

**Evidentiary Submission on Education, Health, the Family, Justice Oversight, and Policing
National Inquiry into Missing and Murdered Indigenous Women and Girls**

Pursuant to Practice Direction:

***Public Submission of Information to the
Record Outside of Witnesses, and***

Rule 33

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820 - 1874 Scarth Street
Regina, Saskatchewan
S4P 4B3

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1. RECONCILIATION

a. Responding to the Calls to Action of the Truth and Reconciliation Commission: Challenges and Successes

The Government of Saskatchewan is committed to reconciliation with Indigenous people and, in particular, to addressing the systemic causes of violence against Indigenous women and girls. Important strategies that are aligned with the Calls to Action of the Truth and Reconciliation Commission include working with Indigenous communities on issues related to poverty reduction, disabilities, child welfare, mental health and addictions, and improving educational outcomes.

Among the provinces, Saskatchewan has the second highest percentage of Aboriginal people, after Manitoba.¹ According to the 2016 Census, the average age of those who self-identified as “Aboriginal” was 28.2 years compared to 40.6 years for non-Aboriginal people. At that time, 42.5% of the total Saskatchewan Aboriginal population was under the age of 19.² For Saskatchewan, it is a public priority that these young people have the educational and employment opportunities that enable them to thrive.

Saskatchewan shares in Canada’s legacy of residential schools and disproportionate levels of violence against Indigenous woman and girls. Of the 139 recognized residential schools that existed across Canada, Saskatchewan was home to 20 residential schools and the highest

¹ “Statistics Canada, 2016 Census Highlights,” <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/hltfst/abo-aut/Table.cfm?Lang=Eng&T=101&D1=4&D2=1&D3=1&RPP=25&PR=0&SR=1&S=102&O=D> (last accessed May 2, 2018). Note that this statistic is “among the provinces” but not the territories.

² “Saskatchewan Aboriginal Peoples, 2016 Census” (October 25, 2017), <http://www.publications.gov.sk.ca/redirect.cfm?p=86690&i=104388> (last accessed May 8, 2018).

number of residential school claimants.³ Aboriginal people are disproportionately represented as victims of crime generally. Nationally, “Aboriginal women experience dramatically higher rates of violent victimization than non-Aboriginal women” and “on average 25% to 50% of Aboriginal women were victims of sexual abuse as children compared to 20% to 25% average rate within the non-Aboriginal population”.⁴ As of 2009, the self-reported violent victimization rate among Aboriginal women aged 15 or older in the Canadian provinces was almost three times higher than among non-Aboriginal women.⁵

The issue of violence is both complex and challenging, and the province is committed to addressing the underlying factors of marginalization, victimization, and offending, which relate to the over-representation of Indigenous people as victims and offenders in the criminal justice system. One of those causes, as identified in the Commission’s Interim Report, is the existing gap in education, skills, and employment training as between Indigenous and non-Indigenous people. The Commission has called on all governments to bridge the gap, and in so doing, to focus on the welfare of students by incorporating Indigenous Peoples’ history and culture into provincial curricula.⁶ Saskatchewan is proud of its history as a leader in provincial Treaty education and of the educational achievements of its Indigenous population, and acknowledges that improvements must continue to be made.

³ “Independent Assessment Process (IAP) Statistics from September 19, 2007 to March 31, 2018,” <http://iap-pei.ca/stats-eng.php> (last accessed May 8, 2018); see also “Indigenous and Northern Affairs Canada, Recognized Indian Residential Schools,” <https://www.aadnc-aandc.gc.ca/eng/1100100015606/1100100015611> (last accessed May 8, 2018).

⁴ Aboriginal Victimization in Canada: A summary of Literature, Department of Justice, by Katie Scrim, 2015, <http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd3-rr3/p3.html> (last accessed May 9, 2018).

⁵ The Canadian Centre for Justice Statistics (CCJS) Juristat, “Violent Victimization of Aboriginal women in the Canadian provinces, 2009” (released in May 2011), <http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11439-eng.pdf> (last accessed May 8, 2018).

⁶ The National Inquiry Into Missing and Murdered Indigenous Women and Girls, Interim Report at 46.

With respect to post-secondary education, although gaps still exist, Statistics Canada has reported that for the population aged 15 and older, there was a 48% increase from 2007 to 2017 in the number of First Nations and Métis graduates in Saskatchewan who have a post-secondary certificate, diploma or degree.⁷

Saskatchewan is cognizant of the strong positive correlation between increased educational attainment and higher earnings over a lifetime (and reduced unemployment), better health outcomes and lower criminal activity. Enhanced educational attainment provides promise for the future.

Although there remains much work to be done, the Government of Saskatchewan has been working on many fronts to reduce violence against Indigenous women and girls, to provide services to those who have been victimized, to improve health outcomes, and to address housing needs of Indigenous people off reserve. This evidence submission will begin by providing a snapshot of the Indigenous population in Saskatchewan, and then detail efforts along the road to reconciliation, including:

- Engaging traditional knowledge through an Elders Forum;
- Providing education and training to government employees;
- Providing mandatory treaty education in schools as well as Indigenous language curricula and programs to improve educational outcomes;

⁷ Statistics Canada, Labour Force Survey custom tabulation for “Rate of Educational Attainment of First Nations, Métis and Non-First Nations and Métis Populations 15 Years and Over”.

- Closing the postsecondary education gap in educational attainment between Indigenous and non-Indigenous people; and,
- Providing adult basic training, employment programming and apprenticeship training to engage Indigenous people in the labour force.

The submission will provide an overview of initiatives to improve health outcomes, address housing needs, and provide more culturally responsive and family-centered child welfare services. Lastly, the submission will describe some of Saskatchewan’s partnerships with Indigenous people to improve programs and services in the areas of justice, corrections, and policing.

This submission is intended to provide additional information to the Commission about Saskatchewan programs and services in an effort to advance the mandate of the National Inquiry, and not to detract from the serious and complex challenges of violence against Indigenous women and girls; the over-representation of Indigenous people in the child welfare system; and the over-representation of Indigenous people in the correctional system.

b. Indigenous People in Saskatchewan

Saskatchewan, which has a total population of 1,070,560, is home to 175,015 individuals (16.3%) who self-identified as “Aboriginal” in the 2016 Census.⁸ Of these individuals, approximately two thirds are First Nation, and one third Métis. First Nations people make up 10.7% of the Saskatchewan population (114,570 individuals) and Métis make up 5.4% (57,880

⁸ “Statistics Canada, 2016 Census Highlights,” <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/hltfst/abo-aut/Table.cfm?Lang=Eng&T=101&S=99&O=A> (last accessed May 2, 2018).

individuals). 360 people self-identified as Inuit, and another 2,205 individuals either provided multiple Aboriginal responses or Aboriginal identities not included elsewhere.⁹

There are 74 First Nations in Saskatchewan. Most are affiliated with one of nine Tribal Councils.¹⁰ Approximately equal numbers of First Nations people live on reserve (47.5%) and off reserve, in Treaty 2, 4, 5, 6, 8 and 10 territories. When First Nations and Métis are considered together, they make up the following percentages of Saskatchewan's three largest cities: 10.7% of the population of Saskatoon, 9.1% of the population of Regina, and 39.2% of the population of Prince Albert.

Sixteen percent of Saskatchewan Aboriginal people self-identified as having an Aboriginal language as one of their mother tongues. 26,895 individuals indicated having knowledge of at least one Cree language; 9,070 of Dene; 1,290 of Ojibway; and 505 of a Siouan language. Of the total Aboriginal population in Saskatchewan, 90,290 identified as female (51.6%) and 84,725 identified as male (48.4%).¹¹

2. THE ROAD TO RECONCILIATION

a. Elders Advisory Committee: Engaging Traditional Knowledge

In 2004-2005, following the Saskatchewan Commission on First Nations and Métis Peoples and Justice Reform, which released its final report on June 21, 2004, the Ministries of Justice and

⁹ "Statistics Canada, 2016 Census Highlights," <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/hltfst/abo-aut/Table.cfm?Lang=Eng&T=103&S=88&O=A&RPP=25> (last accessed May 2, 2018).

¹⁰ "Indigenous and Northern Affairs Canada, First Nations in Saskatchewan," <https://www.aadnc-aandc.gc.ca/eng/1100100020616/1100100020653> (last accessed May 2, 2018).

¹¹ "Statistics Canada, 2016 Census," <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/hltfst/abo-aut/Table.cfm?Lang=Eng&T=103&S=88&O=A&RPP=25> (last accessed May 2, 2018). Only the options of male/female were provided in the 2016 Census.

Corrections and Public Safety established a *Traditional Elders Ministerial Advisory Committee* to provide advice to the provincial Government on a broad range of justice-related issues and programs. In 2012, the Committee was recast as the Ministry of Justice Elders Forum. The Forum is representative of a range of Indigenous linguistic groups, of most geographic areas of the province, and of both on-reserve and off-reserve areas throughout the province. Members of the Forum are expected to have some knowledge of the criminal justice system. The Forum, which includes male and female Elders, meets regularly throughout the year to discuss policy, operational and program issues that are topical and important to the Elders.

Countless initiatives have benefited from the advice of the Elders, in a significant way, including:

- the implementation of the recommendations of the Commission on First Nations and Métis Peoples and Justice Reform;
- the establishment of a new Public Complaints Commission for complaints against municipal police; the redesign of the Coroners' Office;
- establishment of the Safer Communities and Neighbourhood initiative; advice regarding Saskatchewan Provincial Court jury selection;
- advice on the involvement of Elders in family justice matters;
- design of the new Regina Provincial Correctional Centre;
- employment training and several matters related to youth at risk, youth in custody and reintegration into the community.

This important engagement has provided government officials with an enhanced appreciation of Indigenous culture and teachings as well as cultural protocols. Lastly, the Ministry of Justice funded the participation of members of the Elders Forum in the National Inquiry's Community Hearings in Saskatoon in November 2017.

b. Educating Government Employees

The Government of Saskatchewan is committed to providing training to all employees. The Saskatchewan Public Service Commission has a five-year contract with Aboriginal Consulting Services, an Indigenous-owned and operated firm, for Aboriginal Awareness Training. The contract is in place until January 31, 2022, when it is intended that all public service employees will have received the training. The first session was delivered in March 2017, with sessions offered continuously since. As of October 31, 2018, 48 classes have been conducted and 1335 employees have completed the training. In addition, an Aboriginal Awareness training session was held in June 2017 specifically for 60 senior leaders from across Executive Government and Treasury Board Crown Corporations. This allowed leaders to gain a thorough understanding of the workshop content, as well as insights and recommendations on how they could extend the training to all employees in their organizations.

Several ministries also have internal training programs, specific to the business of the ministry, to enhance intercultural competence. For example, the Ministry of Social Services provides five types of cultural awareness training for its Child and Family Programs staff:

- (1) *Truth and Reconciliation Workshop* – developed and facilitated by First Nations Training Consultants. Participants are introduced to the Final Report of the TRC and

guided through an overview of the TRC's findings, including the history of residential schools, the legacy, the challenges of reconciliation, and the Calls to Action;

(2) *Working with First Nations* – a workshop facilitated by the First Nations Training Consultant and an Elder. The objective is to teach and share knowledge of Aboriginal culture, tradition and beliefs with Child and Family Programs staff who have direct contact with Indigenous families and communities;

(3) *Touchstones of Hope – Reconciliation in Child Welfare* – Using a reconciliation framework that respectfully engages First Nations and non-Aboriginal people (bringing them together in sessions that embody a community-based reconciliation philosophy), these two-day sessions are facilitated by First Nations Training Consultants and an Elder;

(4) *CORE Training* – This training involves four modules that provide: (i) a First Nations historical overview of child welfare including residential schools and the 60's scoop; (ii) a general overview of human development from the perspective of the Indigenous worldview through the teachings of an Elder; (iii) reflection on the experiences and learning of two Indigenous children who committed suicide after having involvement with the child welfare system; and (iv) a comprehensive training package that accurately reflects Saskatchewan's First Nations and Métis populations and their unique cultural considerations;

(5) *First Nations Supervisory Training* – a three-day First Nations Supervisors training session facilitated by the First Nations Training Consultants and an Elder. It provides core elements of effective supervisory training and development within the framework of the First Nations Agencies, including reconciliation in child welfare; supervision and outcomes of supervision; roles of the supervisor; accountability; change process; communication in casework supervision; critical thinking and common errors of reasoning in child welfare; designing meetings; time management; and a closing Circle.

3. RECONCILIATION THROUGH EDUCATION

a. Treaty Education in Schools, Indigenous Language Curricula, and Indigenous Content, Perspectives and Ways of Knowing

The TRC Calls to Action highlight the importance of incorporating Indigenous issues into provincial curricula.¹² The Ministry of Education created an action plan in response to the TRC in which it committed to continued engagement with First Nations and Métis people through the Government’s key initiatives that align with the Calls to Action. The ministry is also promoting increased cultural awareness and cultural competency for all staff through a number of ministry-wide learning opportunities.

The Ministry of Education has created an online educational toolkit entitled “Supporting Reconciliation in Saskatchewan Schools” that contains a wide range of resources for professional development and classrooms. The toolkit can be accessed on this site:

¹² Truth and Reconciliation Commission of Canada: Calls to Action, http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf (last accessed May 8, 2018). Recommendation 62 calls for age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples’ historical and contemporary contributions to Canada.

<https://www.edonline.sk.ca/webapps/moe-curriculum-BBLEARN/>. In addition to these public resources, all K-12 teachers and administrators in Saskatchewan can log in to obtain further resources and classroom supports.

First Nations and Métis education is a ministry-wide undertaking, not just the work of a single Branch, and there is a First Nations and Métis Advisor in the Deputy Minister's Office, whose role is to provide recommendations and guidance to the Ministry of Education.

In 2007, Saskatchewan, in collaboration with the Office of the Treaty Commissioner, implemented mandatory Treaty education in its provincial curricula. As a result, curricula provide multiple opportunities for students to learn about treaties in all subject areas and grade levels.¹³

K-9 Treaty Education Learning Resource, has been created in collaboration with the Office of the Treaty Commissioner. This new resource, found on the curriculum website, is easy to use and includes suggestions for integrating Treaty education into a range of subject areas at each grade. It provides sample learning activities and links to related resources and ensures First Nations and Métis content, perspectives and ways of knowing continue to be a priority within Saskatchewan classrooms. This resource was released in November 2018.

The Ministry of Education currently has a contract with the Saskatchewan Teachers' Federation to evaluate learning resources that connect to Saskatchewan curricula. Recommended resources are posted online for teacher use, including resources about residential

¹³ "Moving it Forward with Mandatory Treaty Education" (News Release), <https://www.saskatchewan.ca/government/news-and-media/2008/september/15/moving-forward-with-mandatory-treaty-education> (last accessed May 8, 2018).

schools, Treaties and other First Nations and Metis content, perspectives and ways of knowing. A recent upgrade allows users to filter by subject including Treaty education and truth and reconciliation.

In 2009, the Ministry released a key policy framework to guide the development of First Nations and Métis education plans at the provincial, school division, and school levels, and to ensure that Indigenous perspectives and ways of knowing shape the learning experience for all students. The vision was to create a culturally responsive system that benefits all learners.

The Ministry of Education recently led a process to renew and update the policy framework in collaboration with First Nations and Métis education representatives, Elders and Traditional Knowledge Keepers, post-secondary and provincial education sector stakeholders. Following this process, the Ministry of Education released the renewed *Inspiring Success: First Nations and Métis PreK-12 Education Policy Framework* to the education sector on June 13, 2018.¹⁴ Renewal and implementation of Inspiring Success is a key action of the Ministry of Education Plan for 2018-19¹⁵ and supports the Education Sector Strategic Plan (ESSP)¹⁶ First Nations and Métis Achievement Outcome, to increase the First Nations and Métis graduation rate to 65% by 2020.

¹⁴ “Inspiring Success: First Nations and Métis PreK-12 Education Policy Framework,” <http://publications.gov.sk.ca/documents/11/107115-Inspiring%20Success%20Policy%20Framework.pdf> (last accessed September 7, 2018).

¹⁵ Ministry of Education, Plan for 2018-19, <http://publications.gov.sk.ca/documents/15/106265-EducationPlan1819.pdf> (last accessed November 5, 2018).

¹⁶ Education Sector Strategic Plan, 2014-2020, <http://publications.gov.sk.ca/documents/11/100620-ESSP%20Level%201%20Cycle%203%20Matrix%20-%20FINAL.pdf> (last accessed November 5, 2018)

First Nations and Métis content, perspectives and ways of knowing continue to be integrated into renewed curricula. The new *Catholic Studies 9, 10, 20 and 30* curricula were vetted by First Nations and Métis Elders from across the province.¹⁷ In these curricula, truth and reconciliation is directly addressed. For example, ideas for inquiry proposed for the Grade 9 course include residential schools and cultural, linguistic and spiritual loss; reclaiming cultures, languages and identities; reconciliation and the Truth and Reconciliation Commission of Canada Calls to Action. The Ministry of Education also developed social studies texts (published in 2014) for students in grades 4 to 7 that specifically address the impact of residential schools and their lasting effects. The history of residential schools is also taught in grades 4, 7, 8 and 10 Social Studies.

