

## APPENDIX 5

### SUMMARY OF STAKEHOLDERS' ROUNDTABLE

#### Commission Process:

On March 12 and 13, 2002, the Commission on First Nations and Métis Peoples and Justice Reform hosted its first dialogue with "front-line" justice workers. The Commission had two objectives: first, to secure ideas on where the Commission might focus its work for the next two years and identify what the challenges might be and, second, to establish a network of justice workers who could help facilitate and critique the work of the Commission.

The first gathering was informal. On the evening of March 12, Chair, Willie Littlechild, opened the reception welcoming the stakeholders as trusted friends. After an ice-breaker, stakeholders were asked to describe their expectations for the meeting which was an essential exercise since it set the tone for the next day.

On March 13, facilitators led the stakeholders through three exercises. In the first, stakeholders were asked to identify critical areas for reform of the justice system. In the second, they were asked to identify issues where the Commission would face challenges and opportunities as it fulfilled its mandate. In the final exercise, stakeholders were led through a closing circle where they were asked to speak from the heart on anything they felt was important.

#### Expectations

The specific question put to the stakeholders was "What would make for a good day tomorrow?"

In general, participants shared a sincere desire to explore and understand other perspectives with respect to justice reform in Saskatchewan. This is significant: although all stakeholders came from organizations and communities with specific needs and objectives, there was a definite interest in understanding the perspectives of other stakeholders. In fact, this interest was often described in terms like "establish a network for future dialogues", "sharing what works and best practices", and "closing the communication gap with respect to the justice system."

Another significant theme that emerged concerned the need to balance what is not working with respect to the justice system with what is working or could be further improved. The Commission was pleasantly surprised to hear stakeholders did not want a witch-hunt. Instead, the hope was that the Commission would work towards building positive relationships between, for instance, law enforcement agencies and the communities they serve. Doing so meant looking at what was working as well as what was not working in the justice system.



Without a doubt there are some things not working with the justice system and making sure the “silent voices” would be heard on this subject was a third theme. The Commission would have to find ways to involve those most affected by the justice system.

Other expectations included defining what justice is, securing input from front-line service delivery people, securing input on the long range planning and implementation phases, and making sure the stakeholders forum stays solution oriented, respectful and open to new ideas and understandings.

### **Critical Areas for Reform**

On the first full-day of the meeting Commissioners asked stakeholders “what are the critical areas for justice reform in Saskatchewan?” For instance, what are the key areas for improvement and what are the areas for greatest hope and opportunity?

In responding to this question stakeholders adhered to their self-imposed commitment to staying constructive. However, there were moments when anger and frustration with the justice system needed to be released. Stakeholders acknowledged this need and when it happened they honored the experience by letting it happen rather than repressing it.

Stakeholders divided into three groups. The following is a summary of the themes that emerged.

#### *The Community Connection*

One theme that received a lot of attention was an improved role of the community in addressing justice matters. Safer communities for children, healing for families and community support for those in contact with the justice system were among the themes discussed.

#### *Victims and Violence*

Stakeholders were clear that violence should not be accepted in communities. But since society tends to blame the victim, the Commission should be sensitive to the need to validate a person’s trauma. Moreover, it should consider methods of empowering women and men to deal more effectively with violence, including improved access to support programs. Even law enforcement officers were acknowledged as needing support in this regard.

#### *Education and Understanding*

Improving communications between the justice system and the communities they serve was another recurring theme. Too often victims, offenders, their families and their communities have little understanding of the processes the justice system uses to “administer” its product. As long as there exists a gap in communication and understanding, poor assumptions will be made, opportunities for life-long learning will be lost and relationships will continue to suffer.



### *Changing the Ethic and Orientation of Organizations*

It was suggested the Commission might have to work on changing the culture of the organizations in the justice system. While it was acknowledged there were many good, honest people working within the justice system, that same system tends to undermine constructive, healthy behavior or it precludes innovation and cooperation.

### *Reforms and the Wider Context*

Stakeholders encouraged the Commission to consider the wider social, economic and political context in which its recommendations would be implemented. On a similar note, stakeholders hoped reforms would take an integrated approach, with social issues, community needs and justice system cooperation being the norm.

### *Youth Issues*

Since the system tends to criminalize people who come in contact with it, stakeholders felt it imperative there be some investment in keeping youth out of the system in the first place. This may mean more programs for sports, addressing substance abuse and other issues specific to teenagers.

### *On Incarceration*

Many stakeholders voiced their support for the notion that incarceration should be the last resort, and not the first response of the justice system. Where incarceration is necessary, stakeholders wanted that experience to be truly rehabilitative and productive rather than a convenient warehousing alternative.

### *The Root Causes of Crime*

Underlying every theme or issue discussed was the need to address the root causes of crime, to take a wider view of the problems (as opposed to a sector by sector perspective) and to concentrate on positive and constructive alternatives. It was even suggested the Commission examine the foundations and history of the existing justice system to reveal hidden assumptions about crime, rehabilitation, justice, healing and safe communities.

### *What's Working and What's Not*

The Commission was reminded that there are some things working well with respect to the justice system, that while there is bad there is good. Commissioners were encouraged to identify those practices and programs that seem to be working and find ways to improve on that progress. So in recommending solutions to problems a balance must be found to build on what is working.

### *Racism In All Its Forms*

Despite the forward-looking and constructive approach stakeholders brought to bear on all the issues discussed, no one could deny the significant impact racism



has on the justice system's relationship with Aboriginal people. It impacts how calls are handled, how information is processed and prioritized, and how the justice categorizes, analyses and solves problems.

### **Challenges and Opportunities**

In the afternoon of March 13, Stakeholders were asked to identify potential challenges and areas of opportunity the Commission should be aware of as it fulfilled its mandate.

#### *Good Process*

Stakeholders made a number of suggestions concerning the processes the Commission should use as it developed its recommendations. Providing a safe, yet open forum for people to talk about their experiences was viewed as essential. Using technology to promote the work of the Commission was seen as important, particularly with respect to the general public who need to be informed about the issues. Interestingly, stakeholders seemed concerned the Commission not become too pre-occupied with formal "consultations" or "hearings", but consider dialogues with communities.

#### *Balance in the Dialogues*

The Commission was encouraged to strike an important balancing act with respect to its dialogues. References were made to listening to agents of the justice system, victims, offenders, their families and their communities, those who are marginalized by society, those who run the system, service providers, and Aboriginal and non-Aboriginal communities.

#### *Balancing the Past and Present*

While many appreciated the Commission's forward looking focus, stakeholders recommended compassion and patience when past problems would emerge in the Commission's processes. Aboriginal and non-Aboriginal people want change, sooner rather than later, but somehow the past will have to be reckoned with and acknowledged.

#### *Making the Case for Change*

The Commission was reminded its recommendations would have to be implemented in what may be a difficult environment. Not only will it be expected to make a strong-case for reform, it will have to maintain programs that are working, change for those that are not, and it must address the need for short term and long-term results.



### *A Good Communications Strategy*

Stakeholders had suggestions for communicating the Commission's purpose and progress, with specific reference to Aboriginal and non-Aboriginal communities. Transparency, openness, patience and accountability were among some of the values the communications strategy should embody.

### *Capitalize on Community Strengths*

Getting people and organizations to share power and responsibility for the results was seen as both a major challenge and opportunity. And while every community and organization was recognized as possessing strengths and weaknesses, the key to positive reform was seen as lying with the communities who have to live with the results.

### *The Commission as a Bridge*

While many viewed the Commission as a catalyst for change, many also saw it as a bridge between First Nation, Metis and non-Aboriginal communities and the justice system. Youth, victims, offenders (both in the past and in those currently within institutions), front-line justice workers in the communities, and government departments and agencies need to hear from one another in order to build a foundation for constructive and lasting change.

### *Other Barriers*

A variety of other possible challenges were mentioned to the Commission. They included overcoming public cynicism, conflict between the Commission's proposed agenda for change and government (federal and/or provincial) priorities, bridging the distances between communities, and making sure the dialogue process was safe, efficient and effective.

### **The Closing Circle Ceremony**

To end the day properly, stakeholders, Commissioners, staff and the facilitators were offered the opportunity to speak freely on whatever issue they felt important. Most gave thanks for what they felt was a powerful and significant gathering of people and ideas. Some used the opportunity to remind the Commission of the significance of the work that lay before them and wished them encouragement. Virtually everyone felt the Commission had embarked on its mission in a positive and constructive manner.

The circle itself proved a powerful means of consolidating the themes, concerns and hopes expressed in the sessions. The gathering closed with a prayer from Elder Maria Campbell.



## SUMMARY OF ROUNDTABLE ON YOUTH CRIMINAL JUSTICE ACT: IMPLEMENTATION IN SASKATCHEWAN

### Commission Process:

On Friday, August 23, 2002 The Commission on First Nations and Métis Peoples and Justice Reform held a roundtable on the new YCJA Act and the effects it will have in Saskatchewan. In attendance at the Wanuskewin Heritage Park gathering were the Commissioners and staff plus invited guests from a wide range of service and government organizations. An open discussion was held throughout the day. This roundtable progressed in a different manner than other roundtables. Due to the specifics of this topic, presentations were made first on the new Act and then how the different organizations were going to implement it. The Commission put forward their preliminary comments in our January 15, 2003 report entitled *A Dialogue in Progress: Focus on Youth*. You can read more on this on our website at [www.justicereformcomm.sk.ca](http://www.justicereformcomm.sk.ca) and for more information on the YCJA Act itself you can go to <http://canada.justice.gc.ca/en/ps/yj>

### General Information:

The purpose of the roundtable was to bring together leading authorities on the issue of First Nations and Metis justice to generate and share ideas with the Commissioners. The agenda was structured so that Katherine Latimer, Director-General with the Federal Government could give an overview of the goals and objectives of the new *Youth Criminal Justice Act*. The only guideline in the discussion was that they look to the future and what the opportunities and challenges would be, and that they contribute to creating a healthy, just, prosperous and safe Saskatchewan.

### Main Themes:

#### *Federal Background*

The background to why new legislation was needed was discussed and the following points were put forward as to why the federal government felt it was necessary to replace the *Young Offenders Act* with the *Youth Criminal Justice Act*. They include:

- Too many young people are charged and often incarcerated with questionable results;
- Procedural protections for young people are not adequate;
- Too many youth end up serving custodial sentences with adults;
- There are disparities and unfairness in youth sentencing;
- Interventions are not appropriately targeted to the seriousness of offences;
- They are not adequately meaningful for individual offenders and victims;
- Does not adequately support rehabilitation and reintegration.

### *How The YCJA Proposes to Address these Flaws*

The YCJA is being implemented in an attempt to correct fundamental weaknesses of the YO Act and will attempt to result in a fairer and more effective youth justice system by:

1. Targeting Responses of the Youth Justice System to the Seriousness of the Offence;
2. Clarifying the Principles of the Youth Justice System;
3. Ensuring Fairness and Proportionality in Sentencing;
4. Respecting and Protecting Rights;
5. Enabling Meaningful Consequences Aimed at Rehabilitation;
6. Supporting Reintegration after Custody;
7. Encouraging an Inclusive Approach to Youth Crime.

