

METIS SOCIETY OF SASKATCHEWAN

PROPOSAL

TO

DEPARTMENT JUSTICE CANADA

**" JUSTICE CONSULTATIONS WITHIN
SASKATCHEWAN METIS COMMUNITIES -
BEYOND THE METIS JUSTICE REVIEW COMMITTEE "**

JANUARY 27, 1992

PURPOSE OF PROPOSAL:

Since June 5, 1991 the Metis Society of Saskatchewan, Justice Canada, the Saskatchewan Department of Justice have been involved in a tripartite review of the criminal justice system and it's relationship with the Metis people of Saskatchewan.

A number of findings were made during this process and recommendations made with respect to alleviating some of the problems relating to Aboriginal young offenders, legal representation for Aboriginal peoples, policing in Aboriginal communities, sentencing alternatives, court services, and female and male offender corrections issues. Although the Review was of some value in terms of gaining some knowledge from the community perspective on the Canadian criminal justice system and it's impact on them, it did not really give the Metis Society of Saskatchewan the clear picture that it needs to initiate community based Metis specific criminal justice programs.

The reason for further consultations is three-fold: (a) at every step of the Review when the Metis Society of Saskatchewan went to research various areas of the justice system, little or no statistics were available on Metis offenders or programs; (b) six months to review an institution as large as the criminal justice system and it's relationship to a particular people, when little statistical information or history has been documented by government or communities, is little time to do a meaningful review; (c) the Review also visited only six communities and in one of the communities no submissions were made.

In view of this the Metis Society of Saskatchewan proposes to continue their consultations with the Metis communities of Saskatchewan. The proposed project would employ a Director and two field workers to visit Metis communities to determine first the relationship of that particular community with the justice system, their views on it, what they feel are the underlying problems, what they feel are the solutions to the problem and finally what programs they feel may be implemented in their community.

These community consultations and research efforts will lead to a conference for the Metis people of Saskatchewan on Justice related issues. This conference will build the foundation for a Metis Justice Institute which will administer justice programs for the Metis Society of Saskatchewan.

The timeframe for this project is proposed for February 1, 1992 to May 31, 1992.

PROPOSED BUDGET

(a) SALARIES:

Director/Coordinator

- \$ 3,500/ month @ 4 months \$ 14,000.00

Field Worker/ Executive Assistant

- \$ 3,000/ month @ 4 months \$ 12,000.00

Fieldworker

- \$ 2,500/month @ 4 months \$ 10,000.00

Secretary/bookkeeper

- \$ 1,800/month @ 4 months \$ 7,200.00

Employee Benefits

\$ 4,752.00

(C) STAFF TRAVEL

\$ 600/month @ 4 months \$ 2,400.00

(D) RENT

650/month @ 4 months \$ 2,600.00

(E) ADMINISTRATIVE COSTS

Telephone

\$ 500/month @ 4 months \$ 2,000.00

Postage, materials and supplies

\$ 362/month @ 4 months \$ 1,448.00

TOTAL PROPOSED BUDGET

\$ 56,400.00

Saskatchewan

Saskatchewan
Justice

1874 Scarth Street
Regina, Canada
S4P 3V7

January 6, 1992

First Vice-Chief Dan Bellegarde,
109 Hoddsman Road,
Regina, Saskatchewan.
S4N 5W5


Dear Dan:

Re: Courtworker Feasibility Study

Enclosed is the last page of the proposal recalculated to address the Metis Society costs as discussed. The total budget for the proposal will now stand at \$62,650 with the request to Federal Justice being for \$56,550.

Please advise if this change is satisfactory. Once I have received agreement from the Metis Society and yourself, I will send an unsigned copy of the proposal to Dan Prefontaine advising that an executed copy will be forwarded shortly. I will then courier the original letter to yourself as signing authority for the F.S.I.N. with the request that you forward it on to whoever the Metis Society designates as signing authority. The Metis Society can then return it to me for transmission to Ottawa. I will also, at that time, make sure that copies of the final signed document are sent to each of you.

