



2019 NATIONAL FIRST NATIONS POLICING AND INDIGENOUS JUSTICE SYMPOSIUM



FINAL REPORT WITH RECOMMENDATIONS

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TABLE OF CONTENTS

1. Presenters and Speakers	4
2. Message from PAGC Grand Chief Brian Hardlotte	6
3. Introduction.....	7
a) First Nations Challenges in Justice and Policing Sectors.....	9
b) Root Causes of Crime Among First Nations	10
c) Gladue Court Submissions	11
d) Restorative Justice Initiatives	12
e) Community Safety Officers.....	12
f) PAGC Community Proactive Efforts.....	13
g) First Nations Court System and First Nations Policing.....	14
5. Recommendations	16
6. Guiding Documents for Community Development	18
7. Guiding Elements for Developing Courts and Policing	19
8. Possible Steps for Establishing a First Nations Police Force	21
9. Recommendations for PAGC Chiefs.....	22
10. Long-term Goals	22
11. Appendix —TRC Calls to Action—Justice Sector	23
12. Acknowledgements	27

2019 NATIONAL FIRST NATIONS POLICING AND INDIGENOUS JUSTICE SYMPOSIUM

PRESENTERS AND SPEAKERS

DIGNITARIES IN ATTENDANCE

Russell Mirasty, Lt. Governor General of Saskatchewan
FSIN Senator Sol Sanderson
PAGC Senator Harry Cook
PAGC Senator Noland Henderson
PAGC Senator Charles Whitecap
FSIN Chief Bobby Cameron
FSIN Vice Chief Dutch Lerat
Mayor Greg Dionne, City of Prince Albert
Deputy Mayor Beverly Dubois, City of Saskatoon
Cory Lerat, Royal Canadian Mounted Police
Deputy Chief Jason Stonechild, Prince Albert Police Service



Dan Bellegarde, MC

KEYNOTE SPEAKERS

Dr. Rick Linden – University of Manitoba – First Nations Policing Policy
Dr. Ivan Zinger – Federal Corrections Investigator of Canada
Donald Worme – Lawyer – First Nations and the Justice System

FIRST NATIONS POLICING PANEL

Chief of Police - Lennard Busch, File Hills Police Service
Chief of Police - Ronald Morrison, Nishnawbe Aski Police Service
Chief of Police - Kyle Melting Tallow, Blood Tribe Police Service
Chief of Police - Rick Head, Manitoba First Nations Police Force
Chief of Police – Troy Cooper, Saskatoon Police Service

INDIGENOUS JUSTICE PANEL

Dr. Beverly Jacobs - Donald Worm - Paul Chartrand - Lawyers
Albert Peeling – Lawyer - Harold Johnson (retired crown prosecutor)



SYMPOSIUM PRESENTERS

Sgt. Karen Pelletier & Cst. Wanda Mackenzie – Women in RCMP Careers

Stan Tu’Inukuafe, Andre Poilievre, Cheyenne MacDonald, Owen Pelletier, STR8 UP – Gangs

Dr. James Zion & Elsie Redbird – Navajo Courts & Policing

Gayle Desmeules & Chantell Barker – Restorative Justice

Nicole Crookedneck, PAGC Healing Lodge

Dr. Michelle Stewart, University of Regina Team – FASD among First Nations Prisoners

Katrina Swan, Lawyer, Missing and Murdered Indigenous Women & Girls

COMMUNITY SAFETY OFFICERS – PEACEKEEPERS

Gordon Hardlotte, Stanley Mission, Sk. - Sandy Mayham, Split Lake, Mb.

Joe Cote, Councillor of Cote First Nation, Sk. – William Cook, Cumberland House, Sk.



MESSAGE FROM PAGC GRAND CHIEF HARDLOTTE

Thank you to the keynote speakers, presenters, and participants who attended the 2019 National First Nations Policing and Indigenous Justice Symposium held from November 5-7, 2019. Your voices, perspectives, and recommendations are contained in this report.

Prince Albert Grand Council Executive - Vice Chief Joseph Tsannie Jr. and Vice Chief Christopher Jobb — shared the challenges we face in northern Saskatchewan with links to what is happening in other First Nations communities across the country. We have a shared history, common issues, and a need for immediate solutions.



Prince Albert Grand Council consists of the following 12 First Nations: Shoal Lake Cree Nation, Red Earth Cree Nation, Cumberland House Cree Nation, James Smith Cree Nation, Wahpeton Dakota Nation, Sturgeon Lake Cree Nation, Peter Ballantyne Cree Nation, Montreal Lake Cree Nation, Lac La Ronge Indian Band, Black Lake Denesuline Nation, Fond du Lac Denesuline Nation, and Hatchet Lake Denesuline Nation.

We are united in our efforts to occupy fields in policing, courts, corrections and other societal sectors. First Nations across Canada face similar problems around community safety and the importance of lowering victimization. We hope the symposium participants were able to take back what they need for their own development efforts.

First Nations are culturally diverse. Although our cultural practices are different, we have a shared worldview of relational thinking. We have shared experiences with the impacts of colonization, residential schools, systemic racism, and the on-going loss of land, resources, languages and cultures. These symptoms have led to high incarceration rates in federal and provincial jails. Clearly the justice and policing system is failing First Nations in Canada.

