

# bccla

BC Civil Liberties Association

## SMALL TOWN JUSTICE

A report on the RCMP in Northern and Rural British Columbia

*My point is we expect the RCMP to be there any time anything falls apart. And the city is economically depressed and they keep cutting back on the number of RCMP. What I'm saying is I've been to meetings when the RCMP have tried to point out problems, and there's no money. We have to work with them, but at the same time we have to recognize that we can't expect them to look after all of our social ills.*

- Retired mental health nurse, participant in Prince Rupert, British Columbia

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# **SMALL TOWN JUSTICE**

A report on the RCMP in northern  
and rural British Columbia

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We also wish to acknowledge our local hosts who made these workshops enjoyable and successful:

### **Merritt**

Jim Bruce and Jen Narciesse of the Nicola Valley Institute of Technology; and Andree Harley of the Nicola Valley Advocacy Society.

### **Kamloops**

Workshops sponsors the Fraternal Order of Eagles Aerie 3453 and the Gibraltar Law Group, as well as local organizer Sarah Carroll of the Kamloops Elizabeth Fry Society.

### **Williams Lake**

Dr. Chris Montoya of the Thompson Rivers University; Thompson Rivers University Student Council.

### **Anahim Lake**

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### **Dawson Creek**

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### **Fort St. John**

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or came on lunch hours to participate, or participated despite concerns about the repercussions of doing so in their small communities. We are extremely grateful for their contribution to our collective efforts to ensure our national police are the best they can be.

Thank you all for your support of the Association's efforts.

## From the Desk of the President

The enforcement of democratically enacted laws is a fundamental responsibility of a modern democratic state. Responsibility for law enforcement in Canada is delegated to a multiplicity of disparate agencies, ranging from local to national, agency focused to generalist, bureaucratic to military in organization. With each, however, the need for accountability to the public remains a constant. Without clear jurisdictional lines, strong leadership, capable management, effective oversight, and meaningful public debate and feedback, unmonitored agencies granted enforcement powers would quickly undermine the democracy they are intended to support.

For the B.C. Civil Liberties Association, the desire to avoid an undemocratic outcome remains a driving force behind our work. Through public education, discussion and debate, representations to government and the law enforcement community, advocacy, litigation and casework, the Association regularly acts to ensure that enforcement agencies stay within the careful lines drawn by lawmakers at the municipal, provincial and federal level, and operate with due regard for Canada's constitution, including the Charter of Rights and Freedoms, and Canada's international human rights treaty commitments.

The compass that guides our position on law enforcement is constant: laws must be enforced in a manner that recognizes and respects the autonomy, dignity, and security of people affected by enforcement action. It is this policy compass that pointed the Association north for our first major provincial outreach in more than two decades. The same compass directed the Association to prioritize education on issues involving the Royal Canadian Mounted Police. We had, and continue to have, grave concern about the deaths of **Ian Bush**, **Kevin St. Arnaud**, and **Clayton Alvin Willey**, all cases that, in our view, have yet to receive the just response they deserve. Each has become a symbol of law enforcement gone wrong for those who remain concerned about the actions of Canada's national police force in British Columbia's north. Many other cases giving rise to

similar concerns have also been brought to the Association's attention both prior to and during our tour.

We should underscore that the information gathered on our tour was not all negative. The commitment and dedication of many members of the law enforcement community was demonstrated by positive stories recounted by people who went out of their way to come forward and tell them. They involved accounts of many officers going above and beyond their job descriptions to support and build community. We have sought to recognize those efforts in this report. Officers who succeed should be recognized and commended for their work, just as those who fall short of the professionalism and skill that we demand of the police should be held accountable for their lapses.

Unfortunately, and appropriately, our recognition of jobs well done will not suffice to ameliorate public concern about the serious and systemic issues that we have uncovered. As a result, some may suggest our efforts emphasize the negative at the cost of the positive, resulting in the Association itself undermining the RCMP's law enforcement mandate and public confidence simply by reporting publicly on our concerns. That view is regrettable.

From the perspective of our Association, the suggestion that uncovering and pointing out the challenges faced by our national force undermines police work could not be further from the truth. When police officers fail, or the policies they are bound to adhere to fail, they fail not just the public who are not protected and may in fact be harmed. They fail as well to live up to the standards set by hard working officers and support staff. All are painted with the same brush. The idea that the public is not aware of police failings until the failings are reported by watchdogs like the Association is misguided. No population knows better the failings of police than the population that is policed. In small communities, often that is more keenly felt than in the large, urban centres. And

in the end, it is the public whose cooperation and support is most needed by police and is so dependent upon maintaining trust.

By identifying failings and encouraging the RCMP and governments to remedy them, the Association supports the law enforcement mandate of the RCMP. By encouraging the force to move in directions that reinforce the foundations of the public support they depend on, we seek to reinforce both the sense that the RCMP is, after all, “our” police force and that, in the end, we are each responsible for ensuring it succeeds. Although we engage in many private discussions with police force management, whether RCMP, municipal, tribal or transit, failing to report publicly on systemic issues when matters rise to sufficient levels of concern could result in loss of public confidence in the Association and our watchdog role itself, as well as our commitment to transparency and objectivity. The suggestion that we could be as effective in encouraging the RCMP to amend policies to comply with the law or fix problem detachments through private consultation, or by only reporting the positive and not the negative, is one that finds little support in our experience. Public discussion, debate and pressure arising from reports like this can create the political will within police forces to ensure ongoing compliance with legal and democratic norms where the system otherwise may not. This political will within our national police will help them maintain public support and fulfill their mandate.

Our key recommendation in this report remains the same as it has ever been. British Columbia must end the system of police investigating police. Only when this policy is changed and an effective civilian investigative agency established to address police-related matters can the public be assured that issues will be thoroughly and appropriately investigated, without either the appearance or reality of conflict of interest. Without the public support that we anticipate will be buoyed by this reform, the RCMP will find its job increasingly difficult if not impossible as fewer Canadians will cooperate with the force’s crime investigation and prevention efforts, and still fewer Canadians will seek to become officers for fear of being linked to those who act inappropriately and, in the eyes

of many members of the communities we spoke to, “get away with it.”

We commend and recognize the efforts of those RCMP officers and administrators in British Columbia and Canada who have helped move our province in the direction of independent civilian investigation, including the force’s wholehearted endorsement of the Dziekanski Inquiry recommendations, the motion by Superintendent Garry Bass of the RCMP for the B.C. Council of Chiefs of Police to ask the province to establish an independent investigative body for serious incidents involving police, and the force’s repeated public requests through RCMP Commissioner William Elliot for a body to conduct independent investigations of allegations of RCMP misconduct. That British Columbia is moving to establish our first ever civilian investigative body is surely attributable in no small part to the public and private efforts of the RCMP themselves.

Those who see the roles of the Association and the RCMP as oppositional may be surprised by our concurrence with the RCMP in the public policy remedy required in B.C. and Canada to restore public faith in our police. For us this consistency is no surprise. We understand and emphasize that the Association and the RCMP are close partners in ensuring that the police services that Canadians receive are respectful of legal and democratic norms, effective, and appropriate.

This report represents another step in the continuing efforts of the Association to uphold our end of this shared democratic partnership and foundation of civil society. By keeping in mind that “our” police are in fact “ours” and that the laws that they enforce are “ours”, we underscore the democratic responsibility of citizenship. We sincerely hope that this report is received in that spirit of cooperation and partnership by the RCMP, and by our provincial and federal governments. We urge them to work quickly to enact and implement the recommendations of this report. We do so because of our firm view that such steps will reinforce the public’s perception of our national police as responsive to public concern and concerned about public confidence.

I would like to take this opportunity to thank the Law Foundation of British Columbia, whose core funding enables us to engage in initiatives like this report, as well as our members, whose donations and support paid for the hosting of these workshops. I would also like to thank the Fraternal Order of Eagles Aerie 3453 and the Gibraltar Law Group in Kamloops, who sponsored our session in that city and whose support has enabled a return visit for us there in the fall. Finally I would like to extend my continuing thanks to our mem-

bers and private donors, whose support both financially and otherwise makes all of our work possible.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Holmes", with a long, sweeping flourish extending to the right.

Robert Holmes  
*President*

## Background

### **A bad year for the RCMP in British Columbia in 2010: North and South**

The Association has been aware of issues arising in British Columbia's north involving the RCMP for years. From concerns about repeated deaths in custody in New Hazelton three years ago, to the deaths of Ian Bush, Kevin St. Arnaud, Clayton Wiley, and other incidents of both high and low profile, the north has continually been seen by the BCCLA as being home to a disproportionate number of extremely concerning incidents given the relatively low population density, the relatively low violent crime rates, and the cooperation that one would otherwise expect between smaller detachments and the communities they serve.

2010 has been a very challenging year for the RCMP in British Columbia, an *annus horribilis*. To select just some of the highest profile incidents, 2010 saw:

- The Dziekanski Inquiry final report issued on concerns related to the death of Robert Dziekanski at the hands of three RCMP officers at Vancouver International Airport, with wide-ranging recommendations for the reform of the force and an end to police self-investigation in B.C.;
- Justice John Major's report on the failings of the RCMP in relation to the Air India terrorist attack, where hundreds were killed, including a recommendation that the RCMP no longer engage in the kind of contract provincial policing they have engaged in for years, in exchange for improved focus on their cross-provincial, national mandate;
- National exposure of the RCMP's attempts to rig academic reports to criticize the now undisputed positive impacts of the Insite safe injection facility, and

Ottawa's subsequent quashing of the B.C. RCMP administration's attempts to endorse the positive peer-reviewed research on the site and make good on the error;

- The release of a report into the missing and murdered women of Vancouver's downtown eastside by the Vancouver Police Department that pointed an accusing finger at the RCMP detachment in Coquitlam for failing to act earlier to catch Robert Pickton, costing the lives of more than ten women, and continued calls for an inquiry into allegedly similar RCMP inaction on the Highway 16 missing and murdered women in the Highway of Tears cases;<sup>1</sup>
- Ten current and former RCMP officers from Kamloops criminally charged or criminally investigated as this report goes to press, reflecting almost 10% of that community's force;
- Media reports that senior RCMP officers allegedly approached the Prime Minister's office asking for the Commissioner of the RCMP, civilian William Elliot, to be replaced, raising persistent questions about whether there is ongoing internal dispute and dysfunction at the highest levels of the force; and,
- Confirmation by the RCMP and the B.C. Civil Liberties Association that the rate of police-involved deaths in British Columbia are 2.5 times higher on a per capita basis than the number of deaths in Ontario, and B.C. is primarily policed by the RCMP (it should be noted that no distinction was found between municipal jurisdictions and RCMP; the issue is truly province wide).

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<sup>1</sup> The BCCLA has continually called for a public inquiry into both the missing and murdered women of Vancouver's Downtown Eastside as well as the Highway 16 missing and murdered women.



On the positive side, and surely in no small part in response to the challenges of 2010, this year has seen the RCMP in our province ask for an independent agency to investigate allegations of RCMP misconduct and use of force incidents, along with a majority of the provincial chiefs of police of British Columbia, in an unprecedented motion passed by the British Columbia Association of Chiefs of Police at the initiative of Gary Bass, head of the RCMP in BC. Similarly, before it was quashed by headquarters in Ottawa, the initiative to recognize the positive peer-reviewed research about the effectiveness of Insite in saving lives came from the highest levels of the B.C. RCMP.

Nationally, this year has also seen new federal legislation compelling the RCMP to cooperate with any provincial independent body that is established nationally to investigate police incidents, legislation that passed with the support of our national force, and was preceded by a commitment by our provincial RCMP to work with any independent investigative body established, civilian or otherwise.

At the grassroots level of the B.C. Civil Liberties Association, this year has seen the RCMP reach out to our organization in an effort to provide information the organization is looking for, and to address the concerns of the organization promptly; an effort that sometimes works, and sometimes doesn't, but should be recognized in any event.

For example, during the 2010 Olympics, the RCMP delegated head of the Integrated Security Unit, Gary "Bud" Mercer, belatedly recognized and worked with the BCCLA established independent Civil Liberties Advisory Committee, headed by the fondly remembered former provincial court Judge Jerry Paradis, in order to minimize the civil liberties impacts of the 2010 Olympics. While there were many issues with Integrated Security Unit activities in the lead up to the Olympics and during the Olympics, on the whole the event provided a stark comparison to the policing around the G8/G20 event in Toronto this year and the remarkable and widespread rights violations there, and we are certain the RCMP's willingness to work with our Association was one

factor in contributing to minimizing civil liberties violations during the Games themselves.

### **The RCMP provincial policing contract**

For the RCMP and the provincial government, the timing could hardly be worse for a bad year in British Columbia.

In Canada, policing is a provincial responsibility, and is allocated that way by our Constitution's division of powers. Some provinces meet this responsibility by establishing provincial police forces, like the Ontario Provincial Police in Ontario. Quebec also has its own provincial force. Some provinces meet this responsibility by contracting with the RCMP to provide provincial police services. British Columbia is a province that opts for the latter option and the last 20 year contract, signed in 1991, expires in 2012.

2010 is just two years out from the expiry of the 20-year policing contract between the RCMP and British Columbia, the contract by which more than 80% of the province is policed. The province is currently negotiating a 20 year extension of that contract that would expire in 2032. Contract negotiations are going on as this report goes to press, with key issues including accountability for RCMP officers and training and complaints protocols still unresolved. Since November of this year when the BCCLA uncovered a secret audit of the RCMP done by the provincial government, the government has continued to refuse to release that audit until after the contract is fully negotiated.

At the very least, the BCCLA is demanding that the province ensure through the contract process that the RCMP are accountable to B.C.'s *Police Act*, including all disciplinary processes and civilian oversight and investigation, as well as use of force standards and training requirements, and that the province include a clause that would permit the province to opt out of the agreement sooner than the 20 year expiry date.

### **The case for this report and these workshops**

With what can fairly be described as a year that has challenged the ideas that the RCMP appropriately involves itself in provincial policing in

British Columbia, and that they are succeeding or even meeting expectations in this role, very few British Columbians are aware that the provincial government is planning to sign a contract with the RCMP for another 20 years of policing.

Given our organizational concerns about high profile incidents of misconduct, a lengthy public record indicating provincial dissatisfaction with the status quo, and indications that the province was proceeding with little fanfare to sign on with the RCMP for another 20 years, the Association decided to conduct a series of workshops across the province on the issue of policing in British Columbia, starting in the province's north. These consultative workshops were designed to deliver education on how policing is delivered in

B.C., police accountability and rights issues, and to consult with marginalized northern communities on what they like about the RCMP, what they dislike about the RCMP, and how they feel about the RCMP contract and what the province should do about it. This report is the product of those workshops.

As we suspected going into this process, we have identified many issues that should be included in this contract negotiation that are documented in the subject matter of this report, not the least of which is the complete exclusion of aboriginal communities from the negotiating process. We urge the Provincial government and the RCMP to consider these matters as they move forward.

## Methodology

Between August 9 and 23, 2010, the B.C. Civil Liberties Association (BCCLA) held a series of 16 workshops in 14 cities and rural communities across central and northern British Columbia, including one workshop on northern Vancouver Island. More than 300 people participated. This project was funded entirely with BCCLA core funding and member support and, as a result, we relied heavily on the goodwill of local community members and non-governmental associations to host the Association. In every community the BCCLA presented in, the workshop was hosted by a local community group or community member who often also assisted with expenses including refreshments or venue booking through in-kind donation.

All of the workshops began with an introduction by the lawyer facilitator who advised participants that:

- The Association was holding a public workshop and that media had been invited to attend, and may be present, so that those who could not attend the workshop would know about the Association's efforts and hopefully also provide feedback.
- Attendee feedback would be incorporated, with as much or as little identifying information as attendees specified, into a final public report that would be provided to government and the RCMP, but that attendees must specifically identify if they did not want particular information going into the report, and that the facilitator would stop typing if a participant wished the information to be provided for discussion purposes only.
- The RCMP had been requested not to send on-duty officers, not because of the concern of any RCMP intention to influence or interfere, but rather to encourage participants to be as open as possible with their feedback.
- Private consultation sessions with a lawyer were available if individuals did not feel comfortable presenting in front of the entire group and/or the media, but still wished their stories or opinions to be part of the report.
- The goals of the workshops were: to offer education on policing in B.C. and rights when dealing with the police; to re-establish the BCCLA's contacts in northern communities; and, to educate the RCMP, the Province and the Federal government about issues in local communities, both positive and negative, that could be addressed in the negotiation of the RCMP policing contract through a final report.
- Comments would be solicited concerning whether the participants had preferences with respect to a provincial or federal or municipal police force for their community.
- The facilitator would answer any questions during the consultation process about the Association's position on any issues, but that what was being solicited was not support for the Association's views, but rather the public's views for presentation to the government and the RCMP.

The workshop introduction was then followed by an invitation for questions about the process, and an outline of the workshop format.

The workshop format itself invited comments about RCMP incidents, individuals or policies in the first half, beginning with positive comments and finishing with negative comments. Participants were specifically asked about their thoughts on the contract process and whether they had any opinions about a provincial, municipal, or continued national police force providing services in their communities. Questions about legal rights

and police policies and procedures as well as the contract process were answered and discussed during this period. For the second half of the workshop, the facilitator provided basic “know your rights” training with core information on rights on detention, arrest, and search of possessions, home, vehicle, boat, as well as information about mechanisms for police accountability in British Columbia, including the RCMP complaints process and how it is distinguished from the municipal complaints process in B.C., as well as accountability through litigation.

Throughout the presentation, free materials produced by the B.C. Civil Liberties Association including *The Arrest Handbook: A Guide to your Rights*, and the 2009 BCCLA annual report were available for participants. 1750 arrest handbooks were distributed during the tour.

The facilitator endeavoured to capture, with as much completeness as possible, the verbatim comments of the participants by typing as participants spoke. As the workshops progressed,

the facilitator was able to refine his techniques for gathering full comments, so the reader will note an evolution from author summaries of comments at earlier stops to verbatim comments at later stops.

Comments, however, were not recorded or videotaped by the Association, to avoid the anticipated inhibiting effect that those recording mechanisms may have caused on participant feedback. While it was the preference of the Association not to audio or video record the presentations made at the workshops, many media outlets did attend and did record the entirety of the presentations. For publication, narratives were preferred where individuals had directly witnessed positive or negative conduct towards a third party, or where individuals had been subject to such conduct themselves. Where witnesses had only “heard” of certain conduct occurring, it was either deleted from the report or, if sufficiently important to reflect some larger issue, included with the note that the participant had not been directly involved.

## Executive Summary

The BCCLA conducted 16 workshops in 14 rural centres across British Columbia, focussed on the north. Over the duration of the workshops we distributed 1750 handbooks and presented to and heard from more than 300 people.

A number of recurring issues were mentioned repeatedly in different jurisdictions by unrelated people, without any prompting from the Association. This section attempts to catalogue some of these recurring provincial issues. We encourage the reader to refer to specific city sections for more detailed information, and to take the time to read narratives of particular centres of interest, including and especially Terrace, Prince George and Williams Lake.

The Association has refrained from making recommendations in this report, leaving it to the Province and the RCMP to determine how best to address the issues identified. Despite our reticence to make recommendations generally, we will make one forceful recommendation, and that is that the RCMP and the Province not ignore the sentiments collected in this report. For the RCMP and the Province to fail to act on the systemic and extremely serious issues identified by the public in our workshops would reflect a larger failure to restore and ensure public confidence in their police, an anti-democratic outcome that serves neither police, government, nor the public they serve.

### **Beat policing and bicycle policing**

No matter the city, people preferred when officers got out of their cars to say “Hi.” Whether on bicycle or foot, it didn’t matter, people consistently listed officers who don’t have a car window between them and the public as their preferred mode of policing and as a community builder that they loved. In communities where a beat officer or beat officers were assigned, they were lauded personally for their impact and human touch.

In communities where there were no officers out of their cars, their absence was noted. In particular, beat police officers were praised in Merritt, Kamloops, Fort St. John, Smithers, Dawson

Creek, and Terrace. The absence of beat police officers at night was noted as a negative issue in downtown Prince George.

### **Non-RCMP RCMP officers**

In an unusual trend, a number of communities identified “liaison” officers who were retired RCMP officers or seconded RCMP officers paid for by the municipality or through separate federal government funding as exceptionally helpful resources. These officers often attend community meetings with service providers, school boards or parent groups, and are known in these circles as people who can “get things done” within the RCMP, whether that means getting information about a particular case, encouraging police to dedicate resources to a problem area, or resolving a conflict between a client and an officer.

These officers were often listed as something people really liked about the “RCMP,” but in fact what appears to make these liaisons so appealing is that they are not RCMP. They have the ability to enjoy autonomy from RCMP structures through their retired or seconded status, and yet thanks to their affiliation with the RCMP are still able to access and direct RCMP resources. These officers were identified as major assets to the RCMP, municipality and public in Fort St. John, Campbell River and Williams Lake.

### **A lack of de-escalation skills**

In many centres, an absence of de-escalation skills among officers, particularly among younger recruits, was noted. For some conversations, experiences appeared to reflect what people’s perceptions were of what the Robert Dziekanski video at Vancouver International Airport showed. For others, people listed specific and personal experiences where they felt the attitude of the attending officer or officers escalated the tension and danger in a situation for officers and those interacting with them. Almost universally, participants cited a failure of training in de-escalation and communication as the core issue, although very few participants cited any personal experience or familiarity with RCMP training protocols.

The issues of escalation and de-escalation surfaced in a number of communities under different guises:

- officers in Merritt were described as “grouchy and looking for trouble” in their interactions with youth;
- officers in Williams Lake were described as showing an inappropriate “level of aggression” by a number of participants;
- officers in Anahim Lake participating in policing around a local festival were described as engaging in “harassment” and “brutality”;
- officers in Prince George “talk very arrogantly towards people” and have “few de-escalation skills” according to a former corrections officer;
- service providers in Fort St. John said they had to “talk everybody down”, including police, to avoid confrontations when they called for assistance;
- a participant in Smithers described an interaction with police where she and her daughter had been “peppersprayed for no reason”;
- a participant in Dawson Creek questioned the training officers received and said “they never diffuse, they, almost every time, they heighten the whole thing;”
- a service provider in Campbell River who works with families in crisis said she couldn’t get an officer who “escalates the situation every time” replaced with another delegate;
- aboriginal participants in Terrace reported that police are confrontational and aggressive with them.

### **Treatment of aboriginal people**

While the most drastic and troubling examples were given by participants in Terrace, in many centres RCMP interactions with aboriginal people were cited as a major issue by aboriginal people, including in:

- Merritt, where an English professor’s assignment of “What do you think about the RCMP?” broke sharply across lines of race, with aboriginal students telling stories of abuse of authority and white students providing neutral or positive evaluations;
- Kamloops, where aboriginal people reported that the loss of aboriginal special constables meant that urban and local aboriginal communities no longer felt served by people who understood aboriginal culture;
- Williams Lake, where a number of high-profile incidents of alleged misconduct involved aboriginal men and a news report of differential treatment of aboriginal patrons at a local bar by police was ignored by the detachment;
- Bella Coola, where aboriginal participants felt the RCMP did not engage in adequate, or any, consultation with the aboriginal community as a whole;
- Anahim Lake, where aboriginal community members felt targeted by RCMP action;
- Smithers, where participants reported that police disproportionately stopped aboriginal youth in the downtown area; and,
- Campbell River, where participants reported that there is a major gap between the aboriginal community and the RCMP.

Interestingly, and hopefully for the future of RCMP relations with aboriginal people in the Province, a member of the Skeetchestn Indian Band travelled a considerable distance to Kamloops to share the success of their tripartite agreement with the RCMP and the federal government around policing, and the remarkable success that program engendered. Details of that success are found in the Kamloops “positive comments” section of this report.

#### **Lack of aboriginal consultation and participation in the contract negotiation process**

No representative of any aboriginal organization that attended the workshops, and there were a number of representatives, had any familiarity with the RCMP contract negotiations or how those negotiations would impact policing on their reserves or would impact their tripartite agreements with the Province or local municipality and the RCMP.

The provincial and federal governments have a legal duty to consult aboriginal people on matters that affect them, and, given the grossly disproportionate interactions that aboriginal communities have with the justice system across British Columbia, their absence from the process is notable and concerning. Unanimously, participants who had familiarity with band and policing issues noted that they were not familiar with the contract process and had not been told about the process, let alone invited to participate.

#### **Treatment of drunk or high in public arrestees**

While issues varied from cell conditions to use of force to arbitrariness in arrest and abuse of process, the challenge for police of dealing with those who are drunk or high in public is a major issue across the north. Non-jail sobering centres are not available. On occasion a local hospital was willing to take people that were cooperative or had no aggressive history – but such arrangements were the exception.

Police have become *de facto* medical practitioners across the north for people suffering from alcohol overdoses or acute drug intoxication. Partici-

pants reported that local hospitals have refused to admit intoxicated patients when they are brought to the emergency room in many cities. Police have not been given training, facilities or personnel to deal with the issue, and the death toll and human rights violations as a result are staggering, as is the disproportionate impact of these policies on aboriginal men in particular.

Various alleged rights violations in relation to these arrests are listed in each city, but despite the variety, the core issue remains the same. The province, and RCMP and municipal forces, must work together to come up with a better way to handle those who are so drunk or high in public that they are a danger to themselves or others. The current system is too violative of rights, too expensive, too dangerous, and too wasteful of police resources to continue as it is.

#### **Inadequate cells**

With smaller communities, resource allocation appears to have dictated underinvestment in the facilities at police detachments for holding prisoners awaiting trial or being held until they sober up. In Kamloops this meant that women had no access to brush their teeth or to showers for up to five days. In Prince George this meant cells that were known to facilitate suicide attempts have still not been repaired. In Williams Lake this meant a resort to dangerous restraints when restraints would not be necessary in properly designed cells. In Campbell River women do not have privacy from other prisoners around toilet facilities. In Fort St. John women can't brush their teeth, or shower if there are no female guards on duty – and there often aren't. Officers in Fort St. John reportedly don't allow clean clothes for court in to women in cells.

It is important to note that many of the individuals held in these cells are never convicted of, and many are not even tried for, any criminal offence. Some are not even accused of a criminal offence, but are arrested for being drunk, for their own safety and the safety of others, and find themselves subjected to inhumane conditions without medical attention, toilet paper, blankets, or water, worse conditions than those provided to the most violent convicted offenders in our society.

### **Short-term placements for officers in small communities**

Many communities, too many communities for it to be accurate, explained to the BCCLA that they were an official “training community” for the RCMP, where junior officers were sent to learn about policing. It is extremely unlikely that the RCMP maintain more than seven official northern training centres. Clearly, however, junior officers are sent in disproportionate numbers to northern placements, leading community members to come to the logical conclusion that their towns are training grounds, which they functionally are.

This sentiment was often coupled with the suggestion that officers do not stay long enough in communities to learn about services available, become accustomed to local residents and issues, and truly become part of the communities they serve. Rumours abounded that new recruits were required to serve two or three year service rotations in the north, side by side with rumours that officers were not permitted to serve for more than two or three year terms in any one community, even if they wanted to stay.

Whatever the official human resources policy of the RCMP on this issue, the community concern was the same – officers are overwhelmingly junior and they don’t stay long enough in community to become the effective police officers that the community wants and deserves. This issue came up in Merritt, Fort St. John, Smithers, Campbell River, and Terrace.

### **Police self-investigation and a lack of accountability**

Police investigating police was listed as a major issue of concern in almost every community visited by the BCCLA. Whether or not our participant groups were self-selecting, it is clear that the issue of police self investigation and accountability was top of mind for participants. As a participant noted in Kamloops:

*What’s the point of knowing your rights if it’s so easy for police to breach rights and there’s no consequences for it? Police can say you resisted arrest, you’re the one who did something wrong. That is scary.*

### **Exceptional results: Terrace**

The allegations made by participants in Terrace were singular in our experience of northern communities; there were no communities in which the allegations made were as troubling, as widespread, as profound, or as unsettling as the allegations made by the members of the public who we met with in Terrace. Allegations of racism, excessive force, abuse of authority, reckless and negligent conduct and illegal searches were repeated many times.

For a process that was identical in 14 northern centres to turn out such radically different and troubling results in one city suggests to us that the RCMP, the Police Services Division of the Province of B.C., the Commission for Public Complaints Against the RCMP, and other regulatory oversight bodies would do well to pay attention to Terrace, and to investigate conduct in this city more carefully than might otherwise be the case had the BCCLA not conducted this study.

In addition, given the widespread concern about retaliation by the local RCMP force contained in a number of the narratives provided to the Association, and despite our best efforts to anonymize complaints as much as is practical and possible, we urge the RCMP to monitor street-level officers closely and remind them of their statutory obligation not to retaliate against complainants.

