

## INTRODUCTION

The Commission on First Nations and Métis Peoples and Justice Reform, announced November 15, 2001, was mandated to address concerns raised over the treatment of First Nations and Metis people by the justice system, particularly the police services. The tragic deaths of two young men, Lawrence Wegner and Rodney Naistus, focused attention on the present day justice system and the need for change.

**We want justice. Justice is something that comes from here. Justice is something that Creator gave us. It has to do with love. It had to do with benevolence. It has to do with the ability to forgive and to do something in restitution of whatever it is that we do wrong. Comes from within here. We had that.** (*Elder, Treaty Four Community Dialogue*)

The Justice Reform Commission has four partners, which makes this commission unique. The Government of Canada and the Province of Saskatchewan have the main responsibility for creating law and administering justice, and the Federation of Saskatchewan Indian Nations and the Metis Nation – Saskatchewan are the political voices for First Nations and Metis people. The Commission submitted its first three reports and this, its final report, to the federal government, the Province, Federation of Saskatchewan Indian Nations and Metis Nation - Saskatchewan. It is the hope of this Commission that all First Nations and Metis people and their communities will look at this report as theirs. The wisdom, guidance and suggestions presented over the past two years has been invaluable in the writing of this report.

From the beginning, the Commission wanted to be certain this report would reflect the voices of those who wanted reform and who would be committed to making certain tomorrow will be different from today. Our goal is to create a Saskatchewan that will be better for our children and our grandchildren. People involved in justice, from frontline workers to political leaders in all parts of Saskatchewan, were invited to give us direction. From their guidance came the creation of our Vision:

*One Community – working together to create a healthy, just,  
prosperous and safe Saskatchewan*

*meyo wahkotowin*

*dene araya who teeya al then*



And, our Mission/Vision:

*To create change and make a difference by:*

*Listening to people*

*Building relationships*

*Promoting respect and change*

*Recognizing success, and*

*Making recommendations for future justice reform.*

We were told that communities have the knowledge and that change will come if committed people work together to make it happen. Building relationships between people, between employees, and between community and government is necessary to create conditions where important and lasting reform can take place. One community acknowledging respect for diversity; the best enjoyment of individual rights is as a part of a group or in community with others.

Our past is important and the Commission recognized that it was valuable to look at our collective history. However, as a Commission we were committed to looking to the future and to seek solutions to the issues that were identified and well researched.

We asked ourselves: After some 30 or so previous commissions, how can we make a difference? Although, we were directed by our Terms of Reference to hold hearings, we decided to hold dialogues with and in communities. Community dialogues were considered vital in the process of communicating with the people of Saskatchewan. This strategy was regarded by the Commissioners as the best means of gathering the wisdom and knowledge of the people who are directly affected by the justice system. Through the Community Dialogues, the Commission heard not only the concerns of Saskatchewan people but also learned of examples of programs that are successful and, perhaps most important, heard solutions to the problems of the justice system. Information and advice was invited from anyone with an interest in justice, in any form they wished to provide it. The Commission took part in discussions, both public and private; we accepted written and oral submissions in many forms, including theatre. Our goal was to be as open and accessible as possible in order to learn from the rich knowledge of people and communities.

We believe it is important to encourage an environment in which all people want to **Lift Each Other Up** as we develop as a community.

It is essential for people, communities, justice system employees and leaders in all governments to accept **Responsibility** for their actions and to make changes that will benefit the people, the community and the province.

**Champions for Change**, people who are prepared to work hard for a society that guarantees justice for all its citizens, must be identified. These Champions for Change will be individuals and organizations who will work to encourage reform long after this Commission has completed its job.



The Commission believes that the community itself needs to be the driving force of change – with strong support from governments and leaders.

This Commission wants to leave a **Legacy of Hope** for the people of Saskatchewan after June 30, 2004. If we have done our work properly, people who currently have no confidence in the justice system and see only despair in their lives will have reason to believe there is hope for a healthier, more prosperous future and that change is possible soon.

This Commission was committed to building on success. We discovered there are many personal and program successes. There are numerous programs operating in communities throughout Saskatchewan that effectively deal with the harm caused by offending behaviour thereby preventing further victimization. Responses based on First Nations and Metis culture are being used successfully in some communities; alternatives to the formal justice system and new programs within the justice system are in place. The Commission sees these programs as a major step toward making justice more fair and reasonable.

