

SECTION I:  
MÉTIS FAMILY & COMMUNITY  
JUSTICE SERVICES INC.

SUBMISSION TO THE  
COMMISSION ON FIRST NATIONS  
AND MÉTIS PEOPLES  
AND JUSTICE REFORM

DECEMBER 2003





# FOREWORD

The following comes directly from the Métis people of Saskatchewan. The recommendations outlined in this report give voice to all who have been greatly affected by the current imbalance in the Saskatchewan Justice system. As with the whole Métis Nation, Métis Family and Community Justice Service Inc. will hold accountable and anticipate positive action by the Government of Saskatchewan and Government of Canada, shortly after the Department of Justice reviews this document. In turn, MFCJS will act on the recommendations found throughout this report through the establishment of a technical working group with representatives from the Métis Nation affiliates.

We expect that this report, supported by the Justice Commission's effort, will act as a catalyst for real change and not sit wasted on a shelf for officials to ignore in disregard for the content.

We appeal to the Government of Saskatchewan and its elected officials to use intellect, compassion, and most importantly, respect for Métis and First Nations in moving forward with the Commission's mandate.

We no longer accept the status quo, as it not only destroys the spirit of Métis and First Nations, it is destroying the general social foundation of this province. We must move forward together. The individuals in communities throughout this province who bravely came forward deserve change. Change is the least we can provide to give faith back to those who have given up. The Government of Saskatchewan must deliver this change with understanding and leadership.

We ask for a timely and comprehensive response to this report and the recommendations outlined. We anticipate building partnerships based on fairness, equality and reciprocity. As a necessary element in any partnership, trust is presently missing between the Métis and Saskatchewan Justice. By working together, trust will evolve slowly and change will occur accordingly.

Jennifer Conley  
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Metis Family & Community Justice Services, Inc.

# ACKNOWLEDGEMENTS

This document is the submission of Métis Family & Community Justice Services inc., on behalf of all the Métis people across Saskatchewan. This submission would not have been possible without the willingness of the Métis people of Saskatchewan to share their stories and experiences regarding the Canadian Criminal Justice System. This submission is a result of their insights, observations and recommendations resulting from their experiences with the criminal justice system. Thank you.

Many people have made important contributions to this submission and require special recognition:

Minister of Métis Family & Community Justice Services, Alex Maurice

Métis Family & Community Justice Services Board of Directors

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Thank you to Kathy Hodgson- Smith for allowing us to attach her document, “In the Best Interests of All – A Report of the People.”

A special thanks you to Gloria Murdock –Smith for all of her assistance in the development, coordination and writing of this submission. She played a large role in the development of this report and we thank her.

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# TABLE OF CONTENTS

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- Foreword .....i
- Acknowledgments .....ii
- 1. Introduction ..... 1
- 2. Background ..... 5
- 3. Métis – Nation Governance in Saskatchewan..... 8
  - (a) Métis History .....8
  - (b) Métis Nation Political Authority .....10
  - (c) Definition of Métis .....11
  - (d) Métis National Council – 2003 Governing Members .....12
  - (e) Métis Nation – Social Development Sector .....12
  - (f) Métis Nation – Saskatchewan .....13
  - (g) Métis Family & Community Justice Services Inc. ....14
  - (h) Métis Self-Governance - Otipimsuak.....15
  - (i) Summary .....16
- 4. Over-Arching Themes
  - (a) Racism .....17
    - I. What is Racism?
    - II. Colonization and Racism
    - III. Métis Experiences and Realities
    - IV. The Argument of Equality
    - V. Government Response to Racism
    - VI. Media and the Métis Community
  - (b) Socio-Economic Challenges .....22
    - I. Poverty
  - (c) Drug & Alcohol Addictions .....26
  - (d) Cross-Cultural Training .....28
  - (e) Employment Equity .....29
  - (f) Policy Development .....30
  - (g) Fetal Alcohol Syndrome/Fetal Alcohol Effects .....32
- 5. The Métis Family, the Foundation of the Nation .....34
  - (a) Métis Youth in the Justice System .....37
  - (b) Young Offenders .....40
  - (c) Youth Reintegration .....42
  - (d) Youth Alcohol & Drug Abuse .....44
  - (e) Youth Gangs .....45
  - (f) Justice Education .....47
  - (g) Métis Women in the Justice System .....48
  - (h) Elders .....51
    - I. Métis Nation – Senate
    - II. History of the Evolution of Roles & Responsibilities
- 6. Restorative Justice .....54

7. Community Development .....	56
(a) What is Community?.....	56
8. Victims .....	59
9. Policing .....	61
(a) History of Policing .....	62
(b) Métis/Police Relations .....	62
(c) Métis Autonomy .....	63
(d) Community Policing .....	64
(e) Métis Community Involvement in Policing .....	65
(f) The Use of Discretion .....	66
(g) Racism .....	66
(h) Cross-Cultural Training .....	67
(i) Employment Equity .....	68
(j) Excessive Use of Force & Abuse of Authority .....	68
(k) Métis Representation in Positions of Authority .....	69
(l) Racial Profiling .....	69
(m) Language Barriers .....	70
(n) Under-policing and Delayed Police Response Time.....	70
(o) Police Complaints Process .....	70
10. Courts .....	74
(a) Métis Justice of the Peace .....	77
(b) Legal Representation .....	78
(c) Legal Aid .....	79
(d) Alternative Measures .....	80
(e) Youth Criminal Justice Act .....	81
11. Corrections.....	82
(a) Métis Offenders .....	83
(b) Geographic Displacement of Métis Offenders .....	84
(c) Lack of Métis-specific Programming .....	84
(d) Reintegration .....	86
(e) Community Responsibility .....	87
(f) Métis Women Offenders .....	89
(g) Parole .....	90
12. Crime Prevention .....	94
What is Crime Prevention? .....	94
Funding .....	96
Positive Programs .....	97
13. Implementation .....	99
14. Conclusion – VISION .....	100
15. Bibliography .....	103

# INTRODUCTION

You can only judge whether justice has been done afterwards, when it has been substantiated that truth came to people, that help came to people, that reconciliation came to people. Then there has been justice.<sup>1</sup>

– Herman Bianchi

This report is for those who have gone before us and fought to survive in the face of racism, oppression and ignorance. This report is for Lawrence Wegner, Rodney Naistus, Pamela George, Leo LaChance, and the many unnamed Aboriginal men and women who have paid the ultimate price for ignorance and neglect. It is with a heavy heart that this Commission has been established. The price of this Commission is a burden too great to bear and the feelings of pain and loss echo throughout the Aboriginal community. While these men, and women, who were sons, daughters, fathers and mothers, are gone...they are not forgotten.

This is also for the many community members, men, women and youth who have shared their stories, yet again, for another commission. This is for those who shared their lives and stories of pain, abuse and neglect as a result of an inherently flawed justice system. This is a call to action for all who read this, may it be the community, government or commission members, that something must come of this, or the Aboriginal people of Saskatchewan will continue to pay the price, with their lives.

What is the value of a human life? What is the value of an Aboriginal person's life in Saskatchewan? History has shown us very little in the eyes of those in charge. Pamela George's murderers spent less than three years in jail. Carney Nerland spent even less time in jail for the murder of Leo LaChance. The acquittal of the men in Melfort truly exemplifies our answer and the message is loud and clear.

This will not be a glossy or pretty report. Some may view this report as being too negative or too radical. It's time to get real and face reality. This is reality for many Métis and First Nations people of Saskatchewan and it's time for people to know the truth. The words may be harsh or fall on deaf ears but this is time for change. The federal and provincial governments need to heed these words wisely as the community is watching and waiting for action. Something must come from this Commission.

Many community members across Saskatchewan have voiced concerns regarding the fate of this commission. Will this be yet another report to sit on the shelf? We don't have those answers but we must come up with them. Another concern is that this commission is bound to make recommendations that are "fiscally responsible." Real change is necessary to improve the lives of Aboriginal people in Saskatchewan and as such, for the province as a whole. We do not need "surface" changes, but real significant improvements to the justice system and the socio-economic conditions of Métis people of Saskatchewan. The discussions, observations and recommendations developed in this submission will act as a catalyst for change. This is only the beginning to change the long and perilous journey that many have gone down before and whose children do not deserve to bear witness as well.

<sup>1</sup>Bianchi, H. (1994). *Justice as Sanctuary: Toward a New System of Crime Control*. Bloomington: Indiana University Press.

## SUBMISSION OVERVIEW

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The development of the Métis Family & Community Justice Services, Inc., submission to the Commission on First Nations and Métis Peoples and Justice Reform has been guided by the following principles.

1. The drafting and final submission of the MFCJS submission will be representative of the Métis peoples of Saskatchewan,
2. The right to self-determination for the Métis people will be an integral part of the submission,
3. The recognition of the Métis Peoples of Saskatchewan as a distinct society and because of this Métis peoples have certain rights that are distinct from First Nations and Inuit peoples. This has been commented on in the Supreme Court of Canada decision regarding Powley.
4. The history of the Métis peoples in Saskatchewan must be included as well as the continuing struggle for rights and recognition of the Métis people of Saskatchewan,
5. Every effort will be made to ensure that the final document will be reflective of the views of the Métis peoples of Saskatchewan and Métis Family and Community Justice Services, as an affiliate of the Métis Nation – Saskatchewan.

Métis Family & Community Justice Services Inc. hired a half-time Justice Researcher to assist the Commission on First Nations and Métis Peoples and Justice Reform in achieving its mandate. An important role of the Justice Researcher was to act in a liaison capacity between the Commission and the Métis peoples of Saskatchewan. In this capacity the Justice Researcher also accompanied the Commissioners to many community dialogues, formal presentations, Town Hall meetings and roundtables focusing on the eight critical issues identified by the Commissioner.

Secondary to this, the Justice Researcher conducted dialogue with communities without the Commission on First Nations and Métis People and Justice Reform in attendance. The Justice Researcher went to communities that Métis Family & Community Justice Inc. identified as being critical or upon invitation from the community. It is important to note that all Métis communities were not visited, as this was not possible. Métis Family and Community Justice Services hopes that the positions and views included in this position paper are acceptable to all Métis people in Saskatchewan. Every effort was made to ensure that the final document is reflective of Métis communities as best possible.

The primary goal of the Justice Researcher was coordinating, researching and writing of Métis Family and Community Justice Services formal response to the Commission on First Nations and Métis Peoples and Justice Reform. The development of the MFCJS submission will include:

- Feedback, direction and information from Saskatchewan Métis communities with regard to issues with the current justice system;
- Feedback from the Commission on First Nations and Métis Peoples and Justice Reform Community Dialogues;
- Feedback from the Commission on First Nations and Métis Peoples and Justice Reform site visits;
- Feedback from the Commission on First Nations and Métis Peoples and Justice Reform formal presentations;
- Feedback from the Commission on First Nations and Métis Peoples and Justice Reform roundtables based on the identified eight critical issues;

- Feedback and direction from Métis Regions, Métis Locals, Métis Women, Métis Youth, Métis Elders, and any other Métis organization that wished to contribute;
- Inclusion of Saskatchewan Métis resources and reference material pertaining to the criminal justice system; and
- Review of previous Justice Commissions and reviews. Particularly the Saskatchewan Métis Justice Review Committee, the Royal Commission on Aboriginal Peoples and the Aboriginal Justice Inquiry of Manitoba.

## LIMITATIONS

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One of the challenges of researching and writing of this submission is the clear lack of published research regarding Métis people. (Barkwell: 1991). While great strides have been made in this area through the Gabriel Dumont Institute, Métis National Council, and the Manitoba Métis Federation, there is still a great need for research. Information is especially lacking in the area of justice, health, economic development, and child welfare. (Barkwell: 1999). Métis Family and Community Justice Services have also been conducting research recently in the area of justice. There is still a great need for more resources in this area, which calls for the government to provide more resources for such endeavors. It also indicates a need for intersectoral collaboration between the Métis Nation – Saskatchewan, Métis National Council, Métis Nation affiliates and academic institutions such as Saskatchewan Indian Federated College, University of Saskatchewan and University of Regina and any other interested partners.

This also identifies the need for creation of a Saskatchewan Métis Research Institute with a mandate to conduct research into governance, justice, health, economic development, child welfare and any other areas identified as a priority by the Métis Nation – Saskatchewan and various stakeholders.

## PROJECT APPROACH

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“The position of the Métis people remains that they have an inherent right to be a self-governing nation and to have control over law making in the administration of justice. The Métis have always claimed sovereignty over matters relating to their own people and have continually struggled to be self-governing.”<sup>2</sup>

The preceding quote is the Métis Society of Saskatchewan justice position statement to the Saskatchewan Métis Justice Review Committee of 1992. This is the fundamental principle guiding this submission, as it was over a decade ago. It is within this framework that this document is created.

Another main theme and approach of this submission is found within the mandate of the Métis Nation – Saskatchewan. The Métis Nation – Saskatchewan has the mandate to pursue the rights of the Métis within Saskatchewan and to work towards development of the social, cultural, economic, civil, political and legal rights of the Métis. It is within this tenet that this submission is gathered. The Métis Nation – Saskatchewan seeks to build fair and equitable partnerships with the rest of Saskatchewan. These partnerships must be based on mutual respect and understanding for the development of governance structures within the Métis Nation.<sup>3</sup> Respecting the governance structure includes respecting the Métis Nation- Saskatchewan’s right to control the administration of justice and law-making authority such as the Constitution of the Métis Nation, and the Métis Act. The Nation also desires the right to become equitable members of society and contributing to the economy of Saskatchewan, for the betterment of the province as a whole.<sup>4</sup>

<sup>2</sup> Linn, Patricia (1992). *Report of the Saskatchewan Métis Justice Review Committee*. Regina: Saskatchewan Justice. Métis Society of Saskatchewan – Justice Position Statement.

<sup>3</sup> Métis Nation – Saskatchewan Website, [www.Métisnation-sask.com](http://www.Métisnation-sask.com). March 31, 2003.

<sup>4</sup> Ibid.

Métis Family & Community Justice Services Inc., has two main goals in the development of our submission:

1. To provide the Commission on First Nations and Métis Peoples and Justice Reform of Métis perspectives on justice related issues within Saskatchewan;
2. To develop achievable short –term and long-term recommendations that will:
  - Reduce levels of Métis offending;
  - Reduce levels of Métis victimization;
  - Reduce levels of Métis recidivism;
  - Improve the safety of Métis communities in Saskatchewan;
  - Identify an implementation vehicle suitable to Métis people of Saskatchewan that will ensure that recommendations of the Commission on First Nations and Métis Peoples and Justice will be implemented.

The Commission on First Nations and Métis Peoples and Justice Reform has identified eight critical areas in the pursuit of fulfilling their mandate. They are as follows:

1. Racism
2. Restorative Justice
3. Youth/Children
4. Crime Prevention
5. Policing
6. Victims and Violence
7. Justice Institutions
8. Governance and Community Development

Métis Family and Community Justice will attempt to encapsulate the Métis perspectives on the above issues in this submission and provide recommendations for future justice reform based on those perspectives. This report reflects the concerns, issues, and solutions from Métis Elders, communities, individuals, organizations and youth. Métis people will be watching to ensure that their voices have been heard. In the spirit of Herman Bianchi, we will only know that this Commission has been successful by its outcome. The real measure of success will be improving the lives of Métis people in Saskatchewan.

# BACKGROUND — CONTINUED DISREGARD FOR THE MÉTIS PERSPECTIVE

The Métis people of Saskatchewan have an inherent right to the resources and bounty of this country and a birthright to govern and control their own affairs. Beginning with the laws of separation and oppression by the Canadian government in the 1880's the Métis of Saskatchewan continue their fight for recognition of rights to the land and wealth of Canada. Recent developments within the courts have finally affirmed these rights. Although the Métis community still await policy changes within the Provincial government, the recent Supreme Court decision of Powley bids favorably on the Métis of Saskatchewan to enjoy hunting, fishing and land rights in their communities originally taken by the Canadian government.

Since the repatriation of the Canadian Constitution in 1982, the Métis Nation -Saskatchewan (MNS) has endeavored to make progress in the areas of social, cultural, economic, civil, political and legal rights. While the entrenchment of the rights of the Métis people, as one of the three Aboriginal Peoples of Canada, is important, the Métis Nation - Saskatchewan feels that the Constitutional process cannot provide all of the solutions to the immediate needs of the Métis in Saskatchewan. Through the MNS governing structure, numerous issues can be dealt with in a democratic way through elected leadership and capacity development to operate institutions that are effective but understaffed and limited for further development.

Despite the overwhelming number of issues and demands faced by the leadership and its institutions the Métis Nation remains committed to the principles of the Nation, seeking out ways of addressing the needs of Métis people and to alleviate the immediate hardships faced by Métis individuals. The Métis struggle as Aboriginal people has resulted in the achievement of Métis rights and will work itself successfully towards self-government. Work continues toward establishing governance of the programs and services offered within Métis urban and rural communities, of Métis historic lands, and of the culture and language of Métis. Saskatchewan Métis seek to build real partnerships with the rest of Saskatchewan, partnerships that build governance structures within the Métis Nation, and to become equal players in the development of Saskatchewan's economy for the betterment of the province as a whole.

The Métis people of Saskatchewan continue to be subjected to unfair and ignorant practices within the systems they ironically are dependent upon. In Justice, Aboriginal people have become the primary clients and victims throughout all levels of the legal system, from police to incarceration. Aboriginal people in Saskatchewan constitute the most over-represented group in the justice system in Canada. Jail populations are at upwards of seventy five percent Aboriginal peoples. The high numbers speak to the systemic racism and a colonizing power that is entrenched within this antiquated system that claims to control true justice in this country. Statistics show that most crimes committed by Aboriginal men, women and youth are due to one of the following: poverty within the community; not understanding the language and expectations of this system; or the common practice of over policing of Aboriginal people.

Aboriginal youth are the most vulnerable to life on the street. Their experiences include police brutality and the lure of gang membership in urban settings in Saskatchewan. This quickly draws them into the hands of the law and eventually into correctional centers. Incarceration rates for Aboriginal youth are higher than their adult counterparts. These facts, in addition to the recent unexplained deaths of Aboriginal men in Saskatoon, are creating great concern with the community, forcing government to act. Government's response was to create yet another study. Consequently a Commission was established to review these facts and to make recommendations for change. This step managed to silence (for the time being) the opposition and put a hold on positive change within the Justice system while the problem was once again studied. The hope from the Métis community was that maybe, against all odds, change would occur with the creation of this entity, but only if its creation was premised on a respectful, reciprocal, partnership building approach, respecting all parties and their positions within the Aboriginal community in Saskatchewan.

Contrary to the basic expectations of the Métis community regarding the establishment of this Commission, the MNS experienced a complete absence of basic professional consideration during its creation. The leaders of the Métis Nation are affronted due to the poor and questionable treatment during the creation and establishment of the Commission on First Nations and Métis Justice Reform (JRC) for a number of valid reasons. Intentionally denying the Métis their voice at a table where a review of Métis people's oppression is to be evaluated is reprehensible on the part of the government. A parallel example of this can be drawn from the past where history is once again being repeated. Louis Riel's assertion of self-determination in the 1800's was treated as an affront to the paternalistic government and was subsequently quashed with Riel being put to death by an uninformed government from eastern Canada.

Regarding the current issue, the Métis Nation came to the table during the early negotiations for the establishment of the JRC, even though it appeared to be a First Nations driven initiative. This issue was put aside and the MNS proceeded in an effort to create partnerships and build bridges with all those involved. Early on there were signals that the government had mishandled this Commission, not just with Métis Nation but also for other Aboriginal groups in Saskatchewan. To effectively represent the MNS, two very credible and solid names were proposed from the Métis community. They were rejected outright. Reasons are still unknown. The MNS believed the process was based on principles of equality and reciprocity. Unfortunately this was not so.

Understandably the Métis people of Saskatchewan are outraged. Following this treatment and the outright rejection of the MNS's position there was no other reason to continue with this process, the MNS pulled out of it altogether. After the mishap with government, attempts were made to restore the MNS position at the table, to no avail, following the rejection of the two names. A boycott was seen as the most rational decision since all other options to be open, adaptable and be patient had been intentionally destroyed by the government. This boycott received the full support of the MNS leadership.

The Saskatchewan government went ahead and selected a person that was purported to represent the Saskatchewan Métis community. In a formal response from government regarding this, the MNS was told that a Métis representative had been chosen. However, the government appointed Métis representative further clarified her position in a meeting with MFCJS, where she stated that she was not appointed to represent the Métis people of Saskatchewan. In an attempt to restore Métis input into the work of the JRC, senior justice staff invited MFCJS to prepare a report reflecting the Métis communities view on the subject and to be part of the technical aspects of the JRC.

The way the Métis community was treated signifies a contravention against the (JRC's) purposes, goals and principles in establishing this Commission. This Commission was supposed to build bridges and establish partnerships in order to review the way the justice system deals with Aboriginal people in Saskatchewan. Undermining and outright rejection of the Métis position and its contributions to this Commission by unilaterally appointing someone other than those names previously put forward is seen as contempt for the Métis Nation.

As this scenario unraveled with regard to membership, government intent on solidifying their representatives on the JRC appointed a person and in doing so violated ethics in relation to the Aboriginal community in Saskatchewan. A JRC Commissioner was involved in a very high profile case in Melfort. This case involved the violation of young Aboriginal girl by three non-Aboriginal men. Throughout the Commission's mandate many concerns regarding this issue were raised by community members. Community members requested that this Commissioner resign as they viewed his involvement in this case as a severe conflict of interest both morally and ethically.

The position of the Métis community regarding this case is that a young Aboriginal girl has been both privately and publicly violated, first through the rape by three men from Melfort and then from a justice system and its

servants. As the awareness of this hypocritical incident got out within the Aboriginal community, more and more people made public pleas to both government and the JRC Commissioner to either drop the case or resign from the JRC. These concerns were brought to the Commission directly as well as to government. Government quickly distanced itself from the issue and claimed that it (JRC) was an independent Commission and they had no legal right to interfere, since they had completed their selection processes already. The Commission's Chair maintains a position that they are following the letter of the law and they have other jobs to fulfill, as they are only 1/3 Commissioners. In order to address the issue the services of an out-of-province legal opinion was requested and it found there was no conflict of interest in this lawyer's actions by representing the family prosecuting the young Aboriginal girl.

Regardless of the justice system's laws about a lawyers ethics or conflict of interest, it is strikingly clear that this lawyer violated the interests of the Saskatchewan Aboriginal community by accepting an appointment that requires an amount of conscientiousness to the Aboriginal for ones views and actions. Especially since he has been charged with the responsibility to review the injustices and work with this very community in his role on the JRC. Rightfully so, this has caused outrage because it violates human ethics toward the young girl, her family but also the whole Aboriginal community in Saskatchewan.

The position taken by the government and the JRC is that they will follow the common law of Canada, regardless of the human rights that were violated in this case. Understandably Canadian law does not apply in this matter as interpreted by the Aboriginal community. It is a challenge for the Aboriginal community to trust yet another Commission to review and assess the relationship between the Canadian justice system and the Aboriginal community, with or without them. This so-called conflict of interest issue represents a microcosm of the larger issues facing Métis people in Saskatchewan in relation to the justice system.

# MÉTIS NATION GOVERNANCE IN SASKATCHEWAN

## AN OVERVIEW OF MÉTIS SELF-GOVERNANCE AND SELF-DETERMINATION

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In establishing parameters for understanding the position and content of this section, one must have an understanding of Métis history and how Métis people came to be an autonomous nation. By respecting and accepting these fundamental realities, one can begin to gain an understanding of the role Métis political organizations have played within Canada, how this relates to Métis governance in Saskatchewan today, and the role it must play in reforming the justice system. The following section provides a brief overview of Métis history intended to assist in this learning process.

## MÉTIS HISTORY

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The Métis Nation refers to individuals descended from certain First Nations and European ancestors who came together during the fur trade era of the 17<sup>th</sup> century and who are today represented by the Métis National Council within Canada. It is not common for a culture of people to know so much of the specifics of their origin. Métis origins are not shrouded in mysticism, nor are they built solely from archaeological evidence. Perhaps some day, hundreds or thousands of years from now, we will become legends unto ourselves. But for now, we have written records, oral histories and photographs of some of our ancestors who forged a new Nation of people; created a functional language – Michif - and carved out a homeland of settlements and trade routes across vast expanses of land. Métis culture emerged with our ancestors who were the children of the fur trade.

Since much of the fur trading activity was based in the region of the Great Lakes, we know this is where some of our Métis ancestors originated. It is important to remember, however, that with the exploration of the western parts of the landscape, British, Scottish and French fur trade employees spent many years with First Nations' communities hence contributing to the large number of mixed-blood children across the west.

Our mixed-blood ancestors were unique, even in those early days of existence during the 1600's. They found that they did not "fit in" with maternal tribal groups, nor were they accepted as equal within their paternal working environments. The politics of humanity were alive and well, even in those days. And so, as the mixed-blood people found companionship and camaraderie with each other, it became a natural progression of events to share mixed-cultural practices, mixed-languages and to continue the propagation of mixed marriages.

Naturally, as contact and trade relations increased in the 1700's, common experiences and practices were being shared amongst the mixed-blood people. Frequently, mixed-blood people would leave tribal communities and create smaller mixed-blood communities near the fur trading forts or in other strategically placed areas. The historic Métis community of Ile-a-la-Crosse, Saskatchewan dates back to at least 1776, although there were even older Métis communities in the Great Lakes region. As well, in other parts of the western regions around the Hudson's Bay area, the Lowland Cree people became known as the Homeguard Crees, although it is believed that many were mixed-blood people. They provided essential services to the fort employees, helping them to survive through onerous seasonal climates that the traders were not prepared for. Métis men could easily make a living by trapping, guiding, interpreting, moving canoes of furs and other roles that required mediation between the First Nations and European traders. While the men took on these roles, women provided domestic services required, hunted small game, harvested botanicals and manufactured adequate clothing and equipment for the residents of the camps and forts. In essence, these women had to teach the newcomers how to survive. One of the cornerstones of Métis pride in Saskatchewan today is the Gabriel Dumont Institute, which trains highly skilled and much sought after teachers, specializing in cross-cultural relations. In the days of the fur trade, however, it was a matter of life and death for the visitors.

In the eastern regions, mixed-blood communities were being established. By the early 1800's thriving communities were established in Sault St. Marie and Winnipeg, as well as northern United States' cities such as Detroit, Michili-Mackinac, Chicago, Milwaukee, Green Bay, and Prairie du Chien. The War of 1812 led to a takeover of land south of the Great Lakes by the Americans, causing an exodus of Métis living in that region to Minnesota, North Dakota and upwards toward Red River. Some stayed, but many were forced to relocate causing great hardship to their families. During this time many Métis people were working independently as labourers and were available to hire on contract. Some went to the Red River area of what is now southern Manitoba and began to provide services to the North West Company providing buffalo meat and pemmican. Communities of Plains Métis arose around the West, separated geographically but united by ties of kinship.<sup>5</sup>

In the west, many Métis ancestral birth records cite the place of birth as North West Territories, which does not refer to the north of 60 area of today, but rather, the prairie regions of Canada. Although Métis cultural communities were separated by great geographic distances, distinctive cultural practices were developing including language and economic systems. Living in a variety of environments and geographical locations, mixed-blood people adapted to the local customs of survival with Euro-customs, creating a manageable lifestyle for their families. For those who had common history and cultural practice, it was desirable to live within the constructs of a mixed-blood community. By the later part of the 1800's, the Red River settlement was home to nearly 10,000 French and English descended Métis.

While it is difficult to separate political developments from the evolution of a new-born culture, it is important to remember that on a practical level the Métis wished to ensure not only the survival of their families but a good quality of life that supported their cultural practices. There was no lack of creativity employed in this regard. Imagine for a moment, what it would be like to live without any of the conveniences of a developed world. Imagine lacking the collective support of tribal groups or colonial societies. Imagine the need to find a way of using only the skills you had to build a life. Imagine the bonds that would be forged with others living in the same situation.

Métis people created new technologies (like the York Boat and the Red River Cart) that could facilitate commerce. Children were encouraged to be multi-lingual. Men became known for their rifle skills, physical strength and endurance. After long hours of domestic work, women created beautiful artifacts that also served practical purposes. Beaded decorations mimicking flowers graced clothing, gun cases, saddles and furniture. Then, as now, Métis design is seen as a symbol of identity and artistic skill. One had to have many skills to live in the days of the fur trade.

As the development of Canada continued, however, Métis people began to see the loss of their traditional livelihoods as the fur trade waned. Even more devastating was the eradication of the great buffalo herds as a means of controlling Indian populations and breaking the Métis control of the pemmican trade. Facing these new circumstances, the Métis people of the western prairies took up agricultural practices as a means of supplementing their work as freighters. Finding success in this regard, Métis communities continued to grow and flourish until the negotiations for Confederation in 1867 created an environment forcing the Métis into political assertiveness to protect their land and lifestyle. The creation of the Manitoba Act in 1870 provided the Métis with some provisions demanded by the Métis Provisional Government but it also forced Louis Riel out of the country to escape persecution by Canada's military. It was at this time that several members of Riel's Provisional Government were hunted down and killed by the Canadian military.

It was after 1870 that the Canadian government devised a plan to hoodwink the Métis people out of their land using the scrip system, creating a blood-soaked stain on the fabric of Canadian history that lingers until this day. The Manitoba Act had arranged for 1,400,000 acres of land to be set aside for Métis individuals. Scrip was to be given out in 240 or 160-acre blocks. But, in the years that followed, the Métis would see most of this land in the possession of other people. Scrip fraud, land speculators and harassment would all play a role in ensuring the Métis would be forced away. Some left to go to the northern United States, but others moved west to Saskatchewan and Alberta (which did not become provinces until 1905). In 1873, Métis people had established a community government at St. Laurent, with Gabriel Dumont as their President.<sup>6</sup>

<sup>5</sup> Brizinski, Peggy. *Knots in a String*. 2nd Edition. University Extension Press. University of Saskatchewan. 1993. p.129

<sup>6</sup> Ibid, pp. 137.

In 1879 the federal government amended the Dominion Lands Act to extend the granting of scrip to Métis people in the “Northwest Territories”, but nothing was being done to carry this out.<sup>7</sup> Still, during the early 1880s, the Métis were working hard to build a life to conserve what was left of the Bison and to bring order to the region. But once again, land speculators were showing up as word of the plans for expansion of the Canadian National Railway got around. Once again, the Métis were seen as an obstacle in this process. Land prices rose and fell as plans changed and drought hit the prairies. The Canadian government was in no mood to listen to the western Métis, impoverished Indians or farmers who couldn’t sell their grain. Louis Riel was brought back to Canada by his fellow Métis. The subsequent events of 1885 are well documented, leaving a tragic and shocking legacy by a national government. After engaging Canadian armed forces in battle at Batoche, Saskatchewan, the Métis who survived felt the full-fledged persecution of those who would stop at nothing to seize the lands of the Métis. The Canadian government went even further in carrying out their belief that the execution of Louis Riel would put an end to the Métis resistance once and for all. They were wrong.