First Nations have a vision to reclaim self-sufficiency and self-determination based on our Treaties and Treaty relationships. In order to do that we must teach all Canadians the real history and our contemporary existence in this country. Our Elders teach us to be humble in truth sharing. We call on the Government of Canada to restore balance, equality, and harmony.

Sincerely,

Grand Chief Brian Hardlotte
Prince Albert Grand Council

INTRODUCTION

The 2019 National First Nations Policing and Indigenous Justice Symposium was hosted by the 12 affiliated First Nations of the Prince Albert Grand Council. The gathering took place at the Saskatoon Inn in Saskatoon, Saskatchewan from November 5 - 7, 2019. This document contains the results and summary of recommendations.

The purpose of the symposium was to bring together First Nations and non-First Nations experts and professionals with leaders and grassroots people from across the country to dialogue and have a conversation on what is needed to transform policing and courts that will better reflect First Nations cultures and contemporary realities.

Prince Albert Grand Council (PAGC) advocates for 28 northern Saskatchewan reserve communities under the umbrella of 12 First Nations from Treaties 5, 6, 8 and 10. The majority of the population are from Cree (Woodland, Plains, & Swampy), Denesuline, and Dakota cultures. PAGC Chiefs are responsible for the protection, implementation, and enforcement of the Treaties. There are approximately 42,000 members. Many live in the City of Prince Albert and other urban environments. There is a growing First Nations youth population.

The federal government has a moral and legal obligation to implement 'nation-to-nation' Treaty relationships in an era of reconciliation. The Elders that were at the symposium reminded participants of our historical relationship with the Crown and Canada. It is important to note Treaties are legally binding agreements between 'nations'. PAGC Senator Sol Sanderson of the Federation of Sovereign Indigenous Nations (FSIN) reminded participants that Treaties allowed First Nations to keep their own societal institutions intact. However, there were assimilation attempts to bring First Nations into the body politic of Canada.



Instead of an 'Implementation Act', the federal government introduced the 'Indian Act' which governs First Nations from the 'womb to the tomb'. The Indian Act, which was enacted in 1876 and has since been amended, allows the government to control most aspects of First Nations life: 'Indian' status, land, resources, wills, education, and band administration.

According to the *Indian Act* of 1876, Duncan Campbell Scott, the first minister of Indian Affairs stated:

“The happiest future of the Indian race is absorption into the general population, and this is the object of the policy of our government. The great forces of intermarriage and education will finally overcome the lingering traces of native customs and traditions,” Duncan Campbell Scott, Department of Indian Affairs.

Residential Schools were established in Canada for over 100 years beginning in the 1870s to the mid-90s with a mandate to assimilate First Nations people into Euro-Canadian culture. These were government sponsored religious schools. Force religious conversions occurred. Children were separated from their families and traditional knowledge keepers. There were 18 institutions in the province of Saskatchewan. In total, an estimated 150,000 First Nation, Inuit, and Métis children attended residential schools. Approximately 6,000 children died.



In addition to the cultural and social effects of being forcibly displaced from their lands, many children suffered physical, sexual, psychological, and/or spiritual abuse while attending these schools, which has led to intergenerational cumulative effects, including cultural confusion, cultural genocide, loss of languages, health problems, substance abuse, mental health issues, high mortality/suicide rates, violence, criminal activity, and incarceration.

On June 1st, 2008, the Truth and Reconciliation Commission on Residential Schools (TRC) was established to repair the harms done to First Nations people. On June 11, 2008, the Prime Minister of Canada, the Right Honourable Stephen Harper, made a Statement of Apology to former students of ‘Indian’ Residential Schools. In 2015, the Government of Canada released the final report of the Truth and Reconciliation Commission with 94 Calls to Action.

On December 15th, 2015, the federal government reiterated a commitment to implement its Truth and Commission of Canada’s 94 Calls to Action. These calls to action are not ‘options.’ They are legal imperatives that must be honored by both First Nations and Canadian citizens in all provinces. There are over 27 TRC Calls to Action in the Justice sector alone that must be honoured.

In June 2015, the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) released its final report. It revealed that persistent and deliberate human and Indigenous rights violations and abuses are the root cause behind Canada’s staggering rates of violence against Indigenous women, girls, and 2SLGBTQIA people. The two-volume report calls for transformative legal and social changes to resolve the crisis that has devastated Indigenous communities across the country. It delivered 231 individual Calls for Justice directed

at governments, institutions, social service providers, industries and all Canadians.

Recommendation 5.4 and 5.5 of the MMIWG Final Report reinforce the need for the establishment and proper funding for First Nations Policing:

5.4 Transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing.

5.5 Fund the provision of policing services within Indigenous communities in northern and remote areas in a manner that ensures that those services meet the safety and justice needs of the communities and that the quality of policing services is equitable to that provided to non-Indigenous Canadians.

The leadership of PAGC calls on the federal government to increase long-term, predictable, and sustainable funding for First Nations Policing and Justice Sector changes that are needed to implement the MMIWG final report.

