

LEGACY OF HOPE:

AN AGENDA FOR CHANGE

Volume I

FINAL REPORT FROM THE COMMISSION ON FIRST
NATIONS AND MÉTIS PEOPLES AND JUSTICE REFORM

WWW.JUSTICEREFORMCOMM.SK.CA

JUNE 21, 2004



TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
VISION AND MISSION STATEMENT.	3
MESSAGE FROM THE CHAIR	5
MEET THE COMMISSIONERS	7
INTRODUCTION	9

CHAPTER 1

EMPOWERING FIRST NATIONS AND METIS LEADERSHIP

Introduction	1-1
The Importance of Leadership	
Leadership and Community Development	
Challenge and Responsibility of Leadership	
Leadership and Governance	
An Action Plan for Empowering First Nations and Metis Leadership	
Conclusion	

CHAPTER 2

CREATIVE HEALTHY, JUST, PROSPEROUS AND SAFE COMMUNITIES IN SASKATCHEWAN

Introduction	2-1
A New Conversation: Community Promotion	
A Social and Economic Policy Plan of Community Promotion	
Social Inclusion	
Poverty Elimination	
Education	
Employment	
Housing	
Fetal Alcohol Spectrum Disorders (FASD)	
Other Disabilities	
Alcohol, Drug and Substance Abuse	
Gambling	
Resources	
Urbanization	
Crime Prevention to Date	
What Works?	
1. Target Specific Risks	
2. Community Based Enrichment Programs	
3. Early Intervention	
4. Arts, Culture and Recreation	
The Saskatchewan Crime Prevention Strategy	
Youth in Conflict with the Law	
Who Are These youth?	
The Present Approach	
Prevention Strategies	
Prevent Children from Entering the System	
Strengthening Family	
Community Conversations	
The Issue of Gangs	
Conclusion	



CHAPTER 3
VIOLENCE & VICTIMIZATION

Introduction 3-1
Background
Domestic Violence
 Woman and Violence
 Children and Violence
 Nutrition
 Children and Corporal Punishment
 Men and Violence
 Abuse and Neglect of Older Adults
Victimization, Suicide and Hopelessness
Cultural Content in Programming
 Northern Saskatchewan
Responding to Violence and Victimization
 a) Sentencing Circles
 b) Mediation
 c) *Victims of Domestic Violence Act*
 d) Shelters
 e) Integrated Services
What Works – Building on Success
Support for Victims
Evaluation
Funding
Conclusion

CHAPTER 4
RESTORATIVE JUSTICE: RESTORING JUSTICE IN SASKATCHEWAN

Introduction 4-1
Transforming Justice
Community Involvement
Charting a Course
The Role of Healing
 Step 1: Contact With the Criminal Justice System: Meaningful Options
 Mental Health
 Contact With the Police
 Step 2: The Courts: Striking a Balance
 Circles
 Aboriginal Courtworkers
 System Generated Charges
 Victims
 Mediation
 Family Group Conferencing
 Step 3: Corrections: A New Direction
Conclusion



CHAPTER 5
POLICING

Introduction 5-1

Policing in Saskatchewan – An Introduction

Racism in Policing

Saskatchewan Police Elimination of Racism Strategy

Cultural Awareness Training

Employment Equity

Community Policing

Police Management Boards & Community Police Boards

 Background

 Importance of Community Police Boards and Police Management Boards in Community Policing

More Discretion

Alcohol and Drugs

First Nations Policing

Excessive Force and Abuse

Complaints Against Police

 FSIN’s Special Investigations Unit

Conclusion

CHAPTER 6
JUSTICE INSTITUTIONS

Introduction 6-1

A Vision of the Ideal

Background

The Challenge

Opportunity for Transformation

 A) The Court Structure

 The Trial Process

 Juries

 Language in Court

 Legal Family Matters

 First Nations and Metis Participation in the Courts

 Court in the Community

 Expanding the Role of Courts to Include Restorative Justice

 Therapeutic Court

 B) Alternative Measures as a Framework for Community Justice

 Alternative Measures Provisions of the *Criminal Code*

 Alternative Measures Programs

 Authority to Decide on Alternative Measures

 Broadening the Availability of Alternative Measures

 C) Community Partnerships in Justice

 Community Justice Committees

 The Justice Partnership

 D) Lawyers in the Courts

 Crown Prosecutors



- Prosecutorial Discretion
- Saskatchewan Legal Aid Commission
- E) Corrections
 - Imprisonment
 - Myth: Imprisonment Reduces Crime
 - Imprisonment of Women
 - Young Offenders Programming
 - Community-Based Corrections
 - National Parole Board
 - Probation
 - Conditional Sentences

Conclusion

CHAPTER 7

ELIMINATING RACISM: CREATING HEALTHY RELATIONSHIPS IN SASKATCHEWAN

Introduction 7-1

- Individual Racism
- Condescension
- Systemic Racism

Race-Based Privilege

- Facts on 'Privileges'
 - a) The Treaties
 - b) Education
 - c) Health Care
 - d) Justice
 - e) Employment
 - f) The Myth of Taxation
 - g) Hunting and Fishing

Metis People

Community Responsibility

The Economic Costs of Racism

- Education System and Racism
- First Nations and Metis Content in the Classroom
- Teaching Treaties in the Classroom
- Equity Plan for Schools
- Training for Teachers
- Aboriginal Teacher Education Programs (TEP)