### **Exceptional results: Williams Lake**

A pattern of allegations of misconduct in relation to the aboriginal community revealed themselves in Williams Lake following our visit there. These allegations have already been the subject of media releases of videotape from Williams Lake cells by the BCCLA. We encourage readers to review the update of those incidents in the Williams Lake section of this report.



## Provincial Policing Discussion

At each workshop, the concept of moving from the RCMP contract policing model to a provincial police force model like Ontario or Quebec was presented. To the surprise of the BCCLA, and in what must be reassuring news for the RCMP, the vast majority of participants in most communities favoured keeping the RCMP, feeling that the issues with the federal force could still be addressed. Participants preferred maintaining B.C.'s relationship with the RCMP over alternative models of municipal or provincial policing.

Reactions by participants fell into three broad categories of general consensus:

1. *Cost* – Participants routinely raised cost as an issue. Uncertainty around the costs of a changeover, and whether or not those costs would ultimately result in reduced policing services, caused many to be skeptical about the benefits of a provincial police force. While many participants liked the idea of municipal forces
2. *Control* – Participants voiced concern that police, if under provincial control, would be subject to provincial budget cutbacks, and/or would be more subject to political influence, including “that the rules would change when the government changes.” People generally felt the force would be more consistent if federally managed.
3. *Accountability to civilians* – Participants felt that, no matter whether the force was provincial or federal, the police in their communities required civilian monitoring and investigation. It was their sentiment that this, rather than the level of government control (provincial, federal or local) of the force, was the determining factor in accountability and responsiveness of a local force.



Jay Black photo



# Merritt

August 9, 2010, Noon, Nicola Valley Institute of Technology  
15 people

## The RCMP and Merritt

Merritt is a city of about 7,000 people, located in the Nicola Valley at the intersection of the Coquihalla Highway and the Coquihalla Connector. The city endured national scrutiny in 2007 when a constable faced B.C.'s first ever criminal charge of torture for beating a man and leaving him on the outskirts of town.

In August, 2006, Glen Shuter, a local aboriginal man, was believed by local RCMP officers to have stolen the bicycle of one of the local detachment members. RCMP Constable Saxon Peters, in the company of a second RCMP officer and an auxiliary constable, picked up the man, drove him ten kilometers out of town, where Peters beat the man up, breaking his teeth and giving him black eyes and swollen ears.<sup>2</sup>

Neither the auxiliary constable nor the second RCMP officer who witnessed the brutal assault reported the incident and the investigation only started when Merritt's detachment head heard rumours on the street that the beating had taken place. The auxiliary officer was stripped of his status. The second officer was not criminally charged, and, so far as the BCCLA understands, was never fired although he (or she) was subject to a code of conduct investigation. Constable Saxon Peters later pled guilty to assault for the incident.

## Positive comments

Participants in Merritt had many positive comments about RCMP conduct in their community.

## Inspector Scott Todd and leadership

Those present at the workshop that had more than passing familiarity with the culture of policing in Merritt seemed to be of a shared opinion that the culture in the Merritt police detachment had changed with the arrival of detachment head Inspector Scott Todd in the last two years.<sup>3</sup> Comments included that he was very helpful with people with active addictions, or recovering from addictions, helping them clear Part 4 of the criminal record check which records "negative" interactions with police, but for which there may be no criminal charge or conviction.<sup>4</sup> There were further comments that this detachment head was "phasing out" a heavy-handed approach that participants perceived had been the norm in Merritt previously, and that some associated with the charge of torture against a local police officer described in the introduction to this section.

## Smart step kids

Another program mentioned positively by the mother of an at-risk youth was a program called "Smart Step Kids" that assists kids at risk, and an anti-graffiti program that involves kids, the social planning council, and the RCMP.

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2 "RCMP officer charged with torture," CBC online, 7 February 2007, <http://www.cbc.ca/canada/britishcolumbia/story/2007/02/07/rcmp-torture.html>.

3 While comments at the meeting were positive, it should be noted that an anonymous caller in advance of the meeting strongly disagreed citing an unfavourable personal experience with the Inspector. The preponderance of comments were positive, however, and strongly so.

4 It should be noted that although Insp. Todd was helpful in clearing part 4 records, this section of the criminal record check was noted in many communities to be a barrier to people accessing jobs, and it was not a common experience that people with a flagged section 4 met with a helpful and pro-active response from the local detachment.

### **Facilitating harm reduction**

Participants who worked for harm reduction services noted that the RCMP was open to harm reduction initiatives, including but not limited to the distribution of mouthpieces for crack pipes to limit the spread of hepatitis and HIV, and needle exchange. Service workers said that they felt very comfortable now approaching the detachment head Insp. Todd with concerns or with requests for help, where historically they may not have felt as comfortable doing so.

### **PC Derek Frances and beat policing**

At the ground level, a local merchant, and multiple service providers, noted their satisfaction with PC Derek Frances who is a dedicated beat patrol officer that delivers services in the community. All felt he was helpful in assisting with the homeless population in the downtown core.

The merchant felt PC Frances was doing an effective job in building relationships with local business. He noted that the officer's efforts were part of a program that had been in place for less than a year, but that in his opinion the program had been successful.

While in many communities beat policing initiatives focused on so-called "street disorder" issues like homelessness and poverty that create conflict between local merchants and local service providers (soup kitchens, needle exchanges, shelters), or can adversely affect the rights of marginalized populations, service providers who attended the workshop felt that PC Frances did an effective job balancing the rights of private property owners with the human and constitutional rights of those who have nowhere else to go by assisting with the homeless count and sex trade worker outreach, and by working with Nicola Valley Advocacy to refer clients in need of critical services to their offices.

### **Negative comments**

Despite the positive comments about Merritt from community members, the RCMP has some room for improvement in increasing positive sentiment about their efforts, particularly among the aboriginal community.

### **Differential treatment of aboriginal people**

An English teacher in the area said that he gives a

writing assignment to students in his English class titled "What do you think about the RCMP?" Students write their responses to the question and he has noted stark differences in responses by native and non-native students.

In response to his assignment, white students say they get treated well, but native student reports show two trends in the teacher's opinion: (1) *Lack of response to calls* – They don't bother calling for assistance because the police won't come; he reported that he advises members of the aboriginal community to get an incident number, as it is not unusual in his experience to hear stories of aboriginal people calling 911 for emergencies, and then calling back when there is no response and finding there is no complaint registered. (2) *Rough treatment* – He recalled a story of a student's boyfriend having his head hit off of the hood of a car by an RCMP officer, other people telling of being driven out of town by RCMP officers and made to walk back. In his opinion, "some students may be exaggerating, but not all of them."

Outside of the workshop, the BCCLA received a call from a person who alleged that she saw a person lying at the side of the road in Merritt and called 911. She alleged that the first question asked by the 911 operator was "Is he native?" Her understanding of the question was that the 911 operator was intimating that if the person lying on the road was native, the 911 operator would not send out first responders.

### **Response times**

The vast majority of participants in the workshop agreed with the teacher's sentiments on response time, and said that there are some areas of town that get a good response when they call 911, while in other areas that's not the case. The wealthier "bench area" was listed as an area that gets prompt response, but the lower-income downtown area was described as one that gets a much slower response. Slowest of all, agreed participants, was the reserve. One reserve member said that they often get no response at all; she offered a harrowing story of a call about a man with a gun on the reserve, and what she felt to be inadequate police response to protect members of the reserve in the immediate area.

Participants had a number of explanations for the varying response rates. Downtown, it was suggested, had fewer resources dedicated to it than the bench area. We were unable to verify that claim.

For the reserve, a number of distinct challenges were listed that hampered response times:

1. Challenges with the tripartite agreement between the city, RCMP and aboriginal community complicates jurisdiction and officers seem unable to determine what to respond to;
2. The city is much larger and more dense than the reserve which covers a large geographic area, slowing response because officers must drive further;
3. In Merritt, participants understood that there is some kind of organizational division between officers that serve the city and officers that serve on reserve, and there may be issues with communication between those groups of officers when they need support and backup;
4. There may be a perception among police officers that an aboriginal officer must be present before other officers may go on to the reserve, which participants felt was not an accurate perception;
5. The Thompson River Navigational District is large and complex, which participants believed caused police trouble finding addresses where issues were reported, and caused participants to suggest some kind of geographic orientation for officers, including programs where they would be required to drive the areas regularly and drop in and say hi to neighbours, and have regular patrols where resources allowed;
6. Dispatchers from Kamloops or Kelowna or Princeton are often used to send officers to calls for assistance in Merritt, but the dispatchers don't know Merritt or

the local area, making it difficult for them to communicate with local officers about exactly where the call for assistance is coming from;

7. One participant believed that RCMP were understaffed and that the RCMP insufficiently staffed evening shifts when he felt crime was most likely to take place in Merritt.

#### **Medical treatment in cells and treatment of intoxicated arrestees**

The service providers said that the local hospital is too quick to refuse to treat individuals who may appear initially resistant or problematic in some way. These people are then brought to cells untreated, especially if intoxicated, and that this situation creates an increased risk of death in custody. Further, there was a perception that if officers cause injuries during the arrest process to arrestees, they are reluctant to take those people to hospital and there is no medical care in RCMP cells.

Participants advised there is no non-jail detox or sobering centre in Merritt, meaning that all people who are drunk or high in public and cannot be accommodated in the hospital are taken to jail. Whether intoxicated or otherwise, participants reported that it may be the next day before an injured person in cells is seen by anyone with medical accreditation like a nurse or a doctor.

#### **Treatment of youth**

Treatment of youth was identified as a major issue. An aboriginal woman said that her son and best friends are stopped every time, literally every time, they go downtown after dark. She described them as having darker skin, which she believed motivated the increased police attention. Attendees who were white agreed that their children were not treated this way, but they said that they were concerned that police were rude to youth and suggested a friendlier approach. Some attendees had thought a gift certificate system, a "positive ticketing" system, had been beneficial for youth/police relationships where youth received a gift certificate for a juice if they were "caught" by police doing something positive.

**Improper searches of people perceived to have addictions**

Service workers said that clients who were current or former drug users would be stopped by police and told to empty their pockets, even though they were not under arrest and police had no legal authority for the search. They reported that these people felt police were bullying or picking on them.

**Victim services and interviews**

One caseworker who works with victims of domestic violence, both women and men, said that based on her experience, officers could do more to conduct compassionate interviews of these victims of crime, and could do more to reach out to local agencies so interviewees would have a support person present. Someone at the meeting identified that people in the victim's services office can hear police officers through the wall,

making it very difficult for them to believe what is said is confidential. The suggestion was made and met with general approval that victim services should no longer be police-station based, or police run, so that the service can deal with issues of inadequate police response as well.

**Drunk in public and release policy**

In Merritt, attendees suggested police should more often opt to give intoxicated people a ride home, rather than to the drunk tank. One attendee said that she had to wait all night and through the following morning and was not released until noon after being arrested for being drunk in public. She said it was her understanding that the extended duration of her detention was due to officers having to wait for a shift change.

# Kamloops

August 10, 2010, 9:00 a.m., Thompson Rivers University  
40 people

## The RCMP and Kamloops

Kamloops is a large regional centre of over 85,000 residents, located at the confluence of the two branches of the Thompson River and near Kamloops Lake.

Kamloops has had its share of difficulties in 2010, with ten of its officers currently criminally charged or under criminal investigation. There are two possible conclusions to draw from these numbers. Either the Kamloops RCMP are particularly vigilant about ensuring that misconduct by its officers is investigated and properly charged when circumstances dictate, or there is a major discipline issue in the Kamloops department. Either way, the community in Kamloops is very concerned about RCMP conduct.

In January, 2010, Kamloops RCMP constable Kevin Roy was involved in two separate on-duty incidents that led to him facing two separate counts of criminal assault.

In March, 2010, the officer who shot and killed Kevin St. Arnaud, Ryan Sheremetta, was arrested and charged with assault following an off-duty incident at a bar. Sheremetta's conduct was questioned in Vanderhoof after the shooting of St. Arnaud when his partner, a civilian witness, and forensic evidence at the scene contradicted his version of events that St. Arnaud was standing over him and presenting an active threat. The RCMP agreed with Sheremetta's version of events.

On April 6, 2010, an unidentified Kamloops officer was charged with drinking and driving after being involved in a single car accident.

In May, 2010, one former RCMP auxiliary member took his own life after he was arrested for allegedly stealing over \$5,000 from the Kamloops auxiliary RCMP office.

On July 30, 2010, two Kamloops officers were put on administrative duty following a shooting, which is being investigated by the Calgary Police Department. The officers, so far as the BCCLA is

aware, remain on administrative duty.

In September, 2010, four Kamloops RCMP officers came under investigation after allegations that the officers watched female prisoners having sex in cells on security monitoring cameras. Three civilian staff, supervised by RCMP officers, are also under investigation.

In all, as this report goes to press, in the last twelve months Kamloops has four RCMP officers facing a total of five charges, 6 officers under active investigation, making a total of 10 police officers and 3 RCMP supervised civilian staff criminally charged or under investigation and on administrative duties.

## Positive comments

Despite recent events, participants in Kamloops had many positive comments about RCMP conduct in their community.

## Beat policing and Constable George Buttels

Kamloops residents spoke enthusiastically about the "foot patrol program" run by RCMP Constable George Buttels. Constable Buttels was described as "very progressive" in his efforts to try to keep individuals out of cells and direct them towards local community services and healthcare. The four or five members of Constable Buttels' patrol were lauded as all being equally helpful and responsive.

## Skeetchestn Indian Band tripartite agreement

A representative of the Skeetchestn Indian Band attended and spoke enthusiastically about reform in the relationship between the Skeetchestn Band and the RCMP that started in the early 1980s. According to this participant, the band was on a border line for RCMP and other first responders and there were many issues of too many responders or not any responders, depending on the nature of the mix up. As a result, the relationship between the Band and the RCMP was poor.

However, the speaker said that thanks to the development of a tripartite agreement between the

Skeetchestn Band, the Whispering Pines Band and the RCMP, the Skeetchestn Band have their own rural RCMP detachment on the reserve in Kamloops and the relationship with the RCMP has been greatly improved, to the point where RCMP officers regularly participate in community events and are very welcome in the community. There are six members of the Skeetchestn Band detachment who are aboriginal, and the speaker felt that was a significant and important development.

The speaker acknowledged that he felt there are very serious issues for aboriginal people in Merritt, and on the island, but felt that these issues could be resolved if the Skeetchestn First Nations could showcase their unique relationship around and have it be used as a model. Many of the issues the speaker identified as having been resolved in Kamloops for this Band were similar to those identified in Merritt as issues on the local reserves.

The speaker acknowledged that it took a few years for the relationship to develop, and that RCMP and community leadership initiatives included organizing events with youth, going to the schools, involving themselves in a traditional games, involving themselves in hunting camps, being on the land with the community, getting out of RCMP vehicles to interact with community members, and actually physically coming into band offices.

#### **Collaboration with social agencies**

Speakers said that the RCMP is willing to work with other stakeholders in the community and that they valued the RCMP's engagement. From leadership down, speakers felt there is recognition that a safer community requires more than just a crime control approach.

#### **Harm reduction**

Speakers felt that local RCMP officers generally supported harm reduction. They said that the force's leadership was willing to meet and openly discuss harm reduction initiatives, and that if there were issues with harm reduction and the RCMP, they were confined to individual RCMP members seizing needles or crack pipe mouthpieces on their own initiative.

An example was given by someone familiar with local harm reduction initiatives who said that when an agency wanted to distribute safer crack use kits, the agency was able to meet with and have frank discussions with drug squad officers and inspectors from the community. While the agency was apparently unable to get firm commitments that individual members would be reprimanded for seizing harm reduction tools (clean needles, mouthpieces), local RCMP leadership welcomed the discussion and committed to work with the agencies. Service providers also noted that there were no conflicts with police and local methadone pharmacies or pharmacy users.

### **Negative comments**

#### **Red zones**

Speakers talked about "red zone" areas of the city where individuals facing criminal charges are prohibited to attend. The most common red zone, according to participants, is the downtown core and the north shore of Kamloops. For many with addiction and mental health issues, that is also the area where most services are concentrated. While speakers said the RCMP permit individuals to attend these services, concern was raised that red zones are overused and are not responsive to the medical and service needs of the populations they target.

In an extreme example of a red zone, one participant alleged that a local man who had been labeled a prolific offender was facing a judicial prohibition from Kamloops at the suggestion of local RCMP. This man allegedly lights fires in city parks while a fire ban is on in order to cook meals despite repeated warnings by the RCMP about this conduct. While the speaker said he'd prefer the man be banned from Kamloops than face jail for his actions, the speaker's feeling was that there must be another way to deal with the issue as the man is born and raised in Kamloops.

The official position of the BCCLA is such that "get out of town" orders are unconstitutional, and the speaker was advised of this position and that the BCCLA would intervene in any appeal of such an order made by a judge.



### **RCMP relationships with aboriginal people and the Special Constable program**

One speaker suggested there are 32 separate first nations groups represented on and off reserve in Kamloops, leading to a complexity of diverse cultural understanding that is a challenge to the RCMP and the “aboriginal community” alike. Two participants said they had concerns that some local RCMP members see urban aboriginals not as individuals, but as members of a problematic group. One person noted that there may be a member that is very culturally sensitive, but then that officer will leave the community, a new officer will be thrown onto front line and that’s when incidents occur. For this speaker, improving RCMP cultural awareness and understanding of historical and systemic issues in an urban environment would improve the reactions of new officers.

Another speaker noted there is a small, small percentage of the urban aboriginal population with active addiction issues or who live on the street, but it was the speaker’s understanding that this small group is perceived by officers as being 80% of the urban aboriginal population as opposed to 20% or less of the population. “Every time that interaction comes up” between the RCMP and the urban aboriginal community member, said the participant, “whether going to a house or on the street or a group of youth, [that perception is] manifested.”

Another speaker was concerned that there was limited RCMP institutional patience for the idea that there are differences in culture between aboriginal cultures and white culture, and different ways of working within the two communities – that it’s not good enough to have “just two days of cultural awareness.” That participant called for a return to or expansion of the aboriginal special constable system:

*We [aboriginal people] used to have special constables, we never phoned the RCMP, always phoned the special constables. They dealt with it and they dealt with their peers in an appropriate fashion. They were part of the community, part of community organizations, and came to the job with the idea they wanted to help people stay out of trouble.*

### **Remarks from Grand Chief Stewart Phillip**

Grand Chief Stewart Phillip of the Union of B.C. Indian Chiefs attended the workshop and made a series of remarks from a macro perspective on the relationship between aboriginal people and the RCMP. The Grand Chief listed a number of rights violations by police officers of aboriginal people, including the deaths of Frank Paul, Clayton Alvin Willey, and major aboriginal protests, including Gustafson Lake, that had been heavily policed by a militarized RCMP. He expressed concern about junior officers from out of province policing aboriginal communities, and shared his hope that the BCCLA’s workshops would help lead to productive change within the RCMP.

From the Grand Chief, on his main point that the RCMP seems unable to sustain high-level relationships with the aboriginal community through turnover and retirement in a time of heightened tensions in aboriginal communities:

*We do have a high level protocol with the RCMP and municipal forces, that came into existence about five years ago, we entered into that agreement with the most senior officers of RCMP in the province, and we developed a very responsive and effective relationship with the RCMP. Junior officers don’t remember the history, it’s like we’re going back to square one again. As former chief of the Penticton Indian Band, I had a relationship with Inspector Dan Fudge, a very long standing relationship, he came to the community for funerals, AA celebrations, weddings, he was highly respected in community because of the nature of the man, he was an exceptional individual. Now it seems there’s no facility for relationship building with our community. That’s where we’re at, relationship building again, which is an issue.*

### **Conditions of confinement for women and youth in city cells**

Members of the Kamloops Elizabeth Fry Society, along with some defence lawyers in attendance spoke out with concern about the conditions of local RCMP cells for women. These concerns were expressed before the criminal investigation of four male RCMP members and three civilian male staff for allegedly watching two female prisoners have sex on the cell’s surveillance system. Comments included allegations that:

1. Women are routinely guarded by male civilian guards and RCMP officers in Kamloops, and guard duties include strip searches and monitoring while women use the cell washroom facilities.
2. Women do not have adequate privacy from male prisoners who, when cells are full, can see into women's cells including washroom facilities.
3. The Kamloops Elizabeth Fry Society is denied access to the cells to provide basic advocacy services to women, including ensuring access to legal aid, and ensuring their housing and income are retained and their children are safe.
4. Women do not have equal access to showers and toothbrushing because they must be escorted by a guard to those facilities and RCMP policy is that only female guards may perform these escorts. Female civilian and RCMP guards are rarely available.
5. Women can be held in RCMP cells, meant for temporary holding only, for up to nine days because Kamloops does not have a remand jail for women, although it does have one for men. The closest women's facilities are Surrey or Prince George.

### **Shooting of Stephen Hanaghan**

Stephen Hanaghan's sister Claire attended the workshop and asked the BCCLA to investigate the shooting of Mr. Hanaghan, who she alleged was unarmed and shot in an unmoving vehicle by RCMP officers. The BCCLA is currently investigating the death, but our request to the B.C. Coroner for documents has not come quickly enough for the results to be included in this report. It suffices to say that Ms. Hanaghan believes that the system of police self-investigation in cases of police shootings is a system that must change.



Gary Schotel photo

**The Cariboo-Chilcotin Justice Inquiry: A challenging history between the RCMP and First Nations in and around Williams Lake**

The Williams Lake region is home to a large aboriginal population, the majority of which are members of the area's three First Nations: the Shuswap People, the Tsilhqot'in People, and the Carrier People. For years, aboriginal residents complained about the degrading treatment they received from the local RCMP detachment. They claimed that their appeals for assistance were routinely ignored, cases involving aboriginal victims were provided inadequate resources, and RCMP officers frequently abused their power when dealing with aboriginal suspects.

In 1993, after a series of cases highlighted serious issues relating to RCMP policing in the Williams Lake region, the Province of British Columbia appointed Justice Anthony Sarich to investigate concerns expressed by local aboriginal residents. The Cariboo-Chilcotin Justice Inquiry, as it came to be known, toured numerous First Nations communities, listening to aboriginal community members and comparing their testimony to RCMP accounts.

As Chair of the inquiry, Justice Sarich investigated these allegations, eventually confirming concerns expressed by aboriginal residents. With numerous cases as evidence, Justice Sarich documented the

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# Williams Lake

August 10, 2010, 4:00 p.m.,  
Thompson Rivers University  
8 people

## The RCMP and Williams Lake

Williams Lake is a city located in the Cariboo-Chilcotin region of the central interior of B.C. The city's population is just over 10,000 people, who live largely centred around the lake in what is the largest city between Kamloops and Prince George. The RCMP detachment has approximately 50 officers.

The BCCLA's visit to Williams Lake raised some concerns, but nothing outside the range of normal concerns about use of force and de-escalation. A member of the community attended who had a family member in the RCMP and provided a strong endorsement of her knowledge of RCMP activities in the area. All participants noted, however, the absence of aboriginal people from the discussion and that the absence of this group should be noted and that efforts should be made to contact aboriginal groups and consult them. Following our visit to Williams Lake, we were contacted by or we contacted several different and unrelated parties that raised serious issues about RCMP activities with a common theme of issues around RCMP/aboriginal interactions in the area. The following five cases outline our concern.

Although the RCMP recently installed a new visual surveillance video system in Williams Lake cells, they chose not to install audio recording, or to activate that functionality of the system. We note that in the majority of the cases we brought forward to the RCMP from their cells, the RCMP rely on what the prisoner was saying to justify in part or in whole officer use of force. Often as well, the prisoner who has force used against him justifies failing to comply immediately based in part or in whole on what the instructions were or conversation was that was taking place with the guard. In either case, the RCMP would be well advised to install audio recording equipment in cells when they replace video cameras. The BCCLA notes that it was audio recording from both the Frank Paul Inquiry (Vancouver Police De-

partment) and the Raymond Silverfox inquiry (Yukon RCMP) that enabled various accountability authorities to get a much clearer picture about the conduct of those involved, both officer and non-officer.

Further, the BCCLA notes that police and justice system relationships with aboriginal people in the Cariboo-Chilcotin are not a recent issue. Please see the sidebar for information about the Cariboo-Chilcotin Justice Inquiry held in 1993 and led by Justice Anthony Sarich into the same relationships that seem, from the outside, to still be quite problematic. Perhaps unsurprisingly, given that the issues still seem relevant, few if any of Justice Sarich's recommendations have been implemented in the area.

#### **Lloyd Gilbert (Jan 21, 2010)**

Arrest reports said that RCMP attended Gilbert's home after Gilbert called police to report an assault. Gilbert's door had been smashed in. He was, according to the police reports, "highly intoxicated" and was "belligerent" and "pointing his finger in Cst. Butler's face". The report says Gilbert was arrested to be "lodged until sober". Gilbert is a Shuswap man who suffers from post-traumatic stress disorder from unrelated events.

Gilbert said he was initially lodged in the drunk tank with two other men and alleges he was assaulted by RCMP in that cell. The BCCLA has no video of this incident and Gilbert was not provided with that video as part of his request for the release of video from local RCMP. Gilbert was then lodged in a cell with a sink and toilet. The video Gilbert did obtain from the RCMP shows Gilbert climbing on the bench and sink and refusing directions to stop doing so. There is no indication from the video that Gilbert is violent, and he appears compliant when officers attend.

Gilbert is then tied to a chair by Williams Lake RCMP, putting him at significant risk of aspirating on his vomit. The video shows him being physically checked on only once, though he was kept tied to the chair for three hours and twenty minutes, and forced to urinate on himself. The BCCLA notes that in their annual report for 2009, released in October 2010, the Commission for Public Complaints Against the RCMP found that

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Williams Lake RCMP consistently failing to provide adequate assistance to search and rescue operations involving missing aboriginal persons, abusing their authority while questioning young aboriginal males, and routinely using unlawful policing practices against aboriginal residents.

Justice Sarich also noted that First Nations' communities stopped relying on the Williams Lake RCMP to provide policing assistance for certain issues, such as missing person cases. Instead, these communities would rely on their local residents, which in some instances, despite a lack of expertise and equipment, yielded more successful results.

To Justice Sarich, this self-reliance represented the local aboriginal population losing trust in the RCMP's abilities to serve its function.

Justice Sarich provided a range of recommendations for the RCMP to regain legitimacy and restore trust with aboriginal residents in the Williams Lake region. His report's overarching recommendation was that aboriginal peoples must be treated with respect. In order to accomplish this, Justice Sarich proposed a range of reforms, including mandatory cultural sensitivity training for all emergency services staff and even transferring aboriginal policing responsibilities away

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from the RCMP to a Native Policing Force.

However, the bulk of Justice Sarich's recommendations focused on specific RCMP policy reforms for operating in northern British Columbia and in communities with large aboriginal populations. Within these regions, advised Justice Sarich, RCMP detachments should be staffed with members that are aware of "the needs and cultural practices and values of the community they will be serving." They must recognize the cultural nuances and values of each community they are operating in, and include building positive relationships with aboriginal residents a central part of their job. As far as feedback from the Williams Lake area indicates, these initiatives have not been acted on by the provincial or federal governments, or by the RCMP.

- Avnish Nanda

a man tied to a chair for two hours by the RCMP had been tied up for too long. The CPC describes that case as follows:

*In one instance, after trying to choke himself, a complainant was left naked in his cell, where he was subject to the TASER®, bit his head purposely on a toilet seat and was subsequently placed in a restraint chair for over two hours. The CPC concluded that the length of time in the restraint chair was excessive.*

Apparently Detachment Head Warren Brown was not aware of this finding from the CPC, nor had the RCMP communicated appropriate use of the restraint chair to RCMP detachments, nor had he

read the reports of his officers, because days after the BCCLA's release of the video, he told the Williams Lake Tribune in an article published August 12, 2010 that Gilbert was not arrested for being intoxicated. Brown justified tying up Gilbert and not physically monitoring him in part because Gilbert was using abusive language:

*I don't care who you are, how you're trained or what background you come from, there comes a point where you can no longer take threatening and abusive language, and this is what this man had coming from his mouth. It was belligerent venom.*

He also suggested that Gilbert was physically checked every 15 minutes, but the video shows the cell door opening only once during the entire 3 hours and 20 minutes Gilbert was in the chair, and shows Gilbert urinating on himself which indicates Gilbert was not given an opportunity to use the washroom or to request washroom access.

#### **Kurtis Billy (August 27, 2010)**

A robbery took place at a local convenience store where two masked men held up the store and drove away. The driver was described as 6' tall and wearing a black hoodie. The robbers ran across the central park in Williams Lake. Hours later, the RCMP attended the park and saw Kurtis Billy and two friends on a park bench. Billy ran and was caught. Billy, who is aboriginal, 5' 7" and was wearing a light blue jacket, was charged with being the driver in the robbery. He was later acquitted of that charge.