FIRST NATIONS CHALLENGES IN JUSTICE AND POLICING SECTORS

Prince Albert Grand Council has a vested interest in taking proactive action to reform the justice sector and policing. PAGC is located in Prince Albert, Saskatchewan. It is a city that has a federal penitentiary, provincial corrections facility, women's prison, and a youth facility. The crime rate is high — there is increasing victimization, violence, gangs, problems related to methamphetamines and alcohol addiction. PAGC is working closely with Prince Albert Police Service and the RCMP as well as with other community organizations in the spirit of reconciliation.



According to the Federal Investigator of Corrections, Dr. Ivan Zinger, who provided a presentation at the symposium, the high incarceration rates in provincial and federal jails are alarming, costly, and paints a picture of a human rights crisis. Between March 31st, 2009 and March 2018, the federal Indigenous inmate population increased by 42.8% compared to a less than 1% overall growth during the same period. The number of Indigenous federally sentenced women increased by 60%. Dr. Zinger said that 'these numbers are distressing.'

Segregation rates for Indigenous offenders is extremely high with inadequate mental health supports. They are known to be thrown in small, dimly lit cells for days. Deaths and suicides have occurred. Indigenous offenders are disproportionately involved in self-injurious behaviors. Prisoners come out of the system with anger and violence issues that filter into First Nation communities, towns, and cities.

First Nations in northern Saskatchewan face extensive conflict with the law, and the situation is getting worse. It is clear the system is failing First Nations people. Miscarriage of justice is all too

common affecting families already in a vulnerable state. Women and men are going missing. There are stories of police brutality and racial profiling. While there are police officers who are doing great work, some are unaware of the history in the region, and so are not able to do an effective job. Anti-gang strategies and youth empowerment initiatives are critical. Community-based restorative and diversion projects need to be enhanced in order to lower incarceration rates.



There are examples of courts that reflect First Nations traditions, cultures, and practices. However, there are no separate First Nation court systems, even though this was a major recommendation in the Royal Commission on Aboriginal Peoples Report, 1996. The jury selection process requires review and change.

According to Aboriginal Lawyer, Paul Chartrand, the courts of Canada are bound to favour Canada's interests. Fairness demands that new courts and tribunals comprised of equal numbers of members from each side be set up to adjudicate disputes between the parties to a Treaty relationship.

PAGC leaders recognize there are serious capital crimes that require incarceration for public safety reasons. However, the provincial corrections system needs a transformative overhaul. There is a need for intensive rehabilitation supports, cultural-based healing programs, more traditional healing lodges, and enhanced education and training in and out of the prison system. Elders and ceremonial keepers need to be utilized and treated with respect beyond token duties. Outreach services that reinforce community reintegration must include transition into meaningful employment so that exiting prisoners become contributors to society.

Dr. Michelle Stewart of the University of Regina (U of R) and her team provided a presentation on Fetal Alcohol Syndrome Disorder (FASD) among First Nations prisoners, and made links between FASD and high recidivism rates. People with FASD require mental health assessment and proper supports in the justice system. The multi-dimensional and multi-layered root causes of crime must be clearly understood for all professionals who work in the Justice and Policing sectors.

ROOT CAUSES OF CRIME AMONG FIRST NATIONS

The root causes of crime among First Nations stem from over five centuries of colonization, oppression, systemic racism, and 100 years of Residential Schools that have resulted in cultural disorientation, intergenerational trauma, addictions, violence, family breakdown, depression, suicidal ideation, mental health issues, and other psycho-social symptoms. The impacts are multi-dimensional affecting the mental, spiritual, emotional, and physical. The impacts are also multi-layered beginning at individual level and outward in families, communities, and nations.

The prison system and child welfare are considered the 'new' Residential schools. These experiences manifest in the form of lateral violence which is learned behavior of the oppressor. Lateral violence happens when individuals who have endured long-term oppression suppress feelings of anger, shame, and rage. Eventually these feelings lead to behaviours, such as jealousy, resentment, blame, bitterness, and violence. First Nations people become their own oppressors striking out at their own members. The colonial concept of 'Divide and Conquer' is reinforced.

Crimes committed in northern Saskatchewan are directly linked to poverty, trauma, and addictions. Retired northern Saskatchewan crown prosecutor Harold Johnson attended the symposium as a justice panel presenter.

His latest book is entitled: *Peace and Order, the Case for Indigenous Justice in Canada (2019)*. Johnson argues many residential school and intergenerational survivors get in trouble with the law. Alcohol and other addictions are used to numb the pain of past trauma. He highlighted and provided an example of a traumatized person going through the court process.




“We bring this traumatized person to court and traumatize them more with a preliminary hearing, then add more trauma with a trial, then sentence them to jail where we know they are likely to be severely traumatized. Then we release them back into the community and ask them if they learned their lesson,” Harold Johnson.

Participants in the symposium argue it is not enough to ‘tinker’ around with the existing justice system. First Nations people had their own systems of governance, justice, and policing prior to European contact. It is time to reinvigorate First Nations laws based on what is considered right and wrong for the development of separate First Nation court systems. Intensive community-based research is needed. While this may take time, Canadian courts must take into consideration the impacts of colonization, oppression, and impacts of systemic racism in pre-sentencing reports so that appropriate supports can be provided to First Nations people in trouble with the law.

