2011–18 timeframe.
- In 2021, Statistics Canada recorded that 33 out of the 615 impaired driving incidents in the Yukon involved being under the influence of drugs alone. The remaining 582 incidents involved alcohol or a mixture of both alcohol and drug-impaired driving.

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, eight per cent were combined alcohol and drug-impaired driving and three per cent were unspecified impaired driving, linked to changing legislation. These changes in legislation resulted in the Uniform Crime Reporting (UCR) Survey creating 19 new violation codes and retiring 15 existing, traffic-specific violation codes.
- Statistic Canada data reveals that the police reported just under 71,500 impaired driving incidents in 2021, approximately 6,300 fewer incidents compared to 2020. This represents a nine per cent drop in national impaired driving offences compared to 2020.
- 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 which, 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 in impaired driving causing death or bodily harm compared to the previous year.

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Impaired Driving

Justice

Legislative changes

- 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 included the ability for police to conduct mandatory roadside alcohol breath tests on drivers who are pulled over, without the requirement that there be 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 drawing 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 (SFST).
- Four of the 45 officers have also completed the Drug Recognition Expert (DRE) certification and are working as Drug Recognition Experts.
- In addition, there are 15 “M” Division officers trained to use oral fluid screening devices to test for THC, the component of cannabis linked to impairment.
- “M” Division has 71 officers trained in Basic Impaired Driving Detection, 11 of whom were trained between January and July 2022.
- 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’s Pacific Region Training Centre in Chilliwack, British Columbia normally provides “M” Division with SFST and DRE training, but the impacts of the COVID-19 pandemic have impeded delivery of this training.

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Impaired Driving

Justice

- “M” Division has advised that they will not have enough students for another Standardized Field Sobriety Test course until November or December 2023. However, they are exploring the option of sending one or two students to the Pacific Region Training Centre in Chilliwack, BC 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 provides 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, Yukon, Northwest Territories, Manitoba and Ontario which provided a baseline in these jurisdictions.
- Three provinces planned to conduct roadside surveys in 2022 (British Columbia, Manitoba and Ontario).
- The Yukon successfully planned and executed a roadside survey in the summer of 2022, targeting both commercial and non-commercial vehicles.
- New Brunswick and Prince Edward Island plan on conducting their first roadside surveys in 2023 and the Northwest Territories plans on conducting their second roadside survey in 2023.

Approved by:_____
Deputy Minister_____
Date approved

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Spring 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 works to collect community perspectives and provide recommendations to the Minister of Justice that inform the policing priorities for the Yukon's RCMP.
- The 2022-23 policing priorities are:
 - 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;
 - engage with and support children and youth;
 - strengthen relationships with First Nations and First Nation governments and continue to implement First Nation policing activities; and
 - strengthen relationships with communities and partners and continue to implement community policing initiatives.

Additional response:

- The Council's recommendations inform policing priorities, as they reflect its annual engagement processes to identify policing needs from the perspectives 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.

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Policing Priorities

Justice

Context:

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

Background:

- The Council is an independent citizen advisory council that promotes ongoing dialogue to foster positive relationships between Yukoners, the RCMP and the Department of Justice.
- The Council visits with 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.
- In 2020, due to COVID restrictions, the Council suspended community visits and conducted a territory-wide survey on perceptions of policing in place of in-person community engagement.
- The Council's virtual engagement sessions and community visits to Ross River and Faro resumed in 2021. These helped shape policing priorities for 2022–23.
- The Minister of Justice provided the 2022–23 policing priorities to the Commanding Officer of the RCMP's "M" Division in the spring of 2022, providing direction on the unique policing needs of the territory.
- 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.

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Policing Priorities

Justice

- The RCMP provides the Government of Yukon and the Council with quarterly updates on policing activities and progress towards meeting the territorial policing priorities. The RCMP also provides the Government of Yukon with an annual report each July.
- The Council completed community visits to Burwash Landing and Beaver Creek in August 2022 and to Haines Junction in November 2022.
- The Council comprises a Chair and six members appointed by the Minister of Justice for a three-year term. A minimum of three appointments must be Yukon First Nations.
- 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 online survey had 253 respondents. Drug-related offences were the most identified priority with 51 per cent of respondents.
- The 2023-24 policing priorities will be announced in the next fiscal year.

Approved by:_____
Deputy Minister, Justice_____
Date approved

Recommended response:

- The Territorial Police Service Agreement includes a capital asset management program called the Accommodations Program Charge. The RCMP and the Government of Yukon jointly decide on projects under this program in five-year cycles.
- The third capital cycle of the Accommodations Program Charge commenced this fiscal year and will end March 31, 2027.
- Cycle Three will fund the construction of a new RCMP detachment in Old Crow, as well as lifecycle investments required to maintain the Yukon RCMP's existing infrastructure.
- The new detachment project is in preliminary planning phases. Ongoing discussions and formal approval will be required from the Government of Yukon before proceeding to construction.

Additional response:

- The Government of Yukon continues to work with the RCMP to ensure that the Yukon's policing infrastructure meets the territory's operational requirements and policing needs.
- During the previous capital cycle, from 2017 to 2022, our government funded three major detachment projects in Faro, Carcross and Ross River.
- Due to pandemic-related supply chain and labour pressures, the Carcross and Faro projects experienced delays and were incomplete at the end of Cycle Two on March 31, 2022.
- As such, the residual funding for Cycle Two was carried forward to Cycle Three, allowing these projects to be finished in the fall of 2022.

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RCMP Capital Projects

Justice

Context:

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

Background:

Cycle Three of the APC

- Cycle Three of the APC began in April 2022.
- 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 (Yukon's contribution) over five years, for the construction of a new 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 (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.

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RCMP Capital Projects

Justice

- Cycle Two included three major projects:
 - the renovation of the Ross River detachment building; and,
 - two new detachment buildings in Carcross and Faro.
- However, the new 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 deemed substantially complete and are operational as of late 2022.