Previous commissions such as the Royal Commission on Aboriginal Peoples, the Manitoba Justice Inquiry, the Aboriginal Justice Implementation Commission and the Linn Reports conducted extensive research. A review of these commissions and others revealed that the issues discovered a decade or more ago still exist today. The first volume of this report contains a chapter, *Aboriginal Justice in Saskatchewan 2002-2021: Benefits of Change*, that was written by Warren Weir and Isobel Findlay, two professors from the University of Saskatchewan. The second volume of this report contains other papers prepared for this Commission. They focus on new trends and issues such as hope, fetal alcohol spectrum disorders, governance and implementation, youth and the courts, and the international view on improving justice.

**Because I have a son, too, he's only seven now, he just turned seven ... they tell me that his chances of going to jail when he turns 16 are greater than for graduating from high school. I live with that every day. Everyday I wake up and hug him and I love him and I think about it every day. And I don't know that we're doing any good, you know, for myself and I guess my wife anyway to try to protect him. It's like I'm in some warped Hollywood production, you know. I'm fighting shadows and clouds and smoke. And when it clears there's nothing there, you know, it's an imminent danger and it scares the hell out of me. (Stakeholder speaking in Saskatoon, November 26, 2002)**

Our review of previous commissions was presented in our first Interim Report *Building on Success* (May 30, 2002).

Information the Commission gathered through the dialogues was insightful and helpful. The Commission learned that justice is not only about police, courts and corrections. Justice cannot be viewed as something simply involving crime.



Justice is about relationships. Justice is about respect and getting along. The present justice system is the result of many events that affect people's lives.

The solutions suggested throughout the dialogues were often directed at children and youth. This Commission's second Interim Report *A Dialogue in Progress: Focus on Youth* (January 15, 2003) looked at youth and contained information and wisdom from Elders, youth, community members and workers in the justice system. "Keep our children out of the 'system'" was suggested as the best possible form of prevention. "Let our communities be included, support our families". Youth frequently asked for a voice in decisions that affect them. These messages amount to allowing community members to find ways to interact with each other and ensuring safety and security of children within families.

The Commission's third report *Working Together* (November 20, 2003) is a summary of eight important areas that are discussed in the separate chapters of this report. *Working Together* recommended governments, agencies and employees work together to make sure those that need help receive it. To help them work together it was recommended that community-based and alternative justice solutions, such as embracing the concept of restorative justice, receive more consideration.

The third Interim Report provided a plan to put justice reform into action. The Commission considered the lack of success of previous commissions and found that all of them lacked a plan to put their recommendations into practice. The creators of this Commission identified this shortcoming and included in our Terms of Reference the following direction:

**Recommend short and long-term implementation strategies and identify a vehicle to oversee the implementation of its recommendations.**

In the Manitoba Aboriginal Justice Inquiry, "the biggest fear" was that its recommendations would not be put into practice and it took the Government of Manitoba ten years to create an Implementation Commission. This same fear was expressed repeatedly throughout our discussions. Based on its Terms of Reference, the Commission promised communities that this Commission's recommendations would not collect dust on the shelf and there would be an implementation plan created with the authority and responsibility to implement recommendations.