Yours truly,


Betty Ann Pottruff
Director

cc: Noble Shanks

December 30, 1991

Mr. Daniel C. Prefontaine,
Assistant Deputy Minister,
Policy, Programs and Research,
Department of Justice,
239 Wellington Street,
Ottawa, Ontario
K1A 0H8

Dear Mr. Prefontaine:

Re: Proposal for a Feasibility Study on an Aboriginal
Courtworker Program.

The Federation of Saskatchewan Indian Nations, the Metis Society of Saskatchewan and Saskatchewan Justice are interested in jointly undertaking a feasibility study to examine the basis for the development of a Saskatchewan aboriginal courtworker program.

Given overlapping responsibilities for the development, delivery and funding of such a program, it is proposed that Justice Canada provide funding for a consultant and researchers for a period of three months to conduct a feasibility study. The consultant, under contract to Federal Justice, would be responsible for managing the Project, subject to the direction of a Steering Committee consisting of representatives from the FSIN, the Metis Society, Saskatchewan Justice and Justice Canada. The details of the Project are attached.

Your early consideration of this proposal would be appreciated as we are anxious to complete the study this fiscal year.

Yours truly,

Saskatchewan Justice

F.S.I.N.

Metis Society

**NATIVE COURTWORKER FEASIBILITY STUDY
TERMS OF REFERENCE**

Questions:

In order to answer the following questions:

1. What is the need for a Native Courtworker Program in Saskatchewan;
2. Is the need for the program the same in all geographic locations;
3. What should be the mandate, goals, and objectives of the program;
4. Should these be the same in all geographic locations;
5. How should the program be delivered; that is, by a new province wide service, in concert with legal aid, local contract services with First Nations, regional organizations, northern organizations etc.
6. Should program delivery be the same in all geographic areas;
7. What are the resource requirements of a province-wide Native Courtworker service.
8. What are the selection, qualifications, and training needs of courtworkers in the proposed program.

Tasks:

Under the supervision and guidance of the study Steering Committee, the contractor shall, between the period March 15 and June 15, 1992, undertake the following tasks:

1. From March 15 -March 31, review the Alberta and Manitoba Courtworker Programs from available literature and by telephone; and from existing provincial data, review and analyze demographic trends, crime rates, and projected volume of work; and,
2. Select relevant criminal justice system, aboriginal organizations and community personnel (in proportions which reflect the aboriginal populations), in urban\rural; north\south; and on-reserve\off-reserve locations for purposes of interviewing in relation to the above-identified questions;

3. From April 1-April 15, develop interview frames which reflect the above-identified questions and demographic, professional and other characteristics of select interviewees; and,
4. Submit interview frames and list of potential interviewees to Steering Committee for approval; make necessary changes; and,
5. With the approval of the Steering Committee, the contractor will subcontract a portion of the interviews and research to two researchers chosen by FSIN and the Metis Society of Saskatchewan (according to the budget listed below), and train with respect to interview frames and interviewing;
6. From April 15 - May 15, pre-test interview frames and make necessary changes; and,
7. Conduct interviews and ensure that through the subcontractors interviews are conducted with 40-60 individuals (4 interviews a day by 3 interviewers for 15-20 days;
8. From May 15 -31, compile and analyze data;
9. By June 1, submit draft final report to Steering Committee; make necessary changes;
10. By June 15, submit final report to Steering Committee which provides information about Questions 1-8 as identified above and which assesses further research requirements, if any.

CRITERIA FOR RESEARCHER COURTWORKER FEASIBILITY STUDY

SKILLS:

- knowledge of the justice system, especially court system, courtworker and offender issues;
- appreciation of aboriginal concerns and aboriginal self-determination goals with respect to processing of offenders in the current system and future expectations;
- knowledge of existing Indian and Metis government structure;
- survey design and interview skills;
- analytical and statistical skills related to needs assessment;
- familiarity with program development and implementation issues such as structure, costing and training;
- good communication skills.