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 smoothed rate 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 within the APC 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

Date approved

Session Briefing Note

Spring 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.

Additional response:

- This year, our government approved a policing budget increase of over 20 per cent compared to last year.
- This increase renewed our staffing commitment to the Historical Case Unit, while adding two officers to the Crime Reduction Unit and an 18th officer to the First Nations and Inuit Policing Program.

Context:

- There has been significant public interest in the resource levels required to support effective and responsive policing.
- Owing to the Yukon's sparsely populated and vast geography, maintaining a responsive policing presence throughout the territory requires more police officers per capita than in the provinces.

Background:

- The Yukon has the third highest police per capita ratio in Canada, expressed by Statistics Canada 2021, as a police strength of 326 officers per 100,000 population.
- Only the Northwest Territories and Nunavut have higher police-per-capita ratios.

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RCMP Resources

Justice

- Currently, the total numbers of RCMP Regular Members (i.e., officers) assigned to the territory are funded as follows.

Territorial Police Service Agreement	112
First Nations and Inuit Policing Program	18
Federal Investigation Unit	8
Total Regular Members	138

- The RCMP forecasts its anticipated human resource, operational funding and capital investment needs to the Government of Yukon through 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.
- Between 2016–17 and 2020–21, the Government of Yukon increased the operational budget of the RCMP's "M" Division by \$3,802,000. This included funding for eight new RCMP positions over that period:
 - four regular members (RMs) for the Whitehorse detachment;
 - one disclosure clerk, two administrative support clerks;
 - one First Nations and Inuit Policing Program (FNIPP) RM; and
 - a three-member Historical Case Unit (see note below).
- Provost duties were devolved from 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.
- The approved 2022–23 policing budget included a 20.28 per cent increase from the previous fiscal year. This increase covered significant pay raises due to RCMP member unionization, multiple nationally mandated policy and rate changes, adjustments due to inflation, new investments in policing infrastructure and several new officer positions. The funding for positions included:
 - two term funded RMs for the Crime Reduction Unit (CRU) to help address the territory's opioid enforcement response; and
 - funding for three positions for the Historical Case Unit (HCU).

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RCMP Resources

Justice

- Annex A of the Yukon's Territorial Police Service Agreement (TPSA) authorizes "M" Division to have 112 RMs on staff and funds 178 full-time positions in total which includes 12 civilian members and 54 public service employees.
- In addition to the above, a further 18 RMs have been funded under the First Nation and Inuit Policing Program, as of January 2023, to provide community policing services in First Nations communities.

Historical Case Unit (HCU)

- The "M" Division HCU 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 unit became operational in February 2019 and was made permanent in fiscal year 2022–23.

Federal Investigation Unit (FIU)

- The federally funded FIU supplements territorial policing resources and is tasked with federal policing priorities that include drug investigations, enforcement of federal laws, protective policing, commercial crime investigations, integrated border enforcement and intelligence functions.
- In early 2018, the Government of Canada informed the Government of Yukon that funding for the FIU would be reduced, 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.

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Spring 2023**RCMP Resources**

Justice

Additional resources for opioid response

- In 2019, “M” Division created the CRU to address specific issues in the Yukon, such as drug trafficking, property theft and organized crime.
- To staff the CRU, “M” Division initially drew resources from other work units, which, in turn, have had to deprioritize their core policing activities.
- In February 2022, funding was approved for two additional RCMP RMs to be temporarily assigned to the CRU for four years, beginning in the fiscal year 2022–23.
- These two RCMP members will support the Yukon's response to the substance use health emergency, driven by opioid use in the territory.

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 negotiation will result in a one-time, retroactive payout.
- The second round of RCMP collective bargaining is anticipated to begin in early 2023. The Government of Yukon will receive updates through the RCMP Contract Management Committee throughout this process.

[Cross reference: BN# 51 – Federal Policing – Funding]

[Cross reference: BN# 52 – First Nations and Inuit Policing Program]

Approved by:_____
Deputy Minister, Justice_____
Date approved

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Spring 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 continues to support Gladue Report Writing to meet the needs of Indigenous offenders and the courts.
- The program is administered by the Council of Yukon First Nations and is carried out by trained Yukon First Nation Gladue writers.
- The federal government has committed to funding the Gladue Report Writing Project through the Access to Justice Funding Agreement.

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 Courtworkers.
- The Council of Yukon First Nations (CYFN) currently reports that, to date, 104 reports have been completed.

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Spring 2023

Gladue Report Writing

Justice

Background:

- 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%).
- 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.
- 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.

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Gladue Report Writing

Justice

- Initially, there was a prerequisite that applicants 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

Date approved

Session Briefing Note

Spring 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, increase engagement with First Nations governments and better support community-designed and community-led restorative justice initiatives.
- The Integrated Restorative Justice Unit has combined dedicated youth justice and adult justice resources to provide consistent program delivery across the Yukon.

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. This agreement authorizes the Integrated Restorative Justice Unit to be an approved Alternative Measures Program with legislative authority 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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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 2021 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 the development of First Nations justice programs and participation in FPT initiatives.
- Increasing the use of restorative justice was one of six 2021–22 policing priorities.
- In January 2023, the Integrated Restorative Justice (IRJ) Unit was approved to continue this work until March 2025.

Background:

- In July 2020, Cabinet approved the creation of an IRJ Unit. This strategy combined existing restorative justice resources within the departments of Justice and Health and Social Services on a two-year exploratory basis.
- These resources 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.
- This Unit has improved the Government of Yukon's delivery of restorative justice services by aligning government initiatives, providing a continuum of restorative justice services to youth and adults, and by applying a consistent approach.
- One of the initiatives under the Unit was to establish a formal pre- and post-charge Diversion Program for youth and adults with a goal of increasing the use of restorative justice practices throughout the territory.
- 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.