### *Provincial Overview*

Following the presentation from the Federal Government on the YCJA Act, the different Provincial representatives picked up the discussion. There were two views discussed:

#### **1. The Renewal of Youth Justice: Implications for Aboriginal Youth in Conflict with the Law**

Concern was expressed on the high rate of Aboriginal youth being involved in all stages of the youth justice system. It was again identified that the Speech from the Throne stated a goal of reducing the incarceration rates of Aboriginal, both adult and youth. The presentation described the process of using a multi-disciplinary initiative to enable the prevention, provide meaningful consequences and to assist in rehabilitation and reintegration of our youth.

#### **2. Dialogue on the YCJA: Saskatchewan Perspective**

The impact of this new Act will work towards more community front-end measures being implemented instead of the high reliance on custody. The Act presents many opportunities to work with different organizations to reduce the numbers of youth in custody. The area of resources needing to be found and the reallocation of supports in the communities was discussed. The need to build partnerships with an increased involvement of First Nations and Metis people is critical.

#### **Comments from the participants regarding the new Act and the implementation of it included:**

- To decrease the numbers of youth incarcerated the new "School<sup>Plus</sup>" initiative needs to be supported as it is a revolutionary process that could be a key factor in keeping youth in school;
- The needs of youth with FASD are still not being addressed and more resources need to be put into this area. Front end services are critical;
- Remand facilities in the North are inadequate and the services recommended are difficult to obtain.



## SUMMARY OF RESEARCH ROUNDTABLE ON REFORMS TO THE JUSTICE SYSTEM

### Commission Process:

On Friday, September 13, 2002 the Commission on First Nations and Metis Peoples and Justice Reform hosted a roundtable on Research at Wanuskewin Heritage Park. In attendance were the Commissioners and staff plus invited guests from a wide range of service and government organizations. An open discussion was held throughout the day.

### General Information:

The purpose of the roundtable was to bring together leading authorities on the issue of First Nations and Metis justice to generate and share ideas with the Commissioners relating to justice reform. In return the Commissioners were to share what they have learned so far from the people of Saskatchewan and how they feel about the issues that have emerged. The only guideline in the discussion was that they look to the future, be broadly justice related and that they contribute to creating a healthy, just, prosperous and safe Saskatchewan.

### Main Themes:

*Question #1. What concerns do you have with the justice system?*

- Programs do not look at the characteristics of an individual and match programs to their situation and consider the mix that can be combined to lead to the most successful outcome;
- This province locks up too many children and youth and another model that does not use corrections to control children and youth is needed;
- The issue of economics/poverty needs to be dealt with. Food and shelter need to be available before a family can look to the future. If it isn't, people will look at alternative ways of getting the basic survival necessities, usually through crime;
- Obviously the justice system is experienced differently by Inuit, Metis, and First Nation people across Canada than it is by the rest of the population;
- The system of justice has ignored that every Indian, Metis or Inuit that comes before the court has constitutional rights that need to be vigorously enforced;
- Once a person has done their time in jail, and turned their life around, gone back to school, and now want to work in the institutional setting, they are unable to do so. Criminal record checks keep many Aboriginal people from working at jobs in which they have experience, due to a criminal record.

*Question #2. What examples of successes or positive programs have you seen?*

- Before you can call a program a success you need to clearly define what the goals of the program are; what are the measures of effectiveness; how do we know that things are working; what are you trying to achieve in the program;

- A combination of conventional psychotherapeutic approaches and traditional approaches seems to be the best model;
- North Dakota has a program that avoids “institutionalizing” youth, rather they put them into “schools” giving them a community;
- Decent apprenticeship programs, mentorship;
- Supporting families within communities;
- Programs with stable funding that revolve around repairing relationships, addressing harms, and fostering healthy, safe, respectful sort of interactions;
- Use volunteers from the communities in a responsible, respectful manner, do not burn them out. Value their skills, background and experience they bring to programs;
- Successful programs in communities are where outside resources listen to the communities and help them achieve what they need;
- Tu Tangata program in New Zealand that works within the education system reacts to juvenile crime and drug use and is extremely effective in reducing juvenile crime.

*Question #3. How do you think the justice system can be improved?*

- Better follow-up services with respect to traditional healing once a person leaves the controlled setting of an institution. We need to go back to the values and principles of our cultures and listen to the Elders;
- Through bringing to the attention of those providing correctional interventions, a greater sensitivity about the individual differences and backgrounds of the participants in programs;
- Education and health need to become integrated with the justice system as a lot of the trouble that kids get into start in schools; their inability, or the school’s inability, to adjust to them plus the epidemic of ill health in young people;
- Through empowering community; by using the healing projects that are out there – use a holistic perspective;
- Involving Elders in the schools, institutions, community centres to help heal families;
- By providing support to sustain mentorship programs, provide training for support workers who face the challenges in the communities;
- By creating partnerships between the provincial & federal governments, along with First Nations & Metis governments. Using this partnership to build relationships to strengthen supports within the community;
- To move forward in the justice system, if you want to get someplace in 25 or 30 years, you need to know the places that we would like to be in two years, in four years, etc. There needs to be short term steps in order to achieve long term goals;
- Aboriginal Attorney General to direct the defense of the constitutional rights of Aboriginal Peoples;
- Communities should be viewed on a needs-based assessment remembering to incorporate a holistic approach;
- Build on the success already out in the Communities like Hollow Water, Manitoba;
- Educate – through education people can learn about the different ways and values and develop respect for each other. “Change the thinking”



*Question #4. How do you go about revitalizing the traditional ways?*

- Traditional teachings in institutions are key in changing behaviour;
- Youth need to feel a part of society, they need a positive self-image and a sense of belonging that positive role models such as Elders can give them;
- In the traditional system of the Church there is a rigid role model that doesn't tolerate deviance and this structure helps turn kids around;
- In the Muslim tradition it brings in the strength of the family, religious adherence, and values.

### **Conclusions**

- The Commission needs to look at their focus as being on the achievable versus the ideal;
- The Commission needs to be conscious of the roadblocks when dealing with the bureaucracy as well as in the political system. These people are going to be responsible for implementing the recommendations of this Commission. The Commission cannot be seen as working in isolation, it needs the support of its partners;
- Research needs to take an interdisciplinary approach for it to be meaningful to the Commission's work;
- The Commission should look at having a peer review panel for potential research projects and another peer review panel of the results. A process should be put into place where several experts in the field look over the proposed research you are doing and make sure it matches the standards that should be there;
- To attempt to match a program with the needs of a Community, you should in collaboration with the community, look at a bottom up approach based on the needs, the culture, the resources and the goals;
- The Commission needs to put forward successes and how they can be incorporated into Saskatchewan by using various methodologies available to each specific community. An example of this is the Won Ska Cultural School in Battleford;
- The Commission needs to demonstrate to the people who want to build more jails how positive change can be made and still create a safer, better society and reduce the need for incarceration;
- You need to find political "Champions" who feel the recommendations of this Commission are worthwhile and will push to get them done.



## SUMMARY OF STAKEHOLDERS' ROUNDTABLE

### Commission Process

On Monday, November 25, 2002 and Tuesday, November 26, 2002 the Commission on First Nations and Métis Peoples and Justice Reform hosted a roundtable with the core group of stakeholders at the Travelodge Hotel in Saskatoon.

### General Information:

This was the second stakeholders' roundtable, the first was held on March 12 and 13, 2002. The purpose of the roundtable was to bring together people representing as many interested parties as possible within the communities of Saskatchewan. The stakeholders group was created by the Commission to explore possible reforms to the justice system and ensure the recommendations of the Commission are forward looking.

At this roundtable the stakeholders were asked two questions:

- 1) Where can the Commission improve?
- 2) What has been done right so far?

### Main Themes

- The federal government should be involved, particularly in First Nation communities. Concern was raised that without federal involvement, the Commission loses a lot of credibility.
- There should be more public awareness of the Commission. This included communication about the reason for the Commission, the terms of reference and about upcoming dialogues, presentations and roundtables.
- Ensure that as many communities are covered as possible. This was of concern as well as the fact that the timeline for dialogues is actually shorter than it appears. Also of concern was the fact that many of the real issues in Aboriginal communities are not being heard because only particular portions of the communities are willing to participate in public dialogues, and many are not aware of the in-camera interviews.

### *General Analysis:*

- There should be more follow-up after the dialogues by the FSIN, ANJI and the MNS. Of particular concern was the fact that during dialogues, many of the participants opened up old wounds to the Commission, and there were no supports for them afterward. There was also concern expressed about the safety of community residents after dialogues.
- The stakeholders' roles should be expanded and clearly defined. This is particularly the case when planning to visit communities when stakeholders can be utilized as contacts.
- Police, prosecutors and youth should be more involved in the process at dialogues and stakeholders meetings.



- The Commission should keep international human rights issues in mind while doing their work.
- Update the website more often and include a page for feedback.
- The Commissioners need to be more unique so as to avoid appearing like other commissions and inquiries, which according to many of the stakeholders did not make much difference in their communities.
- Implementation of Recommendations:
  - The stakeholders were asked to discuss what an implementation mechanism, vehicle or process would look like. The Commission would like to have identified the mechanism for implementation before the release of their final report.
- The stakeholders largely agreed that implementation would have to be legislated. Ideas for an implementation vehicle included:
  - An Ombudsman type organization that was independent from government and community driven;
  - Integrated group that consists of different players in the criminal justice system as well as government and communities that is community driven.
- Much of what this vehicle will look like depends on the nature of the recommendations, keeping in mind that there will be long and short-term recommendations.

*Community Issues:*

- Concerns about the Commission:
  - Communities need more advance notice about the dialogues, and more communities should be involved at the dialogues. This suggestion included informing the stakeholders regularly, some of who claimed they had not received a copy of the first interim report.
- The Commission needs to make more of an attempt to meet:
  - frontline workers (instead of just directors and managers);
  - people on the street in their communities in day to day life;
  - northern communities for example: Black Lake;
  - Women's Groups and organizations;
  - More organizations.
- Things that the Commission is doing right:
  - Going out to communities to hear from community members.
  - Involving community stakeholders.
  - Focusing on youth.
  - Visiting different institutions and organizations such as the Regina Correctional Centre and Paul Dojack Youth Centre.



## SUMMARY OF RACISM ROUNDTABLE

### Commission Process:

On Thursday, January 16, 2003 the Commission on First Nations and Métis Peoples and Justice Reform held a roundtable on racism at Wanuskewin Heritage Park. In attendance were the Commissioners and staff plus invited guests from a wide range of service and government organizations. An open discussion was held throughout the day.

### General Information:

The roundtable was divided into two parts. The morning session dealt with questions on "What is racism, and why is there racism?" and the afternoon was spent discussing solutions to racism.