Provincial *Nēhiyawēwin 10, 20 and 30* (Cree language) curricula are available online at: <https://www.edonline.sk.ca/bbcswebdav/library/curricula/English/More/nehiyawiwin-10-20-30.pdf>. These courses develop basic functional command of *Nēhiyawēwin* and also cover content in human relationships, relationships to the natural environment and cultural lifestyles. In addition to providing an opportunity to develop basic functional command of *Nēhiyawēwin*, the curricula cover content areas in human relationships, relationships to the natural environment and cultural lifestyles. Saskatchewan schools also have access to locally developed courses for Dene, Michif, Nakawe and Saulteaux, as well as Cree Cultural Programs, at the 10, 20 and 30 levels (grades 10, 11, 12).

¹⁷ http://publications.gov.sk.ca/documents/11/99544-catholic_studies_9_dec28_2016.pdf; http://publications.gov.sk.ca/documents/11/99547-catholic_studies_10_dec28_2016.pdf; http://publications.gov.sk.ca/documents/11/99549-catholic_studies_20_dec28_2016.pdf; http://publications.gov.sk.ca/documents/11/99551-catholic_studies_30_dec28_2016.pdf (last accessed November 5, 2018).

The Ministry of Education works closely with the Ministry of Health on several initiatives related to schools that address recommendations in the 2014 provincial plan *Working Together for Change: A Ten Year Mental Health and Addictions Action Plan for Saskatchewan*.¹⁸ There is a close connection between bullying and mental health.

Saskatchewan's Action plan to Address Bullying and Cyberbullying (2013) includes initiatives that support mental health for Saskatchewan students.¹⁹ Examples include the Saskatoon Restorative Action Program, the Kids Help Phone, the Bullying Saskatchewan Student Online Reporting Tool, the I Am Stronger website and fYrefly, a gender and sexual diversity toolkit to support school divisions.

In order to prevent and respond to traumatic events, the Ministry of Education also supports Violence and Threat Risk Assessment training in school divisions and schools. The Ministry of Education is supporting school divisions by providing funding for training in Mental Health First Aid.

In addition, there are various programs aimed at improving educational achievement for Indigenous youth, including:

¹⁸ "Working Together for Change: A Ten Year Mental Health and Addictions Action Plan for Saskatchewan," <https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/saskatchewan-health-initiatives/mental-health-and-addictions-action-plan> (last accessed October 25, 2018).

¹⁹ Ministry of Education, Saskatchewan's Action Plan to Address Bullying and Cyberbullying, November 2013, <http://publications.gov.sk.ca/documents/11/85652-Campeau%20Report%20on%20Bullying%20and%20Cyberbullying%20Final.pdf> (last accessed November 5, 2018).

- *First Nations and Métis Education Achievement Fund* – supports equitable outcomes and improved student achievement for First Nations and Métis students through the Prekindergarten to Grade 12 funding model.²⁰
- *Help Me Tell My Story* – *Help Me Tell My Story* is an optional Prekindergarten and Kindergarten assessment of oral language development. *Help Me Talk About Math* is an optional Grade 1 assessment of math concepts and skills. *Help Me Tell My Story* and *Help Me Talk About Math* are rooted in First Nations ways of knowing, culture and perspectives and align with the Education Sector Strategic Plan by addressing early years goals, family engagement, improving First Nations and Métis student engagement graduation rates.²¹
- Students, teachers and parents have access to a provincially licensed perceptual survey to measure engagement, instruction and school climate, with the goal of improving the engagement and achievement of all students. It informs school learning improvement plans.²²

²⁰ Education Funding Branch, Ministry of Education, *2018-2019 Funding Manual*, April 2018, <http://publications.gov.sk.ca/documents/11/106305-2018-19%20Funding%20Manual.pdf> (last accessed November 5, 2018).

²¹ “About Help Me Tell My Story,” <https://www.saskatchewan.ca/residents/education-and-learning/prek-12-education-early-learning-and-schools/holistic-assessment/about-help-me-tell-my-story> (last accessed May 8, 2018).

²² Government of Saskatchewan, “Comprehensive School Community Health, Better Health = Better Learners,” January 2018, http://publications.gov.sk.ca/documents/11/105463-CSCH%20eNewsletter%20January%202018_e.pdf (last accessed November 5, 2018).

- *Following Their Voices* – a made-in-Saskatchewan First Nations, Métis and Inuit student achievement initiative modeled after the Te Kotahitanga project in New Zealand, one of the most successful large-scale change initiatives affecting the academic success of Indigenous students.²³ The initiative is designed to improve Indigenous student outcomes by engaging and supporting students through changes in student-teacher relationships and interactions, teacher instructional practices and the learning environment. It began by conducting research with First Nations and Métis students, their parents/caregivers, teachers and administrators on what is working well for students and what would make it even better. Advice and guidance from Elders and Knowledge Keepers was key to initiative development.²⁴ The Department of Indigenous Services Canada provides a financial contribution to the program for delivery in up to eight First Nations schools.
- *Invitational Shared Services Initiative* – created to bring together the provincial education system and First Nation education organizations to support students who live on reserve. Currently the Ministry of Education funds 16 partnerships between First Nations education organizations and school divisions, which focus on literacy, graduation, early learning and student engagement.²⁵

²³ “About Te Kotahitanga,” <http://tekotahitanga.tki.org.nz/About> (last accessed November 5, 2018).

²⁴ Following Their Voices Initiative,” <https://www.followingtheirvoices.ca/#/ftv/document/5> (last accessed May 8, 2018). See also: “Federal Funding Expands Following Their Voices To Reach More First Nations, Métis and Inuit Students” (News Release), <https://www.saskatchewan.ca/government/news-and-media/2017/june/08/following-their-voices> (last accessed May 8, 2018).

²⁵ “Government Invests in Students Through the Invitational Shared Services Initiative” (News Release), <https://www.saskatchewan.ca/government/news-and-media/2015/march/16/invitational-shared-services-initiative> (last accessed May 8, 2018).

- *Early Childhood Intervention Program* – a collaboration between families and professionals, using a family-centered approach to provide comprehensive, community-based, culturally sensitive services designed to meet the developmental challenges of eligible children and families. ECIP serves over 1,200 children annually. The program provides services to children from birth to school age who experience developmental delays. Indigenous families and children are enrolled in the program although the program is not targeted to them.²⁶ Families receive on reserve ECIP services funded by the First Nation and Inuit Health Branch of Indigenous Services Canada.
- *Prekindergarten* – The Ministry of Education funds 316 programs serving 5,056 three- and four-year old children and their families, many of whom are First Nations and Métis. Prekindergarten programs are offered in eight northern communities, in partnership with Aboriginal Head Start sites.²⁷
- *KidsFirst Targeted Program* – uses a variety of best practices, evidence-based policies, and outreach strategies to engage and support families. A cornerstone of the program is home visits, with vulnerable families being visited three times per month on average to deliver a hands-on parenting program that has been demonstrated to be highly effective. A component of the system of supports and services is flexible access to mental health and addictions services. Access is provided through dedicated resources. Early learning

²⁶ “Early Childhood Intervention Program,” <https://www.saskatchewan.ca/residents/family-and-social-support/child-care/early-childhood-intervention-program> (last accessed May 8, 2018).

²⁷ “Prekindergarten,” <https://www.saskatchewan.ca/residents/education-and-learning/prek-12-education-early-learning-and-schools/prekindergarten> (last accessed May 8, 2018).

and child care opportunities are sought in the community for *KidsFirst* families, there is enhanced access to prenatal care for hard-to-reach pregnant women, families identified as high risk have access to a range of intensive parenting and family support services outside of *KidsFirst*, and there are additional supports through literacy training, nutrition counselling and parenting programs.²⁸ The October 2015 *KidsFirst* provincial survey found approximately 54% of the active caseload were self-declared Indigenous people.

- *Summer Literacy Camps* – for the last four years, the Ministry of Education, in collaboration with other Ministries, has supported First Nations Summer Literacy Camps, which provide rich learning experiences during July and August to avoid summer reading loss.²⁹

i. Educational Outcomes

Following Their Voices -- *Following Their Voices* collects data on teacher practice, student engagement, credit attainment and graduation rates. Since the 2015-16 school year, data collected on participating teachers show increases in interactive instructional techniques from 27 per cent to 53 per cent of classroom time. Interactive instructional techniques promote active learning and engagement. Students in *Following Their Voices* schools report significantly higher engagement scores than the national average. Measures are related to positive teacher-student relations, intellectual engagement and effective learning time. Compared to baseline data

²⁸ “KidsFirst,” <https://www.saskatchewan.ca/residents/family-and-social-support/child-care/kidsfirst> (last accessed May 8, 2018).

²⁹ “Government of Saskatchewan Expands Summer Literacy Camp Program” (News Release), <https://www.saskatchewan.ca/government/news-and-media/2014/june/24/summer-literacy-camp> (last accessed May 8, 2018).

collected in the 2013-14 school year, data for Year 3 (2017-18) indicate the 3-year graduation rate has increased three percentage points. The percentage of students attaining eight or more credits in the school year has increased by four percentage points. When looking at this data over the last five years, the trends are meaningfully higher than the combined results for all provincial school divisions. There are 570 teachers currently participating in the initiative and as of October 2018, there are 14,600 students enrolled in *Following Their Voices* schools, with 8,800 self-declaring as First Nation, Métis or Inuit.³⁰

High School Graduation Rates – Three-year (on time) graduation rates are calculated as the percentage of students who complete Grade 12 within three years of starting Grade 10. Five-year (extended-time) graduation rates are calculated as the percentage of students who complete Grade 12 within five years of starting Grade 10. Saskatchewan’s three-year graduation rate of self-identified First Nations and Métis students has improved from 32.9 per cent in the 2010-2011 school year, to 44.5% in 2017-2018. The five-year graduation rate shows greater improvement, rising from 47.1% in 2008-2009 to 59.4% in 2017-2018.³¹

b. Post-Secondary Education

The Saskatchewan Government recognizes that there are strong positive correlations between increased educational attainment and:

- higher income;

³⁰ Data will be released later in this school year at www.followingtheirvoices.ca.

³¹ Annual Report, 2017-18, Ministry of Education, <https://publications.gov.sk.ca/documents/15/107654-Annual-Report-2017-18-Final-web.pdf> (last accessed November 5, 2018). This annual report provides the data to June 2017. The information has been updated to June 2018 in this document and will appear in the Annual Report for 2018-19.

- lower unemployment rates;
- better health outcomes; and,
- lower criminal activity.³²

Improving educational outcomes of Indigenous students is an important commitment.

Post-secondary institutions contribute to this goal by working to enroll more Indigenous people in post-secondary education and training. A document prepared in October 2016 entitled “First Nations and Métis Initiatives: Promising Practices and Challenges in Saskatchewan’s Post-Secondary Sector” can be found at this link:

<http://www.publications.gov.sk.ca/redirect.cfm?p=88432&i=105088>.

As this report indicates, those without a post-secondary credential have lower-than average employment rates (31.1% among First Nations; 50.2% among Métis), but the rates for members of the same populations with a post-secondary credential are considerably better (68.2% among First Nations; 80.4 % among Métis). The report indicates efforts being made in relationships with First Nations communities, Indigenization (creating “post-secondary environments that are meaningful to and reflective of Indigenous students”), flexible education and training options, customized supports, the role of Elders, and challenges.

³² Philip Oreopoulos and Kjell G Salvanes, “The Non-Pecuniary Benefits of Schooling”, 2011 *Journal of Economic Perspectives*, Vol 25, No 1, pp 159-184, <https://www.aeaweb.org/articles?id=10.1257/jep.25.1.159> (last accessed: May 11, 2018); Olena Hankivsky, “Cost Estimates of Dropping Out of High School in Canada, (2008: Simon Fraser University – Prepared for the Canadian Council on Learning) <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.510.4857&rep=rep1&type=pdf>, (last accessed May 11, 2018); Wim Groot and Henriëtte Maassen van den Brink, “What does education do to our health?” Measuring the Effects of Education on Health and Civic Engagement: Proceedings of the Copenhagen Symposium – OCED 2006, <http://www.oecd.org/education/innovation-education/37425763.pdf>, (last accessed May 11, 2018).

i. Enrollments

The 2016 Census indicated that 16.3% of the Saskatchewan population self-identified as Aboriginal.³³ In 2016-17, the number of First Nation and Métis students enrolled in post-secondary programming represented nearly 20% of the post-secondary population (7% increase since 2012-13).³⁴ The latest enrolment numbers from 2016-17 show there are nearly 16,300 Indigenous students (including Adult Basic Education students) enrolled in Saskatchewan:

Indigenous Student Enrolment in Saskatchewan Post-secondary Institutions³⁵

Institutions	2012-13		2013-14		2014-15		2015-16		2016-17	
	All	FNM								
U of S	21,165	1,472	21,044	1,925	20,960	2,121	21,001	2,236	21,441	2,409
U of R	13,115	1,293	13,586	1,487	13,902	1,574	14,360	1,666	14,849	1,932
FNUniv (included in U of R numbers)	675	440	747	536	754	552	827	624	921	750
SK Poly	17,058	3,084	17,827	3,291	19,108	3,490	20,174	3,700	19,206	3,669
Regional Colleges	26,891	6,007	24,700	5,412	24,491	5,360	23,969	5,779	22,375	5,285
SIIT	2,618	2,419	2,824	2,668	2,415	2,234	2,246	2,072	2,330	2,147
GDI/DTI	918	908	928	915	913	913	892	892	845	845
Indigenous Student Total		15,183		15,698		15,692		16,345		16,287
All Student Total	81,765		80,909		81,789		82,642		81,046	

³³ “Statistics Canada, 2016 Census Highlights,” <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/hltfst/abo-aut/Table.cfm?Lang=Eng&T=101&S=99&O=A> (last accessed May 2, 2018).

³⁴ Source: Saskatchewan Ministry of Advanced Education. Enrolment data gathered from post-secondary institutions.

³⁵ Source: Saskatchewan Ministry of Advanced Education. Enrolment data gathered from post-secondary institutions. Includes Adult Basic Education enrolments.

Based on the 2016-17 enrollment data included in the chart above, enrollments of Indigenous students in the three Indigenous post-secondary institutions in Saskatchewan is high:

- First Nations University of Canada (FNUniv) – over 80% Indigenous students;
- Saskatchewan Indian Institute of Technologies (SIIT) – approximately 92% Indigenous students;
- Gabriel Dumont Institute (GDI) – virtually all students are Indigenous.

Enrollments are also increasing in the other post-secondary institutions:

- University of Regina (U of R) – 13% Indigenous students (49% increase since 2012-13);
- University of Saskatchewan (U of S) – 11% Indigenous students (64% increase since 2012-13);
- Saskatchewan Polytechnic (SK Poly) – 19% Indigenous students (19% increase since 2012-13);
- Saskatchewan’s seven Regional Colleges – have the largest group of post-secondary Indigenous learners; 32% of the total First Nations and Métis enrollments in post-secondary education are in Regional Colleges. Of particular note are two northern Regional Colleges with high numbers of Indigenous students:³⁶
 - North West College – over 50% Indigenous students; and
 - Northlands College – over 93% Indigenous students.

³⁶ Saskatchewan Ministry of Advanced Education. Information gathered from North West and Northlands Regional Colleges.

ii. **Outcomes**

Data from 2017, for the population aged 15 years and over, indicated that 52% of non-First Nations and Métis people have a post-secondary educational credential, compared to 38% of First Nations and Métis people. However, Saskatchewan is making progress in improving educational attainment of Indigenous people.

Statistics Canada reports that, among adults aged 25-64, Saskatchewan's total First Nations and Métis post-secondary attainment rate has improved from 42% to 47% since 2011. During the same period, the national First Nations and Métis post-secondary attainment rate increased from 48% to 52%. When considering only university attainment of adults in this age group, Saskatchewan and Manitoba both achieved a 13% increase. Alberta and British Columbia had university attainment rates of 12% and 11% respectively.³⁷

For the population aged 15 and over, there was a 48% (or 10,600 person) increase from 2007 to 2017 in the number of First Nations and Métis graduates in Saskatchewan that have a post-secondary certificate, diploma or degree.³⁸

Having a post-secondary credential is important to labour market attachment. According to Statistics Canada³⁹:

³⁷ Statistics Canada, Labour Force Survey custom tabulation for "Rate of Educational Attainment of First Nations, Métis and Non-First Nations and Métis Populations aged 25-64".

³⁸ Statistics Canada, Labour Force Survey custom tabulation for "Rate of Educational Attainment of First Nations, Métis and Non-First Nations and Métis Populations 15 Years and Over".

³⁹ Statistics Canada Special Tabulation, Labour Force Survey (15 years and older), 2016 (does not include information about individuals living on-reserve).

- 85% of First Nations and Métis people who have a university degree are employed, compared to 78% of non-Aboriginal people;
- 66% of First Nations and Métis people who have a post-secondary certificate or diploma are employed, compared to 72% of non-Aboriginal people.

c. Transition to the Labour Force

Engaging Indigenous people in the labour force is also a priority for the Government of Saskatchewan. For the 2017-18 fiscal year, the Ministry of the Economy committed \$27.8 million for skills training and employment initiatives targeted at First Nations and Métis people.⁴⁰

- *Adult Basic Education* – It is estimated that approximately 3,200 Indigenous women participated in Adult Basic Education training in 2015-16, representing about 40% of enrollments.
- *Employment Programming* – This includes ABE-Essential Skills for the Workplace, Workforce Development, and Workforce Development for Persons with Disabilities. Approximately 6,128 participants self-reported as Indigenous women in 2016-17, representing about 21% of total participants.