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Restorative Justice

Justice

- 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 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 Chief Crown Prosecutor, as a delegate of the Attorney General of Canada, authorized the Yukon Adult Diversion Program, allowing the IRJ Unit to accept pre- and post- charge referrals into their program.
- The work of the IRJ unit should 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 is also a component of 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 Department of Health and Social Services also currently funds one Community Justice Program.
- The level of community justice services provided available in different communities depend on the capacity and the direction provided within that community.
- 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;
 - demonstrating accountability to the community about justice matters; and

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Spring 2023

Restorative Justice

Justice

- 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, the RCMP, the 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).

Approved by:_____
Deputy Minister, Justice_____
Date approved

Application of SART Protocol in Schools

Spring 2023

Recommended response:

- The Government of Yukon takes allegations of student-to-student sexualized assault very seriously. Education staff work with partners to ensure incidents are investigated and addressed promptly and appropriately.
- Students and staff can access supports through the Sexualized Assault Response Team (SART).
- The SART team provides victim-centred, trauma-informed services and supports for victims of sexualized violence to people of all ages, genders, and sexual orientations, including children and youth, and their families.
- Children or youth can access any of the SART agencies, either through the SART support line, or directly through one of the partner agencies, including Victim Services, Whitehorse General Hospital, RCMP and Mental Wellness Substance Use Services.
- These agencies have committed to provide care in line with SART principles outlined in the recently signed protocol, and to coordinate services in a manner consistent with the victim's choice.

Context - this may be an issue because:

- On March 22, the leader of the third party raised the issue of sexualized assaults in schools and how they are dealt with. She called on the government to establish a specific policy on student-to-student sexualized assaults.
- The leader of the third party also referenced a case involving a former high school student who wrote a letter outlining an issue they faced, to all party leaders and expressed the lack of support from the Government of Yukon.

Application of SART Protocol in Schools

Spring 2023

Background:

- In May of 2022, school counsellors attended an information session on SART services and how to respond, resulting in regular collaboration in support of students.
- SART provides victim support, legal and criminal justice services and medical services based on the wishes of the victim.
- SART is victim-led and any referrals and sharing of information would only be done with the consent of the victim unless it involved a child in need of protection. Each case is unique. Incidents are assessed and addressed on a case-by-case basis.

SART in the context of children and youth:

- The SART Protocol has a section specifically focused on children and youth.
- SART principles prioritize a victim-centered and trauma-informed approach and coordinates services in a manner consistent with the victim's choice.
- Agencies have a duty to report when a child is in need of protective intervention as defined by the *Child and Family Services Act*.
- Children and youth have more limited options in terms of confidential service exploration.

SART in the school environment:

- In the event a school, the Department of Education or a school council, makes a request for support to a SART agency, the responding agency provides their service and offers to make referrals to other SART agencies.
- With the consent of a young person and/or family, a school may become involved in a collaborative planning process to support safety, health and well-being within the school environment.
- SART is victim-led and any referrals and sharing of information is only done with the consent of the victim.

An example of a coordinated response:

- A parent or school staff calls the Sexualized Assault Support Line (SASL) to seek support for a child or youth with the consent of the young person and/or family.
- The SASL would assess the safety and immediate needs of the victim such as:
 - if the child is still at risk of harm,
 - if medical care is needed; or

Application of SART Protocol in Schools

Spring 2023

- if the victim wishes, request a Sexualized Assault Examination Kit at the Whitehorse General Hospital.
- If the SASL has a reason to believe the child may need protective intervention, the incident is reported to Family and Children Services (FCS).
- SASL would offer a referral to Victim Services. If the victim consents, Victim Services would offer its service options.
- With the victim or caregiver's consent, Victim Services would provide support by working with the school and the Department of Education to create a safety plan for the child during school hours.
- Victim Services would coordinate meetings and information sharing with the school and the Department of Education to create a safety plan and ensure access to support at school from arrival to departure, including recess and lunch time.
- Victim Services would offer support such as accompaniment if the victim wished to report the assault to the RCMP and referral to the Independent Legal Advice program for legal advice.
- Victim Services would offer referrals to other services such as priority access to counselling for the child and parent through the Child, Youth and Family Treatment Team at Mental Wellness and Substance Use Services or other services, including culturally appropriate services if the family is Indigenous.
- In the event a report to the RCMP leads to charges, Victim Services would offer support in navigating the legal system by:
 - providing court updates;
 - preparing for trial;
 - accompaniment to meetings with the Public Prosecution Service Canada;
 - helping to access testimonial aid in the event of a trial; and
 - offering support to write a Victim Impact Statement in the event of a sentencing.
 - Victim services would provide ongoing support based on the needs and wishes of the family, caregiver, and victim.
- Each case is very unique and there is no one way that cases are handled. Incidents that involve only minors are assessed and addressed on a case-by-case basis.
- There is further information available on the Youth Support page of the SART website: <https://yukon.ca/en/sartyukon/support-youth-who-experienced-sexualizedized-assault>

Application of SART Protocol in Schools

Spring 2023

Whitehorse SART protocol:

- The Whitehorse SART protocol has been approved and signed by partner agencies.
- Educational materials about the protocol for front-line workers are being developed and will be available in the spring on sartyukon.ca.
- Current Whitehorse SART member agencies include: Government of Yukon; Health & Social Services, Mental Wellness and Substance Use Services and Community Health Programs; Department of Justice and Victim Services; Women and Gender Equity Directorate; Public Prosecution Services of Canada; RCMP "M" Division; Yukon Hospital Corporation; and Yukon Women's 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.
- SART in Whitehorse was officially launched March 6, 2020.
- Coordination of existing medical and victim services is supported by two Government of Yukon positions: the SART Victim Support Coordinator and the SART Clinical Coordinator. They work in partnership to ensure there is continuity of care and wrap-around services for victims of sexualized violence.
- Current priorities for SART in Whitehorse include: exploring opportunities for additional medical and forensic care options for victims; focusing on reducing barriers to services for youth victims; continuing outreach and engagement with Whitehorse-based First Nations and youth-serving agencies; SART member agencies continuing to coordinate cross-agency trainings; and continued communications of SART services.