Further north in Saskatchewan, Métis people were able to continue their unfettered traditional cultural lifestyles as hunters and trappers for a while longer, but the Province of Saskatchewan was soon entrenched in Confederation, scrip commissions eventually came, jurisdiction over natural resources was transferred to Saskatchewan in 1930, and finally, the state and church joined forces in the form of residential schools, forcing Métis people off the land and into communities where, for many, the horror of an unbreakable cycle of dependency was born.

Over these generations, one of the most damaging effects history has left with us is the removal of Métis people from their traditional lands. Coupled with restricted access to education systems in the late 1800’s, many Métis came to be known as “road-allowance people”. Extremely poor and living in small areas between towns and road ways where there were no taxes, children of Métis families were not allowed in town schools, nor were they generally allowed to attend schools established for First Nations people - sometimes being forcefully removed by the local Indian Agent. Later, the residential school experience crushed what was left of most Métis people’s desire to have anything more to do with school. This is extremely significant in understanding how disadvantaged the Métis people had become, not by their own design, but as a result of deliberate action by the Canadian government. How does a Nation of people recover from such a history?

## MÉTIS NATION POLITICAL AUTHORITY

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The development of unity through political organization once again became the life-blood of the Métis. The Saskatchewan Métis Society (now the Métis Nation - Saskatchewan) was formed in 1938. This political movement, along with others across the Métis Homeland, led to a revitalization of the Métis Nation and its communities. As well, these political movements and their structural manifestations formed the initial frameworks for the community, provincial and national governance structure of the Métis Nation in place today.

In addition to this Métis revitalization, a new Aboriginal political awareness began to develop within Canada in as early as the 1950s. The deplorable socio-economic conditions facing Aboriginal people were a national embarrassment. As well, Aboriginal individuals and communities began to seek justice through the Canadian judiciary. Similar to the Aboriginal and settler confrontations of the 1800s, the Métis were in the forefront of this new agenda pushing to have their rights and needs addressed.

In order to move forward on this political agenda, the Métis Nation joined with non-status Indians and other Aboriginal peoples in forming regional / provincial political organizations and structures to draw attention to the disgraceful socio-economic conditions facing Aboriginal peoples living both on and off reserves throughout Canada. These newly formed regional and provincial associations / organizations were brought together under a national organization, the Native Council of Canada (NCC). However, even within these pan-Aboriginal organizations the Métis Nation’s distinct and identifiable existence persevered.

In 1982, these pan-Aboriginal organizations realized a monumental success on their political agenda with the recognition and protection of existing Aboriginal and Treaty rights in the Canadian Constitution. In particular,

<sup>7</sup> Ibid pp.140

this was a triumph for the Métis Nation with the explicit recognition of the Métis as one of Canada's three distinct Aboriginal peoples within s.35(2) of the *Constitution Act, 1982*. Following the 1982 constitutional amendment, a series of four First Ministers Conferences (FMC) were to be held in hopes of elaborating on and agreeing to additional changes needed to address and implement the new Aboriginal provisions of the Constitution Act, 1982.

Prior to these FMCs, it became apparent that the Métis Nation needed to once again represent itself on a national level through its own voice - a Métis voice. The pan-Aboriginal structure of the NCC (now known as the Congress of Aboriginal Peoples) did not allow for the Métis Nation to effectively represent itself. The Métis Nation was concerned then and continues to be concerned that when the Métis are grouped into pan-Aboriginal processes with non-status Indians and other Aboriginal peoples, their distinct existence and Aboriginal rights are not addressed, recognized and protected. Therefore, in March 1983, the Métis Nation separated from the NCC to form the Métis National Council - its own Métis-specific national representative body.

Aligned with this national direction, the Métis people and their communities, which were then also part of regional pan-Aboriginal organizations began to separate from those organizations to return to their own Métis-specific governance structures. These Métis-specific governance structures (the MNC and its Governing Members in five provinces) now represent the contemporary manifestation of the Métis Nation's existence, as an Aboriginal People within Canada. Through individual and collective action these political representative structures continue to push forward on the Métis Nation's struggle for the implementation of its inherent right to self-government, while continuing to evolve as governance structures for the Métis Nation.

The MNC is the national body that is mandated by the Governing Members collectively coming together. It was created to provide a national and international voice for the Métis Nation within Canada. In this capacity, the MNC has represented the Métis Nation within all constitutional processes since 1983, is recognized by the Government of Canada as the governing structure representing the Métis Nation within Canada, intervenes on behalf of the Métis Nation within on-going litigation involving Métis rights and represents the Métis Nation at an international level within the United Nations and the Organization of American States. The MNC is also responsible for developing national policy to move forward the self-government vision and aspirations of the Métis Nation. This is achieved through on-going bilateral processes with the Government of Canada. The MNC does not undertake direct program and service delivery initiatives to Métis individuals, which is the responsibility of the Governing Members, but acts as a facilitator for the implementation of Métis self-government through its national structure and the Governing Members.<sup>8</sup>

## DEFINITION OF MÉTIS

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In September 2002, the Métis National Council adopted a definition of Métis that is consistent with the wishes of the Nation. They said:

THEREFORE BE IT RESOLVED that the Métis Nation adopts the following defined terms for its national definition of Métis;

“Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in Historic Métis Nation Homeland;

“Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known;

“Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the “aboriginal peoples of Canada” within s.35 of the Constitution Act of 1982;”

Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.

<sup>8</sup> Métis National Council. *Snapshot of the Nation*. 2002. (p.6-7)

## MÉTIS NATIONAL COUNCIL: 2003 GOVERNING MEMBERS

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Métis National Council

President - Clem Chartier

Métis Provincial Council of British Columbia

President - Harley Desjarlais

Métis Nation of Alberta

President - Audrey Poitras

Métis Nation - Saskatchewan

President - Clem Chartier

Manitoba Métis Federation

President - David Chartrand

Métis Nation of Ontario

President - Tony Belcourt

The Métis National Council six-member Board of Governors is comprised of the five Presidents of the Governing Members and a National President. In addition, the Métis National Council has established a Cabinet structure overseeing Social Development, Economic Development, Health, Culture and Heritage, Environment, Governance, International Affairs, Women and Youth. In addition, the MNC has a number of Working Groups including one on Justice and Corrections.

## MÉTIS NATIONAL COUNCIL: SOCIAL DEVELOPMENT SECTOR

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### *Justice and Corrections*

The MNC has an on-going working relationship and maintains regular communication with Justice Canada and Corrections Canada on a number of fronts. An MNC Justice / Corrections Working Group made up of the Governing Members is tasked with building a new relationship between Canada and the Métis Nation in these areas. The Working Group serves as a conduit for regional and local input in policy matters and assists in the identification and promotion of best practices in community justice and corrections initiatives.

In 2001, a discussion paper entitled, *"Towards a New Partnership"* was developed through on-going consultations with the MNC Justice / Corrections Working Group. The purpose of the discussion paper was to:

- facilitate dialogue and develop a process in order to engage a new and mutually beneficial partnership between the MNC and Justice Canada;
- provide improved Métis access and control of Justice Canada's community justice programming; and
- increase Métis input in broader justice policy development

The proposed foundation for developing a new relationship between the MNC and Justice Canada is a national Protocol. Discussions on such a Protocol are on going between the MNC and Justice Canada. This new relationship is also timely in light of the renewal of the Aboriginal Justice Strategy. The AJS does not have a history of appreciating or addressing the unique needs of the Métis. It is hoped that this new relationship between the MNC and Justice Canada will ensure improved Métis involvement. As well, it is hoped this new relationship will act as an impetus to overcome problems of inequitable Métis access to other Justice Canada community justice initiatives such as the Crime Prevention Strategy, Youth, Victims Support, and others.

A multi-year agreement covering 2002 - 2004 was negotiated between the MNC and Corrections Service Canada, and supports the MNC in developing mechanisms and work plans to obtain the views and recommendations of the Métis Nation in the renewal of Section 81 and 84 of the Corrections and Conditional Release Act. It is anticipated that changes to this Act will consider alternative sentencing, youth diversion and improved rehabilitation efforts which will lead to a reduction in the over representation of Métis offenders in Canada's correctional institutions.

Other issues being discussed with Corrections Service Canada include: HIV / AIDS strategies, Métis Cultural curriculum for use in federal correctional institutions, recruitment and retention of Métis personnel within CSC and Métis access to community-based corrections services.

In March of 2001, the MNC participated in a planning session of the Aboriginal Research Branch of CSC in Winnipeg to determine priorities for the current fiscal year. Métis representatives placed emphasis on the need for increased internal and external research on Métis offenders and Métis support initiatives. In order to assist in its policy development role, MNC representatives toured federal corrections facilities in Joyceville, Grande Valley and the Elizabeth McNeil House. As well, the MNC met with Native Brotherhoods and Sisterhoods to determine the issues and concerns of Métis within federal correctional facilities.<sup>9</sup>

## MÉTIS NATION - SASKATCHEWAN

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The Métis Nation - Saskatchewan (MNS) is the MNC Governing Member that represents the interests of approximately 70,000 Métis people in Saskatchewan. The MNS has the mandate to pursue the recognition of Métis social, cultural, civil, political and legal rights within Saskatchewan and to work towards the implementation of the Métis Nation's inherent right of self-government.

In 1993, the MNS adopted a Constitution that established the MNS as a self-governing entity outside of the Saskatchewan Non-Profit Corporations Act. However, at the same time, the MNS maintained a Secretariat, incorporated under the SNPC, for the sole purpose of carrying out the administrative duties of the MNS. Within the MNS Constitution, a Provincial Métis Council is established which consists of eighteen councilors who are elected by ballot box every four years and governs the MNS for that term. The MNS Constitution also establishes a Legislative Assembly that has the authority within the MNS to enact legislation, regulations and rules that govern the affairs and conduct of Métis within Saskatchewan. To date, the MNS Legislative Assembly has enacted the Métis Wildlife and Conservation Act, Senate Act, Métis Nation Legislative Assembly Act, Citizenship Act and Election Act. These Métis laws now govern the MNS and its citizens.

On January 28, 2002, the Government of Saskatchewan proclaimed The Métis Act within the Saskatchewan Legislature. The Métis Act has three principle features:

- to recognize the distinct culture and heritage of the Métis people, as well as their contributions to the Province of Saskatchewan;

<sup>9</sup> Ibid pp.15-16

- to establish a process for bilateral negotiations between the MNS and the Government of Saskatchewan based on four areas of harvesting, lands, governance and capacity; and
- to establish the legal recognition of the MNS Secretariat Inc's existence outside of the SNCA. The Métis Act makes the MNS the first Governing Member of the Métis National Council to have its corporate existence recognized outside of provincial not-for-profit corporation legislation. In addition, an accompanying Memorandum of Understanding between the MNS and the Government of Saskatchewan engages a bilateral process for the MNS to address Métis governance issues, as well as, other important agenda topics.<sup>10</sup>

The Métis Nation - Saskatchewan has well-established service delivery infrastructures through affiliated structures and institutions, known as MNS Affiliates. These include:

- Métis Employment and Training of Saskatchewan Inc. (METSI)
- Gabriel Dumont Institute (GDI)
- SaskNative Economic Development Corporation (SNEDCO)
- Clarence Campeau Development Fund (CCDF)
- Provincial Métis Housing Corporation (PMHC)
- Métis Addictions Council of Saskatchewan Inc. (MACSI)
- Métis Family and Community Justice Services (MFJCS)
- Saskatchewan Métis Recreation, Culture and Youth Inc. (SMRCYI)

These MNS Affiliates have evolved as a part of the MNS' overall governance structure. Although the Affiliates are separate corporations, all MNS Affiliates are owned and operated by the MNS with the PMC's Minister responsible acting as Chair on the respective Affiliate Board of Directors to ensure that the ultimate responsibility for these institutions and structures rests with the elected leadership of the MNS who are accountable to the grass-roots membership.<sup>11</sup>

## **MÉTIS FAMILY & COMMUNITY JUSTICE SERVICES INC.**

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Métis Family & Community Justice Services Inc. (MFCJS) was incorporated in 1992 as an affiliate of the Métis Nation – Saskatchewan, as a result of our recognition of the need to empower Métis communities to address the social and cultural well being of Métis individuals, families, and communities throughout Saskatchewan. MFCJS is responsible for the planning and coordination of Métis justice and social programs within the province. In conjunction with the Métis Nation – Saskatchewan's vision to establish Métis Government to oversee the affairs of its people, MFCJS seeks to empower Métis to plan, develop, implement and administer social and justice services by Métis, for Métis.

MFCJS is governed by a Board of Directors consisting of provincial representatives of the twelve Métis regions throughout Saskatchewan. Representatives to the Board are selected by Métis Regional Councils based on criteria stipulated in the bylaws of MFCJS. Appointments are for a period of three years. The Minister of MFCJS, Alex Maurice, also oversees MFCJS and provides direction. The Minister is a regional director who has been delegated the MFCJS portfolio by the MNS Executive.

<sup>10</sup> Ibid p. 83-84

<sup>11</sup> Ibid pp.87

## ***Mission***

The mission of MFCJS is to promote, strengthen and rebuild the Métis Nation and their communities by supporting cultural and spiritual needs and empowering family centered social and justice programs. As well, MFCJS is responsible in overseeing and coordinating the direction and development of Métis social and justice services.

## ***Mandate***

MFCJS is responsible for facilitating, coordinating and supporting the planning, development, implementation, management and monitoring of local community justice and social programs. MFCJS may on occasion assume direct responsibility when other community structures are not yet available to administer programs.

## **MÉTIS SELF-GOVERNANCE: OTIPIMSUAK**

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Since the Métis culture emerged within Canada, Métis people have worked hard to be recognized as a distinct people, and to continue to be Otipimsuak - their own bosses. In many ways, the Métis have been successful, retaining a vibrant culture and traditional practices. In other ways, much autonomy over land, resources and economic self-sufficiency has been forcefully wrested from the Métis people. So what does this mean today, in terms of Métis self-governance?

There is a subtle difference in terminology that must be clarified. The term “governance” is not synonymous with “government”. Confusing these terms can have unfortunate consequences. Problems with governance and policy issues become defined implicitly as a problem of “government”. This often results in the perception that the onus for fixing it rests with the government. Governance is about how governments and other social organizations interact, how they relate to citizens, and how decisions are taken in a complex world. Thus, governance is a process whereby societies or organizations make important decisions, how they determine who is involved in the process, and how they render account. That is, through the agreements, procedures, conventions or policies that define who gets power, how decisions are taken and how accountability is rendered.<sup>12</sup>

The Métis people have not lost their will to be self-governing, nor have they given up the fight to be recognized Métis Governments. While these struggles for autonomy go on, Métis people continue to work at developing Métis-specific organizations that can provide some measure of self-governance.

In an article published by Mr. Clem Chartier on behalf of the Métis Nation - Saskatchewan and the Métis National Council, he said:

To many, Métis self-government is inconceivable, perhaps because we have been without a land base for the past century. Moreover, many Métis now live in urban areas or small rural communities, and still others live in northern communities under municipal government structures established by the provinces. All that has kept the Métis united over the past century has been the various political and cultural movements and organizations that have continued to exist.

Yet, there is an exception to the landlessness of the Métis with eight Métis settlements set aside by the province of Alberta in 1938. These communities currently exercise a degree of self-government based on provincial legislation.

Because of differences in circumstances, our people will be forging ahead with self-government and self-governing institutions both on and off a land base. It must be pointed out, however, that although self-

<sup>12</sup> Graham, John. Bruce Amos, Tim Plumtre. *Principles for Good Governance in the 21st Century*. Policy Brief No. 15. Institute On Governance. August 2003.

government is possible off a land base, many members of the Métis Nation will not be satisfied with this approach. Many of our people want to acquire a land and resource base upon which they can continue to exist and flourish as a distinct people.

Métis self-government would not be without problems for our people and for Canadians generally. To begin with, many of our people suffer the consequences of colonization; they have become dependent on the Canadian State. It is clear that more education and community development will have to take place in order to continue working on the process of decolonization. Additionally, we need to continue to educate the general public about who we are - as a nation, a culture, and a people with rights.<sup>13</sup>

## SUMMARY

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This paper has been compiled for submission to the Commission on First Nations and Métis Peoples and Justice Reform. The goal of the Commission is to “identify efficient, effective and financially responsible reforms to the justice system. These reforms should improve the justice system so it reflects the strengths and values of aboriginal people, and ultimately lead to safer communities in Saskatchewan.”<sup>14</sup>

It is imperative that the Commission on First Nations and Métis Peoples and Justice Reform honour and respect the autonomy and recommendations of the Métis Nation - Saskatchewan. It is imperative that the Commission on First Nations and Métis Peoples and Justice Reform support new initiatives that not only lead to safer communities in Saskatchewan, but lead to safer environments for Métis people, free from persecution, voicelessness and denial of self-representation. The Métis Nation - Saskatchewan’s Minister of Justice, Mr. Alex Maurice is the current Chair of Métis Family and Community Justice Services of Saskatchewan Inc. This position holds the mandated authority of the Justice portfolio on behalf of Métis citizens residing in Saskatchewan. It is the responsibility of Saskatchewan Justice to ensure that Métis citizens have access to Métis-specific justice programming, that the public at large is educated with respect to the rights of Métis people and that Métis Nation institutions are equipped with adequate human and financial resources to ensure this happens. The current study of justice reform is an opportunity for all stakeholders to learn about justice issues and to make positive change for the future.

<sup>13</sup> Chartier, Clem. *Aboriginal Self-Government and the Métis Nation*. *Aboriginal Self-Government in Canada*. 2nd Edition, Purich Publishing Ltd. Saskatoon, 1999. p. 119.

<sup>14</sup> Saskatchewan Executive Council News Release. *Justice Commission Established*. Justice #01-859. November 2001.

# OVER-ARCHING THEMES

## RACISM

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Racism exists throughout society and has weaved an intricate web throughout Saskatchewan's social systems, institutions and individual worldviews. It is ingrained into the fabric of our society. It does not affect everyone in the same way. For some it is only a passing annoyance while for others it permeates their lives. One who has not experienced overt or subvert racism, discrimination, stereotyping, and oppression cannot fully understand the ramifications of such a disease. It is the root cause of Aboriginal peoples over-representation in all social services systems in Saskatchewan, the reason why many Aboriginal people have been killed within these systems and the impetuous for the creation of the JRC. The JRC's mandate is to reflect the words of the community members during the community dialogues and to provide solutions to the issues. Fundamental to its work is the critical issue of racism. The MFCJS cannot accept work that falls short of this goal, in particular if the JRC's work ignores racism as the underpinning of all activities in relation to Aboriginal people in the justice system.

### What is Racism?

The Saskatchewan Human Rights Commission defines racism as a, "combination of stereo-typing, prejudice and discrimination."<sup>15</sup> The SHRC also goes on to define the following four terms that make up racism:

1. **Stereotype:** is a generalization used to define a group of people based only on the words or deeds of one member of the group.
2. **Prejudice:** an attitude, almost always negative, about a whole group of people. Prejudice is exactly that, a pre-judgment based on stereotypes that we create with incomplete or inaccurate facts.
3. **Discrimination:** what we do because of our stereotypes and prejudices. It's the action we take against others and it humiliates, belittles or disadvantages the victim. Racial discrimination denies people benefits and opportunities that other people enjoy in areas like housing, employment, education and public services.
4. **Systemic Racism/Discrimination:** a continuation of traditionally accepted inequities that keep certain groups from fully participating in the workplace, in our schools, and in many other social institutions.

Saskatchewan public government institutions operate on the premise that each person who accesses these services have similar rights and that each person receive the same level of services. This philosophy presumes that all Saskatchewan people receive similar treatment by these institutions, such as the social and justice system. Legislation, policies and procedures, which are supposed to assist Métis people, are in fact, working against them. This is the most invasive form of racism and is difficult to see and even more difficult to erase. This form of discrimination denies Métis people the right to effectively become part of the community, institutions and social systems.

Discrimination within the justice system denies Métis people their human rights at every turn. The foundation of the criminal justice system is British law created from superior, patronizing, colonizing worldviews, in direct contrast to Aboriginal worldviews or pedagogies. Aboriginal views of the world are based on a foundation of respect, harmony, reciprocity and wholeness. Métis values, history, culture, worldview and social structure are in direct opposition to that which British law is based. The imposition of European beliefs, values and laws has had an adverse impact upon Métis people, as exemplified by the criminal justice system.

<sup>15</sup> Saskatchewan Human Rights Commission (2003). *Erasing Racism*. Retrieved on March 2003 from <http://www.gov.sk.ca/shrc/ErasingRacism.pdf>. (pp. 1)

“...Systemic discrimination involves the concept that the application of uniform standards, common rules, and treatment of people who are not the same constitutes a form of discrimination. It means in treating unlike people alike, adverse consequences, hardship or injustice may result...”<sup>16</sup>

Racism is mostly about ignorance. The current justice system is inherently racist as it enforces the dominant society’s beliefs, values and structure upon others. This sends out the message of racial superiority and reinforces the Métis people into the margins of society.

“So, for me what is racism? It’s ignorance, it’s not having knowledge of who we are, what our histories are, so there’s no place for us to begin. A lot of times we have no common kind of place.”

Elder at Racism Roundtable

“Racism. So we tried not to start with racism. I think a lot of that is it becomes just a daily part of your life so you kind of learn to deal with that and I don’t think – I think there’s a lot of us who don’t put it at the top of our list anymore because it has become a part of growing up and having to learn to live with that. A lot of us that have learned to deal with it...”

CUMFI Presentation

Saskatchewan is a very segregated society. As such, there is very little understanding of who Aboriginal people are and where they came from. When people do not associate with one another, there can be no understanding. As this segregation continues, information about the other group becomes distorted and misconceptions evolve into stereotyping and therefore affect the way one person views another. Crime and incarceration rates continue to rise. As this happens a mentality of “them versus us” is created whereby the non-Aboriginal population armed with little understanding of the issues of crime and racism assume that the differences are too great to overcome. A group consciousness is established based on fear and misunderstanding that one group is the problem and is causing the issues. This is what is primarily taking place in Saskatchewan.

Part of the solution to stop racism is not only to recognize racism in Saskatchewan but to embrace it with all its problems. Only then will it be transformed into a situation that can be changed. This transformation needs to come from both Aboriginal and non-Aboriginal people. An interchange of ideas on our differences and similarities needs to occur. Community forums that bring together a broad cross-section of society to speak openly about race relations, experiences and realities of all its members will help address the gap in information. This will add to cultural awareness and allow us to embrace our community mosaic. Another solution could include an interchange between communities through work placements and secondments within schools. Programs such as Katimavik are good examples of how this can happen.

## Colonization and Racism

When discussing racism one cannot ignore the role that history and colonization has played in altering Métis experiences and worldviews. Much of the literature regarding Aboriginal over-representation in the criminal justice system clearly references colonialism and historical government practices and policies as primary contributing factors. Patricia Monture-Angus, unequivocally agrees that colonialism is the root cause of Aboriginal over-representation in the criminal justice system. “Recognizing colonialism as a central explanation – if not the central explanation – for Aboriginal overrepresentation in the justice system is essential.”

“Colonialism involves a relationship, which leaves one side dependent on the other to define the world. At the individual level, colonialism involves a situation where one individual is forced to relate to

<sup>16</sup> Royal Commission on Aboriginal People. (1996). A Report on Aboriginal people & criminal justice in Canada: Bridging the Cultural Divide. (p.p. 34). Ottawa: Canadian Communication Group – Publishing.

another on terms unilaterally defined by another. The justice system becomes a central institution with which to impose the way of life of the dominant society.”<sup>17</sup>

The correlation between colonialism and Aboriginal over-representation cannot be ignored as it explains the disadvantaged position of Aboriginal people in Canada. A result of colonization and discriminatory government policies is a justice system with systemic discrimination. The literature also suggested that the Canadian criminal justice system is biased against Aboriginal people because it is a system built on European ideologies.

## Métis Experiences and Realities

Racism is an ugly word and discussion about it strikes fear throughout those who speak of it. Many people choose to ignore it or pretend that it does not exist. This is a luxury reserved for those who do not experience it. Racism is a reality for most Métis people in Saskatchewan today. While many people are afraid to address this issue, we cannot continue to ignore or deny this. The creation of the JRC owes its very creation to this fact in this province. Due to the systemic and individual racism inflicted upon the Aboriginal people of this province, many have lost their lives due to this and as a result the Commission was created to examine and report on this. It is time to bring light to the Métis experience of racism in Saskatchewan. While some do not want to look at the past or focus on negative experiences, we cannot do anything less. It is from the history and the negative experiences that we are able to learn. Many Métis people have internalized racism today and it has become our reality. This internalized oppression causes many illnesses, which can be seen in the over-representation of Aboriginal people in the health services. Maria Campbell identifies the effect that racism had on Métis identity in her novel, “Halfbreed:”

“The townspeople would stand on the sidewalks and hurl insults at us. Some would say, “Halfbreeds are in town, hide your valuables.” If we walked into stores the white women and their children would leave and the storekeepers’ wives, sons and daughters would watch that we didn’t steal anything. I noticed a change in my parents’ and other adults’ attitudes. They were happy and proud until we drove into town, then everyone became quiet and looked different.”<sup>18</sup>

In the past, many Métis would choose not to identify as being Métis, for fear of being subjected to the oppression, stereotyping and discrimination that was rampant after 1885. For those Métis who were fair-skinned this was easier to obtain than those who had darker skin color. Having pride and a strong sense and understanding of a personal culture helps one to retain a healthy sense of self. Regardless of the winds of change over the years many Métis still proudly identify as being Métis and hold on to their history, culture and way of life.

Recent statistics on Métis membership across Canada indicates that in some areas of the country, those claiming Métis status has risen upwards of 216 %. The researchers studying this phenomenon attribute this to the recent court cases that recognize Métis inherent rights to land and resources, but also to the growing pride and the desire to belong to an established Métis community in Canada. In Saskatchewan the membership has risen to 26%.

Today, there are many Métis who have not identified as being Métis because of the historical baggage and fear from the past. Many Métis people do not fit into the preconceived notion of who is Aboriginal and who is not. During community meetings established by MFCJS, people discussed the ostracism they faced from First Nations, due to not only the perception that First Nations have more Indian blood quantum, but that they are more distinct and have more rights because of this. To some people, skin colour really matters, and Métis do not fit into a one size fits all conception. It is this paradox that plagues Métis people to this day.

<sup>17</sup> McCaskill. (1983). As quoted in: Monture-Angus, P. (1996). Lessons in Decolonization: Aboriginal overrepresentation in the Canadian Criminal Justice System. In Long, D.A. & O.P. Dickason, (eds.). *Visions of the heart*. Toronto: Harcourt Brace. (pp. 289).

<sup>18</sup> Campbell, M. (1973). *Halfbreed*. Toronto: McClelland and Stewart.

## The Argument of “Equality”

The argument of equality has become a recent topic of contention by some political pundits and media outlets. While the application of uniform standards to Métis people may appear to be fair and desirable, this argument is misleading. When dealing with Métis people, attention must be paid to their history and socio-economic conditions. While those less educated on the history of Métis view Aboriginal rights as the imposition of inequality, it is impossible to ignore the devastating effects of history on the Métis.

“While treating everyone identically might seem to imply that external values or considerations would not effect the objective application of rules, we believe that such a view would be mistaken. Any decision enforces some value. When the value enforced is that of the dominant group in society, however, it is easy for members of the dominant group to look upon the decision not as value-based, but as neutral.”<sup>19</sup>

The application of uniform standards or “one size fits all” justice system may be fair and seem impartial, however this is not the case. When dealing with Métis people, attention must be paid to the role racism, colonization and oppression has played in their current position in society. While treating everyone fairly seems like an ideal goal, this belief is misleading. Even though members of the dominant society believe that they are being fair and impartial by treating everyone equal, they are in fact being discriminatory. The imposition of the dominant system’s value on those of another race or cultural background is discrimination. The justice system has become the ways and means of enforcing the dominant society’s values and beliefs. It is within this belief structure that systemic discrimination finds its roots.

## Government Response to Racism

The current government response to deal with racism is education through cross-cultural training and employment equity. While these are important efforts, they are simply not adequate to deal with the magnitude of the problem. Racism, stereotyping and discrimination are part of one’s worldview or perceptions on how they see the world. What is required for real change to occur is a paradigm shift or changes to the fundamental foundations of society. This will require more than two-day cultural awareness training. This will require more than meeting an employment equity quota. What is required is a shift in the way people view one another or to build bridges through understanding and respect.

Cross cultural training needs to be redesigned to be more inclusive of Métis worldviews, ways of knowing and realities. Current cross-cultural training does not account for this. What is required is more than merely understanding our history; rather it is about who we are today, where we came from and where we are going. This process has to engage both Aboriginal and Non-Aboriginal people from every cross section of society; coming together committed to exploring and breaking down the barriers created by racism. Current cross-cultural training does not account for this. What would be more useful to a justice system employee is a training package based on Métis understandings and beliefs in contemporary society. It is imperative to understand where we come from as a people. However and possibly more important, an understanding of Métis in contemporary society is greatly needed.

Employment Equity is an important program. However, positions for employment equity must be more than token positions. Greater attention should be paid to recruitment and retention of Métis people in positions of authority. We are not bashing the employment equity initiatives however it is simply not enough to have “brown faces” enforcing existing paternalistic government policies and practices. We recommend that more efforts be made to include Métis representation on boards, committees and policy units that develop and implement cross-cultural and employment equity programming.

It is also important to build capacity in Métis organizations that already exist with partnered decision-making processes with other levels of government.

19 Law Commission on Canada (1991). *Aboriginal Peoples and Criminal Justice: Equality, Respect and the Search for Justice*. Ottawa: Law Commission.

## Media and the Métis Community

The role that the media plays in informing the global community is paramount. Newspapers, magazines, television programs, print media, etc., play a huge role in our understandings of each other and in developing worldviews. When one specific group is portrayed negatively over and over again in the media, people begin to believe what is presented to them. It becomes propaganda in its purest form, to continue the spread of false information against one race of people.

If an individual were to read the newspapers as of late, they would have a very negative opinion of Métis people. Aboriginal people, being over-represented in the justice system garners more negative news stories than other Saskatchewan people. All are repetitive and sensationalized.

There is very little media coverage of the positive that is happening in the Métis community. If newspapers were the only form of communication one would be led to believe that the only issues relating to Métis people are under-funded elections, infighting and unaccountability. Of course this is not the case, as there have been some very positive movements in the Métis community.

### WE RECOMMEND THAT:

1. The Government of Saskatchewan review and revise current human rights legislation in partnership with the Métis Nation - Saskatchewan in an effort to expand and/or strengthen laws concerning enforcement, it's applicability and the extensive time that it takes to bring a charge to court.
2. The Government of Saskatchewan in partnership with Métis Nation - Saskatchewan review existing government policies and procedures for systemic discrimination.
3. The Government of Saskatchewan establish policy and legislation concerning Métis employment equity programs to be implemented in all employment sectors including private businesses. Create incentives for participation and implementation of such policies especially concerning government departments and private businesses.
4. Everyone involved in the criminal justice system receive a revised Aboriginal awareness-training program that strengthens the existing programs to make programs accountable, progressive and ongoing.
5. We recommend the development of assessment tools that will be used to monitor and screen out police employees who exhibit racial intolerance. Complementing this would be the development of strict policy relating to disciplinary action and dismissal.
6. Recommend a national and provincial campaign against racism that includes Métis realities and worldview.
7. That Media outlets become more aware of Métis culture and history before presenting information to the public.
8. That Media outlets share with the general public, positive examples of Metis self determination and contributions to society.