While in cells in Williams Lake awaiting trial, video captures Billy covering up the camera that monitors his cell. He then removes the covering. Five officers then respond to the cell, and in the lead is Detachment head Warren Brown. Billy sits down on the bench in the cell, and officers pull the sleeping mat out, indicating a decision had been made to physically remove Billy from the cell independent of the circumstances faced by officers. Brown grabs Billy, who is seated and appears complaint, and forces him to the ground. Brown stands on Billy's back. After the incident, Billy alleges that he requests medical attention five times when he says he has trouble breathing, but medical attention is allegedly denied and he

says he is not seen by a nurse or doctor until he is returned to Prince George cells hours later.

A provincial court judge in Williams Lake found that the force used against Kurtis Billy was not “cruel and unusual punishment” such that it would justify dismissing the charge against Billy. Further, he found that the detachment head Brown was legally justified in using the force he did against Billy.

Following the BCCLA’s media release about the actions of the RCMP in relation to Mr. Billy, we were updated by Mr. Billy’s lawyer that Billy, who is homeless and suffers from fetal alcohol syndrome, was re-arrested shortly after his release for allegedly stealing a pair of socks and a sweater from a local store. He was given a condition not to be outside in Williams Lake between six at night and nine in the morning, although he had no place to live. The lawyer says that Mr. Billy was released, but later rearrested when police spotted him breaching the condition.

His lawyer says police found a flash drive on Mr. Billy that Mr. Billy says he found. The drive contained the private information of a third party. He says police also found an object or tool related to maintaining Mr. Billy’s bike that police described as a tool used to break car windows. He advises that police charged Mr. Billy with breach of conditions (being outside in Williams Lake at inappropriate hours), possession of break and enter instruments (the bike maintenance tool), trespass by night (running through a private backyard when he was spotted by police), and possession of stolen property (the flash drive). The RCMP then issued a press release titled “Williams Lake man charged for failing to abide by his release conditions,” and in the release included a caution about people stealing firearms from vehicles. Mr. Billy remains in custody in Prince George awaiting trial on the latest charges.

#### **Oren Mostad (May, 2010)**

Mr. Mostad attended the RCMP station in Williams Lake to ask about police entry into his home and the seizure of his hunting rifles. He was placed under arrest and brought to the booking area where the video starts. He says he was not told why he was under arrest, and he was nev-

er charged with any offence in relation to the seizure of the rifles. The video shows Mr. Mostad talking with a Williams Lake officer who reaches out to grab Mr. Mostad’s arm. Mr. Mostad pulls back, and the officer radios for assistance.

Mr. Mostad alleges that during this time, he is asking “What did I do wrong?” Rather than waiting for assistance, the officer attempts to grab Mr. Mostad’s arm again and Mr. Mostad pulls back again. This time the officer tackles Mr. Mostad to the ground and punches him repeatedly. A civilian staff member holds Mr. Mostad’s feet. Four backup officers then arrive and Mr. Mostad is searched and taken to cells without further incident. Mr. Mostad was charged with assaulting a peace officer as a result of this incident. A Facebook release by the RCMP suggested that the use of force was appropriate because the incident involved “charges” relating to firearms. The RCMP is aware that charges were not approved by the Crown and that the very legality of the arrest of Mr. Mostad and the seizure of his property is a key issue in the complaint brought forward by the BCCLA concerning the incident.

#### **Nick Weekes and the Boot Cabaret (2009-2010)**

Bar owner Nick Weekes sold his bar, the Boot Cabaret, in July of this year as a result he alleges of extensive problems with local RCMP and their interactions with his primarily aboriginal clientele. He told WelcomeToWilliamsLake.ca in an article published July 14, 2010: “They harassed my clients almost as if they were trying to pick a fight with them. Sometimes they said things to my customers on a very personal level, getting them upset. That means they’d mouth off and react, and the next thing you know they’re in a cop car and I’m the bad guy. . . From what I’ve seen, they’re going after the native community, saying that crime here is caused by the natives.” Although local RCMP were aware of the article and the allegations, Mr. Weekes advises that he was never questioned as part of any code of conduct investigation, and the BCCLA has raised the concern that the allegations, though widely published, were never investigated or taken seriously by the local RCMP.

#### **WelcomeToWilliamsLake.ca (July, 2010)**

The local news website WelcomeToWilliamsLake.ca was initially welcomed by RCMP, who provided

the website with news and traffic updates as well as press releases and interviews. When the website reported Nick Weekes' allegations (see "Boot Cabaret" above) that RCMP officers were allegedly antagonizing his aboriginal patrons, the outlet stopped getting press releases. An e-mail from Warren Brown to the Editor of WelcomeToWilliamsLake.ca dated July 28, 2010, reads: "LeRae, yes you are officially removed from the Williams Lake RCMP media list. The Nick Weekes interview has some part to play. Again to reiterate, I am not going to use you as a venue to debate. I find that to be poor reporting . . . I provide this communication with the expectation that it will not find its way into a news release in the Welcome to Williams Lake publication."

The local RCMP have since given a series of exclusive stories to a competing news outlet and refused to provide interviews or press releases to WelcomeToWilliamsLake.ca. The website has been in contact with the RCMP independently and through the BCCLA. The RCMP has since required the Williams Lake detachment to post their news releases to the E-Division website and acknowledges that failing to do so was a breach of policy. Despite concerns raised by WelcomeToWilliamsLake.ca until the BCCLA filed its formal complaint, the BCCLA was not aware of any code of conduct investigation into the allegedly retaliatory activity of the detachment head against the media outlet.

#### **Williams Lake Detachment Head Warren Brown (1997 and 2001)**

Brown is a former police officer with the Delta police department who was investigated after a use of force incident in 1997 that involved him allegedly hitting a suspect, a notorious alleged drug dealer, with a hammer. Brown was charged with assault but acquitted. He was simultaneously investigated by Chief Sessford of the Delta Police Department in relation to the incident and, following that investigation, was ordered by the Chief to attend a discipline hearing. The discipline hearing was scheduled, but Brown challenged the jurisdiction of the Chief to hold the hearing. Brown then lost his challenge in B.C. Su-

preme Court.<sup>5</sup> At some point later Brown left the Delta Police Department to join the RCMP. The BCCLA has been unable to determine whether a discipline hearing was ever held.

### **Positive comments about the RCMP in Williams Lake**

#### **General Conduct and competence of the RCMP**

A workshop participant suggested that the RCMP are courteous and responsible when compared to international police agencies the participant had experienced in Mexico or the United States. He said that this was a general impression about the RCMP, not limited to Williams Lake. Another participant suggested he remembers the provincial force and thought they were rather inept compared to the RCMP.

#### **Community policing**

Participants felt that the community policing program run by a retired RCMP officer named Bob MacIntosh is a success. The program works with well-supervised volunteers and works hand in hand with local RCMP. They have an agenda independent of the local detachment, acting, in the participant's mind, as the "eyes and ears of the community" and "go more in depth, care more, head things off at the pass." The feeling of the participant, citing an example of Bob MacIntosh going to talk to "youth gangs on their own turf," is if something is going on, that the community police team is very proactive and less reactive.

#### **Participation in and communication with the community**

One participant felt that the local restorative justice program was a success because of the contributions of the local RCMP. Another appreciated that members "join all kinds of clubs and activities to be part of the community in a positive way." Outside of Williams Lake, a workshop participant felt that 100 Mile House and Quesnel RCMP do a very good job in working with the media. Another participant felt that the DARE program, which he believed the RCMP run on their own time, was an example of a positive contribution.

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5 Brown v. Police Complaint Commissioner, 1997, B.C. Supreme Court, available online at: <http://www.canlii.org/en/bc/bcsc/doc/2001/2001bcsc1115/2001bcsc1115.html>

### **Media focus on the negative**

One participant felt that the media unduly focus on the negative, nationally, about the RCMP. That contention was contested by media members who were present for the workshop. But it remained the participant's feeling that:

*It's time the media reported that an RCMP officer has prevented crime or saved lives. You never hear positive things, just negativity. The vast majority do a good day's work for a good day's pay. But every group will have bad apples.*

### **Positive ticketing program**

While other communities had articulated that they wished to have a positive ticketing program, it appears that Williams Lake has implemented such a program. Workshop participants suggested that if individuals "wear helmets or safety gear they get a coupon, or something from the RCMP," and that the program helped RCMP officers build positive relationships with youth on safety issues.

### **Prolific offenders program**

Some participants felt that the RCMP's prolific offenders program was a program that looks at repeat offenders and "doesn't just put them in jail, but tries to figure out the root causes, housing or social issue and tries to rehabilitate." The RCMP apparently have resources for a certain number of offenders for various treatment or housing programs. The BCCLA notes, however, that if there is such a program, it appears to be failing badly in the case of Kurtis Billy, who the RCMP have labeled a prolific offender and who is a homeless man. Billy has been given conditions that are actually impossible to abide by without completely leaving town, which would make returning for court and probation reporting impossible, and he is currently in jail for a string of consequences that come from his allegedly stealing a sweater and a pair of socks.

### **Negative comments about the RCMP in Williams Lake**

#### **Ineffectiveness of justice system in dealing with drug issues**

One participant expressed frustration with the inability of the entire justice system, including the RCMP, to deal with "crack houses" in town, or to keep people with addiction issues or who deal drugs in jail. According to the participant there

are "three crack houses across the street," and "the arrests are happening but they're released." The participant was not aware of why the arrestees were released, but one participant suggested there could be an issue with failing to adequately deal with constitutional rights that caused judges to release people. Another participant felt that even if the police did do arrests properly and people were sentenced, that prolific offenders would be released again and would start breaking in to cars and homes again and the cycle would start all over.

#### **Too much work for too few officers or inappropriately distributed tasks**

One participant felt there was a huge workload for a small number of local officers, and that they have an "enormous" file quantity. The participant suggested that in smaller centres like Bella Coola, there are very few files to carry, but in Williams Lake officers are overwhelmed. Some participants speculated that assigning officers is likely based on population, and could better be based on crime levels. Another participant disagreed, saying that he had seen police working barricades to prevent people from going into fire areas, which meant to him that there were more than enough officers to go around.

#### **Property crime**

People had concern that property crime issues were not being adequately addressed, to the point that people no longer bother reporting some crimes, like small scale break and enters or theft from vehicles. Property crime and levels of property crime were a major concern for workshop participants.

#### **The large geographic territory**

Some participants suggested that the RCMP are responsible for far too much turf in Williams Lake, with great distances to the next closest detachments' border.

#### **Public relations and perceptions**

Some participants suggested the RCMP had a public relations issue and were failing to communicate adequately with the community about what was happening.

#### **Level of aggression**

Two participants related personal stories they were concerned about that they believe involved



an unwarranted level of aggression by local officers. The participants had varying explanations for the level of aggression, and all agreed that the RCMP could use more training in de-escalation and negotiation. One participant, a former high school principal who said he'd had good working relationships with RCMP officers for years through his job, said:

*There is a level of aggression that is endemic among too many of them that is intolerable. I have one specific interaction that emphasizes that very clearly. I encountered an officer, and in the course of dealing with minor interaction he made it clear he was prepared to assault me physically, and I had to ask myself, "What's driving this?" It's just the way he chose to interact with me. That was the flash point of my changing perception of how the RCMP conduct themselves.*

*As a former principal I had a good deal to do with them, and was invariably gratified by level of professional interaction that I engaged in. Has the ethic changed? I'm here because I'm trying to gauge whether I've changed looking at them through a coloured lens. Media accounts of behaviour in various areas substantiate my perception that that can emerge unbidden almost anywhere.*

*If I encounter an RCMP officer, I look with some great concern as to how this person is going to behave. I don't find comfort in that there is an RCMP officer nearby. This is not a policy issue, it's a perception issue, but I think a perception issue the RCMP needs to deal with very urgently. Perhaps this new oversight body will assist in the process in which they interact with citizenry of this province. I think it's got to come from simply how they behave.*

Another participant also cited a personal experience that he found concerning on the same point when the RCMP were investigating him in response to a weapons call they received from a member of the public:

*I work in tourism, as a tour director. I've been a step on guide, where I dress up like a miner from the Caribou days. In a holster on my hip, I have a play gun. I was up at the truck stop last September waiting for a group of Swedish people to come through. I was reading a children's book, because I volunteer*

*in wife's classroom. I was aware there was one police car, a woman police officer who pulls up and steps out from behind her door. I'm not sure if there's a weapon drawn or not, but then another police car pulls up, two others behind me. I'm glad they take the business of someone with a weapon seriously, maybe it's overkill, maybe not.*

*But when the thing was all over, the two women were great, but the two men, both male officers, young officers, had to come and tell me that had I made a move at all they would have shot my head off. That, to me, is a level of aggression. Both of the female women realized how traumatized I was by the whole thing, and were both concerned for my welfare. The males wanted me to understand if I'd made any kind of a move they thought was false, they would have killed me.*

*I didn't do anything about it, it was partly my fault, I should have put gun in my backpack until on the bus. I didn't twig on what was bothering me until [the other participant] said his point about the increasing level of aggression, both took it on themselves to make sure I was told that. During the discussion they certainly could have gathered that. It bothered me that they had to tell me.*

### **Dealing with teenagers**

One participant noted that her teenage grandchildren don't believe that the RCMP are their friends. She didn't know where that came from, but another participant in following that point related a story in which she alleged an RCMP officer, in what could either be an intimidating comment or a failed attempt at humour, or both, told a youth that the difference between stopping at a stop sign and rolling through was "If I'm beating on you with my stick, you've rolled through the sign." Another participant said his 20 year-old son has consistently negative encounters with RCMP officers:

*My grandson has said that every encounter with RCMP has been a really negative one, has been threatening. 'What are you doing here?' Standing on street corner. 'What are you doing here?' I'm going about my business. He has no criminal record. That kind of behaviour destroys trust in uniform in a group.*

### People who are drunk in public

One participant felt that dealing with people who are drunk in public “wastes a lot of RCMP time,” that there needs to be a good way to deal with that problem. The participant felt there is lots of paper work required, lots of people they pick up on a regular basis, and that instead of taking them to detachment over and over, wasting specialized training, there had to be a better way of dealing with these harmless people, and recurrent arrests, but they don’t have resources to do that.

### Partnership at Alkali Lake reserve

One participant at our Dawson Creek workshop alleged that Williams Lake RCMP were pulling back from an innovative program that encouraged officers to go out and participate in programs in that aboriginal community by failing to have officers in the community for long enough and by failing to dedicate adequate resources.

*Williams Lake just gets RCMP working with Alkali actually getting to know who they are and what they’re about and then they’re moved. Policy is within a certain period of time, their chief of police mandates an officer goes and participates in Alkali Lake, and it’s had an excellent response. They were getting investigated for assaults way out in the back areas, they were being beaten, allegations women were being raped. The RCMP made a concerted effort to look into that. It started in 1990/91. It was in effect when Gustafson started. The new Chief of Police in Williams Lake is not quite so supportive of it.*

### Diamonds and Dust and the RCMP

The owner of the bar that used to be the Boot Cabaret until Nick Weekes sold it (see preface to this section for details) reports her concern that the bar, which is a strip bar, is facing a disproportionate and continuing level of harassment. In her opinion, the RCMP harassment of patrons is not limited to aboriginal patrons as Nick Weekes alleged. On a particular evening at the bar, two undercover officers were in the bar monitoring, presumably, for provincial liquor control act violations. During this evening, a man was arrested who reported his arrest as follows:

*It was my friend’s 30<sup>th</sup> birthday. We decided to go to the pub, Jessica’s [Diamonds and Dust]. We weren’t there long, got there about an hour and a half, ar-*

*rived around 11:30 p.m. [. . .] I was at Jessica’s new pub, really excited, I had one 151 shot, two vodka waters, and had 3 waters in that time. I had one beer before going to the bar. [Then I was tapped on the shoulder, and] turn around, it’s an undercover cop, “come with us.” Flashes his badge, two cops behind him. “Are you kidding me? For what?” He says “You’ve been overserved by the bar and you are drunk in public and you’re being arrested.” I said “ok”, I could see the cop was crazy, I wasn’t going to be the guy to argue.*

*I go across the whole bar, get my jacket that I hung up in the dark, I say “My mom is coming to pick me up, I have a designated driver.” “You’re coming with us, blab blab.” I’ve been nice the whole time. Then I explain to him, I’m not drunk, I explain that I have a DD, what’s the problem, there’s been no complaints. I was smiling, didn’t even argue.*

*Guy crunched my wrist with the cuffs. Now I realize I’m cuffed and I’m going to jail and these guys were, it was like he had it out for me for no reason. I said “You’re back there, I bet you’re thinking about grabbing my ass,” that’s my only wise crack, that’s the only thing I ever piped up [. . .]. He says “Take this guy to jail.” The other guys look confused, throw me in the back of the car. [. . .]*

*It’s 12:30/1 when I arrive at the jail. [. . .] They strip my clothes down, I’m just in my underwear, they take my pants off, in my gonch, and I’m just going with the flow, anything they ask me I’m doing. I’m wearing a shirt and underwear. Threw me just in my underwear in the drunk tank. I’m sitting there, “So this is jail, so this is the drunk tank.” I’m like “What am I doing in here?” [. . .] Finally I’m like, I might as well go to bed, used my shirt as a pillow. I woke up next morning, first one awake. Stood up and knock on the door, the native guy in the cell with me is like “good luck on that one.” I sat back down, a half hour later guy opens the hole [in the door], I’m stretching, like I’m doing yoga, “Seven hours are almost up, you have a couple more hours here.” [Explanation of release process deleted] Oh yeah, the officer comes around the corner who arrested me telling me I’m drunk, he goes to me, he’s wearing his officer suit, he goes “Hey hey, oh, Mr. Canada Post, you’re a whole different guy today, telling me you’re thinking about me touching your ass.”*

*"I don't know what you're talking about, I had a DD, I was talking to my coach, I wasn't even drunk." I was like, "So are you gonna, like, is that how you guys practice, just pick anyone out of the bar and arrest them when they have a DD? What about the bar, are you going to get a liquor inspector in there, are you going to charge the bar?"*

*"Shut the fuck up, you want to ask me questions, you shut the fuck up, it's guys like you..." This is the first thing in the morning. "Shut the fuck up." The other officer is shaking his head like, "Holy, this is kind of embarrassing." The night he arrested me, if I'd done anything to make him pull out pepper spray, he would have made an example of me, "This guy attacked me in the bar," but there was none of that, I was like "Yes, Sir." The next day, I just woke up, I said "Is the bar going to be charged," and he's like "Shut the fuck up, you want fucking answers, you just shut your fucking mouth," and he got right in my face. I could have pushed buttons, but I didn't, the [other] cop got between us, and I looked at the other cop and he's like raging, he's breathing heavy. This cop, I don't know who he is, but he's a nut. He's tapping my shoulder, when I seen him, I just did what he said, I just stood up and did what they told me to. If you think I'm drunk, I'll grab my jacket, and I'm coming with you. And he snapped the next day and that showed me.*

This incident is being used by the RCMP to argue that the bar is over serving patrons, according to the bar owner's allegations:

*We have a pre-conference hearing tomorrow morning to determine if the alleged contraventions happened. They are all contraventions that allegedly took place, while [officer names] were in the establishment un-*

*dercover. This is the night that [complainant name] was arrested for nothing, they claim he was intoxicated and he wasn't. He was having fun and only two drinks. [Officer name] explained to us that "drunk in public" falls in the Public Disturbance Act [Note: There is no such law]. [Officer name] also said that an RCMP Officer cannot be disturbed. Nobody in the establishment disturbed by [complainant name] but [officer name], while on duty. I believe [complainant name] was unlawfully arrested, because they had nothing on us. [. . .] The [name deleted] summary of evidence is so grossly inaccurate, that this leads me to believe that [identifying information deleted] too is in conspiracy. The whole body of the package is pure propaganda. [Name deleted] states that [complainant name deleted] had to be detained for 8 hours to sober up, he was detained for more like five and half. He didn't do any sobriety tests from my knowledge, and the RCMP member threw out the documentation, pertaining to the incident.*

*My partner [My Mother] and I haven't slept in weeks, and have become in a major state of duress, we don't have a lot of money, and we need help desperately. We have put every dollar into our business, and have not left much room for counsel. We are single mothers, who took a shot. The business is booming, but the amount of harassment has directly affected our business. We have patrons saying they don't feel comfortable when the RCMP are there all the time. In fact they feel as if they will get thrown in jail for no reason if they are at our establishment. The business is an exotic night club, and we believe this is the reason for all the harassment. This is not a lawful reason, so we believe that evidence is being fabricated so they might have a leg to stand on to shut us down.*



# Bella Coola

August 11, 2010, 3:00 p.m., Bella Coola Moose Hall  
53 people

Approximately 53 people attended the BCCLA's workshop at Bella Coola, which is remarkable given the fact that the population of the centre, located at the western end of the Bella Coola Valley, is only 600 people. The Bella Coola Valley has approximately 1900 residents. Access to Bella Coola is by boat or via a treacherous dirt road called the Bella Coola Hill. The Hill has grades of up to 18%, no guard rails, and a drop of 5,000 feet from the peak. In late September, after our workshop, a flood washed out the limited road access to the community, and sixty homes were evacuated. During the flood, the RCMP played a key role in evacuating trapped residents via helicopter. As recent incidents and geography illustrate, Bella Coola can be quite an isolated community.

## **Positive comments about the RCMP in Bella Coola**

The facilitator at the Bella Coola event solicited positive feedback about the RCMP in the town repeatedly; however, participants at the event preferred to talk about issues of concern and positive comments were almost completely absent. This response was not totally unique on the tour, and there are many possible explanations for this outcome, only one of which is that there is an inappropriately negative relationship between the RCMP and the community in Bella Coola. The BCCLA notes that it would be very unusual for there to be a community that had no positive views whatever of their local police force, but for whatever reason, those views were not presented during the workshop despite a large number of residents being present.

Further work in the community should be done by the RCMP, the local community or a third party to identify whether this negative view of the RCMP is more broadly shared in Bella Coola. It is possible that community views may have changed following the RCMP's role in the flood response. With that said, the RCMP should not take comfort in those diverse explanations, and should note that this response, while not unique, is not reflective of the general experience of the BCCLA in soliciting positive views and that many

communities had a long list of positive anecdotes and programs to speak about in relation to their local detachment. Bella Coola, it seems, needs more positive RCMP work to speak about.

One participant said that they believed the Bella Coola police were better than the Bella Bella police, but it was in the context of two stories of allegedly excessive use of force by Bella Bella RCMP. Another participant said that she was: "Glad that the police are here, because crime may go up if they're not here. I like that they're involved in the safety committee, which is police and community members discussing safety issues."

## **Negative comments about the RCMP in Bella Coola**

### **Searches of boats**

Residents had questions about RCMP search powers on boats and indicated that they were accustomed to RCMP officers demanding searches without articulating the legal justification, if there is a justification (e.g. inspections for fitness, drunk boating investigation, other grounds for search). One boat owner in particular was concerned about police officers boarding his boat while armed, as he felt there was a safety issue with having a gun on an unstable boat. He did not explain, and the facilitator neglected to ask, whether RCMP officers had unholstered before boarding his boat or whether the holstered gun was a sufficient concern for him.

The facilitator explained that the owner had the ability to refuse permission to the RCMP to conduct searches without a warrant except in limited circumstances, and explained the difference between active resistance of a perceived illegal search and refusing permission to a perceived illegal search, and that the former can cause a great deal of aggravation and potential charges if the search in fact is legal, and the latter can ground a strong defence of violation of Charter rights if an arrest comes from evidence obtained during an illegal search.

### **Incivility**

A participant explained an incident in which she was with her young granddaughter and other children were present during an arrest. She said that an RCMP officer had stopped a man who was running and was ordering him to comply and to get to the ground. She said that the RCMP was using “every bad word you can think of.” In her opinion, “Maybe the fellow did a bad thing, but they sure went for him.” In her opinion, the foul language was not necessary in the presence of children and the violence of the arrest takedown was excessive.

### **Failure to act proactively to defuse situations**

One participant reported that he wished to file a complaint about his neighbour’s dogs who were allegedly incessantly barking. The RCMP would not call him back and would not attend. As a result, the participant went next door and was involved in a confrontation with the neighbour. The neighbour called the RCMP and the RCMP came and asked the participant why he was taking the law into his own hands. The participant said that the Band office said the dogs were the RCMP’s responsibility, the RCMP said the dogs were the Band office’s responsibility, and that in the end neither had a record of his complaint.

### **Illegal or improper search**

Two participants reported allegedly illegal or problematically executed searches.

One participant reported an incident, two months before the workshop, in which her niece was stopped by RCMP officers allegedly on a tip that the niece was bringing drugs into the community. Her niece’s children were in the car. The police removed her, her children and her boyfriend from her vehicle and searched the car. The police officers, in the presence of the children, threatened to take her children and made varied threats to her of arrest and prosecution; however, nothing was found in the vehicle. The participant reports the children were terrified by the event.

Another participant reported visiting a friend and then being stopped by RCMP who did a search of his vehicle without permission and without a warrant. He reported being held for five hours without being told the charge he was facing. He told the RCMP he worked for the local school,

but he was not released and almost lost his job as a result.

### **Bella Bella**

One participant reported a concerning use of force incident she had witnessed in Bella Bella and advised that the Association would be well recommended to stop in that community later, as it was her feeling that the RCMP police that community much more aggressively than the RCMP police Bella Coala.

### **Failure to Assist / Problem Officer**

One participant reported an incident that had taken place 17 years before the workshop in 1993 that still troubled him. The community had many stories about this individual officer who had since left the community.

The participant reported that he was sleeping at 2 in the morning when he heard a car accident. It was grad night and a car had gone off the road and there were four youth hanging upside down in their seatbelts. He went out to the car and before he got to the car the police had arrived. He asked the attending officers for assistance, but the officer said an ambulance was on the way and declined to assist. The participant alleged that this officer had been chasing the car from the grad party. The ambulance did not show up for fifteen minutes, and he had to get the children out of the seatbelts one at a time on his own.

Concerning this officer, who was named during the workshop, the group agreed he was one of the worst police officers the community had seen. Although the facilitator pushed for specific incidents, participants were reluctant to provide details. One participant related a story that the officer had made inappropriate remarks while a youth was in the back seat of the cruiser. Otherwise details were largely absent, but one participant attempted to sum up the sentiment as follows:

*Everyone has a story about him, and he still left here with a badge . . . He’s very unstable. Very aggressive. He’s another RCMP member who knew he could get away with stuff. We’ve had them come and go, they get transferred before their time is up here.*

**Lack of consultation with the First Nations community**

Participants in the workshop were overwhelmingly aboriginal, and were also of the general consensus that the RCMP did not do an adequate job of consulting with the local community. A local resident who was not aboriginal noted that there is a community forum called CAPS that takes place that is listed as “CAPS” on the monthly arts council calendar. This forum apparently involves police and community members discussing issues, but community members were almost completely unaware of it.

**Inappropriate questioning of children under the age of 18**

A participant related a story in which someone in the community approached her and told her

that the RCMP was speaking with her 17-year-old granddaughter at the school. She quickly went to the school and RCMP tried to stop her from going into the building.

*I went in and asked the corporal, I heard my granddaughter asked to speak to me, why wasn't I notified as her guardian? She's only 17. They said they weren't there to arrest her. I said 'The kids are there to get artwork, why are the RCMP here?' 'No, I'm just talking to her.' I said 'You don't have that right because she's underage.' There was a criminal investigation. This took place in 2007.*



Amber Graham photo / [www.redbubble.com/people/grahamedia](http://www.redbubble.com/people/grahamedia)





# Anahim Lake

August 11, 2010 at 10:00 a.m., Anahim Lake Band Ulkatcho Hall, Elders Lounge  
30 people

Anahim Lake is a small community of approximately 1500 between Williams Lake and Bella Coola. Predominantly aboriginal, the community's name in Tsilhqot'in (Chilcotin) is Tl'etinqox. Our workshop was held on one of the 22 reserves under the umbrella of the Ulkatcho First Nation, and the Association is very grateful for the assistance and generosity of the Ulkatcho First Nation in hosting us. The RCMP detachment in Anahim Lake is very small, with, by all accounts, fewer than five police officers and potentially as few as two officers at the site, although the Association was unable to verify the exact number.

The facilitator had the unexpected opportunity to meet one of the officers responsible for policing the reserve who expressed her enthusiasm for the BCCLA's project. She reported that "there is a lot of fear" of the RCMP in the community, which makes it difficult for her to do her work with community members, and it was her feeling the BCCLA report would assist in helping the RCMP respond to the needs of the community and encourage more community openness and cooperation with the RCMP.