Approved by:

Deputy Minister, Justice

Date

Deputy Minister, Health and Social Services

Date

Deputy Minister, WGED and Education

Date

Session Briefing Note

Spring 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. This suggests a different approach may be more effective in the Yukon.
- As a result of the lessons learned through Project Lynx, Victim Services is currently refining their approach to working with child and youth victims of crime.

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.
- As part of this new vision for service delivery, Victim Services will capitalize on new purpose-built space and will more clearly define, lead and deliver a specialized service for child and youth victims of crime and their families.

Context:

- The issue of supports and services for children and youth may be raised in the context of responding to child sexualized and physical abuse.

Session Briefing Note

Spring 2023

Child and Youth Victim Services (formerly Project Lynx)

Justice

Background:

- Since January 2014, Victim Services has been working to develop a jointly-administered and jointly-led service, known as Project Lynx, 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.
- Known as Project Lynx, this work focused on building a collaborative multi-disciplinary 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:
 - Department of Justice
 - Victim Services (as the coordinator), and
 - Court Services.
 - Department of Health and Social Services
 - Child Abuse Treatment Services 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.

Session Briefing Note

Spring 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 multi-disciplinary 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 the Project Lynx model in the Yukon.
- Using the many lessons learned, Victim Services will pivot the approach to a justice-led and justice-focused service for child and youth victims of crime.
- This will continue to incorporate many of the national best practices for Child and Youth Advocacy Centres but will provide a consistent and reliable service.
- During this transition period while the Department of Justice continues to work with partners on an improved model for delivering these services, child and youth victims and their families continue to access supports through Victim Services and all previous Lynx partner agencies.
- 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

Date approved

Session Briefing Note

Spring 2023

FILU – Family Information Liaison Unit

Justice

Recommended response:

- The Family Information Liaison Unit, known as FILU, provides centralized, coordinated supports for family members of missing and murdered Indigenous women, girls and two-spirit+ people.
- This service includes assisting families in accessing 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*.
- Yukon's FILU Coordinator works in partnership with the Yukon Aboriginal Women's Council to provide coordinated supports for families including outreach, training and healing opportunities.
- The Yukon Aboriginal Women's Council also receives Government of Canada funding to host on the land healing camps for families.

Additional response:

- The FILU service is funded by the Government of Canada, and the funding agreements with territories and provinces have been extended for another two years until March 2025.
- 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 Canada was set to expire March 31, 2023, and there had been some uncertainty about whether the funding would be extended. The funding extension was confirmed February 27, 2023.

Session Briefing Note**Spring 2023****FILU – Family Information Liaison Unit**

Justice

Background:

- On August 3, 2016, the Government of Canada (Canada) announced the independent National Inquiry into Missing and Murdered Indigenous Women and Girls. At the same time, the Government of 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 FILU from internal and external partners: Women and Gender Equity Directorate; Executive Council Office; Department of Justice; Indigenous women's organizations; Kwanlin Dün First Nation; Council of Yukon First Nations; RCMP; Association of Yukon Communities; and Women's Coalition.
- Victim Services and the Yukon Aboriginal Women's Council (YAWC) also met with families to seek their advice on the development of FILU.
- Canada has provided \$285,000 per year starting in the 2017–18 fiscal year.
- We continue to discuss this service with Canada and to advocate for ongoing supports for Indigenous victims of crime.
- YAWC also receives separate funding from Canada to deliver and host healing camps and culturally relevant supports for families.
- The Changing the Story to Upholding Dignity and Justice: Yukon's MMIWG2S+ Strategy was released in December 2020.

Approved by:

 Deputy Minister, Justice

 Date approved

Expansion of SART Services

Spring 2023

Recommended Response:

- We know that only a small percentage of victims of sexualized violence seek formal supports or services. The Sexualized Assault Response Team, or SART, is working continuously to lower barriers so that more victims can access services when they need them.
- After more than three years of intense collaborative work, the Whitehorse SART agencies have signed the first SART protocol in the Yukon to make these services sustainable and permanent.
- We have committed to expanding services to Yukon communities outside of Whitehorse.
- To expand services in a way that responds to communities' needs and priorities, engagements will take place this spring and summer with First Nations governments, Indigenous women's organizations, service providers as well as victims.

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

Spring 2023

Context - this may be an issue because:

- The July 5, 2021 mandate letters include a commitment to expand the services of Yukon's SART to Yukon communities beyond Whitehorse.
- The RFP to recruit contractors to engage with First Nations government and service delivery agencies received media attention. Those contracts have now been awarded and engagement will begin this spring.

Background:

Expansion

- Preparation is underway for engagement with First Nations governments, rural service providers and victims. The engagement results will be reported back to the communities with a "What we heard report" in the Fall.
- Engagement is being supported by contractors, the contracts have been awarded through two public procurement processes:
 - Rumsey consulting, is leading the engagement with First Nations governments, Indigenous women's organizations and service providers; and
 - Ipsos is leading the sensitive engagement with victims of sexualized violence with trauma-informed and culturally appropriate methods.
- The Council of Yukon First Nations is a member of the engagement working group for the expansion Sexualized Assault Response Team (SART) services and will help us ensure we are delivering the engagement in a culturally responsive way.

Whitehorse SART Protocol

- The Whitehorse SART protocol has been signed by the partner agencies. It will be available on sartyukon.ca this spring.
- Educational materials about the protocol for front-line workers have been developed and will be available in the spring on sartyukon.ca.
- Current Whitehorse SART member agencies include:
 - Government of Yukon;
 - Health & Social Services, Mental Wellness and Substance Use Services and Community Health Programs;

Expansion of SART Services

Spring 2023

-
- Department of Justice and Victim Services;
 - Women and Gender Equity Directorate;
 - Public Prosecution Services 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.