OTHER ISSUES:

- availability
- cost



Saskatchewan
Justice

Policy, Planning and Evaluation Branch
Public Law and Policy Division

1874 Scarth Street
Regina, Canada
S4P 3V7

March 19, 1992

First Vice-Chief Dan Bellegarde
Federation of Saskatchewan Indian Nations
109 Hoddsman Road
Regina, Saskatchewan
S4N 5W5

Dear Dan:

Re: Courtworker Feasibility Study

Further to our recent discussions, I write to confirm that a meeting has been scheduled for 9 am, March 23, to select a mutually acceptable consultant to undertake a feasibility study regarding re-introduction of an aboriginal courtworker program in the province. The meeting will take place in the 8th floor Conference Room of Saskatchewan Justice's Regina offices at 1874 Scarth Street. Terry Thompson, Dr. Gosse and I plan to attend on behalf of Saskatchewan Justice.

I enclose for your consideration the resume and/or corporate profile of 5 candidates to undertake this work -- Alberta Native Counselling Services, Edmonton; Len Sawatsky, formerly of Winnipeg, now of Saskatoon; Obonsawin-Irwin Consulting Inc., Toronto; the Child and Family Services Research Group, University of Manitoba, Winnipeg; and Rita Gunn, Prairie Research Associates, Winnipeg.

Please call to confirm your attendance, my number is 787-3481.

Yours truly,



Betty Ann Pottruff
Director

cc: Noble Shanks



IMMEDIATE RELEASE
Jan. 22, 1992

Legal Aid Commission 92-030

LEGAL AID TO BE REVIEWED

Jane Lancaster of Saskatoon has been appointed acting head of the Saskatchewan Legal Aid Commission effective immediately, Janice MacKinnon, minister in charge of the commission, announced today.

Lancaster has worked as a legal aid lawyer for the past 17 years. Prior to today's appointment, she was legal director for the Saskatoon area office.

MacKinnon also announced a review of the Saskatchewan Legal Aid Commission will be conducted by Roger Carter, professor emeritus of law at the University of Saskatchewan, and Ian Wilson, chair of the commission from 1979 to 1987. Carter helped to establish the legal aid commission and the Native Law Centre at the University of Saskatchewan.

"Prof. Carter and Mr. Wilson have agreed to donate their time and extensive experience to this review at no cost to the province," MacKinnon said.

The review will:

- Examine ways to make Saskatchewan legal aid more accessible to Indian and Metis people. This will be particularly important in view of the upcoming report of the native justice inquiry.
- Examine ways to increase community input into the commission.

Saskatchewan



92-030.....2

- Develop a fair, non-partisan process for the appointment of a permanent director.

"I think it is important to have distinguished citizens such as Prof. Carter and Mr. Wilson to advise on ways to make appointments like this one more open, fair and non-partisan," MacKinnon said.

-30-

For further information, contact:

Cabinet Press Office
Regina

Phone: 787-9361

Roger Carter, Q.C.
College of Law
University of Saskatchewan
Saskatoon, Canada
S7N 0W0

March 12, 1992

Riel Local Community Service Incorporated
Riel Human Resources Inc.
#202 - 1102 Angus Street
Regina, SK S4T 1Y5

Re: Committee on Legal Aid

The Minister of Social Services, Ms. Janice MacKinnon, recently appointed Mr. Ian Wilson, of Saskatoon, and myself as a committee to review the Saskatchewan Legal Aid Plan. I enclose a copy of her Order and press release for your information.

In carrying out this work one of our main concerns will be to assess the adequacy of the provision of legal services to clients of Aboriginal ancestry. We hope you may be able to assist us. Hence this letter.

I think most Canadians look forward to the time when we will have a separate system of justice serving citizens of Aboriginal ancestry. In that connection Mr. Wilson and I were most interested to see that the Indian Justice Review Commission, chaired by Her Honor Judge Linn, has recommended that. We are further encouraged by the statement by the Minister of Justice that such a step should be taken. Obviously, however, it will be some time before such a system can be developed and put into place. In the meantime persons of Aboriginal ancestry will continue, on occasion, to need professional help and advice in dealing with problems which involve the present court and justice systems.