## SOCIO-ECONOMIC CHALLENGES

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Poverty, colonization, racism and oppression have become a “heavy blanket” worn by Métis people for over 100 years. This burden has been compared to the infested blankets that were intentionally distributed to Aboriginal people in the 1700’s that were laced with small pox, aimed at killing those that became infected. The high stress levels and the mental and physical illness that is caused by the “heavy blanket” cannot be ignored. The impact of this burden is especially felt in relation to being dependant upon the colonizing government for ones’ very existence, as shown by the high welfare rates in many communities. Regarding the welfare state, community members portray it well, when saying:

“The government has made us so dependent and that’s a major concern that I have. So dependent [that] things won’t happen unless the government says yes or no, or says boo. You know, because that dependency is there, people have become so dependent on government that they can’t do anything for themselves.”

Beauval Community Dialogue Participant

“The long –term affects of social conditions Métis families face, have been felt for many decades in Canada, and the solutions to these problems have not been forthcoming from governments.... Social conditions prevail as one of the primary areas of concern reflected by the examination of responses from the women at the community level. These responses are identifying areas such as housing, economic development and health as key areas to be addressed...”

Métis Women of Saskatchewan Inc.

“We can deal with all the justice issues but we don’t deal with the economic, social development issues in our communities. We’re just looking at pie in the sky, I feel, because there’s serious issues of unemployment, lack of opportunities for our young people, our people at the local level. What else is there for them? Hopelessness, low self-esteem, and the list could go on...”

Beauval Community Dialogue Participant

In the Northwestern Métis communities, the government claims that more money per capita is expended within these communities than anywhere else in Saskatchewan. This figure fails to take into account that all of this money is to further the dependency cycle and the welfare state. It speaks to the focus on keeping people on welfare as well as the inability of government initiatives to bring people to a self-sustaining place in their community. Rather than continuing this vicious cycle of poverty and destitution, initiative is needed to help people become intellectually, emotionally, spiritually and physically independent.

The statistics bear out the bleak situation Métis find themselves in the province of Saskatchewan. Due to the limbo Métis people have been placed into regarding which government has jurisdiction over Métis people, the socio-economic situation for Métis paints a grave picture. In terms of income, Métis people are one of the poorest Aboriginal groups in Saskatchewan.

According to the 2001 Census, 976,305 Canadians identified as being Aboriginal. This accounts for 3.3% of Canada’s total population, compared to 2.8% in 1996. 292,310 identified as Métis, which is approximately 30% of the Canadian Aboriginal population. This is an increase of 43% from 204,120 identifying as being Métis in 1996. Statistics Canada states that, “The growth of the Métis identity population in recent years appears to be affected by more than the fertility and mortality of the population.” Possible explanations for this dramatic increase in population can be attributed to a greater cultural consciousness, various judicial court decisions, government policy changes and possible improvement in census coverage of this population.<sup>20</sup> Another factor is that many Aboriginal people do not participate in the census or self-identify for a number of reasons. This may impact on the accuracy of the census data.

<sup>20</sup> Statistics Canada. (2003). *2001 Census: Analysis Series: Aboriginal peoples and Canada: A demographic profile*. Ministry of Industry.

The need for accurate population figures is paramount due to the fact that government funding is driven by statistics and membership. The Métis Nation - Saskatchewan programs and services are severely under-funded. There is a real disparity in funding between First Nations and Métis peoples. The Métis Nation - Saskatchewan estimates Saskatchewan Métis population to be around 70,000. The government insists that the Métis make up 43,695 of the total Aboriginal population in Saskatchewan that indicates a 22% growth in population from 1996.

For instance Statistics Canada, Aboriginal Peoples Survey 2001, shows an average income for Aboriginal people at \$15,700 per year compared with \$25,400 for Non-Aboriginals, which is a 38% difference in yearly income levels. In urban settings Aboriginal people are even poorer, and this is where the majority of Métis live. The inability to secure good paying jobs is a further indicator of the extreme poverty that exists in Métis communities. Aboriginal people's unemployment rates are 24% compared to 10% for Non-Aboriginals.

In a study conducted for the *Aboriginal Justice Inquiry in Manitoba*, La Prairie has drawn the association of high crime rates in the Aboriginal population that are directly linked to high poverty levels. Saskatchewan has the highest rates of admissions to custody in the country, at 76% of total admissions. This amounts to ten times the number compared to the Non-Aboriginal population at 8%. If the association drawn by La Prairie is correct then Saskatchewan must have the highest poverty rates as well. It also appears that living in poverty becomes a training ground for crime and contact with the law. Of course other factors are at play as well, such as systemic racism that permeates the justice system and creates clients out of Aboriginal people.

It is not necessary to draw out all depressing statistics that demonstrate that Aboriginal communities have lower income levels and higher unemployment levels than non-Aboriginal people. This is what the North Western communities in Saskatchewan stated during the consultations for this project. They said they are tired of getting handouts because handouts make them feel like second-class citizens. They want the proper resources and support to enable them to look after their own affairs. As Chief Darcy Bear stated on CBC's *The National*, "the best social program is a job".

This help needs to come from many sources including government and private industry that will assist Métis people overcome the barriers of setting up their own businesses, seeking higher education, being confident, capable people. Due to the Métis people in Saskatchewan living in a dependant welfare state, poor health and violent lifestyle are associated with this environment.

Naturally Aboriginal people will experience the depression and frustration of living in such conditions. Consequently this situation will eventually cause physical illness that is once again displayed in the high numbers of Aboriginal people admitted to hospitals for various illnesses. It has been said previously if one wanted to visit with family and friends, a Friendship Center would be the natural place. Unfortunately, the hospital seems to be a place where many of the Aboriginal community are concentrated due to the high rates of illness.

Apart from the huge challenges that both communities and governments of the Métis Nation are up against, the enduring strength that remains is pride in being distinct peoples with inherent rights to the resources of the land. The strength also comes from the belief in the spirit of the creator and in each other. Métis people have survived and surpassed every negative prediction of their downfall. Beginning from the Métis provisional governments in the mid 1800's to the long history of being denied their rights, perseverance is an innate gift that will keep the Métis overcoming socio-economic hurdles.

The aspect of the Métis Nation, which is unique, is the hard working nature of individuals creating many success stories of individuals who have overcome great odds to establish lucrative businesses and senior level jobs. The statistics also show that the Métis Nation has an employment rate at 52% whereas the First Nations community is at 41%. Educational levels for Métis people continue to rise and a phenomenon of population explosion has occurred in the Métis Nations in Canada in the last 5 years according to Statistics Canada. The Canadian increase is at 43%, in Saskatchewan the rise is at 22%. The reasons are varied, but can be attributed to rising awareness as a nation, recent court cases and the rising pride gaining within Métis people. The recent

Powley decision was a huge victory. The court decision refers to the need to address Métis membership, which is one issue that will be addressed by the MNS over the coming months as governments align themselves into setting policies that reflect inherent Métis rights to land and resources.

The recent Powley decision, by the Supreme Court is an example of the promise of a better tomorrow and the patience and stamina of the nation to wait while courts re-affirm Métis rights to land and resources. It is anticipated that the negative socio-economic conditions will decrease due to the pride and confidence this decision will instill into the Métis Nation.

## Poverty

The colonization of Canada was a destructive force upon the Métis people of Canada. Many government policies and practices have had an adverse effect on Métis people such as law enforcement policies, scrip and non-recognition of Métis rights by the state. The dispossession of Métis from their land base through scrip was a further injustice, which resulted in the loss of a land base. The fraudulent scrip system greatly attributed to the poverty of Métis people and non-recognition of Métis rights.

“Coupled with this dispossession of land is what we called the outlawing of the Métis way of life. The government- particularly the federal government in 1981 – has told us that whatever Aboriginal rights or title we had to land and resources have been extinguished because of the scrip distribution system. This system was a means of defrauding the Métis of their land and dispossessing them of their rights. Now our people cannot hunt, trap or fish for food to feed their families. We are charged and convicted for exercising our Aboriginal rights.”<sup>21</sup>

For hundreds of years Métis people have been punished for exercising their rights to hunt, fish and trap, first by the Hudson Bay Company and then by the Canadian government. Today, many Métis are being persecuted for exercising this right. As the federal government continues to deny Métis rights, these paramount issues are being pushed into court. This may not be the right venue to define Métis rights, but Métis are left with little choice. The recent Powley decision has confirmed the right to hunt, fish and trap. However, the previous denial of rights has led to impoverished conditions in many areas.

Métis people have faced many injustices through the scrip system and the marginalization and dispossession from their historical land base. The effects of colonization are felt in contemporary society and are exhibited by the social dysfunction that is evident in many Métis communities today. Many Métis people involved in the criminal justice system experience alcohol and drug addictions that can lead to violent crime or criminal behaviour to support their habits such as property crimes or poverty-based crimes. These people are often ignored by mainstream society and are seen as being “less than human.” We disagree with this statement, as all human life is valuable in the circle of life.

“It is generally accepted that social conditions of high unemployment, lack of education, alcohol and drug abuse and harsh living conditions lead to higher crime rates. Add to this a sense of isolation, inadequate housing and overcrowded living conditions, little or no programming for youth, a sense of mistrust in the justice system, issues of domestic abuse, racism and a lack of capacity to deal with some of these fundamental issues and it is a little wonder many feel the justice system is in crisis.”<sup>22</sup>

According to the 2001 Census, Métis people’s socio-economic situation is improving but still lags behind Euro-Canadian citizens. There are many underlying issues that bring Métis people in contact with the police such as alcohol and drug addiction, poverty, physical, sexual and emotional abuse, low education, underemployment, and various other social dysfunctions. Contact with the police also signifies the failure of institutions and social

<sup>21</sup> Chartier, C. (1994). Métis Perspectives. In Gosse, R, J. Y. Henderson & R. Carter, (Ed.), *Continuing Poundmaker and Riel's quest : Presentations made at a conference on Aboriginal Peoples and Justice*. Saskatoon: Purich Publishing. (pp 85).

<sup>22</sup> RCMP “F” Division Submission to the Commission on First Nations & Métis Peoples and Justice Reform. March 13, 2003.

safety nets that are supposed to intervene long before contact with the criminal justice system. One has to ask, why are we continually punishing and incarcerating people for being poor?

What has become very clear throughout the mandate of the Commission on First Nations and Métis Peoples and Justice Reform, and throughout the community consultation process, is that we must work to improve the social conditions of Métis people to reduce levels of offending, reduce levels of victimizations, reduce Métis recidivism and improve the safety of Métis communities in Saskatchewan. By improving the social conditions of Métis people, this will decrease contact between the police and Métis people of this province. For any reforms to be successful, we must address the poor socio-economic status faced by many Métis people in Saskatchewan. Reparations must be made for the role that history has played in the marginalization of Métis people.

**WE RECOMMEND THAT:**

1. A multi-department, comprehensive, multi-year restoration initiative is required for the Métis Nation in Saskatchewan. Therefore the recommendation is to create a comprehensive plan and commitment to reverse the negative socio-economic burdens and restore Métis rights and access to resources.

## DRUG AND ALCOHOL ADDICTIONS

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“Drug addiction and alcoholism is a symptom of a larger problem. It is an escape from the intolerable conditions faced on a daily basis by Métis families. The result is another reason for the high rates of incarceration.”

WRIA Presentation

The Métis Addiction Council of Saskatchewan (MACSI) has a long-standing reputation for helping the Saskatchewan Métis community to deal with drug and alcohol addictions. Through three institutions in Saskatchewan, MACSI's goal is to reduce and eventually eliminate the harmful effects of alcohol and drug abuse and to assist communities in restoring a balanced and harmonious lifestyle.

Although MACSI is certainly a necessity in the drug and alcohol field in Saskatchewan, more is needed to deal with the underlying causes of these addictions. It is unrealistic to expect that one institution can reverse this trend. A quote from the 1992 Report of the Saskatchewan Métis Justice Review Committee identifies what is required, from a socio-economic perspective, in order for any of the recommendations from that report to be realized:

“Unless dramatic changes are introduced to bring about significant improvement in the social and economic circumstances of Saskatchewan's Aboriginal people little will be accomplished by this report.”

Addictions are merely a presenting symptom of the underlying historical oppression, abuse and the systemic racism and denial of Métis rights. High rates of abject poverty (surviving below the acceptable poverty line), high unemployment levels and low rates of education cause severe stress in individuals and families and it is inevitable that certain symptoms of this abuse will appear.

Métis people are vulnerable to government control over their lives. They live in a dependant state since years of government colonization and oppression has caused a welfare state. This existence is not a preferred way of life; instead it robs one of their self-respect and dignity. Intergenerational abuses beginning in residential schools have created a highly medicated society of people. Residential school experiences were traumatic for most Métis people that attended them. Strict regimental living conditions, physical, mental, emotional and sexual abuse were the norm in these schools. These students came home and repeated these same conditions with their children. Through these cycles, high numbers of people were affected adversely. The pain and suffering either from direct attendance at these schools or being raised in a home that was very strict and abusive caused trauma and pain that has not been resolved. This constant pain is intolerable for most people and therefore becoming addicted and medicating oneself on drugs and alcohol becomes a way of coping with pain.

A recent psychological symptom has been diagnosed in many Aboriginal people and that is post-traumatic stress syndrome. This disorder occurs in soldiers who have experienced death and violence first hand, which is not very much different for Aboriginal people today.

The affects these addictions have on the Métis community are devastating and far reaching. Parents with addictions who raise children not only negatively affect these children but also do not provide proper care to them. These children often end up in the child welfare system, only to grow up to repeat the same cycle, as did their parents. This vicious cycle produces generations of further pain and hopelessness. It is certainly not a condition that is preferred by those who are affected. It is a disease that has touched every Métis person in Canada today.

In recent years, the Aboriginal community has made successful advances at restoring health, awareness and treatment of addictions through various programs such as twelve step programs and local addictions assistance. This wellness also occurs in the area of life skills. Generations of family breakdown and disruption have left many people without basic life skills. Along with the addictions programs, life skills' training assists in restoring health in some communities. This training is also a large part of the treatment offered in every detoxification center in Saskatchewan.

The abuses from the past and the continued internalized colonization create a shame-based personality, susceptible to self-abusing behaviors such as drug and alcohol issues. Apart from the residential treatment aspects of addiction, Métis people find that re-integration back into the community after attending detoxification and life-skills treatment difficult because of the absence of addiction follow-up and support services. Other issues are the absence of proper facilities for those with addictions that are taken into police custody. There have been incidents where individuals have died because proper care wasn't provided.

The drug and alcohol link to the justice system happens when addicts steal to support their habit. In addition to supporting a habit, Aboriginal people get caught within the justice system by getting caught stealing to feed themselves and their habit as well. Métis youth who join gangs need to support their gang mates habits as well as their own, therefore break and enter and stealing is a common practice. A study conducted by Saskatchewan Corrections and Public Safety of all youth within correctional facilities in Saskatchewan in 1999, regarding the risk factors for ending up in jail was all those elements already mentioned such as poverty, but one that scored 80% of all youth was alcohol and drug abuses.<sup>23</sup>

The solution to decreasing the amount of people with addictions lies in dealing with the cause of these addictions. The socio-economic condition of Métis people has to improve. Métis people have a right to see their inherent rights affirmed through legislation: this will help build the strong foundation for the Métis Nation, the restoration to health and balance.

- WE RECOMMEND THAT:**
1. The Saskatchewan government commit to a long term, multi-faceted plan to tackle the depressed socio-economic conditions for the Métis Nation in Saskatchewan.
  2. In partnership with First Nations, an improved community integration plan be implemented that enable those with addictions to better cope and stay alcohol and drug free.
  3. In urban areas, it is recommended that facilities for those addicts in police custody be provided adequate services while being held.
  4. With the increase in stronger more complex drugs being used by addicts, it is recommended that MACSI and other addiction services receive more resources to educate and prepare for such addictions.

<sup>23</sup> Government of Saskatchewan "New Directions for youth services: the Saskatchewan youth services model", by Saskatchewan Health, education and social services and justice.

## CROSS-CULTURAL TRAINING

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Cross-cultural training is now utilized for many government employees, police services and other public and private sector organization. It is a program designed to make others aware of Métis and where they can conform into the system. However it is an important program. Current cross-cultural programming examines Aboriginal culture, history, and ceremonies. Cross-cultural programming is geared towards building cultural awareness of Aboriginal culture to mainly non-aboriginal employees. To many people it is not taken seriously or only takes it because they must. How much will an individual learn under these circumstances?

Most cross-cultural training examines Métis tradition from a pan-aboriginal perspective, again grouping three very distinct nations into one. This does not provide an accurate view of the Métis, First Nations and Inuit people of Canada. While there have been some recent developments in this area, any Métis perspective is mainly from a First Nations perspective. Much more effort needs to be made to accurately portray Métis worldviews, values, beliefs and culture. Cross-cultural training needs to involve more than history, cultural activities, and spiritual training, as this is only part of who we are. It needs to incorporate Métis identity, where we came from, who we are, our experience, realities, and worldviews in contemporary society. It needs to impart the Métis experience and reality and provide an understanding that identity is the core of Métis existence. Cross-cultural training needs to understand and embrace Métis ways of knowing and identity to present an accurate picture of who we are today.

Cross-cultural training is an important part of embracing our communities in the effort to understand who we are as a global community. Learning is a life-long journey and cross-cultural training should be too. Changes need to be made to the way people are trained and include the ideas noted above. Fostering a better understanding of who we are may assist in combating racism and systemic discrimination when we see it. Cross cultural training needs to be more than a one-day seminar and needs to be carried out on a continuous basis. Corrections staff should take intensive cross-cultural training at orientation and on an annual basis for at least a week.

Concerns have also been raised about racism in provincial and federal correctional facilities. Cross-cultural training as discussed above will assist in addressing this issue. However, in some cases it will not be adequately addressed by cross-cultural training. The “old guard” in institutions may be resistant to change. The 1991 Linn Report recommended that:

“Corrections administrators must be trained to identify signs of racial intolerance and remedial training programs be provided to any staff exhibiting racist attitudes and behaviours...where remedial training has no had its desired effect, appropriate disciplinary action be taken.”

We support this recommendation, however, racism and discrimination is increasingly difficult to see and such policies are even more difficult to enforce. We recommend that assessment tools be developed with the Métis Nation – Saskatchewan to screen out potential racist employees. It is also recommended that Métis Family & Community Justice Services in partnership with Gabriel Dumont Institute, immediately develop a cross-cultural training packages that incorporates Métis identity, worldviews, ways of knowing, and culture for implementation in provincial and federal correctional facilities.

## EMPLOYMENT EQUITY

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Incarceration rates of Métis men, women and youth in Saskatchewan are unacceptable. While increasing the number of Métis employees in the corrections system is a positive step, this will not decrease the number of Métis offenders within the system. We do not want more institutions. We want fewer institutions. Primary focus should be placed on preventing contact with the correctional system and diverting from this system.

“The problems with including the Métis in the justice system, at whatever point it may be, police officer, court worker, etc, it is the power to make decisions that make a difference. If a position is given and if and if that position does not have authority allocated in it, it is merely a token position.”

Denholm Presentation

Many reforms, like employment equity, are designed to fit Métis people into the current system. We do not want to fit into the system; the system needs to adapt to incorporate Métis values, beliefs and worldviews. As the Métis Nation – Saskatchewan continues to assert the right to self-government and the right to control the administration of justice; we realize this will take time to realize. As such, employment equity is a short-term goal. We would like to see Métis employment in the provincial and federal correctional facilities to be equal to the percentage of Métis offenders. We adopt the recommendation of the Linn Report of 1991, where it states:

“Saskatchewan Corrections and the Correctional Service of Canada (CSC), in consultation with Indian and Métis organizations, immediately implement employment equity programs to achieve greater aboriginal participation at all levels. A minimum target would be the percentage of aboriginal people in Saskatchewan; the optimum, a percentage of aboriginal staff equal to the percentage of aboriginal offenders served.”

Employment equity positions need to be more than correctional officers or Aboriginal liaison positions, they need to be positions of authority with decision-making opportunities. This in turn may have an impact on community development and capacity building. It is recommended that pre-employment training programs such as the Dumont Technical Institute pre-employment corrections programs be expanded and continued. However, programming should not only focus on entry-level positions. Efforts should be geared towards recruiting for upper management positions. This will infuse Métis knowledge into the correctional system, as well as building capacity by building a skill base within the Métis population.

## POLICY DEVELOPMENT

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As in other sections of this report, it has been said that the Métis communities do not have the resources and foundation to adequately govern and administer their own institutions and therefore their own people. Métis people are proud people, who work hard to feed their families and look after their loved ones. Poverty is the overwhelming challenge for most families and communities. For instance, recent statistics show that Aboriginal people earn 38% less per year than the non-Aboriginal population<sup>24</sup>. Aboriginal people average \$15,700 per year compared to \$25,400<sup>25</sup>. It is estimated that most Métis live in urban settings and the statistics demonstrate that Aboriginal people are even poorer, earning below \$10,000 per year, in the two major cities in Saskatchewan. The percentages are 51% in Saskatoon and 48% in Regina, earning below the poverty line.

Poverty and economic struggles within the Métis community are also mirrored within Métis organizations. Organizations are necessary to provide services and to advocate for the Métis in Saskatchewan. It is widely understood that a nation or society requires resources through its government to provide programs, services, information management, information analysis and political advocacy, among other things, in order to serve its community. Similar to the other government, the Métis live in a distinct society and therefore require the capabilities to establish institutions that can effectively serve its people. At present only the administration of some services have been devolved to the Saskatchewan Métis community.

The intentional erosion of existing core funding compounds the socio-economic struggle. Government continues to deny Métis their rights to the land and its resources. Presently the majority of the funding invested into Métis communities is in the form of welfare meant to keep these communities dependent on government. This money, in the form of welfare, does not meet the needs of the people. The real need is to have the capacity for Métis themselves to provide services aimed at restoring community based practices of healing and justice. This restoration is required in order to be self-governing and to become self-sufficient.

The vision for the Métis nation is to have Métis institutions in communities that have certain functions to assist in strengthening the fabric of a community. These institutions, not unlike present governments, would have the responsibility to provide proper information management, analysis, research and policy development. Those areas that are presently being administered by the Métis themselves should be eventually completely managed by the community. Merely administering a project controlled by outside government fails. It is proven time and time again that Métis lead projects obtain real goals for lasting impact. Capacity must be built into these initiatives employing more Métis. Other services that Métis communities need to recover responsibility for are the care of family matters to instill and pass on values, deliver justice, pass on Elders teachings, and restore balance to people and the community.

Traditionally the Métis operated under their own governments, defined their own laws and lived by their own policies. Within the community there were assigned roles for each responsibility. These institutions operated in an efficient, timely manner, not unlike those structures in place today. The difference today is that the Métis Nation is critically under funded. Building a foundation for self-government requires a policy and planning arm that will provide knowledge and support to the leadership and people of the nation.

In the quest to realize true self-government, the Métis nation has progressively built institutions that reflect both the aspirations and direction from the membership in Saskatchewan. The Métis Nation - Saskatchewan has twelve Affiliates that deliver programs and services such as Métis Employment and Training Saskatchewan, Gabriel Dumont Institute, Dumont Technical Institute, Métis Addictions Council of Saskatchewan, Métis Family and Community Justice, SaskNative Development Corporation and the Clarence Campeau Development Fund. These institutions are a good example of structures that are required in order to continue building upon and creating capacity enabling the MNS to be fully self-governing. The need for capacity development in policy exists in other areas such as environment and resources and gaming and health, to name a few.

<sup>24</sup> Statistics Canada. (2003). *2001 Census: Analysis Series: Aboriginal peoples and Canada: A demographic profile*. Ministry of Industry.

<sup>25</sup> Ibid

The ability to create institutions that research, analyze, and create long term planning and strategic processes is essential to develop policy and positions that support Métis specific needs. The MNS requires the resources to build a policy arm within its political and program offices and institutions, such as Child and Family services and justice.

This policy arm, not unlike the Privy Council Office of the federal government, will have the capacity to retain Métis researchers, lawyers, writers, planners, policy makers and legislators to analyze policies and laws that directly impact Métis rights, resources and institutions. It would be an extension to the Tripartite Unit that exists at the MNS consisting of two individuals and would further allow the MNS to be directly involved with government on a partnering basis when analyzing, understanding and reacting to new policies and legislation. Building a policy and planning arm for the subject areas within the nation is essential to the long-term vision of being fully self-governing.

Currently existing programs barely have enough resources to fulfill the delivery requirements of their mandates. Rarely is there enough time and money left over to plan, prioritize, or create a strategic plan or analyze government documents. This quandary places undue stress on workers and leads to high staff turnover and staff burnout. It also does not allow for sufficient planning and strategic thinking. Effective communication is lacking which thwarts most effort.

**WE RECOMMEND THAT:**

1. Negotiations occur with the MNS and the Saskatchewan government to adequately fund a permanent policy department for those programs that do not have this ability such as the MFCJS.
2. As part of the above development, it is recommended that adequate resources be available to enable the MNS and MFCJS to come together as an organization to draft goals and develop an implementation plan that will support existing and new programming within the MFCJS.
3. As part of the above, it is recommended that Métis Employment and Training Saskatchewan Inc. receive adequate funding to train and prepare new policy makers for this new policy development arm of MFCJS.

## FETAL ALCOHOL SYNDROME/FETAL ALCOHOL EFFECTS

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Present solutions to protect children, through the Saskatchewan Child and Family Services Act do not necessarily help the Métis community strengthen its care of children. It sometimes creates a bigger problem by taking the responsibility of parenting and caring for children away from parents and family and into someone else's hands. This prolongs the colonization affect Métis people continue to live with. Since reforms to the Child Welfare system may take some time, resources to establish institutions are needed to begin building capacity, thereby enabling Métis to look after their own children. A Child and Family Agency operated and controlled by the Métis is the only option.

There has been a sharp increase in the number of children being born with Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) within the Métis community. Today there is increased awareness of the syndrome but still little resources are available to assist families in coping. Alcohol use within the Métis community continues to be one of the biggest problems concerning families and it has the most detrimental affect on children, both living and in utero. The experts note that one drink of alcohol by the mother while carrying a child can cause FAS. This is in stark contrast to the information that mothers received in the 40's and 50's where they were told they could drink moderately. There is no doubt that this is a preventable disease being passed on to children, which they carry as a legacy throughout their whole lives.

The affects of this syndrome are enormous to the community. It causes brain damage in children causing them to have inconsistent mood swings. As well, children are developmentally and mentally stunted, among other affects. Many of these children end up in the Child Welfare world, living in foster homes because of their developmental difficulties. Many children are not diagnosed and therefore suffer from not being properly treated.

Diagnosing children has its difficulties. Many Métis families do not want their children to be branded. In some communities, once a child is given a psychological label, it becomes a burden to that child and defines the limitations of the child's world. Only in the last five years have Aboriginal communities in Saskatchewan received some assistance in dealing with this syndrome. In some areas, this assistance is non-existent. Awareness and education is one of the most important steps that families and communities require to become aware of this disorder. Specialized services and diagnosis are other pieces of the puzzle for Métis communities in order to deal with this devastating disorder.

Not enough has been done to help families cope with this syndrome. Because it is a preventable disease, Métis communities need to be involved in prevention. Resources are required to do this. The affects of drinking while pregnant need to be communicated at every level of the Métis community, from schools to liquor stores and bars. Families and communities need information on how to cope with FAS children and assistance in providing safe, appropriate methods of caring for FAS children<sup>26</sup>.

One story about two Aboriginal parents raising seven children, four with FAS speaks directly to how the whole family is affected. The parents have to avoid over-stimulating activities in many public places because FAS children cannot handle some of these environments. The mother says:

“The affected children suffer from many of the typical symptoms. Kim (the mother) describes two of the younger kids as being very impulsive, easily led and unable to see danger, they have a hard time dealing with stimulation in their environments, as Kim says, They can't handle recess (at school)- there's 400 kids on the playground...not surprisingly, problems often arise at school”<sup>27</sup>

The resources and services required to stop this syndrome and to provide services for those in need to adequately live with it must be designed and delivered by the Métis communities themselves, not from outside government and or organizations. Métis communities need to decide the best way to provide prevention and

<sup>26</sup> Aboriginal Nurses Association of Canada. (1997). *It takes a Community – a resource manual for community-based prevention of FAS and FAE*. Health Canada, It takes a community National Working Group. Minister of Public Works Government Services Canada.

<sup>27</sup> Ontario Federation of Indian. (2002). *Aboriginal approached to Fetal Alcohol Syndrome/Effects*. (pp. 15).

treatment of their community members. These communities need experts to assist in their understanding, but it is up to communities to drive this program. With the right help and resources Métis communities can proceed with confidence that this syndrome can be stopped and those affected live a normal life.

The child welfare system must be improved to help Métis families. Restoration of community and family should be the focus of child welfare. Initial steps must focus on improving collaboration of services and increase resources. The development of models focused on further control over Métis children, the devolution of programs to the nation from the government, a set of principles to guide the development of Métis Child and Family services in Saskatchewan, as set out by the MFCJS are imperative. The vision includes the following elements.

1. Be Rights-based;
2. Be Métis-specific;
3. Be Designed and Implemented Province-wide;
4. Be Healing-Focused;
5. Be Holistic;
6. Be Intergenerational;
7. Be Based Upon an Ethic of Caring and Mutual Respect; and will
8. Respect Diversity within the Métis Nation in Saskatchewan.

# THE MÉTIS FAMILY, THE FOUNDATION OF THE NATION

“...[H]ow we treat our families, you know, there’s justice within the family unit. And I believe that’s where it starts. I strongly believe that’s where it starts. If we can raise our families with strong values and beliefs, our families can go on to live up to those values and move on into the community and so on into the rest of society and the world. That’s where ownership starts, whether people realize it or not...”

Beauval Community Dialogue Participant

Inter-connected relationships to the land, the earth, and to one another are the foundation of Métis ways of knowing and understanding the world. This inter-connectedness and inter-dependence is enduring and has helped in the survival of Aboriginal people in Saskatchewan. In the past, strong Métis societies placed high value on their children, women and family. There was great respect for the family unit and much was done to maintain it. The roles of mother, father, aunt, uncle and grandparents were clear and everyone had a role in raising children. The care and support of children was a high priority in Métis societies of the past.

Family, and the interconnectedness of the relationships within a grouping constitute the foundation of Aboriginal life. It is from family that Métis people learn about values, morals, spirituality and life ways. One depends on family not only for the comfort of good relations but for the caring of the old, the needy and sharing of ones bounty with ones family. Ones’ relationships or kinship within this grouping is crucial to survival because it is an inter-dependent partnership, based on values and standards of caring for ones large extended family. As well, caring for elders is vital to maintaining the connection to family and the kinship of relationships. During MFCJS visits to Métis communities in 2003 most discussions centered on problems with families, children and youth. Most of the people that spoke had grave concerns for the children and youth of the community. These comments, highlights the comments that were heard:

“The justice system has ripped apart Métis families since it’s inception. The legacy of this issue continues to be one of the contributing factors to the decimation of the Métis value system and one of the reasons for the high number of Métis in conflict with the law.”