## **Positive comments about the RCMP in Anahim Lake**

### **Building positive relations with children and community**

Some participants spoke enthusiastically about a program championed by a local female officer, Sophie, who does a martial arts program with children, as well as bike riding, and baseball, every Wednesday afternoon at 2:00 p.m. at the detachment.

### **Recent improvement in the quality of policing in the community**

Some participants felt that the mandate of the RCMP in the community appeared to have changed. In the recent past, one participant felt that "it was ridiculous out here," but now that there is a new Sergeant and two female police officers, the participant felt things had improved significantly. This feeling was echoed and supported by different community members.

Participants felt that two new officers who had come to the community are really open with the public now. One officer who came in had helped prepare a meal for a funeral by peeling potatoes, and the participant felt that "it was great, one single act, but people really took to him. It showed a different kind of attitude."

### **Keeping the homeless alive**

The BCCLA was surprised to hear that there are community members who are not housed in the small community of Anahim Lake; however, participants in the workshop noted that on more than one occasion police had been known to take in these "guys who live outside" in order to keep them safe and prevent them from freezing to death.

### **Negative comments about the RCMP in Anahim Lake**

#### **Charging money for spending the night in jail**

A remarkable and completely unique allegation came out of Anahim Lake was that the local RCMP detachment charges those they arrest for being drunk in public an \$80 fee which is reportedly deducted from the charged individual's GST rebate or other government cheques. This fine is for accommodation and is separate and apart from the \$58 liquor offence ticket. The BCCLA is not aware of any community anywhere else in B.C. where this is taking place and the issue was specifically canvassed at all remaining stops; however, we note that the Ulkatcho First Nation reserve at Anahim Lake was the only on-reserve stop on the tour and that federal government and RCMP policies may vary on reserve.

In any event, this practice has the effect of depriving those with chronic alcohol addictions and those who are homeless, the groups most likely to be drinking in public, from what little money they may have coming from the federal government. Participants felt that, despite the fine and its consequences for the people arrested (or some speculated because of the fine), RCMP officers did not take adequate steps to find accommodation for people with relatives outside of the jail.

### **Negative comments concerning the contract process**

Participants felt that the contract process was not adequately transparent to them, and was inappropriately failing to involve First Nations participation. They felt the contract is too long at 20 years, not providing the Province with adequate opportunity to exit the agreement or amend the agreement. As one participant said:

*There needs to be assessment. There needs to be consultation with people paying wages with how the process is working. If there are problems, you don't just terminate everything. Society keeps changing, perhaps they need to adjust certain things in the procedures they're following without rewriting the whole book of law. A lot of things happen in 20 years. A lot of things could change.*

### **Length of officer placement in community**

Participants felt that RCMP members are not placed for a long enough time in the community to build relationships, and that “members are changing all the time,” as frequently as every two or three years, only to be replaced by someone “fresh out of depot.” They noted that it was their understanding that the current officer in charge of the detachment has a one-year contract.

### **Cultural differences with the local community for new officers**

Participants spoke of a gap between new officers and the community that could better be addressed. They said that new RCMP members are left on their own and are not introduced to the community. At times it was the feeling of some participants that the RCMP told new members that they're not allowed to make friends in the community because they might give someone a break, or that they're not allowed to socialize with people off the compound. According to one participant: “Currently, that is not the case, we see that officers do make friends, but the taste of previous announcements remains in the community.”

The community told, with remarkable humour, of a recent placement of an officer in the community which was allegedly the officer's first placement after two tours of duty in Afghanistan. They felt that his recent traumatic experiences in Afghani-

stan combined with what they felt was problematic management at the time caused problems in the community in that he was allegedly “a little quick on the draw.” Participants told a story of a group of unarmed individuals allegedly being held in the Ulkatcho Hall at a dance at gunpoint by the officer in question. According to one participant's allegation: “He thought he was still in a war zone.”

Participants thought that acculturation of officers could be improved by educating them on the history of Canada. As one participant put it:

*They need a history done of Canada, not just the colonization history but the effects of colonization how it transpires for everyone. It would help the RCMP to do their job. It would help them understand more, by understanding more you have more of the people's respect in the communities. People want to help and trust and keep the community safe.*

### **Inadequate Training**

One participant felt that the RCMP should have a more lengthy formalized training period. According to this participant:

*It's like theory, no practical, they're learning the practical at the expense of the communities they're living in. When they graduate from depot, for the next six months can't be in a vehicle by themselves or on calls for themselves. It depends on the personality of person training them. They are at the mercy of that individual.*

Another participant believed that an officer placed in the community had not obtained his Firearms Acquisition Certificate and was armed while patrolling the community. The BCCLA was unable to verify this story, but that the community believes it is true speaks to the lack of faith in RCMP training the Anahim Lake community has.

Another participant said: “I want to send the RCMP a bill for training their young people in our community.”

### **Lack of trust in the community**

The RCMP member's comment that there is a lack of trust in the community was reinforced by

a story told by a participant about his refusal to cooperate with an RCMP request for videotape of an incident. He said that he had had personal experience with two separate incidents of inexperienced members pulling a gun at the Ulkatcho Hall and at the rodeo. In the third incident he witnessed, also at the rodeo, he explained the conduct he saw and his reluctance to get involved:

*Three members were attacking one male and one turned around and grabbed and threw a lady on the ground. The control of trying to arrest a person is beyond what it needs to be. They grabbed her by the shirt and threw her on ground. I had it all on video camera and deleted the video. Didn't want to be a witness for a non-band member. I thought of the manipulation that the RCMP uses to its advantage.*

Another community member put it more curtly: "It used to be that people went to RCMP if there was a concern. They used to play at dances in the band. Now it's like 'The Gestapo! Run!'"

Another community member expressed concern about the orientation of local officers: "They may forget that they're here to help. There's not a lot of protection."

One participant suggested RCMP could get better cooperation from witnesses if they showed more compassion when discussing difficult issues. That participant told about an experience in which she alleged an officer came to her door to investigate a sexual assault involving another female who lived at the house:

*It made me uncomfortable. Didn't even ask about, it's a touchy subject, he was just like it was a normal everyday thing. It was [officer name], he came to my house, automatically by them always picking on me, I put my guard up. The way, the manner he did the investigation, I thought it wasn't fair to the victim, because of the way he approached. If someone's going to discuss being sexually assaulted or molested, it should be in confidential environment with support worker. It didn't seem right. "I heard someone told so and so about this accusation." Someone may have got away with it because of how he approached it. Matter like that is really sensitive, should not go about it that way. Should have warned her first. [It] Made her not want to talk to him.*

Another participant reported that when conducting their duties generally, there is room for improved sensitivity, and explained her point by sharing her friend's daughter's alleged treatment after the woman was arrested for driving while impaired:

*She was taken to the station three separate times to get charged for DUI. They followed her to pull her out of party to get her fingerprints taken. Why did she need to be taken in three different times? That's the way they treated her daughter. They pulled her out in very public way to do fingerprints at a big party. Two officers were not pleasant at all. Almost like they were looking for a fight, I asked "What are police doing there?" "None of your goddamn business." I watched it myself, I was disappointed. I said "It is his business, he has the right to ask." They were degrading the people and the homeowner.*

Relatively recent history seems to inform a lack of trust as well. Participants recalled vividly a series of seizures of four wheelers, snow machines and ATVs related to improper safety equipment of users which led to bad feelings. It was their understanding that the property seizure policy had since ended. In the context of this conversation, one participant alleged that a community member had his four wheeler parked, and was standing twelve feet from it but was charged with impaired driving, went to court to challenge the charge and was found guilty.

#### **Failure to act on complaint recommendations and retaliation for complaints**

One participant reported the rather remarkable outcome that a complaint she had made about the local detachment's handling of a false complaint made about her had been found in her favour and recommendations were made. It was her feeling that the recommendations were not fulfilled, and that in particular the RCMP had failed to conduct an investigation into the false allegations for the purposes of charging the individuals involved. She did, however, appreciate that one member did come to her home to apologize.

More concerning were reports of retaliation against community members who had made RCMP complaints. One participant shared the following:

*Stuff has happened when people brought forward complaints, there was a backlash. We had commissioners brought in previously, a number of band members who came forward and voiced concerns of how they were arrested, they were handled more roughly than they should have been. After the fact, the same people walking down the road, sure they might drink, but they wouldn't hurt a fly. They got chucked into RCMP vehicles, taken to detachment, and charged for the night. The RCMP said "If we can take them home we do," but we know that doesn't happen. It appeared that they were picked up more often, and a number of them wouldn't hurt anyone, and they could have easily been brought home. Somebody would say, "That's my cousin, can I take them home," they'd take them to the detachment and then charged. They get charged overnight stay.*

### **Improper searches**

One participant reported a warrantless search of his home and suggested that warrantless searches were used too often by local RCMP officers, and with little basis.

### **Excessive use of roadblocks and traffic enforcement**

One participant called Anahim Lake the "Road block capital of B.C.", and said there was a t-shirt made that was quite popular with the slogan on it. He said the policy had changed recently, but he was not sure how long the change would last. According to the participant:

*They roadblocked the hell out of us. Two weeks of every month. There's a stolen car a day going out of Williams Lake, and where are they roadblocking? Anahim Lake. "Where are you going, what are you doing." My record was being stopped five times in a row going past the Dutchman, going through three roadblocks to get the mail.*

One participant said she was pulled over for driving with her high beams on and forced to do a breathalyzer, even though she hadn't had a drink in 20 years. She felt she was being targeted as an aboriginal person. Another participant suggested that this excessive traffic enforcement was due to

the fact that police officers were bored.

*When going to Nimpo [Lake, a small community outside of Anahim Lake], you're going to see RCMP driving up and back to Nimpo. They'll stop you if you're going 5km over the speed limit, you'll see them stopping other people. They don't have enough to do.*

### **Policing the stampede**

Anahim Lake has an annual stampede, and there were multiple complaints about the perception that the RCMP engage in confrontational and aggressive policing around the event. Following the workshop, the RCMP released information that an RCMP officer from Alexis Creek was recently docked pay after an incident in Anahim Lake in 2008 in which he was driving RCMP vehicles while under the influence of alcohol, and assisted an underage local girl in accessing the beer tent and purchasing alcohol.<sup>6</sup>

One participant went so far as to say that the excessive police presence is depressing local tourism for the annual stampede:

*The numbers get lower and lower, people don't want to come out here because of RCMP harassment, brutality. The RCMP wait outside of the stampede grounds outside of the beer garden, where people are drinking sensibly, and then coming out and getting thrown into the paddy wagons. People are listening to the RCMP scanners, they're [RCMP] bragging on the scanners how many they got that night. Seemed like it was a big contest. This year and last year same thing happened. There were extra officers here during stampede.*

One participant said her friend was stopped for having the music in her car too loud. Another participant recalled when the police presence was so excessive that the event was shut down entirely:

*6 or 7 years ago, they shut the whole thing down. They did it because they could. They can shut down the whole city with four or six men, nobody moves*

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<sup>6</sup> "Alexis Creek Mountie docked pay for party incident," 17 Sept 2010, Williams Lake Tribune, accessed online 22 Oct 2010 at: [http://www.bclocalnews.com/bc\\_cariboo/williamslakatribune/news/103117509.html](http://www.bclocalnews.com/bc_cariboo/williamslakatribune/news/103117509.html)

*without going through a roadblock, can't do it anywhere else. Saturday night of rodeo this year, I was stopped twice in half an hour, five police driving*

*around the reserve. Just stopped me, said they were doing a thing on drunk driving.*



# Prince George

August 14, 2010, noon, Fort George Park  
28 people

Prince George is an urban centre in the north, with more than 70,000 residents. It is also located in the very middle of the infamous Highway 16, the Highway of Tears, where many believe a serial killer has murdered at least 18 women over a period starting in the 1970s. Allegations of incompetence and indifference on the part of the RCMP in these matters have led, in part, to a public inquiry in B.C. investigating how police take complaints concerning missing women – especially women missing from marginalized and impoverished communities. The inquiry is scheduled to start in early 2011 and conclude by December 31, 2011.

Unfortunately, in addition to the complaints about the murdered and missing women along Highway 16, Prince George RCMP also have a very poor public record around self-investigation of serious matters that have taken place at the detachment in the last ten years.

## **Judge David Ramsay sex assaults (2002)**

**10 officers accused of sexually assaulting girls, investigation fails due to RCMP delays.**

A provincial court judge in Prince George was accused and convicted of sexually assaulting underage aboriginal girls in the community. As part of the RCMP investigation, a number of allegations were made against local RCMP officers by the involved girls and their social workers. No RCMP officer was ever arrested or charged or disciplined for conduct arising from this investigation; however, one officer was suspended and then fully reinstated. A code of conduct investigation into allegations against ten different RCMP officers was never concluded due to limitation period issues and delays in the RCMP self-investigation that stretched over more than two years.

## **The death of Clayton Alvin Willey (2003)**

**Hog tied man Tasered repeatedly and dropped from SUV, later dies. Investigation finds no misconduct.**

The Prince George RCMP investigated and closed their file around the death of Clayton Alvin Willey finding no wrongdoing. When the Union of B.C. Indian Chiefs and the BCCLA held a press

conference to demand the release of the video in that case, the RCMP reviewed the tape of a hog-tied man being Tasered multiple times. He was also allegedly dragged out the back door of an RCMP SUV while hog tied and allowed to drop full force to the pavement. The RCMP re-opened their code of conduct investigation against the involved officers as a result. The second code of conduct investigation report is due out any day now, but has not been released at the time this report has gone to press.

## **Mr. McDonald (2002)**

**Officer convicted of assault for breaking face and teeth of arrestee. Duties remain unchanged.**

The same police officer who was involved in J.A.L. directly and Willey incidentally in 2002 was found by a provincial court judge to have assaulted a Mr. McDonald in Prince George causing bodily harm, namely broken bones in Mr. McDonald's face and missing teeth. The judge sentenced the RCMP officer 18 months probation. No internal discipline was brought against him, and his duties with the RCMP were not changed. A reprimand was, however, put on his file. The case is described in the J.A.L. decision.

## **J.A.L. (2006)**

**Supervisor and officer found by judge to have destroyed video of incident. No discipline.**

A man accused of sexual assault said that the RCMP in Prince George Tasered him more than twenty times while he was in jail. Provincial Court Judge Michael Brecknell ultimately made the finding of fact that two officers, including a supervisor, within Prince George RCMP took active steps to destroy or conceal the cell block surveillance footage of the incident. "This was not a 'simple mistake'", wrote the Judge. Neither officer involved in destroying this videotape was reprimanded.

## **J.A. (2010)**

**RCMP decline independent investigation of serious allegations. Refuse to confirm or deny that the force provided intentionally inaccurate information to watchdog group to influence media.**

The RCMP detachment head, on reviewing videotape of an arrest of an aboriginal woman, J.A.,

ordered a code of conduct investigation into the behaviour of the involved officers in September, 2010. Following the announcement of the investigation, the involved woman then told the CBC that the officers involved had sexually assaulted her. The BCCLA and the Carrier Sekani Tribal Council called for an independent investigation of all of the issues given the history of the Prince George detachment in self investigation, public awareness and concern about the Ramsay file, and the public nature of the very serious allegations, for the protection both of the involved officers and the accuser.

The RCMP in Prince George declined to invite another detachment to conduct the investigation and on learning that the BCCLA was going to issue a press release expressing concern about the lack of independence of the investigation, sent an e-mail message to the BCCLA that said that the RCMP detachment head in Prince George, Brenda Butterworth-Carr met with aboriginal leadership concerning the matter on September 26, 2010. Days after the BCCLA adjusted its press release and media interviews to reflect the new information, the BCCLA received information from local aboriginal leadership that indicated that no meeting had taken place.

Since then, the BCCLA has sent four separate e-mails to their RCMP contact and the head of the detachment in Prince George. Despite multiple replies from the RCMP, the BCCLA cannot get confirmation that the meeting actually ever took place, or whether the RCMP misled the Association with false information.

### **Positive comments about the RCMP in Prince George**

Despite all of the challenges the public must have in trusting their local force given the high-profile and concerning allegations and proven conduct coming out of the detachment, the participants in the workshop had many positive things to say about the RCMP in the city.

### **Community policing program**

A few participants were supporters of the community policing program, calling it “really good.” One participant credited the Call Captain of Ferguson Lake Watch who is the coordinator of the program in particular:

*They've been really good at coming out and attending problems we've had. Giving us information about our rights, what we need to do if there's a problem in our neighbourhood, like don't call 911 unless it's in progress. What we should do to prevent crime or what we should notify and the information we should give them.*

### **Training**

Contrary to trends at other workshops, two participants came who shared their first-hand experience seeing the training at the RCMP academy or “Depot”. Their daughter had been to the training. Both had also been to the Justice Institute (“JI”) in the lower mainland, which is responsible for training non-RCMP officers in the province. They felt that the RCMP training was preferable.

*We think the training is excellent. Our daughter went through it. We've both been to the JI and we don't think JI can duplicate intensive training at the [RCMP] academy for 22 weeks. The FBI were there at the time to learn what RCMP were doing for training. [ . . . ] [It] depends on the individual people they are, that's not necessarily part of the training. There's some good people in there too. Even if the training is excellent, there's always room for improvement. [Our daughter] thought training was sufficient to do her job. 22 weeks.*

### **The RCMP's good reputation is what makes misconduct so troubling**

One participant feels that there are many very good police officers in Prince George, and that in fact it is the positive reputation of the RCMP in Canada, the strong history of the organization, that results in the loss of more public confidence than would otherwise be the case when things go wrong:

*I think there are lots of good police officers in this town. We frequently meet young police officers. More than once, having met young police officers in their first years of duty, I've thought the country as a whole is doing something right raising these young people who want to go into police and continue its best traditions. I can't think of a country in the world where the national police force occupies a special place in the psyche of the country. So when they behave badly it does damage to that person's sense of themselves, community and country [ . . . ]. Mounties*



*disturb people in a way that it's hard to get over because it restructures their sense of their country and community. We hold them in such high esteem as a part of our history that when people get smacked about in a back alley and treated like dirt they can't put it all together after.*

### **Participation in community services**

A worker for a community service organization expressed appreciation for RCMP officers coming to a local drop in centre to assist in providing services to homeless Prince George residents. "They see a police officer serving them, they then see them as human being." The participant noted that detachment head Brenda Butterworth-Carr comes every time.

Another participant appreciated front line officers doing good things with youth programming in school around drugs, alcohol and violence. Yet another cited positive work done by the RCMP in putting together a mental health training program for their non-profit organization staff, and that the whole program was an RCMP initiative.

Another participant described an "aboriginal justice society" for youth, a type of restorative justice program targeted at first nations youth who are in contact with the law:

*There's RCMP that are involved in that program. If kids get in trouble, the RCMP try to get involved, writing a note if they stole something or chocolate bar, write a note of apology, or if there's a fight in school, RCMP works with the program. It's gaining trust with the youth. Aboriginal Justice Society runs it. They bring in the native culture. Not sure of the RCMP officer that's involved, but he does a really good job with that.*

### **Negative comments about the RCMP in Prince George**

#### **A lack of trust**

Participants reported feeling a lack of trust, listing among other things the Judge David Ramsay case, aggressive responses to community member approaches, problematic interactions with street people. One participant noted, "It's hard to tell your kids to trust the RCMP when you have a hard time trusting them."

Another participant said he felt that there had been a shift in public perception of the force:

*I'm in my sixties, born in Canada, and I think back 20-30 years, and the feeling I had with the RCMP at that time was one of respect and trust. And something I've noticed I think over the last 40 years is deterioration, a swing away from where the RCMP are here to protect and to serve the population. It seems more that they are more in a confrontational position where they seem to be an us against them; they talk very arrogantly towards people. They have very few de-escalation skills. [. . .] I've been a peace officer for 20+ years, worked in corrections, have no axe to grind, it's just an observation.*

A third participant suggested that officers should have video and audio recordings of what they do to ensure accountability, and even as a possible defence to charges of misconduct:

*You can have all these rights, but what good are they, if they don't respect them. They need audio or video monitoring when they're questioning somebody. A person could lie and say the person didn't, so it could be a defence for the officer. Maybe it's policy already, but it could resolve a number of issues.*

#### **A lack of presence**

One participant expressed his concern that it didn't appear that officers walked the beat after 4:30 p.m. in the downtown area, which in his opinion was when the problems take place. When they are downtown, he feels there is a serious issue with their priorities:

*There's no justice down there. Every time they see a drunk native, they call the bun wagon and charge \$235 for being drunk in a public place and RCMP don't do nothing about drug dealers.*

#### **Drunk in public arrests - too quick and without sufficient justification**

Another participant confirmed that RCMP officers are quick to arrest for drunk in public in Prince George, alleging that he'd been arrested seven times in sixteen months for being drunk in public and had never been provided a breathalyzer, which he felt he could have used to demonstrate his relative sobriety and the lack of grounds for the RCMP to arrest him.

The participant acknowledged in some circumstances he was drunk enough to justify the arrest, but in others he felt he was not and that he had been unfairly targeted by officers. In one arrest, the officer took the participant home to confirm the participant's address with his landlord, and then took the participant to cells anyway. The officer's interaction with the participant's landlord caused the participant to be evicted from his home.

*I would prefer policy for arrest for SIPP's [State of Intoxication in a Public Place] some kind of evidence must be provided, breathalyzer or video, where a person actually is incarcerated for any period of time. There has to be something where they show some just cause, not just arrest someone and let them out the next day, didn't get fined or anything, could have been worse, happened enough occasions. I'm*

*frustrated when I go out at night, RCMP stop me and ask me what I'm doing, next thing I'm in cuffs, I ask for breathalyzer, and they say 'No, you're not entitled to it.'*

#### **Problems with complaint investigations**

One participant expressed concern about the lack of adequate investigation of his complaint against an RCMP officer.

*I had a complaint with RCMP not taken seriously because of one or two well placed officers. I want civilian investigation accessible for everyone. [. . .] It's civilian; I think RCMP members, even older ones are still part of the old boys club, and they have strong feelings about it that it be civilian run and oversight is accessible for everyone.*

# Fort St. John

August 13, 2010, Northern Grande Quality Inn  
10 people

## **The RCMP and Fort St. John**

More than 19,000 people live in Fort St. John, a city located in the Northeast of British Columbia about 400 km north of Prince George. Our workshop there brought out a small but well informed crowd, including multiple representatives of service provision agencies in the area as well as members of the community at large. While most cities do not have details about their RCMP detachments available, the City of Fort St. John's website advises that the 60 member Fort St. John Detachment of the RCMP is responsible for the area from the South Peace Stock Farms, north to the Sikanni Chief, west to the Halfway River and east to the Alberta Boundary and includes the municipalities of Fort St. John and Taylor.

## **Positive comments about the RCMP in Fort St. John**

The community in Fort St. John had many positive comments about their local detachment.

### **Law day**

The community members present closely associated RCMP community involvement with Law Day, a one-day long opportunity for community members to interact with the legal system and learn how it works. Although the RCMP do not organize the event, participants advise that the RCMP are very active in the activities which creates a positive impression of the local detachment. "They are quite open with how the detachment works, they have their K9 unit they present and explain how it works and how they get the dogs, where they stay, it's very people oriented, very kid friendly."

### **Positive ticketing program**

Participants were impressed with the positive ticket program launched by the RCMP where officers "ticket" good behaviour with a rewards for kids who are wearing helmets and riding bikes safely. This type of program was listed in several communities as a very positive initiative, and in another that didn't have the program as something they'd like to see.

## **Restorative justice efforts and domestic violence reduction**

One participant felt that the RCMP had been very open to and facilitative of restorative justice efforts in the community and efforts to increase restorative justice opportunities in the city. Another cited RCMP participation in domestic violence reduction efforts and their receptiveness to initiatives to implement community based training on domestic violence issues for officers as positive as well. In particular, the RCMP's victim services worker Theresa Nielson (or possibly Nelson) was lauded by those who have worked with her.

## **Police officers on bicycles**

Although the riding season may be quite short in Fort St. John, community members listed police officers on bicycles as a net benefit for the community.

*It makes it easier to access them if you just have questions and they're really approachable. Compared to being in a car, you can't get them over in a car. When they're on bicycles, they're more inclined to stop and talk to the public, you can say 'nice day', and officers are more interactive. In a car, you just see cruiser with two heads, on the bicycles they tend to be more 'user friendly'.*

## **Kind and helpful officers**

Participants said that there are many members of the local detachment who are helpful and kind, and that some officers are very easy to work with. Three officers that were listed as exceptional were Constable Higgins, Constable Saggar and Constable Gregg. Couched in this positive comment was a criticism that it was the impression of those participants that there are one or two members who can create negative RCMP experiences for people, which reflect badly on the entire detachment.

*It depends on who the member is. It depends on personality. Sometimes you phone, and they're very helpful. Sometimes, not very helpful. Sometimes a negative experience, it could be 1 or 2 members, they re-*

*flect on everybody. There are some members easy to work with, other ones who aren't.*

Another participant said:

*I work [area of work deleted], they're there really often. We have officers, "Why are you calling us, what do you expect us to do?" Others are more proactive. It depends on age and experience. It's definitely, we learn very quickly, which officers are proactive, and those [that aren't]. We'll wait for this officer to come on, then call it in.*

### **Legacy of former community liaison officer**

Participants recalled the efforts of a former community liaison officer, Rick Eckle, as exactly what they would hope for in a liaison officer for the community. While he was not technically an RCMP officer (he had retired and was hired back by the community directly to do liaison work) his role facilitated a positive view of the RCMP and improved community relations.

*Rick was awesome, he retired, he was not RCMP, he was retired and hired by the municipality. [. . .] He ran the Crimestoppers website here, was very actively involved in the community. Any community functions, the DARE program, PAC meetings, Law Day, the 0-6 community, parent conferences with the school district. He worked really hard, he wanted the RCMP to be seen in positive light. Rick made the program, but it was important that municipality had this position. He worked out of the RCMP station, and [because he was a municipal employee] may have had more time than other RCMP officers.*

### **Negative comments about the RCMP in Fort St. John**

While there were a number of positive comments about the Fort St. John detachment, there were a number of concerns brought to the workshop by this small group of local community representatives. Many of the comments centred on the lack of services available in the community to deal with drug or alcohol problems, and the fact that the RCMP becomes involved as a result, leading to, at the worst, death due to poor cell checks, inappropriate use of force or criminal charges, or general incivility. On a positive note, participants reported that more experienced senior officers had compassionate and caring reactions that keep

homeless people alive during cold winter nights.

### **Limited experience and short stays in community**

Participants repeated a recurring theme in small northern communities, namely that RCMP members in their communities are junior officers who transition out of the community very quickly. One service provider noted how this impacted her efforts to achieve her justice-system related work portfolio with the local force:

*We have a very mobile detachment, I do [area of work deleted]. After I started I met all the RCMP through their shifts, it took me two weeks to meet them all. In the time from when I started to by the time I was finished meeting them all, three quarters had changed already. We're a training ground. We're a very mobile community. At one of [the] meetings, [. . .] of the five [members] at the table, one was Staff Sergeant, the other four had not had a year's experience yet, all of them on one team. We have an extremely mobile detachment. Mobile means transferring in and out.*

The impact of these short stays was reflected for the participants in many different aspects of policing, but particularly in the case of treatment of "local drunks" as one participant described a group otherwise known in sanitized language as street-involved chronic alcoholics, a population widely reported on during our consultations. This comment was perhaps more positive than negative, noting that RCMP officers who "know" the local street people can be very empathetic and compassionate:

*Our street people are very well known to the RCMP. [Name deleted] in the emergency room, he stops in every other night when it's cold, they will phone and the RCMP will come and he will get a ride from the RCMP and hang out in the detachment because it's really cold. He's too intoxicated to get into the Salvation Army. [Name deleted] does the same thing, he'll say something offensive, and get charged. New officers don't know the local drunks, so you can see the difference in how they're handled by who the officers are.*

### **Deaths in custody and problematic care of people in custody**

Participants recalled at least two deaths in the last

five years at the city lockup that they had concerns about. One of the deaths was allegedly related to an intoxicated man who aspirated on his own vomit and died in cells. There were concerns that cell checks had not been adequate.

Another allegation was that a man arrested at Profit River two weeks before the workshop suffered a head injury while in the custody of RCMP officers and handcuffed. He was allegedly moved to Edmonton and he died. While the Association was advised the incident had been reported in local media and was under investigation by Lethbridge RCMP, we were unable to confirm the story using online research tools.

#### **Length of RCMP self-investigations undermining public confidence**

On September 30, 2009, the Fort St. John RCMP shot and killed Valeri George after the RCMP reported that he allegedly attempted to exit his residence in a vehicle, possibly while armed. Community members report that language barriers may have been an issue as the man may not have spoken English.

