

**GITXSAN AND WET'SUWET'EN INDIGENOUS JUSTICE CONFERENCE:  
TERMS OF REFERENCE**

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# GITXSAN AND WET'SUWET'EN INDIGENOUS JUSTICE CONFERENCE: TERMS OF REFERENCE

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## PART 1: DEFINITIONS, INTERPRETATION, APPLICATION & PURPOSE

### Definitions

1 In these Terms of Reference,

**“Charter”** means the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c 11*,

**“Code of Conduct”** means the regulations made pursuant to section 38 of the RCMP Act, contraventions of which are managed pursuant to Part IV of the RCMP Act;

**“Commanding Officer”** means the person appointed to the position of Commanding Officer for “E” Division of the RCMP, and includes any delegate, such as a local Detachment Commander or District Officer;

**“Commissioner”** means the person appointed as Commissioner of the RCMP pursuant to section 5 of the RCMP Act and any person delegated by the Commissioner to undertake the Commissioner’s powers, duties or functions under the RCMP Act;

**“Commission”** means the Civilian Review and Public Complaints Commission for the Royal Canadian Mounted Police established pursuant to section 45.29(1) of the RCMP Act;

**“Complainant”** means a person who files a Public Complaint in accordance with section 45.53 of the RCMP Act;

**“Entitled Participant”** means a person entitled to participate in an Indigenous Justice Conference as set out in section 7;

**“Facilitator”** means a person who is employed by the Gitxsan Wet’suwet’en Unlocking Aboriginal Justice Program to facilitate an Indigenous Justice Conference;

**“Gitxsan ancestry”** means direct lineage to the Gitxsan people, traced back matrilineally to a Gitxsan Clan, including: TBC;

**“Gitxsan Traditional Territory”** means all those lands located TBC;

**“Hereditary Chief”** means a Hereditary Chief of the Gitxsan or Wet’suwet’en peoples, who has been groomed and tutored into their position of leadership since a very young age and who may be either a Head Chief, Wing Chief or Sub Chief, including:

(a) the following Wet’suwet’en Hereditary Chiefs:

(i) Chief Samooh (Gil\_seyhu Clan),

- (ii) Chief Goohl'aht (Gil\_seyhu Clan),
- (iii) Chief Knedebeas (Gil\_seyhu Clan),
- (iv) Chief Wah tah Kwets (Laksilyu Clan),
- (v) Chief Wah tah K'eght (Laksilyu Clan),
- (vi) Chief Hagwilneghl (Laksilyu Clan),
- (vii) Chief Madeek (Gitdumden Clan),
- (viii) Chief Gisday'wa (Gitdumden Clan),
- (ix) Chief Woos (Gitdumden Clan),
- (x) Chief Kloum Khun (Laksamshu Clan),
- (xi) Chief Smogelgem (Laksamshu Clan),
- (xii) Chief Na'Moks (Tsayu Clan), and
- (xiii) Chief Kweese (Tsayu Clan); and

(b) the following Gitxsan Hereditary Chiefs:

- (i) Chief
- (ii) Chief
- (iii) Chief
- (iv) Chief
- (v) Chief
- (vi) Chief
- (vii) Chief

**"Indigenous Justice Conference"** means an Indigenous Justice Conference held in accordance with these Terms of Reference;

**"Parties"** means both the Claimant and Respondent;

**"Public Complaint"** means a complaint made by a person regarding the on-duty behavior of an RCMP Member pursuant to Part VII of the RCMP Act;



**"RCMP Member"** means the person appointed into the position of Commissioner or Deputy Commissioner of the RCMP, as well as any person appointed as an officer or member of the RCMP in accordance with the RCMP Act;

**"RCMP Act"** means the *Royal Canadian Mounted Police Act* (R.S.C., 1985, c. R-10);

**"Respondent"** means an RCMP Member whose actions or inaction are the subject of a Public Complaint;

**"TOR"** means these Terms of Reference;

**"UAJP"** means the Gitksan and Wet'suwet'en Unlocking Aboriginal Justice Program operated by the Office of the Wet'suwet'en;