WRIA Presentation to the Commission

The strong family institution was present before government imposed colonization onto Aboriginal people. The fragmentation of family systems and supports has taken a toll on the ability of Métis families to cope in today’s society. Kinship and extended family networks are still present today, albeit somewhat fragmented. This system is critically needed in order for Métis society to become strong and self-sufficient, once again. Studies have shown that those Aboriginal people who have assimilated the most into mainstream society have suffered from the system the most<sup>28</sup>. This assimilation has caused a breakdown in the family unit. This is mostly due to moving away from family groupings and communities and loss of teachings about roles and responsibilities to the clan, family and tribe.

“Consideration of the role Métis women have in the family unit should be instrumental in determining the decisions that affect areas such as Youth and the Law, Family Violence, Prevention and Intervention, Legal Rights of Women and Children, and Child Protection laws. Since women are the primary caregivers of children in most cases, they must be heard, and recommendations made by the MWS should play a vital role in changes made to government policy, legislation relating to Family and Child Welfare, as well as all areas of family justice issues.”

Métis Women of Saskatchewan Inc.

<sup>28</sup> Adelberg E, Currie C (Ed) *La Prairie*, (1987) *Native women and crime in Canada: A theoretical model. In the too few to count: Canadian Women in Conflict with the Law.* Vancouver: Press Gang Publishers

To support and repair existing problems within the family such as absent parents, and the abuse and neglect of children, the existing protection system has to change to allow for Aboriginal traditions and life ways to return and to restore these ways. Present solutions to protect children, through the Saskatchewan Child and Family Services Act, do not help the Métis community strengthen its care of children. It more often creates bigger problems by taking the responsibility of parenting and caring for children away from parents and family and into someone else's hands. This perpetuates the colonization affects Métis people continue to live with. Since reforms to the Child Welfare system may take some time, resources to establish institutions are needed to begin building capacity, thereby enabling Métis to look after their own children. A Child and Family Agency operated and controlled by the Métis is the only option.

The child welfare system needs to be improved in the way it works to help Métis families. Restoration of community and family should be the focus of child welfare. Initial steps towards improved collaboration of services and increased resources are essential.

In reference to the development of models toward further control over Métis children and the devolution of programs to the nation from the government, a set of principles will guide the development of Métis Child and Family services in Saskatchewan, as set out by the MFCJS. The vision includes the following elements:

- To ensure that every Métis child is brought up in a secure and healthy environment, including the physical, spiritual, mental, social and emotional elements of human development.
- To ensure that every Métis child grows up to understand and appreciate their own heritage, history, culture and language.
- To regain recognition of Métis authority for Métis child and family wellness by returning control to the families and communities within the Métis Nation in Saskatchewan.
- To establish a framework upon which these principles can be acted upon, within the MNS authority.

The development toward an institution that serves Métis children will be based on rights of the child, as spelled out in international documents. A process of gradual devolution of existing Child and Family government programs, back to the Métis community, is the solution to the present problems in the system of caring for children. This process can be set out in a framework that seeks to build governance and capacity. The Métis Family & Community Justice Services Memorandum of Understanding signed in 1998, is a positive initial step toward eventual Métis control in this area.

This development of implementation models for Métis Child and Family Services will incorporate a Métis specific province wide rights and healing based model that respects diversity and incorporates respect and caring. It will be holistic in scope and focused on healing and the intergenerational needs of the Métis nation.

MFCJS has a mandate to design, develop and implement services at the regional level for Métis children in Saskatchewan. Presently, MFCJS assists with community development and helps implement existing services from the Saskatchewan government. MFCJS provides the following services: the Aboriginal Court Worker Program, research and planning, and provides advocacy and information for clients caught within the justice system. MFCJS has plans to draft a Métis Child and Family Services Act to be presented for adoption by the Métis Nation Legislative Assembly.

## WE RECOMMEND THAT:

1. The Province of Saskatchewan immediately mandate a Métis Child and Family Services agency in Saskatchewan under the Métis Nation – Saskatchewan and under the direction of the Minister of Métis Family & Community Justice Services (MFCJS).
2. High-risk Métis children receive assistance at an early age therefore prevention and intervention services should be available at an early age.
3. Métis children involved in the child welfare system should be cared for in Métis homes.
4. The government of Saskatchewan commit to a process that works on a Métis definition of kinship care and puts it into policy and law, thereby recognizing it as a common practice within the child welfare system.
5. Inter-agency collaboration is recommended with MNS, to develop community justice approaches for youth and children. This includes all government departments such as Policing Services, Social Services, Corrections and Public Safety, HRDC, Health, Saskatchewan Justice, and community - based organizations.
6. Resources are made available for a Métis Elders gathering to examine Métis traditional values and culture to further guide future policy and programming for Métis Child and Family programs.
7. Proposals be developed and forwarded to the federal and provincial governments through the Métis Nation - Saskatchewan Tripartite process for funding of long-term implementation strategies, programs and services related to Métis Child and Family Services.
8. The Saskatchewan government immediately pass legislation devolving child and family services to the Métis Nation.
9. A committee of senior officials be created consisting of the Department of Community Resources and Employment, Government Relations and Learning in Saskatchewan, Health Canada, Secretary of State Responsible for Children and Youth, Senate of Canada Standing Committee on the Child, and Métis Nation officials representing Métis Nation Saskatchewan Affiliates and Institutions, explore the Métis Child and Family Services Policy and its potential implementation steps and requirements.
10. MFCJS, Métis Employment and Training of Saskatchewan Inc, the Gabriel Dumont Institute, and other Métis Nation Saskatchewan Affiliates, negotiate partnership arrangements with the Department of Social Services to undertake joint initiatives in training and education to increase the number of Métis professionals in the area of Métis Child and Family Services.
11. We recommend the inclusion of Métis women and Elders in policies relating to the Métis Family. Representation at the provincial and national boards relating to matters related to but not limited to: Métis family, youth and the law, Family violence, Child and Family Services, etc.

## MÉTIS YOUTH IN THE JUSTICE SYSTEM

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“We’ve found over the years that our kids, a lot of our kids are getting into trouble, either they’re bored because there’s not a lot of stuff in the community for young people to do. If you ever drive down Main Street in the middle of the night or like after 8:30, all the kids are doing is hanging around down town, that’s all they do...they have no place else to go, they have nothing to do. So they get bored and they start getting themselves into trouble.”

Fort Qu’Appelle Community Dialogue Participant

Further to the discussion on family and children previously, another factor in youth incarceration is the breakdown of Métis family systems, which should provide strong values and a healthy foundation. Métis youth are the most affected among the community by the lack of family supports. Métis have lost a substantial impact of family teachings and youth feel they have no place in society. They also feel under valued both by mainstream society and their own. This despair leads them into risky situations and behavior. As youth is a natural experimental time, young people end up challenging the status quo sometimes leading risky lives.

In the last ten years, youth are turning to more serious criminal offences, harder drugs and riskier life styles. One greatest concern is gang development. Gangs are becoming more of a life style that large numbers of disenfranchised youth are turning to, taking the place of family. Gangs provide belonging and protection, although this is determined false after one becomes a member. Youth believe that gangs are the answer to the hostile world on the street, but soon realize that being part of a gang has many more problems and risks than experienced prior to joining. Being part of a gang is not always a free choice for some kids. For most, it is forced upon them and becomes a life long sentence - there is no escaping membership in gangs. Once a person joins it becomes almost impossible to get out.

Aboriginal youth, because they are the most visible on the street and feel the affects of societal stereotypes, have more altercations with the law, experience excessive force by police and experience harsh penalties when charges are laid. Aboriginal youth are the most vulnerable against the colonizing system in Canada and the statistics bare this out. Of the total number of youth in the justice system, 75% are Aboriginal youth<sup>29</sup>. This presents a bleak picture for Métis youth in Saskatchewan.

Compounded with the vulnerable situation of Métis youth, recent studies of the publics’ perception of young offenders have shown there is a greater demand for harsher penalties for youth that break the law. In one study conducted in Saskatchewan in 1999, the general public believed that government was not doing enough to punish youth <sup>30</sup>. Public perception is surely what government will act on in developing programs for youth that are involved in the justice system.

Aboriginal youth do not fair well in society due to a number of factors as already mentioned. Education attainment, which is low for Métis youth, is often used as an indicator of greater earning opportunity. In addition, more and more aboriginal people find that the only way out of the pain is to commit suicide. The condition of Métis youth in the justice system is reprehensible and drastic measures are required.

Aboriginal children are the fastest growing population in Saskatchewan and across the country, constituting a 1/3 of the Aboriginal population. Even though the overall Aboriginal population in Canada accounts for 3.3%, Aboriginal children represent 5.6% in their age group in Canadian society<sup>31</sup>. In just a few years this age group will be teenagers, facing all the challenges of that age group before them. Hopefully this group of Aboriginal youth will eventually force the required changes to the system, due to their size and bargaining power. A similar occurrence has been the post World War II baby boom generation that caused a stark rise in the North American population. Consequently they became influential due to their economic strength and have set social trends and financial standards.

<sup>29</sup> Statistics Canada. (2003). *2001 Census: Analysis Series: Aboriginal peoples and Canada: A demographic profile*. Ministry of Industry.

<sup>30</sup> Government of Saskatchewan. *New Directions for Youth Services: The Saskatchewan Youth Services Model*. Saskatchewan Health, Education, Social Services and Justice.

<sup>31</sup> Ibid

From an optimistic perspective, such a large Aboriginal youth population can result in a very strong movement toward personal health, higher education attainment levels, higher employment rates and lower poverty levels. All of this is contingent upon the will of the adults to put the foundation in place enabling youth, as an economic and political force, to rise above present day problems that have plagued those in earlier generations.

“We need to get to kids before they are fourteen or fifteen, we need to get them at ten or something. We need to develop a passion for them, to spend time with them. We need someone to spend time with him or her. They need more opportunities and want to do something instead of drinking and drugs. When they are older they will have more respect and know right from wrong.”

Ille ala Crosse Community Dialogue, Youth Participant

During the consultations with Métis communities led by MFCJS, Métis youth made many useful comments and expressed their appreciation for a number of programs that have helped them, such as: Operation TARGET, Youth circles diversion program, the Fine Option Program and the White Buffalo Youth Lodge in Saskatoon, among many others. Even though the situation for youth is harsh, they inevitably find strength and appreciation for small miracles, such as the programs listed above.

“We also need the commitment from the agencies in our community to help out the youth offenders or the victims. I think the youth are becoming delinquent because they have become de-linked from the community. They are really very under-represented. They are not being heard or seen. There is too much happening here for the adults. Nothing is happening for the youth.”

Cumberland House Community Dialogue Participant

To reverse the destructive path that youth find themselves, Métis communities need the support to make change and to assist youth in discovering their voice and place within society.

#### WE RECOMMEND THAT:

1. More resources are provided to deliver more cultural camps that teach Métis kids their culture and help prevent violence and choosing risky life styles.
2. More effort is put into building partnership programs between Métis youth and police so that positive relationships can be fostered and role models created.
3. It is recommend that within existing youth corrections facilities in Saskatchewan there be more cultural programs offered and more contact with elders.
4. A greater effort is made to keep youth busy and off the streets, such as more recreational programs and self-empowerment opportunities.
5. When solutions are created, families and aboriginal governing structures are part of the equation.
6. Parents are held accountable for better parenting. Therefore the laws and policies need to change that places more responsibility in this arena.
7. Development, support and nurturing of the Youth Advisory/Justice Councils be provided on an ongoing and consistent basis.
8. Métis youth are provided with opportunities to provide input into policies that impact them. i.e. Métis Youth Council involvement at the Provincial Métis Council.

9. Métis youth have opportunities to actively participate on government committees that are making changes to law and government policy that directly impact on youth.
10. Resources are provided in order for the MNS educational institutions to create and offer Michif language programs both in schools and in post secondary institutions in Saskatchewan.
11. A Youth Center modeled after the one in Prince Albert be created in those Métis communities where there is the greatest need. This concept will provide youth with confidence and educational skills as well as provide activity and a belief in oneself that empowers youth to find their voice and become strong, active members of a society.
12. Youth need an opportunity to establish a connection with Elders. It is recommended that a program for Métis youth be instituted both in schools, and in the community that affords youth more access and understanding of how a Métis elder can assist them in the challenges of every day life.
13. In addition to the above, it is recommended that a regular process for Métis youth and Elders to come together to share, learn, heal and reconnect, be provided either through summer gatherings, winter conferences, etc.
14. As part of the need for Métis youth and elders to reconnect more often, it is recommended that a permanent program be implemented across Saskatchewan that is designed for Elder's to mentor Métis youth. This would be geared toward re-establishing that link between elders and youth, tradition, culture and contemporary issues.
15. There is present need for stronger Elder involvement in all current Métis youth programming and committees in the form of creating a permanent seat for Elders as part of youth processes in the Métis communities in Saskatchewan.
16. The Saskatchewan government approves resources for the MCFJS to establish positions for eight more youth justice workers, throughout Saskatchewan.

## YOUNG OFFENDERS

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Métis youth face numerous challenges in their quest to survive and develop into adults. Far too many youth grow up in environments that do not foster and build on their healthy identity and self-esteem. Even if a youth is lucky enough to receive this from their home environment, their peers and the hostile environment on the street will inevitably push them into a life of offending and violating laws.

The factors that lead Métis youth to a life of crime are numerous. Much of these factors are laid out for them before they are born: colonization, oppressive government policies and laws, suppressed self-determination and the residential school legacy, are just a few factors. A number of studies have been conducted that address the risk factors in getting involved with the justice system. Some of those risk factors are: coming from a family that lives in poverty, unhealthy family life, drug and alcohol addictions and low education attainment.

Being at a stage in life where youth look for opportunities to challenge boundaries and express themselves in various ways, naturally it could lead them into the hands of the law. Youth are very vulnerable because they don't have a lot of choices, so they find themselves on the street vulnerable to police who will prey on them, as noted by a number of youth during the MFCJS consultations in 2003:

“The RCMP doesn't treat us with respect and often looks upon us until we sign a statement admitting to the charge we don't understand. It is common for us to be held at the station without parents being notified and subjected to scare tactics and threats of being locked up for a long time if we don't cooperate. Our rights are not explained to us and often time innocent until proven guilty is just a pipe dream in our Native communities. If we are expected to respect the law then it must be returned, the law must respect the youth and their needs.”

Youth Participant at Beauval Community Dialogue

As noted in the previous section, incarceration rates for Aboriginal youth in Saskatchewan are the highest in the country. It has become common practice to assume that youth will end up in a correctional center at some time during their teenage life and they are so easily labeled “young offenders”. This inevitably becomes a self-fulfilling prophecy when youth get branded with this label, not only from the non-Aboriginal society but also from their community.

“I would like to see something done for the youth also like a healing facility so they don't have to be taken out of their community where they could learn traditional values, traditional ways instead of being sent out of the community.”

Cumberland House Community Dialogue Participant

In order for Métis youth to find alternatives to the correctional system, Métis society needs to change and governments need to help. Family and children are the most important aspects of any Métis community. Not enough long-term efforts are being expended into restoring the foundation for youth to become healthy and stable, staying out of the criminal justice system.

**WE RECOMMEND THAT:**

1. Funding for Youth Justice Workers be provided to Métis communities to liaise between young offenders, the courts, correctional facilities, police and family.
2. More resources are provided for youth and families at high risk. While in the justice system, this should also include improvements in case management of the inter-agencies that work with youth in trouble since this will cut down on multi-agency, stove piping approaches presently being used. As part of these changes all agencies involved need to begin creating long term wellness plans for youth.
3. There is development of open - custody facilities for youth and Métis healing facilities for Métis youth with a focus on Métis culture, values and beliefs.
4. Closed custody facilities should be reduced to a minimum and reserved for youth that pose a serious threat to their communities and themselves. Programming in such facilities should be based on restorative justice and holistic healing principles. A component needs to be developed for intensive family counseling and healing. Families should be heavily involved in such facilities.
5. Development of programming and facilities to deal with youth who should not be involved in the justice system such as FAS/FAE, mental health, etc.

## YOUTH RE-INTEGRATION

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“Youth have nowhere to go after [being released] from Dojack. They are kicked out onto the street with nowhere to go, the lack of youth homes or halfway houses is a real concern.”

Elder, Métis Elders Forum

With the large Aboriginal youth population in the correctional system and the need for Métis communities to be able to take care of their own, a committed consistent process needs to be established that will create more resources in communities to enable more diversion of Aboriginal youth away from institutions and instill strong values into youth about healthy behavior and attitudes.

As has been noted in other sections, Métis communities have a long-standing desire to take care of their own. This cannot happen when existing resources (both human and financial) are stretched and overused. A commitment is required to strengthen Métis capacity to deal with problems in their own communities. This must take on the form of building institutions that support more programming and addresses needs in a holistic manner, reflecting Métis culture and lifestyles.

It is common knowledge that much of the gang recruitment occurs in youth correctional facilities. In order to stay alive and be part of the crowd, youth will willingly choose or get recruited into a gang. Due to the distorted media coverage of gangs, youth carry a positive image of being part of a gang life and seldom receive the news about the reality of gang life. This information is found later when it becomes too late to make a choice whether to stay or to leave a gang. Many of the Aboriginal youth that get released from jail are part of gangs and therefore it becomes difficult to prepare a plan for youth to be successfully re-integrated into his/her community once again. Many of these youth end up in urban settings where the lure of gang money and its accompanying lifestyle are hard to refuse and walk away from.

Keeping youth away from a life of crime and successfully keeping them in a community after being released from jail is a huge challenge.

Like so many other issues faced by the Aboriginal community in Saskatchewan, the answer and solutions require a comprehensive, multi-program, multi-stakeholder effort to come together and look at the solutions from a holistic perspective taking into account a youth's mental, spiritual, physical and emotional needs and having the resources address those four bodies. Solutions must be multi-year, long-term strategies that include youth and families as part of the solution.

### WE RECOMMEND THAT:

1. A stronger commitment of time and resources is made to youth reintegration because youth are not receiving enough assistance upon release from youth detention facilities.
2. There be development of youth crisis centers in urban areas, which is desperately needed since the Métis population is highly urbanized.
3. The creation of justice liaison workers within schools in Métis communities in Saskatchewan is recommended. Their role would be to raise awareness of the negative affect of getting involved with the law, provide education on the legal system and be a liaison with families on justice issues.
4. A major commitment and investment is required for Métis youth. This can only be realized by applying government will and the establishment of equal partnerships with the Métis community, therefore it is recommended that a Bill of Youth Rights be proclaimed with accompanying resources in order to implement these rights for youth.

5. A stay in school program is created incorporating Métis values and beliefs, in partnership with Gabriel Dumont Institute.
6. Since education is the key to freedom and self-empowerment, more is required for Métis youth to receive higher education levels. It is recommended that there be more funding for Métis youth to be educated and attain a higher education.
7. Self-sufficiency requires self-esteem and financial resources; therefore it is recommended that more effort be put into creating employment for Métis youth. This includes more part time and more opportunities in the north.

## YOUTH ALCOHOL AND DRUG ABUSE

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Youth addiction to drugs and alcohol is merely a symptom of larger causes born by a nation that has suffered from historical wrongs and current discrimination and oppression. Being under the constant influence of mind-altering substances are methods used by an addict to suppress the pain and anguish of problems that they are not able to deal with. The burdens of poverty, systemic racism and overall rejection of ones history and rights, places Métis people in a no win situation, eventually crushing ones spirit.

The burdens and inability to withstand the issues of every day living, Aboriginal people turn to drugs and alcohol to dull the pain. Like adults, Métis youth face similar challenges, yet their issues are sometimes compounded because youth do not always have a voice and a rightful place in society. This addiction often leads them into a life of prostitution or gang life in order to support their habit.

Addiction is a disease, and one that should be treated as such. More facilities in corrections and holding places are required for youth when they are withdrawing from drugs and alcohol, since unsupervised withdrawal may cause death. With the steady increase in harder drugs over the past decade, Métis youth need specialized assistance to tackle their addictions. Many of these drugs are easily available and particularly accessible in youth facilities.

Since 1969, the Métis Nation – Saskatchewan (MNS) has had an extensive history of providing quality addictions treatment to the Aboriginal community in Saskatchewan. The Métis Addictions Council of Saskatchewan Inc has facilities in all the major cities in Saskatchewan. The services and clientele have changed over the last thirty years, where the drug of choice used to be mainly alcohol. Today drugs in all forms are being abused. As well, there are more and more young people addicted to drugs and alcohol compared with those in the past.

Even though the numbers of youth that are struggling with addictions have skyrocketed, there are no facilities in Saskatchewan for these youth. When treatment is offered, youth are sent outside the province. This is unacceptable. Out of necessity, youth have had to attend adult facilities and this raises more problems than solutions, as adult solutions do not always work for youth problems.

### WE RECOMMEND THAT:

1. Youth detox and treatment centers are developed across Saskatchewan in consultation with MACSI.
2. A Métis-specific youth alcohol and drug awareness campaign be promoted in Saskatchewan, either as a stand alone project or as part of the Canadian Youth and Heritage media campaign on the dangers of alcohol and drug abuse.
3. Existing drug and alcohol programming be geared towards Métis youth that focuses on early intervention and prevention of alcohol and drug abuse.

## YOUTH GANGS

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The fragmentation of family supports and kinship systems within the Métis community due to past injustices have affected children and youth the most. Children from broken families have a greater risk of being involved in the life on the street, as a caring support system is not there to protect and guide them. There are many youths who have stable homes, but there is little being offered to aboriginal youth. "Hanging out" is the only recreation.

In Saskatchewan there has been a drastic increase in youth involvement in gangs. Research and knowledge in this area is in its infancy, therefore it is difficult to accurately describe the problem but equally challenging to find solutions and alternatives to gang life.

Based on a newly released report on gangs by the FSIN Alter-Natives to Non-Violence Initiative (ANNVI), the creation of gangs has been "characterized as a spontaneous youth movement"<sup>32</sup>

Gang creation can be attributed to the historical residential school experiences as well as the continued affects of racism and rejection from early work experiences and positive school experiences. The constant stress and life of at-risk youth makes them vulnerable to violence, abuse and inequality among their people and maltreatment from other sources. Due to the poor or absent choices for Aboriginal youth in most Saskatchewan communities, the attraction to gangs is a strong force that provides resources and status that would otherwise be absent.

"Gangs are good for people who have nobody to run to, like if they have no family, no support. They're good for people who want to live on the streets, want something that's not there. "

Kilburn Hall Youth Dialogue

During the development of the FSIN ANNVI Report, youth were asked what would have stopped them from joining a gang. Most responded saying all of the usual things that any youth needs: security, something to do, recreation, money, choices and family support. Like other social challenges for youth, gangs are merely a symptom of larger issues within the Aboriginal community. These issues are a direct cause as to why kids are attracted to gang life style. Problems in the home draw children away from their families.

"If you're in a gang, you can't leave...young have to be carried out in a coffin. You can't leave unless you want to get killed. I have to live with that for the rest of my life, there's no way I can get out."

Kilburn Hall Youth Dialogue

Any development in this area must consider the safety of Métis youth, first and foremost. Labeling youth as gang members is used much too often and is a dangerous label to place on a child. In searching for answers to this challenge it becomes clear that once again, it cannot be a stovepipe typical government solution. Rather, it must be a comprehensive, multi-dimensional solution. It must involve all those that have a direct investment in children, including the Métis families and youth themselves.

<sup>32</sup> Federation of Saskatchewan Indian Nations. (2003). *FSIN Alternative to Non-Violence Gang Initiative*. (pp. 45).

**WE RECOMMEND THAT:**

1. A youth strategy is developed in partnership with other Aboriginal groups and government to develop a long term-strategic plan that is comprehensive to address and reverse the rise in youth gang membership in Saskatchewan.
2. The MNS receive funding from both levels of government to deal with issues properly by conducting community discussions and gathering research. This will be in a partnership with other groups to develop programs preventing youth from joining gangs, to help those in gangs, and to support families to cope.
3. The solutions have to be long term with a commitment to tackle all the socio-economic challenges in the Métis community, particularly around strengthening family and protecting youth.

## JUSTICE EDUCATION

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“Many people do not understand their rights or have a limited understanding of their legal rights. Most Aboriginal people enter guilty pleas because they don’t understand...”

Métis Elders Forum

“Have law/justice classes within the grade 9–12 curriculum mandatory....develop youth friendly reading material on the law and the justice system.”

Métis Youth Council

Like Métis adults, youth need access to information about the justice system. Many youths have dropped out of the education system and therefore may not understand the written word as well as others. Even if a youth does complete school, there is little access to education about their rights and knowledge about the legal system. There is a dire need for Métis youth to have more information about their human and civil rights in relations to a courtroom, with lawyers and in correctional institutions.

### WE RECOMMEND THAT:

1. Justice education begins in kindergarten and carry on until grade twelve which should include: youth rights and workshops outlining responsibilities and consequences of involvement in the criminal justice system.
2. Although this education should begin in kindergarten, when a child reaches the age of adolescence they require access to legal education material that is youth friendly and draws appropriate interest.
3. Although it is often seen as a cliché, it is recommended that governments make the needs of youth a priority.

## MÉTIS WOMEN IN THE JUSTICE SYSTEM

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“Most of the legislation, regulation, policies and procedures related justice-based programming is created by non-Aboriginal[s]. In general, there has been little consultation with Métis women. Métis women involved in the justice system often lack information about their rights and face cultural biases that can lead to incarceration and the loss of custody of our children. In addition to changes in the legal system, improved relations between Métis communities and child welfare services are needed.”

Métis Women of Saskatchewan Inc.

Métis women, like youth, are very vulnerable to the negative affects of societal pressures. Métis women are doubly discriminated against. They are first discriminated because they are women and secondly because they are Métis. This is twice the exercise of intolerance by the non-Aboriginal society. This is compounded as many Métis women are poor, another factor of stress and intolerance by society. The description of Métis women in Saskatchewan is one of a society based on struggle but also of great strength.

Women who become involved in the justice system are not there for the reasons that the general public believes. Aboriginal women in Saskatchewan are most often single mothers living below the poverty line in urban communities. Most have dropped out of the employment picture (especially if they have children under six years of age) and struggle to make ends meet. These women have high risk factors of being abused by partners or by society's institutions.

Historically Métis women played a central role in society. Aboriginal women held central roles within the family and participated in a consensual decision making process within their communities. Their voices were heard and respected, unlike today in many cases. All of this changed when government began imposing their laws and values on to the Métis community. European culture was one where women were likened to farm animals to be owned with their views suppressed.

Over time the Aboriginal community was victim to ways of colonizers as well as the practices of assimilation. According to one Aboriginal female writer, she notes (Paula Gunn Allen):

“The colonizers revisions of our lives, values, and histories have devastated us at the most critical level of all – that of our own minds, our own sense of who we are.”<sup>33</sup>

Eventually Aboriginal men took on this perspective of Aboriginal women as well. Residential schools also introduced the practices of punishment and abuse to Métis communities and there began the cycle of abuse inflicted onto women and children that remains in the Métis community today. In the Manitoba AJI (1992:479) Emma LaRoche notes that Aboriginal women have been portrayed in a certain way through history:

The portrayal of the squaw is one of the most degraded, most despised and most dehumanized anywhere in the world. The squaw is the female counterpart to the Indian male savage, as such she has no human face, she is lustful, immoral, unfeeling and dirty. Such grotesque dehumanization has rendered all native women and girls vulnerable to gross physical, psychological and sexual violence...I believe that there is a direct relationship between those horrible racist/sexist stereotypes and violence against Native women and girls.

Violence and female oppression within both mainstream society and Métis society have reached epidemic levels. In fact, the majority of Aboriginal men in prisons are there because of family violence. Contributing factors are due to both historical causes as well as present day media images. Racism and sexist stereotypes not only hurt Aboriginal women and their sense of self-esteem it propagates and encourages abuse. Media has shown Aboriginal men throughout history as bloodthirsty, treating women badly, when in fact many cultures consider abuse of women and children as violating sacred laws.

<sup>33</sup> Paula Gunn Allen, *Sacred Hoop: Restoring the Feminine to Native American Traditions*, Boston: Beacon Press, 1986, page 45.

A study by the Ontario Native Women's Society demonstrates that a majority of Aboriginal women are abused by a spouse, a family member, or someone they know. It shows that eight out of ten Aboriginal women are abused<sup>34</sup>. One sign of this abuse is the amount of Aboriginal women using shelters where approximately 57% of all women are Aboriginal women. Due to the mistrust of the justice system by Métis women, violence against them is often not reported. This is due to many reasons such as the fear of harassment by community and family, as well as feelings of shame, fear of isolation and lack of support systems. Aboriginal women essentially carry the heaviest burden within their communities and it is said that one can tell when a community is healthy, it is when the women and children are healthy and stable.

As with Aboriginal youth and men, poverty is directly correlated to being involved with the law, as well as low education and health levels. Aboriginal women enter the justice system as victims either from family violence or attempts to feed their families. To a lesser degree, prostitution and alcohol and drug abuse are other causes of involvement in the justice system. Statistics Canada show that an average Aboriginal household (which is often headed by a single parent female) survives on an average income of \$15,700 per year compared with \$25,400 for non-Aboriginals, which is a 38% difference in yearly income levels.<sup>35</sup> In urban settings the poverty levels are even higher and yet this is where the majority of Aboriginal people live. Women go to urban centers to escape family or community problems whereas men go there to work<sup>36</sup>.

Risk factors for Aboriginal women getting involved within the criminal justice system are numerous. Poverty, as noted above, is the biggest factor. According to a 1993 Saskatchewan CCJS study of police reported crime in Regina, Saskatoon and Calgary, it found that Aboriginal women in both Saskatchewan's largest cities ranges from 27% - 34%, compared to 18%-23% for the non-Aboriginal females. Like Aboriginal men and youth, historical factors of colonization impact on their lives, as well as present day systemic racism, oppression and abject living conditions. Life in and out of prison can be detrimental for Métis Women. A quote from an Aboriginal woman in the Kingston Penitentiary tells it all:

We are born to into and spend our life facing it. Racism lies at the root of our life experiences. The effect is violence, violence against us, and in turn our own violence.

Women have particular needs while in correctional facilities. Métis women still remain the primary caregivers of their children and families, regardless of the situation they find themselves in. Aboriginal women have twice the amount of children than their non-Aboriginal counterparts. Due to this responsibility, Aboriginal women who enter prisons leave families behind. Some women are even pregnant. Aboriginal women are brought up with worldviews that center around relationships and their connections to family. The isolation and absence of their family is the most devastating for these women and great suffering occurs to them while there. Due to recent changes to correctional facilities in Canada, Corrections Services Canada has developed, in partnership with Aboriginal communities in Saskatchewan, facilities that allow women to live with children under four years old and to carry out their sentence in a place that focuses on healing. This is the best answer for Aboriginal women in correctional facilities in Canada.<sup>37</sup>

<sup>34</sup> AJI (1992), Aboriginal Women Society of Ontario

<sup>35</sup> Statistics Canada, Aboriginal Peoples Survey 2001.

<sup>36</sup> AJI (1992), page 481

<sup>37</sup> Ochi healing lodge in Neekaneet, Saskatchewan.