The RCMP say that George had been involved in a multi-day standoff with local RCMP following allegations he had run members of his family off of the road using his vehicle and possibly shot out their tires. Following the incident, the RCMP started an internal investigation and the Commission for Public Complaints Against the RCMP started a chair-initiated complaint into the death and confirmed that involved investigators had no personal connection to the officers they were investigating, save for the fact that they are all RCMP officers.

There has been no posted conclusion of the chair-initiated complaint on the Commission for Public Complaints website and no public announcement that the RCMP investigation has been concluded more than a year after the shooting.

Participants also reported that they believed that an officer who had shot and killed John Simon, an aboriginal man who lived on reserve in Wagmatcook, Nova Scotia, had been relocated to their community. The code of conduct investigation into that officer had been terminated by

the RCMP because they failed to initiate it within the limitation period. As a result of the termination of the investigation, allegations around the officer's conduct, including entering the victim's home without permission and against the orders of his supervisor, were not explored.

#### **Drunk in public arrests, mental health arrests and a lack of services**

This part of the discussion focused not so much on issues with the RCMP as with concerns about the fact that people who are drunk in public or who are mentally ill are compelled into RCMP custody simply due to a lack of other services in the community.

*There is no detox. If you go to the hospital if you're intoxicated, police take you to cells. There is no mental health facility or psychiatric ward. No addiction treatment program in the community. People are put in cells when they are drunk and disorderly.*

Another participant expressed the same concern a different way:

*RCMP cells are being used as detox, bail facility, mental health facility. No wonder someone is going to pass away, it's not a medical facility. We don't have resources for people with addictions or mental health issues. Or people who shouldn't be in jail there should be in a bail bed. When males come back from detox out of town, there's no place for them to stay. They have to leave the community for detox. They come back to situation they were in the first place, low-rent hotels. We don't have the facilities.*

*There was a facility closed in Prince George. There is a treatment facility (Netchako). The closest detox is Grand Prairie, people here get waitlisted for that because they're not Albertans. It's five hours to Prince George for detox. There's no resources, they're using police enforcement to take care of mental health issues.*

Participants reported that they believed the RCMP may have access to a padded cell at the hospital, but that it is rarely, if ever, used. Given that RCMP officers are asked to deal with people who are drunk, high or disturbed in Fort St. John, participants were concerned that they do not have easy access to a padded cell or other type of cell

that would permit them to accommodate people who are injuring themselves. One participant reported that he believed this led to use of restraints:

*They had him in a chair, with something so he couldn't hurt himself. Didn't know if he was on drugs, they thought it wasn't just him, that he had drugs. They explained that they can only leave them in the seat position for certain amount of time, because then have to let them get circulation [they] were worried he would injure himself. [He was in a] four point restraint, it's the chair, secured to the floor. When an inmate is to point of hurting themselves, put in restraint, legs, arms, mouth guard and screen so they don't spit. Leave them in there for two hours because of blood circulation, if they don't comply, then they're put back into it again for another two hours, how many times they'll do that, they'll do it until the person stops. They don't sedate in cells, they transport to the hospital hog tied, lay them face down in patrol car to the hospital. Then [after they're sedated] they bring them back to cells. There are no psych services, [. . .] Dawson Creek [75 km away] is the nearest, and the max stay is 10 days.*

### **RCMP cell conditions and policies**

Participants were concerned that women were disproportionately kept in custody as compared to men in Fort St. John due to a lack of female “bail beds.” These are beds where women, released by a judge on judicial interim release or “bail” but who have no fixed address, can live at in order to satisfy bail residency restrictions.

*There are no female bail beds. There's no transition house. If women don't have a residence to go to, they don't have a place to live, they go to cells. You used to be able to bring clean clothing in to remand in cells, no longer allowed to do that. There may be beds for men, I had a client who would have been released on bail but there was no place for her to live.*

Much as was reported in Kamloops, female prisoners were reported to have a much more difficult time than male prisoners in RCMP cells. Service providers reported that women can go 4-5 days without a shower, without toothbrushing or combing their hair due to a lack of female RCMP guards to facilitate such activities in cells. However, other service providers reported that the issue

was not as serious in their experience. The group agreed that, in fact, things seemed to depend very much on who was working the desk at the time what “privileges” prisoners were allowed, and that clean clothes and brushed hair made a major difference in how a judge reacts to an accused:

*Policy varies depending on who the person is bringing in whatever the accused requires and has to do with the attitude of officers at the time. “He looks nice, doesn't have much of a record, we'll cut him a break.” It is subjective or case by case. Don't know what the conditions might be. Could be personal attitude or misinformation for officers.*

Participants reported that RCMP prisoners can wait up to twelve days in these temporary holding facilities and in limbo with uncertain policy and privileges before they are transported to the remand facility in Prince George:

*After two or three days, put in paddy wagon and then shipped to Prince George. I had someone wait in cells 12 days for transport, someone else two weeks waiting for transport. If they miss the run on Thursday or Friday, they have to wait the whole week. There's no hearing [they're waiting for], they're just waiting for a ride to go to PG.*

Participants also reported concerns that prisoner property is not properly handled in the RCMP cells:

*[RCMP prisoners] don't get belts and shoelaces back after being taken to cells, when you leave they don't give them back, they throw them away. [The RCMP] give them inmate issued underwear and take their underwear.*

### **Need to talk down officers from using force or issuing charges**

Participants reported a concerning trend that when a client falls asleep and won't leave is otherwise causing difficulty at a service agency, service providers needed to “talk down” attending RCMP officers from using force against clients or arresting clients, because they have learned from experience that it would otherwise be the first inclination of some attending officers.

*We don't want the client charged with anything,*

*they're no physical risk, we don't want the RCMP to come in and pull them around and cuff them and get combative, then they [the client] get resisting arrest [criminal charges]. Then it moves from simple detox to a criminal charge and it escalates. We talk everybody down to avoid that.*

Resisting arrest charges are common, and participants felt that they were overused by officers in situations that didn't call for escalating a simple drunk in public arrest to a very serious criminal charge for the person involved:

*Isn't there someone, being RCMP are like the military, isn't there someone in command? A detachment head's responsibility? They said, "Oh he's too intoxicated," and then when he comes to, there's been a resisting arrest charge, they're remanding him now to go to court. There would have to be some internal reason. Why doesn't the staff sergeant question this? The head should be questioning about why this is happening.*

#### **Insensitive treatment of complainants**

One participant reported what could either be seen as insensitive treatment of a complainant or a more concerning episode of protection of a friend by an RCMP officer and a supervisor's reluctance to investigate a complaint.

*I had a nasty experience with the RCMP, a woman victim of an assault went into the RCMP detachment and made a complaint. The RCMP officer that took her complaint knew the assailant and said*

*"You're lying, you're just trying to smear his good name." She came in upset, and I made a complaint with her. The Staff Sergeant at the time, the watch commander was very irritated, because I went over his head, made a complaint to the Commission [for public complaints against the RCMP], we had a sit down at the detachment. "Well sometimes my officers use more direct means if they think it will exude a confession from someone." Try to get this woman to say she strangled herself and came in to make a complaint because she's mad at him? How ludicrous it sounded coming from watch commander, it took the complaint to bring that to light. But at that point in time, the victim was abused by her partner, but then abused by the RCMP, she dropped everything and moved, because she was so humiliated. [. . .] She had marks on her neck, bruising, cuts. There is no way this woman assaulted herself. This is what the RCMP officer told her, she should confess right now because could charge for obstruction of justice and pay for salaries for causing them to investigate a false complaint. That happened a year and a half ago.*

#### **Failure to notify parents when youth are arrested**

Participants reported concerns that when children under the age of 18 are arrested, that parents are not notified promptly by police. The RCMP are legally obligated to notify parents or guardians immediately on arrest of a child by the RCMP. One participant advised that she was aware of a scenario where a girl was held for eight hours without her parents being contacted.





# Houston

August 16, 2010, Houston Seniors Centre  
3 people

Houston, home of the notorious shooting of Ian Bush by an RCMP officer, was our smallest workshop. It was also one of the smallest centres visited during the tour, with just 3,600 people living there. As a result of the very small sample of residents, it is impossible to point to any particular trends or concerns in the area.

The shooting of Ian Bush raised serious community concerns when it took place in 2004; however, the discontinuing of the family's claim in B.C. Supreme Court by Ian's mom and police accountability campaigner Linda Bush, along with her public statements about her belief that the national force had turned over a new leaf, has likely quieted many of the local concerns. Houston is just 218 km from Vanderhoof, where in 2004, Kevin St. Arnaud was also killed under questionable circumstances by an RCMP officer who is currently facing an assault charge in Kamloops.

Our three attendees had little positive to say about the RCMP, but each also had particularized and personal concerns that they brought to the meeting. One participant reported her concern that a rape allegation that she brought to a local detachment was very problematically investigated, was met with indifference and that officers failed to, among other things, assist her in obtaining a rape kit at the local hospital, failed to preserve her clothing for evidentiary purposes, and allegedly misled her about how the evidence they did collect was analyzed.

Other than this one report, there is little to share with respect to general impressions in the community of the RCMP in Houston.



Giovanni Martorella photo / [www.flickr.com/gm1974](http://www.flickr.com/gm1974)



# Smithers

August 16, 2010, Friendship Centre  
32 people

## **The RCMP and Smithers**

Smithers is a small centre located almost in the middle of Highway 16 between Prince George and Prince Rupert. Participants at the workshop were initially apprehensive about participating after two partially uniformed young men showed up at the workshop appearing to be RCMP officers. When asked, they said that they were not RCMP, and both were later identified to be Sheriffs from the local jail.

They stayed to listen only to the first half of the workshop and many participants expressed relief to the group when they left early. The sheriffs' conduct during the meeting was entirely appropriate and nothing was done by either officer to suggest disapproval or attempts at overt censorship; however, their partially uniformed presence did have a disconcerting effect on audience participation, affirming the correctness of the Association's request to the RCMP not to attend in order to ensure full audience participation. The sheriffs' presence may have influenced the "positive" feedback given in the first half of the workshop.

## **Positive comments about the RCMP in Smithers**

### **Cops for Cancer and other community involvement**

Participants appreciated the participation of the local RCMP in an RCMP organized fundraiser that raises money for cancer victims and treatment. Participants also liked the RCMP role in participating in the Community Committee for Women's Safety, as the participating officer's insight helps frontline service workers understand how best to work with the RCMP.

### **Walking the beat and community policing**

A participant singled out constable Claudette Garcias for being particularly well liked and for her role in establishing the community policing centre. The positive comments on Constable Garcias' efforts were couched in comments that reflected a general appreciation for police officers that walk the beat, with one participant saying: "Walking the beat is really important."

## **Youth safety initiatives**

People appreciated the volume of work done by the RCMP with youth, including involving youth in an anti-graffiti program out of the community policing office, involvement in a "sports group", establishing and participating in a "party program", as well as drug and alcohol education efforts in the local high school.

## **Event security planning**

One participant had experience organizing events, and found the RCMP very helpful in planning. The participant cited an example of an annual music festival where RCMP assist by reviewing plans for security and offering feedback on what would work better. The participant felt that the RCMP offered a "good working relationship" on this public safety issue.

## **Length of placement for officers in Smithers**

Participants unanimously wanted officers to be staying for longer than just two years in Smithers, to learn more about the community. While (see negative comments section) some felt that it still wasn't long enough, one participant felt that officers were staying longer in the community than they had historically.

## **Obtaining prescriptions for people in cells**

In a pleasant surprise, after repeated allegations from other cities that police fail to ensure people have access to medications while in cells, one participant reported that based on his personal experience, RCMP in Smithers make an effort to make sure people have access to their basic prescriptions:

*I know when I've been in cells for some stupid stuff, with all my medications and methadone and stuff they have been good about going to pharmacy and picking it up, uptown and stuff.*

## **Negative comments about the RCMP in Smithers**

### **Length of placement for officers in Smithers**

As noted above, participants unanimously wanted officers to stay for terms of longer than two years in Smithers. Participants expressed similar views

to other communities in the north that Smithers was being used as a training ground for officers and other government workers. One participant put it this way:

*When you're working with a police officer that has been living in the community for a long time, they're more willing to treat people like community members, and be explaining situations, rather than having altercations with community members, or overpoweredness, or be in control or need to teach you a lesson, is one of the things I've noticed. If you're raised in the area, so knowing the dynamics of what's available, knowing limitations people have, people who have mental illness, if you're aware of northern BC there's not a lot of services, you'll know the challenges that agencies have. So police if they've been here, they have that and they can treat people like there's limited services. [. . .] All the people who just move here for a short period of time, they don't understand or respect that.*

Another person was more blunt:

*My own brother is a cop, he was stationed here many years ago, he was one of the nice ones, there were a lot of nice cops in this town that I knew before. The new ones that come to town, they think they're in a big city, they have no heart or feelings.*

### **Lack of accountability**

Participants expressed frustration that the RCMP appeared to them to be “only answerable to themselves. This is wrong, this needs to be changed, they protect themselves.” While comments were directed primarily to “complaints” and issues of the problems with police self investigation, participants did not articulate, and the facilitator did not question, whether participants were also speaking about policy and would therefore prefer a police-board type mechanism, or whether the comments were related solely to perceptions around allegations of misconduct and professional standards and the failure of the police-investigating-police system in B.C..

*[After reporting three incidents that would merit complaints] Two or three years ago, I should have put a complaint in, but what's the point, nothing becomes of it. And all the people that have complaints, are not here [at the workshop] because they're scared.*

Another person felt that legal rights to be free from unreasonable search were not applicable in Smithers:

*Everyone knows you've got rights on search, try using that some time, let's smell the coffee. If you're stupid enough to say “You can't search me,” they say “I smell pot, now I have grounds.” If you're dumb enough to say you have rights, they'll say “I saw you put a joint in your pocket.” You're asking for a whole wack of trouble if you pull out that [know your rights] card, it's not the legal way, some young person against police.*

### **More time for community group participation**

One participant said that she believed officers were not allotted enough time in their schedule to participate in community group activities. The participant cited the example of the Communities Against Sexual Exploitation of Youth Committee, which had an RCMP member, but the member had to leave the group because, given his level of other duties, he was not able to continue with the group. One participant suggested that time could be freed up by relieving the RCMP of basic traffic duty through a specialized agency that would not need as much in training or resources.

### **Improved communication with the first nations community members**

One aboriginal participant felt that the RCMP did not adequately understand indigenous territorial rights and the need for deference to aboriginal sovereignty in relation to many issues. The participant expressed concern about the level of drugs and alcohol brought into First Nations communities and the need for the RCMP to work with the First Nations community to address the issue. For this participant, RCMP activity was closely tied to mining activity in the area that was of concern to many in the aboriginal community in relation to environmental concerns.

*What they should do is go in there and sit down and talk with the elders and the people that knows their right to the land, and why did all of this start, what's behind all of this that people go in and take power like that when they have no right to do stuff like that against our people. I think it's about time we brought it forward to the communities. A lot of our young people don't understand our culture and that's why they're working with people who go behind our backs*

*and try to take control. [. . .] It looks like the police are not responding to the safety issues. That's how they separate us, keep this fight going.*

### **Negative personal experiences with police**

A number of participants came to the workshop to share particular negative personal experiences with police that reflected broader concerns around use of force and police discretion.

One participant recited an experience in which she alleged her daughter and cousin were “peppersprayed for no reason” outside a local nightclub. This was of particular concern not just in relation to the use of force, but due to the fact that her daughter has asthma and the spray aggravated that medical condition. Other participants seemed to agree that officers used pepperspray more often than was necessary.

Another participant recited an experience with Hazelton RCMP with her 15-year-old niece when she was pulled over by an RCMP officer who, in her opinion, gave her a ticket for operating an electronic device while driving without justification. She was also concerned with what she believed to be false reports of dangerous driving that followed the negative interaction with the RCMP officer, reports she argued she could prove were false with receipts she had dated from the time when she was supposedly driving inappropriately. She alleged officers reported the false allegations to her friend, whose car it was, which she also felt was inappropriate.

### **RCMP and aboriginal youth**

One participant felt that aboriginal youth were inappropriately treated by RCMP officers, to the point that aboriginal youth hang out in a zone where there is local video surveillance that captures RCMP conduct towards them. She suggested, without irony, that the community should establish a video surveilled area where youth could hang out safe from inappropriate harassment: “Like to have a safety zone, a painted place, so people have a choice to stand in there, because what we hear from front line service workers is inappropriate.”

Another participant reported concerns about inappropriate searches and harassment of aborigi-

nal youth by RCMP, but said the issue “wasn’t just racial”:

*I can recognize situations from our office, we're on Main, we can see kinds on the street, hackey sack, doing whatever and I see the police come up. [. . .] One kid takes his shoes off. Because the kids know us, I walk up, “What are they doing?” “They say they need to search our shoes for drugs.” [The police] wouldn't talk to me or address me, they told [the kids], “This is not Vancouver, you're not to be out here on the streets.” They're not to come to our community and tell us where our kids can and can't be, if they want to be in the public eye where they can be watched, we don't want them out in the bush, we want them watched, they [the RCMP] told them they couldn't do that. Where do you have a right to do that? To tell those kids? And I don't think it's just, in Smithers, it's not just a racial thing. If you're not dressed well enough, they're just going to come up and start picking on you.*

Another participant felt the RCMP drew clear lines around age and social status in their policing approach:

*Just a comment, I think there's something important to note with how police interact with people, there's different standards with social standing and age. [. . .] Talking to a lot of youth, they get treated lousy and disrespectful, even those with no police trouble at all, they get stopped for their age and almost harassed to the point, and they don't do that with me and people I know, adults kind of thing as much as they do with youth all the time. My kids and my kids' friends, the majority of the police in this town, they treat youth completely different in their approach and their friendliness, and that's not helpful. And that's not making youth feel good about police and work with them, look up to them. You're not respected if you're not respectful.*

### **Lack of knowledge about HIV/AIDS and discriminatory treatment**

One participant said that she knew a number of people with HIV who had been picked up by RCMP and treated very poorly with officers either calling for medical backup or not wanting to touch them. The issue appeared to be an allegation that officers were generally ignorant of the modes of transmission of HIV/AIDS and treat-

ed people with blood borne illnesses in a discriminatory manner.

### **Need for better resource sharing between first responders**

One participant said he was aware of a situation where “side scan sonar” was required to locate a body in a truck in the river, but that local first responders, including apparently RCMP, were unaware that the RCMP in Prince George had such a device. The participant felt that an inventory of unique emergency response tools like this should be shared among first responder agencies so that they know what’s available in urgent situations.

### **Harm reduction, drug use, privacy, and discretion**

Multiple participants reported concerns about inappropriate RCMP questions and actions in relation to harm reduction and suspected drug users. One participant reported that during a break-in investigation at the needle exchange, an officer reviewed charts of who came to pick up needles and asked questions about people the officer felt picked up too many needles. Another participant reported that clients on methadone were subject to different search rules than other people in the city, and that report that police just “grab it [their bag] and start going through it.” A fellow participant confirmed the story:

*They can be pretty snoopy about stuff. To the main well-known drug addicts and alcoholics. I know the person was intoxicated some that had the bag, they just grabbed it without any rights. [Facilitator asked what ‘being snoopy’ meant.] Being snoopy is asking dumb questions, making sure it’s heard by people nearby: “You still using? What kind of drugs you doing now?” It’s very rude.*

A participant also reported targeting people perceived as chronic alcoholics for arrest even when they were not drunk in public to the standard that would allow police to arrest and detain them:

*The one guard at the cop shop and a lot of the cops know a lot of the drunks and homeless and what he will do is ride around with rookies and show camping spots and hiding spots, so rookies can get brownie points for picking them up when they’re drunk. I was walking with a homeless guy, and a cop was saying*

*“I heard you were causing a racket” and cop says “Can you walk the line?” He does, and they threw him in jail anyway. I filed a complaint with the detachment, at least a year and a half ago. There was no follow up phone call, no letters from anybody.*

### **Use of force on arrest or in cells**

A front line service provider expressed concern about “bullying tactics” that clients reported, including reports of RCMP violence in the cells and unnecessary force used on arrest. “Whether you’re in the right or wrong, they’re not the judge to determine whether you’re guilty or not, and should not be hitting people.”

### **Problems with the criminal record check system**

Participants, as many have in other communities, complained that the criminal records check process is a barrier to employment and inaccuracies are difficult if not impossible to correct. One participant reported that the cost of a criminal record check in Smithers is now \$50, and that the cost is a barrier to employment.

*The criminal record check, that’s a whole process that needs to be overhauled, it’s paperwork heavy, there’s far too much information requested, along with how they come back, the information is unclear and can make you look guilty of something, but not mentioned of what thing, and cost is incredible for people who are looking for work. [. . .] There is an information issue with those forms. They can look at your whole history and say “may or may not have had contact”. [. . .] We can make a far more clear document and one that is more respectful and the process can be more respectful and cost effective.*

### **Ineffective management of chronic offenders**

One participant expressed concern about chronic offenders, citing personal experience on the Crimestoppers board, and noting that a disproportionate number of offences were committed by small numbers of people who were not adequately dealt with by the justice system after arrest. The participant noted that this outcome frustrated police, and that the issue was not, in his opinion, a police failing, but a justice system failing to deal with addiction, mental health, housing and other issues, and if necessary after those issues were addressed, separation from society.

*And so, maybe BCCLA should work, to try and improve that. We know that there's judges and politicians and everything else, provincially and federally, that are trying to work this, but that's what happens, it's the same ones that are coming back and doing it again.*

A participant suggested that programming to prevent and deter chronic offenders could be improved along the lines of programming available to youth:

*With the youth, we used to have a lodge program, went to the lodge program, good for youth gets them away from, they're coming away from community, get into working. But they should have that for adults too. If they're an adult still getting in trouble and getting convicted, they have nothing to do, have to have something for people to get properly sent back to community, not "Here's a bus ticket, now go home." It may be their home town, but we could have something else for them.*

*When I was youth, they had programs where you could have a job while you were locked up, would*

*have the experience of having a job, "I know I've got a job." When you get home, you could say, "I've done this." They don't have that support when they come out. They come out and get in trouble again.*

#### **Need for better training requirements**

A participant repeated a common refrain throughout the tour that officers are not adequately trained in social and contextual situations that would inform their responses and enable them to de-escalate and/or be more compassionate in a challenging job:

*[I was at] an AA meeting, and there was a probation officer there just to understand what alcohol addiction is all about, who wants to deal with it on a better level, is that available to RCMP? Do they have the time, do they want to do that themselves? That's a vital component to any training. Cultural, racial issues. I mean, that's still prevalent in our society. [. . .] We need to look at those issues, can we get proper training for them trying to understand what the problem is and how to handle it better. They have a tough job.*





# Dawson Creek

August 13, 2010, Northern Lights University  
15 people

## The RCMP and Dawson Creek

Dawson Creek's workshop was defined by the presence of some community activists who have worked hard to raise awareness of the RCMP's use of an investigation tactic called the "Mr. Big" undercover investigation. In these involved and multi-month long undercover investigations of a suspect, a suspect is lured into believing that he has been compelled through blackmail or offers of money to participate in a criminal enterprise. To receive the large payout or avoid disclosure of the blackmail information, he must demonstrate to the "boss" that he is an appropriate candidate for whatever criminal activity is planned by "confessing" to previous criminal activity. If necessary, the "boss", who is a police officer, asks leading questions about involvement in the crime the RCMP is investigating. "Mr. Big" type sting operations have led to several wrongful convictions, and many more people are currently in jail as a result of "confessions" made to officers using this tactic.

Dawson Creek, interestingly, has been the site of considerable community/RCMP conflict about the Encana pipe bombings and RCMP investigative techniques centred around Tom's Lake. Unfortunately, no representatives from that community were present at the workshop. The Association has raised concern about some techniques used by the RCMP in this investigation, including the public accusation of a person of interest of involvement in the bombings while he ate dinner in a restaurant, and releasing surveillance footage from a drug store of a number of innocent customers on a website called "Dawson Creek Bombings" and listing them as persons of interest in the investigation.

## Positive comments about the RCMP in Dawson Creek

### Fundraising and other community programs

Participants recognized RCMP officers for having "a lot of input into the community" through participation in and organizing fundraisers for various causes. Others recognized and appreciated efforts to do drug education in schools.

## The reintroduction of walking and biking the beat

The return of officers to the beat, using bicycles, was appreciated by participants who were critical of using officers exclusively in patrol cars in downtown areas. "There are two officers patrolling on bikes. I like that, it used to be police walking the beat, they could build rapport with the community because they were walking down the sidewalk with people."

## The work done by the RCMP is generally really positive

One participant with personal experience with three different police forces reported that he believed the RCMP are the best Canada has to offer:

*I just think they've got a tough job, they're understaffed, and that probably results in more mistakes being made, just one person in a car, they've got a hell of a thing to face. They're human, they make mistakes too. In my opinion they're the best we have in Canada. People who have been at the wrong end of that, unjustly arrested, will feel differently. Tom's Lake experience will make people feel differently too.*

## Negative comments about the RCMP in Dawson Creek

### Lack of accountability

Participants expressed repeated concern about the system of police self-investigation and what they felt to be a lack of accountability when RCMP officers are perceived to have broken the law, or when they break the law, are convicted, and then continue to be RCMP officers:

*To me, you have an RCMP officer out there, it's a horrible job, but the fact of the matter is to be an RCMP officer to do that job, you have got to be above and beyond. You can't have an anger management problem, I would say. If you have an anger management problem you have no right being in that job. For RCMP officers to be charged and convicted of assaults and that sort of thing, they should not be RCMP officers. If they're convicted of a physical*

*assault, why do I want them policing, why do I want them protecting me?*

Another participant felt that the internal RCMP structure rewarded and reinforced those who create problems and failed to promote and encourage those with a different approach:

*I have many personal friends who got out of the RCMP. People who went in with the best of intentions, tried to change it, couldn't change it and left. Now they're on the front line working with youth. Trying to prevent crime from a different angle. I think it's important that whatever we end up with for a police force, has that component in it so good and decent individuals, can actually do it from within the police force. [. . .] There are crimes where if you apply you can't become a police officer, at least police officers if they ever do that crime, they should be gone.*

#### **A lack of training to de-escalate**

Again, in Dawson Creek, participants felt that officers could be better trained to use options other than force to respond to problematic situations:

*I would like to know what training they're going through these days. Years ago, if RCMP officers were brought into a situation like [Dzijekanski Taser-ing], they would have gone into the situation and settled it down, not gone in and exacerbated. They never diffuse, they almost every time they heighten the whole thing.*

#### **Understaffing**

A participant who worked in a position that would be well acquainted with issues of police staffing in Dawson Creek reported her understanding that the force is understaffed, and that this understaffing leads to increased danger for members of the public and for police:

*I know that they're understaffed. I've had my issues with police, but it is scary to be by yourself to go somewhere in a dangerous situation. I find that you want to automatically defend yourself, especially if you're supposed to be a peacekeeper, that's a really stressful situation.*

#### **Personal negative experiences with police**

One participant who works regularly with police reported personal experience with an RCMP of-

ficer that she alleged beat her son up:

*I can't paint all of them by that guy. I hope and pray that man don't show up on the beat up here. I still shake when I think of him. He beat my boy up. The other police got together and interviewed people who had bad experiences with that police officer, went out of their way to call that man to task, [the RCMP] didn't get rid of him. Those individuals who walked away from him, that wouldn't ride with him, those kind of police I would like to get to know to encourage that kind of behaviour.*

Another participant's brother was Frank Lasser, the 82 year-old man who was Tasered by the RCMP while in his hospital bed. The officers were cleared of any misconduct as the investigation found that the man, who required assistance to get to the bathroom, was an active danger to the responding officers. The following are allegations that have not been proven in court:

*What he was treated with, was a drug that gives you hallucinations. He thought they were holding him against his will. He took out his Swiss Army knife, and said he wanted to go home. The nurses called security, the RCMP were called, and said "put your knife down." The one in charge said "We don't have time for this, Taser him". They Tasered him twice; an 82 year old veteran Tasered twice. [. . .] I believe when the RCMP, when they do something like that should be charged with assault. They are not above the law. If they do something which is not right, I believe that they should be subject to the same laws and restrictions that we have. [. . .] The one thing they're told at training, when they take training, you never admit that you've done something wrong. The worst thing you can do is admit it, and that's drilled into them. I know of a case of one person who was suing the RCMP and he said it's unbelievable what they try to do to a person.*

#### **Need for counseling for officers**

Participants felt that officers could benefit from professional debriefing and counseling to cope with a high-stress job and avoid burnout and issues down the line:

*I'm talking about someone who will let that officer talk and cry. The longer they go without debriefing, maybe they were jerks before, but the majority of*

*them I'll guarantee you is because they're just getting more and more and more jaded and numb and burned out. Pretty soon they're as bad as the people they're here to protect us from. I also think that some of the soldiers we hear about, that how they come over and haven't debriefed and flip out, how can the police not be like that?*

### **Insufficient medical training**

One participant reported that a colleague of his with diabetes died on the side of the road when officers failed to recognize his medical condition. He recommended that officers have specific training on diabetes to be able to distinguish a diabetic reaction from intoxication.

