

# The Saskatchewan Indian Justice Review Committee and the Métis Justice Review Committee (The Linn Reports)

## INTRODUCTION

Since the 1980s, there has been a growing concern about the number of Aboriginal people in conflict with law. There was a need to create awareness of the issues among the policy-makers and various levels of governments. The *Linn Reports* were struck to facilitate consultation on the criminal justice system as it related to Saskatchewan Indian and Métis people and communities. The *Linn Reports* tabled recommendations to the federal and provincial governments and to the Federation of Saskatchewan Indian Nations and Métis Society of Saskatchewan (forerunner of the Métis Nation of Saskatchewan).

The *Linn Reports* were intended to provide a beginning to focus discussions on changes to ensure the respect and confidence of the Aboriginal people in Saskatchewan in the justice system. (1991, p.3) Both reports emphasize that 'meaningful change' can only come about when community is actively involved in deciding what changes need to be implemented and it shares in the responsibility for making such change; and further, that what works in one community may not work in another as each community is unique, with its own set of special circumstances.

The *Linn Reports* unequivocally identify the disproportionate representation of Aboriginal people in custody and the need for this reality to be addressed. They further note that incarceration is at the end of the criminal justice process and that incarceration is but a symptom of other causes. It was their opinion that an analysis of the outcome did little to illuminate or address the root causes of crime. (p.11)

The committees were not mandated to address root causes of crime, but rather to make recommendations "relating to the development of practical, community-based justice services within the context of the existing system of criminal justice." (p.87) Therefore, they focused their recommendations on youth justice, policing, legal representation, court services and corrections. The recommendations promoted changes to the criminal justice system of the 1990s. In total, 93 recommendations for reform were made. In addition, a number of overarching concerns with direct impact on Aboriginal people and the criminal justice system

were identified: racism, family violence and the need for cross-cultural training. It was their position that unless these concerns were addressed and reforms introduced to improve the social and economic circumstances of Aboriginal people of Saskatchewan, little would be accomplished by implementing their proposed recommendations. (p.64)

Ten years later, 32 of the recommendations have been fully implemented. Fifty-seven recommendations are under development or are of an ongoing nature. Four were not accepted by the federal or the provincial government. These four contain cross-jurisdictional or logistical challenges.

The concerns and issues identified in the *Linn Reports* will contribute to the foundation upon which our dialogues with the people and communities of Saskatchewan will be based.

## **CHANGE SINCE THE LINN REPORTS**

The Saskatchewan justice system has undergone change. Aboriginal communities and organizations have a greater involvement in the design and delivery of justice services, and the system now recognizes and is attempting to respond to, the unique needs of Aboriginal people. The range of interventions has expanded both in terms of services within the system and in the communities of Saskatchewan. There is community-based justice programming for youths and adults including alternative measures, crime prevention, and family violence and victim services.

One notable program is the Regina Alternative Measures Program (RAMP). RAMP provides diversion and mediation as an alternative to the formal court process for adult and youth cases in Regina. The program is dedicated to providing culturally sensitive services. It is hailed by members of the Regina community as one other communities should consider. As an Elder at the Regina dialogue, April 16, 2002 stated, "that's one program that I have big praise for."

There has been an increase in the number of Aboriginal police officers, police management boards on reserve, as well as community policing in urban areas. Eight Aboriginal Resource Officers throughout the province now work with local police services to provide support and referral services to Aboriginal people who have been impacted by crime or trauma.

## *The Linn Reports (continued)*

The Aboriginal Courtworker Program was reinstated and a Northern Cree Court has been established. Police Commissions in Regina, Saskatoon and Prince Albert, as well as the Saskatchewan Police Commission, have five persons of Aboriginal ancestry, in total, one of whom holds the position of Chair. There are also three judges of Aboriginal ancestry in the province. As well, conditional sentencing was introduced.

As of 2002, Provincial Court is held on-reserve at the following nine locations:

- Beardy's and Okemasis
- Big River (White Fish)
- Black Lake
- Carry the Kettle
- Deschambault
- Fond du Lac
- Montreal Lake
- Poundmaker
- Southend

In some instances, this change was due to a change in land status due to Treaty Land Entitlement-related reserve creation, rather than a change in venue or court location.

Court is also held near reserve communities at a number of other locations. Examples are many, and include:

- Buffalo Narrows (Buffalo River Dené Nation reserve lands)
- Cumberland House (near Cumberland House Cree Nation reserve lands)
- La Loche (near Clearwater River Dené Nation lands)
- Pelican Narrows (beside Peter Ballantyne Cree Nation lands)
- Sandy Bay (on land adjacent to Peter Ballantyne Cree Nation lands)
- Stanley Mission (on land adjacent to Lac La Ronge First Nation lands)
- Wollaston Lake (near Hatchet Lake First Nation reserve lands)

Further, there are a number of southern and central First Nations that are in close proximity to court.

Community-based and institutional correctional programming including healing lodges for youth, men and women, and Elder and community-assisted parole hearings have all contributed to justice services being more responsive to and representative of the Aboriginal population of Saskatchewan. A concerted effort has been made to provide cross-cultural training to those who deliver a justice service. This list is a reflection of the changes and is not intended to be exhaustive.

The actual rate of offending and victimization of Aboriginal people remains unacceptable. This acknowledgement, by all levels of government and within our communities, coupled with a sincere interest in making changes to improve the delivery of justice provides the citizens of Saskatchewan with guarded optimism that solutions can be found and that when implemented the result will be a safer Saskatchewan for all.