⁴⁰ “Budget Stays the Course on First Nations and Métis Program Funding” (News Release), <https://www.saskatchewan.ca/government/news-and-media/2017/march/22/budget-first-nations-and-metis-support> (last accessed May 8, 2018).

- *Apprenticeship Training* – From July 1, 2016 to June 30, 2017, 223 Indigenous women participated in apprenticeship training, representing 2.7 per cent of all participants and 17 per cent of all female apprentices.

In 2017, there were 45,200 off-reserve First Nation and Métis women aged 15 and over, accounting for 10.4% of the total female population. 60.9% were participating in the labour force, meaning that 27,500 First Nations and Métis women were employed or seeking employment in 2017. Of the 24,200 First Nation and Métis women employed, 76.0% were working full time and 24.0% were working part-time. Their employment rate was 53.5% (lower than the 60.8% employment rate for non-First Nation and Métis women), and their unemployment rate was 12.0% (higher than the 4.9% unemployment rate for non-First Nation and Métis women).⁴¹

i. Outcomes

Stronger labour market outcomes are particularly notable for off-reserve First Nations and Métis women, with 1,100 more employed in 2017 than 2016. Their unemployment rate dropped 1.1 percentage points during the same period.⁴²

The Government of Saskatchewan believes these improving education, post-secondary, and labour market outcomes will have a long-term effect on employment rates, income security, health, and reduction of violence. However, the Government also has many current initiatives to

⁴¹ Statistics Canada, Labour Force Survey, custom data tabulation.

⁴² Statistics Canada, Labour Force Survey, custom data tabulation.

reduce rates of violence, and to provide supports when violence occurs, particularly for Indigenous women and girls.

4. HEALTH SYSTEM

a. General Information

The Ministry of Health's top priority is improving the quality of provincial health services and access to care for all Saskatchewan residents, including Indigenous people. The ministry recognizes that there is a significant gap in the health status of Indigenous people and the general population. It is important for all governments to work together with Indigenous peoples to close that disparity.

There have been efforts made to improve how health services are delivered to Indigenous peoples. While many of these initiatives are not targeted specifically at Indigenous women and girls, there is recognition of the importance of working with and assisting vulnerable individuals and families. Any supports need to be culturally appropriate and holistic, and assist individuals and their families through the healing process.

The following are a few examples of approaches the provincial health system is using:

- The All Nations Healing Hospital, operated by the File Hills Qu'Appelle Tribal Council, is an example of inter-jurisdictional coordination and partnership. Its programs (including the integrated mental health therapy services) incorporate Western and Aboriginal models of care. The White Raven Healing Centre at All Nations Healing Hospital merges traditional beliefs and healing practices into a clinical setting for local First Nations

clients. Its resident Elders provide cultural programming and holistic mental health and addictions counseling.⁴³

- The Eagle Moon Health Office in Regina brings First Nations and Métis community members together with health workers to collaborate and work toward meeting the holistic health needs of the population. The office supports and encourages cultural and traditional ways for First Nations and Métis people as they journey on their path to wellness.⁴⁴

- Four Directions Community Health Centre (FDCHC)
 - Since 1996, the FDCHC has provided support to residents of the North Central community in central Regina. FDCHC provides a culturally safe environment to ensure clients have a place of caring, learning and healing that addresses personal needs and the cultural, social and economic realities that determine health.⁴⁵

 - FDCHC offers addictions services programs for any person who is dependent on or affected by another's use of alcohol or drugs, using a holistic approach to

⁴³ "All Nations Healing Hospital," <http://www.fortquappelle.com/health-emergency/all-nations-healing-hospital> (last accessed May 8, 2018).

⁴⁴ "Eagle Moon Health Office," <http://www.rqhealth.ca/department/primary-health-care/the-eagle-moon-health-office> (last accessed May 8, 2018).

⁴⁵ "Four Directions Community Health Centre," <http://www.rqhealth.ca/facilities/four-directions-community-health-centre> (last accessed May 8, 2018).

treatment and recovery that follows closely with the Medicine Wheel teachings.

- The First Nations and Métis Health Services Unit in Saskatoon operates within both the Royal University Hospital and St. Paul’s Hospital. The Unit assists Indigenous patients to navigate the health system in a variety of ways:
 - Acts as a liaison or navigator to support patients and families to better understand their conditions, medical procedures and care needs;
 - Assists in coordinating transportation, accommodation, meals and other issues that arise during admitting and discharge;
 - Utilizes Elders to help provide links to traditional supports such as ceremonies and guidance;
 - Provides interpretation and translation to help explain the patients’ medical issues in Cree, Sauteaux and Dené; and,
 - Works to promote culturally competency and responsiveness with health system employees to better address issues when they occur.⁴⁶

- The Native Health Centres at the Pasqua and Regina General Hospitals take into account the cultural values and expectations of Aboriginal peoples.

⁴⁶ “First Nations and Métis Health Service,” https://www.saskatoonhealthregion.ca/locations_services/Services/fnmh/service (last accessed May 8, 2018); see also “Navigators Help Chart Course For First Nations and Métis Patients,” <https://www.saskatoonhealthregion.ca/stories/Pages/2017/Aug/Navigators-help-chart-course-for-First-Nations-and-M%C3%A9tis-patients.aspx> (last accessed May 8, 2018).

- Using the wellness model, Native Health Services assists clients in finding and maintaining a healthy, well-balanced lifestyle;
- Responding to clients with an awareness of cultural and spiritual diversity, Native Health Services provides an alternative for clients seeking traditional Aboriginal approaches to health care;
- The Centres facilitate healing, prayer, teaching and other assistance required to maintain wellness in the individual and the community;
- While designed specifically to help Aboriginal people deal with the hospital environment, Native Health Centre services are available to all those seeking an alternative method of healing the physical, mental, spiritual or emotional aspects of their lives.⁴⁷

In addition, midwives in Saskatchewan are encouraged to provide care to priority populations as part of their caseload. A provincial definition of “priority population” includes: teenage moms; those living in poverty (including low income, experience of food insecurity, or living in inadequate housing); First Nations, Métis and Inuit women; those living in social isolation (for example, due to language or cultural barriers); and those suffering from mental health issues. While no provincial target has been set to determine an appropriate percentage of priority clients per caseload, Health understands that midwives in all programs provide service to priority populations, and that these numbers continue to increase.

⁴⁷ “Native Health Services,” <http://www.rqhealth.ca/department/native-health/native-health-services> (last accessed May 8, 2018).

The current status of midwifery services in the province is as follows:

- Currently, there are 15 funded midwifery positions in four midwifery programs.
- The first clinic opened in Saskatoon in January 2009. Since then, three other sites have started services (Swift Current, Regina and All Nation's Healing Hospital in Fort Qu'Appelle).
- Since 2009, midwives have participated in the delivery of over 3,400 births in Saskatchewan.

b. Responding to the Truth and Reconciliation Commission

Saskatchewan's Ministry of Health is committed to building and strengthening partnerships to meet the health needs of First Nations and Métis patients and clients, and to address the findings and Calls to Action in health of the Truth and Reconciliation Commission (TRC).

Our shared priority is to provide culturally appropriate, accessible health care and services for First Nations and Métis residents. Saskatchewan will continue to take steps to address disparities in health outcomes and build a health workforce that reflects our province's population.

c. Inter-ministry Strategies

Saskatchewan has several major inter-ministry strategies aligned to the Calls to Action in which Saskatchewan aims to work with First Nations and Métis communities and representative organizations in the areas of education, poverty reduction, disabilities, child welfare and mental health and addictions.

The following are a few examples of provincial initiatives that address health issues identified in the TRC report:

- A Cultural Responsiveness Framework (CRF), developed in partnership with the Federation of Sovereign Indigenous Nations (FSIN), is intended to inform and promote dialogue on First Nations health and health care, and the importance culture plays in the health and well-being for First Nations peoples. Indigenous healing practices, along with cultural competency and safety are integral components of the CRF objectives and actions.⁴⁸
- In Saskatoon a TRC flag raising ceremony was held with community partners, including the local health region, at St. Paul’s Hospital as a sign of commitment to reconciliation. The health region also released a Health Equity Position statement that included an organizational commitment to reconciliation and the implementation of the TRC Calls to Action related to health and healthcare.⁴⁹
- A “Reconciliation Memorandum of Understanding” was signed by Northern Medical Services, Lac La Ronge Indian Band, and the Mamawetan Churchill River Health

⁴⁸ Federation of Sovereign Indigenous Nations, Cultural Responsiveness Framework, <http://allnationshope.ca/userdata/files/187/CRF%20-%20Final%20Copy.pdf> (last accessed May 17, 2018).

⁴⁹ “Health Equity Position Statement,” https://www.saskatoonhealthregion.ca/locations_services/Services/Health-Observatory/Documents/Reports-Publications/Health%20Equity%20Position%20Statement%20FINAL_20160728.pdf (last accessed May 8, 2018).

Region, to have all parties work together to address health issues originating from residential schools.⁵⁰

- The Ministry of Health and the Saskatchewan HIV Collaborative have engaged numerous stakeholders, including people living with HIV, clinicians, the federal government’s First Nations and Inuit Health Branch, and provincial health region officials in the development of a three-year HIV work plan. The Saskatchewan HIV Collaborative is comprised of provincial, federal, clinical and specialist representatives. In June 2016, the membership expanded to include a Knowledge Keeper, people living with HIV, representatives from the Northern Inter-Tribal Health Authority (NITHA), a director from a provincial northern health region, and the Public Health Agency of Canada to improve the response to addressing HIV in Indigenous communities. The 2018-2019 budget included an announcement of \$600,000 to provide universal drug coverage for HIV medications, and \$50,000 each to AIDS Saskatoon and the Saskatoon Westside Clinic to provide additional HIV supports.⁵¹ Going forward the province has identified the importance of enhancing culturally-appropriate responses to the Indigenous population.⁵²

⁵⁰ Office of The Treaty Commissioner, “Historic MOU Signed,” http://www.otc.ca/reconciliations/details/historic_mou_signed.html (last accessed May 8, 2018).

⁵¹ Registered First Nations individuals receive full coverage for HIV medications through the federally funded Non-Insured Health Benefits (NIHB) Program.

⁵² SK HIV Collaborative, “Sharing the Wisdom: HIV Mobilization Event,” <https://skhiv.ca/hiv-mobilization-event/> (last accessed May 8, 2018).

- A Northern Labour Market Health Sub-Committee has developed a northern training strategy to maximize employment of northern people in the health sector.
- The Ministry of Health provided funding to former health regions for staff and community partners to become certified as facilitators in Mental Health First Aid-First Nations (MHFA-FN). The MHFA-FN course is culturally relevant for First Nations populations, has Elder involvement and takes an interactive approach to increasing knowledge and skills of participants who may come into contact with individuals experiencing a mental health or addictions related crisis.

d. Health System Transformation – Regional Amalgamation

The new Saskatchewan Health Authority (SHA) officially began its operations on December 4, 2017.⁵³ A priority for the new organization is working with the Ministry of Health, and Indigenous communities, to address the health disparities of Saskatchewan’s Indigenous population. Within the new Saskatchewan Health Authority organizational structure, there are two Indigenous board members, a VP Quality, Safety and Strategy whose roles and responsibilities will include Indigenous health, and an Executive Director for First Nations and Métis health.

An Indigenous Health Working Group (IHWG) was formed for the months leading up to the transition to the single health authority. The mandate of the IHWG was to engage Indigenous

⁵³ “Saskatchewan Health Authority,” <https://www.saskhealthauthority.ca/Pages/Home.aspx> (last accessed October 25, 2018).

communities, rural and urban, to inform the new Authority on how to best address the health needs of Indigenous peoples in a culturally responsive and respectful manner.

Members of the IHWG met with community members and leaders to share information on the transition process and to solicit input in the following areas:

- Vision of Indigenous health and well-being;
- Indigenous health priorities, challenges, and opportunities; and,
- Indigenous voice and representation in the provincial health authority.

In discussions with communities it became very clear that improvements are needed in the health system. The IHWG heard from individuals who felt that the lack of cultural sensitivity in the health care system means Indigenous peoples are more likely to experience quality of care issues than non-Indigenous peoples. This creates accessibility and acceptability issues in health care encounters, further impacting Indigenous health outcomes.

Going forward a vision of health care that meets the needs of Indigenous peoples should include:

- Holistic and traditional care that is in collaboration with Western Medicine;
- Respectful care for all people that is culturally sensitive, safe and appropriate; and,
- A commitment to work together for the betterment of the people and communities.

The IHWG heard hope that things will change for the better. In the words of some of the Elders, the time is now for meaningful change and reconciliation, and the transition to a single health authority is an opportunity to bring Indigenous health issues to the forefront.

e. Mental Health and Addictions Action Plan

On Dec. 1, 2014 the ten-year Mental Health and Addictions Action Plan (MHAAP) was released. In developing the report, input was received from clients and stakeholders at over 150 meetings, and face-to-face focus groups were held in 24 communities. The focus groups allowed clients and family members to participate, with special attention to First Nation and Métis peoples and individuals with lived experiences of mental health and addiction issues.⁵⁴

The MHAAP includes a system goal of partnering with Indigenous peoples.

Recommendation 13 states, “Partner with First Nations and Métis peoples in planning and delivery mental health and addiction services that meet community needs.” There are also three recommended actions:

- 13.1 – Design services in partnership with First Nations and Métis organizations, communities and Elders;
- 13.2 – Ensure ongoing dialogue and coordination between regional health authorities and First Nations and Métis organizations and communities; and,
- 13.2 – Improve the cultural responsiveness of services respecting the history of First Nations and Métis peoples.

A great deal of work is underway across the provincial government and within the health sector to address the MHAAP recommendations. Between 2016-17 and 2019-20, work will occur under

⁵⁴“Working Together for Change: A 10 Year Mental Health and Addictions Action Plan for Saskatchewan,” December 1, 2014, <https://www.saskatchewan.ca/~media/news%20release%20backgrounders/2014/dec/sashe%20mhaap%20report.pdf> (last accessed May 8, 2018).

ten recommendations that speak to supportive housing, reducing wait times and increasing access to outpatient and psychiatry services, improved and more coordinated service responses, and partnering with First Nations and Métis peoples in planning for and delivering services.⁵⁵

The Saskatchewan Health Authority (SHA) provides mental health and addictions services that are available to everyone across the province. The SHA has both formal and informal partnerships with First Nations and Métis individuals, communities, service organizations and care providers. The SHA and some related community-based organizations have services and treatment providers that are culturally-sensitive and aware. The following are some examples of initiatives within the health system:

- The Randall Kinship Centre in Regina was developed in partnership with Indigenous people to meet the special needs of families that have children and youth with serious disruptive behavior problems;⁵⁶
- The Family Treatment Center, an inpatient addictions treatment program in Prince Albert, offers culturally sensitive, gender specific and trauma informed programming to women, while allowing their children to reside in the facility with them (the program is also supplemented by regular access to First Nation Elders, traditional cultural practices and spiritual care services for clients);⁵⁷

⁵⁵ “Mental Health and Addictions Action Plan,” <https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/saskatchewan-health-initiatives/mental-health-and-addictions-action-plan> (last accessed May 8, 2018).

⁵⁶ “Randal Kinship Centre,” <http://www.rqhealth.ca/facilities/randall-kinship-centre> (last accessed May 8, 2018).

⁵⁷ “One-Of-A-Kind Family Treatment Centre in Prince Albert Improves Access and Care,” <http://www.saskatchewan.ca/government/news-and-media/2013/april/12/oneofakind-family-treatment-centre-in-prince-albert-improves-access-and-care>, April 12, 2013 (last accessed October 25, 2018).

- The Valley Hill Youth Treatment Center, a community-based organization in Prince Albert, provides 15-beds for youth aged 12 to 17 with a holistic, culturally-affirming inpatient alcohol and drug treatment program, and incorporates traditional First Nations and Aboriginal healing like smudge and prayer rooms;⁵⁸ and,
- The Métis Addiction Council of Saskatchewan (MACSI) is a community-based organization that provides alcohol and drug treatment services to adults in three locations across the province (Saskatoon, Regina, Prince Albert); its treatment programs and services incorporate the knowledge of the Métis heritage and traditional Aboriginal teachings.⁵⁹

5. HOUSING

a. Saskatchewan Housing Corporation and Local and Regional Housing Authorities

The Saskatchewan Housing Corporation (SHC) is a statutory Crown corporation and an agent of the provincial Crown.⁶⁰ Its objects are set out in *The Saskatchewan Housing Corporation Act* and include: evaluating housing needs; encouraging and undertaking measures to provide adequate housing options and to increase the affordability of housing to those in need (including senior citizens, the disabled, and others who require assistance); facilitating the repair and improvement of housing accommodations; encouraging public and private initiatives; and promoting new housing types and forms of home ownership. In short, SHC provides a range of

⁵⁸ Valley Hill Youth Treatment Centre, <http://www.vhytc.ca/> (last accessed May 8, 2018).

⁵⁹ Métis Addictions Council of Saskatchewan, <http://www.macsi.ca/> (last accessed May 8, 2018).