### **Excessive paperwork removes officers from duty**

One participant reported personal conversations with RCMP officers in which they reported that excessive paperwork for various arrests will keep them off duty for extended periods of time:

*I'm just saying I know because I have sat down with police officers and had candid conversations with them, one of the things they say is the most straightforward impaired we can stop someone for, you can write that officer off for a day and a half, he has pa-*

*perwork to do. I'm thinking about this situation, in this officer's head. "If I look into this any closer I'm going to have do paperwork, might be the end of my shift." It's a systemic thing.*

### **Failure to investigate Highway 16 murdered and missing women**

One participant expressed concern about RCMP inactivity around murdered and missing women along Highway 16 and the possibility of a serial killer until Robert Pickton was arrested in the Lower Mainland. "I don't know if [the investigation is] very in depth, but at least you hear about it. Before it was, 'Well, you know how they lived.'"



Nicolas Bertrand photo

**Like asking the mechanic to watch your baby:  
Monitoring drug and alcohol overdoses are a responsibility  
no police force wants**

Through cuts to mental health care, tradition, and the police's continuing role as "last man standing" under the fraying social safety net in B.C., police forces across B.C., including the RCMP, find themselves assessing and monitoring people who have ingested illicit or licit drugs or alcohol in large amounts. Most cells, even in populated centres like Victoria, have no medical staff and officers have only basic first aid training.

According to a recent RCMP report, alcohol and drugs were the leading causes of in-custody deaths across Canada, accounting for 40% of the 80 deaths that occurred in RCMP custody between 2002 and 2006. The same report notes that over 70% of those who died in police custody during this period were under the influence of alcohol or drugs. In-custody deaths have been a particular problem in B.C. A recent BCCLA report revealed that 267 such deaths occurred in the province between 1992 and 2007, which, on a per capita basis, was a rate 2.5 times higher than the rate of deaths in Ontario. In B.C., three of the eight coroner's inquests held in 2010 made recommendations around the establishment of sobering centres to remove oversight of intoxicated prisoners from police to civilian staff at secure healthcare facilities.

Unfortunately, in B.C. it is not uncommon for unconscious intoxicated prisoners to be placed in cells without being medically assessed first, on the assumption that their unconscious state is a natural result of their intoxication and they merely need to 'sleep it off.' Another recurring problem in B.C. is a failure by police to adequately monitor intoxicated prisoners after they have been placed in cells. The medical condition of intoxicated prisoners can easily deteriorate after they are booked, and prisoners showing no medical problems at the time of booking may be in serious medical distress soon after. Unfortunately, while many B.C. police departments do have policies in place requiring police to monitor intoxicated prisoners regularly, such policies are not always followed in practice.

This behavior has led to many prisoner deaths in B.C., including the 2009 death of 48-year-old Victoria resident Kevin Vigar, and the 2006 death of 21-year-old Surrey resident James Bertholet. Both men were arrested in a heavily intoxicated state and became completely unconscious during the booking process. Police did not ensure either of them was medically assessed after they became unconscious, and both were simply taken to cells, where each died of alcohol poisoning within hours of being booked.

Perhaps the most egregious recent example of negligent treatment of intoxicated prisoners was the 2008 in-custody death of Raymond Silverfox, a 43-year-old Whitehorse man who was arrested by the RCMP. Although Mr. Silverfox was in medical distress, vomiting 26 times while in his cell, he was not given medical attention and was left lying in his own vomit and feces for over 13 hours before finally being taken to a hospital, where he died two hours later. Even cell checks were not enough to save Silverfox, who was allegedly told by RCMP officers in Whitehorse to “sleep in your own shit” shortly before he died.

In addition to the failure to provide intoxicated prisoners with adequate medical care and monitoring, willful abuse of intoxicated prisoners by police has also been a problem in B.C. While most intoxicated prisoners in B.C. are not intentionally harmed by police, some disturbing recent incidents show police clearly overstepping the bounds of their authority treating intoxicated prisoners negligently. One example is the treatment of Lloyd Gilbert, an intoxicated Williams Lake man who was tied to a chair by the RCMP and left in this condition for more than three hours, forcing him to urinate on himself and, given his intoxicated state, subjecting him to a risk of death by asphyxiation.

The best set of recommendations for how the current system should be reworked was provided by the commission into the death of Frank Paul, a homeless Vancouver man who was arrested for public intoxication and, after being turned away from jail, was left by police barely-conscious on the street in the middle of winter, resulting in his death from hypothermia later that night.

One of the Commission’s major recommendations was an increased emphasis on the use of civilian-operated sobering centers, where intoxicated individuals can be taken to recover under the supervision of social workers and medical personnel. Such centers provide intoxicated individuals with a much safer recovery environment than a jail cell and also have many resources at their disposal that police do not. The Commission also recommended an expansion of such programs aimed at treating alcohol addiction, as well as other measures aimed at helping chronic alcoholics in their recovery, such as providing them with rent-free temporary housing. Such an approach, with a focus on harm reduction and treatment, would certainly lower the incidence of public intoxication in our province, and would represent a clear improvement both from a resource use perspective and a humanitarian perspective on the cycle of arrest and release that represents the status quo.

- Marius Adomnica and David Eby



# Campbell River

August 23, 2010, noon, Women and Children's Resource Centre  
10 people

## The RCMP and Campbell River

Campbell River is the third largest city on Vancouver Island. With approximately 32,000 residents, the city is located on the ocean on the eastern shore of the Island. Participation at the workshop was small, just ten people, but included a number of representatives from service providers in the city. With that noted, participants urged the BCCLA to return to try to get better feedback from street-involved residents in Campbell River who were not present at the workshop:

*This isn't a good representation of the community, I wouldn't want to say this is indicative of everyone's experience in Campbell River. It's worth coming back, they can help us get the street level concerns.*

## Positive comments

Participants in Campbell River had many positive comments about RCMP conduct in their community.

### Crime prevention and Constable Gus Papaganis

Participants spoke highly of a local "crime prevention" officer located at the detachment named Gus Papaganis. Cst. Papaganis is apparently responsible for crime prevention over the whole north island, including doing work in the community, with agencies and schools. Participants who worked with service agencies found that he kept agencies informed:

*He really keeps us informed and helps us. He's almost a liaison between the community agencies and the police, even though that's not his role. . . He's a real great asset to our community. You can call him, and say "I need something from the RCMP" and he can help you figure it out .*

Participants advised that Cst. Papaganis' position is funded through a federal drug strategy program, not the local detachment's funding, but the BCCLA has not confirmed this information.

### RCMP support for harm reduction

Participants spoke out unequivocally that the local RCMP detachment supports harm reduction

initiatives aimed at saving lives and reducing disease transmission:

*There's a lot of support for harm reduction. AIDS Vancouver Island has a clinic open every day behind Salvation Army, there's a street reach network, trying to find better street support, a weekly clinic, and all of that meets with police support.*

### Participating with cases of youth in care or at risk

A participant who had personal knowledge of cases of youth and families at risk or involved in the law noted that the RCMP is willing to become meaningfully involved in files:

*If there's a particular youth engaged, the police detachment will get involved in case meetings, community-wide support meetings. There are shifts and they change and they come and they go, but they help the people working with the youth support that youth's behaviour. That's been more beneficial than throwing people into cells, they get more informed and involved, help us help the youth get perspective. Some good communications happen, just maybe not enough.*

### Good support for victims of crime

Participants reported that individuals who have had to access the RCMP as victims get helpful support from the force.

*[Those that ask for] support, tend to have really good support, they get calls back if they open a file for an assault or a theft. They're informed, where things are going. I've heard good things, folks I know who have had to do that, don't know if that's the case for everyone. I hear 'I've got a call back and was told what is going to happen next', and it's the RCMP officer who calls back.*

### Cooperating with events on reserve

A participant reported a very positive interaction with RCMP around a wedding that took place at a local long house, and noted his pleasant surprise at how well it went:

*We had a wedding at the long house, they [the*

RCMP] showed up, it was an interesting wedding, there was booze there, and they made sure it wasn't abused. The officers have to do a job as well, they know all the participants, everything went well and the officers were more than cooperative, I was quite amazed.

## Negative comments

### Unhelpful interactions with youth witnesses and lack of follow through on files

A participant alleged a problematic incident with a youth witness who had a background of negative interactions with the RCMP. When the youth was assaulted, the participant brought her to the RCMP station to make a statement.

*[They] brought in a female officer. I assured the youth I would stay with her, she was very frightened. Because she had her own background, she and the police weren't on the best terms. Because I had heard the girl report to me first I couldn't be a support to her, I had to bring her in by herself. I overheard "Are you telling the truth," and "Did you make this up?" in an accusatory manner [ . . . ] This past week we got a phone call from the arresting officer, this is a year and a half later, she was going on mat leave, she was needing to know whether I still had contact with the youth and wanted to know if she could close the file. The file wasn't passed on to another police officer, being a victim of assault nothing has gone forward for her.*

### Failing to de-escalate incidents, escalating tensions during calls

One participant reported repeated problematic interactions with a police officer from Campbell River dealing with family-related disputes, and found herself in her own family-related dispute with that officer attending. She alleged a series of unprofessional interactions both in her professional and personal life, and an unsympathetic Staff Sergeant who refused to assign a different officer even after she filed a complaint:

*Sadly enough it's the same officer every time and he's no help every time. He escalates the situation every time he arrives. He's threatened to throw me in jail every time I speak. They don't feel comfortable, and they're looking at me like "help me" and he points in my face and says "I'm going to put you under arrest and go to jail." He told me to "Shut up and get*

*in your vehicle," like blatantly "shut up," I did and left the parents to figure out what went on. I then later had my own dealing [ . . . ] The officer arrives, I saw it was him and wanted to cry, I knew it was no helping me. [ . . . ] I chose to walk away, upon that, he called me every name in the book, "You fucking this and this and this" I sat with my husband, and he told my husband: "She has issues, she's a whack job, no wonder your kids don't want to go home with you." [ . . . ] They pulled out the report that he sent to the 310 number [about my case] the night before, it never says I'd requested a social worker, said the people in the house had called 911, that's not true, that police had already been there before I arrived, the whole report is false. It said I sped away, threw gravel all over the police cruisers; I wasn't even driving, that the officer brought my kids out and they said to my face that they didn't want to go home with me. In fact, he threatened to charge me with obstruct when I was going to just call my daughter on my cell phone. My name was wrong through the whole report, this person's name was "[name deleted]" and I'm "[name deleted]" [ . . . ] The very first run in, we gave him the scenario, he said "Oh my god, I don't have time to deal with this, I am a highway patrol officer, I do not deal with family crap." [ . . . ] The Staff Sergeant knows I've had this issue and keeps sending him out. [ . . . ] Now that I've experienced a horrible situation, it was very eye opening for me as well, being on the other end.*

### Short stays by officers in Campbell River

Like most northern communities, the short tour of duty of officers in Campbell River causes the community distress:

*We get very few officers who last through more than a three or four year tour, so you don't build rapport with them, or you do and they [RCMP management] threaten to take them away from you. Like Gus [Papaganis, mentioned in earlier section]. For over a three-year period there was a hammer over his head "You are moving, period," and he wasn't sure if he could start new programs, or not.*

### Drunk in public arrest handling

Multiple participants expressed concern over repeated arrest of certain individuals for being drunk in public, and reported that if there is any hint of non-cooperation from a drunk individual, that individual must go to cells instead of to the hospital. Concern was expressed about the arrest-



ee's safety, and the need for handling drunk and high individuals carefully:

*One of my best friends is an ambulance paramedic. For her, three or four times a week, they're picking up youth and bringing them to hospital. If they're belligerent, they go to cells, because they can't contain them in a hospital. Are they safe? And are the people around them safe?*

Another participant reported that police must be involved in all intoxication calls because of a gap in services between taxis and police, tying up expensive police resources and leading to more people ending up in cells.

*When we were leaving the hospital, there was a drunk trying to leave, he asked for our cab voucher and the hospital called for a police officer. He wasn't throwing anything, he wanted a cab ride home [and wouldn't leave], they were tired of it. In the middle of all that, a call came in and the officer left with his lights on, but the officer had said he would drive him home, but stop at the detachment first "if you don't behave."*

Another participant repeated a horrific story about an alleged drunk in public arrest of a First Nations woman. Whether or not the story is accurate, it is widely discussed in the community and the issue of inadequate cell checks causing deaths is far too regular an occurrence in B.C.:

*There was a First Nations youth who was very drunk and put in cells and she was not watched, and the position that she passed out in cut off the circulation in her legs. For the rest of her life, she had grafts, almost had both legs amputated, for the rest of her life she'll have pain. Since then [the RCMP have] changed policy to check [drunk in public arrests], see if they're moving.*

Campbell River recently had a death due to overdose in custody, namely Albert Prevost on March 23, 2008.

### **Issues with cell capacity for youth and women**

One participant reported that there are a limited number of cells at the detachment, and limited numbers of female jail guards, leading to issues

for women and youth in cells much as was reported in Fort St. John and Kamloops.

*There's only three or four cells, if they have four guys, they're in cells, but if women show up, there's no differentiation. I've heard female youth complain that they're the only youth in cells and can't get a shower.*

And another participant's comment:

*Some of the females feel really violated, there's a toilet in the middle of the room; they get really freaked out by not having the privacy.*

### **Failure of the justice system around youth with Fetal Alcohol Syndrome**

One participant reported that for youth and adults with FAS, the justice system fails to take into account their disabilities in crafting meaningful ways to prevent negative contact with the public and repeated breaches of conditions imposed by judges:

*[The 18 year old with FAS] breached probation, ticked off a JP and ended up at Wilkinson, that's the provincial adult facility here. He's not a kid that has ever been in jail. He's been there ever since, that's the whole thing for like adults and youth, he still has foster parents, but he's 18. His foster parents had to really work to figure out "Where is he? Does he have a lawyer? etc." She is his legal guardian but they won't talk to her because he's 18.*

### **Lack of confidentiality in social settings**

One participant reported that there are issues with confidentiality around people's contacts with police when RCMP officers are in social situations (information deleted to preserve anonymity):

*I've been a position where I've been uncomfortable several times. [Participant reports on connection to RCMP that leads participant to participate in conversations with RCMP officers in social settings]. Something that freaks me out [identifying information deleted], how open things are discussed about people, names, like "I picked up that fucking asshole last week," and everyone is just talking about it. And that bothers me, and I walk away thinking, there is a huge education piece there that is missing in terms of confidentiality and sensitivity.*

*I've heard them discuss domestics, and names [identifying information deleted]. And I'm just "wow", it's difficult not to say anything, but the wiser thing for me to do is not to say anything right there, then they get tight lipped, "don't say anything in front of [name deleted]." That's something I found interesting, the breach of confidentiality, and the insensitivity to their lives, their private information. Maybe they're regular customers [identifying information deleted], ok, but I just think that's so wrong for that info to be discussed in a social setting [identifying information deleted], and that's happened several times in the last three years that I've been in that kind of a situation. Very difficult for me not to say something.*

### **Issues with race and policing in Campbell River**

Participants reported a gap between the aboriginal community and police officers in the city, including alleged issues with the aboriginal liaison worker's understanding of cultural issues, and suggested that the communities should be working towards their own detachment or policing efforts to avoid some of these issues. According to one participant:

*There's still a great divide between aboriginal and non aboriginal.*

Another participant alleged:

*You just hope they would be above that discrimination, in particular towards the aboriginal community in Campbell River, but they're not. I've heard the aboriginal liaison officer, the things he's said, I would say that's not a great role for him. How's that for diplomatic. [. . .] He's not doing that role. A band out on the West Coast, just opened their own detachment, Abousat, just opened their own fully funded and functional RCMP detachment, it's not outside, it's their detachment like a city detachment.*

### **Mixed responses to street-involved communities**

Participants reported that, based on feedback from street-involved community members, their

interactions with RCMP officers vary widely, far more widely than they should given policy and professionalism requirements. This comment could be taken as a positive comment about caring RCMP members who are concerned about street-involved people; or as a negative comment about RCMP members who label and harass street-involved people.

*In this town, I've talked to some of the women who have been street oriented, certainly they're labeled and they can be harassed by the police. Some of [the officers interact] in a friendly way, "Hi, how you doing, keeping safe?" Other women are told move on, "get out of here" or whatever. But you know, there's labeling going on and I think certainly people who are street people, there are some police who are very understanding and compassionate but there are others that are not and I couldn't tell you who is who, because I don't have dealings with them.*

Another participant reported illegal searches of people who are believed to be "known drug users."

*I work at [identifying information deleted] here in town and there are people who are known drug users who are targeted. They'll slow down their vehicle and look the person over, and require them to be searched.*

### **Lack of 24-hour officer access at the detachment**

One participant was concerned that there was not a human face to speak to at the detachment in the evenings and overnight:

*I find it interesting that if I had to go to the cop shop after hours after 7pm, all you do is press a button and speak into a speaker, wherever it goes, it just doesn't feel like there's a real thing happening, it goes into the ether somewhere.*

# Prince Rupert

August 18, 2010, noon, Prince Rupert Salvation Army  
25 people

## The RCMP and Prince Rupert

According to the Prince Rupert website: “Archaeological evidence indicates the North Coast of British Columbia has been inhabited by First Nations for over 10,000 years. Prince Rupert is located in the traditional territory of the Tsimshian Nation.” The city is the last stop of Highway 16 on the coast, and has a population of just short of 13,000 people. Also according to the city’s website:

*The Prince Rupert detachment of the Royal Canadian Mounted Police serves the City of Prince Rupert as well as a huge surrounding area. Our city detachment has a current strength of 28 regular members including: the General Investigation Section, a Police Service Dog and Dog Handler, one Forensic Identification Specialist, and a Crime Prevention/Media Relations Officer.*

## Positive comments

Participants in Prince Rupert did not have many positive comments about RCMP conduct in their community. In fact, despite the facilitator’s repeated attempts to solicit positive comments, only one participant identified her comment as a positive one.

The participant’s comment centred on the challenge of policing in a province where deinstitutionalization and the mass underfunding of mental health and addiction services has taken place, and for the purposes of completeness and interest, we replicate most of her comments verbatim here. We note in particular the relevance of her comments for all northern communities, and their implications especially around police responsibilities in dealing with people with mental health and addiction issues, and drunk in public arrests.

*I’m a retired RN, worked 15 years at the hospital, came in 1975, worked 15 years at the hospital, mostly in intensive care and emerg, worked 11 years as psychiatric mental health nurse, when I left there in 2002 I was a team leader. One of the things I appreciated when I was at the hospital, I heard a doctor make a comment one time, had to do with where is*

*the onus of responsibility. When an IV isn’t started or equipment doesn’t work, and life is in danger, always call the doctor. The doctor said, “the buck stops here”, when it comes to a patient who is going to die if something isn’t done right away, the doctor is the one with the responsibility.*

*In the community, the responsibility to save lives in the community is the RCMP’s. I have seen cut backs, cut backs all over the place, particularly since I left mental health. Since 2001/2, you’ve really seen services degrade. We have no services here, virtually none, when there’s a problem it’s the RCMP. Just this morning I heard on the radio that in Victoria that someone died in the cells, someone who was drunk, had been habitually drunk taken to the cells by the RCMP. When they sober them up they let them out. This is typical because the hospitals are not accepting these people.*

*The BCMA has made a policy statement officially presented to the government identifying addictions as a chronic treatable disease. The province doesn’t recognize that. Nobody is treating these people. We know in the 1990s, we were treating people who were unconscious with alcohol overdose, and we were informing the public you don’t just get drunk and pass out, this is an overdose, your life is in danger.*

*We don’t have the beds anymore, we don’t have the services anymore, we’ve gone backwards, and we expect the RCMP to pick up the services. They always are the ones that are blamed when things fall apart. We have mental health and addictions in Prince Rupert have cut back on their staff of course, as everyone else has. We have the harm reduction approach, instead of recognizing that harm reduction includes reduction of harm to the community, they only see clean needles. They give out clean needles and syringes to anybody who wants any in any quantity they want and they have someone they might call a needle fairy who will take a box of clean needles out and distribute them so they don’t get IV infections.*

*There isn’t enough staff, there doesn’t seem to be the will to follow up, there are needles all over the*

place. We have unemployment, poverty, no services for young people between the ages of 19 and 24, someone is in care until 19 and then they're out on the street.

My point is we expect the RCMP to be there any time, anything falls apart. And the city is economically depressed and they keep cutting back on the number of RCMP. What I'm saying is I've been to meetings when the RCMP have tried to point out problems, and there's no money. We have to work with them, but at the same time we have to recognize that we can't expect them to look after all of our social ills.

### **A detachment head willing to listen and address problems**

One participant couched a positive comment about the local detachment head in a negative way, but the point that the detachment head makes himself available for concerns that are brought by clients of service providers to him should not be missed:

*Bob Killbury, head of detachment here, always had open ears when calling with client with problems with the RCMP, I'll give him that. Mind you, the client couldn't himself or herself get through to him, but he has open ears. Problems have been resolved that way.*

### **Negative comments**

#### **Lack of effective use of discretion and empathy**

A participant reported an incident of what is difficult to characterize as other than an issue involving an inappropriate exercise of discretion and/or empathy by an officer in pulling over an 85-year-old man who had recently had a cancer operation on his shoulder and did not have his seatbelt on. He had a doctor's note permitting him to operate the vehicle without a seatbelt:

*[The officer gave him a ticket for not wearing a seatbelt,] cut up his driver's license because the computer said it was invalid, and they made him walk home, even though he had a bad heart. When the family went to the officers' boss, they made an error, they saw the letter from the doctor, but he forgot about his letter because he was so nervous. His family wasn't informed, and he was made to walk home. This happened to my family personally.*

In another incident, the same participant reported a lack of discretion in dealing with a man who had MS:

*I was pulled over at the liquor store because someone said my son was possibly driving drunk. My son has MS, is still allowed to drive. The RCMP pulled us over and said someone in the liquor store called 911 and said he was driving drunk. Said a man in liquor store was concerned there was a drunk driver, at 11 a.m.*

*I went to the liquor store and asked who would call the RCMP on an MS victim? They didn't know he had MS, there were no men working that day, they were all women. The RCMP lied, it was not a man from liquor store, there was no man working there. They try to trick people, which is ok if you've done something bad, but for the elderly sick, it's intimidation.*

Another participant reported his challenges of keeping a car on the road with repeated minor traffic infractions and RCMP officers who were not sympathetic to his economic situation, and who he believed targeted him for his economic situation:

*About this November will be my fourth year of being [at a shelter], I was forced there, because I have no place, I was being illegally squeezed out of an apartment I had, I was not a problem I worked for the owners of the multi-apartment complex, never got paid, ended up in shelter, had to develop myself there. I had a van that I managed to have somebody give to me, worked out something with a mechanic, an exchange for labour and just pay for the parts and the thing was perfectly running. When you looked at it for road safety and that, there was not a speck of rust, within three months of me living at [a shelter] I had six windows busted. [. . .] [I replaced the windows with plastic.] The plastic was not just vapor barrier, more like clear saran wrap. Stays clear. [. . .] One day I got stopped, never been stopped for violation of seatbelt, in this instance distracted, near Safeway on third, just as I turned, I saw a cop car two blocks away, buckled in. This guy, saw me do the action, these guys have eagle eyes. Did a u-turn and pulled me over, started to look and make assumptions, I said "I'm on a fixed income, can't afford*

*it". He gave me a ticket. At a later date, same individual stopped me again a number of times, pointed out crack in windshield, I have six windows busted. He tried to find some way to find something wrong to call a wrecker and tow vehicle, he never got that far. One day he did though, towed my car and gave me a \$600 fine. They basically took away my wheelchair. I have mobility problems with this one leg.*

### **Youth and RCMP interactions**

A participant reported that high-school aged children in Prince Rupert are filming themselves engaging in UFC-style fighting, and calling it the Prince Rupert Fight Club. The participant alleged that police do not know how to respond, or are responding inadequately:

*My concern is that they're not really doing as much as they should be doing when it comes to policing especially young children and the older teenagers. [. . .] As soon as I found out about this, it was one of the biggest things I wanted to talk about more on. Instead of saying "our hands are tied", I want to hear more about what we can do to protect our children. We have people up in the Kootenay area, McKay Street who are petrified of gangs, they have young kids in those areas, they're witnessing this.*

Some participants lamented the loss of a youth-dedicated team of two officers, as a result of recent cuts, that they felt led to the fight club issue and the gang issue not being dealt with appropriately:

*Some of the services that were cut, was youth intervention team, we need to reestablish this team, worked really really well a few years back, two officers assigned strictly to young people. If you have the population voicing we need it back, the officers assigned did really well mingling with the young people and identifying: What are the issues? What are the problems?*

### **A lack of services for people with addictions leading to negative contacts with police**

Participants throughout the workshop repeatedly emphasized the lack of treatment options for people with alcohol and drug addictions in the community and the systemic problems to which this lack of treatment leads.

One participant who works with people with addictions reported that the participant had surveyed people the participant was in contact with:

*And so I referred them to this forum, but I don't see them here, just in case they weren't going to show up, I asked them for samples of how they were treated, and it was all very negative. One guy said he was taken out to the highway and beaten up on a couple occasions.*

*Another guy said he was beaten up in a cell, and it was really common, with my group, to be picked up by the RCMP and they had to walk home with no shoes. That's very common, especially if it's very rainy or snowing, so that's a given that one.*

*It does boil down to RCMP need to understand there are major addiction problems, that's why they're all drinking alcohol and drugs. There's probably a lot of frustration happening with the RCMP, because it's the same people repeating themselves, she's right there are no services in this town. Doesn't justify RCMP treating people with addictions this way in this town.*

*It was all pretty negative, and my clients are all pretty well 100% First Nations people. It's been going on for years, it's still going on happened recently as well as years ago. From what I understand, it's the people with addictions who walk home without shoes, raining and snow on the ground.*

Another person reiterated similar concerns:

*It's a known fact in this community that addictions and alcohol is a major issue from young to elderly, and there are no services. What I'd like to see with RCMP, is more training specific to RCMP, with respect to sitting in on addictions and rehab, I can understand their frustrations with these people who wind up in cells, repeat individuals. If you don't understand the reasons why, I don't agree with the tactics used, bring them out to the highway and making them walk, if certain officers were educated [that wouldn't happen].*

One participant expressed concern about a lack of empathy among officers that comes from repeated contacts with addicted populations:

*What I've observed, is RCMP, she said the same thing, I've observed they've used unnecessary force, the conduct is unprofessional, because they don't know how to be unbiased in the conduct of their duties. In addition to using excessive force, they openly unprofessionally talk about victims or people they've captured. It's not fair, they need sensitivity training, even on the radio phone, they forget the people have scanners, not just the RCMP, and the way they talk on the scanner sometimes, is unbelievable, they've made unprofessional comments, they've been laughing about someone they just picked up, I think they could use more training, not only show their presence when there is crime going on, but also show their presence in community functions. They should show a human side, that they care, and they don't.*

#### **Need for better information on performance before re-signing the contract**

One participant suggested that the community should have better statistical information about the RCMP's activities before any decision should be made on continuing with the contract for the force:

*Lots of stuff doesn't work, if we keep giving funding to police we keep funding programs that don't work, this way there could be competition about it.*

## Terrace, the Mayor and the Bylaw

Following local media reports that the BCCLA had been concerned about the activities of the RCMP in Terrace, the Mayor of Terrace David Pernarowski called the principal researcher of this study to request clarification about those issues. In response to the Mayor's request, the principal author outlined the core issues identified by the BCCLA during the visit, including allegations of excessive use of force, racial profiling, harassment, illegal arrests and illegal searches and seizures. In response to this catalogue of issues, the Mayor expressed concern that the BCCLA was presenting an unfair view of the issue for failing to adequately consult business owners in downtown Terrace, who would have a different view. We provide an excerpt of the Mayor's response here, as well as information about Terrace's city council's recent bylaw initiative, to ensure all views are represented.