SART general

- 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 Coordinator. They work in partnership to ensure there is continuity of care and wrap-around services for victims of sexualized violence.
- Current priorities for SART in Whitehorse include:
 - exploring opportunities for additional medical and forensic care options for victims;
 - focusing on reducing barriers to services for youth victims;
 - continuing outreach and engagement with Whitehorse-based First Nations and youth-serving agencies;
 - SART member agencies continuing to coordinate cross-agency trainings; and
 - continued communications of SART services.
- The number of victims accessing key SART services in Whitehorse is slowly increasing with the improved public awareness of available services including the 24/7 support line, weekend victim support workers and 24/7 on-call physicians at

Expansion of SART Services

Spring 2023

Whitehorse General Hospital.

- Rates of police-reported sexualized assault are three times higher in the Yukon than in the rest of Canada. The majority of sexualized assaults are not reported to the police.
- While there may be interest in specific statistics related to services provided to victims of sexualized violence, sharing statistics of the relatively small number of victims receiving medical services can constitute sharing personal health information and would contravene the *Health Information Privacy and Management Act*.

Approved by:

Deputy Minister, Women and Gender
Equity Directorate

Date

Deputy Minister, Justice

Date

Deputy Minister, Health and Social Services

Date

Session Briefing Note

Community Wellness Court

Spring 2023Justice

Recommended response:

- The Yukon Community Wellness Court **will receive** funding from the Drug Treatment Court Funding Program to support expansion of its program. 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.
- Expansion of the Community Wellness Court will take place over the next two years in consultation and partnership with Yukon First Nations governments.
- Each program will be developed to address the individual needs of the community and citizens it serves.

Additional response:

- Consultation meetings took place with Tr'ondëk Hwëch'in First Nation in December 2022 and January 2023, and confirmed support for this expansion in Dawson.
- With funding support from Canada's Community Justice Centre Consultation (CJC) project, meetings and consultations will continue over the coming months to identify the community needs in order to develop programming and treatment processes for potential clients. The CJC consultation funding agreement expires October 31, 2023.
- After consultation meetings with the Carcross/Tagish First Nation Government, a pilot therapeutic court program was approved in January 2023. The Justice Wellness Centre team is beginning initial project development.
- The Therapeutic Court Legal Subcommittee is meeting to discuss and develop a process for these specialized court models in communities.

Session Briefing Note

Community Wellness Court

Spring 2023

Justice

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 partnership and community-integrated specialized courts.
- 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.

Background:

- The Dawson City program will ensure a partnership between the JWC and the Tr'ondëk Hwëch'in Government. Furthermore, it will require collaboration with community resources and partner agencies to support the development of a therapeutic court model.
- The Dawson City Therapeutic Court is expected to serve approximately 15 clients annually.
- The Carcross Therapeutic Court is expected to serve approximately 10 clients annually.
- JWC funding supports expanding the program to four Yukon communities; Watson Lake, Whitehorse, Dawson City and Carcross.

Approved by:

Deputy Minister

Date approved

Session Briefing Note

Domestic Violence Treatment Option Court

Spring 2023

Justice

Recommended response:

- The Justice Wellness Centre is redeveloping the Spousal Abuse Program for Domestic Violence Treatment Option Court participants.
- A replacement for the Spousal Abuse Program is needed to address high rates of co-occurring disorders.
- The Four Worlds Centre for Development Learning is completing some research to inform program planning by the Domestic Violence Treatment Option Court Treatment Planning Team.
- This research will help identify specific treatment programs to best serve this population of justice-involved clients and to interrupt violent behaviour within relationships that disproportionately affect women in our communities.

Additional response:

- The planning team consists of multiple community partners and a Cultural Consultant. This team will spearhead the treatment program development and implementation process and ensure culturally integrated programming for all program participants.

Context—this may be an issue because:

- 2021 marked the seventh consecutive year of a gradual increase in police-reported intimate partner violence in Canada.

Background:

- An increasing number of clients referred to the Domestic Violence Treatment Option (DVTO) Court present with complex needs or co-occurring disorders.
- Justice Wellness Centre (JWC) has hired consultants to research best practices in treating persons charged with offences related to intimate partner violence.

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Spring 2023

Domestic Violence Treatment Option Court

Justice

- The contractors hired were the Four Worlds Centre for Development Learning. They have so far completed a literature review, cross-jurisdictional scan, and complete treatment review.
- To date, DVTO Court is offered in Whitehorse and Watson Lake. There are no current proposed expansions of DVTO Court to other Yukon communities. Future growth in DVTO Court programming will be dependent upon available funding.
- The Spousal Abuse Program (SAP) is expected to provide psychotherapeutic services to clients with offences related to intimate partner violence. Services will 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 for all clients. SAP will provide augmented treatment services and will be expanded for DVTO clients. The expanded services will ensure clients can access comprehensive treatment, with the goal of interrupting violent behaviours and reducing violence for partner-related offences.

Approved by:

Deputy Minister, Justice

Date approved

Session Briefing Note

Government of Canada's Indigenous Justice Strategy

Spring 2023

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.
- Collaborative work is necessary to make meaningful progress on this.

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—this may be an issue because:

- 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 recommended action to address the 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

Government of Canada's Indigenous Justice Strategy

Spring 2023

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 engagement approach.
- In pre-engagement and processes associated with other reports and inquiries, 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, the focus of engagement is on two broad themes:
 - supporting Indigenous justice systems; and
 - reforming the justice system to reduce systemic discrimination and the overrepresentation of Indigenous people in the criminal justice system.
- There are two streams of engagement processes: those directed by Indigenous organizations and those directed by Justice Canada.
- As directed by discussions with National Indigenous Organizations, Justice Canada designed and launched a call for proposals in December 2021. Justice Canada provided grants to support 38 Indigenous-led engagement processes.
- 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.