⁶⁰ “Saskatchewan Housing Corporation,” <https://www.saskatchewan.ca/government/government-structure/crown-corporations/saskatchewan-housing-corporation> (last accessed October 25, 2018).

housing programs and services that assist people in accessing housing. This includes individuals and families for whom the cost of housing has prevented access.

The *Act* also provides for the establishment of local housing authorities. There are currently 262 housing authorities across the province that administer SHC housing programs. They are subject to the direction of SHC, must comply with SHC policies, and are accountable to SHC in the conduct of their affairs.

Currently, SHC is the largest owner of rental property in the province, owning more than 18,000 units in nearly 300 communities. SHC also provides funding to third parties that provide housing and support services, including to Indigenous households. There are over 5,700 third party units that, when added to SHC-owned units, brings the total number of units to almost 24,000. In recent years, the private market has responded to the increased demand for housing. The increased supply of rental and housing stock, as well as movement of households along the housing continuum, has had a positive impact on vacancy rates and a moderation of rental rate increases, allowing those in need of housing to have greater access to safe shelter. As a result of increased vacancy rates, SHC's focus over the last few years has shifted from the creation of housing supply to improving the affordability of housing for those most in need.

Many of SHC's units are occupied by Indigenous families. 1379 of SHC's units are located in the North and play a prominent role in northern housing markets:

Saskatchewan Evidentiary Submission on Education, Health, the Family, Justice Oversight, and Policing to the National Inquiry into Missing and Murdered Indigenous Women, Girls, 2SLGQTQQA

Housing Authority	Community	Unit Count
Beaver River Regional H.A.	Beauval	83
	Cole Bay	16
	Green Lake	45
	Jans Bay	26
	Patuanak	16
	Pinehouse	100
Cumberland House H.A.	Cumberland House	112
La Loche Housing Authority	La Loche	270
La Ronge Regional H.A.	Air Ronge	21
	Brabant Lake	10
	La Ronge	95
	Stanley Mission	10
	Timber Bay	18
	Weyakwin	13
Northeast Regional H. A.	Creighton	79
	Denare Beach	12
	Pelican Narrows	1
	Sandy Bay	104
NWRHA - Buffalo Narrows	Buffalo Narrows	100
	Michel Village	4
	St. George's Hill	12
	Turnor Lake	19
NWRHA - Ile a la Crosse	Ile a la Crosse	157
Stony Rapids	Stony Rapids	56
Grand Total		1379

One challenge for SHC is that data suggests there is an underrepresentation of Indigenous people in SHC-owned social housing in southern communities. Through program reviews and ongoing engagement with housing authorities and Indigenous agencies, SHC is working toward a better understanding of how off-reserve Indigenous households across the province are best served.

b. Victims of Family Violence Policy

SHC has had a Victims of Family Violence Policy since 1993 that requires Housing Authorities to give priority to applicants who are victims of family violence.⁶¹ Applicants who meet eligibility requirements⁶² do not need to provide rental references or have their applications point scored. An applicant is eligible regardless of where the person is living at the time of application for special status. A victim of family violence is offered the first available housing unit, even if the unit is too large or too small for their needs.

The policy requires that housing authorities ensure that applicants are not placed in danger at any point during the assessment process. A housing authority manager or designate must keep in contact with the applicant in order to verify the applicant's continuing safety. The policy also requires respect for the applicant's right to privacy, providing that only those questions needed in order to make an assessment be asked, and that only information relevant to the applicant's status as a victim of domestic violence is collected. The applicant's tenant file cannot contain any reference to family violence. The housing authority is required to keep all information about the applicant's special status in a separate file, under lock and key. The

⁶¹ "Victims of Family Violence," Social Housing Program Policy Manual, c 02 s 04 ss 00, Issued May 8, 2013, Revised October 1, 2018. [Tab A]

⁶² There has been an incident or pattern of incidents that suggest the applicant is in serious danger of harm and needs to be separated from the abuser, and the applicant intends to separate from the abuser.

housing authority manager/board designate is normally the only person who can have access to victim of family violence files.

c. Kate's Place

Women who participate in the drug treatment court may also be supported through access to safe housing at Kate's Place.⁶³ Kate's Place is a partnership involving the Saskatchewan Housing Corporation, the Ministry of Justice, and the Salvation Army. It offers supervised housing for up to 11 women in the process of completing the addictions treatment required by the Regina Drug Treatment Court. The majority of participants face challenges related to addictions, the lack of safe and stable housing, and involvement with the child protection and criminal justice systems. Through supported living, women in Kate's Place access addictions treatment, counselling, and education, and have the opportunity to be reunited with children. Kate's Place is the only dedicated housing option for women in the Regina Drug Treatment Court. Prior to its opening, women were often unable to complete the RDTC program because the lack of safe housing put them back into situations of homelessness and sexual exploitation. Within five months of operating Kate's Place, 48% of participants in the RDTC were female; their graduation rate climbed sharply; and the rate of being absent without leave was significantly reduced.

Kate's Place is the only housing for women offered by a drug treatment court in Canada.

⁶³ "Provincial Funding Keeps the Doors Open at Kate's Place," <https://www.saskatchewan.ca/government/news-and-media/2014/november/12/kates-place-open> (last accessed October 25, 2018).

d. Housing Initiatives in Northern Saskatchewan

Saskatchewan Housing Corporation (SHC) supports the growth of a stronger housing market in northern Saskatchewan by increasing housing supply, providing housing support to individuals and families in greatest need, strategic planning, and creating opportunities for private sector investment in affordable housing. As of December 31, 2017, SHC owns more than 1,400 off-reserve social housing (1,267 units), affordable housing (80 units) and Government staff rental housing units (89) in northern Saskatchewan. Social housing refers to the subsidization of rent according to the degree of financial need. Affordable housing means that the rent level is at or lower than median market rent. The units are managed by local and regional housing authorities, and a board of community residents oversees each housing authority.

Since 2007, through initiatives and partnerships with municipalities and other government agencies, nearly 364 rental and homeowner units have been delivered or are under construction in northern Saskatchewan. This includes: 109 SHC-owned rental units, 142 third party-owned rental units; 20 third party-owned shelter bedrooms, and 93 homeowner units.

In 2017, SHC invested over \$4.1 million to complete the construction of 33 new rental units and \$295,000 to repair 21 homeowner units to ensure that northern families have a safe home to live in.

e. Trades Training Program, Northern Lights School Division

So far in 2018, SHC has invested \$450,000 in funding for two units to be built through Northern Lights School Division's Trades Training Program, a program that offers students training in

basic carpentry skills and work experience as part of the school curriculum. The completion of a tenth unit in La Loche and a fourth unit in Ile a la Crosse contribute to a total of 25 social housing units build in northern communities through this program since 2008.

f. Rental Development Program

SHC plays an important role in the northern rental housing market. The 1,347 social and affordable housing rental units across the northern part of the province serve households that might not otherwise have access to safe and secure housing. This support includes La Loche, where SHC owns 240 social housing units and 30 affordable housing units. Through a local non-profit housing agency, Methy Housing Corporation, SHC has also contributed funding toward an additional 137 housing units for people in need of housing.

In La Loche, SHC is part of a multi-agency group that worked with the community to develop a housing action plan. With housing identified as a key priority by community leaders, SHC and its partners are working to build new affordable units to address housing need in the community. Since 2016, 28 new housing units have been developed in La Loche under the Rental Development Program, and an additional 19 units are under construction.

Using funding available under the Rental Development Program, northern communities are building the capacity to develop and operate their own affordable housing portfolio. New North, a non-profit advocacy association for northern municipalities, explores ways for these communities to share their knowledge with other northern communities.

g. Northern Home Ownership Initiative

The Northern Working Group, consisting of stakeholders from northern Saskatchewan, representatives from New North (northern mayors and councilors) and SHC was established in November 2013 and has met regularly since then. The group's objective is to have a continuum of housing options for northern residents and to work toward the establishment of a resale housing market. Specific recommendations from the Working Group have included promoting housing planning, increasing community capacity, and creating home ownership opportunities.

The Northern Home Ownership Initiative makes it possible for current tenants to purchase their rental units. SHC is selling up to 50 northern social housing units to current tenants who have the necessary financial resources to purchase them. Northern leaders have expressed strong support for this sales initiative, as it responds to homeownership needs that are not being met by the market and stimulates development in the north. The sales also provide opportunities for tenants who no longer require social housing to transition to homeownership.

h. Housing Partnerships with Indigenous Organizations

The success of SHC's programs and services relies upon partnerships. In addition to SHC's work with housing authorities and non-profit organizations, it partners with housing co-operatives, Métis and First Nation housing providers, and private owners who own and manage housing for low- and moderate-income tenants. SHC also works with municipalities, the Ministry of Social Services, other government ministries, and the Federal Government to integrate housing programs and services with other services.

Since November 2007, SHC has invested in the development the following units, which are all owned by Indigenous housing groups: 589 new rental units; the rejuvenation of 10 emergency spaces for victims of domestic violence; the development or improvement of eight group homes and/or receiving homes for families or children in the care of the minister; and the repair of 141 affordable rental housing units. SHC has also assisted Indigenous housing providers in moving four households into first-time home ownership, and has invested in the development of seven affordable units for LGBTQ2S youth in inner-city Saskatoon.

The Métis Urban Housing Association of Saskatchewan (MUHAS) is a group of non-profit agencies that provides housing to Indigenous individuals and families. Since 2007, MUHAS agencies have received the following funding for housing initiatives (which is part of the funding referred to above for development of 589 rental units):

Housing Initiative	Number of Units	SHC Funding	CMHC Funding	Total Funding
Prince Albert Community Housing	101	\$3.53M	\$3.54M	\$7.08M
Lloydminster Métis Housing Group	11	\$0.50M	\$1.32M	\$1.85M
Gabriel Housing Corporation	24	\$0	\$3.23M	\$3.23M
River Bank Development Corporation	34	\$1.28M	\$1.66M	\$2.94M
Total	170	\$5.32M	\$9.75M	\$15.07M

In addition to the housing units identified above, SHC contributed to the funding of another 1580 housing units developed by Indigenous agencies. The majority of those units continue to be operated by these agencies to serve Indigenous people. SHC also continues to provide operating funding for 325 housing units developed prior to 2007 that are owned by Indigenous housing groups.

6. THE FAMILY

a. A Commitment to Reconciliation and Improved Outcomes for Indigenous Families

Child and Family Programs acknowledge the overrepresentation of Indigenous families in the child welfare system. At the heart of those families are women and children who are often shaped by or exposed to generational poverty, violence, addictions and the legacy of residential school trauma. The Ministry of Social Services understands that cultural identity and community connection are critical components to strengthening families and improving the lives of children in the care of the ministry.

With the release of the Truth and Reconciliation Commission's (TRC) Calls to Action in June 2015, the Government of Saskatchewan committed to working towards reconciliation with Indigenous people. Child and Family Programs were already in the process of a legislative review and making changes that aligned with the Calls to Action. The 2016 amendments to *The Child and Family Services Act* addressed issues with the ministry's Aboriginal Child Welfare Agreements and strengthened the information sharing provisions of the Act to allow the ministry to work more closely with other human service providers to meet family's needs holistically.

b. Addressing Calls to Action

The TRC called on governments to reduce the number of Indigenous children in care through culturally-relevant services, adequate resources for agencies providing services, and through fully implementing Jordan's Principle. It calls on governments to ensure all staff has a full understanding of the history and impacts of residential schools and the potential role of Indigenous families and communities in providing appropriate solutions for family healing. It calls for national standards for Indigenous child welfare that focus on keeping families together, having Indigenous-led child welfare service delivery agencies, and annual reporting. It also calls for culturally appropriate parenting programs for Indigenous families.

With the Calls to Action in mind, the Ministry of Social Services built on initiatives already underway and has incorporated the principles of reconciliation into existing and new program development to improve outcomes for Indigenous children and families involved with the child welfare system. The Ministry of Social Services reports on the number of children in care of self-identified as Indigenous, and updates on the actions taken in response to the TRC recommendations to an inter-ministry committee.

c. Jordan's Principle and Canadian Human Rights Tribunal Ruling Regarding First Nations Child Welfare

Saskatchewan agrees that all children deserve equal and timely access to required services. Child and Family Programs has made a concentrated effort to ensure that whenever the provincial child welfare system identifies a child with an unmet need, efforts are made to address that need regardless of which jurisdiction is formally responsible for the care and services provided to that

child. The ministry has worked collaboratively with First Nations, Indigenous Services Canada (ISC), Health Canada, the First Nations and Inuit Health Branch (which has now become part of ISC), ministries within the provincial government, and other stakeholders to ensure the needs of the child come first.

Child and Family Programs have provided provincial funding information to the federal government when requested, and have entered into protocol agreements with First Nations and ISC that set terms for the funding and oversight of child welfare activities on reserve.

d. Engagement and Collaboration with Indigenous Leadership, Providers and Communities

i. First Nations Child and Family Services Agencies

In 1990, ISC (which was then known as Indian and Northern Affairs Canada), introduced policy that allowed ISC to directly fund First Nations Child and Family Services (FNCFS) Agencies for provision of child welfare services on-reserve. In order for FNCFS Agencies to qualify and receive federal funding to deliver these services, DISC requires that the agencies have delegated authority from the province.

The first delegation agreement between Saskatchewan and an FNCFS Agency was signed in 1993.⁶⁴ The establishment of FNCFS Agencies fundamentally changed the way child welfare services are delivered in Saskatchewan. Families could now receive services in their

⁶⁴ “VOICES FOR REFORM - Options for Change to Saskatchewan First Nations Child Welfare,” August 2017, http://cwrp.ca/sites/default/files/publications/en/sk_sfnfci_child_welfare_report.pdf (last accessed November 2, 2018).

communities and First Nations had more direct control of how those services were delivered.

Currently, Saskatchewan has signed delegation agreements with 17 FNCFS Agencies to provide mandated child welfare services on-reserve.

In addition to these agreements, the ministry has contracts with three First Nation Child and Family Services Agencies to provide off-reserve mandated services. The Agencies include Lac La Ronge Indian Band Child and Family Services, Athabasca Denesuline Child and Family Services, and Meadow Lake Tribal Council Child and Family Services.

First Nations Agencies and the ministry also enter into two contracts that support Agencies to work both on and off reserve in the best interest of children and families involved with the ministry. A Family Finders contract supports agencies to identify family, extended family or community members who could provide care and support for a child who has come into the care of the ministry. The second is a Case Management contract where the Agency is funded to participate in working with and supporting children and families where a child's care has been transferred to the Agency, as well as to participate in case management meetings, attend court, or other meetings and gatherings to support children in the care of the ministry.

The ministry also funds a number of First Nations and Métis community-based organizations to provide services to children and families in a culturally appropriate manner. These services include intensive in-home support, reunification, parenting, and some out-of-home care options.

The ministry is committed to respecting cultural bonds/ties to a child's home community, so when the ministry, a family or individual expresses an interest in seeking permanent custody

for a First Nations child in care, provincial legislation requires that the ministry provides 60 days' notice to the child's band or agency. As a best practice, the ministry extends that requirement further and a child's band and agency is also notified when short-term and persons of sufficient interest orders are being sought. Contact with the First Nation is maintained throughout the continuum of service delivery through, for example, notices of court hearings, planning for children and families, and reviews of children in care.

Since 2007, the ministry has had a strong working relationship/partnership with the Saskatchewan First Nations Family and Community Institute. The Institute conducts research and develops First Nation standards and best practices to support First Nation Child, Family and Community Service. The ministry provides funding to the Institute and supports their work with FNCFS agencies to build their capacity and improve case management practices.

The ministry has a unit of staff dedicated to supporting the delegation agreements that have been entered into with First Nations. The First Nations and Métis Services staff work with agencies staff, with ministry staff, and with ISC to insure that child protection and prevention services are provided. The support includes collaboratively managing the implementation of agreements and contracts, case management support, dispute resolution, and problem solving.

ii. Connection to Community and Alternatives to Traditional Apprehension

Where children have to be removed from their parents due to safety issues, efforts are made to keep children with extended family and/or within their community.⁶⁵ The ministry has implemented a number of initiatives to maintain these connections:

1. Persons of Sufficient Interest/Extended Family Placements

Changes to *The Child and Family Services Act* in 1990 placed a further emphasis on extended family involvement in planning for children and supports for extended family placements and introduced the Person of Sufficient Interest (PSI).

The PSI has a right to be a party to child protection court hearings for that child. The court may order a child be placed in the legal custody and home of a PSI caregiver for a short defined term or an indefinite period of time. Thereby, children residing with a PSI caregiver are considered non-wards.

Starting in 2008, significant changes to the funding and supports provided to PSI caregivers were implemented.⁶⁶ Currently, PSI providers are eligible for compensation very similar to that which is provided for children in care, including monthly maintenance payments

⁶⁵ Ministry of Social Services, Annual Report, 2017-18, <http://publications.gov.sk.ca/documents/15/107657-2017-18SocialServicesAnnualReport.pdf>, (last accessed November 7, 2018).

⁶⁶ Children's Services Manual, May 2018, <http://publications.gov.sk.ca/documents/17/106811-Childrens-Services-Manual.pdf>, (last accessed November 2, 2018).