### Main Themes:

Commission Chair, Willie Littlechild introduced the difficulties in defining racism by recounting problems with the term "racism" itself. He stated that there is no word for racism in Cree. That is, there is a continuum of attitudes and behaviours from bias to hate crime. Willie Littlechild also stated that the Commission believes racism is at the heart of the criminal justice problem in Saskatchewan, the reason being that the system has been evaluated repeatedly, and nothing has changed.

### *Definitions/Descriptions of Racism:*

There were a variety of definitions given for racism including "an attitude or bias held by individuals, institutions or organizations based on perception of racial or cultural differences". Other ideas about racism included the statement it is often subtle, and that it is intergenerational. That is, it is passed from generation to generation, often unintentionally. For example, an Elder at the roundtable noted that some of the nicest people that she knows have racist inclinations. She feels that racism towards Aboriginal people can often come from ignorance about one's own cultural roots, and that when one has little knowledge or appreciation for their own culture, ancestry or history, it is difficult to appreciate other people's beliefs. This kind of misunderstanding can lead to a spectrum of beliefs and behaviours about other people. Racism can be plain ignorance, fear, pride, lack of respect and understanding.

Although many definitions for the term racism were offered it was hard to be conclusive as racism takes on so many forms and is used to explain everything from discrimination to xenophobia to stereotyping and ignorance generally. Racism can be overt or covert. Its silent form can take over institutional practice and policy development because the beliefs upon which it is based are not openly discussed, and the assumptions are pervasive. It can come from individuals or from institutions. Racism is universal and must be cured from a small scale onto the larger one. It is found in sports, recreation, employment, grocery stores, churches, police departments and other judicial and government institutions.



It is the negative aspect of relationships and it was felt that it is so often either accepted or ignored and therefore it cannot be dealt with. People react strongly to the term and it closes down discussions and conversations to the point where we cannot work around it any longer. It comes from hate or from the best intentions to “help”. It is based on a lack of respect and ignorance and possibly fear. It comes from no common ground and little or no education on the history of the race that is oppressed.

*Solutions to Racism:*

Participants identified education and interaction as the main methods for overcoming racism. Such education could include cross-cultural and race relations training and workshops, particularly in those places where there are Aboriginal clients and employees.

There was some debate about the effectiveness of employment equity. Many feel that increasing the number of employees in the criminal justice system makes it more representative of Aboriginal people, whether Aboriginal representation is increased in entry or front line positions, or in professional and management positions. Aboriginal participants stated that there are problems with this, particularly where they are seen as a representative of a broader population. Other participants noted there is a lot of resistance in the workplace to employment equity because many non-Aboriginal people feel that Aboriginal people who fill such positions are under-qualified. Others stated there is often resentment amongst existing employees with more seniority who feel that they lose out on particular positions due to employment equity.

Education leads to understanding. Understanding leads to respect. Respect for the differences and strength from our commonalities will stop racism. Complacency about racism allows it to continue – if you have never experienced it you will not know the impact it has on every aspect of your life. Challenging your own perceptions is the place to start, as an individual or as an institution.

*Media Release of Racism Position:*

The Commission also circulated an article that it released to the media entitled “Racism in Saskatchewan”. The article was published in The StarPhoenix in Saskatoon on Friday, January 17, 2003 and the headline read “Time to find solutions to racism in justice system”.

In the article the Commission identifies three types of racism:

- “Heroic racism” is a “vain attempt to shore up a weak self-image at the expense of others”. This would likely include incidents of overt racism.
- “Systemic racism” is racism that exists in institutions that are “accused of targeting one race or culture for harmful consequences.”
- The third form of racism that the article speaks to is the failure of people to speak out against racism when they witness it.



The article further states that these three forms of racism contribute to the high rate of offending, victimization and incarceration among the Aboriginal populations in Saskatchewan, and puts forward several solutions including education, cross-cultural and race relations training. Finally, the article appeals to the Saskatchewan public to share ideas about racism and how to deal with racism in the justice system.

### **Racism in Saskatchewan**

Throughout our travels as a Commission we heard a consistent message from Aboriginal people: racism is alive and well in Saskatchewan and it infects the justice system.

Racism is said to be a complex issue, but for me it boils down to the powerful and evil belief that one race is inferior to another, that certain people are not entitled to even their most basic rights. When that belief is acted upon, cruelty and other forms of negative and destructive behavior result.

Where does that belief come from? And why do acts of racism flourish in communities and organizations that condemn it? More important, what can we do about this evil?

I suspect part of the problem is people do not recognize racism when they see it. How do you distinguish racism from rude and obnoxious behavior? What about petty and vindictive behavior? And even if you can tell racism from other forms of prejudice or destructive behavior, what do you do as an individual or as a community?

It has been suggested to me there are three types of racism. The first tries to be “heroic” but is merely a vain attempt to shore up a weak self-image at the expense of someone else. Sometimes heroic racism is motivated by the desire to avenge some real or imagined wrong that has been committed.

The second is “systemic” racism. Here many institutions are often accused of targeting one race or culture for negative or harmful consequences. Racial profiling comes to mind and so does the streaming of children in the education system for second or third class treatment.

The third is so “ordinary” it almost always escapes everyone’s attention. It is evil when decent men and women of Saskatchewan remain silent when obvious racist comments or attacks are being made. By staying silent these decent people become the unwilling yet greatest ally of the bigot. Their silence empowers the racist.

How does this relate to the justice system? It seems logical to me that these three types of racism might contribute to the high rates of incarceration of Aboriginal people. Individually or in concert, each of these types of racism could also contribute to high rates of offending and victimization.



We are still left with the question of what to do.

Education is often cited as the key to combating racism. If only we could educate those who are misinformed, perhaps train them in more effective and compassionate forms of behavior, then racism will be eradicated from the face of this beautiful province. I believe there is some truth in this belief, but is it enough?

In the last twenty or thirty years we have seen governments, businesses and communities take up the challenge to launch cross cultural or race relations training programs. The groups and the individuals leading these efforts are to be applauded for their courage and vision. I have no doubt some hearts and minds have been changed as a result of their good work. But is this enough?

Some leaders, officials and activists express concern that more should be done, that this good work is running up against subtle, yet stiff resistance.

As the Chair for this Commission I am issuing a formal plea to you the citizens of this province to share with us your ideas on how this critical issue in the justice system can be improved.

The week of January 13, 2003, marks the beginning of a dialogue on this troubling issue. We have invited a few organizations to share with us their ideas and programs, and we also invite you to participate.



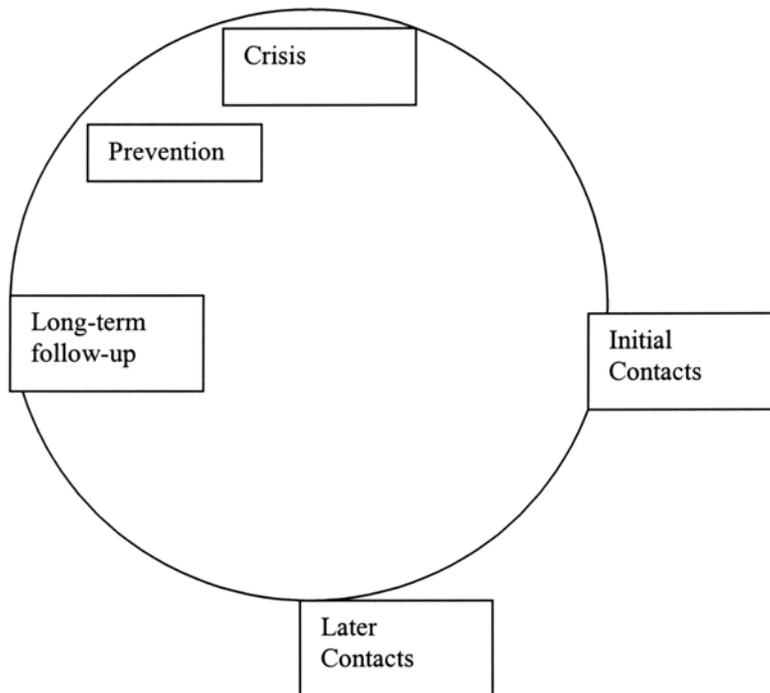
## SUMMARY OF VICTIMS AND VIOLENCE ROUNDTABLE

### Commission Process:

On Tuesday, February 11, 2003 the Commission on First Nations and Métis Peoples and Justice Reform hosted a roundtable on "Victims and Violence" in Regina. In attendance were the Commissioners and staff plus invited guests from a wide range of service and government organizations as well as Elders and youth representation.

### General Information:

Victimization was presented as a circular process:



*The questions posed by participants were as follows:*

- 1) Identify who participants see as victims
- 2) Identify the resources in the community for victims (existing strategies, processes, policies)
- 3) Identify the resources that should be developed or included in the community
- 4) What are some proposed next steps for moving these solutions forward?

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The issues presented were related to who was involved at which stage. For example, who is the victim at crisis, who is contacted first, who is involved as resource at later contact (i.e. Elders, other counselors), and who is involved in the long term as a preventative measure.



## **Main Themes:**

### *Topic One – Who is a victim?*

There was a wide range of answers for this question including children, children and youth involved in the sex trade, mothers, and families and friends who are affected by victimization of someone they care about. There is a fine line between victim and offender. Victims are people who suffer harm, distinctions are drawn between harm done to property and harm done to people. Harm can be physical, sexual, mental, emotional, spiritual and intellectual. This can break some people to the point where they do not recover and it becomes a way of life. Others survive in varying degrees.

Many offenders are also victims. One person who works with youth gave the example of a time one of his foster children destroyed his car with a heavy chain. His insurance covered the costs of the damage, and the youth went through the criminal process as a result. However, the worker noted that he had not really felt victimized because his car was repaired, but when one considered the youth's history of abuse and growing up on the streets, in the system and in a dysfunctional family, he felt that the youth was the real victim.

Similar examples were given in regards to sexual offenders who had themselves been victimized, and then went on to victimize others. Many participants stated they felt the residential school system was the original source of victimization in many Aboriginal communities and families.

One participant also mentioned that the government, through the history of neglect, has victimized the North, and that this victimization has been a violation of the basic human rights of the residents. Following that logic, it was mentioned that one should also look at victimization and what victimization really is. For example, victimization can be a form of interpersonal violence including murder or physical abuse; or it could be neglect. It could be allowing someone else to live with feelings of a lack of self-worth.

Victimization is passed from generation to generation. Through the perpetuation of victimization, violence and victimization becomes normalized. Part of the continuity of victimization, particularly among youth, is the lack of parenting skills in the Aboriginal community. Many Aboriginal parents either do not have adequate parenting skills (due to residential schools) or feel that they are unable to discipline their own children because of the threat of intervention, apprehension or prosecution. It was felt that the various interventions that are designed to address victimization could also be processes of victimization. For example, when children are removed from homes that are violent, children and their parents feel further disempowered and victimized. Similarly, courts victimize youth that go through the court process, often because they cannot afford adequate legal representation or because their parents are not present, neither of which are the fault of the youths.

As with the example of the North, entire communities can be victimized.



The term “victim” was also discussed. Many who have been victimized do not like being referred to as victims, but as survivors. True victims are those who give up, who are lost to addictions, or who commit suicide.