Employment Issues

Benefits of Recreation and Culture

Saskatchewan's Multiculturalism Policy and Racism

Cultural Awareness Training Programs

- Oneness and Hope
- Coordinated Approach to Cultural Training

Media Portrayal of Race

Examples of Current Responses to Racism

Saskatchewan's Centennial 2005

Saskatchewan Centennial 2005 Grant Programs

Conclusion



CHAPTER 8
CHILDREN AND YOUTH: REALIZING POTENTIAL

Introduction 8-1

Background

- Increased Imprisonment of First Nation and Metis Youth
- Increase of First Nation and Metis Children and Youth in the Child Welfare System

Unacceptable Level of First Nations and Metis Children Living in Poverty

- Increased Alcohol and Substance Abuse by Youth
- Increased Physical and Sexual Violence
- Increased School Dropout Rate
- Increased Youth Unemployment

Youth Voices

- Voices for Change
 - Teach Us
 - Lead Us
 - Include Us – Give us Voice
 - Educate Us
 - Employ Us
 - Believe in Us
 - Heal Us
 - Give Us Recreation

A Message from Youth to Youth

Playing Together

- Holistic and Integrated Service Delivery
- Urbanization

Responsibilities and Rights

Conclusion

CHAPTER 9
ABORIGINAL JUSTICE IN SASKATCHEWAN 2002-2021: THE BENEFITS OF CHANGE
Prepared by Professor Isobel M. Findlay and Professor Warren Weir

List of Figures

List of Tables

Acknowledgements

Executive Summary

1.0 Introduction

- 1.1 Background
- 1.2 Purpose
- 1.3 Scope
- 1.4 Organization

2.0 Methodology

- 2.1 Methodological Assumptions and Choices



3.0 Popular Myths and Powerful Realities

4.0 Demographics

4.1 Aboriginal and Non-Aboriginal Peoples of Canada

4.2 Aboriginal and Non-Aboriginal Peoples of Saskatchewan

5.0 Justice System Participation and Costs

5.1 General Trends and Issues

5.1.1 Justice Spending in Canada: Participation
Rates and Costs

5.1.2 First Nations and Metis Peoples

5.1.3 First Nations and Metis Women

5.1.4 First Nations and Metis Youth

5.2 Policing

5.3 Prosecutions

5.4 Courts

5.5 Legal Aid

5.6 Corrections

5.6.1 Adult Offenders

5.6.2 Youth Offenders

5.7 Justice System Participation and Cost Projections

5.7.1 Policing

5.7.2 Prosecutions, Courts, and Legal Aid

5.7.3 Provincial Corrections

5.7.4 Federal Corrections

5.7.5 Overall Participation and Cost Projections

6.0 Measuring Alternatives: Costs and Benefits

6.1 Fetal Alcohol Spectrum Disorders and Abilities

6.2 Education and Labour Force Participation

6.3 Alternative Interventions:
Benefit-Cost Comparisons

7.0 Conclusions

7.1 Recognizing Individual and
Collective Responsibilities

7.2 Making Mainstream Institutions Accountable

7.3 Ensuring Meaningful and Equitable Access

7.4 Moving Forward in Multiple
Sites in Multiple Ways

7.5 Redesigning Research, Decision-Making,
and Policy Development

8.0 References



CHAPTER 10
IMPLEMENTATION – A BLUEPRINT FOR RETURNING JUSTICE TO THE COMMUNITY

Introduction 10-1
Moving Forward
Implementation Commissioner
The Implementation Office
Mandate
Principles of Implementation
Jurisdiction
Grandmother’s and Youth Advisory Circle
Conclusion

CHAPTER 11
SUMMARY OF FINAL REPORT RECOMMENDATIONS

CHAPTER 12
SUMMARY OF RECOMMENDATIONS FROM PREVIOUS REPORTS

CHAPTER 13
RESPONSE TO INTERIM REPORT WORKING TOGETHER – RECOMMENDATION 3.1

CHAPTER 14
JUSTICE REFORM COMMISSION PROCESS

Introduction 14-1
Community Dialogues
Stakeholders
Presentations
Roundtables
Site Visits
Town Hall Meetings
In-Camera Meetings
Papers and Reports

CONCLUSION

APPENDIX

1. Community Dialogue Locations A-1
2. List of Roundtables Hosted by the Commission A-5
3. List of On-Site Tours Taken by Commissioners A-7
4. List of Presentations Made to the Commission A-9
5. Summary of Roundtables A-11
6. Terms of Reference A-61
7. Crime Prevention Programs A-65
8. *Criminal Code* Provisions Relating to Alternate Measures,
Sections 716 & 717. A-67



9. *Youth Criminal Justice Act* Provisions Relating to
Alternative Measures, Section 10. A-71

10. Selected *Criminal Code* Provisions Relating to Sentencing A-73

11. *Corrections and Conditional Release Act* Provisions
Relating to Aboriginal Offenders A-77

12. Convention on the Rights of the Child (CRC), Articles 27 and 28 . . . A-79

13. Sample Plan of a Child and Youth Action Plan A-80

ACKNOWLEDGEMENTS

BIBLIOGRAPHY