GLADUE COURT SUBMISSIONS IN COURTS

In 1991, the Supreme Court of Canada released the *R. vs. Gladue* decision requiring judges to take into consideration mitigation circumstances linked to oppression. In 2012, the Supreme Court released the *R. vs. Ipeelee* decision. This time the court was blunt and told judges they were mandated to follow the legislation and the previous court decision in Gladue.

Gladue submissions in courts and training of how to write them for offenders are lacking in Saskatchewan. These submissions need to be written using a holistic lens. Written arguments



must include the impacts of oppression at the mental, spiritual, emotional, and physical levels with links to how families and communities are affected. These assessments are not about lowering prison sentences. They are critical and necessary for the kind of community reintegration supports needed for offenders.

RESTORATIVE JUSTICE INITIATIVES

Restorative Justice Presenters Chantell Barker and Gayle Desmeules offer an alternative to the punitive and adversarial system of the Canadian justice system. Restorative justice is strongly rooted in the traditions, protocols, and laws of First Nations cultures. It is a rigorous process that cannot be taken lightly. There is a one-on-one interview process with offenders and victims prior to an actual sentencing circle. Offenders must directly come face-to-face with the victim and community unlike the court system where they speak through lawyers. Spirituality and protocols of truth taking are an essential element of the process.



Restorative Justice Training is needed in Saskatchewan similar to the one offered through Assiniboine Community College in Brandon Manitoba. Restorative justice is about bringing balance back into the lives of people and community.

According to the John Howard Society of Saskatchewan:

"The notion of restorative justice acknowledges the legality of crime, but also places a prominent emphasis on reconciliation between the criminal and the victim. The purpose is not to dismiss absolution. Restorative justice seeks for the offender to accept responsibility and the victim to demonstrate forgiveness willingly. The concept is rooted in the importance of human relationships, in which people can restore peace in a family and individuals can heal a community. Therefore, a crime is not just about two individuals, but instead examining the effect on interpersonal relationships and the community, then actively re-establishing harmony."

Offenders can be sent back to the regular court process if they are not ready to accept responsibility for their actions. Community safety and the restoration of balance and harmony are paramount in the Restorative Justice Model.

COMMUNITY SAFETY OFFICERS

RCMP officers are overwhelmed with the increasing complexity of crime. They can only do so much without the assistance from the general public and members from reserve communities

Community Safety Officers (CSOs) also known as 'peacekeepers' are essential as they are the second set of eyes for police officers. However, there is currently no government funding for CSO programs. Those that are operating are severely under-resourced with limited equipment, policing tools, and office space. First Nations have to use their own source funding for training and day-to-administration. People want to help; however, volunteers only last so long.

CSO panel members that attended the symposium were from the Stanley Mission, Cumberland House, Split Lake (Manitoba), and Cote First Nation. According to the panel, crime rates go down when CSOs patrol communities because they know the people. They know who are selling drugs and alcohol. They can speak the language and are able to de-escalate situations. They are trained as First Responders with other skill sets. Community Safety Officer and Youth Police Cadet programs are an effective way to recruit people into policing careers.

CSOs need to be considered an essential service for policing and community safety. They patrol streets and communities at night. In urban centres they are the 'boots on the ground,' taking down license plate numbers of prostitution 'johns' and suspected pimps who exploit and live off the avails of women. They confront suspected drug dealers and bootleggers and work with community agencies. Bands are using banishment by-laws to keep communities safe.

PAGC COMMUNITY PROACTIVE EFFORTS

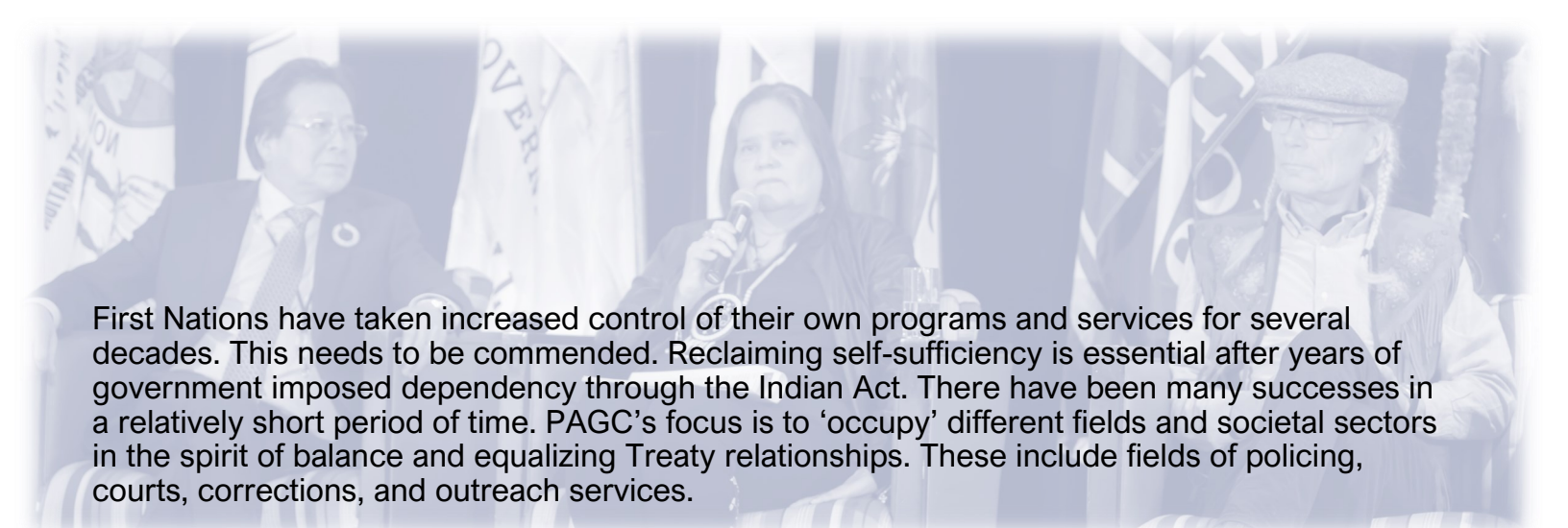
The symposium is part of PAGC's proactive community efforts in dealing with the challenges in the policing and justice sectors. The goal of the gathering was to bring together professionals to assist with that changes needed through a micro and macroscopic examination of what is happening in northern Saskatchewan.