**WE RECOMMEND THAT:**

1. Funding be made available by federal and provincial government departments, to research the needs of Métis Women Offenders in Saskatchewan, that will lead to the development of a reintegration programming and a Métis-specific healing lodge for incarcerated women and their children.
2. The needs of Métis women be made a priority through an inter-sectoral approach with MFCJS, the Métis Women of Saskatchewan, Métis Nation – Saskatchewan and federal and provincial government departments. Métis women need programming targeted towards health, education, parenting skills, budgeting and life skills.
3. Métis women Elders need to be promoted and utilized. Recruitment of Métis women Elders is needed.

## ELDERS - SENATORS

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“It is understood that the term ‘elder’ has a distinct meaning with expected roles and behaviours in Native culture. Calling an individual an “elder” acknowledges the person’s accomplishments, experiences and wisdom and is not in reference to chronological age...Life is strict, but if you follow teachings, you will have a better and longer life.”

Norah George<sup>38</sup>

Elders are well respected in Métis communities because they hold the wisdom and history of the community. They are called upon as teachers, counselors, and peacekeepers. They are the historians of the Métis people. They have the wisdom of the past years and know the traditional practices and ceremonies that are necessary for the continuation of the Métis Nation.

On July 22 and 23, 2003, MFCJS and the Commission on First Nations and Métis Peoples and Justice Reform held an Elders Forum. Two representatives from each region were asked to attend. This forum included the Senator from that Region and an Elder at large. They raised a number of concerns specifically relating to youth and youth in conflict with the law. They also raised a number of issues and concerns about the justice system: Cree court, the need for more Court workers and justice workers, the need for culture camps, the need to pass on the language, culture and heritage of the Métis. It also developed a number of recommendations that are reflected throughout this submission. We thank the Elders for sharing their time, wisdom and thoughts with us.

MFCJS held, “The Wisdom of Honouring Our Métis Elders Conference,” on March 25-27, 1998. Approximately 220 Elders attended the conference. They defined the role of the Elder today and how they would like to be involved in the community:

The Role of an Elder is to:

- Pass on the language (Michif, Cree, Dene, Saulteaux, French, etc.)
- Show respect to other Elders in the community
- Bridge the gap between Elders and youth
- Provide a sense of pride in the Métis heritage and traditions
- Tell stories and legends
- Offer guidance (not lectures)
- Teach language classes (Michif, Cree, Dene, Saulteaux, French, etc.)
- Teach other First Nation teachings
- Hold/lead/support summer culture camps
- Tutor students to help them cope with life
- Talk to young people about traditions, customs, and languages
- Act as counselors at schools
- Teach parenting programs
- Teach children in schools about culture, history, the present, and the initiatives that Elders have taken
- Form partnerships with youth to solve problems

<sup>38</sup> MFCJS. “The Wisdom of Honouring our Métis Elders Conference Report. March 1998. Prince Albert, Saskatchewan.

What has become apparent during our consultations with the Elders is that they want to be involved in their communities throughout all sectors. We must strive to include Elders in providing guidance and direction to all Métis affiliates, programs and services and government departments. They carry with them great wisdom and respect must be paid to them. Therefore we recommend that Elders be involved in the development, design, implementation and delivery of programs and services. We also recommend that an Elder advisory position be allocated on all local, regional and provincial boards to provide direction and guidance. At the governance level, Elders play a large role in the governing of our Nation as outlined below.

## **Métis Nation - Saskatchewan Senate<sup>39</sup>**

The Métis Nation - Saskatchewan Senate (Senate) was established in September of 1991 in an aim to provide Elders with an opportunity to guide the governance activities of the elected leadership. The senate was also given the responsibility to provide the needed historical understanding and experience to the development of Métis culture. They were to provide advice and consultation on important matters to the Métis Nation. The roles and responsibilities of the Senate were further considered in the Métis Nation - Saskatchewan Constitution in December 1993, providing the Senate with the quasi-judicial role of dispute resolution at the regional and local levels. The work of the Senate was always recognized and continues to be recognized as an integral part of the governance of the Métis Nation and the institutions that are developed therein. Further, as the Métis Nation - Saskatchewan undertakes to govern its citizenship through the development of legislation, the role of the Senate is recognized as the desire of all of the people to honour our history and traditions and the values imbedded in each. Their experience and knowledge has proved a necessary light in a journey often historically cloaked in darkness.

## **History of the Evolution of Roles and Responsibilities**

In its earliest stages, the Métis Nation - Saskatchewan Senate worked in the capacity of advisor to the Métis Nation and its leadership. This function was performed at local, provincial and national levels, and the Senate was recognized as having the mandate to help define the visions and mission of the governing body. Clearly, the Senate perceived their role as guardian of the Métis Nation - Saskatchewan Constitution and to speak always on behalf of the people on matters of governance. As the structure of the Senate was such that each of the twelve Métis Nation - Saskatchewan Regions would appoint one Senator, with one representative from the Métis Women of Saskatchewan; these lifelong appointments were meant to bring consistency to the inevitable growth and change of the governance structures.

Today the Senate is responsible for the swearing-in of the members of the Métis Nation Legislative Assembly (Executive, Regional Directors, Local Presidents); for initiating laws respecting decorations, medals of honour or other commemorative honours of the Métis Nation; and for resolving internal disputes among members of the Legislative Assembly and any of the Locals and Regional structures or Women's representative bodies within the Métis Nation - Saskatchewan. Their role has expanded to include the undertaking of all ceremonial activities, including opening and closing prayers, flag ceremonies and the playing of the anthem. Further, they were mandated to oversee the election process and serve in that capacity as the Métis Elections Commission and the Appeals Commission, as required. The quality of service of the Senate to the Métis Nation, its government and its citizens, is recognized by the expansion of Senate roles and responsibilities. The Métis Nation - Saskatchewan will continue to seek core governance funds from government to support the work of the Senate in order to ensure this work can be sustained in all existing and future developments of the Nation.

<sup>39</sup> Métis Nation-Saskatchewan website. Retrieved on November 11, 2003 from [www.Métisnation-sask.com/governance/senate.html](http://www.Métisnation-sask.com/governance/senate.html).

Currently, the Métis Nation - Saskatchewan Senate receives its authority from a variety of sources, recognized formally in the Métis Nation - Saskatchewan Constitution of 1993, Article 12 – Senate Women and Youth. The Constitution sets out the powers of the Senate in regards to regional and local disputes, elections and matters of citizenship. The mandate and powers of the Senate are set out in the Senate Act, with further clarification of their roles in each of the respective jurisdictions of citizenship, legislative authority and elections in the respective pieces of legislation - Legislative Assembly Act; Elections Act; and Citizenship Act. The Senate has a role also in the Wildlife and Conservation Act.

The Métis Nation - Saskatchewan legislation clearly sets out the leadership role that the Senate has been given in the governance of the Métis Nation - Saskatchewan, a role that allows for all grievances to be heard and to be dealt with in a fair and expedient manner. The leadership is further provided with a sound second thought and sound judgment process through access to a formal committee of Elders through the Senate process. The role of the Senate in the continued development of the Métis in Saskatchewan cannot be stressed enough. The wisdom and patience of the Senators can only strengthen the future for all, both within the Métis Nation and within the country of citizens with whom we co-exist in Canada. The Senate provides an opportunity for all Canadians to access our proud past, to be comforted by the knowledge that the future will indeed be grounded in the past and that the development of the Métis governance will be premised upon the courage, pride and respect that our Elders have shown over history and amidst great struggle.

**WE RECOMMEND THAT:**

1. Financial resources are allocated to support the involvement of Métis Elders in the development, design, implementation and delivery of programs and services.
2. An Elder advisory position is designated on all local, regional and provincial boards to provide direction and guidance.

# RESTORATIVE JUSTICE

In recent years the non-Aboriginal community has adopted traditional methods of resolving conflicts from the Aboriginal people of Canada. It is called Restorative Justice. Traditionally Métis people relied on these methods which is best described by a Métis leader in Manitoba, Jim Dumont:

“For the Aboriginal community and for the individual, the over-riding motivation for achieving justice in situations of conflict and deviance was that of restoring peace and equilibrium within the community and reconciling the accused with his/her own conscience and with the community and reconciling the accused with his/her own conscience and with the individual family that is wronged. It is a difference that significantly challenges the appropriateness of the present legal system for Aboriginal people in the resolution of conflict, the reconciliation and the maintenance of community harmony and good order”.<sup>40</sup>

Aboriginal people describe restorative justice as a variety of methods aimed at restoring balance and harmony to an individual. It is derived from traditional Aboriginal methods of restoring back to a healthy state, from one that was imbalanced, in disharmony and therefore unhealthy.

The principles that these methods are based are: the value of each person, the earth, and all that is contained within it, including those from the spirit world. The principles are concerned with reciprocal, respectful and responsible relationships, based on a holistic perspective of health. This holistic approach is the need to heal and balance all areas of ones being - physical, spiritual, emotional and mental. The cyclical holistic approach values the interconnectedness of ones relationships to the earth, animals, people and the spirit world.

This restoration aims to bring back health to a person who has chosen an unhealthy path and who is out of balance within the four areas of the body. Bringing back health to a person is often addressed in relation to the mistakes made within the justice system, relating to the over representation of Aboriginal people as victims within this system. Existing methods of punishment and isolation have proven to be destructive and do nothing to help a person integrate back into the community. The justice approach is to help re-integrate a person back into a community or to divert offenders to community based programs.

Communities provide the help that an offender needs to return to a community. They also provide the services of a judge, counselor and may include sentencing circles. These restorative justice programs may include Elders providing counseling, mediation and spiritual healing help. It may also include sentencing alternatives, such as circles, or community members being more involved in the sentencing of a person along with the usual justice machinery. Other examples include a talking circle, where those present have been affected by the offense, including the perpetrator and victim and their families.

Effort also needs to be placed on preventing the behavior from happening in the first place. This includes working with children and the whole community to build personal responsibility, respect, honor and humility in various ways. These are fundamental values that are absent in colonized communities, as in the Métis community. Restoring traditional Métis values and methods involves the building of both human and resource capacity within the Métis community. These critical factors are necessary to provide the services required for Métis to take care of their own people instead of having the outside justice system do it.

Justice to Métis people does not mean the current legal system. It entails the ability to heal oneself and ones community and to keep things in balance and in harmony with the surroundings. The focus is not on finding fault but on repairing the wrong that has been done and bringing trust and respect back into the relationships that have been shattered. The offender pays for the offense by the commitment and efforts by working through the healing, emotions, growing, and learning from the teachings from Métis laws of justice. Ways in which an offender can pay his/her retribution to the victim is to ask for forgiveness, look after some aspect of the victim's family and to commit to healing throughout the process.

<sup>40</sup> Dumont, J. (1993). Justice & Aboriginal People. In Royal Commission on Aboriginal Peoples (Eds.). *Aboriginal people & the justice system*. (pp. 68). Ottawa: Canada Communication Group – Publishing.

Justice is also about the ability to be self-governing, being able to decide on one's life, and not depend on anyone else to determine one's path. To truly have the ability to restore balance and use past methods to become healthy again, requires a shift in the way government does business with Métis people. There has to be a shift in the recognition of the Métis nation as one that has Aboriginal rights, instead of denying this and playing political football by bantering the Métis right issue back and forth between the provincial and federal governments. Métis people have Aboriginal rights that must be recognized by the federal government, in the form of agreements addressing the land, self-determining rights and resource rights put forth by the Métis since the Canadian constitutional provisions of the early 1980's.

Recent court decisions ruling in favor of Métis rights demonstrates what the Métis position has been all along. Métis people have rights to land, a place of their own in government that does not colonize and rights to resources to be self-sustaining peoples. As Clem Chartier, president of the Métis Nation - Saskatchewan says, commenting on the recent Supreme Court decision, *Powley vs. R*:

“This is icing on the cake... it affirms our right to hunt, fish and trap”<sup>41</sup>

Similar court cases in Saskatchewan had similar rulings. This shift in the Canadian psyche and by those in power in this country merely proves the position of the Métis. It is now time to take action and legislate these rights, rather than merely continuing to talk about whether they exist.

#### WE RECOMMEND THAT:

1. Both Provincial and federal governments change their perceptions about Métis rights and begin negotiations on how they will be honored and respected.
2. Métis rights are restored, through government recognition enacted in Federal legislation that connects these rights to land, funding and proper resources to be self-governing.
3. The above recognition requires control of the administration of justice for Métis people in Saskatchewan. This control over justice by the Métis people will include community reparation and restorative justice and healing.
4. In the interim, governments must step back from controlling justice and move towards facilitating and empowering Métis communities to regulate their communities based on their unique beliefs and needs.
5. The ability for Métis communities to work on partnerships and share information and resources is created. This is to be reflected with an agreement by all levels of government and Saskatchewan Métis communities that spells out the capacity for communities dealing with many areas of the justice system conditional on the building of community capacity and on government observing not determining.
6. To reflect the rights of Métis in Saskatchewan, it is recommended that negotiations occur immediately aimed at building community ability and providing proper assigned resources that will allow more community healing and restoration to take place.

<sup>41</sup> Global Newspaper article, Sept 2003

# COMMUNITY DEVELOPMENT

In this section we are discussing the issue of community development in relation to implementing changes to the justice system. Based on the fact that a review has been undertaken, it seems fair to say that there has been an acknowledgement by the provincial government that there is a need for change. The implementation process will determine the level of commitment and the degree of change that government is willing to undertake in establishing a positive, inclusive relationship. Dedication of substantial time, effort and resources will be a tangible indication of this commitment.

Following is a definition of “community” and an overview of past approaches governments have taken in dealing with the Métis.

## WHAT IS COMMUNITY?

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“Community is a feeling, a perception of connectedness both to other individual human beings and to a group. Building community then involves building bonds between human beings and to a group. Where there is no perception of connectedness among a group of people, there is no community. Although we may live in the same neighbourhood, municipality, country, state or nation, be governed and served by the same institutions, we may have no sense of connection with each other, no sense that we are part of a unified group. As such, we are not of one community.”<sup>42</sup>

This statement offers a perspective of the Métis experience within the Canadian community. Our life experience has been overshadowed by feelings of isolation from the general community, as efforts have not been made to build the bonds of inclusion. This lack of connection has resulted in feelings of hopelessness and apathy due to lack of control over decisions that affect us. If we (the Métis people and larger community) are to make positive change, then we must revisit the past to rebuild what was taken away.

At one time, the Métis had strong, self-reliant communities. Their survival was dependent on individual acceptance of roles within the community. These roles varied according to individual skills, abilities, age and gender. The rugged environment in which the Métis lived created an environment where consequences of not fulfilling one’s roles were often direct and immediate. The long-term well-being of the community relied on individual and communal acceptance of day-to-day responsibilities. Families and communities worked together to build stability for the future.

The buffalo hunt is a good example of this principle. The communities’ survival and prosperity was dependent on the success of the hunt. Years of experience taught our people what worked best to accomplish our goals. This is evident from the “Laws of the Hunt” which laid out strict guidelines and roles regarding how the hunt was to be conducted. Efforts and resources were carefully coordinated to maximize results. Everyone participated and everyone benefited as the whole community prospered. There was a communal acceptance of responsibility towards the Elders and the less fortunate. Ability and skill was recognized and the produce from the hunt was shared among all. Individuals took pride in and felt valued for their contribution. The result was a positive, thriving community that recognized challenges and coordinated efforts to overcome them. Community members were part of the decision-making process regarding issues that affected them.

This is not to say that these principles were unique to the Métis community. The survival of the non-Aboriginal settlers depended on the same type of cooperation and community-driven spirit. However, the government’s assimilation policies were not applied to the settlers therefore their experience and perspectives are very different from the Métis. Government interference and manipulation of situations and events resulted

<sup>42</sup> McCold, P. & B. Watchel. (1997). *Community is not a Place: A New Look at Community Justice Initiatives*. Retrieved on December 12, 2001 from <http://www.restorativepractices.org/Pages/albany.html>.

in the breakdown of economically and socially thriving communities. Loss of access to resources formerly available for everyone's benefit had a devastating effect on the Métis community. Once self-reliant, healthy families were forced to depend on the "goodwill" of governments and the interpretation of paternalistic policies by those acting as their agents. Decisions that affected their lives were made in isolation from them; were often impractical and reflected the governments' assimilation agenda. The socio-economic impact of this forced dependence, resulted in the fragmentation of communities and the break down of the Métis family unit.

This mind-set continues to impact our communities and forms the basis of the issues we currently face. The intergenerational marginalization has resulted in a dependent mentality within our communities and has eroded feelings of connection and belonging in the larger community. In fulfilling our obligation to the Justice Review Commission, Métis Family and Community Justice Services, Inc. took the opportunity to ensure that the voice of the Métis was heard. Our communities spoke clearly about their concerns regarding their children, families and communities. This input is critical to begin the process of personal and community empowerment (development) and cannot be viewed as an "event".

Community development is an ongoing process that requires long-term commitment by all stakeholders. It is a living process that evolves over time. There must be an understanding that at various times stakeholders may change and the focus may shift. However maintaining ongoing, open lines of communication will determine the success or failure of our efforts. If the "connection" between the Métis and the larger community as a whole is to be built, then the starting point must involve our people in defining the issues; identifying/clarifying solutions and supporting them through the implementation process. Activities undertaken throughout this process must allow flexibility to accommodate differing levels of individual and community skills and resources.

Communities identified that the magnitude of problems seem overwhelming and they often feel unqualified and ill equipped to offer solutions. Individuals under value their life experiences and knowledge. They do not understand that this personal experience gives them an insight into the problems that someone from outside the community could never comprehend. This is directly related to the effects caused by years of externally imposed solutions.

How do we (the Métis people and the larger community) build the bonds to establish the "connectedness" of community? As in any relationship, there must first be an acknowledgement that the status quo is not acceptable. Partners must look within to see the merits of this relationship in terms of communal (Canadian) well being and make a decision as to whether or not they are willing to take the risks and do the work required to make fundamental changes. Such change can only take place in an environment of mutual trust and respect.

Throughout the report we have identified many over-arching issues that impact Métis communities and have made recommendations for changes to the justice system. However to be effective these changes must reflect the underlying causes. It is important that all stakeholders participate in developing and implementing solutions. Fundamental to sustainable change is commitment to involving Métis communities in the development and implementation of strategies that affect them. This process will be a strong indication of the government willingness to address the Métis people as a partner, rather than a "client". It is recommended that a community development component be included in the implementation process that reflects the following guidelines:

**WE RECOMMEND THAT:**

1. Communities be allowed to lead the change and governments (Provincial and Métis) act as the facilitators;
2. Respect for the roles of our Elders within our communities by supporting their involvement in the development of implementation models and within the delivery of community-based initiatives;
3. Support and facilitate the involvement of recognized Métis organizations and affiliates in working within Métis communities in the development and delivery of initiatives;
4. Recognize the long-term nature of community development and make the commitments necessary to establish sustainable change;
5. Support consistent, stable provincial and community-based initiatives by including capacity building requirements into program development;
6. Flexibility within strategies to recognize the interrelated and overarching nature of issues affecting our communities and at the same time acknowledging the varying needs of individual communities;
7. An inclusive approach be taken within communities to reflect the interests of all stakeholders;
8. Develop streamlined, consistent application and accountability requirements;
9. Recognition of varying levels of community readiness and flexibility to devolve administrative control as community capacity expands.

# VICTIMS

“Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system”<sup>43</sup>

For as long as there been people on earth there have been those who have been unfairly treated and who have suffered emotional and/or physical harm as a result of the actions of others. Control over circumstances affecting their well-being has been taken away from them. The term “victim/s” is used to identify this person or group of people.

One would assume that the very fact that someone has been unfairly treated would result in immediate action to rectify the situation however this is not always the case. In fact at times, society has a tendency to view the victim as “weak” or to blame for allowing the action to happen. People often look at victims in a negative way by judging or blaming them. It is only recently that governments have made concerted efforts to recognize and address the rights of the victim/s.

The dynamics of victimization within the Métis community is complex. A person can one-day be a victim and the next the offender. In fact, very often the offender has at one time been a victim and is unconsciously “acting out” their anger by passing it on. In many cases, the victim and offender are family members or close acquaintances. Family unity is a strongly held belief within the Métis community and if one-member reports and charges one of their own; the victim is often punished for breaking up the family. This creates a complex situation often resulting in the victim being unwilling to report the offence and therefore the cycle continues.

As mentioned previously, in many cases the offender was once a victim. In order to have positive, long-term impacts on crime rates, justice strategies and alternative measures must recognize of the need for the victim/offender to heal and holistic approaches to healing. First priority of course must be to maintaining personal/community safety. Adopting this perspective may be very difficult to accept in cases where a life has been taken or other violent offences committed.

Further to this, the Métis experience within the justice system has led to an environment of fear, mistrust and dissatisfaction. There is a general mindset that their feelings and issues are not taken as seriously as non-Métis victims; that their safety and well-being is not a priority; and/or perhaps they will be victimized again by the very processes which are meant to support them. These experiences have taught Métis people to avoid contact with police whenever possible, and results in many unreported offences.

Taking into account the previously mentioned factors, what are the needs of Métis victims? They are no different then any other victim’s needs as outlined in the “Canadian Statement of Basic Principles of Justice for Victims of Crime”. However, based on the long history of injustice to our people, special efforts must be made to build a relationship of mutual trust, respect and fairness. In short, governments must demonstrate through action that a Métis victim’s issues will be addressed in the same manner that a non-Métis victim’s issues are addressed.

To begin this process, it is important to recognize that traditional Métis justice processes were very community-focused. This principle has been implemented in numerous community justice programs over the last decade therefore expanding such programs would benefit the community as a whole. An example of such supports is the;

- Aboriginal Resource Officer Program which assists Aboriginal victims of crime; Aboriginal victims of unreported crime; at-risk Aboriginal individuals and involvement in community/policing programs;
- Community Justice Programs that provides mediation services between the victim and the offender.

<sup>43</sup> Department of Justice. (2003). *Canadian Statement of Basic Principles of Justice for Victims of Crime*. Retrieved on December 15, 2003 from <http://canada.justice.gc.ca/en/ps/voc/csbp.html>

**WE RECOMMEND THAT:**

1. More funding, training and resources are directed to victim's service in the rural and northern communities with a focus on hiring Métis aboriginal people.
2. Victim Services be moved to more appropriate locations away from police stations.
3. An Aboriginal Resource Officer Program is operated by Métis communities for Aboriginal people.

# POLICING

Problems with policing have emerged as an area of great concern and contention throughout the life of the Commission on First Nations & Métis Peoples and Justice Reform (JRC). Racism within some police forces in Saskatchewan spurned the creation of the JRC. It is suggested that numerous deaths have been attributed to this factor within the police force and the very existence of this Commission is testament to the seriousness of the issue of policing in Saskatchewan. The tragic deaths of Neal Stonechild, Rodney Naistus and Lawrence Wegner have raised grave concerns within the Aboriginal community yet they've largely gone unanswered. The tragic experience of Darryl Night and the successful prosecution of Dan Hachen and Ken Munson have brought this issue to the forefront. Aboriginal leadership has been successful in lobbying for the establishment of this Commission to ensure that these young men's unfortunate deaths are not in vain. We mourn the loss of these young Aboriginal men and women with their families. We pay honour and respect to the following:

- Neil Stonechild;
- Rodney Naistus;
- Lawrence Wegner;
- Darcy Ironchild;
- Keldon MacMillan;
- Melvin Bigsky;
- Leanne Richardson, and;
- All other unidentified Aboriginal men and women who have passed on to the Creator.

The deaths of these Aboriginal men and women are a burden that the Aboriginal community carries as a whole. These deaths are not faceless incidents but rather these individuals lived full lives as fathers, sons and brothers. The women were mothers, daughters and sisters and left behind families that cared and mourn their death. It is important that they receive the honour and respect they deserve. This is a reminder to the Commissioner's of the First Nations and Métis Peoples and Justice Reform Commission (JRC) to remember that we are dealing with people's lives and some have paid a very high price. It is imperative that others do not fall victim to the system again.

Not a lot of solutions are available to deal with the multitude of issues facing policing in Saskatchewan today. Previous Commissions and inquiries have examined this issue and made recommendations. To date, however, major improvements have yet to be implemented. The Métis experience with policing has been primarily negative. Young Aboriginal men and women have been beaten, disappeared and died while in police custody or after police contact. There have been far too many incidents and facts brought forward to continue ignoring this issue.

This is not to say that all Métis/Police relations are negative. In communities where police members are involved in the community the relationship is much better. Police have the opportunity to develop and maintain relationships with the communities assisting to dispel any misunderstandings between the two cultures. This approach also helps the police and the community, break down potential barriers of ignorance. Involvement can include: participation in community forums, in schools, in crime prevention activities, and in community activities beyond the scope of the community. This process allows for necessary two- way communication and sharing of information, eventually allowing the Métis to include the police as members of their community. This may change the negative stereotypes and preconceived notions of police in the community. Métis people and police have a history based on oppression, dispossession and lack of trust.

## HISTORY OF POLICING

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Historically, the Métis were a proud, self-reliant, self-determining Nation that played an important role in the political economy and formation of Western Canada. The Métis had traditional forms of justice and governance structures in place prior to confederation. They formed provisional governments and had existing forms of social control. The rules of the Buffalo Hunt and the laws of St. Laurent are examples of early forms of Métis justice. However, any attempt to exercise their right to autonomy and to govern their people was viewed as threat to the state.

“Injustices arose because our political and military expression of autonomy, and these injustices need to be addressed. Because the Métis split from the Canadian State in 1869-70, repression began in the Red River with an occupying force from Canada. That was followed by the formation of the North-West Mounted Police, which the Métis still view as an occupying force formed to control our people.”<sup>44</sup>

The Canadian State, through the North-West Mounted Police, punished Métis people for exercising their Aboriginal right to be self-governing. Even though the Métis did not sign treaties they have inherent rights to land and the resources of Canada due to their distinct position in the history of this nation. This right was affirmed within the Manitoba Act, whereby Métis were allotted land as part of the settlement of that province. The Métis had a distinct way of life in which they provided for themselves and their families. A primary way of survival was living off the land. The land provided the Métis with food, clothing and an economy. Introduction of the capitalist system through the Hudson Bay Company and North West Company effectively eroded their economy by making their traditional and successful way of life illegal.

“As the major agency of state administration on the plains, the North West Mounted Police used two weapons to marginalize the Métis people. Permissive laws allowed a form of inquisitorial justice to prevail in relation to the Métis. Famine and poverty resulting from the combination of climate, of military depredation and of settlement, gave the North West Mounted Police the power of life and death over many Métis. The carrot and stick of food in return for forced labour created a legal and social dependency class.”<sup>45</sup>

The North West Mounted Police, acting as agents of the state exerted great power over Métis people. Since their way of life and livelihood was illegal, Métis people were subjected to impoverished conditions. The North West Mounted Police enforced this with an iron fist. The beneficiaries of this suppression were the Hudson Bay Company and the Government of Canada. The citizens of Canada continue to reap the benefits of this land, meanwhile the displacement of the Métis from their land also impacted greatly on their economy and livelihood. The federal government continually asserts that Métis have no land rights as taking script relinquishment any rights whatsoever. It is common knowledge that many illegal activities were involved in taking scrip and yet the North West Mounted Police did not protect or help the Métis uphold their rights. The injustices occurred in removing the Métis from their land base and so began the marginalization and criminalization of the Métis people of Canada.

## MÉTIS / POLICE RELATIONS

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Historical Métis relations with the police are predicated on the present relationship within contemporary society. Current relations between Métis communities and the police are strained, at best. To understand the role that history has placed in the development of existing relations is paramount. The mere recognition of wrong doings and apologies are simply not enough. Reality must improve and a pivotal change needs to occur in

<sup>44</sup> Chartier, C. (1994). Métis Perspectives. In Gosse, R, J. Y. Henderson & R. Carter, (Ed.), *Continuing Poundmaker and Riel's quest : Presentations made at a conference on Aboriginal Peoples and Justice*. Saskatoon: Purich Publishing.

<sup>45</sup> Brogden, M. (1991). *Early Forms of Métis Justice*, In Corrigan, S. W., & Barkwell, L. J. (Eds.). (1991). *The Struggle for Recognition: Canadian Justice and the Métis Nation*. Winnipeg: Pemmican Publications (pp.51)

police attitudes. Policing of Métis communities must include Métis experiences, realities, expertise and recognition that they have valuable resources to offer. The marginalization and criminalization of Métis people must stop.

“Police relations with local people are often not pleasant and this has a lot to do with the attitude of the officers that are coming into the community. Officers coming into the community often come into the community and the first thing they do is build a chain link fence around their home. What kind of message does that send? They walk around in schools, offices, and in restaurants in bulletproof vests with a pistol. What’s the message?”

Beauval Community Dialogue Participant

The criminalization of Métis people continues today; as police are excessive in arresting and charging, further marginalizing Métis people in Saskatchewan today. Métis people in Saskatchewan find no justice in this system. Many Métis people are living below the poverty line in depressed conditions, yet they are being punished by the system for being poor. This point is further emphasized by the high number of people being incarcerated for breach of probation and breach of conditions. Levying heavy fines on a person who cannot afford to pay is in fact a crime, from our perspective. Yet, many Métis people are incarcerated because of non-payment of fines. Is there justice in this? Who is enforcing the criminalization of Métis people today? Is it the Royal Canadian Mounted Police and the various municipal police forces in Saskatchewan? While it can be said that police follow government orders and are simply carrying out their mandate and job duties, this is nevertheless deplorable. It is definitely time to consider a different way of doing business.

## MÉTIS AUTONOMY

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“The position of the Métis people remains that they have an inherent right to be a self-governing nation and to have control over law making in the administration of justice. The Métis have always claimed sovereignty over matters relating to their own people and have continually struggled to be self-governing.”<sup>46</sup>

As noted above, the Métis Society of Saskatchewan, now known as the Métis Nation – Saskatchewan, has always maintained their right to self-government. The provincial and federal government has used the issue of jurisdiction to shirk their responsibility to the Métis people of Canada. Recognition of Métis rights by both governments is needed. The recent Powley decision has confirmed Métis rights and the federal and provincial government must follow suit by passing legislation and drafting policy that honours these rights.

The Métis right to self-government also includes the right to control not only the administration of justice within their jurisdictions, but to develop laws that affect Métis people in Saskatchewan. Understandably this includes the right to determine who polices their communities and how their community maintains its’ peace and order. First Nations in Saskatchewan have entered into a Community Tripartite Agreement with the provincial and federal governments to establish police services based on the communities’ needs. CTAs are a result of the First Nations Policing Policy that was designed, “to give First Nations more control over how policing services were delivered in their communities.”<sup>47</sup> These agreements allow for the funding and infrastructure to operate the Police Management Boards, throughout 1/3 of the First Nations communities in Saskatchewan.

It is imperative that Métis communities also enjoy these services of policing within their communities. We recommend that a Métis Policing Policy be created in consultation with the Métis Nation – Saskatchewan. Both

<sup>46</sup> Métis Society of Saskatchewan Justice Position Statement to the Report of the Saskatchewan Métis Justice Review Committee. 1992.

<sup>47</sup> RCMP “F” Division Submission to the Commission on First Nations & Métis Peoples and Justice Reform. March 13, 2003

the Federal and Provincial governments need to begin recognizing Métis rights including the right to self-government and the right to determine the laws that affect them and the services to their communities. Métis communities should have the right to determine how their community is policed and the creation of a Métis policing policy will help to ensure this.