**"Wet'suwet'en ancestry"** means direct lineage to the Wet'suwet'en people, traced back matrilineally to a Wet'suwet'en Clan, including: Gil\_seyhu, Laksilyu, Gitdumden, Laksamshu, and Tsayu;

**"Wet'suwet'en Traditional Territory"** means all 22,000 square kilometers of lands located within the following boundaries:

- (a) the upper northwest boundary of Wet'suwet'en Traditional Territory is marked by Red Rose Peak. The border runs east along Porphyry Creek crosses the Bulkley River, follows Kwun Creek to the peak of Mount Seaton, Blunt Peak and Netazul Mountain;
- (b) the eastern boundary of Wet'suwet'en Traditional Territory follows the divide between the Bulkley and Babine watersheds, with key locations being along the boundary being: Goat Mountain, Mount Cronin, and Dome Mountain; The eastern border runs south along this divide until Shovel Creek;
- (c) the southern boundary of Wet'suwet'en Traditional Territory then heads west from Shovel Creed to the Endako River, along the east-side of Tchesinkut, Peace, and Binta Lakes and from Deyeezcha Mountain the southern border runs west to Tweedsmuir Peak and on to Ptarmigan Peak;
- (d) the western boundary of boundary of Wet'suwet'en Traditional Territory from Ptarmigan Peak heads north along the watershed divide of the Coast Mountains back to Red Rose Peak, with key location being Tahtsa, Atna, Dogs Ear, Howson, Pillar, Serb and Brian Boru Peaks.

## Interpretation

2. These TOR should be interpreted in a fair, broad and liberal manner

3. In these TOR.

- (a) the use of the word "shall" denotes an obligation that, unless these TOR provide to the contrary, shall be carried out as soon as practicable after these

TOR comes into effect or an event gives rise to the obligation under these TOR occurs;

- (b) unless it is otherwise clear from the context, the use of the word "including" means "including, but not limited to", and the use of the word "includes" means "includes, but is not limited to";
- (c) headings and subheadings are for convenience only and do not form a part of these TOR and in no way define, limit, alter or enlarge the scope or meaning of any provision of these TOR;
- (d) a reference to a statute includes every amendment to it, every regulation made under it and any law enacted in substitution for it or in replacement of it;
- (e) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular;
- (f) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine; and
- (g) where a time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day

#### **Application**

- 4. These TOR apply to every Public Complaint, except insofar as a Public Complaint relates to:
  - (a) an RCMP Member's alleged contravention of the RCMP's Code of Conduct, which shall be responded to in accordance with Part IV of the RCMP Act and falls outside the Public Complaints process; or
  - (b) financial losses or damages suffered by a Complainant, which may be discussed at an Indigenous Justice Conference as a contextual factor but for which monetary compensation is not available through the Indigenous Justice Conference process.

#### **Purpose**

- 5. The purpose of these TOR are to set out a process for the referral, management and resolution of any Public Complaint made against an RCMP Member by a person of Gitksan ancestry or Wet'suwet'en ancestry and occurring within Gitksan Traditional Territory or Wet'suwet'en Traditional Territory



## PART 2: GENERAL

### No Prejudice

6. An answer or statement made by a participant in the course of an Indigenous Justice Conference may not be used or received against that person in a civil proceeding or in a proceeding initiated pursuant to the *Criminal Code*, (R.S.C., 1985, c. C-46).

### Entitled Participants at an Indigenous Justice Conference

7. The following persons are entitled to attend an Indigenous Justice Conference:
  - (a) the Complainant;
  - (b) every person who is a parent or guardian of a Complainant under the age of 18 years;
  - (c) the Complainant's Hereditary Chiefs from both sides of their family;
  - (d) the Respondent;
  - (e) the Respondent's Commanding Officer; and
  - (f) the Facilitator who is convening the Indigenous Justice Conference.

### Discretionary Participants at an Indigenous Justice Conference

8. The following persons may attend an Indigenous Justice Conference with the prior consent of the Complainant, the Complainant's Hereditary Chiefs from both sides of their family, the Respondent and the Respondent's Commanding Officer:
  - (a) any support persons chosen by the Complainant, provided the support person's attendance is approved in advance by the Complainant's Hereditary Chief and the Respondent's Commanding Officer; and
  - (b) any other person.