Other themes about victimization:

People, particularly youth, can be victimized by the criminal justice process in the following ways:

- They report abuse by police;
- They often have to attend court alone;
- They have less access, due to financial inaccessibility or backlog, to legal representation;
- English is not their first language, and legal and criminal justice language is difficult for anyone to understand, particularly for those youth for whom English is not a first language.

Finally, in relation to the victimization of whole communities, it was stated that communities, particularly women, were victimized when the church and government were given responsibility for family and domestic violence.

*Topic Two – Identify the resources in the community for victims*

The list of available resources included:

- The Wrap Around Program (Dept of Social Services)
- Regina Family Services Domestic Violence Outreach Program
- Lighthouse Tabernacle
- Child and Youth Services
- Choices for Men (La Ronge band)
- Alternatives to Violence (Mental Health)
- Anger management program (Family Services)
- Peyakowak (Circle Project)
- Children Who Witness Domestic Violence (YWCA)
- Interval House
- Transition House, Isobel Johnson, Sophia House
- Emergency Intervention Orders
- Victims Services
- Tamara’s House
- Infinity House
- Indian Child and Family Services
- Local community resources such as access to Elders, ceremonies
- Victims of Domestic Violence Act
- Sexual Assault (crisis line)
- Victims of Sexual Exploitation Act

*Topic Three - Identify resources that should be developed or included in the community*

There needs to be more services in the North, especially because domestic violence is a huge problem in the region. There are some services, however, they are usually delivered by personnel from outside the community. It is felt that in



any community, services should be developed in consultation with community, including victims. Communities do not want to be helped, they want to be supported so that they can help themselves. Respite homes would be useful in the North, particularly since it is felt that many of the foster homes up North are as bad as or worse than the homes from which children and youth are apprehended. There are no reunification programs in the North – that is, there is no assistance for families who are in the process of reunification after separation due to crisis.

It was widely expressed that the family should be the focus of intervention. It was noted that it seems like the Department of Community Resources and Employment is willing to put money into foster care, but not into resources that assist families to work together.

There also needs to be services for men. The male role in domestic violence issues is often ignored. There is a need for male leadership among the leaders. Responsibility for social issues are often passed on to women's groups, overlooked or ignored. It is felt that this is often due to feelings of shame among male leadership. The problem is so bad in the North that one northern participant noted that there are "no prostitutes up north, sex is taken." Many times, communities deal with the issues outside of the formal legal system in a manner that was referred to as "Indian justice." Many times, the problem is ignored.

Many health care professionals deal with sexual and physical abuse on the front lines. However, there is little capacity to deal with these cases on a long-term basis, which is particularly a problem in the North. Often, the response from the Department of Community Resources and Employment is a search for further evidence but little else.

More specific needs mentioned included:

- Sexual Assault Centre
- Child-friendly RCMP and Victims Services. Although these resources exist in many communities, it is reported that many clients report different forms of systemic racism, and that there is resistance and discomfort with these services. As such, many communities would like to see more First Nations staff.
- Children's Justice Office
- More traditional Elders counselling. There is a movement to return to traditional ways, but the system does not recognize Elders the same way that they recognize other professionals.
- The system needs to recognize that there are different ways to work with offenders, ie. Elder's counselling.
- Better privacy and confidentiality rules. Currently, confidentiality rules prevent the sharing of information between organizations. As such, support services work only with the information that they receive from the client, and such information can be incomplete and the client's needs cannot be properly addressed. This also contributes to the fragmentation of services and communication problems.
- More wrap-around services. This is a client-centred approach that recognizes the needs of clients based on their strengths and the support of their personal networks.



- Racial and cultural awareness training for staff who work with Aboriginal victims including social workers, police, corrections and justice personnel.
- There needs to be violence education in schools from an early age.
- More efficient court process. Many times court cases are delayed and by the time they are addressed, the offender is in a new relationship.
- Services need to focus more on prevention. Much of what exists is reactive.
- Better consultation processes with community to find out what they need and not what government thinks they need.
- Need to access those resources and skills that exist within the community. Community resources and skills are more representative of community needs.
- Extended hours. Many government and non-government organizations are available from 8 a.m. until 5 p.m. Monday to Friday. These hours are not the times when a crisis usually occurs.

*Topic Four – What are some proposed next steps for moving these solutions forward?*

- Education about criminal behaviour (particularly violence/abuse of all forms), racism, drugs and alcohol.
- Communities have to be trusted to find the answers for themselves. “Why do they expect us to fit into already-made programs that don’t work for us?”
- Consult Aboriginal leadership and communities.
- Realign existing resources (improve communications) and invest in communities in preventative programming.
- Need better reintegration for offenders and reunification processes for families
- Consult the proper Elders, help to make them accessible particularly in urban centres.
- Create a process for transferring dollars to local authorities to create services for their communities.
- Create a system that is healing and not punishment based.
- We need more programs for children who witness violence.
- More emphasis on positive reinforcement.
- Implement self-government for First Nations people. Knock down INAC and send the funds to the NAD.
- Make a 24-hour 1-800 line to provide referrals.
- Integrate the existing programs and improve communications.
- More training for police so that they will look at all contributing factors i.e. Alcohol.
- Look at alternatives to what we already have. For example, why not hostels instead of a drunk tank?
- Alternatives to incarceration, i.e. Elders camps.



## SUMMARY OF POLICING ISSUES ROUNDTABLE

### Commission Process:

On Wednesday, March 12, 2003, the Commission on First Nations and Metis Peoples and Justice Reform hosted a roundtable on policing issues at Wanuskewin Heritage Park. In attendance were the Commissioners and staff plus invited guests from a wide range of service and government organizations.

### General Information:

The questions that were addressed were:

- 1) Perspectives on policing
- 2) Positive things in policing
- 3) Solutions: policing problems and how to take solutions to the next level
- 4) The Commission's Implementation Phase: Opportunities, Barriers and Responsibilities

#### *1. Perspectives on Policing:*

Problems expressed about policing included:

- Many people feel that the police complaints process should be independent from the police services. There is the perception that complaints are not investigated in good faith, particularly when police carry out an internal investigation. There needs to be an independent advocate to support people making complaints.
- Aboriginal people do not feel comfortable with current complaints processes. The RCMP Police Complaints Commissioner offered that there have been no complaints from Aboriginal people from Saskatchewan in 14 years, and only 50 complaints in total. She believes that this is due to the reluctance of Aboriginal people to exercise their rights in this respect.
- Response time, particularly in the Northern Administration District (NAD) is bad. Calls coming from the NAD are often rerouted to Regina and they involve long delays. As well, there are language barriers as many NAD residents speak Cree or Dene as a first language.
- Although stand-alone policing is available as an option for many communities, there are often deficient resources to support it. (Comment from Manitoba)
- There is a lack of understanding of one another (Aboriginal, non-Aboriginal and police) and as a result there is hesitation to mediate. Police are more aggressive to charge as a result.
- Lack of understanding can affect the prioritization of calls. For example, one woman called the police because there was a party next door and she was a single mother home alone with kids. She had to wait and wait, and when a man from the party next door came to her home she hit him on the head with a baseball bat. Only then did the police come.
- There is a lack of openness by the police towards Aboriginal leadership and community. There is a need for open dialogue between police and communities in order for them to understand one another and improve relationships. Good



relationships also help officers understand more fully the community context of their work. Officers need to police communities according to the context of the community, not according to official regulations.

- Police are not utilizing the full resources of community due to lack of trust. Communities are capable of doing much more than they are entrusted or resourced to do.
- There should be store-front offices in Aboriginal communities.
- Police need to be more involved with communities, particularly with youth. Youth need to feel more important and need a relationship with police that goes beyond investigative work.
- There is racism in policing. It is important to note that racism does not come from policing culture, it comes from non-Aboriginal mainstream culture. If there is more participation in community cultural events by police, racism will disappear with understanding, interaction and connections.
- Police management boards and community police boards are badly under-resourced, especially in northern communities where travel is difficult and expensive. The people who sit on these boards are volunteers and they suffer from high levels of burnout.
- The lack of consistent budget cycles between federal and provincial government makes accessing funding difficult. The difference in criteria for funding between the two governments further complicates access.
- Hiring Aboriginal police officers cannot be a simple cosmetic process, there has to be cross-cultural awareness.
- There is a lack of drug and alcohol enforcement by the RCMP in the NAD. There is a general feeling that “bottom of the barrel” officers are sent up north because others do not want to go. Police officers posted up north burn out as well due to high workloads and relationship problems with community.
- The police need greater resources for the implementation of the *Youth Criminal Justice Act*. There also needs to be more crime prevention activities and capacity building in communities. There is an uneven application of diversion due to the differing levels of capacity available in communities.
- The offences that are eligible for alternative measures need to be expanded to include domestic violence cases.
- Many justice programs, services, policies and legislation reflect conservative middle class non-Aboriginal viewpoints of the people who design them, and as such, do not adequately meet the needs of the people they are supposed to help.

## 2. *Positives on Policing:*

- The First Nations Policing Program - having officers in the community, particularly where they can act as role models, is working.
- There have been some good initiatives coming out of community police board work. For example, the banishing of glass beer bottles in La Loche has ensured that “broken bottles are no longer the weapon of choice.”
- Interagency initiatives such as the Domestic Violence Unit with the Regina Police Service are successful. Agencies can share information with one another keeping everyone better informed in terms of client and community needs. Such relationships prevent antagonism between agencies making work/projects/initiatives more difficult to criticize.



- The domestic violence training that RCMP took in the Saskatoon area improved the service of those who needed assistance in domestic violence cases.
- Ongoing cross-cultural participation improves understanding of and relationship with communities.
- Police interaction with youth has helped decreased crime statistics in some communities.
- Specific items mentioned as successes include:
  - TARGET (due to partnerships involved)
  - Alternative dispute resolutions
  - Cadet Corps
  - Elder ride along with police in the community
  - Funding parity with RCMP (for stand alone policing)
  - Security Forces (Onion Lake)
  - FSIN, Saskatoon Tribal Council and Saskatoon City Police crime prevention initiative (based on medicine wheel philosophy)
  - Recreational activities involving police officers and youth
  - Regina Auto Theft Strategy
  - Community Tripartite Agreements (CTAs) (there was comments stating that these are good in principle but are under resourced)

### *3. Solutions: How to take what's working to the next level*

There are two aspects to this. There are policing problems internal to the police services and perhaps police culture; and there are problems that police have with communities.

- Need more funding resources. More funding should be redirected to community.
- Study the cost of doing nothing.
- Criminal justice issues do not originate in the criminal justice system, we need to address the roots of crime. For example, there is a lack of treatment and detoxification centres, particularly for youth.
- Need to work from bottom up and not the other way around.
- There is a need for continued partnerships with stakeholders, including communities and not just community leadership. Political agendas often differ from community agendas. This is crucial to the continued improvement of program delivery and design.
- Need to incorporate traditional methods of dealing with problems into the justice system i.e. Healing/community/talking circles.
- First Nations people should exercise their treaty rights to administer their own justice.
- In order to make them more familiar with views other than middle class non-Aboriginal conservative ones, officers must be immersed in the environment that they police. Because officers don't usually do this voluntarily, they should be directed to.
- Police services must act in an assisting manner to mobilize communities. They can do this by assisting community justice committees, criminal justice workers and justice co-ordinators in preventative ways (crime prevention?).
- Youth should be more involved and learn more from hearing people discuss problems. This applies to community policing/crime problems, traditional ways of approaching problems and traditional cultural ceremonies.
- Should establish a province-wide Aboriginal police service.