Leading experts and presenters in the symposium shared historical documents, Treaty knowledge, examples of best practices, the challenges, government barriers, cultural stories and teachings. The policing and court panels, keynote speakers, session presenters, and participants offered a wealth of perspectives and recommendations.

It is important to note, PAGC communities have been building a foundation for many years. 'Champions of change' have assisted efforts resulting in ground breaking transformation in practices and relationships across cultures.

These reconciliation efforts need to be complemented with federal and provincial government commitments to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to ensure basic human rights are enforced. First Nations communities require proper housing; employment and income assistance; accessible education and training; health and wellness supports; adequate food; and, cultural revitalization programs. 'Community investment' by governments must be a priority in order to improve quality of life.



First Nations have taken increased control of their own programs and services for several decades. This needs to be commended. Reclaiming self-sufficiency is essential after years of government imposed dependency through the Indian Act. There have been many successes in a relatively short period of time. PAGC's focus is to 'occupy' different fields and societal sectors in the spirit of balance and equalizing Treaty relationships. These include fields of policing, courts, corrections, and outreach services.

First Nations within the Prince Albert Grand Council region have and continue to build capacity as they move toward self-determination. Youth are graduating from high schools in record numbers and furthering their education in universities and colleges. There are many First Nations professors, lawyers, judges, police officers, corrections officials, court and justice workers, administrators, mental health clinicians, doctors, nurses, and other professionals in different sectors. Nationhood building requires an educated work force.

The goal of Prince Albert Grand Council is to advocate for First Nations who want to take control of the policing and justice sectors. Each community will have their own answers and perspectives of how this will be achieved based on capacity levels and government funding.

Harold Johnson suggests a change in the Criminal Code of Canada by replacing the concept of 'deterrence' with 'redemption' which allows criminals to earn their way back into society. However, a northern-wide strategy is needed to transform Justice and Policing with long-term and short-term goals complete with action plans that need to be enforced and implemented.

FIRST NATIONS COURT SYSTEM AND FIRST NATIONS POLICING



A long-term goal is to establish a northern First Nations Court system. Dr. Beverly Jacobs, law professor from University of Windsor argued that First Nations laws are found in the worldview, ceremonies, protocols, songs, dances, stories, traditional values, and kinship systems. Indigenous research methodologies and protocols exist. British Columbia First Nations in collaboration with law schools are conducting this type of research to complement the establishment of their own court system and policing.

Influential Cree lawyer Donald Worme, keynote speaker at the gathering, stated that Indigenous traditions are necessary and needed in the justice system:

“There has to be an opportunity for true development of systems that work. And as Indigenous people, we know what systems work. We have them in our communities. We have used them in our communities, and there are still vestiges of those social-controlled constructs that are alive and well. They are completely ignored. They are not brought into the Euro-Canadian justice system ... The clash is between there being a true appreciation and an understanding for Indigenous laws and legal

traditions. It's not accepted as a reality in this province." (Saskatoon Star Phoenix, November 7, 2019).

A short-term goal is to establish a First Nations Police Force in northern Saskatchewan. Keynote speaker, Dr. Rick Linden from the University of Manitoba shared information on the First Nations Policing Policy of 1991. First Nations Police Chiefs from Ontario, Manitoba, Saskatchewan, and Alberta who attended the symposium made presentations on how and why they established their own police services. They shared stories of the challenges and best practices. They offered recommendations on next steps for Prince Albert Grand Council.

There are currently two models of Policing. The Community Tripartite Agreement (CTA) model, which involves the RCMP and currently exists in northern Saskatchewan, and the Self-Administered Agreement (SA) model, which allows First Nations communities to develop policing services that reflect northern cultures and traditions.

The SA model will need to be phased-in with the assistance of the RCMP. High quality training is recommended beyond the sixth month of training provided at the RCMP depot in Regina. Specialization will require on-going professional development in police colleges. Ontario, Quebec, Labrador, and Newfoundland currently operate outside of the RCMP.

Prince Albert Grand Council recommends some of the police training be offered 'on the land' in northern Saskatchewan. The cultures and languages of First Nations people are rooted in the lands, lakes, and rivers. Elder and community involvement using restorative justice practices and processes are essential in the training of police officers.