### All Participant's Responsibilities at an Indigenous Justice Conference

9. It is the responsibility of all Entitled Participants at an Indigenous Justice Conference to:
  - (a) participate voluntarily and in good faith;
  - (b) listen to one another;
  - (c) share relevant information;

- (c) clarify their needs with regard to repairing the physical, social, psychological, emotional or cultural affect they experienced as a result of the Respondent's actions or inaction;
- (d) suggest recommendations for the RCMP and Healing Plan components for the Respondent that would be satisfactory to them as final resolution of the Public Complaint;
- (e) agree to any recommendations for the RCMP and Healing Plan for the Respondent;
- (f) accept responsibility, when appropriate, for any role they played in the affects experienced by the Respondent.

**Complainant's Legal Guardian and Hereditary Chiefs' Responsibilities at an Indigenous Justice Conference**

12. It is the responsibility of the Claimant's legal guardian and Hereditary Chiefs at an Indigenous Justice Conference to:

- (a) support the Complainant in the Indigenous Justice Conference process;
- (b) provide details regarding the impact of the Respondent's actions or inaction on the Complainant, their family and the Gitxsan or Wet'suwet'en community, as applicable;
- (c) suggest recommendations for the RCMP and Healing Plan components for the Respondent that would be satisfactory to them as final resolution of the Public Complaint; and
- (d) agree to any recommendations for the RCMP and Healing Plan for the Respondent.

**Complainant's Support Persons' Responsibilities at an Indigenous Justice Conference**

13. It is the responsibility of the Claimant's support persons at an Indigenous Justice Conference to:

- (a) provide emotional support to the Complainant at the Indigenous Justice Conference; and
- (b) upon request by the Facilitator, provide information to the Indigenous Justice Conference regarding the impact of the Respondent's actions or inaction on the Complainant.



## **Respondent's Responsibilities at an Indigenous Justice Conference**

**14.** It is the responsibility of the Respondent at an Indigenous Justice Conference to:

- (a) provide details from their perspective of the events which led to the Public Complaint, which includes sharing information regarding those sections of the Criminal Code, any RCMP policy or other governing document which they were bound to act in accordance with;
- (b) detail their thoughts and feelings at the time of the events resulting in the Public Complaint, as well as their current thoughts and feelings in reflecting on the events that resulted in the Public Complaint;
- (c) provide information on what they would do differently, if anything, if they could go back in time to the date of the events resulting in the Public Complaint;
- (d) where necessary, accept responsibility for any role they played in the affects experienced by the Complainant, their family, and the Gitxsan or Wet'suwet'en community, as applicable;
- (e) consider all recommendations and Healing Plan components that would be satisfactory to the Complainant, the Complainant's legal guardian and Hereditary Chiefs, as a final resolution of the Public Complaint;
- (f) propose recommendations for the RCMP and, where appropriate a Healing Plan for themselves, that is aimed at repairing any harm experienced by the Claimant, their family, and the Gitxsan or Wet'suwet'en community, as applicable;
- (g) agree to any recommendations for the RCMP and Healing Plan; and
- (h) take all actions necessary to implement any recommendations or Healing Plan agreed to by Entitled Participants;

## **Respondent's Commanding Officer's Responsibilities at an Indigenous Justice Conference**

**15.** It is the responsibility of the Respondent's Commanding Officer at an Indigenous Justice Conference to:

- (a) continually assess the Public Complaint for whether it triggers a Code of Conduct matter;
- (b) at the request of a Facilitator, assist in explaining the Indigenous Justice Conference process to a Respondent who is considering whether or not to participate in the Indigenous Justice Conference process in relation to a Public Complaint;

- (c) where appropriate, on behalf of the RCMP, accept responsibility for any action or inaction of the RCMP and any resulting affects experienced by the Complainant, their family, and the Gitxsan or Wet'suwet'en community, as applicable;
- (d) support the Respondent in the Indigenous Justice Conference process;
- (e) agree to any recommendations for the RCMP and Healing Plan for the Respondent;
- (f) where necessary, ensure the filing of a restitution claim with the RCMP National Claims Management Program with regard to financial losses or damages suffered by a Complainant in relation to the Public Complaint;
- (g) take all actions necessary to bring recommendations to the RCMP, and where those recommendations are accepted, take all actions necessary to implement those recommendations;
- (h) monitor the outcomes of any recommendations brought to the RCMP, and report directly to the Facilitator with regard to the outcome of those recommendations;
- (i) support the Respondent, and directly monitor the Respondent, in their completion of any Healing Plan agreed to; and
- (j) report directly to the Facilitator with regard to the Respondent's completion of any Healing Plan agreed to.