It is also recommended that a process be established to discuss the Métis Nation – Saskatchewan's role in terms of Federal-Provincial policing agreements. Discussions should include the Métis Nation – Saskatchewan, Federal and Provincial government through the tripartite process. A Métis Policing Policy developed by the Métis Nation – Saskatchewan could be the framework for implementation of policing services in Métis communities in Saskatchewan. This is the long-term goal of the Métis Nation, to have control over all aspects of governance including the administration of justice services. Realizing that real changes and reforms will take time and hard work by all parties. An immediate short-term goal for policing in Métis communities is community policing.

## COMMUNITY POLICING

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The Report of the Saskatchewan Métis Justice Review: 1992 and the Aboriginal Justice Inquiry of Manitoba: 1991, recommended moving towards a community based policing approach within Aboriginal communities. Communities need to be a part of decision-making regarding community policing. This involvement, through police management boards and community justice committees, is a very positive step in some communities across Saskatchewan. Although, existing communities with such initiatives are constantly challenged with insufficient financial and human resources, as well as a lack of training. They need greater financial assistance and capacity building in order to be more successful and to feel a part of policing in their communities. We also recommend that the RCMP reinforce and enforce their community policing strategy and that all municipal forces across Saskatchewan shift to community policing until Métis communities can exercise autonomy over the delivery of policing in their communities by administering justice within their jurisdiction.

The RCMP "F" Division defines community policing as a "partnership between the Community and Police in the delivery of Policing services." Their service delivery model is based on the principles of community policing: knowing and working with communities, identifying common problems and concerns, resolving problems, effective and directed enforcement.<sup>48</sup> We commend the RCMP on utilizing this community approach in policing. The Aboriginal Justice Inquiry stated that community policing has six characteristics which gives it a great deal of potential for improving the policing of Aboriginal people; it is decentralized, prevention-oriented, improves police-community relations, flexible and is more adaptable to Aboriginal culture.

However, community members across the province still continue to identify problems with policing such as: lack of community involvement, lack of trust between police and Métis communities, over charging, and an abuse of authority for both municipal and federal police forces in Saskatchewan. Community members also noted fear of police that impacts their relationship with the police. The mistrust goes both ways. Individuals may hold negative views of the police because of fear and lack of understanding of each other. Often, RCMP officers are placed in Aboriginal communities and have no awareness (and sometimes no desire) of the community and understanding of the people in that community. Strained relations are a result of lack of awareness, which can also lead to entrenched ignorance. This is unacceptable and extensive work is required at the community level to repair the relationship.

Policing in Métis communities needs to shift to a community policing approach. Police need to be involved in community activities so that they can be seen as being a part of the community. This will also allow for police to become more aware of the community that it is serving. The AJI principles of community policing outline the positive benefits of community policing that can be implemented in both urban and rural communities. Therefore, we recommend as a short-term goal that a policy be developed and implemented by all municipal, provincial and federal police services to ensure that community policing is practiced. As well, the RCMP needs to review its policies and strictly enforce their community policing principles throughout the province as a whole, specifically in Métis communities.

<sup>48</sup> Ibid.

It is important to note there have been some positive developments in the area of policing. The RCMP “F” Division has implemented a community policing strategy and many municipal police forces are moving towards community policing such as Regina, Prince Albert and Saskatoon. The RCMP “F” Division has community policing as its service delivery model and we encourage all police services to move to this model of policing. The RCMP “F” Division is also involved in Operation TARGET, Commanding Officer’s Aboriginal Advisory Committee (made up of Elders), and partnerships with the Aboriginal community. Saskatoon Police Services, Regina Police Services and Prince Albert Police Services have also noted extensive involvement in community activities such as:

- Representation on various community boards and organizations;
- Involvement with youth programs (Street Culture Kidz, Rainbow Youth Centre, White Buffalo Youth Centre);
- Representation on numerous community boards and committees;
- Elder’s Advisory Committee;
- Cultural Relations unit;
- Various other community-based activities.

We commend the involvement of police members in the community and encourage more participation in all police forces in Saskatchewan. Much more hard work, commitment and support is required by all communities, police forces, Aboriginal government and organizations and levels of government to support the development of community policing in Saskatchewan. While there have been many good developments much work is still needed in this area.

## MÉTIS COMMUNITY INVOLVEMENT IN POLICING

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Community Justice Committees (CJC) and Police Management Boards (PMB) is key in reclaiming responsibility for policing in Métis communities. Currently, there are a number of committees and boards in Métis communities such as La Loche, Ile a la Crosse, Meadow Lake and Archerwill. CJC’s and PMB’s are a positive step in empowering communities to take ownership of their communities. Métis Family & Community Justice has identified strengthening existing CJC’s as a priority with the long –term goal the creation of CJC’s in every Métis community. Many of these boards are volunteered, with little resources supporting the activities. This results in high turnover and burnout for committee members. Financial support is necessary to support communities in taking responsibility of policing in their communities. Capacity building exercises such as training and human resource development programs are necessary to increase the role of Aboriginal communities in policing. CJC’s require commitment from its members, as it can be a very difficult job at times. However, they also require commitment and support from the Métis Nation – Saskatchewan, the provincial and federal government departments.

We recommend that communities amalgamate Police Management Boards and Community Justice Committees into one strong committee. As capacity builds, communities can take more control over programming in partnership with Métis Nation affiliates. By doing this we can increase the role Métis communities play in policing. Possible expanded roles of Community Justice Committees can include Community Tripartite Agreements, selection and hiring of police recruits specific to their community, assessing community policing needs, priorities, evaluation of police effectiveness in community, community supervision of offenders, sentencing circles, and whatever the committee deems necessary.

## THE USE OF DISCRETION

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“Then discretion is a huge factor in our involvement in the justice system, the police discretion. They have the right not to charge, they can make those decisions and they do every day, and I’ve seen it. And it’s applied very negatively to our people. As well as judges’ discretion and prosecutors’ discretion. We have to look at that area and see what we can do to make things better.”

Métis Nation – Saskatchewan Eastern Region Dialogue

The exercise of discretion is an integral part of a police officer’s duty. Discretion is defined as: “the autonomy given to patrol officers in carrying out their tasks and making decisions on a day to day basis.”<sup>49</sup> Discretion is used when police officers are deciding upon a course of action to execute, which can vary from who to stop, to whether to lay charges or not. The exercise of discretion can be dangerous when police officers do not fully understand the community that they are serving, as noted by the Canadian Criminal Justice Association’s report, *Aboriginal Peoples and the Criminal Justice System*:

“While treating everyone identically might seem to imply that external values or considerations would not affect the objective application of rules, we believe that such a view would be mistaken. Any decision enforces some value. When the value enforced is that of the dominant group in society, however, it is easy for members of that dominant group to look upon the decision not as value-based, but as neutral.”<sup>50</sup>

One’s worldview has an enormous impact on the exercise of discretion. An individual’s worldview and perceptions of life are framed by their history, family, community and other socialization factors. Since the majority of police officers are from a non-aboriginal mindset, it is common for them to see Métis people as being strange and completely opposite from them. This is the place that their decision on exercising discretion will be derived. Consequently this will negatively impact on Métis people due to an officers lack of knowledge and socialization experiences with Métis people. With the majority of police officers being raised in pre-dominantly non-aboriginal neighbourhoods, they will not have a basic understanding of Métis. Therefore, they will not have healthy point of reference to relate to Aboriginal people. While members of a dominant society believe that they are being fair and impartial they are in fact being discriminatory. The imposition of one’s value system on another’s tradition or cultural background is discriminatory. It is within this practice that systemic discrimination finds its roots.

## RACISM

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Recognizing and taking responsibility for racism strongly evident in the criminal justice system is key to begin healing the tenuous relationship between Métis people and the police in Saskatchewan. Allegations of racism are real and need to be validated. One only needs to review the deaths of Aboriginal men at the hands of the justice system for evidence. There are many reasons why racism exists with police forces today. To ignore this issue would be an injustice to all community members who have shared their stories of racism and policing. The Canadian Race Relations Foundation has identified six areas that may cause racism in police forces:

- The strong police identity gives police officers a feeling of power; they are protective of one another and many sometimes abuse their power;
- Training to prepare police for work in a society with a large immigrant population remains inadequate;

<sup>49</sup> Canadian Police Work. (Page 181).

<sup>50</sup> Aboriginal Peoples and Criminal Justice, Page 5.

- The real or perceived existence of a very wide social, economic and cultural gap between the lifestyles of police officers and the multi-ethnic neighbourhoods they patrol;
- The lack of effective mechanisms for identifying racist incidents, attitudes, and behaviours in institutions;
- The lack of appropriate corrective and disciplinary measures for abuses of a racist nature;
- Condescending treatment of complaints from racialized groups alleging racism.<sup>51</sup>

Racism is difficult to see and even more evasive when found in society's institutions. Systemic discrimination happens "when a specific act, policy or structural factor – intended or unintended – results in adverse effects from members of a certain group."<sup>52</sup> Systemic discrimination is deeply rooted within the criminal justice system and though unintentionally built into the system, nothing is being done to reverse its adverse effects. The criminal justice system and the police are foreign to Aboriginal people who struggle to relate. Therefore, they are distrustful of the system and do not view themselves as receiving equal access to justice. A relationship that is based on mistrust fosters a system of adversarialism and ignorance.

What is apparent in the exploration of racism and policing is that ignorance plays a huge role. Not understanding people one comes into frequent contact with can be detrimental. Stereotyping or pre-conceived notions further inflame ignorance which can lead to acting out on that ignorance or lack of respect for members of a certain race, religion or sex.

## CROSS-CULTURAL TRAINING

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Solutions to this contentious issue will not come easy. Much hard work, commitment and acceptance of responsibility is needed to begin rebuilding the rift between the police and the Métis community. Many commissions and inquiries before have recommended cross-cultural training and employment equity as possible solutions. However, such endeavors have not been very successful in the past, as decades later we are still facing the same issues. We recommend that the Métis Nation – Saskatchewan and appropriate affiliates develop a cross-cultural training package. Current cross-cultural training is out of date, First Nations focused and not taken seriously by recipients.

Development of a new program is needed that focuses on Métis experience and realities. Training must be more than just participating in cultural ceremonies. It needs to be updated to include: Métis identity, worldviews, values, beliefs, social structures, history and culture. It must be more than a one-day training, and should be flexible and adaptable based on the police organization's needs. Also, such programming should be offered on a continuous basis to new recruits, existing members and police management.

Community members have identified that the "old guard" police officers, referring to the status quo, are the most difficult to change in regard to racism and discriminatory attitudes. What may have been acceptable in the past is contemptuous and without reason. Recognizing that this is a very serious issue, we affirm and adopt the following Linn Report recommendation:

"Police administrators be trained to identify signs of racial intolerance and remedial training programs be provided to any staff exhibiting racist attitudes and behaviours...where remedial training has not had the desired effect, appropriate disciplinary action be taken."<sup>53</sup>

We also take this recommendation one step further and request the development of assessment tools to monitor and screen police employees who exhibit racial intolerance. The development of a strict policy is needed to enforce disciplinary action and dismissal if remedial action is not effective.

<sup>51</sup> Canadian Race Relations Foundation. (2003). *CRRF Facts about ...Racism and Policing*. Retrieved June 16, 2003, from: <http://www.crr.ca/EN/MediaCentre/FactSheets/FactAboutPolicing.pdf>

<sup>52</sup> Pamsey, Erica. (page 411)

<sup>53</sup> Linn, Patricia, Report of the Saskatchewan Métis Justice Review Committee. 1992. (Page 25).

## EMPLOYMENT EQUITY

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Employment equity is an immediate goal that can be implemented quickly. A high number of government, private and public organizations have enacted employment equity programs. The MNS expects more institutions to attract greater Métis representation at all levels in police forces. An important requirement of programming should include intensive recruiting from Métis communities. Efforts need to be directed at recruiting Métis people according to the newly accepted definition of who is Métis by the Métis National Council and the Métis Nation – Saskatchewan. The Linn Report also recommended, “a minimum target would be the percentage of aboriginal people in Saskatchewan; the optimum, a percentage of aboriginal staff equal to the percentage of aboriginal offenders served.”<sup>54</sup>

A recommendation for improved policing involves policing pre-employment programs to be developed and designed to train Métis people in the area of policing. Gabriel Dumont Institute or Dumont Technical Institute could easily establish programming in conjunction with a university or Saskatchewan Police College. Such programming may assist in preparing Métis individuals for successful completion of policing entrance exams. Development of such programming may increase the amount of Métis police officers in police services across the province.

## EXCESSIVE USE OF FORCE & ABUSE OF AUTHORITY

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Many Métis community members raised allegations regarding police abuse of authority and excessive use of force. Stories of being beaten after being picked up, threatened and too much force used in their handling, were told throughout the consultation process.

“Abuse of power and the distorted exercise of discretion are identified time and again as principal defects of the system. Aboriginal people often see the police as a foreign, military presence descending on communities to wreak havoc and take people away. Far from being a source of stability and security, the force is feared by them even when its services are necessary to restore a modicum of social peace to community.”<sup>55</sup>

The Northern Saskatchewan Métis experience has been the following:

- Police assaulted a ten-year-old girl and broke her arm. The police were attempting to get access to her parents and she “got in the way”;
- Elder removed from her bed and taken to jail in her nightgown, released and left to find her own way home;
- Police refer to cells as “dungeon” and threaten people, “Don’t say a word this is my dungeon”;
- Poor conditions in RCMP holding cells, people in jail only allowed to shower once a week. People getting scabies while in custody.

Under these circumstances, it is clear why many Métis people do not view police presence in their communities as a positive thing. Police are mandated to “serve and protect” the communities they are in. However, Aboriginal communities do not view police as a resource similar to what most non-Aboriginal people view. They prefer no contact with the police, even when police are there to help. Every effort must be made to incorporate Métis values and beliefs into policing services. Cultural awareness may assist officers in the exercise of discretion. Police Services are coming forward and accepting responsibility for past wrongs in their ranks and are attempting to deal with this issue. This may be a starting point for a new relationship between Métis and policing agencies.

<sup>54</sup> Ibid, pp. 55.

<sup>55</sup> Canadian Criminal Justice Association. (2000). *Aboriginal People and the Criminal Justice System*. Retrieved on April 22, 2003, from <http://www.ccja-acjp.ca/en/aborit.html>.

“We had indicated as I understand, that we didn’t have any other incidents of this nature. In fact, we have. And that’s come to my attention and I think we have to take ownership of things that have transpired. It happened more than once and we fully admit that and, in fact, on behalf of the police department I want to apologize to those people who we had said it was a one-of-a-kind incident.”<sup>56</sup>

Saskatoon Police Chief Russell Sabo

Métis and Aboriginal worldviews differ greatly from that of non-aboriginal societies. This difference is found in beliefs, values, acceptable methods of behaviour and norms. Police officers often do not understand these differences. What is acceptable to Métis people may differ greatly than that of the police officers. This difference may be compounded when police come into contact with Métis people. In general police are trained to use physical force instead of dealing with the human being who is in conflict or is in need of help. Most crimes committed by Aboriginal people are petty crimes and require a lot less force and a lot more humane skills to successfully approach issues than what is currently offered by police forces throughout the country. Although the role of a police officer is slowly changing, as is witnessed within police academies, these changes are not quick enough and not impacting enough people.

Apart from changing the very nature of police work, more needs to be done to help non-Aboriginal police understand the Métis worldview and culture. Training at RCMP “F” Division and the Saskatchewan Police College need increased emphasis on cross-cultural training. The present training in cross-cultures has to be changed and in partnership with the Métis Nation – Saskatchewan. It should be an on-going course throughout the policing program at every level. This should also include the development of a course that focuses on policing in Aboriginal communities.

A concern noted by many community members is that Aboriginal communities are training grounds for the RCMP “F” Division. Community members attributed the inexperience of new recruits to abuse of authority or excessive use of force. A short-term recommendation is that prior to placement in Aboriginal communities, an orientation to the community by its members is necessary. This program would include introduction to the community’s language, culture, values, beliefs and social structure. Elders of the community could facilitate such a program, as they are the holders of the wisdom, knowledge and history of their people.

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## MÉTIS REPRESENTATION IN POSITIONS OF AUTHORITY

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In the last decade it has been common practice for institutions and governments to establish policies that promote Aboriginal people into their workforce. All too often the employment equity programs merely create opportunities at junior positions, which is not a solution to the problem. Governments and other institutions need Aboriginal people in greater numbers and in addition to those in senior or decision making roles. Many times, Métis people are not consulted about decisions made concerning policing and their communities. There have been some positive developments such as the Elders Advisory Council to the RCMP “F” Division and appointment of Aboriginal women to the Saskatoon Police Commission. However, this is not sufficient. There is a great need to have Métis input at decision-making levels. Therefore, we recommend Métis representation on all municipal police boards, the Saskatchewan Police Commission and RCMP “F” Division.

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## RACIAL PROFILING

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Some community members have expressed concern over the emergence of racial profiling. Many Aboriginal people in this province believe they are stopped by police simply because of the colour of their skin. This is an issue of great concern. Much work needs to be done to educate and train police officers and educate enforcement agencies in Saskatchewan. In addition, more research must be conducted into the emergence of racial profiling of Métis and First Nation’s people in Saskatchewan. Strategies need to be developed to combat this issue.

<sup>56</sup> CBC News Online. (2003). Who was Neil Stonechild? In *Indepth Backgrounder: First Nations*. Retrieved: May 6, 2003 from <http://www.cbc.ca/news/indepth/firstnations/stonechildneil.html>

## LANGUAGE BARRIERS

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“First of all, language is a barrier and that has been addressed in many meetings the need for interpreters, the need for a better understanding of the legal terms. When a person enters into court the majority of these people don’t have any understanding of what they’re even being charged with at times.”

La Loche Community Dialogue Participant

Time and time again, Aboriginal people have identified language barriers when in contact with the criminal justice system. As police are often the first point of contact in the criminal justice system, it is important that they either understand the Aboriginal language in the community or have translators present upon contact with the community. Many people raised concerns in the community regarding this issue such as not understanding their rights, not knowing what they are charged with, and pleading guilty to crimes they did not commit.

Métis people find their identity deeply entrenched within their language. It involves the culture, heritage, and worldview. The most blatant example of these two divergent worldviews and languages is there is no word for “justice” in Cree. It is recommended that interpretation services be available upon charge. If a police member cannot speak the language, then every effort should be made to ensure that the client’s rights are understood and protected. This needs to be reflected within the legislation and policies of police forces in Saskatchewan.

## UNDER POLICING AND DELAYED POLICE RESPONSE TIMES

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The lives of Métis residents of Northern Saskatchewan are at risk because of the methods currently utilized by the RCMP. Community members shared stories about incidents involving road or hunting accidents, people had to wait hours for a police officer to attend the scene. At times these incidents involved life and death situations, yet community ends up waiting hours for help. Better response time is needed and emergency calls need to be answered or responded to locally. It is recommended that a RCMP call centre be created to serve the needs of Northern communities better. Cree and Dene speakers must be employed within this call centre. Ideally, calls should be received at the community not in a facility thousands of miles away.

## POLICE COMPLAINTS PROCESS

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Métis people in Saskatchewan have no faith in the current police complaints process. The most common concern regarding the current police complaints process, with both the RCMP and municipal police forces, is that it is criminal that police are investigating police. The very premise of police investigating themselves leads to questions regarding the validity of the whole process. As a result of concerns regarding police conduct and aboriginal people, the Federation of Saskatchewan Indian Nations, launched a Special Investigations Unit to investigate police complaints. We commend the FSIN for the vision and fortitude of pushing the concerns with the police complaints process to the forefront and providing an avenue for First Nations and Métis concerns to be satisfactorily addressed.

One concern about the initiative is that case files seem to be too high. The Special Investigations Unit has such a high caseload as Métis and First Nations have more faith in Aboriginal processes. A concern with the FSIN SIU is that they are severely under funded and overworked. They currently have over 500 open case files and very little resources and capacity to deal with the influx of calls that have come forward. Métis Family & Community Justice Services currently receives many complaints from Métis people across Saskatchewan. Currently, we have no resources or capacity to deal with such complaints. We forward any complaints on to the Special Investigations Unit. Recognizing their high caseload, Métis Family & Community Justice Services, Inc. would like to establish our own investigations unit.

## WE RECOMMEND THAT:

1. A process is established to discuss the Métis Nation – Saskatchewan’s role in terms of Federal-Provincial policing agreements. Discussions would include the Métis Nation – Saskatchewan, Federal and Provincial governments, possibly at the tripartite table, to discuss and decide how to proceed based on those discussions. A framework for negotiations could be the existing First Nations Community Tripartite Agreements.
2. A policy be developed and implemented by the RCMP “F” Division and Saskatchewan Police Commission to ensure that community policing is practiced.
3. There be a shift to community policing until Métis Nation – Saskatchewan self-governance is realized.

### *Police Complaints*

4. A Métis Special Investigations Unit is established.

### *Community Justice Committees*

5. Amalgamation of Police Management Boards and Community Justice Committees into one strong committee. Provide the community justice committees training and adequate resources so that as capacity builds, communities can take more control over programming in partnership with Métis Nation affiliates.
6. Increase the role Métis communities play in policing. Increasing the role communities in policing includes building capacity and resources. Expanded roles may include policing agreements, selection and hiring of police recruits specific to their community, assessing community policing needs, priorities, evaluation of police effectiveness in community, community supervision of offenders, sentencing circles, S81 & S84, etc.

### *Cross-cultural Training*

7. In consultation with Métis Nation – Saskatchewan and appropriate affiliates, a Métis-specific cross-cultural training package be developed and delivered by the Métis Nation to police services, R.C.M.P, court employees, corrections (federal and provincial) and any other parties. Often cross-cultural training focuses solely from a First Nation perspective or pan-Aboriginal approach. The Métis are a distinct culture with their own traditions, beliefs and language. It is imperative that cultural awareness training incorporate Métis worldviews and who we are as a people.
8. Cultural Awareness sessions must be held on a continual basis.
9. Development of assessment tools that will be used to monitor and screen out police employees who exhibit racial intolerance. Development of strict policy relating to disciplinary action and dismissal. Racism needs to be stopped. Policies need to be developed and strictly enforced to stop racism.

### *Employment Equity*

10. The RCMP "F" Division and Saskatchewan Police Commission, in consultation with Indian and Métis organizations, immediately implement employment equity programs to achieve greater aboriginal participation at all levels. A minimum target would be the percentage of aboriginal staff equal to the percentage of aboriginal offenders served. (Linn Report, AJI, MAA)
11. Intensive recruiting from Métis communities for municipal police services and RCMP.
12. Employment Equity – Recruitment from Métis communities. Definition of who is Métis determined by Métis and those who declare to be Métis should be recognized by the MNS and/or by the Métis community.
13. Métis Institutions training our people for a career in policing. Pre-policing program at Dumont Technical Institute and Gabriel Dumont.

### *Métis Representation in Positions of Authority*

14. Métis representation on all municipal police boards, Saskatchewan Police Commission and RCMP "F" Division. All boards that directly impact Métis communities.

### *Racial Profiling*

15. Research must be conducted into the emergence of racial profiling of Métis and First Nation's people in Saskatchewan. Strategies need to be developed to combat this issue.

### *Language Barriers*

16. It is recommended that Interpretation services be available upon charge. If police member cannot speak the language, then every effort should be made to ensure that the client's rights are understood and protected.
17. Existing Aboriginal liaison/cultural relations officer position be expanded and properly resourced.

### *Police Response Time*

18. Police and Emergency response needs to be improved. Better response time is needed and emergency calls need to be answered or responded to locally.

### *RCMP Call Centre*

19. It is recommended that a RCMP call centre be created to serve the needs of Northern communities better. Cree and Dene speakers must be employed within this call centre.

*Excessive Use of Force*

20. It is recommended that video surveillance equipment be installed in all police stations. Especially in the parking lot, holding cells and police cruisers.
21. It is recommended that changes be made to the way police recruits are trained. Ongoing training must be provided to existing police officers regarding excessive use of force and the Métis community.

# COURTS

Canadian justice for Métis people in Saskatchewan is a symbol of an oppressive, patronizing system consisting of pompous attitudes and behaviors that are a reflection of the power and privilege allowed to a continuing non-Aboriginal people and a continuing British tradition. The basic principles of seeking justice for wrong doings has been completely distorted and misrepresented with mainstream society finding it difficult to deal with as well. Nevertheless, Métis people are confronted with the ineffective court process three times more than the non-Aboriginal society.

Métis people are part of the clientele of this system, which is just another arm of the enormous legal system, which handles more Aboriginal people than it does from the Non-Aboriginal community. The system is geared towards locking up Aboriginal people, as spelled out by the statistics, 75% of all those in the system are Aboriginal. Systemic racism, discrimination, using non-Aboriginal standards and high crime rates are just a few reasons the court system automatically incarcerates Aboriginal people. With numbers like this it becomes a self-fulfilling attitude. Because Aboriginal people constitute much of the clientele of the court and its servants, placing the blame on the victims themselves suggests that something is inherently wrong with the Aboriginal population.

Courts are considered the second step in that numerous chasm of a justice system in Canada. The language used, the players and the attitudes of the judges, lawyers and others are patronizing and steeped in colonizing language and actions. It is no surprise that Métis people find it difficult to understand the language, their rights, and find it hard to retain counsel to represent them when you consider the oppressive system reflected by the court system in Canada. Métis people find themselves outside this system. Sentences are longer, access to the services of courts is non-existent, nor is the resolution of cases quick enough. Frustration and lack of control are just a few affects Métis people feel, derived from being in front of lawyers and judges.

The socio-economic statistics confirm the difficult conditions that Aboriginal people experience before and after being in the system. Aboriginal overrepresentation accounts for 75% of the inmate population in Saskatchewan, the highest in the country. Not only do Métis people fail to understand the language and procedures of the court system. Judges, having seen countless Aboriginal people in the system, tend to base their decisions on stereotypes and discrimination and rule against Aboriginal people. Current research shows that Aboriginal people receive longer sentences during their short time in front of a judge<sup>57</sup>.

The worldview of Métis peoples is based on traditional perspectives to take responsibility for the crime committed. In addition to this and due to the lack of time in circuit courts and overworked legal aid lawyers, Métis people are encouraged to plead guilty for the sake of expediency regardless of guilt.

Systemic discrimination occurs at every stage of this colonizing power, from arrest to incarceration. Judges within this system are the most influential having the biggest impact on people's lives. Métis people are harshly evaluated compared to non-Aboriginal standards of health and stableness. It is therefore no surprise that Métis people will be sent to jail more often, get longer jail sentences, be denied bail and be least likely to get out of jail early.

In northern Saskatchewan, community services and access to courts are substandard at best. There exists circuit courts, but where they are available there are numerous issues. The time an offenders gets with their counsel is minimal and because the services are only offered on a part time basis, the time an offender gets in front of a judge is inadequate. The facilities for this circuit party are sometimes not the standards they enjoy in the south and as a result some circuit courts will not hold court in some communities. In addition to the circuit courts, northern Métis offenders often travel great distances to attend hearings, sometimes only to have the court date delayed several times. All of the above problems are unacceptable.

<sup>57</sup> Manitoba AJI (1993), page 221

Better understanding, access and awareness of individual rights in the justice system by Métis people are needed. Currently the majority of Métis people are victims of this system and do not exercise their rights because they are intimidated by the system. They do not know what standards to expect of lawyers, judges and others within this system. It is because of this lack of knowledge and the systemic racism, that it is still considered (even though it is over 150 years old) a foreign system that continues to colonize and oppress.

Reforms to the existing court system are needed in the form of more diversion to other methods of retribution for the offender, respecting community culture and needs. The time one spends in court needs to decrease and help is needed in the court process such as more court workers for Métis people. There needs to be more Métis people in the system both at the entry levels to the top. Although more Métis people hold positions within the court system it has not kept up with the need. Other changes need to occur in the mechanisms of the judicial system. For example, pre-trial conferences, time limits on how a case moves through the system and better legal aid services are needed. Currently Aboriginal court workers do a good job assisting the Métis community but they should be under the control of their own people, instead of the existing justice system.

A model of success in northern Saskatchewan is the Cree court. Although it is operated in the first language of the people, the judge is Cree and the sentences consider the culture and life ways of the people. The Dene people face even greater challenges in the court system and therefore the Cree court model should be extended and created for the Dene people also.

Recent attention has turned to the issue of jury selection within the Métis community. A rape trial of three non-Aboriginal men for the rape of a 12-year-old Aboriginal girl has highlighted the problems in the way juries are selected and used for such trials. The primary suspect that instigated the rape did not serve his short sentence in jail, instead he got house arrest, and an all white jury made this conclusion in this case. The laws and policies regarding juries need to be reviewed to ensure that an acceptable number of Aboriginal people be selected to sit on cases where the defendant is Aboriginal. The selection process also needs to be reviewed with a view to ensuring that Aboriginal people are first of all chosen and then selected to sit on all juries.

#### WE RECOMMEND THAT:

1. The current model of Cree court be expanded, consisting of more court time conducted in the Cree language.
2. A Dene court is created to serve the people in the far north.
3. Interpreter services are offered in every Métis community.
4. There be more effort and commitment to alternatives to incarceration, it should only be used as a last resort for serious offences or habitual offenders. Mediation, alternative dispute resolution and other restorative justice methods are needed instead.
5. The existing court process be improved by decreasing the time in which cases are concluded and by allowing people the right to due process and to cut back on the use of remand.
6. There be more resources in the form of legal education and that language interpreters be provided to Métis people prior to court. In addition there is a need for youth justice workers, family justice workers, and Aboriginal court-workers.
7. The pre-trial detention process is evaluated to determine the overuse of this step in the process and whether it is necessary.

8. Circuit courts need to serve the community better and make improvements to its personnel, judges lawyers and processes that respect the accused and their family's time, resources and well being.
9. The Saskatchewan government review its laws regarding the selection and choice of jury members, ensuring that Aboriginal people are selected to sit during trials affecting the Aboriginal community.
10. Expedience of the accused through the court process will minimize the trauma and stress experienced by the victim(s).

## MÉTIS JUSTICE OF THE PEACE

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The difficulties Métis people have with the justice system have been well known for some time; subsequently models have been introduced, aimed at addressing the issues. Although there have been problems with this model, the justice of the peace model is one that suites the Métis community best. It has been one that works because it incorporates Métis culture and honors the worldviews focusing on community capacity. This role simulates the role of a peacemaker or role of an elder; therefore there has been a demand for more of these positions in communities.

Due to the success of this model, it needs to be expanded with more money and programming that will allow more duties for this role. Included in this expansion should be the ability to adequately evaluate and assess progress as this role expands in communities, through the help of Justice Committees and more research and planning dollars.

### WE RECOMMEND THAT:

1. Because the concept of justice of the peace has support in the community it is recommended that there be an increase in funding for existing Métis Justices of the Peace and in doing so, expand it in Métis communities.
2. The Métis Community Justice Committees supervise the above expansion. The Métis Justice of the Peace roles should also be expanded to include bail hearings, sign court orders, traffic violations, etc.
3. With this expansion, communities have enough resources to evaluate and measure this development along the way, especially in rural and northern communities.