RECOMMENDATIONS

The following symposium recommendations will become the foundation of a northern-wide strategy document that will be developed with short, medium, and long-term goals and objectives. This guiding document can then be used by a Task Force to establish action plans.

THE MESSAGE IS CLEAR: PRINCE ALBERT GRAND COUNCIL MUST OCCUPY THE FIELDS OF POLICING, COURTS, & CORRECTIONS in order to better reflect First Nations cultures and contemporary realities:

- ◆ The Prince Albert Grand Council and Canadian citizens in general must work together to decolonize policing, courts, and corrections in order to address the Calls to Action in the TRC and MMIWG final reports.
- ◆ First Nations have an Inherent and Treaty Right to establish their own court systems and police forces. This was reinforced in the 1996 Royal Commission on Aboriginal Peoples Report (RCAP), the 2015 Truth and Reconciliation Commission Report (TRC), and the 2019 Final Report on Missing and Murdered Indigenous Women and Girls.



- ◆ First Nations have a right to establish their own constitutions, legislation, laws, standards, principles, and practices;
- ◆ First Nations communities and grassroots people must be the guiding force in the development of court systems and policing;
- ◆ Police officers, lawyers, judges, and corrections officers must actively learn the social, historical, political, economic, and cultural realities of First Nations people;
- ◆ First Nations worldviews of interdependence and relationships with all Creation and humans

is the guiding framework and paradigm for the development of First Nation Court Systems and First Nation Police Services;

- ◆ *The First Nations Languages Act* must be enforced in policing, courts, and corrections;
- ◆ First Nations traditional value systems must frame the practices in policing, courts, and corrections;
- ◆ First Nations Laws are entrenched in the land, lakes, rivers, and within stories, ceremonies, prayers, songs, dances, oral languages, symbol systems, metaphors, arts, crafts, and kinship systems;
- ◆ Involve Elders, traditional land users, hunters, trappers, fishers, Elders, ceremonial keepers,



storytellers, and women in the development of First Nations laws;

- ◆ Involve First Nations lawyers, judges, professionals, experts, professors, and consultants as technicians in the development of First Nations laws, police services and court systems;
- ◆ Establish Restorative Justice training in northern Saskatchewan that reflects PAGC cultures, traditional customs, practices, and processes;
- ◆ Incorporate First Nations Restorative Justice processes as diversion and alternative sentencing approaches to sentencing;
- ◆ Build on best practices on respectful and proactive cultural-based community policing as opposed to reactive and punitive approaches;
- ◆ Police must develop relationships with First Nations people by participating in community activities, attending fun-filled events, visiting and helping the elderly, and working with youth;
- ◆ Mental health and cultural-based supports are needed by police officers and community safety officers to deal with post-traumatic stress disorders (PTSD) from repeated exposure to critical incidents;
- ◆ Establish funding mechanisms and fiscal relations so that First Nations police services are provided funding equal to that of municipal and federal forces in order to provide adequate safety in communities that are challenged with complex social and psychological upheaval; and,
- ◆ Amend provincial police acts to accommodate First Nations Police Services for the purposes of equal funding.



Guiding Documents for Community Development

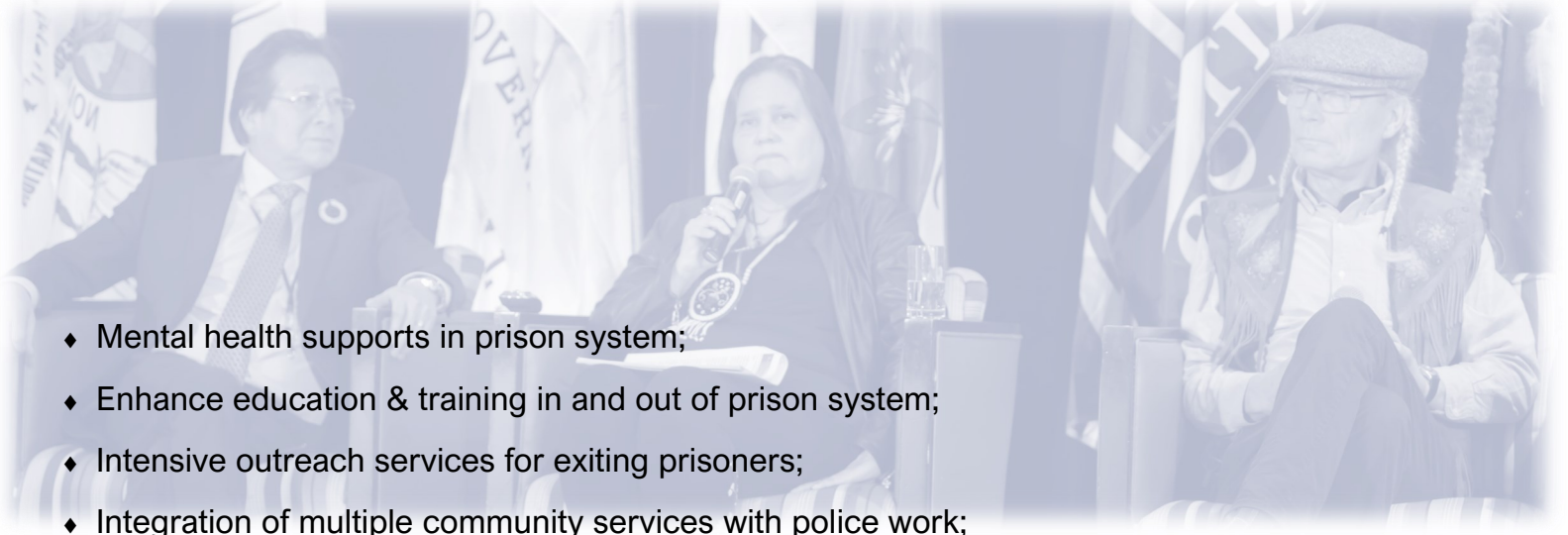
- ◆ Royal Proclamation of 1763;
- ◆ PAGC Numbered Treaties; Content directly related to policing;
- ◆ Royal Commission on Aboriginal Peoples Report (1996);
- ◆ United Nations Declaration on the Rights of Indigenous Peoples;
- ◆ Truth and Reconciliation Calls to Action (2015);
- ◆ MMIWG Final Report Recommendations (2019);
- ◆ First Nations Policing Policy (1991); and,
- ◆ Other research studies including Aboriginal justice inquiries.