### **PART 3: ELIGIBLE PUBLIC COMPLAINTS**

#### **Eligible Public Complaint**

**16.** A Public Complaint is eligible for referral to an Indigenous Justice Conference where:

- (a) the Public Complaint is made in accordance with section 45.53 of the RCMP Act;
- (b) the Respondent is an RCMP Member;
- (c) the Complainant is:
  - (i) a person of Gitxsan ancestry or Wet'suwet'en ancestry, and
  - (ii) either
    - (A) the individual at whom the actions or inaction complained of was directed,
    - (B) the legal guardian of the individual at whom the actions or inaction complained of was directed,



- (C) a person who saw or heard the actions or inaction complained of while it was occurring,
  - (D) a person with written permission, from the individual at whom the actions or inaction was directed, to make the Public Complaint, or
  - (E) a person who has suffered loss, damage, distress, danger or inconvenience as a result of the actions or inaction complained of;
- (d) the Public Complaint relates to any action or inaction by an RCMP Member in one of the following RCMP Detachments within the North District of the RCMP:
- (i) Smithers,
  - (ii) New Hazelton,
  - (iii) Houston,
  - (iv) Burns Lake,
  - (v) Takla Landing, or
  - (vi) any other RCMP Detachment set up temporarily or otherwise within Gitksan Traditional Territory or Wet'suwet'en Traditional Territory; and
- (e) the Public Complaint relates to any alleged action or inaction by an RCMP Member, occurring within Gitksan Traditional Territory or Wet'suwet'en Traditional Territory, such as:
- (i) improper attitude, including behaviours by an RCMP Member that can be characterized as racist, abusive, rude, vulgar, profane, discourteous, impolite, disrespectful, sarcastic, arrogant, indifferent, angry, obnoxious, belligerent, aggressive, intimidating, threatening, combative, provoking, ridiculing or mocking,
  - (ii) improper use of force, meaning use of force by an RCMP Member that is unnecessary, inconsistent with the circumstances, applied too frequently, harshly, or for an excessive duration,
  - (iii) improper use of firearms, meaning an improper use of force by an RCMP Member specific to the use, display, or discharge of a firearm,
  - (iv) irregularity in procedure, meaning a violation by an RCMP Member of the intent and spirit of an administratively enforced statute, such as the *Privacy Act*, (R.S.C., 1985, c. P-21), the *Access to Information Act*, (R.S.C., 1985, c. A-1) the RCMP Act, or an RCMP policy relating to those acts,
  - (v) neglect of duty, meaning any allegation regarding a failure or refusal of an RCMP Member to perform a duty, or provide a service that is expected to be

provided, or the performance of a duty or provision of a service by an RCMP Member that is inconsistent with RCMP standards,

- (vi) mishandling of property, including allegations relating to property held in RCMP custody, loss of property, unreasonable detention of property, damage to property in RCMP custody, improper disposal of property, or failure to account for money or property,
- (vii) oppressive actions or inaction, meaning an RCMP Member's severe misuse of authority or powers, aggravated harassment, unfounded, unfair, or embellished charging, or any threats or intimidation via any of the foregoing,
- (viii) improper arrest or detention, meaning an allegation related to the alleged breach of a person's rights under the *Canadian Charter of Rights and Freedoms* during the course of their arrest or detention,
- (ix) improper search of a person or vehicle, meaning an allegation related to the alleged breach of a person's rights under the *Canadian Charter of Rights and Freedoms* during a search of their person or vehicle,
- (x) improper search of premises, meaning an allegation related to the alleged breach of a person's rights under the *Canadian Charter of Rights and Freedoms* during a search of their premises, or
- (xi) a lack of response or an inability to provide adequate, timely service.