## LEGAL REPRESENTATION

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As validated by statistics and studies, Aboriginal people receive less time with lawyers and especially with legal aid lawyers. This amounts to Métis people once again being unfairly treated in the justice system through systemic discrimination. Not only do they not know their rights, the Legal Aid representative that is supposed to help with this provides little time with them, yet is supposed to help with their understanding of the system and to present their story. This treatment of Aboriginal people is unacceptable and improvement is critical to decrease the numbers of aboriginal people in the justice system.

Métis people need to establish their own institutions in order to address these issues. What is needed is the political will by government and the resources to obtain this goal. As we build our own institutions, partnerships are required to offer programs to Métis people in order to create a place that reflects their worldviews and aspirations. Having more Métis people in the system and to be able to train these people within their own community is a necessity. An increase in Métis lawyers is required and programs need to reflect this such as establishing a Métis pre-law program.

Apart from the people working in the system, more education and resources are required for Métis people to become aware of their human rights and those rights within the justice system. Such a step does not have to cost a lot. What is needed more is the will to create it.

### WE RECOMMEND THAT:

1. Government supports the creation of a Métis Legal Clinic focusing on Criminal and Family Law, as a pilot project. This clinic can hire articling students, therefore keeping the costs down. Once proven to be effective, it can be implemented into family wellness centres in Métis communities across Saskatchewan.
2. As part of the above Clinic, a Legal Education information function be included that is directed specifically at Métis people of Saskatchewan, which will educate people on their legal rights and responsibilities.
3. In partnership with a university, a Métis pre-law program be created that is situated within our Saskatchewan Métis institutions such as Gabriel Dumont Institute and/or Dumont Technical Institute.

## LEGAL AID

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In addition to the above issues on legal representation experienced by Métis people, legal aid service is mediocre at best. Legal assistance in the form of Legal Aid is often the only choice for Aboriginal people in Saskatchewan because of high rates of poverty. For Métis people this is the only option and sadly it provides services at a second rate level, thereby operating like a program for the underprivileged lacking adequate representation. Communities have noted that legal aid lawyers often use the legal system to stall on cases because there aren't enough lawyers to do the work, thereby overlooking Métis rights. Due to this burden that these lawyers carry, communities have heard that Aboriginal court workers have been asked to pick up some of the slack in this worn out system designed to help those that are most in need.

In a northern Métis community, a community member said the following about the services provided by of Legal Aid:

“The Legal Aid system just doesn't work in Northern Saskatchewan. The Legal Aid lawyers don't even spend enough time consulting with the individual that is going to court. They come to court, well, you've got maybe 40-50 people that are going to court, got to see them before they go to court, they got maybe two, three minutes, maybe five minutes, that's the most that he can do. A lot of people are choosing not to deal with or access Legal Aid, they're just speaking on their own.”

Beauval Community Dialogue Participant

“...Legal aid representatives aren't actually working in the best interest of the client. This is a concern because a lot of the legal aid representatives that the youth had to interact with weren't Aboriginal. They were non-Aboriginals. They didn't give the client any respect, and treated them as though they were common criminals. So there was a very real concern that these individuals aren't acting in their best interest.”

Métis Nation – Saskatchewan Youth Council Presentation

These comments do not inspire and make one feel confident that Legal Aid provides fair and adequate services to Métis people. Instead it speaks to a service that has continually deteriorated over the years, especially when it concerns Aboriginal people.

### WE RECOMMEND THAT:

1. The Legal Aid budget is increased to allow for addition of more lawyers and better service.
2. Legal Aid lawyers need education and awareness to assist them in being more considerate and knowledgeable to their clients. Increased time spent with clients helping them look past the stereotypes and assumptions that often occur will assist this education.
3. More efforts expended to recruit more Métis lawyers at Legal Aid.
4. Expand upon the current Aboriginal Courtworkers program whereby MFCJS will be provided capacity funding to upgrade existing Courtworkers and add twelve to twenty more Métis Courtworkers under MFCJS's direction.

## ALTERNATIVE MEASURES OR EXTRA-JUDICIAL SANCTIONS

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Following the Gladue decision in the 1990's a number of pieces of legislation were changed to reflect this ruling which essentially supports restorative justice principles and allows more control by the community over some criminal justice matters. The Correctional and Conditional Release Act was changed and the Saskatchewan government instituted a policy called the Alternative Measures Program as a step in the right direction. The victim/offender mediation application of this program is very appealing and fits into the Métis aspiration to keep their youth within their communities. It also insists youth take responsibility for his/her behavior and utilizes Aboriginal methods of resolving conflict by talking about the problem with all concerned as a way to heal all those involved. It also uses the Métis ways of having the youth give back to their community in the form of community services. The new YCJA incorporates these principles and goals and has re-named them as Extra-Judicial measures.

As part of the alternative measure program, government assists communities by providing funding for services, which have been offered in a variety of ways according to community needs. They include sentencing circles, community justice forums and mediation services to name a few. As a testament to this program it is shown that Aboriginal youth in Saskatchewan have the highest utilization rate of Alternative measures that amount to 48% of all cases, roughly three times the rate of the non-Aboriginal youth population.<sup>58</sup>

These programs allow Métis people to be diverted from the criminal justice system, allowing the community to deliver support and restorative justice practices to youth, women and men within the Métis community in Saskatchewan. The resources allotted to this mechanism have provided the freedom for communities to hire workers who can offer more prevention and wellness programming. Awareness and information sharing may seem like a minimal process but it becomes valuable for Métis communities that do not have such information. As has been said in other sections of this paper, Métis people do not understand their legal and human rights. These community resources can provide for this.

The Federal Youth Criminal Justice Act that was implemented by the Saskatchewan government in April 2003 has the Gladue decision reflected within in it as part of the principles. As has been said this is a good first step, but it is not enough to just have a good set of principles respecting the Métis community's needs. It has to be accompanied by funding in order to enact this goal. There are no extra dollars to communities in order to implement this section of the Act, and it will be of no use if Métis communities do not have access to adequate dollars.

### WE RECOMMEND THAT:

1. A process is required that includes Métis, First Nations and provincial and federal governments to review and revise the Alternative Measures policies to better reflect the needs of Aboriginal peoples.
2. Funding to communities is provided in order to adequately utilize this piece of legislation.
3. More awareness is created in communities regarding this option, so that alternatives to the justice system can be made.

<sup>58</sup> Statistics Canada. (2003). *2001 Census: Analysis Series: Aboriginal peoples and Canada: A demographic profile*. Ministry of Industry.

## YOUTH CRIMINAL JUSTICE ACT

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The new Youth Criminal Justice Act (YCJA) allows for alternatives to incarceration for youth. This supports what Métis community's value: keeping their youth in the community and an opportunity to restore Métis methods of helping restore their youth back to health and balance. Métis communities have been consistent in their demand that they be able to look after their own people in their own communities. The YCJA accounts for this. Since the inception of this Act, Métis communities do not fully understand the options available to them; therefore they need to receive more orientation to it.

The principles of the YCJA are supported by the MNS, such as community re-integration. Incarceration of youth should only be reserved for serious offences and habitual offenders. Most of the "crime" committed by youth does not fall into this description. Therefore this Act may divert youth away from being incarcerated, and re-establishes them back with family and community.

It is wonderful to have an Act honor Métis community principles of being able to take care of their own, but currently there is no capacity to offer youth alternatives to incarceration. Such programs cost money and resources are needed. Although this Act is a federal statute, it is incumbent on the Provincial government to provide the resources in order to properly use this Act in Saskatchewan. Too much money is currently being spent on incarcerating and criminalizing our youth when it is often unnecessary.

Inclusion of the Gladue clause within the YCJA is a victory for Métis youth, because it purports to account for the cultural and linguistic needs of youth when alternative measures are used within the system.

As part of the purpose of restoring community responsibility, the YCJA recognizes the important role youth justice committees can play in their communities. However, within the Métis community there is a shortage of resources and capacity to undertake such a role, especially for youth. This section of the YCJA will remain in written form as long as Métis youth justice committees do not receive adequate funding.

### WE RECOMMEND THAT:

1. Adequately fund Métis communities to build capacity in order for the YCJA to be properly implemented.
2. Resources are needed to enact the two major sections of the YCJA that honour Métis ways of caring for their youth.
3. MFCJS must be provided capacity to direct these youth programs.
4. Both levels of governments come together with the MNS to commit to an implementation process that does justice to the new changes

# CORRECTIONS

The correctional system is the last stop for those who come into contact with the criminal justice system. This is the continuation of the criminalization of Métis peoples. It is the final cog in the system, which is meant to separate those from society who have moved beyond society's view of acceptable behaviour and therefore must be punished. The primary goal of incarceration is to protect the larger society and effectively punish those who have broken the acceptable means of conduct. Another goal of incarceration is to rehabilitate offenders so that they might become law-abiding citizens upon their release.

Why is it that so many Métis men and women are being incarcerated? It is because they have stepped out beyond the sphere of acceptable norms and behaviours of mainstream society. One must ask whose acceptable behaviors are being enforced by the criminal justice system? The answer is not Métis or First Nations, but that of the Euro-Canadian citizens. Our current criminal justice system is deeply rooted in British law. It is this law that has torn apart the Métis Nation and the very core of its existence, the family. The process by which this is done is incarceration. The very premise of the Canadian criminal justice system is punishing those who do not fit into their notions of acceptable norms and behaviors of their society. The primary instrument for punishment is incarceration. This includes removing the offending citizen from their family and community to segregate them for an indefinite/definite time. Many people understand that jails have become virtual graveyards for countless Aboriginal people.

The Euro-based justice philosophy is clearly at odds with Métis worldviews, beliefs and values. It is on this premise that we proceed with the recommendations on behalf of the Métis Nation – Saskatchewan and the Métis people - whose backs have been broken in order to feed this system that has grown and flourished. The Métis communities stated this loud and clear many times throughout the consultation process and we pass this message on to you: we are the industry in which this system flourishes. We are here today to say ENOUGH!

It is our belief that incarceration should be the last resort, reserved only for those who pose a serious threat to themselves and the community. The damage caused by incarceration outweighs the benefits of incarceration, as discussed in the restorative justice section. Every effort must be made to avoid the use of incarceration as a means of punishment as it does more damage than good. For real change to occur the following principles need to be considered:

- Incarceration should be reserved for those who pose a serious threat to themselves and to the community and habitual offenders;
- Community wellness begins in the community. We need to empower communities to take responsibility for their wellness. They understand their needs and need to develop their communities based on their needs.
- We don't want institutions. We need healing.
- Recognition that the current system is inherently discriminatory and we need to change the way we do business.
- We need to change the current conception of justice to incorporate Métis beliefs, values, and identity.

## MÉTIS OFFENDERS

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“Aboriginal people come into conflict with the law disproportionately to their representation in the general population. While representing 2.7 per cent of Canada’s population, self-identified Aboriginal people represent approximately 17 per cent of all admissions to federal institutions.”<sup>59</sup>

Aboriginal people are over-represented in all aspects of the Canadian Criminal Justice System, as identified by numerous reports over the last decade<sup>60</sup>. The Aboriginal Justice Inquiry of Manitoba best identifies the gravity of Aboriginal over-representation in the criminal justice system:

“The justice system has failed Manitoba’s Aboriginal people on a massive scale. It has been insensitive and inaccessible, and has arrested and imprisoned Aboriginal people in grossly disproportionate numbers. Aboriginal people who are arrested are more likely than non-Aboriginal people to be denied bail, spend more time in pre-detention and spend less time with their lawyers, and if convicted, are more likely to be incarcerated.”

“It is not merely that the justice system has failed Aboriginal people; justice also has been denied to them. For more than a century the rights of Aboriginal people have been ignored and eroded.”<sup>61</sup>

This is an issue of great importance to all of society but especially in Saskatchewan where the over-representation of Aboriginal people in the criminal justice system is most pronounced.<sup>62</sup> The Saskatchewan percentage of Aboriginal admissions to provincial/territorial and federal custody is seventy two per cent, one of the highest percentages in Canada.<sup>63</sup> The Aboriginal Issues Branch – CSC – Demographic Overview of Aboriginal Peoples in Canada, 1999 illustrates this alarming trend.

Adult Aboriginal people are incarcerated more than six times the national rate. In Saskatchewan, the adult Aboriginal incarceration rate is over 1,600 per 100,000, compared to 48 per 100, 000 for adult non-Aboriginals.

The preceding statistics should signify a crisis for all levels of governments. It is evident more needs to be done. One fundamental step is for federal, provincial, First Nations, and Métis organizations to collaborate on a strategy to effectively address this priority issue.

While there’s a wealth of information and research in the area of Aboriginal offenders in general, currently there is limited information and research specific to Métis offenders. This identifies the importance of examining Métis offenders needs in depth, such as this research project does.

According to CSC – Aboriginal Offender Statistics there are currently 885 federally incarcerated Métis male offenders, which represent approximately 4% of the federal inmate population. When put into context, the Métis adult population of Canada is 0.7%.<sup>64</sup> These statistics clearly identify the need to explore and examine the needs of Métis Offenders incarcerated in federal institutions and upon their release to the community.

Métis offenders face a myriad of issues prior to incarceration such as lack of access to support services, lack of support for families in conflict with the law, poverty, unemployment, addictions and other social dysfunction issues. Many of the issues that they face can be attributed to socio-economic issues often because they are the poorest of the poor and overlooked because of their limited status in Canada’s class system. Upon entering provincial or federal correctional facilities they are presented with a multitude of issues, which are compounded with the existing issues that they are facing. Métis offenders experience trauma from geographic displacement, lack of support services while incarcerated, lack of community and family support, lack of Métis-specific

<sup>59</sup> CSC, 1999

<sup>60</sup> Law Reform Commission, 1991, Aboriginal Justice Inquiry of Manitoba, 1991; Saskatchewan Métis Justice Review Committee; La Prairie, 1995; Royal Commission on Aboriginal Peoples, 1996; Canadian Criminal Justice Association, 2000.

<sup>61</sup> Ibid

<sup>62</sup> Royal Commission on Aboriginal People. (1996.) *A report on Aboriginal people & criminal justice in Canada: Bridging the cultural divide.* (pp. 31) Ottawa: Canadian Communication Group – Publishing.

<sup>63</sup> Aboriginal Issues Branch. (1999). *Demographic Overview of Aboriginal Peoples in Canada and Aboriginal offenders in Federal Corrections.* Correctional Service of Canada.

<sup>64</sup> Moore, John; Low, T & F. Berland. (2002). *Métis Offenders in British Columbia: An examination of needs in the institution and upon release.* (Pg. 42-45) Correctional Service of Canada: Forum on Corrections Research.

programming and limited availability of reintegration programming. Métis women offenders also face a number of unique issues such as family breakdown as a result of incarceration, child abandonment and reunification, as well as involvement in the child welfare system as a result of incarceration. The above issues will be discussed in further detail as to provide an understanding of Métis experiences, realities and issues in the correctional system.

An important issue in the discussion of Métis over-representation in the criminal justice system is the why factor. Why are so many Métis people coming into conflict with the law? What is the root cause behind all this offending?

One has to consider the socio-economic conditions of Métis people in Saskatchewan. While the 2001 census shows that Métis social conditions are improving, we are still lagging behind that of non-aboriginal people. This clearly identifies a need to improve Métis people's social conditions. For real justice reform to take place the causes of the over-representation needs to be addressed. Improving the social conditions will in turn reduce the over-representation of Métis people in the federal and provincial correctional systems.

## **GEOGRAPHIC DISPLACEMENT OF MÉTIS OFFENDERS**

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Provincial and Federal correctional facilities are located in areas far removed from Métis communities in Saskatchewan. A common concern is the geographic displacement of Métis offenders. Most correctional facilities are located in urban centres in Saskatchewan such as Prince Albert, Regina, Saskatoon and North Battleford. Métis offenders come from locations throughout the province so when incarcerated they are transferred to one of these facilities. This then removes them from their communities as well as from their families. This can cause many hardships as noted in the research conducted by MFCJS in the "Needs of Métis Offenders in Saskatchewan."

In this research project, MFCJS staff heard many important concerns from the inmates, family members and correctional staff. A common concern was the lack of communication available between offenders and family members. This can be attributed once again to poverty, because many offenders could not afford long-distance phone cards to contact their families. In turn the inmate's families could not afford long distance, as many identified finances as an area causing them difficulty in their life. As a result, there is little or no communication between the inmate and their family, inevitably family breakdown or dysfunction occurs. The distance between correctional facilities and the families also makes travel to visit inmates difficult if not impossible in many cases. Many inmates' families become economically impacted by incarceration, due to leaving only one income to support a whole family.

This also makes the transition or reintegration efforts of the inmate even more difficult. Every effort should be made in both provincial and federal correctional facilities, to ensure that inmates are able to communicate with their family. Kinship and family relationships are at the core of Métis identity, and as such every effort should be made to allow for incarcerated individuals to maintain a connection to their family and to their community.

## **LACK OF MÉTIS-SPECIFIC PROGRAMMING**

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"There's a concern about the lack of cultural-based programming while in the correctional system and they're also concerned about the amount of counseling within the correctional system that relates to a holistic approach, as opposed to just allowing them to continue to learn to become better criminals...."

Métis Youth Council Presentation

Currently in both provincial and federal correctional institutions there is little focus placed on the needs of Métis offenders. Existing programs group First Nations, Inuit and Métis offenders into one homogenous category - Aboriginal. This may be attributed to Section 35 of the Canadian Constitution that recognizes the definition of Aboriginal to include: *Indian, Inuit and Métis Peoples of Canada*. However, what is often overlooked by the generalization of the term *Aboriginal* is that each Nation is distinct and unique in their culture, language and traditions. This also identifies a need for Métis-specific programming that reflects the Métis Nation's identity, culture and values. Research must continue to be conducted examining Métis offenders needs and Métis women offender's needs. We must examine the criminogenic profile of Métis offenders, programming needs, and cultural and spiritual needs, to gain a better understanding of Métis offenders.

Current programming in Provincial and Federal correctional facilities focuses mainly on "Aboriginal" programming or primarily on First Nations cultural and spiritual practices. Current Aboriginal programming includes: access to First Nations Elders, sweetgrass/sage ceremonies and prayers, sweat lodge and sundance ceremonies. While this is a positive step in terms of correctional programming, this is not sufficient in regards to Métis inmates. While some Métis inmates felt comfortable accessing these programs, other inmates did not. The imposition of a culture on a group who is not of that culture, is inappropriate and is a form of discrimination. As a result, Métis-specific programming should be developed to meet the needs of all "Aboriginal" offenders, not just one specific group.

The "Needs of Métis offenders in Saskatchewan" research project was a joint project between the Métis National Council, Métis Family & Community Justice Services Inc and Correctional Service of Canada. This project examined the needs of federally incarcerated Métis inmates. This involved interviews with Métis male inmates, their family members and federal correctional employees. The inmates clearly identified the need for Métis specific programming in the institutions as well as in the community upon their release. Incarcerated Métis offenders identified interest in the following programming:

- Métis History;
- Access to Métis Elders;
- Métis Culture, worldview, values system and belief structure;
- Métis spirituality;
- Geneology;
- Métis rights; and
- Other programming specific to individual inmates needs.

In response to these identified needs, the Métis Nation – Saskatchewan through its respective affiliates must take the lead in the development of institutional Métis specific programming. It is imperative that Métis specific programming be developed and implemented based on the Métis offenders' needs. Any research must be inclusive of the Métis correctional inmates in partnership with the Métis Nation- Saskatchewan and respective government departments.

We also must rally our politicians to place pressure on Corrections and Public Safety and Correctional Service of Canada to begin developing and implementing Métis specific programming in federal and provincial correctional facilities. Under Section 79 of the Corrections and Conditional Release Act, CSC must provide access to Aboriginal programming in the federal correctional facilities. At this time, the main focus is on First Nations programming. CSC must accommodate the needs of Métis inmates and as such we have the responsibility to remind them of their legal responsibilities.

## REINTEGRATION

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The picture is equally bleak for the reintegration of Métis offenders. There is a real deficit in programming in the area of reintegration of Métis offenders. Many inmates spoke of the lack of awareness and access to community support services. This can be a major impediment in successful reintegration and can contribute to recidivism rates of Métis offenders. Inmates in provincial and federal correctional facilities spoke of the difficult transition from incarceration upon release. Many inmates spoke of difficulty in obtaining:

- Community support and network;
- Housing
- Employment
- Education;
- Mental Health Services;
- Drug and Alcohol programs,
- Living skills programming; and
- Individual and Family Counseling

It must be recognized that some offenders may not want to participate in release programs. Assistance needs to be available to all offenders in all areas. In the Needs of the Métis Offender research project, many inmates noted employment was most beneficial in successful reintegration efforts. We need to provide employment skills and training to offenders in the institutions so that they may be more successful in the job search upon release. They also noted access to education as a need. One Métis inmate spoke of his frustration in accessing services:

“I would like to get into a trade when I am out of here...Last time I was out [of jail] I got into school, I applied for funding to be able to go to school...they told me that they could not help me because I was too much of a risk, because I was a con.... “

Saskatchewan Penitentiary Inmate

The high rate of Métis incarceration is unacceptable. This calls for the development of a targeted integrated approach between the Métis Nation – Saskatchewan, the provincial and the federal governments. The Métis Nation affiliates such as Métis Family & Community Justice Services Inc., Métis Employment and Training of Saskatchewan Inc., Métis Addictions Council of Sask. Inc, and other affiliates need to develop a five- year strategic plan, in partnership for the reintegration of Métis offenders and youth in conflict with the law.

Many Métis offenders are frustrated because of the barriers they face upon their release to the community. This is an unnecessary barrier to the already difficult transition. It is imperative to the reintegration process that there be community and family support. Intensive 24-hour support should be made available to Métis men and women upon their release. This may be a role of a family support worker, youth worker or justice worker. However, due to the lack of money and resources in community-based organizations, this may overwhelm already overworked community-based workers. Proper resources are needed at the community level so that they may provide adequate services to their clients.

Programs that have become valuable to Aboriginal offenders in the community are: Community training residences, PAGC Healing Lodge, Okimaw Ohci – Maple Creek Women’s Healing Lodge, Meyowin – Pinegrove and Building a Nation. They are models of programs that have made a difference for many Métis people integrating back into their communities. More of this is needed. It is important to note that many of these programs are not found in Métis communities. We need to establish such programs in our communities that incorporate Métis experiences and realities. The Community Training Residence is run by Elizabeth Fry and should be run by an Aboriginal carrier. A short-term goal could be transferring responsibility of the Community Training Residence in Saskatoon to Métis Nation – Saskatchewan similar to the one in Prince Albert for men.

Reintegration residences and Métis halfway houses need to be established and properly resourced in Métis communities as well as in urban areas with a high Métis population. These residences should also offer reintegration programming to all offenders upon release. Programming could include:

- Reintegration programming;
- Holistic, Family-healing programs;
- Intensive family counseling;
- Releasing support groups;
- Access to Métis Elders; and
- Métis Culture, History classes.

Métis affiliates need to get together and develop an integrated strategy for offenders in their release planning along with the offenders, their family and community. Affiliates should assist the offenders in accessing services in the areas of employment, education, job-building skills and training, mental health services to drug and Alcohol programming.

Métis Family & Community Justice Services Inc. is in the process of developing a five-year strategic plan. The five-year strategic plan will include short-term and long-term goals such as the development of youth healing centers, family healing centers and a Métis-specific healing lodge. Métis communities play a pivotal role in the development of the five-year plan, as they must be ready for the initiatives put forth in this submission.

## COMMUNITY RESPONSIBILITY

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“Justice and Corrections has to be the administrative responsibility of the Métis people in this province. If Métis people are to heal, it has to be done through our own institutions and/or in partnership with the government.”

Métis Nation - Saskatchewan Youth Council Presentation

Métis people are suffering from the effects of colonization, oppression, racism, systemic discrimination and abandonment from the provincial and federal government. Organizations commonly hear, “there is no money”, and are struggling to provide services with declining resources and increasing need. The statistics concerning Métis youth, especially in the North, are an example of the dysfunction and social dysphoria experienced in these areas. Community-based organizations and workers are overwhelmed, overworked and overburdened. Coupled with under-funding, it is difficult to call for them to take responsibility of their community. However, it is the community that understands their needs, desires and aspirations. Individuals need to regain responsibility of their communities and decide what is best for them. The role of the Métis Nation – Saskatchewan and its affiliates, are to assist the regions in achieving this. Provincial and Federal government departments should facilitate, provide support and capacity-building activities which will empower communities to take ownership of their collective needs.

Communities can play a large role in defining what corrections and justice mean to them. They also have the right to determine what suits their needs. Community justice committees are key in mobilizing the community in the area of justice and corrections. CJC’s roles can include supervision of young offenders, parole, probation and their reintegration into the community. Section 84 of the Corrections and Conditional Release Act allows for Métis offenders to serve their sentences out in the community. CJC’s can assist offenders in the reintegration process through this mechanism.

Community Justice Committees can also be involved in intervention and prevention activities in their communities. Development and implementation of such programming could impact on the incarceration rates of Métis people. We must have strong prevention programs at the earliest age possible. Prevention programs could include education on legal rights and responsibilities. Educating people on their rights is about empowering

people to take responsibility to themselves, their families and communities. Métis Elders need to begin mentorship programs and educate children, youth and community about their traditional roles and responsibilities. Understanding and practicing traditional roles, responsibilities and teachings can assist communities in their healing journey. All such activities will have a positive impact on incarceration rates and as such, reduce Métis participation in correctional facilities.

Métis offenders require a supportive network from family and especially the victim. In some instances, the offender will be returning to their home community. Due to the small size of Métis communities, it can make reintegration difficult for the offender and the victim, because crimes cause ripple effects throughout the whole area. Due to this inter-connectedness, an offender's community should also support the offenders in his/her efforts to heal. A formal process is required to do this. These processes are called healing or restorative justice practices, namely: sentencing circles, healing/sharing circles, mediation and other alternative dispute resolution methods. Although the terminology may be new to Métis communities many of these practices are derived from past traditional Métis worldviews on living a balanced, harmonious, relationship centered lifestyle.

The return of the old and an introduction of new methods is a move in the right direction and one that individual communities will have a role in determining their readiness and preferences. This development will take place according to each community's desires and needs for community based offender re-integration. Due to the differences between communities, differing definitions of corrections will occur often as corrections involves more than incarceration.

There is a dilemma in desire to have both safe communities and the return of offenders back into the community. What needs to be understood is that these men, women and youth, will eventually be returning home. The terms of their return is entirely up to the community and by being involved in their release planning, there is much more opportunity to have input into the plans for the offenders release.

Any process that provides for healing, reparation and restoration of the whole community will benefit all. The preparation needed by community to support alternative conflict resolution methods will help lay a solid foundation. Resources are required such as financial and human resources that will help build capacity in defining and implementing corrections and justice initiatives in Métis communities. Providing communities with information, education and financial resources is key to the successful reintegration of Métis offenders in Saskatchewan. In turn, Métis offenders will be far more successful in their reintegration efforts with the full support of their community. Community designed and driven programs are the most successful programs and although the area has not been fully explored there are examples of community successes such as: The Community Development Corporation in La Loche; the Regina Alternative Measures Program and the Kapachee Training Center in Fort Qu'Appelle.

Although these programs receive government funding their success is attributed primarily to the strong community design and driven elements. Although government support is needed for community programs to be successful, the role of the federal and provincial governments, concerning corrections/justice based justice initiatives, should be one of facilitation, not subjugation. Government needs to let go of the control of communities to that of supporting them.

The information above is available throughout government departments however; these services are not easily accessible by communities. Information noted above should be readily available and easily accessible to community-based organizations. In some places, this information is available such as the Aboriginal Services Kiosk and community directories. Often the information found in these services is outdated. As well, many communities do not have access or awareness of such programs.

## MÉTIS WOMEN OFFENDERS

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According to a September 1999, "Profile of Incarcerated Women offenders," there were 75 Aboriginal women federally incarcerated which accounts for 21.1% of the women offender population. Métis women currently account for 10% of provincially incarcerated women in Saskatchewan.<sup>65</sup> A caution note to this number because it is a self-reported statistic. This could mean that the number is inaccurate, as some may not self-declare as being Métis. Pine Grove institutional data outlines the socio-economic conditions of provincially incarcerated women:

- 27% of were incarcerated for property crimes;
- 38% were incarcerated for non-compliance;
- 44% have a grade 7-9, 38% have grade 10 –11 and only 12% have high school;
- All 588 women were unemployed at time of incarceration.

Incarcerated Métis women face a multitude of issues upon incarceration: poverty, racism, sexism, low education levels, unemployment, underemployment, childcare issues, physical, sexual, emotional abuse issues, low self-esteem, domestic violence and parenting issues. The institutional data suggests that the most common charge is non-compliance or breach of probation. The next common charge was property crimes, which can be attributed to poverty-based crimes. Women are being criminalized for being poor. Low education levels and almost 100% unemployment in Pine Grove correlates to low socio-economic standing. Often women are not heard because of their low economic standing. People with little economic clout are often the least listened to. Great consideration must be paid to the low socio-economic conditions of Métis and First Nations women in this province.

Many women are committing crimes to feed their family or to feed their addictions. This clearly points to the need to re-evaluate incarceration whether it is a feasible sanction for petty crimes such as breach of conditions and poverty based crimes such as shoplifting, theft and fraud. Many of these sentences could be served in the community, allowing families to stay together. The ability to provide diversion, mediation and alternative dispute resolution services should be considered for women. People need to be held accountable for their crimes, but there are more humane ways of doing this.

Diversion of women's sentences to the community needs to involve one to one counseling, intensive individual and family therapy, budgeting, healing circles, fraud and credit counseling, shoplifting programs, self-esteem classes, access to Métis elders and Métis cultural programming. Institutional programming also needs to provide provincially and federally incarcerated women with job-building skills, education and employment programs. This will go a long way in assisting women with reintegration. A positive program in this area is the Community Training Residence run by the Elizabeth Fry Society. The CTR assists in the transition phase to reintegration. They assist female offenders with life skills, budgeting, safe food handling, banking, literacy and access to cultural ceremonies. This is a positive program and supports the services the Elizabeth Fry provides. However, we would like to run such programs in the future. We also recommend that more Community Training Residences are available in Métis communities and run by a Métis organization.

Métis women offenders require special consideration because of their position in the Métis family. According to the 2001 census, almost half of Métis children living in urban centres are living in single parent households.

"A total of 54, 735 Métis children, or 65% of the total, lived in a two-parent family, while 27, 955 youngsters, or 33% lived with a lone parent. However, there is quite a difference by area residence. The percentage of Métis children living with a lone parent in urban CMAs is 42%, almost double to proportion of 22% in rural areas. In contrast, 83% of non-Aboriginal children lived in families with two parents, while only 17% lived in a lone-parent family."<sup>66</sup>

<sup>65</sup> Pinegrove Institutional Data (2002). Overview of Pine Grove Correctional Centre (Page 3).

<sup>66</sup> Statistics Canada. 2001 Census: analysis series: Aboriginal people of Canada: A demographic profile. [www.statcan.ca/cgi-bin/downpub/freepub.cgi](http://www.statcan.ca/cgi-bin/downpub/freepub.cgi). Date accesses: October 21, 2003.