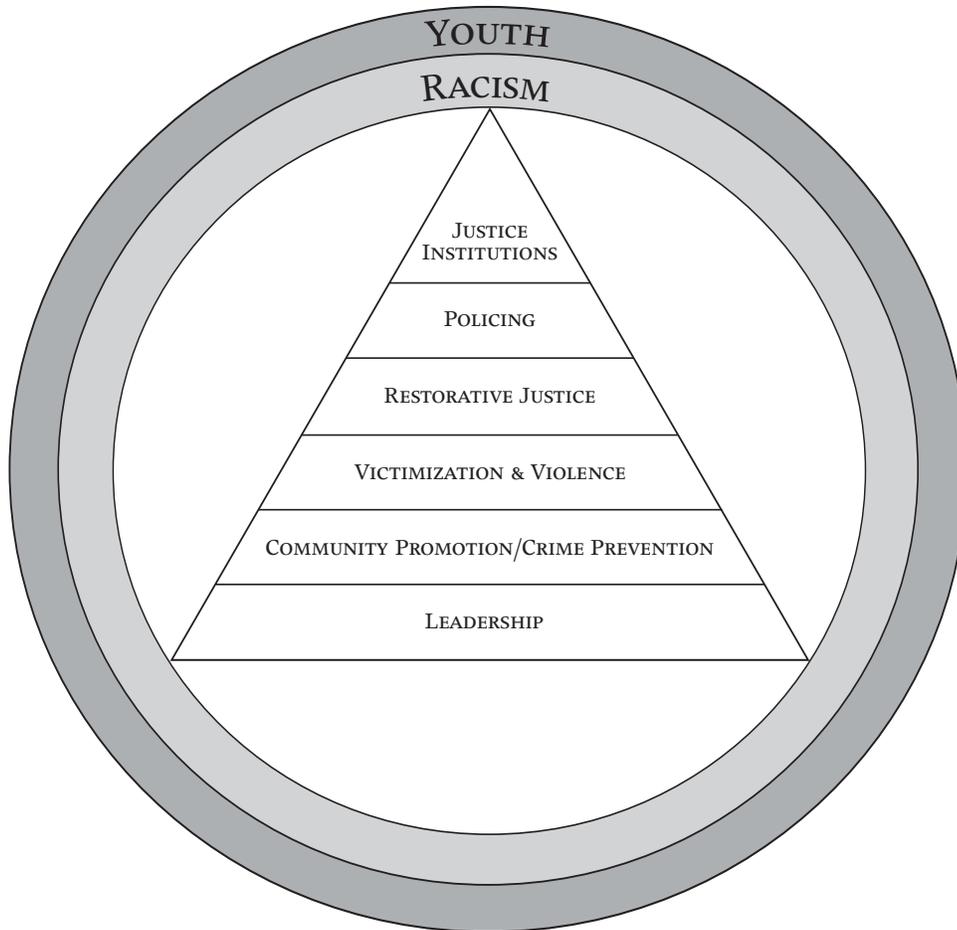
The third Interim Report contained an implementation plan with suggested rules, important limits and instructions. This plan was given to a working group representing the four partners. These partners were asked to give the Commission a plan that they could all support. This did not happen before this report was written, therefore Chapter Ten provides the recommended plan.

The chapters in this report have been ordered in a way that we feel is particularly significant. They are arranged in order of importance to help communities support change. The foundation of a healthy, just, prosperous and safe Saskatchewan is strong leadership. Leadership is the key to building potential,



taking responsibility and a brighter tomorrow. If leaders are strong, communities are strong. Communities that ensure all members live a good life and are given opportunities to take part and succeed will ultimately be safer. Safer communities mean less victimization, greater harmony and a police service that does more than simply enforce the law. These communities will have less crime and therefore will have less contact with the justice system. Relationships would be healthy and, ideally, racism would cease to exist.

## FRAMEWORK FOR KWYUSK



## CHAMPIONS FOR CHANGE

Change is necessary and it must be beyond a simple tinkering with the system. Fundamental change is needed if we are to have a future different from our past. To accomplish this kind of change the following must happen:

- a) There must be full participation of the federal and provincial governments and First Nations and Metis people. The Royal Commission on Aboriginal Peoples and the Aboriginal Justice Implementation Commission made it clear that any policy affecting the interests of Aboriginal people or communities should never be created or put into practice without the involvement of these peoples or their



communities. Similarly, when it comes to making decisions about First Nations and Metis children and youth, their full involvement is important to make sure they are no longer excluded. This will take strong leadership, setting differences aside and working together.

- b) All four partners must have the political will to put into practice the recommendations in this report. This will require changes to the way government designs and implements policy involving First Nations and Metis people. This means more than supplying money. It means finding a new way to deal with issues and develop policy. This policy must be developed with the input of First Nations and Metis people with attention to the changes that are occurring.
- c) Those who deliver justice and the leaders in First Nations and Metis communities must be willing to *return justice to the community*. Communities must become more involved in dealing with the causes and solutions to crime. They must determine the issues and they must be encouraged to find the solutions within their own community. This will require sharing power, authority and resources.
- d) Everyone must be committed to improving the quality of life of First Nations and Metis people and the elimination of racism. To deal with the high number of First Nations and Metis people in the criminal justice system there must be a commitment to improving their education, health and employment levels.