- The RCMP Act needs to be changed to make the investigation of police complaints more transparent.
- The Edmonton Police have a civilian police complaint officer, this allows the public to be a part of the process from the beginning.
- Educate children from kindergarten up to prevent stereotyping and discrimination.
- Eliminate 12-hour shifts and privatization.

We need to spend more money on healthy homes at the start of life rather than jail.

#### *4. The Implementation Phase: Opportunities, Barriers and Responsibilities*

- A common vision of what change will look like needs to be developed.
- The political will needs to exist along with the appropriate funding to avoid designing failure into the model.
- Policing needs to work with other tools in the community to develop community. Community development is at the core and failure is not an option.
- Take money saved with diversion and put it back into the community to develop crime prevention programs.
- There was a caution here about moving through a transition like this without establishing clear boundaries.
- The resurgence of traditional lifestyles/beliefs and the calls for Elders are an opportunity that needs to be developed. The values are healthy and sustainable, and assist in the building of community. Stereotypes will disappear and support will increase when the non-Aboriginal community sees Aboriginal values working.
- Aboriginal people must be involved in the design of services and not just the delivery.
- There needs to be Aboriginal advice and involvement at the executive level of government, particular where policy is designed.
- There should be a consideration that mediation is mandatory, the immediate response.
- There needs to be a review of existing legislation.
- Re-evaluate Saskatchewan's police complaints investigator's office.
- Territorial walls between the FSIN, MN-S, RCMP, police services, municipal, provincial and federal governments, need to come down so real communication can occur.



## SUMMARY OF RESTORATIVE JUSTICE INITIATIVES IN SASKATCHEWAN ROUNDTABLE

### Commission Process:

On Tuesday, March 18, 2003 in Regina, the Commission on First Nations and Métis Peoples and Justice Reform hosted a roundtable on Restorative Justice Initiatives in Saskatchewan. In attendance were the Commissioners and staff plus invited guests from a wide range of service and government organizations as well as Elders and youth representation. An open discussion was held throughout the day.

### General Information:

The Commission hosted a roundtable to discuss a different way of doing justice, a non-confrontational approach as opposed to confrontational. The questions addressed at this roundtable were:

- 1.) A perspective on restorative justice – ideas, concerns and the participants' understanding of what restorative justice is.
- 2.) Give some examples of successful restorative justice initiatives in Saskatchewan.
- 3.) What are the solutions to the issues that are associated with restorative justice in Saskatchewan?
- 4.) Identify some implementation long and short-term strategies for the Commission.

### *1. Perspectives on Restorative Justice*

Everyone was asked for his or her views on restorative justice in Saskatchewan. Following are the main points from this discussion.

- Youth are not being heard when appearing in court. There needs to be a way that they can become involved in the process and find a better way of doing business. Possibly with the new Youth Criminal Justice Act, the shift to conferencing will open different relationships between the parties and the youth will have an opportunity for their voice to be heard;
- Mediation is a potential tool that needs to be developed more. The potential to restore and build trust and a sense of safety through mediation versus the more traditional adversarial role will give people the information to become more involved and take responsibility;
- A community needs to become more involved with the youth. Building relationships and working together to keep youth active and involved will help in reducing crime;
- For a successful restorative justice program to work, the people involved must be ready to change. There needs to be willingness on the part of the participant. If there is any addictions involved, this needs to be dealt with before the restorative justice process can work;
- The time frame from arrest to sentencing for youth needs to be reduced significantly. Currently, by the time a youth goes to trial, what they have done was so long ago they have no connection to it any longer. Also, if a youth has



cleaned up their act, having to go to court six months later and being sentenced to jail will be a negative influence on their lives and reverse the changes they had been making;

- Restorative justice is working with individuals in their communities and trying to restore those relationships and making people accountable for their behaviors in their own community. Restorative justice needs to restore the balance in the individual in a holistic way;
- Hosting camps in communities so youth can learn to appreciate the gift of life. The use of life skills camps as an alternative to locking up youth need to be used as teaching tools. Children should not be locked up like animals, they need to be out training, running, involved in sports and other positive activities;
- Programs and processes that deal with fairness and about restoring or building harmony, that include or involve the community;
- Programs that are future focused on the healing and the building versus focused on the past mistakes;
- For restorative justice to work we are suggesting that you have to go back to community and you have to look at traditional authorities and involve them in design and development.

## *2. Examples of Successful Restorative Justice Initiatives in Saskatchewan*

- Regina Alternative Measures Program (RAMP)
- Conferencing program in Moose Jaw
- Cree Court which operates in the North
- Tsuu Tina as an example of moving a court into the community
- RCMP community conferencing in the North
- The La Loche Model
- Youth Offender Restoration Program
- The Street Culture Program in Regina
- EGADZ in Saskatoon
- Victim-Offender mediation
- Saskatoon Community Mediation Services
- Circle Court (Courtroom #6) in Saskatoon
- Operation Help
- HEAT, the auto theft program in Regina
- Graffiti Busters in Saskatoon
- Standing Buffalo model of sentencing circles
- Day Star model – Elders working with individuals
- In Search of Your Warrior – program for men who batter
- Public Legal Education Association and their League of Peaceful Schools project
- Thunderchild and their talking circle
- White Buffalo Youth Centre



*3. What are the solutions to the issues:*

- Involving community – educate the community on models of successes;
- Community accountability and support – involve community in the beginning and conclusion not just during crisis;
- There needs to be a vehicle for the voice of change, for the voice of restorative justice;
- More involvement in the arts for youth.
- Setting up conflict resolution centres;
- Permanent funding for programs;
- Restorative justice has to be about change – we have to change attitudes;
- Barriers need to be dealt with such as poverty, education, peer pressure and addictions;
- Increased cultural awareness and education, teaching young people responsibility and guiding young people;
- Find something good to focus on and not just the negative. Youth need something to build up from so focus on positives;
- Early intervention in the court system;
- Have the media promote positive things rather than negative things. There is a need to focus on changing negative attitudes;
- Increased use of community-school approach;
- Work with existing successful programs and not continually creating new programs. Ensure funding is established so the programs can focus on the issues and not trying to continue their existence;
- Pay kids to finish school. Include an all-Aboriginal school as an option where youth can learn about language and culture;
- Use the Big Brother format and have successful youth working with and supporting first time offenders;

*4. Implementation phase of the Commission's work – short and long term strategies:*

- Communities need the tools and the skills to be able to resolve their own conflicts;
- Healthier communities – everybody has the right to be part of the decision and part of the result;
- Pride in the community – a healthy community can support youth so they can be more positive and capable, have a sense of growth and belonging;
- Shared leadership and power – respected leadership;
- Permanent funding of programs so the focus can be on frontline service delivery and not on administration problems;
- The community attitude needs to be one of hope and have a feeling of empowerment. If you share the decision making, then this would lead to a more hopeful attitude;
- Review federal-provincial agreements for funding that could be used to support or link a variety of different kinds of restorative justice initiatives with other things dealing with human services and social or economic development in a way that helps Saskatchewan move forward;



- Educate private sector to understand that if you have healthy communities then these communities are good to invest in for economic reasons. If a community is healthy and growing then businesses will naturally move to these communities;
- Have a forum where government departments, federal and provincial, can talk and work together;
- Educate the public, let them know change is a good thing and not to be feared;
- Work with community agencies currently not willing to look at changing their mandate or their vision for fear of losing something;
- Work with the media to overcome the negative connotations of change and get them to support and make it positive in the public eye;
- Help communities to develop and become healthy so they can successfully attempt to work on restorative justice issues;
- The Implementation Vehicle the Commission puts forward needs to have a mandate to go out and implement the recommendations and to call on the different government departments and outside organizations and ask them what they are doing, and be able to look into that and to be able to report back to the public and to cabinet on progress;
- We need to empower communities to feel good about themselves and what they are doing. Listen to people, listen to our youth, let's treat them like they are our future and give them a voice.



## SUMMARY OF CRIME PREVENTION ROUNDTABLE

### Commission Process:

On Tuesday, April 15, 2003 The Commission on First Nations and Metis Peoples and Justice Reform held a roundtable on Crime Prevention at Wanuskewin Heritage Park. In attendance were the Commissioners and staff plus invited guests from a wide range of service and government organizations as well as Elder and youth representation. An open discussion was held throughout the day.

### General Information:

The Commission hosted a roundtable on Crime Prevention to acquire ideas and proposals that will lead to improved relations between Aboriginal people and the police and that will lead to safer communities in Saskatchewan. The areas addressed at this roundtable were:

- 1.) Perspectives on crime and crime prevention in Saskatchewan
- 2.) Constructive crime prevention initiatives in Saskatchewan
- 3.) Solutions and other proposals
- 4.) Implementation phase: opportunities, barriers and possibilities

### Main Themes:

#### *1. Perspectives on Crime and Crime Prevention in Saskatchewan*

The first discussion was around crime and crime prevention in Saskatchewan. The basic thrust of this conversation can be summed up in a fortune cookie saying: "Society creates the crime and the criminal commits it." In some ways, rules create crime – instead of treating addictions as a mental health issue, addicted people are criminalized. The definition of crime, according to one group, revolves around the effect it has on people in crime. Ultimately, crime affects those who commit crime more because of how that person is brought up, whether it is in a home with domestic violence, substance abuse or other such problems. The tendency is to look at crime one-sided but it affects the whole community. When a crime happens, the tone of community changes, to the point where a community is happy when the offender is jailed again. Hunger and racism are crimes in the sense that they are against human rights. Who is the criminal in hunger? Are communities responsible for not finding effective ways to distribute the wealth? Crime is committed against individuals and the collective whole. Some people commit crimes so they can go back into correctional institutions because family is there, jail is a safer place, and there is food available.

Effective crime prevention focuses on affordable housing and soup kitchens. Prevention services aimed at at-risk-youth are important in the areas of alcohol addiction, substance abuse and other mental health issues. Activities done for free are often the most effective crime prevention methods. Extracurricular activities, transportation and lunches and suppers throughout the week are all essential elements of effective crime prevention. Crime prevention activities that lack a strategy can turn into babysitting services, though. Youth need involvement in



their communities, to give them a sense of ownership of the future. A study done to determine what it would take for youth to remain in Saskatchewan found that youth want to be able to contribute, make decisions, and feel valued by the community and that the future is theirs. Adults need to start thinking of youth as people who have something to contribute, not as “at-risk.” Youth commit crimes because they are bored, they have no one to guide them and/or they want someone to pay attention to them. These problems require investments of time, not money. For example, one twelve-year-old girl was very disrespectful and refused to go to school. After some intensive one-on-one intervention by another person, she started going to school. Treating young people with respect and credibility improves young attitudes. Everyone is at-risk for committing crime – even upper class youth are neglected sometimes. Although some people are inclined to blame parents for neglected youth, sometimes **parents do not have enough supports**. It is important to focus on youth regarding crime prevention but people must not forget about the context in which youth live. Youth carry with them crimes committed in the household such as sexual abuse and family violence.