Guiding Elements for Developing Courts and Policing

- ◆ Reinforce a paradigm shift based on restorative justice, balance, harmony, and community health & wellness;
- ◆ Focus on healing from colonization & residential schools;
- ◆ Involve Elders & knowledge keepers;
- ◆ Place spirituality at the center of community development;
- ◆ Concentrate on relationship building;
- ◆ Develop partnerships;
- ◆ Reinforce on-going capacity building;
- ◆ Cultural sensitivity & anti-racist training for police officers;
- ◆ Long-term sustainable, and predictable funding;
- ◆ Community mobilization & action;
- ◆ Articulation of First Nations laws through community-based research;
- ◆ Draft First Nations legislation, laws, standards, & practices;
- ◆ Family involvement with a focus on youth development;
- ◆ Empower women in communities by enforcing gender equality;
- ◆ Implement holistic development practices;
- ◆ Concentrate on crime prevention;
- ◆ Land-based education and cultural-based excursions;
- ◆ Healing lodges that are properly funded;
- ◆ Community members working with police officers;
- ◆ Establish Community Safety Officers/Peacekeepers;
- ◆ Implement Gladue Report submissions to courts;





- ◆ Mental health supports in prison system;
- ◆ Enhance education & training in and out of prison system;
- ◆ Intensive outreach services for exiting prisoners;
- ◆ Integration of multiple community services with police work;
- ◆ Implement a Task Force on First Nations Policing;
- ◆ Enforcement & monitoring of action plans;
- ◆ Commit to government accountability & responsibility;
- ◆ Work on economic base through resource sharing agreements; and,
- ◆ Develop new fiscal relations.





Possible Steps to Establishing a First Nations Police Force

- ◆ Letter of Intent to Federal Minister of Public Safety
- ◆ Letter of Intent to Provincial Justice Minister
- ◆ Letter of Intent to Provincial Minister of Corrections & Policing
- ◆ Community Readiness – Needs Analysis - Feasibility Study
- ◆ PAGC Resolution to Establish First Nations Police Force
- Develop Working Group – Terms of Reference
- Partnerships with other Tribal Councils
- Memorandum of Understanding – Tripartite Agreement
- Proposal Development – Focus on Several Police Departments
- Join Saskatchewan Police Services Act – Funding arrangement
- Governance – First Nation Police Commission Creation
- Hire Experienced Chief of Police - Deputy Chief of Police – Inspectors - Sergeants of Detachments – Police Constables
- Hire First Nations Police Officers that Can Speak the Language
- Hire First Nations Women – Gender Equality
- Determine role of RCMP after establishment of FN Police Force
- Training - High Quality – University or College
 - ◆ Intensive Culturally Sensitive Training
 - ◆ On-Going Professional Development of Officers
- Recruitment - Hire from Other Police Forces
- Implement Community Safety Officers – Peacekeepers
- Implement Youth Cadet Programs – Role Models



Recommendations to PAGC Chiefs

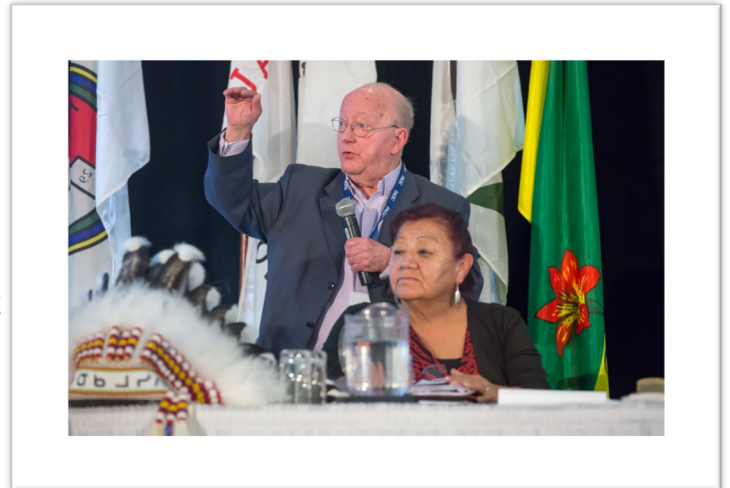
1. Review the Symposium Recommendations Report;
2. Develop and pass a resolution giving the mandate for PAGC to work on establishing a First Nations Police service as a short term goal and a First Nations Court System as a long-term goal;
3. Establish a Task Force on Justice to transform Policing, Courts, and Corrections that will reflect northern First Nations cultures and contemporary realities;
4. Sign an MOU with the Minister of Justice and Minister of Corrections and Policing; Integrate a 'without prejudice' clause – to respect and protect other First Nations interest and priorities who may be pursuing their own arrangements, in negotiations for an agreement, or are pending arrangements;
5. Establish a PAGC First Nations Policing and Justice Commission; and,
6. Re-organize and enhance capacity of the PAGC Justice Department to work on First Nations Policing, Court System, and Corrections.