We will welcome any and all comments, suggestions and criticisms which you may have to make about the current legal aid scheme. In doing so you might like to consider one or more of the following matters:

1. At one time there was a "Native Courtworker Program" which worked alongside legal aid. Should it be restored? If so, how should the workers be selected and trained? How would the program be administered and governed? Should it be separate from the legal aid system or part of it? What would the function of the workers be?
2. Under the present Legal Aid Act a commission of eleven persons administers the scheme. Amongst other things it employs the entire staff in the system. The membership of the commission is made up as follows:
 - (a) six members appointed by the Lieutenant-Governor in Council, of whom at least four are not members of the Law Society of Saskatchewan;

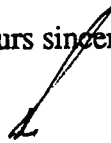
- (b) two members of the Law Society of Saskatchewan, nominated for the purpose by the Benchers of the Society;
- (c) one member who is a member of the Law Society of Saskatchewan appointed by the Attorney-General of Canada;
- (d) one member who is an employee of the Department of Justice appointed by the Minister of Justice;
- (e) one member who is an employee of the Department of Social Services appointed by the Minister.

As you will see from the above, the Act does not allow for any community involvement in the operation and management of the scheme. Should that be changed? If so, what kind of community involvement should be provided for? What "communities" should be represented? How should these representatives be selected? At present the Government of the day appoints a majority (eight) of the Commissioners. Should the government continue to have that kind of control? In practice, and for some years, in making appointments the Lieutenant-Governor in Council has selected and named two persons of Aboriginal ancestry. Should the Act be changed so as to specifically guarantee Aboriginal representation on the commission? If so which Aboriginal organizations should be represented? How should the individuals be selected?

- 3. At present the services which can be given under the Legal Aid Act are restricted to criminal matters, proceedings under the Young Offenders Act and cases relating the family matters. Insofar as the needs of citizens of Aboriginal ancestry are concerned, are those services sufficient?
- 4. Is the present legal aid scheme sufficiently sensitive, in its operation, to the culture of Aboriginal plans? If not, what should be done to achieve that? In this area, amongst other things, Mr. Wilson and I are wondering about the sufficiency of the service in cases involving child apprehension.

We will look forward to hearing from you. In addition, if you so wish, we would welcome the opportunity of meeting with you to discuss our work.

Yours sincerely,



Roger Carter
Professor Emeritus

MINISTER'S ORDER

TO: Ian James Wilson and Roger Colenso Carter

You are hereby appointed as a committee to assess, review and report on the mandate and functions of the Saskatchewan Legal Aid Commission as laid down in The Saskatchewan Legal Aid Act.

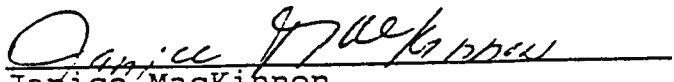
You are to have unrestricted access to all information, books, records and other documents in the possession or under the control of the Saskatchewan Legal Aid Commission, save for those subject to solicitor-client confidentiality, and each member of the Commission and each of its employees shall, at your request, provide such information, books, records and other documents.

You are to file your report with me within three months after the issuing of this Order or such further time as I may direct.

Each of you is to be reimbursed for your reasonable and actual expenses occurred in connection with this review and report.

You will be provided with such secretarial or other assistance and office space as I may consider necessary.

Dated this 31st day of January, 1992 at Regina, Saskatchewan.


Janice MacKinnon
Minister Responsible for the
Saskatchewan Legal Aid Commission



January 29, 1992

Her Honour
Judge P.M.B. Linn
Provincial Court Building
230 - 20th Street East
Saskatoon, Sask
S7K 2H6

Dear Judge Lynn:

Re: Metis Justice Review Committee.