In many instances, mothers are the primary caregivers in single parent households. When a mother is incarcerated, the impact on the family is enormous. In the case of a single parent mother the effect is insurmountable. In many cases their children are thrust into circumstances beyond their control and become wards of the state with no extended family to care for them. This brings them into contact with two separate, yet equally confusing systems - the criminal justice system and the child welfare system. The Elizabeth Fry Society's presentation clearly outlines this dilemma:

“When a woman is sentenced her child frequently becomes the unintentional victim of her incarceration. This child is usually placed with family members or in foster care. Many women have experienced abuse and neglect by these same family members or are themselves products of the foster care system. It is not unusual for a women to decide that it is safer to trust her children to the care of the family rather than to take a chance on losing the children to the foster care system. It is not unusual for a woman to be in a state of despair and unable to focus on anything but her children throughout her incarceration. Children of all ages, but particularly the very young, experience feelings of abandonment and fear. Their mother is gone from their life with little or no warning. Usually their home and everything familiar has disappeared. The stress of being separated is very traumatic but reuniting can be equally difficult.”

As discussed above, every effort should be made to keep the Métis family together. Incarceration, especially in the case of women, should be used only when the women pose a threat to themselves, their family or the community. Many of the sentences served by women are property related or breach of conditions, and could be diverted to the community. Intensive family therapy should be recommended when needed. This may assist in healing the community, one family at a time. Similar programming should be available for reintegration of Métis women offenders.

Another excellent program is the Meyoyawin Circle Program at Pine Grove. The Holistic Self Care Program is for women who have experienced sexual abuse, alcohol and drug addiction, family violence, and low self-esteem due to destructive lifestyles. This program addresses areas of child abuse, victimization, addictions, cultural loss and spiritual deprivation. This program is the precursor to the Children's Visiting Program. The goal of the Children's Visiting Program is to develop and strengthen the relationship between incarcerated mothers and their children through culturally relevant holistic approaches. This program uses restorative justice approaches to rebuild and connect incarcerated mothers with their children. This allows for families to remain connected throughout their sentences. We recommend that such programming be implemented in federal correctional facilities for both men and women.

## PAROLE

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Métis reintegration needs were examined extensively in an earlier section so as not to be redundant, please refer to the previous section for this. According to the Aboriginal Issues Branch – CSC, “Demographic Overview of Aboriginal Peoples in Canada and Aboriginal Offenders in Federal Corrections,” in 1999, “aboriginal offenders comprised 17% of total federal offenders population in 1998/99 compared to 13.1% of the federal day parole population, 6.4% of the federal full parole population, and 16.2% of the statutory release population.” Discussion of parole outcomes over the last five years also found, “a comparison of Aboriginal and non-Aboriginal offenders of parole outcomes over the last five years demonstrates that Aboriginal offenders were”:

- 7% more likely to be granted an unescorted temporary absence; but
- 4% less likely to be granted federal day parole;
- 5% less likely to be granted provincial day parole;
- 13% less likely to be granted federal full parole; and
- 21% less likely to be granted provincial full parole.

Research shows that Aboriginal offenders are over-represented in the criminal justice system and are under-represented in parole. Federally incarcerated Aboriginal offenders are also over-represented in the warrant expiry date and statutory release categories.<sup>67</sup> This means that far more Aboriginal offenders are serving out their whole sentence rather than being released on parole.

A number of inmates noted concerns regarding access to a parole hearing. They stated that they were denied access to their mandatory parole hearings or were ill advised to waive their hearing. Every effort should be made to inform inmates of their parole eligibility and assistance should be offered. We recommend that all Métis inmates have elder-assisted parole hearings. This may make the process easier for inmates and their family members. As well, the National Parole Board needs to have Métis Elders available for these hearings.

Métis representation on the National Parole Board is necessary. Métis representation on the parole board may assist the parole board in understanding the Métis community, access to Métis resources and community services as well as understanding Métis culture, history and contemporary issues facing the Métis people of Saskatchewan.

## WE RECOMMEND THAT:

### *Cross-Cultural Awareness Training*

1. In consultation with Métis Nation – Saskatchewan and appropriate affiliates, a Métis-specific cross-cultural training package be developed and delivered by the Métis Nation to police services, R.C.M.P, court employees, corrections (federal and provincial) and any other interested parties. Often cross-cultural training focuses solely from a First Nation perspective or pan-Aboriginal approach. The Métis are a distinct culture with their own traditions, beliefs and language. Cultural Awareness training must account for this.
2. Development of assessment tools that will be used to monitor and screen out police employees who exhibit racial intolerance. Development of a policy relating to disciplinary action and dismissal of those public employees that ignore racism and human rights.
3. Immediate dismissal of corrections employee who display racist tendencies.

### *Employment Equity*

1. Saskatchewan Corrections and the Correctional Services of Canada (CSC), in consultation with Indian and Métis organizations, immediately implement new and innovative employment equity programs to achieve greater aboriginal participation at all levels. A minimum target would be the percentage of aboriginal staff equal to the percentage of aboriginal offenders served. (Linn Report)
2. Greater attention be paid to recruitment and retainment of Métis people employed in the justice system.
3. Pre-employment programs need to be delivered by GDI, DTI to train more Métis people to work within the justice system. More resources need to be directed to this area and existing programs be strengthened and supported such as the Corrections Officer Training Program at DTI.

<sup>67</sup> National Parole Board. (2001). Cultural Profile of the Federal Offender Population. Retrieved on October 5, 2003 from [www.npb-clnc.gc.ca](http://www.npb-clnc.gc.ca).

### *Institutional Programming*

1. Development and implementation of Métis-specific cultural programming focusing on traditional Métis values, awareness and beliefs in provincial correctional facilities. This may include:
  - Access to Métis Elders for one on one counseling,
  - Métis language classes,
  - Personal development classes,
  - Healing talking circles,
  - History of the Métis Nation and;
  - Genealogy

### *Reintegration*

1. Recommend that, in partnership with MFCJS that Métis-specific reintegration initiatives be created for Métis offenders that will include: life skills, budgeting, drug and alcohol programs, counseling, housing, education and/or employability of offenders.
2. Recommend that funding be increased for more community training residences for men and women in Métis communities.
3. It is recommended that funding, support and assistance be provided for offenders upon release.

### *Métis Women in Conflict with the Law*

1. Due to the absence of adequate material on Métis women offenders we recommend that funding be provided to Métis Family and Community Justice Services to examine the needs of provincially incarcerated Métis women and the effect of incarceration on their children.
2. Development and implementation of Métis-specific female cultural programming focusing on traditional Métis values, awareness and beliefs in provincial correctional facilities. This may include:
  - Access to Métis Elders for one on one counseling,
  - Métis language classes,
  - Personal development classes,
  - Healing talking circles,
  - History of the Métis Nation and;
  - Genealogy
3. Since women are the cornerstone of the Métis Nation and of the family, it is recommended that more programming, specifically designed for Métis women be created that focuses on: healing circles, provide information on the cycles of abuse, personal development and life skills, education on sexual reproductive health, AIDS, HIV, Hepatitis C; alcohol and drug abuse counseling, family counseling (particularly children who are effected by incarceration); and individualized programming based on need.

4. Due to the fact that children of incarcerated Métis women require counseling, support and access to their mothers, we endorse the Meyowewin Program at Pinegrove.
5. Funds should be made available to family members of those incarcerated to enable them to maintain a connection to their family and community, because of the challenges of travel, long distances charges etc. These funds will be administered by MFCJS and will be distributed based upon need and not want.
6. It is recommend that an alternative to incarceration should be considered for mothers with children.
7. Institutional and reintegration programming must focus on empowering women. Along with a strong component of traditional healing and counseling, programming should also focus on education and the development of employment skills for incarcerated women. This will result in greater independence and self-esteem building thereby decreasing further recidivism due to poverty based crimes.

*National Parole Board*

1. We recommend that there be Métis representation on the National Parole Board.
2. All Métis offenders' parole hearings should be Elder assisted with Métis Elders available upon request.
3. Greater utilization of S81 and S84 for Métis Offenders based upon community capacity and readiness.
4. More funding and resources be made available to community training residences and halfway houses in urban and rural communities with a high Métis population.

# CRIME PREVENTION

The Saskatchewan crime rate is the highest in Canada. In 2001 the rate was 74% higher than the national rate.<sup>68</sup> These numbers are even higher in northern Métis communities. The high rates of crime, offences and victimization in Métis communities identify an urgent need for the development of crime prevention programs in Métis communities across Saskatchewan. The current response to crime and offending is enforcement, punishment and incarceration. It does not call for restoration to individuals or communities. What can be done to assist individuals, families and communities, from coming into conflict with the law? What could avoid contact with the system? Prevention and intervention activities relating to crime and offending is a reasonable and healthier way of dealing with crime. Currently, “the direct costs of crime to the justice system are nearly \$10 billion a year.”<sup>69</sup> Investing in crime prevention has many benefits, which are often overlooked, as most time and resources in the criminal justice system are invested in punishment, incarceration, and “rehabilitation.” Studies and research have found that prevention activities early in life are more effective than existing approaches of crime control. There are a number of long-term benefits from investment in crime prevention and intervention activities such as reduction in crime level, reduced victimization, community empowerment and cost effectiveness.

According to the Department of Community Resources and Employment website, “Studies have shown that prevention and early intervention programs for children return \$7 to the public for every \$1 invested.” This number is quite staggering when we consider that the 2002/2003 Saskatchewan Justice and Corrections and Public Safety Criminal Justice expenditures was \$229.6 million. If the provincial and federal government invested \$32 million yearly for a ten to twenty-year span, can you imagine the benefits? Investing in crime prevention and intervention activities will also have long-term benefits across all social systems and sectors in the government such as: Department of Community Resources and Employment, Saskatchewan Health and other related departments.

## WHAT IS CRIME PREVENTION?

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Crime prevention is defined as, “the anticipation, recognition and appraisal of a crime risk and the initiation of some action to reduce that risk.”<sup>70</sup> This is a commonly accepted definition of crime prevention, however we find this definition to be too restrictive. Another definition that fits for communities is, “Crime prevention is the promotion of those attitudes, activities and behaviors that create and maintain safe and vital communities where crime and delinquency cannot flourish. Crime prevention practices provide a foundation for community justice initiatives and embrace the principles of restorative justice.”<sup>71</sup>

Linden states that there are two approaches to crime prevention. Social development programs that are “aimed at reducing the number of potential offenders by addressing the social and economic factors which cause crime. Social development programs can include:

- Early Childhood education
- Parental skills training
- Youth employment
- Recreation
- Education
- Employment and Training Programs
- Community Policing

<sup>68</sup> Canadian Centre for Justice Statistics (CCJS), *Uniform Crime Reporting Survey*, various years, as found in Department of Justice and Corrections and Public Safety Submission to The Commission on First Nations and Métis Peoples and justice Reform. (Page, 16). (2003).

<sup>69</sup> Linde, Rick. *Crime Prevention in Aboriginal Communities*. University of Manitoba.

<sup>70</sup> *Ibid*, Page 3

<sup>71</sup> American Probation and Parole Association. *Crime Prevention*. <http://www.appa-net.org/about%20appa/crimeprevention.htm>. Accessed on: October 31, 2003.

The second approach is, “reducing opportunity by improving the guardianship of potential crime targets or by making targets less vulnerable.” Such as:

- Improving security and safety of the physical environment
- Neighborhood Watch programs
- Theft and alarm devices such as car alarms and the “club”
- Preventive Policing

While both of these approaches have merit, we feel that more emphasis should be placed on social development programs. While reducing opportunities to offend is a good short-term goal, Métis communities need more than this. For crime prevention activities to be effective, we must include recommendations that will improve the lives of Métis across all social sectors, addressing root causes of crime such as poverty, unemployment, low education levels, and other socio-economic dysphoria experienced by Métis people involved in the criminal justice system. We need to be pro-active instead of being reactive. We need to prevent placing individuals in a situation where committing crime is their only option.

“Crime Prevention is reconnecting youth and families with their culture. It stems from a lack of cultural identity, poverty, dysfunctional families and exposure to unhealthy lifestyles. Crime prevention is a reconnection of youth and people with hope...”

Crime Prevention Roundtable Participant

Crime Prevention is about responsibility. As noted in previous sections, Métis people had defined roles and responsibilities. It is the Elders and parents role to pass norms, mores and acceptable conduct down to the children. The ‘Rules of the Buffalo Hunt’ and kinship structures of the Métis ensured transmission of values, beliefs and acceptable forms of behaviour. These rules were there to regulate individual, family and community behaviour. However, these roles and activities are not happening in communities across Saskatchewan. Colonization, residential schools, and paternalistic government policies have effectively taken away these responsibilities and the dysfunction experienced in communities is the product.

“Aboriginal values, healing circles, that sort of thing, can that be translated into society in general? Yes, it can, because you’re talking about values. And if you teach values, perhaps more so than rules, you’d be a long way towards preventing crime.”

Crime Prevention Roundtable Participant

We have heard the term, “it takes a village to raise a child.” While this may seem to be a cliché it is a very valid point. Prior to colonization and erosion of Métis values and social structures, Métis communities did in fact follow this belief. Everybody had a role and was taught proper conduct and acceptable behaviour. This was how Métis communities regulated behaviour as everyone played a role. When a child was not in school, if a community member saw this, they sent the child to school. If a child was misbehaving and their parents were not around, a community member would get after them. Today, this is not happening for many reasons discussed in previous sections such as; colonization, family breakdown/fragmentation, addictions and other social dysfunction.

Throughout the consultation process, children, youth, Elders and community-based organizations noted the absence and lack of parenting extensively. This identifies a need for an in-depth, targeted and multi-sectoral approach to restoring parenting skills in Métis communities. This is not to say all Métis parents are not doing their job, just some parents need assistance, support and education in this area.

Current family support programs come in the form of monetary compensation such as social assistance and child tax credits. While improving the social conditions and low-income levels of families at-risk is important, they require targeted programming aimed at parenting skills, budgeting, life skills, employment and job-readiness skills, communication skills, and other wellness focused supports. Support services and parent networks need to be established in communities. A possible solution is the development of traditional parenting classes taught by

Métis Elders in the community. Elders can teach about traditional roles and responsibilities, parenting skills and counseling services when appropriate.

There are many positive crime prevention programs in existence across Saskatchewan. However, many crime prevention programs are struggling with lack of capacity, short-term funding, high staff turnover, lack of training, political interference and lack of evaluation and accountability. Linden noted that many “crime prevention programs are ineffective because of lack of planning, poor implementation, and an absence of evaluation.”<sup>72</sup> We recommend that the Métis Nation – Saskatchewan, Government of Saskatchewan and Government of Canada, assist by facilitating communities in the development, implementation and evaluation of crime prevention in Métis communities across Saskatchewan. This should involve working with Métis communities to “identify the nature and extent of crime and disorder problems; helping to prepare applications for funding; providing training for community members; and coordinating services.”<sup>73</sup>

Métis crime prevention programs need to be community developed, designed and delivered based on their needs. The most successful programs are community driven. Programs need to respect community uniqueness, what works in Saskatoon, may not work in La Loche. Métis crime prevention programs need to be culturally appropriate, holistic, social development oriented and sustainable.

## FUNDING

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Métis organizations and community-based programs are facing a severe lack of funding or under-funding of programs. Throughout the consultation process, the community spoke overwhelmingly of the lack of funding, inadequate levels of funding, and lack of sustainability because of short-term funding. While recognizing the fiscal constraints that everyone is facing, there is a real need to focus funding on programs that work. Often, the best programming in communities are community driven, developed and implemented programs. Long-term investment is required at the community level to empower them to design, deliver and implement crime prevention programming based on their communities needs. The federal and provincial governments need to support communities in this endeavor. Governments need to move away from controlling to facilitating change in Métis communities.

“How many government workers does it take to process a \$10, 000 cheque? You could go a lot of places on that, on how many it takes...if we had a simple guideline for determining why that community needs \$10, 000 and a simpler way of processing it, you could have better accountability because the community would understand what [is wanted]...so why does the community lose their focus? Well, they’re inundated with administrative restrictions.”

Restorative Justice Roundtable Participant

Current funding cycles are not conducive to good business. Many organizations and people spoke of conflicting funding cycles, “pilot projects”, and short-term funding. Many organizations are spending the bulk of their time looking for money, writing proposals or fundraising to cover the funding shortfall. This takes away from the services that they are trying to provide. Funding requirements and project evaluation were also identified as a serious issue for community people. Often organizations are spending great amounts of time filling out paperwork, reporting and auditing. While we recognize and support the need to be accountable, the current system is ineffective. Therefore, we recommend that a more community friendly application process that includes streamlined accountability measures be adopted. This could entail integrated funding applications for all government departments.

Many community members discussed the difficulty in accessing money for community-based programming. It is increasingly more difficult to find programming dollars and many organizations are struggling to find money to continue programming. Participants at the Crime Prevention Roundtable stated that some organizations are

<sup>72</sup> Linde, Rick. Crime Prevention in Aboriginal Communities. University of Manitoba.

<sup>73</sup> Ibid

spending 25 – 50 % of their time looking for money, writing proposals and filling out paperwork. They also noted the problems inherent with the expectations from quick fixes and fast turn around pilot/short term funded projects. These expectations place very unrealistic expectations on communities and as a result a high number of programs have failed because of the absence of support, lack of financial and human resources and sporadic funding cycles.

In order to support communities, funding for Métis community justice programs needs to flow from a stabilized source. A strong, integral program that clients have confidence in requires long term, stable, realistic funding commitments. This need is in direct conflict with the existing funding programs received in Métis communities. A two-year time frame to establish and promote is very difficult to obtain. Within the justice and social services field, users of programs have a history of mistrust of systems and consequently it takes a long time to build a trusting relationship with the client. This is hard to do when programs are shut down after two years. Along with stability, communities need the freedom to learn by making mistakes, growing and flourishing (just like governments and human beings make mistakes, Métis people should also be able to build upon previous mistakes) without having programs immediately cut.

This is not to mean that communities do not want to be accountable, in fact it is the foundation of community development. However, an analysis of whom we are being accountable to is needed. Communities need to be accountable to the people first and foremost, not to government treasury boards. Our Métis institutions are fully committed to being accountable, to be transparent in financial and organizational governance. The federal and provincial governments need to be held to the same standards that communities must. This involves being accountable to the communities and the responsibilities that they are shirking by providing substandard program dollars which they then expect to yield amazing results.

Facilitation and support also involves more than financial resources. It includes community support, encouragement and assistance. Government support can include more than just resources such as: training in community justice programs; board development and training; resource material; secondments (from government departments to community-based organizations); proposal writing; information on programs across Saskatchewan (Community Justice Programs) and advocacy amongst other government departments.

## POSITIVE PROGRAMS

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There are many existing positive crime prevention programs in Aboriginal communities across Saskatchewan. We need to support and invest more time, human resources, and financial resources into these worthwhile activities:

- Prince Albert Outreach Program Inc
- STC Urban First Nations Services Inc, Safe House Program
- EGADZ Operation Help
- Rainbow Youth Centre
- Saskatoon Native Theater
- Street Culture Kidz
- Youth Outreach Counselors
- White Buffalo Youth Lodge
- Operation TARGET
- Culture Camps

- Eastern Region II Melfort Youth Empowerment Centre
- Western Region I Meadow Lake Youth Centre
- Elders Mentorship Program
- Infinity House
- Annual South Bay Youth Conference

While many of the above mentioned programs are successful, it is a constant struggle to sustain these programs. More money and support needs to be made available to these programs. We have heard that we need to invest in our youth. Supporting these programs is a huge part. Analysis of the money that these programs are saving should be conducted. They are providing many valuable services with very little money and support.

**WE RECOMMEND THAT:**

1. Long-term sustained investment is essential, and investment needs to be more than just financial such as human resources, time and other capacity building endeavors.
2. Community friendly application process that includes streamlined accountability measures.
3. The Métis Nation – Saskatchewan, Government of Saskatchewan and Government of Canada, assist communities by developing, implementing and evaluation of crime prevention in Métis communities across Saskatchewan. This should involve working with Métis communities to identify the nature and extent of crime and disorder problems; helping to prepare applications for funding; provide training for community members; and coordinating services. Support given to communities should be by facilitating, not controlling.
4. In Aboriginal communities, a major emphasis should be placed on social development (not welfare) programs in order to help create healthy individuals living in healthy communities. This will require coordination among several government departments. DCRE, HRDC, METSI, CPS, MNS, MFCJS.

# IMPLEMENTATION

The designing of an implementation vehicle is critical to ensure that the Commission on First Nations and Métis Peoples and Justice Reform's recommendations are implemented. The need for an implementation vehicle is outlined in the Commission's terms of reference; "The Commission will recommend short and long-term implementation strategies and identify a vehicle to oversee the implementation of its recommendations."<sup>74</sup>

Throughout the consultation process, community members voiced a number of concerns pertaining to implementation. We were reminded that numerous commissions that have gone before us, such as the Royal Commission on Aboriginal Peoples, Aboriginal Justice Inquiry, and Alberta Task Force, have failed. While they made many excellent recommendations, many were not implemented. This could be attributed to a lack of an implementation vehicle, to ensure that recommendations were implemented. This is why the development of an implementation vehicle is key to the success of the Commission on First Nations and Métis Peoples and Justice Reform. The Métis people of Saskatchewan want to see action and this is only possible through the implementation of recommendations. This will be the true measure of the Commission's success.

Métis Family & Community Justice Services has been working in partnership with the Commission on First Nations and Métis Peoples and Justice Reform. The Commission has been mandated by the Government of Saskatchewan "...to review the justice system with the intent of devising solutions to overcome systemic discriminatory practices and address attitudes based on racial or cultural prejudice." The Commission has identified four areas in which improvements must be made. They include:

- Levels of incarceration must be reduced
- Levels of victimization must be reduced
- Improved levels of community safety
- Levels of offending must be reduced

MFCJS agrees that all of these areas need to be improved as Métis people are disproportionately represented in all of the above areas. However, for real change and improvements to be made, we must include recommendations that will improve the lives of Métis across all social sectors, addressing root causes of crime such as poverty, unemployment, low education levels, and other socio-economic dysphoria experienced by Métis people involved in the criminal justice system. In order to make these recommendations a reality, all partners, Métis Nation – Saskatchewan, Federation of Saskatchewan Indian Nations, Government of Saskatchewan and Government of Canada, must work together and make a long-term commitment to change.

Secondary to this, all partners must change the way they think and approach matters that relate to the Métis and First Nations people of Saskatchewan. There must be recognition of Aboriginal governments at the negotiating tables by the provincial and federal governments. The provincial and federal government must "park" the jurisdictional battles and negotiate with Métis and First Nations governments on a Nation-to-Nation basis. The development of true, authentic partnerships is a must. This is difficult when one or two specific groups hold all power and the purse strings. The power imbalance that currently exists needs to be addressed. Therefore, the inclusion of Métis people in the designing of the implementation vehicle is integral to the success of the Commission on First Nations and Métis People and Justice Reform and the eventual implementation of most if not all of their recommendations.

There must be change! Our consultations with the Métis people heard "loud and clear" that the Métis are "sick and tired" of being an economy for non-aboriginal society. Métis represent a small percentage of the provincial population and an extraordinary percentage within all provincial and federal correctional institutions. Accordingly, we represent a small population base yet our Northern Métis receive a large amount of social assistance funding. This must be reversed, and if political will is not negative to change. MFCJS cannot be expected to accept some token implementation vehicle lacking integrity and credibility.

<sup>74</sup> Commission on First Nations and Métis People and Justice Reform (2002). Building on Success. Interim Report – May 30, 2002. (pp. 43)

# VISION

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The Vision of Métis Family & Community Justice Services Inc. is *“Communities working together for our children.”* The mission is to; *“To promote and rebuild the Métis Nation and their communities by supporting cultural and spiritual needs and empowering family centered social and justice programs. To oversee and coordinate the direction and development of Métis social and justice services.”*

The vision and mission of Métis Family & Community Justice Services provides us with guiding principles based on a strong belief in Métis culture and heritage. It is with one foot in the past that we strive to move forward for the betterment of our children, families and communities. The power of our Nation can be found in the strength of our families and it is imperative that we are forward looking as to secure a future for our children while continuing the journey of strengthening our families today. It is within this tenet that MFCJS works in partnership with the Commission on First Nations and Métis Peoples and Justice Reform.

The Métis people of Saskatchewan have no faith in the current legal system. It is important to note that we cannot refer to the legal system as the justice system, as a Métis elder pointed out in a dialogue because, *“there is no justice in the justice system.”* In my travels, I have encountered great apathy as many fear that this commission will not be able to meet their expectations, as many commission have previously failed before. The main reason why many previous commissions such as the Royal Commission on Aboriginal Peoples, Aboriginal Justice Inquiry, etc., are seen as failures is because there were no proper or concrete implementation structures in place to ensure that the governments followed up on their recommendations. This is an “out” for the provincial and federal government, as with no implementation vehicle or monitoring processes in place, this allows them not to implement recommendations that are they are not in agreement with. We cannot let the federal and provincial governments off the hook as they have a moral and legal responsibility to Aboriginal people as recognized in Section 91(24) of the Canadian Constitution.

As well, it is important that we gather momentum and support for the Commission, as we must gain political will. We will require strong political will, from all partners, to ensure that these recommendations are followed through. There must be *“Champions for Change,”* at both the political and community level. However, the most critical issue is the development of an implementation vehicle. There **must** be some form of implementation, or this Commission will fail, as did its predecessors. The development of an implementation vehicle **must** be inclusive and respectful of the Métis Nation – Saskatchewan governance structures as well as the Métis community. Any implementation discussions or negotiations should be based on a government to government (or Nation to Nation) relationship with all parties involved that include: MNS, FSIN, Provincial and Federal government.

There are many important factors to consider in the designing of an implementation vehicle:

- 1. Independence** – any implementation vehicle will require a high level of independence from all levels of government including Métis and First Nations government. While they will be involved in the process in many ways, the Commissioner must be a completely independent body similar to that of the Children’s Advocate, Ombudsman, or Human Rights Commission.
- 2. Aboriginal Driven** – While recognizing the need for the implementation vehicle to be independent, the vehicle must be driven by the Aboriginal people of Saskatchewan. Equal representation of First Nations and Métis, while recognizing the need for ad hoc (non-voting) federal and provincial senior government officials to sit at the table but not to control the process.
- 3. Long-term, Sustainable Funding** – Reforms to the justice system will not happen over night and will require an on-going funding base recognized in legislation as to avoid possible derailment if a new political party is elected. While many short-term recommendations can be realized soon, monitoring that those recommendations continue is essential. As well, we must look at the big picture, as effecting any real social change will require a great deal of time and hard work.

**4. Accountability** – This is a very important factor, as monitoring and evaluation of implementation is integral to all levels, and the vehicle itself must be transparent and accountable to all parties involved. The Aboriginal communities will prove their model to be an asset and a highlight to all justice systems in Saskatchewan and Canada.

Métis Family & Community Justice Services, Inc., on behalf of the Métis people of Saskatchewan, recommends the establishment of a Saskatchewan Aboriginal Justice Commission. The implementation model that is best suited to our organization would be the establishment of an Aboriginal Justice Commission as recommended by the Aboriginal Justice Inquiry of Manitoba. This model provides for equal representation of all parties involved in the process, accountability and most importantly, legislative authorities at both the federal and provincial levels of government.

“We believe that an Aboriginal Justice Commission of Manitoba should be established by federal and provincial legislation and by appropriate processes of the Aboriginal people of Manitoba. We suggest that the commission have a board of directors made up of equal numbers of Aboriginal and governmental representatives, with an independent person, acceptable to all parties, as chairperson. Aboriginal representatives should include status Indians, Métis, non-status, and representatives of Aboriginal women and urban Aboriginal people.”<sup>75</sup>

Métis Family & Community Justice Services Inc. choose to support the Aboriginal Justice Inquiry of Manitoba’s model for implementation because it calls for federal and provincial legislation, as well as recognition of Aboriginal governance. We also suggest that establishment of a board of directors with representation from Métis and First Nations people. This includes recognition of Métis Nation – Saskatchewan, Federation of Saskatchewan Indian Nations as well as other Aboriginal community members, organization, Elders, women and youth. We also recognize the need to have provincial and federal government representatives at the table. However, we recognize the need for ad hoc (non-voting) federal and provincial senior government officials to sit at the table but not to control the process. We feel this is necessary as discussed above; there exists a real power imbalance between governments.

A major function of the board of directors would be to select an Aboriginal Justice Commissioner, who would be acceptable to all partners involved in the process. However, as this is an Aboriginal issue, we would like the Commissioner to be Métis or First Nations. We will support the appointment of a Commissioner be it Métis or First Nations. The appointed Commissioner or board of directors may also hire support staff, based on what is best for First Nations and Métis people of Saskatchewan. The Manitoba Aboriginal Justice Inquiry also went on to recommend the following as roles for the Implementation Commission, which we endorse:

- *We believe that any implementation of those recommendations and any consequent negotiations should be overseen by the Office of the Aboriginal Justice Commissioner, whose primary role would be to ensure that Aboriginal-government negotiations occur in as fair and productive a manner as possible and that any assistance necessary to overcome areas or points of disagreements is provided*
- *Enter into discussions with Aboriginal people to determine their wishes with respect to the various recommendations.*
- *Recommend the form and method of the implementation of recommendations.*
- *Monitor the implementation of the recommendations.*
- *Report to governments, Aboriginal people and the general public on the progress of implementation.*
- *Monitor the progress of affirmative action programs.*

<sup>75</sup> Aboriginal Justice Inquiry of Manitoba, 1991

- *Receive concerns and complaints of any nature for Aboriginal people and forward them to the appropriate department or agency for attention, and monitor the result.*
- *Mediate Aboriginal concerns or complaints with governments or agencies.*
- *Become involved in any issue involving Aboriginal people.*
- *Advise government on Aboriginal concerns and recommend appropriate action.*

The above roles outlines the possible mandate of the Saskatchewan Aboriginal Justice Commission. However, these are merely suggestions as to the mandate. Respect must be paid to existing Métis and First Nation governance structures and as such, any subsequent negotiations regarding the establishment of the implementation vehicle and mandate should happen at existing bilateral and tripartite tables. An alternative to this is the existing Implementation working group, which can do the preliminary planning of the model. However, proper protocol and procedures must be followed, with the final decision resting with the Métis Nation Annual General Assembly and Provincial Métis Council.

Some drawbacks of this model could be jurisdiction, political will and political interference. In order for this model to be successful, it will require hard work, political will and fair and equitable partnerships. Ex: Federal and Provincial governments willing to negotiate with MNS, FSIN on a government-to-government or Nation-to-Nation basis. Overall, this will require commitment from all partners to be prepared to negotiate and to find common ground.

#### WE RECOMMEND THAT:

1. That an implementation be designed and implemented effective April 1, 2004, to ensure that the recommendations that the Commission on First Nations and Métis Peoples and Justice Reform provide are implemented and monitored.
2. That legislation be drafted by all of the partners, Métis Nation – Saskatchewan, Federation of Saskatchewan Indian Nations, Government of Saskatchewan and the Government of Canada, that support the mandate of the Saskatchewan Aboriginal Justice Commission.
3. Financing of the implementation vehicle not be at the expense of community organizations. MN-S financing will be administered by MFCJS.

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