#### **PART 4: MAKING PUBLIC COMPLAINTS, IDENTIFYING ELIGIBLE PUBLIC COMPLAINTS AND PROCEDURE FOR REFERRALS**

##### **Making a Public Complaint**

17. A person of Gitksan Ancestry or Wet'suwet'en Ancestry who wishes to use an Indigenous Justice Conference to resolve a complaint they have against the RCMP shall first file a Public Complaint in accordance with the RCMP Act processes, which may be completed either through their local RCMP Detachment or the Civilian Review and Complaints Commission for the RCMP

##### **Identification and Referral of Eligible Public Complaints by the RCMP / Commission**

18. The RCMP and the Commission shall:
- (a) ensure all persons making a Public Complaint in relation to an RCMP Member in an RCMP Detachment described in paragraph 16(d) are provided an opportunity to self-identify as being of Gitksan Ancestry or Wet'suwet'en Ancestry; and



- (b) where that person self-identifies as being of Gitksan Ancestry or Wet'suwet'en Ancestry, ensure a Form 1 Referral of Public Complaint is completed in relation to that Public Complaint.

### **Self-Referral of Public Complaint**

**19.** A person of Gitksan Ancestry or Wet'suwet'en Ancestry who files a Public Complaint may request their Public Complaint be resolved using an Indigenous Justice Conference by providing the UAJP Program Coordinator either:

- (a) a completed Form 1 Referral of Public Complaint, or
- (b) all information required for the completion of a Form 1 Referral of Public Complaint.

### **Provision of Referral to All Involved Organizations**

**20.** Where a Public Complaint is made by a person who self-identifies as having Gitksan Ancestry or Wet'suwet'en Ancestry, the person receiving that Public Complaint shall explain and offer this informal resolution process to the complainant, and if accepted:

- (a) immediately complete a Form 1 Referral of Public Complaint; and
- (b) forward a copy of that Form 1 Referral of Public Complaint to the following, as applicable:
  - (i) UAJP Program Coordinator;
  - (ii) Commission; and
  - (iii) the Commanding Officer.

### **Assessing a Referral**

**21.** A referral shall be assessed:

- (a) prior to the Commissioner directing the RCMP not to commence or continue an investigation of the Public Complaint, pursuant to section 45.61(1) of the RCMP Act;
- (b) prior to the Commission deciding not to investigate the Public Complaint, pursuant to sections 45.53 or 45.67 of the RCMP Act; and
- (c) no later than thirty (30) days following compliance with section 20, as follows:

- (i) the Facilitator shall consult with the relevant Hereditary Chiefs to assess whether the Complainant is a person of Wet'suwet'en ancestry or Gitxsan ancestry;
- (ii) the Commanding Officer shall:
  - (A) assess whether the Respondent is an RCMP Member,
  - (B) confirm the Public Complaint is not a Code of Conduct matter, and
  - (C) assess whether the Public Complaint occurred within one of the North District RCMP Detachments, and
- (iii) together, the Facilitator and Commanding Officer shall assess whether
  - (A) the Complainant is a person described in paragraph 16(c)(ii), and
  - (B) the type of actions or inaction to which the Public Complaint relates could fall within the types of actions or inaction described in paragraph 16(e).

### **Confidentiality and Participation Agreements**

**22.** Where all assessments conducted pursuant to section 21 are confirmed in the affirmative, the Facilitator shall meet independently with the Parties to:

- (a) explain what an Indigenous Justice Conference entails, including an overview of these TOR and the Party's respective roles at an Indigenous Justice Conference;
- (b) advise the Parties that their participation is voluntary and there is no reason for them to feel obligated to participate;
- (c) determine whether the Parties agree to:
  - (i) participate in an Indigenous Justice Conference voluntarily, and
  - (ii) where the Indigenous Justice Conference results in an agreed Healing Plan, consider the Public Complaint to be a final resolution to the matter, with no opportunity to have the Public Complaint reconsidered at a later date; and
- (d) if the Parties agree to those matters set out in subparagraphs (c)(i) and (ii), obtain from each Party a completed and signed Form 2: Confidentiality and Participation Agreement.