Crime prevention is difficult to define. It covers participation in school, healthy families, and healthy communities. Crime prevention is intervention that enables individuals to make choices, caring for people without judgement and rebuilding communities. Our society is segregated and government policies enforce the segregation by assigning bureaucratic identities to people (status, non-status, Metis, Inuit). When Aboriginal people are young, those bureaucratic identities do not mean much. It is only after people are old enough to understand those identities that they become important. For example, in one person’s Grade 4 class, they were asked to identify what “race” they were and if they felt uncomfortable to whisper it to their teacher. This person at the time did not understand why anyone would be ashamed of his or her “race”. These kinds of actions are damaging to young egos and contribute to feelings of alienation. This can often mark the beginning of the formation of a racialized identity. Relationships between the non-Aboriginal and the Aboriginal communities have to improve, as some communities refuse to have coffee with people from neighbouring reserves. Parents shape children’s worldviews by teaching youth that some people are different and to not associate with “those” people. What can result is a young person who does not feel as if they belong anywhere – not belonging in the non-Aboriginal community because of skin colour and not belonging in the Aboriginal community because of skin colour and/or values. The ignorance of each culture ends up separating and isolating people. Ultimately though, crime prevention cannot be restricted just to racism. It encompasses other social ills such as the urban/rural division and class positions. Some people do not know that it is not okay to hit people because they have seen it while growing up. To raise positive community members requires positive attention. Each of the different community resources available are all working to this same goal. Different responses are necessary for different people. Effective coordination of current resources is a good step forward for community development and healing. It is important that community resources concentrate on what they can do instead of trying to do everything, especially considering the wide array of services in some communities. In some ways, rules create crime – instead of treating addictions as a mental health issue, these people are criminalized.



## *2. Constructive Crime Prevention Initiatives:*

- Saskatoon Native Theatre
- Big Brother Societies
- Neighbourhood Watch
- Sports, recreation, arts
- Core neighbourhood youth co-ops
- Cooperation between community centers
- Kamamakus
- Youth outreach counselors
- Waskegun Youth Development Center
- Eagle program
- Street outreach projects
- Community schools
- White Buffalo Youth Lodge
- Schools<sup>Plus</sup>
- SHOCAP
- Restorative justice
- Compensation for children doing well in schools
- Stable, long term funding
- Spiritual programs
- Egadz
- employment
- career development
- theater groups for acting, music, dance
- Street Culture Kidz
- friendship centers
- life skills training
- Lucy Baker alternative school
- proper nutrition
- Kinsmen Hockey League
- homelessness project in Regina
- Grandmothers Program
- Alternative measures
- Operation Target
- transitional program (institution to release)

## *3. Solutions And Other Proposals:*

One major concern for front line agencies is funding. There is no stable funding for programs. Yet, the government has shifted the onus for rehabilitation and/or prevention programs onto community resources. Funding could be made available on a yearly basis for programs because there are always government funding grant programs. What some agencies do is take the same program that has worked for the past year, change it slightly to fit the new criteria or give it a new name, and then apply for funding under the new government grant program. This also creates competition amongst agencies for funding which is not conducive to team building among community agencies. Then, programs are about funding, not the youth. Community agencies would like to share resources and networks. Different outlets appeal to different youth so a variety of community agencies are necessary. Also, society is investing money in the wrong places. We provide stable funding for jobs such as corrections workers and do not have stable jobs in community schools (a preventative measure). We expect youth to participate in these programs for nothing when they could continue to steal or prostitute and make money. Another problem with funding is that institutions such as the Paul Dojack Youth Centre have lots of funding. With no new funding and increased expectations for community resources and the YCJA, some community workers feel it is better that youth are in institutions because at least there they get school and activities.

Programs have to focus on employable skills to foster youth development. Beneficial programs have an educational, employment and/or cultural aspect. Programs should focus on Grades 6 to 10 because that is the period of time where



youth get into trouble. Centralizing programs into one building can create harmony amongst community programs and be less confusing for clients. Evaluation criteria of programs should have youth input. Connecting to culture can provide for powerful healing, foster respect for Elders and give people a sense of their ancestry. A discussion began about having ceremonies in schools. While some people liked the idea, others were concerned about respect – now, Catholic prayers are not allowed in public schools. Maybe, doing these programs after school when the school is open to the community could be a way to get around this issue. If there was enough funding, community schools could stay open in the evening and provide much needed support for the high Aboriginal transient population. Gang, drug and sexual education should begin at the elementary level because gangs are recruiting youth at early ages. DART, based on the RCMP DARE program but for adults, has not been offered to all schools, only low risk schools. The program should be delivered in high-risk schools, as that is where a large portion of gang and drug activity happens. If these programs are not taught to youth early enough, they stop believing in the system. Youth grow up believing themselves to be inferior, lacking hope, with no food and fighting. To encourage a sense of accomplishment and connection to the community, there could be sports programs or youth involvement in neighbourhood watch programs. At this point, the large police presence in Japan was raised. There are unarmed police officers in every two square miles of the city who operate out of little booths. These officers know people and act like guardians who patrol the streets.

Another point raised was the lack of treatment centers. Youth are released from institutions into the same environments from which they came (family alcohol abuse problems, etc). To effectively stop offending, family treatment centers are necessary (see below). Sometimes, children only live in negative environments and cannot recognize that they are harmful and abnormal. To prevent children from living in harmful environments for too long distributed information and education in schools, daycare's and playgrounds can help children recognize harmful environments. Also, contact between stabilized and unstable youth would help.

The first step to reducing the high numbers of youth incarcerated is to find ways to ensure youth are never incarcerated in the first place. Deglamourizing youth views of "thug culture" through ex-gang member talks is a good first step. Stabilizing children so they can learn marketable skills is another good step. One participant suggested a new phrase, instead of youth-at-risk; a better idea would be youth-with-potential. Instilling pride in one's community could prevent vandalism. Alberta requires people to work or go to school to get social assistance. Instead, social workers here encourage people to have more children so they can get more social assistance. Youth should be involved in politics. The highest expense for many programs is the administration. Councils of youth and Elders can open the doors of communication to government.



#### 4. Implementation Phase: Opportunities, Barriers and Possibilities:

##### **Opportunities**

- Safer communities where people can walk at any time of the day.
- More sports programs
- No need for day cares in bingo halls
- No Aboriginal over-representation in prisons
- Aboriginal over-representation in universities, technical institutes etc.
- Faster court case processing times
- Greater recognition of Aboriginal achievements
- Aboriginal communities looking after their own justice problems
- More role models for youth
- Funders ask programmers what they need
- No youth in jail
- Not enabling addictions
- Increased population in Saskatchewan

##### **Barriers to the Future**

- Human apathy
- Conformity
- Too many chiefs, not enough Indians
- Bureaucracy
- Class
- Ourselves
- Money
- Community segregation
- Shift racism in the province to restore relationships between Aboriginal and non-Aboriginal people
- Not in my back yard syndrome
- Bureaucracy protecting itself
- Attitudes
- Fear of change
- Government with a different vision
- Vested interests
- Status quo
- Level of commitment
- Education (not learn right things)
- Changing demographics
- Public perception
- Community commitment
- Focus on the problems in Aboriginal communities instead of the strengths

##### **Possibilities:**

- Technology
  - enable communications on issues
  - level the economic playing field
- Capitalize on baby boomer retirement
- Learn from the youth justice forum pilot project (Prince Albert and Regina)
- Provincial and federal elections
  - Ask elected officials what the future means?
  - How will they reshape policies in anticipation of the changing demographics
  - They have a role to make Saskatchewan a place to stay
- Keep the lines of communication open
- Encourage champions to make change
- There are no effective lobby groups to force the government to take a step forward
- Revival and renaissance ideas for culture and community



**SUMMARY OF GOVERNANCE & COMMUNITY  
DEVELOPMENT ROUNDTABLE**

**Commission Process:**

On Tuesday, May 27, 2003 in Regina the Commission on First Nations and Metis Peoples and Justice Reform hosted a roundtable on Governance & Community Development. In attendance were the Commissioners and staff plus invited guests from a wide range of service and government organizations. An open discussion was held throughout the day.

**General Information:**

The purpose of the roundtable was to discuss the linkages between governments and community development. The last part of the day was spent discussing ideas for an implementation vehicle. Participants were posed the following questions:

- 1) Governance and Community Development
  - What are they?
  - How do they work together?
  - How do you build a relationship between them?
- 2) Provide examples of where connections are being made and where communities are working to develop their own priorities.
- 3) Where do we go from here? How do we work with governments towards acceptance and respect for community development? I.e. respect towards other forms of knowledge beyond formal education.
- 4) Implementation Vehicle - How do we ensure that the recommendations will be implemented?

**Main Themes:**

*Question 1: What is good government?*

- Governance is the ability of individuals to affect the impact decisions have on their lives.
- Governments need to give community the control to do this because governments do not know the direction that community wants to go in. Aboriginal people have been excluded from these positions.
- Good governance requires knowledge and commitment. If good governance requires knowledge and commitment it is difficult to see how outside governments can govern Aboriginal communities well if they do not have knowledge about communities, and at times their commitment has been highly questionable.



- Good government also needs to be recognized as legitimate by the communities being governed. Again, this is not the case with Aboriginal communities. Government is seen as an obstacle to community development, as it has not always supported Aboriginal needs.
- Government funding for programs seems to be short term and then the community is left to find alternate funding or drop the program.
- For the government and communities to work together, there needs to be a sense of equality and listening on both sides.
- Governance and community development cannot be separated. In order to accomplish true development, governments need to relinquish paternalistic control.
- Developing respectful partnerships requires governments to stop hoarding power and to start to respect and trust communities.
- Governance and community development cannot be separated one from the other because community development is not possible in any positive way without governance.
- Governance is the ability of individuals to effect the decisions that impact on their own lives.
- Governance is about allowing communities to take control over determining what they need and then going about finding the means to realize those needs.
- Governments need to relinquish control to allow communities to find their own way, allowing them to possibly make mistakes, but to still respect the process and help if asked.
- The vision is communities having their own priorities, choosing what they are going to focus on, having the ability and the resources to be able to follow through on that.

*Question 2: Examples of where connections are being made and where communities are working to develop their own priorities.*

- Community Tripartite Agreements in Northern Saskatchewan
- involved community training
- minimal policy development
- communities determine priorities example: Community Development Corporation in La Loche
- many communities see the police as partners
- Aboriginal Youth Justice Committee
- New North

*Question 3: Where do we go from here? How do we work with governments towards acceptance and respect for community development?*

- There is a need for focus on priority setting. We have to realize that not all partners have access to equal resources whether it is in the form of financial or human resources.
- There is a need to work towards common understandings. For example, justice includes more than just the criminal justice system; you need to look at housing, jobs and education to name a few.
- Low-income home ownership programs, ten houses for ten families, makes for community building.