(equal to Foster Care basic maintenance rates) for each child, special needs funding, school fees and Christmas gift allowances.⁶⁷ The number of children considered non-wards continues to rise.

2. Keeping Families Together

In order to help support the ministry's goal of keeping families together safely, including Indigenous women and their children, the ministry is undertaking a one-year pilot, called Keeping Families Together.⁶⁸ This initiative will provide integrated services, including social housing, for Regina families who currently have children in care and who face a housing barrier to reunifying. Research demonstrates that children have better outcomes when they are supported to be safely cared for at home.

The ministry is working to provide culturally appropriate supports for families to keep children safe while remaining in their homes, where possible through continued investment in:

- Integrated Practice Strategies (formally Flexible Response) – this preventative approach, which continues to be developed in collaboration with First Nations and Métis organizations, community based organizations, and Elders, provides culturally appropriate services to increase a family's capacity to care for their children. The program promotes alternative approaches to service delivery, collaborative decision making, information sharing and individualized supports for the family, youth and/or caregiver through all points of the case continuum. Families are connected to both formal and informal supports to help them safely

⁶⁷“A Guide to Being a Person of Sufficient Interest (PSI) Caregiver,” <http://publications.gov.sk.ca/documents/17/79873-PSI-caregiver-FAM-16.pdf> (last accessed October 26, 2018).

⁶⁸ Annual Report, Ministry of Social Services, 2017-2018, <http://publications.gov.sk.ca/documents/15/107657-2017-18SocialServicesAnnualReport.pdf> (last accessed November 2, 2018).

care for their children and reduce the likelihood of apprehension. The model promotes a strengths-based, culturally relevant approach that encourages group decision making, family-centered practice and early supports for families, children and caregivers. Parents are viewed as partners in maintaining their child(ren)'s safety.

- Intensive In-Home Supports – this approach provides intensive in-home family supports to ensure the safety of children rather than the removal of the child. These services are provided in collaboration with Indigenous stakeholders.
- Family Finders – is a contract whereby the ministry provides funding to First Nations Agencies to support the placement of Indigenous children in care with extended family and within their community to maintain connections to cultural identity, community and heritage.
- Triple P (the Positive Parenting Program) – focuses on enhancing the knowledge, skills and confidence of parents with the goal of keeping children safely at home with their families. Two FNCFS Agencies, Lac La Ronge and Peter Ballantyne, have been delivering Triple P since 2012. Between 2013 and 2015, additional staff in community-based organizations have been trained in Triple P. The services are now offered in Humboldt, Swift Current, Regina, Sandy Bay, Meadow Lake, with Fort Qu'Appelle and Yorkton offices, which serve the

communities of Melville, Balcarrus, Punnichy, Grenfell, Esterhazy, Langenburg, Kamsack, Sturgis, Preeceville, Canora and Kelvington, Kinistino, Wynyard, Wakaw, St. Brieux.⁶⁹

e. Innovation

The ministry is entering into innovative partnerships with community-based programs to improve outcomes for children and families:

- Saskatoon Downtown Youth Inc. Sweet Dreams: this program began in May 2014. It is a multi-ministry, long-term project where Social Services, Health, Education and EGADZ are working together to support single mothers to reach their full potential and prevent their children from entering the foster care system.⁷⁰ The Sweet Dreams Early Learning Centre opened in 2017. The Centre supports mothers at Sweet Dreams to pursue education and employment opportunities in order to achieve personal and economic independence. Mothers who reside at Sweet Dreams have the opportunity to be trained to work at the Centre and any work earnings are their own.
- Saskatoon Downtown Youth Inc. EGADZ Baby Steps: This program provides opportunities for mothers to live in the home and bond with their children while the children are in the care of the ministry.⁷¹ The program works with mothers to mentor and teach parenting skills with the future goal of returning children into parental care. Long term placement planning is

⁶⁹ A promotional video highlighting the Triple P program in Sandy Bay can be found at the following link: <https://www.bing.com/videos/search?q=breaking+trails+sandy+bay+youtube&&view=detail&mid=E92D0C60D08C11B18448E92D0C60D08C11B18448&&FORM=VRDGAR> (last accessed September 7, 2018).

⁷⁰ https://www.egadz.ca/programs/baby_steps_michaels_place.html (last accessed November 2, 2018).

⁷¹ https://www.egadz.ca/programs/baby_steps_michaels_place.html (last accessed November 2, 2018).

ongoing while the infant resides in the home so that if reunification is not feasible, a kinship placement is accessible.

- Saskatoon Downtown Youth Inc. (EGADZ) Mah's Place: Children living with their parents in this residential program are being transitioned out of the Baby Steps Program.⁷² They are in the care of the ministry, but are in the process of being placed back into the custody of their parents. Children and parents in the home require a higher degree of supervision in order to determine the ability of the parent to care for their child/ren with more independence on an ongoing basis.
- Raising Hope, Moving Families Forward Program (RHMFF): this program is a partnership between the Ministry of Social Services, Saskatchewan Health Authority (formally Regina Qu'Appelle Health Region), Namerind Housing, and Street Worker's Advocacy Project (SWAP) to provide intensive, residential support and outreach services to addicted pre- and post-partum women and their children.⁷³ The program is a 15-space supportive apartment living program providing 24-hour support to pregnant and postpartum women struggling with addictions issues.

⁷² https://www.egadz.ca/programs/baby_steps_michaels_place.html (last accessed November 2, 2018).

⁷³ "SWAP Regina: Streetworkers Advocacy Project," <http://swapregina.org/our-services/> (last accessed October 30, 2018).

f. Cultural Training for Staff

Over the last 14 years, the ministry has prioritized training of all Child and Family Programs staff on First Nations and Métis history, traditions and culture, including on residential schools and their impacts, and more recently, the Truth and Reconciliation Commission and its Calls to Action. The training is designed to advance reconciliation, inspire accountability, improve intercultural competence, and create inclusive and supportive environments among staff members and our clients. Many of the powerful sessions have been developed and are led or co-led by strong Indigenous women and Elders who incorporate their personal experiences to enhance impact and increase understanding. Programs include: *Truth and Reconciliation Workshop*; *Working with First Nations*; *Touchstones of Hope – Reconciliation in Child Welfare*; *CORE Training*; and *First Nations Supervisory Training*.

7. JUSTICE POLICY

Since the 1980s, a focus for Saskatchewan's Ministry of Justice has been to engage directly with First Nations and Metis groups to improve services for Indigenous people in Saskatchewan. The Ministry has sought to involve Indigenous organizations and communities to inform, lead, and partner with the Ministry of Justice to be more responsive to the needs of Indigenous people and communities.

a. Saskatchewan Aboriginal Justice Policy

In 1993, to respond to the Reports of the Saskatchewan Indian Justice Review Committee and the Saskatchewan Metis Justice Review Committee,⁷⁴ Saskatchewan Justice developed and implemented a Saskatchewan Aboriginal Justice Strategy (“SAJS”). The SAJS was intended to focus on four main areas of activity:⁷⁵

- Crime prevention and reduction;
- Building bridges to Aboriginal communities through community-based justice development;
- Employment equity and race relations; and
- Self-determination issues.

The SAJS is the foundation for the Ministry’s efforts to engage Indigenous groups, supporting the development of a community-based justice approach to address both Indigenous victims and Indigenous offender over-representation in the justice system. This approach focuses on developing a working relationship or partnership with Indigenous communities and leaders. The Strategy aims, in part, to:

- Focus on the causes of Aboriginal crime and victimization;
- Balance the needs of accused, victims and communities;

⁷⁴ Judge Patricia Linn/FSIN/Government of Saskatchewan/Government of Canada, *Report of the Saskatchewan Indian Justice Review Committee*, January 1992, http://qp.gov.sk.ca/documents/misc-publications/Indian_Justice_Review_Comm.pdf (last accessed October 31, 2018); and *Report of the Saskatchewan Metis Justice Review Committee*, January 30, 1992 http://www.qp.gov.sk.ca/documents/misc-publications/Metis_Justice_Review_Comm.pdf (last accessed November 2, 2018).

⁷⁵ Dr. Les Samuelson, “Saskatchewan Aboriginal Justice Strategy: The Origins, Rationale and Implementation Process: An Evaluation Report,” for Saskatchewan Justice, [Samuelson] at page 3 [TAB B].

- Respond to the unique needs of each community; and
- Respond to the need and potential for Aboriginal peoples to have greater control over justice services and decisions.

While the Ministry has been most successful in implementing community-based justice programs, there has been progress on all four pillars. According to Dr. Les Samuelson, author of an evaluative report on the SAJS (2000), the strategy “had been developed and implemented fairly well” and was fairly to moderately successful in terms of effectiveness and efficiency.⁷⁶ The Ministry’s work was found to have been: successful in “building bridges” (inclusive of community-based justice programming and relationship building); moderately successful in regards to employment equity and race relations; and less successful in crime prevention/reduction and self-determination/self-government.⁷⁷

b. Commission on First Nations and Metis Peoples and Justice Reform

In response to concerns about cases involving Indigenous people such as Neil Stonechild, the province worked collaboratively with First Nations and Métis groups and police services to develop a model for a Commission, which led to the establishment of the Commission on First Nations and Métis Peoples and Justice Reform. This Commission was mandated to identify efficient, effective and financially responsible reforms to the justice system, and included several methods to engage First Nations, Métis, community, government and other groups, including:

⁷⁶ *Samuelson* at 33 [TAB B].

⁷⁷ *Samuelson* [TAB B].

- Community dialogues around the province;
- Formal presentations from groups, organizations and stakeholders;
- In camera presentations from individuals who wanted anonymity;
- Round tables with experts; and
- Hearings with organizations regarding areas such as human rights.

The Commission's Final Report was released in June 2004, containing 104 main recommendations ranging from addressing underlying socioeconomic issues to specific recommendations for justice reform.⁷⁸ An Aboriginal Working Group was responsible for overseeing the implementation of the Action Plan and supporting integrated response to the recommendations. The Working Group was active from 2005 to 2008. There were separate working groups held with the Federation of Saskatchewan Indian Nations (as it was then known) and with Métis Family and Community Justice Services.

Within the justice sector, examples of major initiatives that were implemented to respond to the Commission on First Nations and Métis Peoples and Justice Reform, as well as the Royal Commission and the Stonechild Inquiry,⁷⁹ include:

⁷⁸ Legacy of Hope: An Agenda for Change, Final Report from the Commission on First Nations and Métis People and Justice Reform, Volume 1, <http://publications.gov.sk.ca/redirect.cfm?p=24237&i=31255> (last accessed November 2, 2018); Legacy of Hope: An Agenda for Change, Final Report from the Commission on First Nations and Métis People and Justice Reform, Volume 2, <http://publications.gov.sk.ca/redirect.cfm?p=24238&i=31256> (last accessed November 2, 2018).

⁷⁹ Dussault et al., Report of the Royal Commission on Aboriginal People, October 1996, <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/final-report.aspx> (last accessed November 2, 2018); The Honourable Mr. Justice David H. Wright, Commissioner, "Report of the Commission of Inquiry into matters relating to the Death of Neil Stonechild," October 2004, <http://www.publications.gov.sk.ca/details.cfm?p=9462> (last accessed November 2, 2018).

- The establishment of the Public Complaints Commission;
- The redesign of the Coroners Program;
- The establishment of the Missing Persons Task Force (Provincial Partnership Committee on Missing Persons and funding dedicated police investigators);
- Province-wide expansion of victims services and creation of victim programs to respond to needs of children, families and individuals;
- Three domestic violence courts; two drug treatment courts and two mental health courts; and
- Enhancements to community justice and alternative measures programs.

Saskatchewan Justice believes that it has been fairly successful in:

- Engaging Aboriginal communities in developing justice programs that draw on their traditions and strengths and address local issues.
- Being flexible in working with Aboriginal communities. There is support for many community-based programs that have dynamic, community-driven goals, objectives, and services.
- Taking a principle-based, transparent approach to program development and decision making about funding and other matters.

c. Reports of the Access to Justice Committees

In 2007-08, the Ministry engaged with the judiciary, the legal community, other government ministries and agencies, Aboriginal groups and the RCMP to develop recommendations through three Access to Justice Committees dealing with northern justice issues, family and youth justice issues and issues for unrepresented persons. The final reports were issued in 2008.

d. Community Development, Community-Based Justice, Restorative Justice

In 1992-3, concomitant with the development of the Saskatchewan Aboriginal Justice Strategy, Saskatchewan Justice began working in the area of community development and supporting community-based justice programs. In 1998-99, Saskatchewan Justice funded 14 community-based justice projects, eight Aboriginal family violence projects, 14 contracts for courtworker services, and several crime prevention projects.⁸⁰

In the community-based justice approach, services are delivered by or in partnership with community-based organizations, including First Nations, Tribal Councils and Métis organizations, whenever possible and appropriate. This approach strives to be respectful of community interests and engages communities in the design and delivery of programs and services that draw on local strengths and resources, including Elders and other local programs and services. It requires a strong emphasis on community development because communities have different levels of interest, readiness and capacity. The Ministry supports community development and the community-based approach to justice by:

⁸⁰ *Samuelson*, at page 14.

- Employing Aboriginal staff to better understand the issues and work directly with communities.
- Engaging in ongoing dialogue with Indigenous and non-Indigenous partners to guide the development, implementation and operations of programs.
- Providing assistance with networking, issues management, reporting, evaluation and other activities.
- Using collaborative training models.
- Supporting Indigenous organizations in policy development. For example, Justice has a current agreement with FSIN for the period 2018-2020 in the amount of \$169,650. Through this agreement, the FSIN provides policy and planning support for the framework development of a First Nations justice system.⁸¹

The Northern Justice Symposium (“NJS”) was established to increase community awareness and capacity around community justice development, engage community leadership, youth and Elders and to provide links to other social programs and services to promote safer and healthier communities throughout northern Saskatchewan.⁸²

The NJS is a forum for building community momentum, and increasing community awareness and capacity around community justice development. The NJS provides an opportunity for engagement with community leadership, youth and Elders, promotion of

⁸¹ The framework is titled *First Nations Framework for Just Relations*.

⁸² See, for example, “Northern Justice Symposium to Focus on the good stories,” <https://sasknow.com/article/708967/northern-justice-symposium-focus-good-stories> (last accessed November 8, 2018).

northern social policy development and the ability to showcase successes in addressing similar safety concerns in order to promote safer and healthier communities.

Justice related themes promoted at the NJS include restorative or traditional justice, domestic violence, the Northern Youth Action Plan, the northern drug strategy, gangs, crime prevention and crime reduction initiatives, policing, court and community safety plans.

Similar to community justice, restorative justice is a community-based movement that was “developed by experimentation as community members and justice officials tried to find better ways to respond to crime in their communities”.⁸³ Restorative justice processes enable victims and offenders to have input into how to resolve their case. Saskatchewan has a province-wide restorative justice initiative offered by 19 funded community-based organizations as well as 29 fee-for-service mediators who are contracted by the Ministry of Justice.⁸⁴ These kinds of community-based programs have received almost 100,000 referrals since the Ministry began funding and supporting them in 1997-98. The province also has five community justice committees in rural areas⁸⁵ and four school-based restorative justice programs: Yorkton Tribal Council’s peer mediation program, the Restorative Action Program in Saskatoon, and the Restore programs in the northern communities of Pinehouse and La Loche.⁸⁶

⁸³ Barbara Tomporowski, Manon Buck, Catherine Bagen, and Valarie Binder, “Reflections on the Past, Present, and Future of Restorative Justice in Canada,” *Alberta Law Review*, 48:4 (2011) at page 2.

⁸⁴ Barbara Tomporowski, “Increasing the Use of Restorative Justice”, Briefing Note, Corporate Initiatives, Integrated Justice Services, November 1, 2018 [TAB C].

⁸⁵ Jeffrey Dudar, “Community Justice Committees”, Briefing Note, Community Safety and Wellbeing/Strategic Partnerships, September 17, 2018 [TAB D].

⁸⁶ Barbara Tomporowski and Jeffrey Dudar, “School-Based Restorative Justice Programs”, Briefing Note, Corporate Initiatives, Integrated Justice Services/Community Safety and Wellbeing, November 2, 2018 [TAB E].

The community-based organizations that offer restorative justice in Saskatchewan include alternative measures programs and extrajudicial sanctions programs operated by non-profit organizations and community justice programs operated by First Nations and Tribal Councils.⁸⁷ The community justice programs involve 65 of the 74 First Nations in the province⁸⁸ and provide a range of services, such as resolving criminal cases, supporting victims and offenders, preventing and reducing crime, resolving crime and conflict, and working with Elders and at-risk youth.⁸⁹

In Saskatchewan, adult and youth criminal cases are usually referred to restorative justice through the alternative measures provisions of the *Criminal Code* and the extrajudicial sanctions provisions of the *Youth Criminal Justice Act*. Based on information collected from our community-based programs and stored in the Ministry's AMPCRM database, preliminary data shows that there were 3,337 adult and youth cases referred to restorative justice for 2017-2018. In 2016-17, the most recent year for which data has been finalized, 3,740 cases were referred.⁹⁰ The three most commonly-referred offences includes theft under \$5,000, mischief under \$5,000, and assault. 73% of adult cases and 75% of youth cases reached an agreement in 2016-17, with 98% of the agreements being completed. These agreements resulted in victims receiving up to \$149,192 in restitution from adult offenders in 2016-17, and up to \$50,903 from

⁸⁷ Jeffrey Dudar, "Community Justice Programs", Briefing Note, Community Safety and Wellbeing/Strategic Partnerships, November 1, 2018 [TAB F].