*You're suggesting that we are in some way, or rather the RCMP are, acting inappropriately in the community with people that are homeless. I'm quite concerned. I unfortunately wasn't able to attend the actual date that you had set up for this public input, but I'm just concerned that there would be comments made particularly by yourself right after the Terrace event if you don't have any corroborating evidence.*

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# Terrace

August 17, 2010, noon, Skeena Diversity Centre  
August 17, 2010, afternoon, undisclosed location  
August 18, 2010, afternoon, undisclosed location  
40 people

## The RCMP and Terrace

Terrace, B.C. is located on the Skeena River in the Coast Mountains of British Columbia. It is one of the major centres in Northwestern British Columbia and is home to just short of 13,000 people. The area where the city was founded was and remains a central meeting place for several first nations in the area, and was the home of the Kitsumkalum and Kitselas people, along with the lower Skeena's Tsimshian people and the Nisga'a, whose traditional territories are in the Nass Valley.

The BCCLA visited Terrace on August 17, 2010, and then returned the next day after our workshop in Prince Rupert to conduct further interviews with members of the street-involved population in the city based on concerns that had been raised at our first meeting there. Terrace was the only location where the BCCLA returned to conduct further information gathering.

There are 60 RCMP officers and civilian staff in Terrace, according to the city's website:

*This includes 45 regular members, 10 municipal employees, 5 public service employees and 2 Victim Assistance contractors. In 2007, the Detachment handled 12,918 complaints. The Detachment area extends approximately 50 km north on the Nass Road (leading to New Aiyansh), 24 km south towards Kitimat, 70 km east towards Cedarvale and 70 km west towards Prince Rupert. An Inspector is in charge of the Detachment, and under his direction the policing responsibilities fall into two main divisions - Operations and Administration. The Operations NCO and Office Manager report directly to the Detachment Inspector.*

## Positive comments

### Positive community actions

One participant told about an encounter with local police where a noise complaint about someone unrelated to the participant brought the RCMP to his campsite:

*The RCMP came out, and we told them we didn't have any firewood. They came back with firewood in their trunk. We thought that was pretty nice of them.*

### **Participation in an “interagency committee forum”**

One participant, who participates in an interagency committee forum that is made up of a number of community organizations says that when the RCMP attends these workshops, their contribution is always interesting and that the force is up to positive activities, but they just don't come out often enough to share those positive pieces of news that are not in the paper:

*When the RCMP comes, it's very helpful to find out what they're doing, often in the paper it's the negative things. It's good to meet on the positive things so we have connection with that group.*

### **Prevention strategy around crystal meth use**

Some participants recalled RCMP participation in a program to reduce crystal meth use in the community by bringing speakers to Terrace to educate parents and teachers about the issue.

*On prevention for crystal meth, they were a partner on that a couple years ago, and that was very good. Because we had one or two meth labs it became a big issue, the prevention strategy was to get information out to parents and others, they brought professionals up from Vancouver who were knowledgeable and very well grounded in the information.*

### **Community bike patrol**

Community members said that they preferred when officers were on bike patrol rather than in cars or other vehicles, appreciating the human touch of that kind of approach:

*I like it when they patrol on bicycle and ball caps, they're less defensive in that setting. More accessible and friendly. The more they put on, the more dangerous they get. Around here you usually see them in vehicles, going by more metropolitan areas in the city.*

### **Polite and non-intimidating attitude**

One participant said she'd had positive interactions with police in Terrace when they'd stopped her:

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*You need to be talking to people in the business community. Certainly those prolific offenders, completely intoxicated, vandalizing windows, public fornication, all those things that nobody in the community wants to see, those [business owners] are the people you'd want to speak to. See if there has been an improvement in those types of offenses.*

*I don't know if you had too many business owners show up to your inquiry or whatever, but the business owners are pleased with how it looks. It's safer for people. I don't have anyone coming to me to say they've been abused, or treated more forcefully. What they like is the downtown is a safer place for people to come out and shop.*

*There may be a person who is in fact an alcoholic but is very cooperative with police and happy to move along, and understand that they can't be drunk in public. Or sleeping on a public piece of property. And there are some when the RCMP approach, immediately be aggressive, be resisting arrest and would need to be treated differently, like handcuffed and taken to the jail.*

Many of the comments received from street-involved residents in Terrace involved the “Crime Reduction Unit” which is described as follows on the Terrace city website:

*The Crime Reduction Unit is a 2-member unit directing their efforts in the downtown core of Terrace. They will conduct foot, bike*

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*and vehicle patrols focusing on prolific offenders. The goal of this Unit is to make the downtown core a safer place for the community and business owners.*

Participants in the workshop advised us that Terrace had passed a bylaw on gathering in city parks that is aggressively enforced by the Crime Reduction Unit. This bylaw, the *Parks and Public Places By-law No. 1942-2009*, was passed on April 27, 2009. Under the bylaw, it is prohibited to, among other things: “disturb the peace or enjoyment of other persons using any park or public place.”

The bylaw permits officers immediately, on location at the park and without appeal, to impose park bans on individuals who disturb the enjoyment of other persons using the park for between 24 hours and seven full days:

*A person directed to leave any park or public place must do so immediately and shall not return within the following 24 (twenty-four) hours, or such longer period of time, up to seven consecutive days, as specified by an Enforcement Officer.*

Failing to leave immediately, returning when one is prohibited, or interfering with an officer attempting to issue an order of exclusion, is punished by a minimum \$100 fine, and potentially further exclusion orders.

*I came to Canada from India in 2007, the interactions I've had have been really good, very friendly, feel comfortable approaching them. If I have an issue, I would feel fine walking and talking to them. I've had very few interactions, we've been stopped to check for alcohol, they don't intimidate you. I feel comfortable with them.*

### **Negative comments - Day 1**

It is important to note the purpose of this report, what it is, and what it is not, before listing the concerns raised in Terrace. This report was meant to take the temperature of the public around the RCMP across B.C.'s north, and be a report of our efforts to educate local communities about the RCMP contract renewal process. This report is not funded, which means that it was done off the side of the BCCLA's desk through our core support provided by the Law Foundation and our private supporters. We did not have dedicated staff and have not been able to access the necessary resources to follow up and verify or disprove allegations made in this report.

With that said, we note that the allegations made in Terrace were singular in our experience of northern communities, which is to say that there were no communities in which the allegations made were as troubling, as widespread, as profound, or as unsettling as the allegations made by the members of the public who we met with in Terrace. This anomaly could be due to the fact that in some communities turn out from marginalized communities was not what we expected and these issues are actually widespread. It could also be due to any number of confounding factors that would suggest there are no issues at all out of the ordinary in Terrace. This is not a scientific study.

However, for a process that was identical in 14 northern centres to turn out such radically different results in one city suggests to us that the RCMP, the Police Services Division of the Province of B.C., the Commission for Public Complaints Against the RCMP, and other regulatory oversight bodies would do well to pay attention to Terrace, and to investigate conduct in this city more carefully than might otherwise be the case had the BCCLA not conducted this study.

### **Lack of victim's services assistance or inappropriate non-referral**

A participant reported a concerning incident where a child had discovered the body of another child who had committed suicide, raising the issue of when police should be contacting parents, and what appropriate responses are for people who discover victims of suicide, accident or violence.

*The daughter hadn't been home all week, she called the mom who was obviously traumatized. I called the Sgt. and he said there's no protocol to contact parents. The officer [at the scene had] asked the girl if she wanted help, and she said no. The mom received no phone call [ . . . ] [She] called dispatch in PG [Prince George], they said there was no victim services working, called the Ministry, said no victim services, there's still no response. I've been down to detachment to the Corporal and Sergeant, there's no protocol for RCMP to notify parents that this happens. [ . . . ] Lots of people who have had relatives kill themselves, there is no victim services assistance. When people are in crisis, you need to reach out to them, they can't reach out to you.*

### **Concerns about how homes are searched by the RCMP and warrant processes**

A group of participants at the meeting attended for the express purpose of raising specific concerns around how search warrants are obtained by local RCMP, and the conditions granted around those warrants. Among other issues identified by the group, they made allegations that: RCMP enter homes in Terrace without warrants; RCMP execute warrants in the early morning hours (between 2 a.m. and 5 a.m.) for grow operations that could not possibly be moved; that warrants are granted by phone by justices of the peace without adequate evidence; and, that the RCMP prefer obtaining warrants by phone because they are easier to obtain.

The number of participants at the workshop raising these issues suggest that these are not beliefs that are held among a small number of people.

*When they come to your house they don't show you a warrant, because there is no warrant to show you. Why don't they have to show you a warrant before coming on your property? We live in Canada, not Russia, doesn't matter if it's drug related, could be anyone or anything, they come to your house and just*

*barge in. It's usually initiated at odd hours, when it clearly states in all the acts it's supposed to be daylight hours, most warrants. Initiated means showing up at the house.*

### **Concerns of retaliation for complaining against RCMP members**

Similar to concerns of retaliation that were raised in Williams Lake where a detachment head cut off [welcometowilliamslake.ca](http://welcometowilliamslake.ca) from the RCMP press release distribution after an unfavourable story was run by the website, participants expressed concern that when they approached local media with negative stories about the RCMP, the media declined to report them and that there are retaliatory actions by local RCMP against the complainant:

*If you have a story, they won't put it in, because RCMP have a say if it's allowed or not. If you do speak out against RCMP, you see repercussions against speaking out. They'll harass you or target you as a person who isn't RCMP friendly.*

Another participant expressed concern that there were people who were not comfortable coming to the meeting for fear of retaliation:

*There's a whole list of people who have complaints but won't show up because they're afraid of the cameras, and afraid of the cops.*

Another participant said that retaliation was so common for him, he had a strategy he said he used to prevent retaliation by RCMP:

*I found that when I file complaints against RCMP, when they start doing that stuff with me, I start asking for names and badges and tell them, flat out, I'm going to file harassment suits against them if they do it. Eventually it stops, you have to stand up for yourself and not a lot of people will do that.*

An individual who called the BCCLA and advised he worked with homeless populations after the event shared the following opinion:

*Incidents I've heard of, these men wouldn't file a report, if you file a report, the police will find something on you and they'll use it against you. That's why you never see these filed. [ . . . ] When I did get*

*stopped one time, the RCMP at one time, he said, "we're stronger than god, even god can't touch us." That is quite an attitude, I find that quite despicable. They can't go around saying things like that. So that's gotta be looked into.*

### **Use of force**

One man, who refused to provide his name or contact information, said that he had come only to make sure that his story was heard as an example. He alleged that an officer in Terrace had been involved in using force against him that disabled him for years, and that the officer's colleagues had participated in preventing the officer from being held accountable:

*I was attacked by a cop about six years ago, broke my back and neck. All of the cops in Terrace covered for the guy, and nothing ever happened, been in constant pain because of it. Pretty sure they shut the cameras off in there.*

Another visibly injured man attended who also alleged he'd been subjected to remarkable use of force by the RCMP who allegedly hit him with an RCMP vehicle. He also declined to provide his personal details.

*RCMP almost killed me right in this town. They deliberately hit me with a Suburban, they smashed me from toe to head, my face has metal plates, I have screws in my head [ . . . ]. I tried to sue them, I came out on the bad end of it. [ . . . ] I hate them with all my heart.*

A woman who was contacted by the BCCLA after a participant advised us that she may have a concern about a use of force incident reported the following:

*It was Christmas two or three years ago. I was inside doing bookwork. [The participant called police because there was a fight upstairs and police responded.] As a native kid was leaving [the building] who was not involved [in the fight] at all, a cop came around the corner like a linebacker and tackled him, the kid was out cold. The cop said "Have a merry Christmas in jail, you're under arrest," to me, then cuffed the unconscious man and grabbed him to pull him up. The man came to and kicked between the officer's legs and the officer pile-driven him into the*

*cement, put the boots and fists to him. I said "You're out of line," and he said "fuck you." Another cop pulled up and wouldn't get out of his car. [When he did get out] they dragged the man around the building and they started arresting everyone.*

*I said "I'm the one who called you, I own this store." I went from being arrested to being "M'am". A Staff Sergeant came later and took pictures and found him [the responding officer] guilty of criminal assault. The Crown prosecutor took it to the regional Crown in Prince George, but he wouldn't do it [proceed with the charge]. [ . . . ] There was something in his [the kid's] background, that's why they couldn't proceed. [ . . . ] The native kid left town for weeks, his dad was up in arms, he had lots of bruises. I saw him unconscious when they took him to jail, not in an ambulance. I don't think the cop was fired, they told me they wanted his badge, but I think he was transferred.*

Two months after the BCCLA was in Terrace, local media reported alleged RCMP assaults on three residents of Terrace which has resulted in a lawsuit from one of them. The allegations have not been proven in court. The lawsuit, initiated by Shane Parker of Terrace, alleges "concussion, strangulation with associated injury to the brain and eyes" and, according to the website Terrace-daily.ca, the lawsuit alleges that:

*Both of these incidents occurred after Parker claims he witnessed officers assaulting a woman, in the first case, and a man in the second, outside the doors of the Spirit Night Club in Terrace. From the statement of claim it appears Parker was making inquiries as to the safety of the persons being assaulted when he was summarily battered.*

### **Blind spots in jail cell surveillance**

There was no confidence in the room that the cameras in the cells in the Terrace RCMP detachments capture RCMP activity in the detachment. Whether or not the story is accurate, this particular story is illustrative of the issue:

*I've heard of recording over footage in the cells because maybe there's an empty cell and don't feel like recording it, don't think it's right, because that's the kind of thing to keep.*

Aside from alleging fraud and destruction of evidence, allegations which the BCCLA has been unable to verify, participants said that there are blind spots in the video surveillance used by police officers to avoid recording use of force exchanges:

*They have cameras going into the cells, but there needs to be cameras down the hallway from where you're booked and put into cells. Because there isn't a camera right there and when they come into the garage and taken from police car and where processed, there needs to be cameras there. That's one free area where they can do what they want to you before you get into cells. I've had experience with that, written a letter about it, with different incidents that have happened in Terrace involving myself, my family and youth in the local area.*

### **The need for a murdered and missing women inquiry**

One participant advocated for a murdered and missing women inquiry.

*I'm wondering if there will be a public inquiry into missing and murdered women on Highway 16, and why hasn't there been one. I think if there was an inquiry, they'd be more interested in finding someone to be convicted.*

### **Police conduct on the scanner**

In northern communities, we discovered that many community members listen to RCMP chatter on the law enforcement CB radio channel and are concerned with what they hear. Terrace is no exception:

*We listen to a scanner in the local area, police on the scanners are very, very unprofessional in what they say about people. They talk about people because they laugh, or drunk or are falling down, we've taped a few things, facts that they don't get warrants or just come on property, who holds them accountable?*

### **Aggressive use of civil forfeiture**

Citizens present at the meeting raised concerns about the RCMP's aggressive use of civil forfeiture legislation, which permits the seizing and sale

of assets like cars and homes on the civil standard of proof, even when the criminal standard of proof can't be met. According to the allegation, the RCMP are writing to banks alleging that people are engaging in criminal activity, which is causing the banks to terminate the mortgages on the homes pursuant to mortgage agreements. Such a process would be one step further removed from the already limited safeguards around the civil forfeiture laws in B.C.

*Police here are putting everyone's name into civil forfeiture, now everybody's home's taken away, three homes now. Banks are foreclosing. If you've got a medical ticket [license to use medical marijuana], say goodbye to your home. How do you ever fight that? Because police write letter to your bank, they're doing it in town, how do you fight them? Civil forfeiture puts liens on the home, and the bank forecloses, and you can't do anything about it.*

### **Failure to remove problem police officers**

One participant said it was his feeling that the RCMP is failing to remove problem officers from the force.

*They are not taking the rotten apples out of the force. When they commit crime, they get paid vacation for a year, and then it's exonerated and the guy goes back to work. Old saying, one rotten apple ruins the barrel. They need to be, rotten apples need to be taken out. If you did that there would be no police left.*

### **Difficulty contacting RCMP outside business hours except through 911**

The absence of any way to contact the RCMP outside business hours in Terrace except through 911 was identified as an issue by a participant.

*Somebody was saying they had heard that a child had been taken to jail for being intoxicated and they wanted to get the child out of jail, but they didn't know how to do it, they needed to call someone and find out [how], and they got their fingers slapped for calling 911.*



TerraceDaily.ca photos

### **Differential policing for aboriginal and homeless community members**

Some people present at the meeting alleged that aboriginal people do not receive the same policing services that white residents of Terrace receive in terms of protection on basic safety issues:

*Native guy right in front of the studio, getting beat up by three big guys, police car half a block away, took 15 minutes to get over there, guy still twitching on the ground and guys who beat him up were gone.*

Another individual shared an alarming allegation about repeated thefts of the proceeds of welfare cheques from the homeless by an individual with a close personal relationship with a Terrace RCMP officer:

*We have those two young gentleman, [describes them and alleges a personal relationship to Terrace RCMP]. This time last year, happened as recently as April, May they were going around, how do you call it, doing a shakedown on the street to the alcoholics and homeless, knowing they got their welfare cheques.*

*They'd just laugh, "Nothing's done, because [I have a close personal relationship with] a police officer." I thought that was so shameful. Nothing ever happened. It was discussed, [service providers were] told about it. It was the buzz for almost a whole year that these boys were doing that, and nothing was done about it.*

Aboriginal participants in the meeting alleged that they were treated differently than white residents when driving:

*Every police officer pulls you over, "We're going to arrest you if you don't give your name and let us search your vehicle."*

A participant said that in his experience, aboriginal youth are subject to special scrutiny by the RCMP:

*There isn't a youth centre in Terrace for any youth to go to. Rather than be helpful for the [aboriginal] youth of Terrace, the RCMP doesn't seem interested in helping them. They alienate the youth. I've heard of youth getting chased out of Terrace and going to different towns and they harass them. If the youth*

*have a record with them or they've had interactions with RCMP, they go after that specific youth again and again and again, they literally say "Why do you stay here, why don't you just leave," and then they get them to leave and go to Rupert, then they connect with cops there and cops there harass them. [. . .]*

*They go up to them in the paddy wagon, or go after the one particular youth in a police cruiser. I've seen a native youth standing right by the cold beer and wine, he breaks off from his [white] friends, and rather than harass the one standing there they'll go after the lone one and go after him, detain him, don't arrest him, make him stand there and talk.*

*It's like a lot of youth don't know that you don't have to talk to them. If you're not doing anything wrong, they don't have to talk to the RCMP. I said to that to the youth when I seen him getting harassed, "You don't have to talk to him, you don't have to do nothing, you don't have to talk to them."*

Another participant reported his perspective on differential policing:

*All this vandalism, cops blame it on native people, the homeless people, it's not them, it's the bored high school kids, the cops go after the First Nations people. The cops were recently bragging about cleaning up the streets and getting "riff raff" out of the park, that's the exact term they used, native people, homeless people.*

*We've got as much right to be there as anyone, they chased us out of there. There's drinking going on there, but so are rotten teenagers, they don't get harassed or get fines. The only people getting fined for it are First Nations. I was in the park with a cooler, cops were a block and a half away, they came straight to me, made me dump it out, kicked me out of the park, bunch of white kids and they don't go anywhere near them.*

That same participant alleged that for the overwhelmingly aboriginal homeless population in Terrace, the RCMP fail to respond to protect them from assaults:

*There are people getting beaten up, cops do nothing about it. A few years ago, all of the street people around here, over 40, 50's, 60's, every last one of them was in the paper, they had a group picture taken and were being commended for cleaning up the streets, getting recyclables. Within a month every last one of them got attacked and beaten up and cops did nothing about it. Kids on the street, the skateboarders, some of them [the homeless] say they're hit in back, head, face, legs, [the kids] take BMX bikes and use that and hit the homeless, not just the guys and girls, there's never anything in paper about it, cops have never done anything about it. [. . .]*

*One guy is getting attacked so many times, three times in one week, starts bawling his eyes out, all these good little kids, and those parents don't think it's their kids. [. . .] I just recently found out the guy who got attacked tried to commit suicide in Prince Rupert.*

A disabled aboriginal participant who uses a cane and has mobility and fine muscle control challenges, told a concerning story about repeated arrests by RCMP for false allegations he was drunk in public:

*Reason I came now, is the way I walk. Cop walks up to me, said "What are you doing here?" I said "Waiting for supper, nice hot day like this." Cops tried to send me home, I said "I'm not drinking, I'm*

*just enjoying the sun,” and I said “If you can smell alcohol, and there’s nothing,” but the way I walk they always try to pull me in. They pulled me in I was sober, stayed awake for eight hours until they let me out. [. . .] I can’t even sit in the park, they walk in on their bikes and they come up to me, “Have you been drinking?” “Nope, I’m sober, just enjoying the sun.”*

*Even like my workers they’ve been trying to talk to the cops about the way I am, there’s one cop they talked to, they knew I was sick, but he transferred out of Terrace. He knew, my worker told that cop, “Constable, he walks that way, he’s not drunk, he walks like that all the time.” And when he was in Terrace, I never got harassed by any cops, now he’s transferred and different cops are in town now. They keep on bugging me about it, and they know I’m not drinking. [. . .] My legs are my disability, I had an accident a long time ago. [. . .] Every time I go to the park, walking down the street, the cops slowly drive by, he drives by a little fast, when they see me they drive really slow, check me out as if I’m drunk.*

That participant’s brother said that in an earlier incident, for which he had a photo on his cell phone, the disabled man had been “roughed up” by the RCMP:

*When my brother was drinking in the park, they roughed him up. He uses a cane. And I live a few feet away, and I went to take him home to my place, and they pulled one of those spray cans on me, and they took him to jail. He had a seizure in jail, and the cops wouldn’t call an ambulance for him, and security had to call an ambulance for him. I got the picture of that. It was about a month ago.*

The website TerraceDaily.ca published a series of photographs (see page 91) that the author alleges shows an interaction where an aboriginal man not causing any difficulties is removed by RCMP officers without cause from “Riverboat Days”, a local festival in the summer of 2008. From captions under the photos in the article:

*Sitting next to a local prominent business owner, this Native man was enjoying the show, causing no discomfort or trouble. But the RCMP moved in anyways. Was this to cause more comfort for others or just discomfort for the native man. This was Riverboat Days 2008 during the Chilliwack performance. He was taken away.*

A participant shared the following allegation of an incident he witnessed and attempted to intervene in:

*[I was sitting across from a homeless woman I knew who had a shopping cart and the] police told her she had no right to use the buggy. They said without even asking her, “You stole what’s in those bags didn’t you?” I said “You have no right to do that to her,” the cop turned around and said “Be quiet.” They had no right to search her, they just took it on themselves to say she stole the clothes in the cart, she stole the Walmart cart. The [newspapers are] giving the impression they’re [RCMP] doing a good job, they’re not. They do a lot of harassing, that’s not a good job. They don’t even talk to these people here.*

An individual called the BCCLA from Terrace after hearing about our workshop, he was not able to attend, but wanted to report this incident:

*I was sitting on bench in summertime, two years ago. Waiting for the bus, bus doesn’t come until 9:00, I was sitting there for an hour. The police came, “You’re not allowed to sit here more than one hour.” I was quite shocked. [An advocate] wrote a letter to [the head of the detachment], [the detachment head]*

*wrote back and said I was drunk. I haven't had a drink in two years.*

*One of them was a really nice guy and I was surprised he'd do that. For him to say that I was drunk I was just sitting there waiting for the bus after shopping at Safeway, those kind of instances are quite common. We've already been stereotyped.*

*There were a couple white boys standing across from me at Tim Hortons, the cops never went to them, came right over to me. [. . .] Didn't think that happened anymore, because I grew up in the 70's here, I thought it was gone until it happened to myself, and I was like, wow, it never did go away, it's just well hidden.*

### **Rumour about the death of "Amos" a homeless aboriginal man**

Most concerning of all of the reports was a rumour that was repeated many times during our meetings in Terrace, that an aboriginal man had been allegedly killed by a young man who hit him in the head with a skateboard during a dispute over a bottle of alcohol. The homeless man was described by one person as "Jason, everyone used to called him Amos, his last name may be AMOS or BROWN" and the incident was described as taking place about 4 years ago.

Assuming the man and the incident leading to his death exists, we encourage the RCMP to research this very serious matter and re-open the file to ensure that witnesses were properly canvassed, forensic evidence properly reviewed and all involved parties questioned. The BCCLA tried to establish contact with the family or friends of this man, but we were unable to find anyone who had known him personally. The rumour was summed up by an individual contacted by the BCCLA following our initial consultation:

*He was in his late 20's early 30's. [His name was] Jason Brown "Amos". [His alleged assailant] was drug dealing, [names second alleged involved individual]. From what I gather [identifying information deleted] they were fighting over a bottle, a 26-ounce bottle. That's what the discussion was about, nothing to do with drugs. The [alleged assailant] took a swing and hit him on the head with a skateboard ending his life.*

### **Interview with three homeless people - Day 1**

Following our workshop, the BCCLA attempted to find street-involved residents of Terrace who would provide further information and hopefully confirm or deny the reports we'd heard during the workshop. We met three people who we spoke with and all three confirmed they were currently homeless and that they were of First Nations heritage.

While we were talking to them, a fourth person attended and told them that there was a "crack-down tonight" and that their friend was in cells. Immediately all three left and terminated the interview to "make ourselves scarce."

During the interview, the homeless Terrace residents confirmed that there are "areas in town where we're not allowed to go. We stay out of the way because we know we'll be harassed, the police come find us. Why are they doing that? We're just enjoying ourselves." The residents also advised that they had witnessed a friend of theirs, a homeless man who uses a shopping cart, be told by police that he "wasn't allowed in the area" where he was waiting for someone. They said they had witnessed him being arrested for being drunk in public even though he hadn't been drinking. When the man was released the next day they saw injuries on him and the man advised he had been assaulted in cells by police.



## Day 2 – August 18, 2010

### Undisclosed location

The BCCLA returned to Terrace and met with homeless and underhoused residents at an undisclosed location. We had the opportunity to conduct extended interviews with several residents in a quiet, comfortable and private setting. All informants agreed that they liked a constable Brown, who they said is a police officer who has some First Nations background and is not otherwise described in any of the narratives.

The four participants also agreed that Constable Dane is helpful. They all agreed with Informant one when he said:

*Dane told us to report to him when this happens. Dane stops the other cops from harassing. Dane is also a good cop. He doesn't like that they mistreat us. He gives us his card, he said whenever it happens just give me a call.*

Other officer names have been removed from the narrative. One participant described the effect of the activities described in these narratives as follows:

*It's wrong what they said, they cleaned up the streets. Most of these people are transient, it starts from Houston, works through here to Rupert, now head to Kitimat because of the cheap rent. Police aren't giving you the right picture, [the homeless have] gone into the residential areas where the kids play, now there are syringes. So they just pushed it out to the residential areas, that's why I find it really annoying.*

### Informant one

Informant one demonstrates the squatting position police force him to assume to demonstrate his sobriety. He alleges if he stands up, he is arrested for being drunk in public.

Informant one said that he was an underhoused, but not homeless, aboriginal man. He alleged that he has been identified by police for special attention and had been the subject of repeated police efforts to remove him from Terrace extra-judicially.



*The RCMP play baseball up by Chances and drink in public, and they're the only ones who are allowed to [drink in public], with their whole families, children underage, drinking around them. They're laughing at us because we're picking up empties, I tell them to hurry up and finish so I can change it in and get my own drink.*

*[For sobriety tests they make me do] pushups. They want to see what you can do. They make you say the alphabet, know how to say it, make us do pushups, sit down like a little dog until they're ready to talk to us [demonstrates by squatting in a hunched position on the ground]. If I stand up, they tell me "you're coming in right now," even if I'm not drunk. They treat me like a dog, worse than a dog. It's rude.*

*We go out of our way to get out of public, they even come into jungle areas [the forested areas around Terrace], still harass us, bust us, and they told us to go there. They tell us where to go and then they come in and pick us up. That's not fair. The tourists that come here into Terrace, they can go sit outside any of these shopping malls with their fancy vehicles and sit there outside with a case of beer, public daylight and they get to drink and laugh, Germans, Rus-*

sians, whatever, how could they be better than us when we're all supposed to be the same people. We're regular people just like them, we're human, and then what, they treat us like trash, they say we're riff raff, that's what they call us, the native ones, riff raff.

What they did to me, I was in jail for a bit, I did my sentence and everything. [After release I was] not even drinking, cross my road walking my bike, they gave me a ticket illegal no helmet, everyone else isn't wearing a helmet. They charge me for jaywalking went off the side a little bit. They say "Mr. [name deleted], nobody wants you in town, nobody wants you in Terrace, move to another city. If you move back, we'll find another way to charge you. If you jaywalk a little bit, we'll charge you." They keep giving me tickets, threw me in the drunk tank three times dead sober. [Names three officers he has had these interactions with], all white male officers.

And these are [like] Vancouver RCMP because they don't wear yellow strips, because they sneak up on you, they're all in blue, like Vancouver cops, Hastings cops, and they say we're going to get rid of all the riffraffs in Terrace, we're going to clean up this town. And we're picking empties. If anything we're cleaning up Terrace by picking up the empties and we make our money that way, we have alcohol issues, we're not trying to beat up people, we're not raising our fists, we're just having fun like they do. Getting drunk with kids around, they should be arrested for that. That's more dangerous than what we do. We don't walk around with our children and drink with them.