- There is a need for more coordination to make resources more accessible to communities. A community can be successful, that properly developed, properly empowered, community can succeed.
- Community keeps you accountable, there is too much time spent on reporting for accountability purposes. The funding structure itself is government's way of saying that they know more than community. The funding structure shapes how community approaches priority setting and problem solving, and the expertise does not necessarily lie with the group providing the funding.
- Governments need to come together and make their funding applications and budget cycles more congruent. At the community level there should be one form for accountability of the different programs so that more time can be spent on the program and not on the administration process.
- Communities should be allowed to integrate services as they see them fitting.
- There is a fear that the federal government will use the concept of "community development" to off-load their programs. In community development, partnerships need to be developed to facilitate mutual decision-making.
- Being sensitive to Aboriginal issues really translates into being aware about issues of power and control, and about how Aboriginal communities are marginalized in relation to sources of power and control.
- Aboriginal leadership must be willing to work with community, and willing to admit that there are problems. Along the same lines, communities have to be cautious about developing partnerships with governments that lead to dependence. Aboriginal communities need to identify and establish true partnerships and governments need to take on more of a facilitation role and not interfere.
- You need a leader or a Champion for Change in the community to push the vision.
- Governments themselves need to work more closely together.

*Question 4: Implementation Vehicle*

- The vehicle needs to be independent and objective.
- The vehicle needs to use performance indicators to ensure change is happening; yet it cannot simply be a measurement tool.
- The vehicle should also be proactive and something that will make government accountable. It is too easy to create the appearance of meeting quotas. Should be like the Children's Advocate to monitor progress and advocate on behalf of communities.
- Champions for Change - it is useless to write recommendations without having first identified those who will push implementation. This involves identifying institutions as being responsible for specific actions. This identification should by no means be limited to non-Aboriginal governments.
- In the past, implementation of commission's recommendations has been weak when it comes to actions.
- School<sup>Plus</sup> is one such approach that strengthens families and communities.
- A shift in dollars is required to make sure that money makes it to the front lines.
- There is a political role in that politicians can keep pushing for change.



**In Conclusion:**

*Where do you see the province in the future?*

• In 20 years:

- The income gap between Aboriginal and non-Aboriginal people could close.
- Aboriginal ideas about justice will be a part of mainstream ideas about justice.
- The level of violence in communities will drop, communities will be safe and beautiful.
- First Nation governments will be advanced under Canadian jurisdiction free from domination.
- Young families will be able to invest in their own homes and will be building communities and investing wealth into the economy.
- In twenty years if everyone is employed, housed and self-sufficient, and if racism is defeated then justice will take care of itself.



## SUMMARY OF IMPLEMENTATION ROUNDTABLE

### Commission Process:

On Monday, June 2 and Tuesday, June 3, 2003 in Saskatoon the Commission on First Nations and Métis Peoples and Justice Reform hosted a roundtable on Implementation. In attendance were the Commissioners and staff plus invited guests from a wide range of service and government organizations and the Commission's Elder. An open discussion was held throughout the day.

### General Information:

On the first evening, Winston McLean explained what the Commission had accomplished up to that point and its work plan for the rest of its existence. By the end of June, the Commission will have 90 per cent of its dialogues completed and will begin work on report development.

The next day there was a presentation by Wendy Whitecloud, who was a member of the Manitoba Implementation Commission, on implementation. Betty Ann Pottruff, a member of the Committee who implemented the Indian and Metis Justice Review Committee, also did a presentation on implementation and her experiences.

After that, individual tables examined four implementation models:

1. the educator,
2. the broker,
3. the advocate and
4. the watchdog.

### Main Themes

#### *1. Wendy Whitecloud Presentation*

Wendy Whitecloud is Dakota, from the Sioux Valley nation. Although she is a veteran of the farm, she is urbanized now. She went to teacher's college (Normal School) after which she worked as a guidance counsellor. As a result of the Aboriginal deaths of J.J. Harper in Winnipeg and Helen Betty Osborne in The Pas, Manitoba, a reform Commission was appointed. When the Commission was finished, there was a change in government and the report was shelved – government copies of the report did not get opened for another ten years until the Implementation Commission was appointed. The NDP was re-elected in 1999, partially because it promised to implement that Commission's recommendations. The Implementation Commission asked for and received a six month extension beyond the original one year time limit. The Commission was to set priorities for policy initiatives and could not consider a separate justice system. All recommendations had to be practical, cost efficient, attainable and under the jurisdiction of the provincial government as the federal government refused to be involved.



First, Paul Chartrand, the other Commissioner, and Wendy Whitecloud met with government departments to find out what had been implemented already. The recommendation for better records of statistics had been implemented but it only showed that the rate of incarceration had gone up from 65 to 75-80 per cent of the prison population as Aboriginal. The rates for youth were even higher and 90 per cent of women in jail were Aboriginal. The same rise in incarceration rates for Aboriginal people is happening in Saskatchewan and will lead to serious problems.

The second step was prioritization of recommendations. The list of priorities was as follows: 1) police organization; 2) child welfare and the transfer of jurisdictions to Aboriginal organizations; 3) legislating the care of children under Aboriginal control; 4) northern flood agreement; 5) families and children; 6) probation. Discretion and diversion from the system were the main areas of concern.

The Commission tried to encourage a closer working relationship between Social Services and Corrections. Employment equity within the justice system was also a concern. While many communities suffered from "NIMBY" syndrome (not in my back yard), those communities also wanted to see an emphasis on community policing.

Communities wanted a different approach to domestic violence as zero tolerance meant more Aboriginal people were charged. Mediation and community justice initiatives had to overcome training needs as the government expected volunteers to carry out those initiatives.

Although the Commission recommended a permanent Implementation Commission to drive the government forward, this recommendation was mostly ignored. The government created an inter-departmental group with deputy ministers and ministers to deal with children's issues, which works well with all the Minister's at the table. There was no similar table for Aboriginal issues.

So far the NDP government in Manitoba has a good track record with northern Manitoba. It just has not done well with urban Aboriginal people and that is one reason why there are gangs.

Parenting classes are essential as many people are learning parenting as they go along. Cultural activities need to be outside of the jail system.

So far, the Manitoba government has not implemented many of the recommendations, although Wendy Whitecloud was not sure on this matter.

## *2. Betty Ann Pottruff Presentation*

As a member of the Indian and Metis Justice Review Committee, Betty Ann Pottruff knows what is needed for implementation. Of the ninety recommendations, only four were not implemented.

The progress of the Committee was confined by its mandate – community driven initiatives, focussing on the doable and with existing community demand, resources and commitment to move forward. Relationships and commitment that



use a shared dialogue are essential to implementation. Even though there may be different perspectives, trust and respect with principled debates create progress. The debates will result in something on which everyone can agree.

This committee relied heavily on multi/tripartite relationships. These take time because you must develop a trust relationship first and then move forward. They developed a steering committee with the FSIN, MN-S and government. This was a shared power process as the provincial and federal governments funded it but everyone was equal at the table. The government came to the table with mandates and policy frameworks. There were no set number of ideas. It was a wide-open discussion.

To move toward the goal of implementation, there were three steps: 1) priorities (funding); 2) building funds required for a shift to the new process; 3) five-year mandate for stability.

There were three key themes: 1) crime prevention and reduction; 2) building bridges; 3) employment equity and "race" relations.

To keep momentum going on a project of this proportion, everyone should be able to participate in the decision making and strong leadership. Then, partnerships build the process along with sustained commitment and funding.

Betty Ann Pottruff commented that there has not been good communication outside of the negotiation forums. The government should offer more public education on the successes and failures of the process. There is a risk that momentum and funding get side tracked. For example, the Committee lost \$500,000 to the Leo LaChance inquiry.

It is also difficult to sustain relationships between government partners because of different funding cycles and changing mandates. If the right people are not at the table, then the implementation is more difficult.

There are certain steps to implementation such as structural supports, training and emotional supports. The process must be as simple as possible. The steps to creating the vision must be practical. The public has to understand the recommended changes in order to support the process.

Underneath all of this is the fact that spending decisions are made under the direction of cabinet. For an effective multi-party process, each party should share chairing the meetings. When developing criteria and the program, who gets status and should anyone have status?

*A) What are Your Concerns about the Process?*

- that the report will gather dust on a shelf
- ability to stay optimistic
- terms of reference from the government may be too restraining
- up coming provincial election



- there should be an economic analysis of costs now and in the future
- too many recommendations
- political and public will
- ability to build a trust relationship moving beyond police violence
- money into prevention
- having something to implement
- presence of strong voices to bring the government to task
- power constrained in the larger community context
- identifying a path to harmonious relationships
- engaging community
- abolishing the idea of war on crime
- loss of control locally
- implementation lost
- paternalism – not fitting government policy so not funding
- respect for community values
- jurisdiction, resources, length of funding
- partnerships
- political will and climate unknown
- intervention
- will there be buy-in at the senior level?
- power imbalances

*B) What are some Examples of Successful Projects?*

- success from whose perspective?
- safe communities
- strategy to recommendations
- tribal council programming
- family, community services are the beginning
- communicating with grass roots
- share territory
- RAMP, White Buffalo Youth Lodge (partnerships)
- healthy people
- time
- constant pushing from community
- leaders willing to take risks
- willingness to shift resources
- Metis and First Nations people as partners
- alternatives to jail
- the Alberta implementation of the Summit on Justice (not entirely successful but an example)
- child care center in Pinehouse
- Headstart, Kids First, home for apprehended youth
- community wants and needs
- family orientated activities
- Community development corporation in La Loche
- Alternative measures
- Day care centers (only four in northern Saskatchewan)
- Linn report



- tools to look after selves
- independent youth body find new road
- address issue of police
- support communities
- able, practical, flexible
- road map
- Champions for Change
- go public
- Northern Framework Agreement
- North Battleford Youth Center
- HEAT
- Urban Multi-purpose Youth Commission
- Courtworker program
- Hollow Water

*C) What are your Suggestions for the Commission?*

- treatment of people
- restore sense of justice
- legislated ombudsman from community
- partnerships
- create awareness
- look at other implementation models
- process to determine if person broke law very alienating
- convince technicians and bureaucrats
- legislate and negotiate to make permanent
- change attitudes
- tailor service to client needs
- who set the stage? Who controls the process? Community input and ownership
- health, education and economic development
- increase Aboriginal officers and cultural awareness training
- examine police officer's discretion
- the body should be legislated, independent from line departments
- accountable to the legislature
- Ombudsperson-like body accountable to community
- not be a program of the Department of Justice
- not a ghettoized body
- not a granting agency
- public relations is important as there has to be constant buy-in
- develop and maintain good relationships
  - develop linkages
  - traditional teachings
  - community development avoid reinventing the wheel
- promote change
- report to the legislature, identify progress, concerns and issues
- referral agency
  - monitor investigations
- build capacity
- avoid it being a single bullet vehicle



## The Models – Pros, Cons and Interesting Analysis (PCI)

PCI analysis attempts to get as many ideas on the table as possible. It identifies the pros and cons of the concept before you. Each group examined the four possible models for the implementation vehicle using this analysis.