I bring to your attention the following resolution adopted by the Metis Society Board of Directors at their January 17, 1992 meeting.

MOTION: MSS should not release the justice report until after the MSS elections.

For your information, the MSS election will be held on Saturday, February 22, 1992.

I believe this motion was passed calling for the delay of the report's release, in order that the elected representatives of the Metis Society would be in a position to respond. At the present time, the vast majority of our Board and all three of our Executive are on a leave of absence until February 23, 1992.

I bring this to your attention, as it is my responsibility to do so.

Yours sincerely,

Clem Chartier
Interim Executive Director

c.c. Isabel Impey
Noble Shanks

M E M O R A N D U M

FROM: Aboriginal Justice
Review Committees

DATE: January 28, 1992

TO: Committee Members

Re: Saskatchewan Indian Justice Review Committee - Report

Further to our conference call of last Friday, I enclose for your perusal a confidential 'pre-release' copy of the above-captioned report as well as the Chairperson's remarks for delivery at this Friday's news conference.

Should you wish to comment on either, please call me. I can be reached at (306) 787-5469.

Just a reminder that the January 31 news conference is slated to start at 10:30 am. It will be held in the media room, west wing basement, of the Saskatchewan Legislative Building.

The Honourable Robert W. Mitchell, Q.C., Minister of Justice and Attorney General for Saskatchewan, and Dan Prefontaine, Q.C., Assistant Deputy Minister, Policy, Programs and Research, Justice Canada, have confirmed their attendance on behalf of the province and the federal government respectively. In addition, Chief Roland Crowe is expected to attend on behalf of the FSIN.

Finally, as previously discussed, the Saskatchewan Metis Justice Review Committee Report will be released shortly after the February 22, Metis Society of Saskatchewan elections.



David Gullickson
Secretary

cc: Brian Barrington-Foote, Q.C., Saskatchewan Justice
Dan Prefontaine, Q.C., Justice Canada
Dave Whellams, Ministry of the Solicitor General
Secretariat

Council Meeting
January 15, 1992 4:00 P.M.
RE: STRATEGIC PLAN

PRESENT

Cam McCannell
Julie Peakman
Ron Hoenes
Duane Hunt
Hirsch Greenberg
Dale Pelletier
John McCallum
Jim Warner
Dave Tickell

ABSENT

Jack Boan
Bob Gay
Dave Halvorsen
Ivan Morin
Bonnie Morton
Mickael Plunkett
Lamar Scales
Maxine Elliot

- Hirsch Reports: Meeting of members of the Provincial
- Executive to talk about priorities for agency in late
1991 resulting in Strategic Plan - imperative to take
back to Councils..

1. First Question: How do outlined priorities sit with
Regina Council?

2. Are there other priorities that have not been
identified or improperly prioritized?

- Hirsch briefly reviewed the listed ten (10) overall
priorities.

Discussion:

1. Transfer of Aboriginal Issues to Aboriginal Organizations
- may not divest J.H.S. of actual service delivery.
- make ourselves available as consultants, given our longstanding
involvement around Justice issues and programs.

2. Consultation - Attempting to get to an Aboriginal Caucus
- nationally of JHS/Aboriginal people. Such a caucus met in
Regina in November,
- Tended to be brain storming discussions
- there was some substantial agreement - support of aboriginal
people to justice system
- Aboriginal people present began to talk about alternatives
to the criminal justice system
- Consensus was that there was more consensus than what they had thought
before
- our report went to National Committee
- National Body endorsed recommendation 3
- Aboriginal Subcommittee

Discussion continued to a lesser degree with remaining seven priorities.

Comments made:

Priority 1 Transfer of Aboriginal Organizations

- a change to this wording to clarify the intent.

- recommended action that we approach the F.S.I.N. and M.S.S. to discuss implications of the issues.

Priority 10 Legal Justice vs Social Justice.
Too oblique

There was suggestion that some of these priorities could be amalgamated.