## PART 5: INDIGENOUS JUSTICE CONFERENCES

### Convening an Indigenous Justice Conference

23. (1) Subject to subsection (2) and no later than thirty (30) days after the Parties sign a Form 2: Confidentiality and Participation Agreement, the Facilitator shall set a date for the Indigenous Justice Conference, which shall take place no later than ninety (90) days after the date on which the Parties sign the Form 2: Confidentiality and Participation Agreement.
- (2) The Facilitator may by providing at least twenty-four (24) hours written notice to all Entitled Participants, extend a timeframe set out in subsection (1)
- (a) by up to thirty (30) additional days at the request of an Entitled Participant who wishes to attend a traditional Gitxsan or Wet'suwet'en ceremony, feast or other cultural event related to a death or other trauma occurring within their Gitxsan or Wet'suwet'en community; and
  - (b) by up to one hundred and twenty (120) additional days, at the request of a Complainant.
24. (1) Subject to subsection (2), the Facilitator shall, fix the date on which and the time and place at which an Indigenous Justice Conference is to be held.
- (2) Prior to convening an Indigenous Justice Conference, the Facilitator shall:
- (a) consult with the Complainant and their Hereditary Chiefs, as well as the Respondent and their Commanding Officer or delegate, in relation to:
    - (i) the date on which, and the time and place at which, the Indigenous Justice Conference will be held,
    - (ii) any persons that the Complainant and Respondent wish to have as additional participants at the Indigenous Justice Conference, including the role that will be played by those additional participants, and
    - (iii) the procedure to be used at the Indigenous Justice Conference;
  - (b) confirm with the Respondent that they are willing to take responsibility at the Indigenous Justice Conference for any role they played in the affects experienced by the Complainant, their family, and the Gitxsan or Wet'suwet'en community, as applicable; and
  - (c) determine whether the Parties agree to include any additional participants in the discussions for the purpose of providing information or solutions.



## **Procedure at an Indigenous Justice Conference**

25. The procedure for an Indigenous Justice Conference shall be agreed to by all Entitled Participants and shall include:
- (a) an explanation of the Indigenous Justice Conference process and the roles of each Entitled Participant;
  - (b) verbal confirmation of each Entitled Participant's understanding of their roles and commitment to the Indigenous Justice Conference;
  - (c) a presentation by the Complainant's Hereditary Chiefs to the Respondent and Commanding Officer with regard to the historical relationship between the RCMP and the Complainant's Gitxsan or Wet'suwet'en community;
  - (d) a presentation by the Complainant's Hereditary Chiefs with regard to the Gitxsan or Wet'suwet'en indigenous laws that govern relationships between the Gitxsan or Wet'suwet'en people and visitors to Gitxsan Traditional Territory or Wet'suwet'en Traditional Territory, as applicable;
  - (e) an opportunity for the Complainant, or a representative of the Complainant, to explain the impact of the Respondent's actions or inaction on the Complainant and to make proposals regarding what should be recommended to the RCMP or included in the Respondent's Healing Plan;
  - (f) an opportunity for the Hereditary Chief of the Complainant's Clan to explain the impact of the Respondent's actions or inaction on the Gitxsan or Wet'suwet'en community and to make proposals regarding what should be recommended to the RCMP or included in the Respondent's Healing Plan; and
  - (g) an opportunity for the Respondent to propose to all Entitled Participants, his or her recommendations for the RCMP and Healing Plan components aimed at repairing any harm experienced by the Claimant and their Gitxsan or Wet'suwet'en community

## **Indigenous Justice Conference to Ascertain Whether Respondent and RCMP Acknowledge the Affect of any Action or Inaction on the Complainant and Community**

26. (1) Every Indigenous Justice Conference shall seek to ascertain whether the Respondent and the RCMP acknowledge how their actions or inaction has impacted or affected the Complainant and the Gitxsan or Wet'suwet'en community to whom the Complainant belongs.
- (2) Where:
- (a) a Respondent or the RCMP do not acknowledge how their actions or inaction impacted or affected the Complainant and the Gitxsan or Wet'suwet'en community to whom the Complainant belongs; or



- (b) the Indigenous Justice Conference is unable to ascertain whether the Respondent or the RCMP acknowledge how their actions or inaction impacted or affected the Complainant and the Gitksan or Wet'suwet'en community to whom the Complainant belongs,

the Entitled Participants shall not make or formulate any recommendations for the RCMP or Healing Plan for the Respondent in relation to the alleged actions or inaction of the Respondent and the Facilitator shall declare the Indigenous Justice Conference closed. The RCMP's Public Complaint process would then resume.