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Government of Canada's Indigenous Justice Strategy

Spring 2023

Justice

- As part of work associated with FPT Ministers and Deputy Ministers responsible for Justice and Public Safety, the Department of Justice represents the Government of Yukon (YG) at the FPT Aboriginal Justice Working Group and will coordinate YG's input.
- Justice Canada estimates that by fall 2023-spring 2024:
 - a draft Indigenous 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.
- It is anticipated that the Strategy will be released once the Indigenous-led and Justice Canada-led engagements are concluded in 2024.
- In February 2023, Canada advised that: it allocated significant funding over three years to support the Strategy's development, there is an online portal open to facilitate broad public engagement on the Strategy, and the FPT Pan-Canadian Strategy on the Overrepresentation of Indigenous Peoples in the Criminal Justice System is intended to inform the Strategy.

Approved by:_____
Deputy Minister, Justice_____
Date approved

Session Briefing Note

Spring 2023

International Human Rights

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:

- A meeting of the Federal-Provincial-Territorial (FPT) Ministers Responsible for Human Rights is expected to take place in the summer of 2023.
- In following up on commitments made during the 2020 Meeting of FPT Ministers Responsible for Human Rights, the Senior Officials Committee on Human Rights (SOCHR) has begun to implement its engagement strategy and protocol.
- This will include meetings with the Canadian human rights commissions, civil society organizations and National Indigenous Organizations. It is unclear how SOCHR will engage with Yukon First Nations on this matter.

Session Briefing Note

Spring 2023

International Human Rights

Justice

Background:

- Reporting on international human rights is coordinated through the FPT Coordinating Committee of Officials on Human Rights.
- 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).
- At the 2020 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:
 - formalizing 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 Continuing Committee of Officials on Human Rights 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
 - enhancing public knowledge and awareness and facilitating information sharing among FPTs, through appropriate mechanisms.

Session Briefing Note

Spring 2023

International Human Rights

Justice

- The Forum of Ministers on Human Rights in 2020 was held remotely due to COVID-19. The next meeting of the Ministers Responsible for Human Rights is expected to take place in person in **summer 2023**.
- 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_____
Date approved

Yukon's MMIWG2S+ People Strategy Spring 2023

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 do this work in a decolonized way, in partnership with Yukon First Nations and Indigenous women's organizations.
- We are now taking the time to review the Priority Action Items document released in December 2022 to determine related work underway, remaining gaps, and where we can play a role.
- The Government of Yukon appreciates the work of the Yukon Advisory Committee and acknowledges the urgency of the 12 Priorities. We look forward to working with our partners in achieving the objectives that have been described.

Context - this may be an issue because:

- 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 on December 10, 2020.
- The National Action Plan on MMIWG was released June 3, 2021. National media coverage has focused on the need for urgent action.
- In December 2022, some Members of Parliament (NDP) called for international oversight by the United Nations' Special Rapporteur on the Rights of Indigenous Peoples for Canadian police forces' responses to MMIWG.

Background:

- The Yukon Advisory Committee on MMIWG2S+ was created in 2015 and includes representatives of the Government of Yukon, Yukon First Nations governments, all three Indigenous women's organizations, LGBTQ2S+ Yukoners, and an elder.

Yukon's MMIWG2S+ People Strategy Spring 2023

- 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.
- Yukon's MMIWG2S+ Strategy outlines 31 actions under four pathways to guide action in response to the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls:
 - Strengthening Connections & Supports;
 - Community Safety & Justice;
 - Economic Independence & Education; and
 - Community Action & 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 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 Yukon government's contribution to implementation of Yukon's MMIWG2S+ Strategy.
- It is a priority for the Yukon Advisory Committee to complete the remainder of the implementation plan. A technical meeting of partners and contributors in the fall of 2023 is also being planned.
- 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 and opportunities to connect to the land. The budget for the Accountability Forum is \$217,000, an increase of \$67,000 from 2022-23.

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JUS Tab 92

WGED Tab 9

HSS Tab 5

Yukon's MMIWG2S+ People Strategy Spring 2023

Approved by:

Deputy Minister, Justice

Date

Deputy Minister, Health and Social Services

Date

Deputy Minister, Women and Gender
Equity Directorate

Date

Session Briefing Note

Spring 2023

Systemic Racism and Justice

Justice

Recommended response:

- Canada is not immune to the challenges of systemic racism.
- The recent discoveries of the unmarked graves of Indigenous children at former residential school sites across Canada are but one example.
- We are also seeing a rise in anti-Semitic attacks and racially-motivated crimes targeting Black, Asian and Indigenous people, in particular Indigenous women.
- We support efforts to dismantle systemic racism within the structures of government, including the justice system.
- The overrepresentation of Indigenous peoples in the criminal justice system is one indicator that systemic barriers and structural racism still exist in the Yukon, and that this has significant impacts not just on the lives of individuals, but on communities as a whole.
- We are committed to ensuring that our workplaces, schools and gathering spaces are inclusive and free from discrimination.

Additional response:

- The Government of Yukon commends the Government of Canada for its commitment to combat all forms of racism through the implementation of the Building a Foundation for Change: Canada's Anti-Racism Strategy and other national initiatives.

Context:

- On March 21, 2022, all parties in the Yukon Legislative Assembly recognized the International Day for the Elimination of Racial Discrimination.
- The Government of Yukon (YG) and all parties acknowledged the existence and impacts of systemic racism in the Yukon.

Session Briefing Note

Spring 2023

Systemic Racism and Justice

Justice

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- As former Premier, Minister Silver stated publicly that
 - racism and systemic racism exist;
 - collective action must be taken against all forms of racism, discrimination and hate; and
 - it is not enough to simply not be racist, but that we must be anti-racist.
-

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 the systemic oppression of a racial group to the social, economic and political advantage of another. Systemic racism is the operationalization of racism when it is embedded into the system and is perpetuated by policies and prevalent socialized behaviours that negatively impact racially marginalized peoples.
- Governments have a role in addressing systemic racism by creating or changing policies and legislation to ensure our workplaces, schools and gathering spaces are inclusive and free from all forms of discrimination.
- According to the 2016 Census, racialized Canadians represent over 27 per cent of Canada's total population, and racialized people comprise over 31 per cent of the Yukon's population.