⁸⁸ Barbara Tomporowski, "Increasing the Use of Restorative Justice", Briefing Note, Corporate Initiatives, Integrated Justice Services, November 1, 2018 [TAB C].

⁸⁹ Jeffrey Dudar, "Community Justice Programs", Briefing Note, Community Safety and Wellbeing/Strategic Partnerships, November 1, 2018 [TAB F].

⁹⁰ "Use of Alternative Measures and Extrajudicial Sanctions in Saskatchewan: 2014-15 to 2015-16," Innovation and Strategic Initiatives Branch, Ministry of Justice, December 2016 [TAB G]; Saskatchewan Alternative Measures/Extrajudicial Sanctions Statistics, AMPCRM Database, Ministry of Justice, 2018 [TAB H].

youth. The agreements also resulted in 12,600 hours of community service ordered for adult offenders and 9,288 hours for youth,⁹¹ as well as donations to charities, apologies to victims, and referrals to life skills programs and other kinds of educational programs.⁹²

Research and evaluation also indicate that restorative justice and Indigenous justice processes lead to decreased re-offending, since only 20% of Saskatchewan offenders who participated in community justice programs had reoffended three years later compared to 32% of the comparison group.⁹³ Since many of the offenders who participate in restorative justice programs in Saskatchewan are young and Aboriginal,⁹⁴ restorative justice plays an important role in reducing the over-representation of marginalized, vulnerable people in the criminal justice system, while meeting the needs of victims and communities.⁹⁵

The Ministry is increasing the use of restorative justice in Saskatchewan by:⁹⁶

- Enhancing the training provided to restorative justice workers. With funding from Justice Canada, Saskatchewan is launching a new Victim Engagement Training program

⁹¹ Saskatchewan Alternative Measures/Extrajudicial Sanctions Statistics, AMPCRM Database, Ministry of Justice, 2018 [TAB H].

⁹² “Use of Alternative Measures and Extrajudicial Sanctions in Saskatchewan: 2014-15 to 2015-16,” Innovation and Strategic Initiatives Branch, Ministry of Justice, December 2016 [TAB G].

⁹³ Jeffrey Dudar, “Community Justice Programs”, Briefing Note, Community Safety and Wellbeing/Strategic Partnerships, November 1, 2018 [TAB F].

⁹⁴ Barbara Tomporowski, “Increasing the Use of Restorative Justice”, Briefing Note, Corporate Initiatives, Integrated Justice Services, November 1, 2018 [TAB C]; “Use of Alternative Measures and Extrajudicial Sanctions in Saskatchewan: 2014-15 to 2015-16,” Innovation and Strategic Initiatives Branch, Ministry of Justice, December 2016 [TAB G].

⁹⁵ Barbara Tomporowski, “Increasing the Use of Restorative Justice”, Briefing Note, Corporate Initiatives, Integrated Justice Services, November 1, 2018 [TAB C].

⁹⁶ Barbara Tomporowski, “Increasing the Use of Restorative Justice”, Briefing Note, Corporate Initiatives, Integrated Justice Services, November 1, 2018 [TAB C].

in fall 2018 to enhance the ability of restorative justice workers to engage and support victims. This will build on our ongoing training program, which is mandatory for agencies that receive funding from the Ministry for restorative justice.

- Making presentations to prosecutors and Royal Canadian Mounted Police cadets to enhance their knowledge about restorative justice and the programs in their communities.
- Considering how restorative justice could be used with a wider range of offences.

8. POLICING

The Policing and Community Safety Services Division of the Ministry of Corrections and Policing is responsible for oversight of the Provincial Police Services and First Nations Policing Services in Saskatchewan. The RCMP, under contract, deliver these policing services through the Provincial Police Services Agreement (2012) and the First Nations Policing Framework (2013). The Policing and Community Safety Services Division is also responsible for oversight of municipal policing through the Saskatchewan Police Commission, the Saskatchewan Police College, and providing municipal police grant funding.

In Saskatchewan, policing services are provided through municipal police operating under *The Police Act, 1990*⁹⁷, and the RCMP under contract with the province and/or municipalities.

⁹⁷ *The Police Act, 1990*, SS 1990-91, c P-15.01.

According to recent statistics, Saskatchewan has the highest rate of police officer strength among the provinces (201 officers per 100,000 population).⁹⁸ As of 2016, the proportion of officers of Aboriginal identity grew in a number of provinces, including Saskatchewan as compared with 2011.⁹⁹

a. First Nations Policing

In 1991, the federal government introduced the First Nations Policing Policy (FNPP) in response to community concerns to provide First Nations across Canada with access to police services that are professional, effective, culturally appropriate, and accountable to the communities they serve. In 1993, the province of Saskatchewan, the Government of Canada, and the FSIN entered into a Framework Agreement under this policy.

Community Tripartite Agreements are agreements negotiated by the federal government, the provincial government, and the governing body of the First Nations community, to provide a framework for delivering policing services in First Nations communities. Saskatchewan has 33 Community Tripartite Agreements impacting 46 First Nations and 1 self-administered First Nation Community Police Service that impacts 5 First Nations. The province is committed to continuing to work with communities to increase community safety by enhancing RCMP policing services through alternative service delivery options, such as Community Safety Officers (CSO) and Peacekeepers. CSOs and Peacekeepers are from the communities and can

⁹⁸ Patricia Conner, "Police Resources in Canada, 2017", *Canadian Centre for Justice Statistics*, March 28, 2018 at page 4.

⁹⁹ *Ibid* at page 9.

assist the RCMP in addressing community education, awareness and capacity to address local concerns through crime prevention/crime reduction, partnerships and local community safety initiatives.

Some of the challenges of the First Nations Policing Program include infrastructure, cost-effective models of policing, short term agreements, community engagement, RCMP Capacity, and Band Bylaws. To address these challenges, a partnership between the Saskatchewan Ministry of Justice and the RCMP, in the form of a Framework Agreement on Community Safety and Policing Initiatives, has made some progress.

As a result of the Framework Agreement, the RCMP created a North District Community Liaison position to assist in relationship building with community leaders across the north to facilitate resolution of policing concerns. The North District Community Liaison works within a Framework Agreement for Northern Saskatchewan for Community Safety and Policing Initiative. The responsibilities of the position include (but are not limited to):

- Working within 23 Community Tripartite Agreements;
- Maintaining close contacts with community leaders and groups;
- Monitors all public complaints in the North District;
- Investigates complex public complaints; and,
- Involvement in operational emergencies.

Further to the Framework Agreement, Community Safety Boards were established to provide a community based structure and mechanism for addressing local crime and safety issues and for

formalized discussions to occur between community and local police.

b. Promoting and Supporting Partnerships

In 2010 and 2011, Saskatchewan Corrections and Policing began an initiative called Building Partnerships to Reduce Crime.¹⁰⁰ The initiative, now renamed Community Safety and Well-Being, promotes safer and healthier communities through coordinated incident response, risk intervention, prevention, and social development.

In 2011, Community Mobilization Prince Albert (CMPA) was formed to help improve the human service delivery system.¹⁰¹ CMPA operates the Prince Albert Hub—which, according to Dr. Chad Nilson, “has become a model for risk-driven collaborative intervention across Canada and other parts of the world”.¹⁰² CMPA also operates the Centre of Responsibility (COR), a full-time, team of human service professionals who collaborate to create systemic changes, make recommendations, identify opportunities to align resources and policy, all in the betterment of community safety and wellness.¹⁰³

¹⁰⁰ “Building Partnerships to Reduce Crime (Details),” August 1, 2018, <https://www.publicsafety.gc.ca/cnt/centrng-crm/plcng/cnmcs-plcng/ndx/dtls-en.aspx?n=154> (last accessed October 25, 2018).

¹⁰¹ “Community Mobilization Prince Albert,” <http://communitymobilization.ca/> (last accessed October 26, 2018).

¹⁰² Dr. Chad Nilson, “The Original Game Changers: An Evaluative Report on Prince Albert’s Centre of Responsibility and its Role in the Advancement of Community Mobilization Efforts to Improve Community Safety and Wellness,” September 2015, https://www.usask.ca/cfbsjs/research/pdf/research_reports/COR2015.pdf# (last accessed October 25, 2018) at page 7.

¹⁰³ “Community Mobilization Prince Albert: The COR,” <http://communitymobilization.ca/the-cor/> (last accessed October 26, 2018).

There are 14 community-led Hubs in Saskatchewan located in: La Ronge, Prince Albert, Nipawin, Melfort, Saskatoon, Weyburn/Estevan, Moose Jaw, Swift Current, Yorkton, North Battleford, Lloydminster, Meadow Lake, Ile a la Crosse, and Regina. Three First Nation Communities in Saskatchewan have pioneered an adaptation of Hub Tables called Intervention Circles, located in Ochapowace First Nation, Muskoday First Nation and English River First Nation. Additional communities are at various stages of planning and development of a Hub table.

Since the first Hub meeting in Prince Albert in February of 2011, Hub tables across the province have discussed 5,217 individuals and families. 85 per cent of these were either connected to or informed of services. The top five risk factors for clients reported provincially are: suspected mental health concerns, person(s) exhibiting antisocial/negative behavior, alcohol abuse by person(s), person(s) associating with negative peers, and drug abuse by person(s).

c. Police Oversight and the Public Complaints Commission

Provincial oversight of municipal police services in Saskatchewan is exercised by the Public Complaints Commission (PCC) and the Saskatchewan Police Commission.

The PCC is a branch of the Ministry of Justice and has the statutory authority to investigate public complaints alleging misconduct by police members, as well as matters directly involving members of the public which are deemed to be public complaints. The PCC is a five-person civilian oversight body which, by statute, includes at least one Métis person and one First

Nation person. The PCC is responsible for ensuring a fair and thorough investigation of a complaint against the municipal police. The PCC may:

- investigate a complaint from a member of the public;
- initiate a complaint
- advise a police service that a complaint must be investigated by a different police service; or,
- refer the matter for investigation to the police service whose member is the subject of the complaint.

The PCC was established in 2006, with input from the Federation of Sovereign Indigenous Nations (FSIN), the Métis Nation of Saskatchewan (MNS), Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers. These partners provide ongoing input into the nomination of the five Commissioners. Additionally, the PCC's work is complemented by the FSIN's Special Investigation Unit (SIU), a body that works with First Nations individuals who raise concerns about police conduct. The SIU is funded by the Ministry of Justice through the Public Complaints Commission. The PCC receives, on average, 143 public complaints against municipal police annually.

The Saskatchewan Police Commission is an independent statutory corporation.¹⁰⁴ The Saskatchewan Police Commission does not investigate public complaints, but rather works to:

- promote adequate and effective policing throughout Saskatchewan;

¹⁰⁴ *The Police Act, 1990*, SS 1990-91, c P-15.01 at ss 3(2).

- establish regulations for the operation of police services;
- set provincial policy to ensure the consistent delivery of policing services in communities across Saskatchewan;
- conduct audits of police service policies and operations; and,
- sit as an appellate tribunal to hear appeals from discipline decisions of independent hearing officers.¹⁰⁵

9. PUBLIC PROSECUTIONS

There is much to be said regarding the role of prosecutors in Saskatchewan, their independence and prosecutorial discretion, the considerations they are to weigh when assessing cases, the need for impartiality, the distinctions between “complainants” and “victims”, the place of each as compared to the prosecutor, and the challenges of evaluating and prosecuting cases. Initially, though, Public Prosecutions provides the following, introductory information. Hopefully this will give insight into the task facing prosecutors in Saskatchewan as they pursue just resolutions.

There are a number of policies and practice directives that prosecutors are expected to understand and adhere to in fulfilling their role as agent for the Attorney General. Prosecutors are guided by a policy manual and an orientation manual which provide information on both general prosecution practice and specific prosecution issues. The excerpts from those sources

¹⁰⁵ “Saskatchewan Police Commission”, <https://www.saskatchewan.ca/government/government-structure/boards-commissions-and-agencies/saskatchewan-police-commission> (last accessed October 26, 2018).

and the quick overview of some aspects of ongoing education which follow should assist the Commission in understanding the unique role prosecutors occupy in the criminal justice system.

a. The role of the prosecutor

A prosecutor's responsibilities are public in nature. As a public servant, the Crown prosecutor's demeanor and actions should be fair, dispassionate and moderate and show no signs of partisanship. Importantly, Crown prosecutors should always be open to the possibility of the innocence of the accused person and avoid "tunnel vision". In other words, prosecutors should not be so focused on obtaining a conviction that they lose sight of justice for all.

A criminal prosecution is not aimed solely, perhaps not even primarily, at pursuing a victim's interests. Prosecutors are advocates not for the victim but for the Attorney General and the prosecution generally. The importance of public accountability does, however, impose a duty on Crown prosecutors to communicate the reasons for decisions affecting the disposition of a case to victims and, in some cases, to the general public through the media.

It cannot be over-emphasized that the purpose of a criminal prosecution is not to obtain a conviction; it is to lay before a judge or jury what the Crown considers to be credible evidence relevant to what is alleged to be a crime.

b. The decision to prosecute

i. Reasonable Likelihood of Conviction

In deciding whether to proceed with a trial or preliminary inquiry, or to instruct that charges be instituted, Crown prosecutors will apply a twofold test:

1. Is there a reasonable likelihood of conviction, and
2. Is it in the public interest to proceed?

The obligation to assess whether a charge meets our prosecutorial standard is a continuing one. As the case moves through the judicial process, the strength of the case may change as the police obtain new evidence. Even after the police investigation is complete, Crown prosecutors may receive additional information that can affect the prosecution so they must continually assess the case to ensure it meets the prosecutorial standard.

In order to commence a prosecution or continue with one, there must be a reasonable likelihood of conviction. This standard remains the same throughout the prosecution. Determining whether that standard is met requires assessing the sufficiency of the evidence while taking into account such matters as the reliability of the evidence; the admissibility of the evidence; the availability, competence and credibility of witnesses; their likely impression on the trier of fact; the presence or absence of corroborating evidence; and the prospects and anticipated strength of any evidence that is expected to be provided by the investigator(s). Crown prosecutors are obligated to consider any defences that are plainly open to or have been disclosed by the accused, and any other factors which could affect the likelihood of a conviction.

ii. Public Interest

If satisfied there is sufficient evidence to justify the institution or continuation of a prosecution, Crown prosecutors must then consider whether, in the light of the provable facts and the whole of the surrounding circumstances, the public interest requires a prosecution to be pursued.

Many factors are at play in considering the public interest component. The seriousness of the alleged offence is just one consideration. There are factors that must not influence the decision to prosecute and those include race, ethnic or national origin, colour, gender, religions or sexual orientation of an accused or any other person involved in the investigation.

The decision to prosecute or to discontinue a prosecution is the most important decision that a prosecutor makes in the criminal justice process. Such decisions must reflect sound knowledge of the law and careful consideration of the interests of victims, the accused and the public at large. Prosecutions which are not well founded in law or fact, or which do not serve the public interest, may unfairly expose citizens to the anxiety, expense and embarrassment of a trial. The failure to effectively prosecute guilty parties can directly impact public safety. Wrong decisions tend to undermine the confidence of the community in the criminal justice system.

Prosecutors' approach to domestic violence cases calls for careful consideration of the context in deciding whether to lay a charge, and if so, who to charge. Given those considerations, and the practical realities of how violence occurs, Prosecutions' approach is that charges against both parties should be rare. For example, where both parties are equally participating in a fight which results in minor assaults (i.e., pushing and shoving without bodily harm) then it is likely consensual and charges should not proceed. Where police can determine that one spouse began

the violence and the other responded only to the extent needed to defend, only one charge would be appropriate.

c. Notification to victims and victim's next-of-kin

Crown prosecutors owe victims, and a victim's next of kin, a special responsibility of candor and respect. While Crown prosecutors are advocates for the prosecution and the Minister of Justice, and not victims or their families, prosecutors should ensure that the interests of victims, including harm suffered by them and their privacy interests, are considered at every stage in the prosecution. Prosecutors should always display sensitivity, fairness and compassion in their dealings with victims and families of victims.

Prior to taking a firm position on sentence, prosecutors should inform themselves of all relevant factors, including any harm suffered by the victim. Depending on the case, such may require that the prosecutor seek additional information through police, Victim Services or directly from the victim. As appropriate, prosecutors should consider the victim's position as one of the significant factors in arriving at an appropriate position, but they do not require the approval of the victim to the proposed resolution.

In serious cases, prior to accepting a firm plea resolution it is imperative that victims or their next-of-kin be notified and given the rationale for the particular resolution. While the prosecutor does not need the victim's or the victim's family's consent to accept a particular resolution, those persons may have pertinent information that would affect the propriety of it. In any case, prosecutors must make every attempt to ensure that victims or their next-of-kin be notified of the final plea resolution prior to the court hearing. The investigating police service,

Victim Services or Social Services may be of assistance if the prosecutor has difficulty contacting them.

d. Sentencing

The objectives of sentencing set out in the Code – including rehabilitation and deterrence - are pursued by prosecutors. There is a particularly deep commitment to helping end domestic violence as well as other abuse of women and girls. The aim is to see everyone in Saskatchewan safe and respected fully.