### **Facilitator to Ensure Relevant Information and Advice Made Available to Indigenous Justice Conference**

27. Every Facilitator who convenes an Indigenous Justice Conference shall take all reasonable steps to ensure that all information the Facilitator considers is required by the Indigenous Justice Conference to carry out its functions is made available to the conference.

### **Facilitator to Ascertain Views of Persons Unable to Attend Indigenous Justice Conference**

28. Every Facilitator who convenes an Indigenous Justice Conference shall take all reasonable steps to ascertain the views of every Entitled Participant so those views can be utilized at the conference.
29. Where, in respect of an Indigenous Justice Conference, a Facilitator ascertains the views of an Entitled Participant, that Facilitator shall ensure those views are made known at the Indigenous Justice Conference.

### **Indigenous Justice Conference to Make Recommendations and Formulate Healing Plans**

30. An Indigenous Justice Conference may make such recommendations to the RCMP and formulate such Healing Plans for the Respondent as it considers necessary in relation to the Respondent's actions or inaction.
- 31 Without limiting the generality of section 30, an Indigenous Justice Conference may:
- (a) make formal recommendations to the RCMP to prevent the actions or inaction from reoccurring in the future, which may include recommendations related to:
- (i) changes to RCMP policies, procedures, or practices,
  - (ii) changes to RCMP training and professional development,

(iii) changes to RCMP provision of services to Gitxsan and Wet'suwet'en communities; or

(iv) any other recommendations agreed to by the Parties; and

(b) agree to a Healing Plan for the Respondent, which may include:

(i) that a formal apology be made by the Respondent to the Complainant, their family and the Gitxsan or Wet'suwet'en community,

(ii) that the Respondent complete volunteer work or undertake professional development training that will assist them in understanding how to better work with Gitxsan, Wet'suwet'en and all indigenous peoples,

(iii) that the Respondent make a presentation to other RCMP Members in their Detachment regarding their experience in the Indigenous Justice Conference Process, including what they've learned and how they intend to work differently with Gitxsan, Wet'suwet'en and all indigenous persons,

(iv) that restorative actions be taken by the Respondent or Commanding Officer, to reconcile the relationship between the Respondent and the Complainant or between the RCMP and Wet'suwet'en peoples, or

(v) that the Respondent and the RCMP host a traditional Gitxsan or Wet'suwet'en Feast or Tea.

### **Facilitator to Make Record of Decisions, Recommendations and Plans**

32. Every Facilitator who convenes an Indigenous Justice Conference shall cause to be made a written record of the details of the decisions and recommendations made, and the Healing Plans formulated, by that Indigenous Justice Conference.

### **Procedure Where No Agreement Possible**

33. Where the Complainant, the Complainant's Hereditary Chief, Respondent and their Commanding Officer are unable to agree on what recommendations or Healing Plans should be made:

(a) the Facilitator who convened the conference shall adjourn the proceedings of the Indigenous Justice Conference, and report the outcome of the Indigenous Justice Conference to the Commissioner and the Commission; and

(b) the Public Complaint shall be referred back to the RCMP and the Commission to proceed in accordance with Parts VI and VII of the RCMP Act.



## Healing Plan Revisions

34. Where any Healing Plan is made by an Indigenous Justice Conference, the Facilitator may from time to time, with agreement of all Entitled Participants, revise the Healing Plan.

## Monitoring and Reporting

35. The Facilitator shall monitor and report back to all Entitled Participants, as well as report back to the Commission, on:

- (a) whether the Respondent and Commanding Officer, where applicable, have carried out their responsibilities in accordance with the recommendations and Healing Plan made at an Indigenous Justice Conference; and
- (b) the outcome of any recommendations made to the RCMP.

## PART 6: COMING INTO FORCE

### Coming into Force

36. These TOR come into force and effect on the date they are approved by

- (a) the Hereditary Chiefs;
- (b) [list all RCMP approvals required].