YG efforts to address systemic racism

- YG does not currently have a whole-of-government anti-racism approach or strategy to address systemic racism and structural barriers.
- However, there are ongoing initiatives in the Department of Justice to improve the relationship between the justice system and racialized Yukoners, including:
 - support of a 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;

- 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 BN #110);
 - the establishment of the Integrated Restorative Justice Unit to improve YG's restorative justice service delivery, increase engagement with First Nations governments and better support community-designed and community-led restorative justice initiatives;
 - 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 Missing and Murdered Indigenous Women, Girls and Two-Spirit+ People.
- The Department of Justice is looking at ways to address the overrepresentation of Indigenous peoples in the justice system as well as the impacts of systemic racism.

Government of Canada efforts to address systemic racism

- Through the Building a Foundation for Change: Canada's Anti-Racism Strategy 2019-2022, the Government of Canada sought to take immediate steps to combat racism and discrimination nationally.
- The strategy was informed by broad engagement with Canadians during 2018–19 and is based on three guiding principles:
 - 1) demonstrating federal leadership;
 - 2) empowering communities; and
 - 3) building awareness and changing attitudes.
- In 2019, the Government of Canada established a Federal Anti-Racism Secretariat to lead and support anti-racism initiatives in the federal government.
- The Secretariat identifies and develops further areas for action through engagement with communities and Indigenous peoples, stakeholders and other levels of government.
- The Secretariat works with provincial and territorial partners to coordinate action against systemic racism and consider the potential impacts of policies, programs and laws on Canadians from diverse communities.

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Systemic Racism and Justice

Justice

- The Federal Anti-Racism Secretariat planned to release a national anti-racism action plan in late 2022, but it is unclear when it will be released.
- The Federal Anti-Racism Secretariat had proposed creating an Anti-Racism Ministers Action Table (ARMAT), but there is no information regarding its establishment at this time.

Approved by:_____
Deputy Minister, Justice_____
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 Yukon government.
- Our approach to reconciliation is characterised by the implementation of our modern treaties with Yukon First Nations, 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 on the Rights of Indigenous Peoples to identify how it can further advance reconciliation. In accordance with our commitment in the 2023 Confidence and Supply Agreement, I will be seeking to convene a meeting with the leaders of Yukon and transboundary First Nations and the leader of the Yukon NDP to begin discussions on the Declaration.

Additional Response:

- The Declaration recognizes the important role of treaties in strengthening Indigenous-state relations and the need to take into account the 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.
- The Yukon government continues to support Canada's efforts to implement their *United Nations Declaration on the Rights of Indigenous*

United Nations Declaration on the Rights of Indigenous Peoples

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Peoples Act, while recognizing that each province and territory has its own approach to reconciliation and the Declaration.

Context—this may be an issue because:

- The governments of Canada (Canada) and British Columbia (BC) affirmed in legislation that the United Nations Declaration on the Rights of Indigenous Peoples (the “Declaration”) applies to their laws, which raised expectations that other jurisdictions will adopt similar legislation.
- 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.
- 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.
- In January 2023, a new Confidence and Supply Agreement was signed between the Yukon Liberal Party and the Yukon New Democratic Party which commits to seeking consent from Yukon First Nation Chiefs to initiate a discussion with the Premier and the Leader of the NDP on the Declaration.
- In March 2023, the Government of Northwest Territories (GNWT) tabled a bill to guide implementation of the Declaration in the territory.

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.

United Nations Declaration on the Rights of Indigenous Peoples

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- 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.
- In 2016, Canada committed to developing legislation to implement the Declaration. In 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.
- It is unclear how implementation of the federal Act may affect 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*.
- In December 2021, Canada informed YG that it was initiating its process of consultation with Indigenous Peoples on the development of an action plan to achieve the objectives of the Declaration by June 2023.
- In March 2023, Canada released a draft of its UN Declaration Act Action Plan and a “What we learned to date” report. Canada is seeking comments on the draft Action Plan. YG is currently undertaking a review of the plan.
- In April 2023, Justice Canada led a federal-provincial-territorial (FPT) meeting to discuss their draft Action Plan, the consultation and coordination process with Indigenous governments and organizations, and next steps and timelines. A follow-up FPT meeting is planned for early May 2023.
- In March 2023, the GNWT introduced in its Legislative Assembly its proposed “United Nations Declaration on the Rights of Indigenous Peoples Implementation Act”. This bill, developed in partnership with Indigenous governments and organizations, would formalize the mechanisms to be used by the GNWT to ensure that future legislation and policies are consistent with human rights as outlined in the Declaration.
- The leaders of the GNWT and Indigenous governments and organizations have also signed a new Memorandum of Understanding which commits the parties to work

United Nations Declaration on the Rights of Indigenous Peoples

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collaboratively and cooperatively to prepare and implement an action plan to achieve the objectives of the Declaration.

The Yukon Context

- 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.
- Once YG concludes its internal work on the corporate approach, YG will engage with Yukon First Nations and transboundary Indigenous governments on the Declaration. This engagement would be distinct from federal engagement on Canada's Act.

YG's Commitments Related to the Declaration

- Yukon's *Missing and Murdered Indigenous Women, Girls and Two-spirit+ People Strategy* includes a commitment to "explore options to consider the application of the Declaration in the context of Yukon's Final Agreements, other modern treaties, and the evolving relationship with First Nations governments without agreements".
- Strategic Priority 1 of the *Yukon Mineral Development Strategy and Recommendations* is to establish a modern mineral resource management regime that aligns with treaties, Canada's Constitution Act, court-guided agreements, recommendations of the Truth and Reconciliation Commission, and the principles of reconciliation in the Declaration.