Prosecutors are familiar with and address Gladue issues in courts across Saskatchewan on a daily basis. At the same time, they recognize and draw attention to the need for sentences which consider the victim's situation and, in many instances, the community's, emphasizing public safety.

e. Continuing Education

Prosecutors receive much of their training through informal and in certain circumstances formal, mentoring. Much is also gained from interactions and work with police, Victim Services, Probation Services, others in Corrections, and so on.

In addition, prosecutors have access to two conferences held each year specifically for prosecutors in Saskatchewan. The topics and themes are varied but there have been a number relating to the challenges aboriginal people face and how those challenges affect prosecution outcomes. Prosecutions remains committed to providing ongoing training to prosecutors to help

them better understand the unique perspective of indigenous people when they come into conflict with the law or become victims of crime.

For example, Prosecutions has explored the relationship it has with Indigenous people and how to interact with the aboriginal communities as prosecutors fulfill their obligations as agents of the Attorney General. Prosecutions has engaged speakers from the Indigenous communities to discuss the historical paths thrust on their people so there can be a better understanding of the factors that might lead them into conflict or into becoming victims of violence. There has also been training on how prosecutors can better deal with vulnerable witnesses and victims and the importance of involving victim services to assist in urban and rural, remote communities.

Public Prosecutions has established a committee to review the calls to action issued by the Truth and Reconciliation Commission of Canada. The aim is to ensure that Prosecutions is doing all it can, within the rule of law and role of agent of the Attorney General, to foster reconciliation and obtain justice for all.

10. PROVINCIAL COURTS

The Saskatchewan Provincial Court sits in over 80 locations.¹⁰⁶ There are 18 circuit points on First Nation reserves, including 5 Cree Court locations.¹⁰⁷ The Province has made access to justice a priority. This has directly impacted videoconferencing capacity, additional court points,

¹⁰⁶ “About the Court”, <https://sasklawcourts.ca/index.php/home/provincial-court/about-the-court> (last accessed October 26, 2018).

¹⁰⁷ “Court Locations and Sitting Times”, <https://sasklawcourts.ca/index.php/home/provincial-court/court-locations-and-sitting-times> (last accessed October 26, 2018).

improvements to the Justice of the Peace program, implementation of Cree Court and the pursuit of therapeutic focuses in mental health, domestic violence and substance abuse cases.

a. Videoconferencing

Videoconferencing capacity has been established in locations across the province, including courtrooms at all levels of court, provincial correctional centres, youth centres, federal corrections facilities and victim services soft rooms. This network of videoconferencing capacity provides better access to justice for northern communities, by reducing the need to transport inmates for routine court appearances, providing enhanced supports for victims and witnesses, reducing the length of docket and allowing the court to proceed even in the event of inclement weather or other travel issues. The Province continues to explore options to expand video-conferencing to other areas, such as by Legal Aid and private defence counsel to assist in reducing the number of adjournments and reduce the costs of travel that is now required.

b. Justices of the Peace

The functions exercised by Justices of the Peace are wide-ranging and include considering applications for search warrants, requests for production orders, arrest warrants, presiding over remain and release hearings and conducting trials for offences under various provincial statutes, including traffic, liquor, wildlife and employment standards.¹⁰⁸ The Justice of the Peace program has been improved to provide increased and more efficient service in Northern communities. In 2010, a centralized hub was established to provide 97 communities with

¹⁰⁸ “Justices of the Peace”, <https://sasklawcourts.ca/index.php/home/provincial-court/justices-of-the-peace> (last accessed October 26, 2018).

extended hours of service to accept applications for search warrants, tele-warrants and release and remand hearings. The hub model has been implemented in several Northern communities, which has provided extended access to necessary services in those communities.¹⁰⁹

c. Cree Court

The Cree Court is a circuit court that conducts criminal and child protection hearings in communities across Northeastern Saskatchewan. The Court travels to each circuit point up to five times per month. The judge and clerks are Cree-speaking and the hearings can occur either entirely or partially in Cree, depending on the needs and desire of the accused. In some locations there are Indigenous-language speaking Legal Aid lawyers who participate in Cree Court.¹¹⁰

The increased number of these court points allows First Nation and Métis people greater ability to attend court proceedings in their home community and in their own language. The Cree Court was the first of its kind and received the Premier's Award for Excellence in the Public Service in 2003.¹¹¹

According to a 2005 process evaluation of the Court, several Cree-speaking community respondents indicated that community residents respected the Court and felt more comfortable with the Cree-speaking judge.¹¹² As well, community members and victims of sexual and domestic violence expressed that they were better able to tell their story and the court was "fairer

¹⁰⁹ Submissions of the Government of Saskatchewan (The 2013 Justice of the Peace Commission, 2013) at 30, <http://www.publications.gov.sk.ca/m/index.cfm?action=view&p=91132> (last accessed October 26, 2018).

¹¹⁰ "Cree Court", <https://sasklawcourts.ca/index.php/home/provincial-court/cree-court-pc> (last accessed October 26, 2018).

¹¹¹ Premier's Award for Excellence in the Public Service – Recipients, http://publications.gov.sk.ca/documents/313/95783-Recipients_List_2016-2003%20as_of20170518.pdf (last accessed October, 2018).

¹¹² Dr. Jeffrey Pfeiffer, Kimberly Buchanan, & Regan Hart, *The Cree Circuit Court Project: Final Report*, Canadian Institute for Peace, Justice and Security, University of Regina (June 2005).

and more considerate of their needs”.¹¹³ As well, it was suggested that Elders had an increased level of trust for the Court, that the Court provided youth with positive Cree-speaking role models. While the Court was associated with increased use of restorative justice by referring cases to alternative measures, the evaluation also suggested that there was a need for better links to other community-based programs, and that it would have been ideal to have involved community residents earlier during the Court’s development. As well, the evaluation highlighted some practical considerations, such as the time required to find Cree-speaking staff and the lack of adequate court facilities in some communities.

d. Therapeutic Courts

There are seven therapeutic courts operating in Saskatchewan: three domestic violence courts, two drug treatment courts and two mental health courts.¹¹⁴ These therapeutic courts emphasize healing and provide an alternative approach within the criminal justice system to address specific offender societal issues and other reasons that are directly tied to their offending, as well as an alternative to traditional court processes. Therapeutic courts have an impact on individuals, society and community in a number of ways, including increased offender participating in education and employment and reduced offender or victim demand on public services such as health, child protection and justice services.¹¹⁵

¹¹³ *Ibid.*, at page 33.

¹¹⁴ “Therapeutic Courts”, <https://sasklawcourts.ca/index.php/home/provincial-court/therapeutic-courts> (last accessed October, 2018).

¹¹⁵ National Judicial Institute, Problem-Solving in Canada’s Courtrooms: A Guide to Therapeutic Justice (September, 2011), https://sasklawcourts.ca/images/documents/Provincial_Court/Problem-Solving%20in%20Canada's%20Courtrooms.pdf (last accessed October 26, 2018).

e. Drug Treatment Court

In 2006, the Ministry of Justice, supported by the Ministry of Health, Ministry of Social Services, the Regina Qu'Appelle Health Authority and a multi-year federal funding agreement, created the Drug Treatment Court in Regina.¹¹⁶ The Regina Drug Treatment Court addresses drug addiction as an underlying cause of criminal activity. Participation in the Drug Treatment Court is open to all adults accused of a crime who are drug dependent and whose criminal behavior is motivated or caused by their addiction. Participants must admit responsibility for their actions by entering a guilty plea and participate in an intensive treatment program that includes an interdisciplinary team of professionals who provide programming on addictions, life skills, criminality, parenting, grief and culture.¹¹⁷ Staff also work with participants to find appropriate supports to assist with issues involving child access or custody.

There is a strong link between Kate's Place, the Regina Drug Treatment Court, and the National Inquiry's mandate. Prior to the existence of Kate's Place, women were more likely to drop out of the court. Kate's Place offers safe and stable housing, thereby helping women complete the Regina Drug Treatment Court successfully.

People who have completed the program have significantly changed their lifestyle in several ways, including reduction in crime and drug use, improvements in overall health, family relationships, housing and employment. However, due to its intensive, holistic approach and

¹¹⁶ "Province's First Drug Treatment Court Opens in Regina" (October 3, 2006), <http://www.saskatchewan.ca/government/news-and-media/2006/october/03/provinces-first-drug-treatment-court-opens-in-regina> (last accessed October 26, 2018).

¹¹⁷ "Regina Drug Treatment Court", <https://sasklawcourts.ca/index.php/home/provincial-court/adult-criminal-court/rg-drug-court> (last accessed October 26, 2018).

available resources, the maximum participant volume is set at 30. A second Drug Treatment Court was established in Moose Jaw in 2009.¹¹⁸

f. Mental Health Court

In 2013, the Ministry of Justice developed the Regina Mental Health Disposition Court and the Saskatoon Mental Health Strategy Court to help assess and respond to the criminal justice needs for individuals with mental health, Fetal Alcohol Syndrome Disorder or cognitive issues.¹¹⁹

Accused are referred to the mental health court by a judge, Crown or Defence counsel who believes the individual would benefit from the support and supervision offered. The accused person must take responsibility for their actions by entering a guilty plea. The Court Team, made up of partners working with the Court, meets to discuss individual needs and develop individualized plans. These Courts use a supportive case management model to help participants to reduce or eliminate criminal behavior and maintain a healthy lifestyle by breaking down barriers, encouraging participants to connect with community services and may include comprehensive assessments and case management plans.

g. Domestic Violence Court

In 2003, the Battlefords Domestic Violence Treatment Options Court began operating in North Battleford. The Court sits twice per month. A second Domestic Violence Court was established

¹¹⁸ “Moose Jaw Drug Treatment Court”, <https://sasklawcourts.ca/index.php/home/provincial-court/adult-criminal-court/mj-drug-court> (last accessed October 26, 2018).

¹¹⁹ “Regina Mental Health Disposition Court”, <https://sasklawcourts.ca/index.php/home/provincial-court/adult-criminal-court/regina-mental-health-disposition-court> (October 26, 2018); “Saskatoon Mental Health Strategy”, <https://sasklawcourts.ca/index.php/home/provincial-court/adult-criminal-court/saskatoon-mental-health-strategy> (last accessed October 26, 2018).

in Regina in 2005 and a third in Saskatoon in 2008.¹²⁰ These Courts sit weekly. These courts allow adults who are willing to take responsibility for their actions by pleading guilty to complete a counselling program for domestic violence and address any substance abuse problems they may have. The participant waives the right to immediate sentencing and agrees to abide by the terms of the program. If the participant meets the requirements of the program, individuals will often receive a reduced sentence.¹²¹ The benefits of the Domestic Violence Court include early treatment, positive steps toward ending the cycle of violence, access to professional help for other issues, including substance abuse and the recognition of cultural differences and individual needs within the criminal justice system.¹²²

Kanawayimik is funded by Victims Services to provide a domestic violence treatment program for the Battlefords Domestic Violence Treatment Option Court. It provides treatment to offenders from an indigenous perspective and utilizes cultural components to address their violence towards their partners.¹²³

Kanawayimik is also funded to provide an Indigenous Family Violence Program for families and individuals who are dealing with violence and abuse in the Battlefords area. This

¹²⁰ Saskatchewan Domestic Violence Death Review Report (May 24, 2018), <http://www.saskatchewan.ca/~media/news%20release%20backgrounders/2018/may/sk%20dv%20death%20review%20report.pdf> (last accessed October, 2018).

¹²¹ “Domestic Violence Court”, <https://sasklawcourts.ca/index.php/home/provincial-court/adult-criminal-court/domestic-court> (last accessed October, 2018).

¹²² “Domestic Violence Court Defence Counsel FAQs”, https://sasklawcourts.ca/images/documents/Provincial_Court/DVC_Defence_Counsel_FAQs.pdf (last accessed October 26, 2018).

¹²³ The funding for 2018-19 is \$21,307.

includes counselling and education focusing on the development of tools and strategies to reduce and prevent violence in their lives.¹²⁴

h. Aboriginal Courtworker Program

In 1995, the Aboriginal Courtworker program was re-established in Saskatchewan, following the recommendations of the Linn Report.¹²⁵ The Saskatchewan Aboriginal Courtworker Program is cost-shared with the federal government's Indigenous Courtworker Program.¹²⁶ In Saskatchewan, the program is delivered by Aboriginal agencies, such as Tribal Councils and Métis organizations, under contract with the Ministry of Justice. All Aboriginal people are eligible to receive Courtworker services, regardless of their status, age, or residency.

The criminal Courtworker program ensures that Aboriginal youth and adults appearing before the criminal courts receive fair, just, and culturally sensitive treatment.¹²⁷ Courtworker services support access to justice by providing services in Aboriginal languages, informing clients about their options, and informing the Court about the client's personal history and the services and supports that are available in the community.

In addition, the provincial Ministry of Justice supports the Saskatchewan Aboriginal Family Courtworker Program. Family Courtworkers work in Regina, Saskatoon, and Prince

¹²⁴ The funding for 2018-19 is \$68,283.

¹²⁵ Judge Patricia Linn et al., Report of the Saskatchewan Indian Justice Review Committee (January, 1992) at 33 <http://www.publications.gov.sk.ca/redirect.cfm?p=33131&i=40050>; *The Aboriginal Courtworkers Commission Act*, SS 1995, c A-1.1 <http://www.publications.gov.sk.ca/redirect.cfm?p=25453&i=33018>.

¹²⁶ *Ibid*; "Indigenous Courtworker Program", <http://www.justice.gc.ca/eng/fund-fina/gov-gouv/acp-apc/index.html> (last accessed October 26, 2018).

¹²⁷ "Aboriginal Courtworker Program", <https://www.saskatchewan.ca/residents/justice-crime-and-the-law/courts-and-sentencing/aboriginal-courtworker-program> (last accessed October 26, 2018).

Albert, where they serve as a bridge between Aboriginal parents, families, legal counsel, and child protection authorities. An evaluation of the Aboriginal Family Courtworker pilot (as it was at the time) found that the program was successful in improving access to justice for Aboriginal people in child protection cases in Regina. The Family Courtworkers helped Aboriginal families access legal counsel; linked them to necessary services; and helped resolve child protection cases at the earliest possible opportunity. The pilot project appeared to be successful in improving communication between Aboriginal people, Crown Counsel, Legal Aid, and the Ministry of Social Services. As well, Aboriginal people who were dealing with child apprehension cases appeared to be more knowledgeable about their case, and to better understand what was being asked of them and their legal rights and responsibilities.

11. CORRECTIONS

a. First Nations and Metis Programs

Corrections works with First Nations and Métis communities to ensure that culturally appropriate services and programs are available for offenders in provincial correctional facilities. The guiding policy, *First Nations and Métis Cultural Programs and Services*, applies to all Saskatchewan correctional centres as defined in section 2 of *The Correctional Services Act*, and all youth facilities as defined by section 4 of *The Youth Justice Administration Act*.¹²⁸

¹²⁸Corrections and Policing Policy, “First Nations and Metis Cultural Programs and Services”, November 1, 2014, Revised July 12, 2017 [TAB J].

The objective of the policy is to establish standards and guidelines for the implementation of programs and services that are culturally relevant to First Nations and Métis offenders/youth in custody. The policy itemizes a number of standards for the delivery of culturally appropriate programs and services, including (but not limited to): ensuring cultural training for staff; maintaining respectful relations; providing necessities where appropriate; and, accessing to Elders.¹²⁹

Corrections regularly relies on local Elders and cultural advisors for advice and guidance in this area. All inmates have access to cultural Elders/advisors that provide individual mentoring and support. Elders/advisors are contracted on a long term or casual basis to provide traditional teachings such as Indigenous history, cultural protocols, Tipi Teachings, parenting, the Medicine Wheel, and to assist inmates in healing from the legacy of residential schools. The cultural services at Pine Grove Correctional Centre also incorporate pipe ceremonies, feasts, sweats, sharing circles and smudging.

With respect to cultural programming for youth in custody, all clients have access to cultural advisors/Elders that provide individual mentoring and support. Elder/Advisor services can be utilized in the event of a sudden urgency or for ongoing counselling support, dependent upon a youth's particular needs. Elders/advisors are contracted to provide traditional teachings such as history, protocol, Tipi Teachings, parenting, Medicine Wheel, crafts and drumming. Support groups and programs include fathering, healthy relationships, grief and loss, family

¹²⁹ Corrections and Policing Policy, "First Nations and Metis Cultural Programs and Services", November 1, 2014, Revised July 12, 2017 [TAB J].

dynamics, and life skills. Ceremonies offered include sweat lodge and pipe ceremonies, feasts and smudging.

Each of the provincial custody institutions (with the exception of the Drumming Hill Youth Centre) employs an Indigenous individual whose responsibility is to coordinate the provision of cultural programming to inmates. The Centre's cultural coordinator is responsible to oversee cultural services, network with community stakeholders, and coordinate larger events such as Aboriginal Day celebrations, round-dances, pipe ceremonies, and tipi raisings. The cultural coordinator also finds resources in the community so inmates can continue their cultural learning and activities upon their release. Those Indigenous clients who do not ascribe to Indigenous teachings/culture, may access Chaplains who also provide contracted services throughout the provincial facilities.