### *Vehicle One – Lobby Change - The Educator*

#### **Pros**

- keep issues on the table and people talking about them
- knowledge empowers people
- build relationships
- collaborative change (lacks authority and instead works with the different interested parties for a solution)
- legislated access to information
- link up to existing services
- could be part of a long term change strategy
- it could be independent so the power of the public would be behind it showcase successes

#### **Cons**

- lack of authority
- access to information could be problematic because of that
- too narrow a focus
- no speaker's bureau (nobody attends those)
- can't act on the information it has

#### **Interesting**

- think exists already in various organizations
- what are you educating on?
- If you have to go to all parties to educate, that could be problematic

### *Vehicle Two – Facilitate Change – The Broker*

#### **Pros**

- could be capacity building, develop businesses
- someone could call and the organization could give them strategies, an enabler
- person go to community, say what happen and the community could assist
- other people may know what is out there for resources
- sometimes, people do not know what question to ask
- build on what done before, not reinvent the wheel

#### **Cons**

- one more bureaucratic level
- needs to be community driven
- patriarchal
- too passive
- comes down to funding (lack of control over money, can't change)
- take away community empowerment
- lots agencies do this
- could take over political voice, Aboriginal ghettoizing



### **Interesting**

- could find way around barriers
- assist and enable change
- money and jurisdiction – it would be solution focussed?
- give advocacy strategies
- exist already?
- doesn't address funding disparity
- can't facilitate change without an education role

### **Vehicle Three – Pressure Change – The Advocate**

#### **Pros**

- create pressure
- inclusive
- meet senior officials

#### **Cons**

- need someone to represent the North
- could get off focus
- only conduct non-criminal investigations
- forget sense of partnership (adversarial)

### **Interesting**

- cross-section of the community
- clarify parties
- voluntary participation?
- other bodies do that
- identify barriers to implementation
- should include municipal governments
- not use a “hammer” approach the first time

### ***Vehicle Four – Explore Change – The Watchdog***

#### **Pros**

- most authoritative
- can recommend to the legislature, treasury board
- consultative

#### **Cons**

- now welcoming
- heavy handed
- excludes community
- force least effective way to promote change

### **Interesting**

- working committee terms of reference
- need advocate but community control
- consultative, inclusive group
- who drive this? Conduct independent investigations
- vehicle legislated
- affiliated existing or new department



## SUMMARY OF BUSINESS/ECONOMIC ROUNDTABLE

### Commission Process:

On Tuesday, September 9, 2003 in Saskatoon, the Commission on First Nations and Metis Peoples and Justice Reform hosted a roundtable with the business community. In attendance were the Commissioners and staff plus invited guests from a wide range of small and large businesses and government organizations. An open discussion was held throughout the day.

### General Information:

The attendees were presented with the following questions:

- 1) What are your thoughts on the relationship between socio-economics and crime?
- 2) What is needed to start a business?
- 3) Presentation from Wayne McKenzie about the Aboriginal Employment Development Program.
- 4) Solutions
- 5) Implementation

### Main Themes:

- Community development must involve economic development.
- Aboriginal communities are disproportionately dependent on social welfare income programs, and Aboriginal people are not included in the labour market the numbers that they should be.
- The lack of labour force participation amongst Aboriginal people was identified as being the result of lower education levels, geographical isolation, unfamiliarity with workplace culture, high drop out rates and preference for working for Aboriginal businesses or organizations.
- Also included as reasons for the lack of Aboriginal participation in the labour force were too many businesses/organizations paying lip-service to Aboriginal hiring, lack of employer and co-worker awareness of Aboriginal peoples, lack of the preparation of the workplace for Aboriginal people and racist or discriminatory hiring policies and/or practices.
- Aboriginal inclusion in the labour force is economically vital to Saskatchewan. In the next 5-10 years thousands of workers from all sectors in Saskatchewan will be retiring. Due to out-migration and low fertility rates, there will be a labour shortage. However, there has been a baby boom in the Aboriginal population in Saskatchewan that can make up for some of this.

#### *1) Socio-economics and Crime*

- There is a correlation between crime and low socio-economic status, hence the Commission's interest in this topic.
- Community development cannot happen independently from economic development.
- One example that was given was a comparison between Sandy Bay and Pinehouse. One community had more jobs than the other and was healthier than the other as a result. Due to automation, the jobs in the healthier



community were undercut. At the same time, industry started growing in the other community. As a result, the roles were reversed. The reason given for this was that self-sufficiency through employment allows people some freedom from worrying about basic needs, and allows for them to become more creative in community development endeavors.

- In some Aboriginal communities, the majority of residents rely on social assistance income. Children growing up in these communities do not see future employment opportunities. In many communities, there is a lack of qualified teachers who can teach children math and science, and in others there is no complete Grade 12 programming.
- Children in Aboriginal communities need to be properly prepared for the workforce, particularly with the labour shortage looming in the near future.

## *2) Barriers to Aboriginal Employment/Business Development*

- The vast majority of businesses in Saskatchewan are very small (fewer than 10 employees) and as such, they have no human resources department and no long term planning. Employment projections and the need for Aboriginal inclusion are not even on the radar screen, particularly in a business climate where a large percentage of businesses fail.
- There is not a lot of job creation and a lot of competition for qualified candidates.
- Many jobs are filled through word of mouth. Only about 14 per cent are advertised publicly.
- In some cases, Aboriginal people have difficulty making the transition to being employed and are not successful. Part of this is also due to an unwelcome (perceived or actual) workplace; there are a lot of stereotypes about Aboriginal people. When Aboriginal employees “do not work out” businesses stop trying to include them because it seems like stereotypes are confirmed. This work transition is also evident in Aboriginal controlled and owned workplaces, but these workplaces will rehire when candidates are ready and do not give up trying to include Aboriginal employees because they are familiar with the issues. Eventually they are successful.
- Many non-Aboriginal workplaces are not prepared for Aboriginal employees, proper awareness training could help.
- Many Aboriginal candidates are skilled, but their skills are not formally credited and recognized. Some companies and educational institutions (SIAST) are doing prior learning assessments to properly assess the skills abilities of Aboriginal people.
- Aboriginal people, particularly in the North, have geographical/travel barriers and a lack of childcare services.
- It is very difficult to access capital to start a business, especially when you do not know where to start.
- There is not always a clear relationship between job openings and graduation numbers, since people filling positions are not always previously unemployed but searching for previous employment.



### *3. Presentation by Wayne McKenzie*

Wayne McKenzie is a consultant with the Aboriginal Employment Development branch of Government Relations and Aboriginal Affairs for the Province of Saskatchewan. Mr. McKenzie discussed the Aboriginal Employment Development Program.

- The Aboriginal Employment Development Program involves the implementation of the Representative Workforce Strategy.
- The idea is to achieve a workforce where Aboriginal workers are represented at all levels of occupations in proportion to their numbers in the province's population.
- The idea of "selective access", including employment equity initiatives, is discouraged because it can be seen as a quota, does not reflect levels of position and can come with an informal ceiling.
- The statistics provided by the provincial government are very misleading. Aboriginal people tend to occupy positions that are temporary, term, seasonal, contract or casual.
- Aboriginal people do not participate in the labour market for a variety of reasons, and employers do not hire Aboriginal people for a variety of reasons.
- AEDP set out to understand what it was that was needed to rectify the situation in order to address the employment shortages.
- The strategy includes building partnerships with organizations to:
  - Assess Aboriginal workforce for training needs and potential;
  - Communicate learning needs and available opportunities to Aboriginal workforce;
  - Develop partnership agreements that involve the employer, unions, educational institutions and Aboriginal communities;
  - Identify barriers to Aboriginal employment and seek solutions to eliminate them;
  - Development of support networks for Aboriginal employees;
  - Develop a strategy with unions to overcome the employment barriers associated with seniority rights that interfere with Aboriginal hiring;
  - Implementation of a monitoring and evaluation process involving all parties.

#### **Roles of partnership:**

##### **Employer**

- Identify employment needs and opportunities;
- Establish linkages with the Aboriginal community;
- Address workplace barriers through cultural awareness training; and
- Hire qualified Aboriginal people.

##### **Aboriginal Community:**

- Focus training efforts;
- Pursue training opportunities; and
- Compete for jobs on an equal footing.



**Government:**

- Facilitate the partnerships;
- Ensure programs are contemporary to promote maximum advantage for Aboriginal people; and
- Communicate opportunities to the Aboriginal community.

Wayne McKenzie noted that there is a lot of talk about the changing demographics of Saskatchewan. He warned that people should quit talking about it if it is not going to show up in public policy i.e. Union, management and Aboriginal agreements.

*4. Solutions and Proposals*

- Barriers need to be clearly identified so that proper solutions can be found.
- Aboriginal employment needs to be improved at every level, not just entry-level positions.
- There is a need to work harder to attract Aboriginal candidates. Often, when qualified Aboriginal candidates are found, they are hard to retain as provincial or federal governments entice them away to higher paying positions. Unfortunately, these particular employees are put in positions that they are not experienced in or prepared for and have little opportunity for mobility.
- Employers have to compete with other employers for Aboriginal candidates. The federal and provincial governments recruit aggressively on campus.
- There is a need to partner with educational institutions to better attract Aboriginal candidates.
- There needs to be better education in the NAD, and a support system for northerners who go south to further their education.
- Opportunities need to be clearly communicated publicly instead of through word of mouth or personal relationships.
- There is a need for better access to childcare.
- There should be mining technician training available in Saskatchewan.
- Employment equity policies should target a minimum number of positions instead of a number that can be misinterpreted as a maximum.
- Unions should train Aboriginal members to sit at the table and have leadership roles. There needs to be public education about the union and what it does. Collective agreements need to contain Aboriginal-relative language.
- There should be on site job training.
- There should be a joint union/management committee on Aboriginal employment.
- The business of business is staying in business. Business needs to find a new way of doing things. Business needs to see that there are social and financial rewards, and needs to be accountable to the larger public.
- There needs to be career education in the classroom, and more energy needs to be focussed on the population bulge.
- We need to encourage succession planning.



### *5. Implementation*

- Youth need to be involved in the search for solutions, they are capable of coming up with realistic and relevant solutions for themselves.
- Implementation needs to involve more than Aboriginal leadership and business, inclusion must be widened to a diverse group of stakeholders to avoid a political “us/them” situation.
- Business development needs to be included along with the issues of governance and community development.
- We need “bigots” to feel uncomfortable about the presence and inclusion on non-Aboriginal Champions for Change in the implementation process.
- People who are fairly high profile and who are potential role models/mentors must be included.
- Implementation must be based on partnership and co-operation as opposed to turf control. Work needs to be done in joint ventures because there are not enough resources to go around.