[Identifies police officer by name] here about a year ago, goes around busting people, taking their dope and he smokes it, even buys dope off the drug dealers, they shipped him out and traded him for these Vancouver cops. [He was] working here last year.

Come out of liquor store, buy booze, they crack it open, it's not even open, pour it out, they say we're drinking in public. We just bought it, as soon as they see us coming out of the liquor store, they come over on their bikes, they're bumble bee cops, they're wearing yellow. They don't even tell you when they're going to hit you too. I was the first guy to get Tasered in Terrace, I was helping a friend out, putting another guy out, it was in the newspaper. Got me in the back for defending someone.

The ones in the Blue, my daughter here, following three whites, one woman, two males, phone looking down, feet moving, cops pulled her over because she's native and give

her a fine for an accidental thing, for jaywalking, didn't arrest the three whites for doing the same thing. They do that a lot. They bug us for that. White people ride around with no helmet, us, we ride on a bike, they bust us and give us a fine, no helmet fine.

I had a bruise right here [points to shoulder], I wasn't even resisting, they slam me around, hog tie me, they say "You know, Mr. [name deleted], everything you do wrong, even if you don't do wrong, I'll find a way to charge you."

They're only supposed to keep you for 8 hours [in the drunk tank], they keep me for 13, up to 24 hours for drunk in public. They say "We can hold you for up to 24 hours without a charge." I punched out a cop years ago, they're using my record against me because of it, I was a known offender because of it, I was out of jail 10 years, I made a mistake this past year, but I was out clean for 10 years, they're bringing my whole history up and trying to harass me, they say [to my friends] "You guys hang with [name deleted], you're all coming with us too." "[Name deleted] if we see you even with a bottle, we're taking you in. We want you out of Terrace. You go move to Rupert, go to Vancouver. Nobody likes you here."

My whole family is here, my kids, my mother, my nephew nieces, and they want me to leave? There's people harassing me on the street and they let them go. There's people after me with knives and the cops won't arrest them, won't even take my complaint. Trying to get peace bonds and they won't take it. They gave me a captive audience ticket [under the Safe Streets Act], I asked a cop for change and he arrested me and gave me the ticket, didn't know he was a cop until I looked at his face.

Sometimes I do things, that I deserve it, sometimes I say things I shouldn't say to cops. It's just that [names officer] hates us. [Names officer] is young, has a [describes officer], they're cheering on UFC [Ultimate Fighting], that's their game, so they think they're UFC on the street.

I was in the liquor store, dead sober, when I came out of the liquor store, it was early in the morning, they pepper-sprayed me and threw me in the drunk tank, and they stopped me. I didn't even know what the bell was hitting me until my eyes were burning, cuffed legs and arms and threw me in paddy wagon and I wasn't even drunk. I just spent 30 bucks. They took everything.

They say "I wanna see what's in that bag, nbaddya got," and they just look through your bags. I brought my movies

to pawn them, "Where'd you steal this Mr. [name deleted], we know you stole it," and they took my movies, and my music, just a few days ago, last Thursday, about a week ago. That's when they made me crouch. They took everything. There's no way I can get it back. The stuff was my own stuff from my x-box and from my movies, from my own house. I had some burned movies in there and they said they'd charge me for pirating.

See this knee [points to scab], walking down the street with a limp, they said I'm drunk. "We see you walking around again [name deleted], we're taking you in, get off the street now," and I'm not even drunk. Trying to go to [identifying information deleted] to do my program. Blatantly harassing me.

I have about ten tickets at home. I took law for two years, I'm a carpenter. I fell off the wagon because my son died and I've been drinking with, I have a bit of anger issues about that, that's my own personal problems, not the cops' problems. I've done anger management so many times, doesn't diminish the fact that I lost my son. Of course I'm going to be a little bit grumpy, angry. I never did go to counseling for loss. Never did go to counseling for that, this time I handled it myself, my mom my sisters we talked. I'm getting better at sobering up. I brought my daughter to social assistance, I'm working on it; it's not that easy to stop drinking. You can't just abruptly quit, I quit doing [illicit substance] two months ago, just quit.

The older officer, the ones about my age, they're more gentle, they only bother me if I'm blatantly drunk, they just say Mr. [name deleted] you should go home now, it's the younger cops, all the younger ones, they're the ones that get aggressive, they're the ones in blue without the yellow stripe.

I was in the drunk tank, took my shirt off to use as a pillow, [names officer] came and said "If you don't put that shirt on, we're going to take the rest of your clothes."

#### **Informant two**

Informant two was a fifty-year-old white woman.

I got beat up. I asked why aren't you taking me to hospital, why are you taking me home, they hurt my arm. Then they smashed my head against the ground, I got a smashed face, that's from them smashing my head into the ground. They told me that if I hadn't been so belligerent that I'd not have this problem.

[Names two officers], they're the ones who broke my arm.

They picked me up in front of the park, we were all drinking in my house. They took me to jail. I was kicking and screaming in the back seat of the car. They pepper sprayed me, grabbed me out of the car, took both arms and pulled them way back, while I was still pulling away, they pushed me down on the ground by my neck on my face, I had pebbles in my face and I went unconscious.

I started coming to in the cell, my wrist was backwards, I had to wind it around. They said "We're going to release you now," I thought great, they're going to take me to the hospital. I had to wrap my shirt around, it was totally out of the socket. None of this was recorded, because they got me outside where there are no cameras. They would have recorded me being dragged into cell.

They charged me with assault police officer. Brought me home. August [identifying information deleted], 2007, I was supposed to go to court, showed up in cast and wheelchair and lawyer asked why I was there, said I'm charged with assaulting a police officer, he said, "Well, they're not here, probably shipped out of town now." He said, "Don't worry about it", so I left. That was the last time I heard about it. I've been too scared to talk to police since then, just got off probation last March. [...]

I don't want to go into surgery, they want to take my whole arm apart and put me in a halo, that's the only way they can fix it, the doctor in Kitimat hospital tried and tried to put my arm back, it stayed in the socket, but my elbow is still out of place. I can't reach, I can't grab things. Happened [identifying information deleted] I think. I have all my court papers and everything. They're in [identifying information deleted].

#### **Informant three**

Informant three was a homeless aboriginal man.

All I have to say is they're fucking rude. We drink out of area, and they fucking pick on us. We're not even in a public area.

That's what [names police officer] told me, he said "I'll find a way to charge you." [Names police officer] gave me nine stitches right on top of the head. Hit me with a flashlight. Three months ago. They're taking me to the drunk tank, and I spit on the floor. I accidentally hit his foot with the spit. Before I was put in the paddy wagon. I'm in handcuffs. He hit me in the head because I spit on the floor and hit his foot. I went to hospital, they stitched me up and they put me back in the cell right away. I was in the back of

*the paddywagon and he beat me up with his flashlight. I didn't say anything in the hospital, after my 8 hours they let me go.*

*That time I was walking downtown, that guy [names two officers], said get off the street because it's our territory. They don't like it when we say it's our Nation, they say it's their territory. I wasn't even drinking. If it wasn't for that reason I wouldn't have come to that place.*

*It doesn't help when they twist your arm around when it's not supposed to bend that way. I was walking down the street dead sober, [names two officers], said "Hey [name deleted], get off of my street," I didn't do nothing, didn't even have a drink, it sucks when they do that.*

*My niece [name deleted], they took her to the drunk tank two weeks ago and they stripped her to the underwear, two male cops. There's supposed to be a female that does it. [Name deleted]'s daughter. She didn't have anything on her clothes, she was drunk.*

#### **Informant four**

Informant four was a homeless aboriginal man.

*About six years ago, drove me out the logging road. I was lucky that there was this couple, this bunch of people driving down the road. They picked me up and drove me back into town. It sucks.*

*I was only about 28 and that's when they started to harass me, I was 16 at the logging road. I was sober for about 2 and a half months and they still bugged me. [Names officer], I'd be walking down the street and they'd say, "What, you drunk? Are you starting to annoy me?" Another one is [officer name deleted], I was sitting, wasn't bugging anybody, he, that's when they pulled me over, they drove me out to [unintelligible] by Kleanza Creek [provincial park, 18 km from Terrace], and that's why I'm homeless. Ever since then I've been homeless.*

*What [officer name deleted] said to me, "I thought I told you to stay the way the fuck out of the banks." He said that "White people don't know what to think with, because of a big native sitting beside the bank, they didn't know what you're going to do." Then he put me in the paddy wagon, him and [names officer], and they drove me out to [phonetic] Gitause. I ended up arguing with [ex-partner name deleted]. That's where I used to live.*

*My cousin [name deleted], stripped her down, exact same thing, stripped her down, even they took her bra and panties off, male officers. She cried when she told us, this was 6-7 years ago.*

#### **Informant five**

A fifth informant, another aboriginal man, attended the workshop and advised that in November of the previous winter, 2009-10, he had been arrested for being drunk in public and taken to RCMP cells. He reported that he was released in the middle of a blizzard with no winter clothing, and almost froze to death trying to get from cells to the Terrace shelter.

*It was a cold snap, must have been the coldest Terrace month ever, last November. I was coming from my friend's place. Partying. And I had to make it, I lived over on the other side of the bridge, in a shelter. During the winter, the Ksan society, they have a hostel for the alcoholics out in the cold. And that's where I was trying to make it to. And it was cold out, I was dressed ok, somehow on my journey to the shelter, I must have, oh, I did, I went into, it was either Tim Hortons or McDonalds, while I was in there, I lost my coat.*

*I'm not even sure of that, but for some reason when I came to, the RCMP picked me up for, being intoxicated and jaywalking and resisting arrest. [. . .] They accused me of jaywalking, they said they were going to charge me and they threw me in the drunk tank. They took all my clothes off, left me with my long johns on the cement, there's no heat in the drunk tank at all. Just cold cement, I was freezing in there, they told me to get some sleep, you can't sleep, stay awake freezing, 8 hours of that, and they knew it was freezing out. They knew it was freezing out.*

*They gave me my belongings right away, they didn't even let me tie my shoelace, they practically threw me out of the door. And because of the wind once I got out there I was, I had to do the same thing, I was basically dressed in track pants and a dress shirt, I had to fight and drag myself, and my boots were holding me back. Somehow, miraculously, I made it over the bridge, deadly cold wind, and the snow was deep.*

*I couldn't get on the sidewalk, on the road, because there was too many cars, but I made it across there, another quarter mile, and just running out of breath and freezing*

and I couldn't battle that wind, so I jumped behind Fountain Tire, and that broke all the wind. I was relieved, I was so tired and probably still half drunk, or hung over, just drained from energy, that's what alcohol does to you. I never ate, for three or four days.

I laid down on the cement, just for a while, then I closed my eyes, I couldn't move, I was just stuck there. All of a sudden I open my eyes and someone was calling my name "[Name deleted]", and I open my eyes and looked up. It was my cousin, not my cousin, but from my home town, he said "get up", that's all he said, I tore and tore and tore off the ice and jumped back into the wind, took me another half an hour or more to get half a block, that's where the wind was coming from, that direction.

And then when I got to the shelter, you know, instead of going to, going around a whole building where the damn shelter is, I couldn't walk because everything was ice, there was nothing to grab onto, so I walked in the front door, they're so used to me coming in drunk they couldn't understand I was freezing.

[. . .]

There was more than me getting let out [of the drunk tank that morning], and there were people waiting behind us, they tell us, "you're next", "you're next," "you're next," they all had to battle that cold and freezing. I almost turned the wrong direction on Highway 16, was supposed to turn towards the bridge, almost turned towards the other side.

But during the winter time they were doing that too, in my experience and my truthful experience of being in that drunk tank frequently, all the time it was natives and the same ones. Once they got that drunk tank filled, in my opinion, you could hear the women's side was filled up by all the screaming and swearing. They stopped bringing people in after the drunk tank's filled up. What they do with their time after that, we're in there 8 hours, nobody moves, nobody comes in. They know it's freezing and shove you out the door into a freezer. They got used to me downtown there, [nickname deleted].

[. . .]

I came here to go to school and to work, but my alcohol caught up to me again, so I was drinking quite a bit. For most of us, they don't even have to look for us. They know these jungles [the forest around Terrace], they know where everybody is. They taking you, taking us out of the jungle,

not just holding your hand, twisting you right up so you can touch your shoulder [gestures with hand behind back, pulling up] that's just out of the bush. Once out of the bush, you're on the ground, your whole body falls forward, but they're holding your arms, that can do a lot of damage on your shoulders, but they don't care as long as you're in the drunk tank so they can do their rest, whatever they do, cruise around. That's all they do.

Those are my days of drinking. I've been sober now for 8 months. I went back to school, I'm back into college, I'm staying in a safe place. Now they don't bother me. I don't see them as often as when I was drinking, but I suppose these people here, my friends that I was buddying around with when I'm drinking, they understand I'm a sober alcoholic, and they, I see what they see, and I understand where it comes from, because, being homeless, they try to hide, they try to keep out of trouble. That's what we tried to do.

We had no business being downtown, only the drunks went downtown, everybody else got wise, they knew RCMP would take them no matter what they're doing. Drunk, go in, hungover go in, smell like booze, go in, no explanations. Now, everybody is trying to hide, stay out of the sun, they go up in the shades, up in the hills. Who follows them? RCMP on bikes. We used to go bin hopping, collect cans, that's long hard work in the sun, all we wanted was a drink. Not much. Call 'em "skinny's." Maybe 1L, between six people, that's just a couple of drinks, then they're back at it, collecting empties, that's where the tourists throw all the garbage. We're cleaning up the city, downtown.

You don't come to town unless you got a court appearance, unless the judge says. They don't show you a paper, they say "you don't come into town." There's a sign that says no hitchhiking, how are you supposed to get out of town, ride the rails?

To harass me more, it wasn't a judge told me this, it was RCMP let me out in the morning, they didn't explain it very good, I was hungover. They said, "we have a court order here for you, take it to your lawyer if you want to dispute it." When you're in the tank you're eager to get out, I wasn't in no listening mood.

The court order said I'm barred from downtown, they call it the "red zone", they said it's from the liquor store on Eby [Street] to the other side of town, Kalum, these are the main streets that house downtown, and from Grieg Street, the lowest street downtown, and the other one is

*Davis Street. They made me sign for the order, I'd do anything to get out of the drunk tank.*

*My charge was I was walking home the same way, they fine you \$150 if you jaywalk over CN. I was walking, I walked into the Safeway, and I was intoxicated, knew what I was doing. Just went in to see prices on some items, that's where I do my shopping, I'm walking out and this big bouncer working in there, said that I got something on me, wants to see what it is, I say no, I got nothing on me and ignore him. Then, he walks back and yanked me and turned me around, thought I was getting mugged, I grabbed him and his neck and pushed him to the ground.*

*Then I realized it was him, grabbed a buggy and put it in his way, got charged with assault with a weapon, using a buggy. It was after that morning they gave me that order. I didn't understand it very well. I couldn't take it to the people I was supposed to bring it to to get advice because it was in the red zone. Court was in the red zone. Everything was in the red zone. My ADP [alcohol and drug counselling], my doctor, my church, [identifying information deleted] was in the red zone. I had to sneak around town.*



#### **Informant six**

Informant six did a private interview with the BCCLA, so her comments were recorded in note form rather than verbatim. Her allegations appeared on the website terracedaily.ca along with photographs shortly after the BCCLA's visit. The photos, anonymized, are reproduced here for the reader's reference.

Informant six is a 50 year old woman who was involved in a dispute at the cold beer and wine store. She was then confronted by police, who she alleged roughly grabbed her, causing extensive bruising. At the time she says she'd had 3 to 4 drinks. Police kept her overnight in cells without charge.

In cells, the informant alleged there was no mat, no mattress, no blanket and no pillow. The informant said she was only wearing a tank top and shorts and the cells were extremely cold. She alleged that when she tucked her arms into her shirt, a guard would tell her to get her arms out of her shirt.



# Quesnel

August 12, 2010, 4:00 p.m., Native Friendship Centre  
30 people

## **The RCMP and Quesnel**

Quesnel has just shy of 10,000 residents living within its municipal boundaries and approximately 23,000 people living in the surrounding service area according to the city's website. Located at the juncture of the Fraser and Quesnel rivers, Quesnel is the municipal hub of the region of B.C. known as the "North Cariboo".

Also according to the city's website, their RCMP detachment consists of 31 officers, 15 support staff and an undisclosed number of volunteer and auxiliary members. On a separate page, the website lists a three member administration section, a three member general investigation section, a two member drug section, a 24 member general duty section, a three member rural policing section, six member traffic services division, a community policing officer, a first nations policing officer, a crime reduction officer, and a victim services worker.

## **Positive comments**

Participants in Quesnel had many positive comments about RCMP conduct in their community.

### **Officers working in a positive way with community**

Participants spoke highly of officer Anthony Fletcher, who appeared to have been the previous aboriginal liaison officer. Given that the workshop was at the Native Friendship Centre and there were many aboriginal participants in the discussion, this was a very positive comment.

Another officer named Jenny Collins was also praised for attending funerals, workshops and pow wows, working with Big Brothers/Big Sisters, and interacting in a positive manner with the native community and children on reserve. Participants expressed regret that she'd been moved out of the community outreach position.

Finally, Officer "Bob" who the participant described as a South Asian man but whose last name the participant did not know, helped the

participant in solving a case involving theft. The individuals alleged to have been involved were, according to the participant, suffering from active addictions and the officer "took the reality of the situation and made sense of it", resolving the issue for the participant but also treating those alleged to be involved with respect. In the words of the participant "he did a good job."

### **RCMP highway patrols**

A participant noted that the highway near and around Quesnel was quite dangerous, and that she appreciated the RCMP highway patrols keeping the roads there safer.

### **Rapid response to 911 calls despite high frequency of false reports**

Participants noted that Telus had assigned a "991" prefix to phone numbers in the area, so that a number could be, for example: 991-123-4567. They felt that the 991 prefix led to a high number of misdialled 911 calls, and that this led to a number of false reports to the regions emergency response system. Despite this high number of false reports or "dropped 911 calls" or hang ups, participants reported that officers responded promptly to all 911 calls. According to one participant who worked in a homeless shelter: "Whenever there's an incident, they respond right away."

## **Negative comments**

Despite singling individual officers out for praise and appreciating the work of the entire force in rapid 911 response, the RCMP has some room for improvement in increasing positive sentiment about their efforts.

### **Inability to converse with witnesses and the public**

Two participants who attended the workshop together reported that they were very concerned that the RCMP officers they dealt with were unable to work constructively with witnesses and the public. They reported an incident in which they had contacted police to report a sexual as-

sault involving a family member. When the family member was reluctant to speak to attending officers, the participants said that one of the attending officers accused the family of putting this person up to a false allegation.

*That was their attitude, because if they didn't get anything from the young [person], they couldn't get a conviction, so they had no interest. [The victim] didn't want to provide information about the inappropriate touching, [the officer] showed up with a gun on his hip. He was very arrogant and pushy. They should have been interested in the allegation. If it was true, the young person needed help. If it was not true, [the person] still needed help.*

This particular incident led these participants to attend a public workshop with the RCMP where they reported that numerous participants reported their concerns that the RCMP needed: “more training on how to deal with the public. On polite dealings with the public, and how to get information from victims and witnesses.”

Another participant who said that she worked with youth had identified the same issue:

*The one comment I hear is, “the client's not telling us everything, so it's her fault.” I said “excuse me” she doesn't remember or she's scared. You intimidate her by putting her in a room by herself without anyone, without giving her time to process. And then don't offer too many services for her. I'm concerned about policies around victims and what they can do to make it a little bit more friendly. It doesn't seem to be very friendly. Like the victim is the problem too for them, or they get upset because they want the case to go forward, but don't give person the opportunity to process what's happened. She's under 18. The police officer is the one I was talking to, who said “she didn't give enough information, the details they wanted to hear.” Not sure how much more detail they wanted to get. It was just the police officer present, not an adult; I asked to be involved, but they said they needed to talk to her alone. It's a recurring theme.*

And another participant:

*This is one of the things I feel the RCMP are not in tune, talking with youth. Young girl comes in with a problem, it should not be a male RCMP she's talking to. Should be*

*a female. And RCMP should never come alone to talk to that child. When they have a meeting in our community, they say they don't meet with a child alone, but that's a lie.*

### **Lack of accountability for misconduct of various kinds**

One participant related a disturbing incident from nine years previous in which he described being choked, slammed into the ground and badly injured. He then pursued complaints against the RCMP and alleged that an officer told him that it was “bad for his health” to pursue his complaint. A civil suit he initiated, but could not afford counsel for, was on the verge of being dismissed for want of prosecution at the date of the workshop.

Another participant felt that what he called “bad ass cops”, meaning officers who misconduct themselves, are affecting the reputations of the good RCMP officers:

*I have all sorts of family members in the RCMP; it pisses me off there are bad ass cops out there tarnishing their name. It's a bad state of affairs if didn't have police. [. . .] Between my wife and I, there are five active members in RCMP between my wife and I. It doesn't matter where the RCMP go, they're doing a bunch of stupid things. And it bothers me my relatives are lumped in with this. If they're bad asses, that needs to be taken into account, but that's not happening.*

Another participant related the story of a friend of his involved in litigation with the RCMP in Kamloops:

*We've got to have independent groups that investigate police infractions. [. . .] I've got a large friend, came out of a bar, he was working there. He got the living crap kicked out of him. He looked like he'd been bludgeoned by someone in the Congo. He's still fighting in court for his rights. He's not a troublemaker. To have someone beat to a pulp like he was, you can't tell me that's not a premeditated scenario. They all jumped him. One on one he would have thrown him over picket fence if necessary. He's a big teddy bear, and they jumped the guy. He's suing them [but it] happened two years ago.*



### **Allegations of racial profiling**

One aboriginal participant said that he was pulled over for speeding and that the attending officer applied a breathalyzer to him. He said that the attending officer then called a back up officer in who gave a test where the participant had to close his eyes and count and perform various other sobriety tests. The officers then gave him a 24 hour suspension because they told the participant that the participant was “high on marijuana.” The participant said the allegation was completely false, but that there was no defence: “They just took my car away and there was nothing I could do.” For the participant, he felt that race was part of the issue: “I was a victim of racial profiling.”

Another aboriginal participant said that he was believed to be a suspect in a break and enter because of his race, and that just the good fortune of having a receipt in his pocket with the date and time of the alleged offence saved him from facing charges:

*The officer called for backup, other cars came, out of the back of the car and going through pockets. I asked the police officer, another police officer there at the time, “At what time did this break and assault take place?” “At 9p.m.” I had a receipt in my pocket, and it said 8:49 p.m., they had no choice but to let me go. Asked why they grabbed me, they said they were looking for a green jacket, but I was wearing a brown jacket. I started to walk away, and whipped out my cell phone. I was going to text my brother, to tell him about the rough treatment. The officer came flying right in front of me, said “you didn’t tell me you have a cell phone.” I said “You didn’t ask;” he didn’t ask. But he was ready to throw me in jail, even though I was obviously not the person who committed the crime. Offered to phone my parents’ house, so they could verify I was with them just a little while before. This happened last summer.*

And another participant:

*There has been prejudice I’ve seen. An incident just three years ago, an aboriginal fellow trying to commit suicide on the bridge. I used the emergency speaker on the bridge, said “There’s an aboriginal fellow trying to commit suicide, he’s out on the rail.” I will never say aboriginal again, it took a long time for them to*

*show up, we had two cigarettes, I talked him back in. That’s a long time to have two cigarettes.*

### **Frustrations with drugs**

While participants debated about the possible solutions to the drug problem in Quesnel, including legalization, increased enforcement by police, and more use of jail, frustration around what was generally perceived to be a lack of action around drugs was common:

*We don’t seem to be moving forward. We talk about legalizing drugs. I know where crack shacks are, who major dealers are, it’s hard to make a case, my frustration is with the legal system in general, what they need to have to get a warrant. They know when drugs are coming, and who, but their warrants have to have certain time limit and all this stuff, it’s crazy, because it’s running the streets. It’s running everyone’s lives. Wouldn’t say it’s all the police’s fault. Everyone puts it on them to figure it out. And the lawyers. I’ve been in community meetings, had meeting with community justice circle with police who are in special crimes. We know and you need to keep telling us who these people are, they know, they literally followed [individuals alleged to be involved in the drug trade] around for a week, but can’t do anything about it. Crown has to give them the opportunity to do it. I understand that, how far has it gone.*

And another participant:

*I have one close by, have one of my foster kids who go to the house next door. I complained about the drug house, drug dealers. Talked directly to police officers, not a thing has been done. Everyone in town knows. I feel nothing is being done about it.*

### **Fear of police limiting participation in the workshop**

One participant who works with homeless and marginalized communities said that it was a concern that the clients from those agencies hadn’t come out, because the participant had heard repeated stories about profiling, harassment, and illegal detention and searches:

*I work at [social service agency], run a harm reduction program. At [second agency I am an] outreach worker. Work there and [names agency] for just over 2 years. I have heard lots of clients complain about*

*improprieties done to them by police. I've encouraged them all to come here. First thing they ask is: "Are there going to be police here?" They're afraid to come here. I don't see anyone. Told lots of people, put out signs, it's that fear. Other thing is they might be busy, but lots of things as far as, it's part of the rights, being treated like racial discrimination. The fact that maybe you're a street person or homeless or something like that, racial profiling. A lot of concerns. Whether they're getting picked on for having done nothing wrong. Some of them have, but walking down the street and getting picked up, getting frisked searched, put on the ground, questioned for any reason, did they tell you you're being detained. Not sure, everything happened so fast. And that's not the people they need to be working on.*

#### **Concern about Part 4 of the criminal record check**

Participants expressed concern about Part 4 of the criminal record check, where "negative police contact" is recorded, but not actual convictions. This issue came up in a number of communities:

*There is this new thing, if someone phones and complains, if I don't like this person I can call RCMP and say "this person threatened me". This goes in box #4 on criminal record check, that there has been a threat. If he goes for criminal check, he will be denied because of his box #4. I phoned RCMP, there's four boxes: really bad, not so bad, bad, questionable. He must have had box 4 checked. It stays on your record for two years. Set up by the head of office in Regina. Not sure how many know about it, or if it's good to know about it: I make the call, you don't get the job.*

And another person, who said that a Staff Sergeant actually called an employer to tell the employer to expressly disregard that particular box

on an individual's record check:

*I do give Gary Clark Marlon, Staff Sgt in town, full credit for this. He did phone that person and said "forget that box." But if there's two people looking for job, one has mark one doesn't, guess what. And the accusation doesn't have to be proven and the person doesn't have to be let know.*

#### **Concern about intoxication arrests**

Participants expressed concern about police use of discretion in arresting people for being drunk in public.

*Police officers told my friend that they made a bet about who would arrest her on her birthday for drunk in a public place.*

And another participant:

*Police police Indians differently, there's two drunk people, one white one Indian, they'll arrest the Indian.*

And another:

*Police need training for people inebriated or under influence of drugs. I see a lot of people in town, where guy should have been getting medical treatment, instead they've tied him into a chair. See someone so drunk that they can barely walk, instead of taking him to a cell, should be taken to hospital. Shouldn't there be breathalyzer for danger zone for alcohol poisoning? They're in the cell, camera rolling, but there's nobody watching. Maybe has a stroke. There's a blood test for "too inebriated to drive", but what about "in danger zone, get him to the hospital"? [. . .] So when it comes to new officers in town, I do see ones take them to Seasons House instead of the drunk tank. That's newer officers. Too many dealings, maybe been here too long, off to the drunk tank. It's no real medical solution.*

This report is the product of 16 workshops held in 14 centres in rural and northern British Columbia by the B.C. Civil Liberties Association on the topic of Canada's Royal Canadian Mounted Police and their future in policing the province. More than 300 people participated in the workshops.

*[For sobriety tests] They want to see what you can do. They make you say the alphabet, know how to say it, make us do pushups, sit down like a little dog until they're ready to talk to us [demonstrates by squatting in a hunched position on the ground]. If I stand up, they tell me "You're coming in right now," even if I'm not drunk. They treat me like a dog, worse than a dog. It's rude.*

- Aboriginal participant in Terrace, British Columbia  
*Cop walks up to me, said "What are you doing here?" I said "Waiting for supper, nice hot day like this." Cops tried to send me home, I said "I'm not drinking, I'm just enjoying the sun." I can't even sit in the park, they walk in on their bikes and they come up to me, "Have you been drinking?" Nope, I'm sober, just enjoying the sun.*

- Aboriginal participant in Terrace, British Columbia



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