Long-term Goals

1. Involve the University of Saskatchewan Law Centre to research First Nations Laws;
2. Initiate community-based First Nations consultations on the development of research methodologies, protocols, and cultural sites of inquiry;
3. Identify research team; research process; and a cultural sensitive research plan;
4. Implement drafting instructions of First Nation Laws guided by local communities;
5. Review and adopt First Nations Laws for implementation and enforcement.

APPENDIX 1: Truth and Reconciliation Commission of Canada—Calls to Action (Justice Sector)

25. We call upon the federal government to establish a written policy that reaffirms the independence of the Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.
26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal– Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and antiracism.
29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.



32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences. 4 | Truth and Reconciliation Commission of Canada

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.

34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:

- i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
- ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
- iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
- iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.



35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.

36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.

37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.

38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

39. We call upon the federal government to develop a national plan to collect and publish data

on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

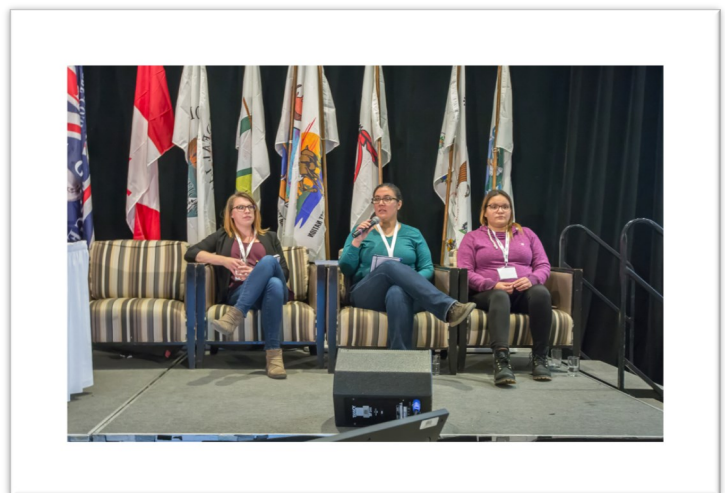
40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:

- i. Investigation into missing and murdered Aboriginal women and girls.
- ii. Links to the intergenerational legacy of residential schools.

42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.



44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples. Royal Proclamation and Covenant of Reconciliation

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and terra nullius.
- ii. Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

- 
- iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.

46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:

- i. Reaffirmation of the parties' commitment to reconciliation.
- ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and terra nullius, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
- iii. Full adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
- iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
- v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.
- vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.



APPENDIX 2: Self-government and Joint Policing

The Treaties are the sole constitutional foundation that can legitimize Canada's rule over the Western Treaty Nations, the communities descended from the original Treaty signatories.

The Numbered Treaties in Saskatchewan recognize and affirm the inherent right of self-government of the signatories. This is evident not only in the fact that the Treaties were entered into with representatives of the people that they represented but also in the text of the Treaties.

Most relevant for this Symposium is the 'joint policing power' as an aspect of the Treaty recognition of the 'criminal justice' power;

The most significant paragraph is exemplified by the last one in Treaty Five in which it was agreed that;

'the undersigned Chiefs, on their own behalf and on behalf of 'any Indian' within the Treaty Territory, would 'maintain peace and good order between each other, and also between themselves and other Tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of the said ceded tracts, or the property of Her Majesty the Queen, or interfere or trouble any person passing or travelling through the said tracts, or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.'

The above paragraph acknowledges the power of the Treaty signatories to bind their members, and to conduct 'inter-nation' relations that have legal effect. The paragraph also affirms the right to occupy the Treaty Territory and to defend it and to control and administer that Territory, subject to the Treaty, including the power and right to enforce their own laws and to cooperate with public officers in policing the application of Canada's laws. This is the 'joint policing power' of the Numbered Treaties. Canada has undertaken to deal with members of the Western Treaty Nations in its 'justice system' only in cooperation with the Treaty Nations. This obligation has not been respected. Canada has an outstanding constitutional obligation to create joint policing institutions and to negotiate the means by which it will cooperate in the administration of justice.

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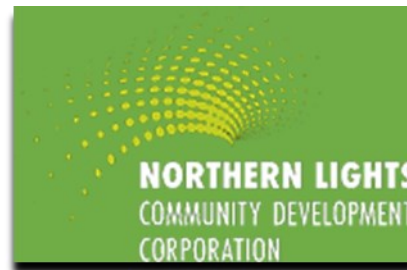
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Thank you also to the organizations and individuals who purchased vendor tables.





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