Add to Priorities: 1) Consideration of Board Efforts
2) Advocacy.

METIS ISSUES IN POLICING AND JUSTICE

This workshop will give a brief history of the Metis people and their contribution to Canadian and Saskatchewan's history. Metis peoples have been recognized in their role as furtraders, navigators, HBC & NWC agents, and of course their actions in the Red River and Northwest Rebellions. What many people don't know is that the Metis people played an important role in the formation of Canadian confederation as we know it today. What I hope to do in the three hours which have been set aside for this workshop is to give you the police a vision of our history as Metis peoples. In the middle and latter part of the workshop we will be looking at some social and judicial dynamics.

PART 1. 5 minutes

Metis origins - Who are the Metis and where did they come from?

PART 2. 10 minutes

Metis Traditions and Culture - An overview of the Metis peoples traditional and cultural values.

PART 3. 15 minutes

Canadian Metis History - Rebellion or Justified Civil Unrest
An in depth look into the Red River and Northwest Uprisings.
Social and economic issues related to uprisings.

PART 4. 25 minutes

Metis Leaders - Past and Present

Riel Dumont - Metis political beginnings
Brady and Norris - Contemporary Metis Leadership
Metis Society of Saskatchewan

Part 5 1 hr.

Metis Justice Issues

Metis Justice Committee - origins, mandate, political role

Policing, Corrections, Courts, Justice Alternatives

Metis Justice System - What does it look like, how will it work in today's society.

states " there are two systems one for Aboriginal women and one for white supremacists". Goulet also said in a previous interview that the exceptance of Nerlands sentence "sends a message to white supremacists that it's ok to kill an Indian in Saskatchewan". I guess the six year sentence handed to Johnstone and upheld by this provinces Court of Appeal tells the Indian and Metis of this province, " it is not ok to kill a white man, regardless of what he has done".

Finally where are all the protectors of the Aboriginal community in this case, why is Johnstone being left to fight on her own, while we watch idly by. Someone say something.

HIS HONOUR
JUDGE GERALD T. G. SENIUK



THE PROVINCIAL COURT BUILDING
230 - 20TH STREET EAST
SASKATOON, SASKATCHEWAN S7K 2H6
(306) 933-6682

PROVINCIAL COURT OF SASKATCHEWAN

December 12, 1991

Mr. Ivan Morin
Metis Society Justice Committee
2320 Cornwall Street
Regina, Saskatchewan
S4P 2L3

Dear Mr. Morin:

I wanted to write you to express my support for your committee's idea to produce a quality, educational video for our June, 1992, seminar.

When we, as judges, first contacted your committee to assist in planning our education seminar, it was always our hope that something lasting would result. We never knew what "that something" would be. Our only criteria were that it further the understanding of our judges about the people they encounter in the criminal justice system, that it have meaning to the Metis community and that it help build a relationship between these two communities. This idea of the video production meets all the criteria.

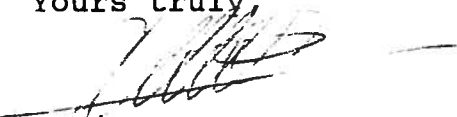
I have read the letter from Judge Douglas Campbell outlining the June, 1992, seminar in Saskatoon, and I will not repeat any of that in this letter. It is sufficient here to say that the seminar is a major joint undertaking of the Western Judicial Education Centre, the Saskatchewan Association of Provincial Court Judges and the College of Law at the University of Saskatchewan, and that the contribution of the Metis people to our education is an integral part of that project. But I do want to stress that we wanted the different racial, ethnic, and cultural communities involved to have the opportunity to speak to the judges in a way that was meaningful to the people in those communities.

This idea of the video you propose is a marvelous way for your community to express itself to ours. This confirms for us the

wisdom in our community-based approach where the people themselves decide not only what, but also how, they will speak to the judges.

I wish you success in this venture and hope you will obtain the backing and support necessary to bring this to fruition.

Yours truly,



G.T.G. Seniuk
Provincial Court Judge