Approved by:

Deputy Minister, Executive Council Office

Date

Deputy Minister, Department of Justice

Date

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 and Carcross/Tagish First Nation in order to facilitate this.
- These First Nations can now register Settlement Land through the Land Titles Office without affecting Aboriginal right and title.
- Amendments to the Self-Government Agreement of Ta'an Kwäch'än Council have been agreed to with the First Nation and the Government of Canada. Legislative drafting to amend the Self-Government Agreement is in progress.

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.

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Registration of First Nations Settlement Land

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- The *Land Titles Act, 2015* enables eligible Yukon First Nations governments to bring their Settlement Land under the jurisdiction of the Act.
- 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 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. The amendments to the KFN, CAFN and C/TFN Self-Government Agreements largely mirror the amending provisions of the KDFN Self-Government Agreement in 2017.
- However, the amendments require that the Government of Yukon consult with KFN, CAFN and C/TFN 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.
- 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.
- The Government of Yukon is currently working through the process to amend the TKC's Self-Government Agreement. Yukon's approval of the amendments will trigger the Government of Canada's approval process.

Approved by:

Deputy Minister

Date approved

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Spring 2023

Yukon Land Titles Registry – Land Titles Modernization Project

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.

Recommended 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 99 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;
 - implemented modifications to the registry to meet the requirements of the *Condominium Act*, 2015; and
 - operationalized all registration functions required by the *Land Titles Act* and *Condominium Act*.

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Yukon Land Titles Registry – Land Titles Modernization Project

Justice

Context:

- The Land Titles Modernization Project has had a very active Stakeholder Advisory Committee, which favours the advancement of this project.
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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 publicly negotiated Request for Proposals, a 20-year Master Services Agreement was awarded to Information Services Corporation (ISC) in 2017.
- The Yukon Land Titles Registry (YLTR) 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_____
Date approved

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Administration of Justice Agreement Negotiations

Justice

Recommended response:

- We are 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, the Government of Yukon implemented an updated approach to justice-related negotiations with Yukon First Nations governments.
- Our approach is rooted in recognition of and respect for First Nations governments' jurisdiction, governance and legal principles. Administration of justice powers are fundamental to self-government.
- This approach provides new 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).
- YG is currently in bilateral negotiations with KDFN regarding the implementation of interim justice provisions pursuant to the KDFN Self-Government Agreement (SGA).

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Administration of Justice Agreement Negotiations

Justice

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 approach for AJAs and justice-related matters was implemented to guide negotiations with Yukon First Nations governments and Canada.
- Since fall 2020, the frequency of negotiations and meetings 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.

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:

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Administration of Justice Agreement Negotiations

Justice

- 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 on March 21, 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

Date approved

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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 to low-income Yukoners to increase access to justice.
- For the 2022–23 fiscal year, the governments of Yukon and Canada together provided \$2,608,000 in core funding and \$285,000 in additional funding to the Yukon Legal Services Society.
- The budget for 2023-24 has allocated \$3,138,000 in core funding, which includes \$580,000 in time-limited funding to support a new legal aid clinic.

Additional response:

- Funding the Yukon Legal Services Society provides a stable core budget for its regular operations.
- 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.
- There have been some recent questions about whether the income threshold to qualify for legal aid will be increased by the society.
- The 2023-24 funding agreement and the amended agreement for 2022-23 were finalized on April 4 and 5, 2023.

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Funding for Legal Aid

Justice

Background:

- For 2022–23, the Government of Yukon paid 48 per cent of the core funding: \$1,251,837 of the \$2,608,000 total.
- The 2022–23 agreement was amended to provide up to an additional \$180,000 towards past deficits.
- In addition to core funding, the Government of Yukon also provided in 2022–23:
 - a one-time payment of \$100,000 for the Society's database upgrades;
 - up to \$150,000 to cover legal costs associated with additional cases; and
 - \$35,000 for Community Wellness Court proceedings.
- In 2023–24, core funding for the Yukon Legal Services Society will be \$3,138,000, which includes \$1,066,000 from the Government of Canada.
- Additional funding from the Government of Yukon in 2023–24 includes up to \$150,000 to cover conflict cases, as well as \$35,000 for Community Wellness Court proceedings.
- 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	\$1,065,681	\$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 representation for those who are the subject of applications under the *Mental Health Act*, as well as for eligible Yukoners with legal services in adult and youth criminal, family, and child protection legal proceedings.
- The Yukon Legal Services Society has three Whitehorse-based clinics and a total staff of 18 (11 lawyers and seven support staff), including 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.

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Funding for Legal Aid

Justice

- When these costs exceed core budget allocations, the Department of Justice provides additional funding up to an annually agreed-upon cap, pursuant to the Conflict Case Agreement (up to \$150,000).

Approved by:_____
Deputy Minister, Justice_____
Date approved

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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.
- Expenditures on outside counsel contracts for the 2022–23 fiscal year totalled \$1.2 million.

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, expenditures on outside counsel for the 2022–23 fiscal year were:
 - Energy, Mines and Resources: \$316,830
 - Health and Social Services: \$256,029
 - Justice: \$250,808
 - Highways and Public Works: \$130,172
 - Public Service Commission: \$91,586
 - Economic Development: \$64,466
 - Education: \$54,518
 - Yukon Housing Corporation: \$19,027
 - Executive Council Office: \$6,831
 - Community Services: \$5,051
 - Environment: \$2,585
 - Tourism and Culture: \$2,110

Context:

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

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Outside Counsel Costs – Government-Wide

Justice

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 Branch;
 - 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 Branch;
 - 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 the Yukon; or
 - special circumstances exist that require a particular lawyer or law firm.

Approved by:_____
Deputy Minister_____
Date approved