In 2011 and 2012, the province initiated a review of First Nations and Metis programs within provincial custody. The resulting report, entitled "Bringing Strength From the Home Fire", describes the operation, delivery and access to those Aboriginal cultural services and supports that are offered to adult and young offenders in the provincial Correctional system.¹³⁰

¹³⁰ Chad Nilson, "Bringing Strength From The Home Fire: A Descriptive Review of First Nations and Métis Cultural Programming in Saskatchewan's Provincial Correctional System," A report prepared for the Saskatchewan Ministry of Justice, Corrections and Policing. Saskatoon, SK: Centre for Forensic Behavioural Science and Justice Studies - University of Saskatchewan (2013), http://www.usask.ca/cfbsjs/research/pdf/research_reports/Bringing%20Strength%20from%20the%20Home%20Fire%20FINAL%20REPORT.pdf (last accessed October 31, 2018).

The report describes a two-part process in which researchers gathered information on First Nations and Métis programs. The first part of the process consisted of extensive interviews and focus groups with cultural coordinators, cultural advisors and Elders; the second part consisted of designing and implementing program monitoring at adult and young offender facilities. Dr. Chad Nilson, author of the report, provided 22 recommendations to improve the delivery of cultural programs within the institutions.¹³¹

b. Director of First Nations and Metis Services

Corrections employs a Director of First Nations and Métis Services who reports to the Assistant Deputy Minister, and is responsible for a number of activities, including:¹³²

- leading the Ministry's response to the recommendations made by The Commission on First Nations and Métis People and Justice Reform;
- being the lead for the Ministry in working with the Ministers' Elders Advisory Committee and other provincial Ministry Indigenous initiatives committees;
- building capacity within the Ministry to improve outcomes for First Nations and Métis people by leading the development of effective Corrections programs for Indigenous youth, adults, and communities;

¹³¹ Nilson, *supra*, at pages 48-9.

¹³²“Director, First Nations Metis Services,” Saskatchewan Public Service Commission, Out-of-Scope Job Description Form, 2004/2005 [TAB J].

- building capacity of First Nations and Métis organizations to develop effective policy and to participate in the design, development and delivery of youth and adult correctional services;
- working with Human Resources, senior management and the Ministries provincial diversity committee to increase the Ministries' ability to recruit and retain Indigenous staff.

This position has been in existence since 2006.

c. Gladue Committee

Through engagement with provincial justice partners, a Gladue Committee was established to review current practices and develop a coordinated approach to providing information for sentencing by examining the application of section 718.2(e) of the *Criminal Code*. In response to the work done by this Committee, Community Corrections is developing training opportunities for employees to address Gladue principles with more comprehensive information for inclusion in pre-sentence reports to assist in informing the courts and parties on how to craft an appropriate sentence for an Aboriginal offender.

Corrections currently provides a half day of training about Gladue to new probation officers/community youth workers, and provide staff with one day of Indigenous awareness training. Plans are underway to have the other probation officers/community youth workers receive the half day of Gladue training by the end of March 2019. Corrections is also considering how to provide ongoing Indigenous awareness training in the future.

d. Serious Violent Offender Response

The Ministry provides a range of programming to address violent offending. For example, the Serious Violent Offender Response (SVOR) is a comprehensive, evidence-based, targeted approach to reduce the threat posed by high-risk, violent offenders.¹³³ The SVOR, which is currently operating in Regina, Saskatoon and North Battleford, is a strategic partnership involving Community Corrections, Public Prosecutions, and policing agencies. It includes the services of clinical psychologist and relies on a new program developed by the Canadian Mental Health Association – Saskatchewan Division: the Justice Community Support Program, which provides services and support to SVOR clients with mental health concerns.¹³⁴ An adapted version of the SVOR has also now been implemented in the North East Communities of Sandy Bay, Pelican Narrows, and Deschambeault Lake.

12. SASKATCHEWAN CORONER SERVICE

The Saskatchewan Coroners Service (“SCS”) provides a public service ensuring that the death of each and every citizen of Saskatchewan is open to examination and review. *The Coroners Act, 1999* is the legislated mandate of Saskatchewan coroners and provides the framework for accomplishing a number of critical activities including:

¹³³“\$19 Million to Reduce Serious Violent Crime in Saskatchewan,” May 8, 2012.

<https://www.saskatchewan.ca/government/news-and-media/2012/may/08/19-million-to-reduce-serious-violent-crime-in-saskatchewan> (last accessed October 26, 2018).

¹³⁴“Justice Community Support Program,” March 31, 2016, <https://sk.cmha.ca/programs-services/justice-community-support-program/> (last accessed October 26, 2018).

1. Provides for independent and impartial investigations into, and public inquests respecting, the circumstances surrounding unexpected, unnatural or unexplained death;
2. Determines the identify of a deceased person and how, when, where and by what means that person died;
3. Uncover dangerous practices or conditions that may lead to death;
4. Educates the public respecting dangerous practices and conditions, and
5. Publicizes, and maintains records of and the circumstances surrounding causes of death.

There has been significant growth and development of the SCS over the past fourteen years, and with that growth there has been increased awareness of and higher expectations for the services that the SCS can provide.

On November 29, 2017, the Minister of Justice and Attorney General announced a review of the SCS to evaluate whether the SCS is positioned adequately to meet the increased demands from the public, the criminal justice system, the health system, government agencies, and sector organizations.¹³⁵

Retired Chief of Police Clive Weighill was appointed to conduct the review. The scope of the review included:

- High level inter-jurisdictional comparison of coroner and medical examiner models and best practices;
- Examination of mandate, structure and goals of the coroner's model and office;

¹³⁵ "Ministry of Justice Announces Clive Weighill Will Conduct Review of the Office of the Chief Coroner," November 29, 2017, <https://www.saskatchewan.ca/government/news-and-media/2017/november/29/review-of-coroners-office> (last accessed October 25, 2018).

- Examination of roles and responsibilities of officials and staff;
- Examination of processes and adequacy of coroner investigations;
- Review of coroner inquest model, including structure and inquest recommendations;
- Examination of processes and adequacy of support elements such as laboratory services, transfer services and funeral home services;
- Review of relationships with police, prosecutions and health regions, including an assessment of best practice; and
- Review communications practices and information sharing with the public.

Mr. Weighill presented his final report and forty-four recommendations to the Justice Minister for consideration on June 20, 2018.¹³⁶

Mr. Weighill was later appointed to serve as Chief Coroner on September 15, 2018. His appointment is understood to reflect how seriously the provincial government took the review of the SCS and demonstrates the government's interest in implementing the recommendations made by Mr. Weighill.

¹³⁶ "A Review of the Office of the Chief Coroner, Province of Saskatchewan," June 20, 2018, <http://publications.gov.sk.ca/documents/9/107181-OCC%20Report%20June%202018.pdf> (last accessed October 30, 2018).

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Victims of Family Violence

Eligibility

- Applicants for victims of family (or domestic) violence status must meet eligibility requirements, but do not need to provide rental references nor are their applications point scored.
- When victims of family violence apply for Social Housing, they become eligible for special considerations; however, they will not receive these considerations until:
 - They have requested special victim of family violence status;
 - The housing authority has assessed their applications; and
 - The housing authority has granted them special status.
- An applicant is eligible for victim of family violence status if:
 - There has been an incident, or pattern of incidents, that suggests the applicant is in serious danger of harm, and needs to be separated from the abuser; and
 - The applicant intends to separate from the abuser.

Please note that this status cannot be granted to people who want to separate from their spouses in circumstances where abuse is not a factor.

- An applicant is eligible regardless of where the person is living at the time of application for special status.

Assessment

- The housing authority must assess the circumstances of every applicant who requests victim of family violence status. It must ensure that applicants are not placed in danger at any point during the assessment process.

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- The housing authority manager, or a designated member of the board, must keep in contact with applicants in order to verify their continued safety. Applicants should be contacted by the manager/board designate only.
- The assessment process is similar to the home visit process. However, because of the potential risk to the applicant, the interviews may have to be held in secure locations other than the applicant's home.
- Respect the applicant's right to privacy. Ask only those questions needed in order to make an assessment. Collect and obtain only information that is relevant to the applicant's status as a victim of domestic violence.

Documentation

- The housing authority must treat all information provided by an applicant as confidential, and maintain absolute control over any documentation it receives. The housing authority manager or someone designated by the board are to maintain absolute control over any written documentation received.
- An applicant's tenant file cannot contain any reference to family violence. The housing authority must keep all information about the applicant's special status in a separate file, under lock and key.
- The housing authority manager/board designate is normally the only person who can have access to victim of family violence files. In special circumstances, the board may designate the chairperson access to victim of family violence files.
- If the board members question the assessment and verification information, the chairperson may be required to access the file on their behalf. The chairperson cannot disclose information found in the file to the board members; he/she may only confirm or deny their concern.

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Verification

Before the housing authority can grant victim of family violence status, it must obtain third party verification of an applicant's situation. This verification must be in writing. It can be provided by a:

- Physician;
- Lawyer;
- Supervisor of an emergency or second stage shelter;
- Community health worker;
- Law enforcement officer;
- Social worker; and/or
- Member of the clergy.

Granting of Status

- A request to grant victim of family violence status must be taken to the housing authority board immediately. The housing authority may give the board chairperson or vice chairperson the authority to grant special status as the need occurs, and ratify the decision at its next meeting of the board.
- When an applicant is granted special status, the housing authority must waive the point scoring requirement and place the applicant at the top of the approved applicant list.

Placement

- The housing authority board must approve an applicant's placement.
- However, approval can be granted by the chairperson and ratified at the next meeting of the board.



Justice

Saskatchewan Aboriginal Justice Strategy

The Origins, Rationale and Implementation
Process: An Evaluation Report

For Policy, Planning and Evaluation
Saskatchewan Justice

By Dr. Les Samuelson
Associate Professor/Co-Coordinator
Aboriginal Justice and Criminology Program
Department of Sociology
University of Saskatchewan
January 2000

Saskatchewan

Thank you to those people who so willingly shared information, perceptions and experiences that provided the data for this report. Your cooperation and assistance helped ensure the success of this project.

This report forms part of the evaluation of the Saskatchewan Aboriginal Justice Strategy. It provides information and reflection on the rationale and implementation of the Saskatchewan Aboriginal Justice Strategy and presents some suggestions for future direction.

The evaluation plan (**Aboriginal Justice Strategy Interim Report**, February 1998) presented the following evaluation questions that formed the basis for this investigation:

- What research formed the basis for the Strategy?
- How well were the initial policy, objectives and procedures of the Strategy communicated?
- What changes, if any, are needed to policy, objectives and procedures?
- How well have the roles and responsibilities of the organizations involved in the Strategy been defined?
- What changes, if any, need to be made to improve implementation of the Strategy?

Executive Summary

In 1993 the Saskatchewan Provincial Policy Framework identified justice reform as one of five priority areas in its five-year action plan. This report reviews the origins, rationale and implementation of the Saskatchewan Aboriginal Justice Strategy as set out in 1993. This Strategy had a notable precursor template from the over ninety recommendations made by the Saskatchewan Indian and Metis Justice Review Committees reports (January, 1992).

The Strategy focused on four main areas of activity that it was believed would enable the justice system to better serve Aboriginal peoples: crime prevention and reduction, building bridges to Aboriginal communities through community-based justice development, employment equity and race-relations, self-determination and self government issues. Four Strategy evaluation cornerstones were also set out:

- equity (adding a measure of fairness);
- effectiveness (meeting objectives);
- efficiency (cost-effective humanly and fiscally); and,
- accountability (responsiveness to communities served and the justice system).

Evaluation data were gathered from key-respondent, in-person interviews and from Saskatchewan Justice archived materials. The main conclusion drawn from these data was that Saskatchewan Justice has worked with Aboriginal peoples to provide a lead role provincially and nationally in justice reform for Aboriginal peoples.

This progress had not been equal for all four areas of Strategy activity, or for all constituencies and peoples. It is also quite clear from the interview data that people, governmental and Aboriginal, see that it is crucial, politically, demographically, and humanly, to move forward with an expanded, resourced, prioritised, evaluation-focused and long-term Aboriginal justice strategy.

A respondent said:

... it leads one to think about how we're going to manage the future in different ways and who the partnerships are in that regard ...

A respondent said:

Aboriginal people began to speak out and say we need to do this ourselves, we need to look at what the issues are and find our own solutions because the solutions that have been put into place for us are not working ...

The main recommendation of this study is for Saskatchewan Justice to continue to use the 1993 Aboriginal Justice Strategy as a framework for initiating and implementing successful Aboriginal justice reform. Within this framework it is essential for Saskatchewan to build a 20-year plan of four five-year cycles of Aboriginal justice reform activity. Success criteria and evaluation processes should be established, for changing deeply-rooted problems will likely not come easily or cheaply. Strong efforts should be made to streamline consultation, funding and reporting procedures for Aboriginal community-based organizations. As well, it is noted that it is important for the province to push hard at the federal level to keep the Aboriginal justice agenda on the table.

Other recommendations for reform activity are also set out in the conclusion of this report. They focus on Saskatchewan Justice:

- ✓ developing a communications strategy and a community development policy and strategy;
- ✓ taking a lead role in involving municipal governments, health districts, school divisions, other government departments and representatives from the Aboriginal community in large and small urban areas in broad public policy issues that influence the inner city;
- ✓ participating in an integrated government and community approach to challenges in the North.
- ✓ developing a comprehensive inner-city and/or small northern programs for crime prevention, intervention and treatment, especially for the rapidly growing youth population;
- ✓ continuing to ensure a role for the involvement of often marginalized groups, including women and youth, in Aboriginal justice reform; and,
- ✓ expanding emphasis on Aboriginal self-determination with increased quality of life and economic self-sufficiency.

A respondent said:

For us this truly is the future . . . and if we don't learn to meld . . . the Aboriginal and non-Aboriginal values and processes we're in for a really rough ride.

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Introduction

This report reviews the origins, rationale and implementation of the Saskatchewan Aboriginal Justice Strategy (SAJS) as set out in 1993. In that year the Saskatchewan Provincial Aboriginal Policy Framework identified justice reform as one of the five priority areas in its five-year action plan. In this section we will look briefly at the local and national processes that led to this 1993 Saskatchewan Justice initiative, then at the initiative itself and finally at the research methodology for the evaluation.

Impetus for the Saskatchewan Aboriginal Justice Strategy

A variety of sources show that the Saskatchewan concern with Aboriginal peoples and justice goes back several decades, but really got pushed forward, albeit haltingly, in the mid 1980s. An internal governmental Aboriginal Justice Committee had existed in one form or another since at least the mid 1980s and the preparation of **Reflecting Indian Concerns and Values in the Justice System** occurred in April 1985. This report consisted of a series of joint federal/provincial/FSIN¹ studies on certain aspects of the justice system as they related to First Nation peoples in Saskatchewan. A total of 56 recommendations were advanced in relation to law enforcement, corrections, Indian justices of the peace and customary law. Saskatchewan Justice then asked the FSIN to prepare a formal response. However, Justice Canada's refusal to fund this initiative caused the issue to fall to the wayside.

In the latter 1980s a series of acrimonious debates on constitutional reform and self-government occurred, and there was little formal contact between Saskatchewan Justice and the FSIN or the Metis on Aboriginal justice issues until about 1990. Internally, however, Aboriginal justice reform ideas were percolating within Saskatchewan Justice. In 1987 an Alternatives to Incarceration, Native Offending Sub-Committee was established. The sub-committee, comprised of representatives from Executive Council, Finance, the Indian and Native Affairs Secretariat and Saskatchewan Justice, issued a report, **Doing Things Differently, Doing Things Better: Proposals for Change in 1988**. It called for a number of systemic changes to improve correctional practices and programs, with the intent of reducing incarceration as well as employing community justice workers to provide direct and referral services to offenders and crime prevention, fine option and mediation services. Many of the recommendations did move forward into Saskatchewan Justice programming; however, the process was frequently slow, ad-hoc and hit and miss.

¹ Federation of Saskatchewan Indian Nations

In 1989/90 we see Saskatchewan Justice contribute to the rapid emergence of Aboriginal justice reform as a national issue. Aboriginal Justice Committee members collaborated, as did other jurisdictions, in the first national inventory of Aboriginal Justice Programs, released in 1990. Two fairly substantial papers were also generated for discussion at meetings of Deputy Ministers of Justice and Attorney Generals. One report on Aboriginal peoples and justice system issues was from the Policy, Planning and Evaluation Branch and one was from the Constitutional Branch of Saskatchewan Justice. In 1990 direct federal/provincial discussions on Aboriginal justice and reform resumed with Indian and Metis groups.

In Saskatchewan these 1990s talks took place against the backdrop of Aboriginal peoples and justice task forces in Nova Scotia, Manitoba and Alberta. In June 1991, two parallel tripartite committees, one federal/provincial/Indian, the other federal/provincial/Metis, were established, chaired by provincial court judge Patricia Linn. Their common mandate, prepared under the direction of Policy Planning Evaluation and the internal Aboriginal Justice Committee, was to make recommendations relating to the delivery of criminal justice services to Saskatchewan Indian and Metis peoples and communities, especially focussing on community-based initiatives intended to enhance such services. The tripartite committees issued their reports in January 1992. Over 90 recommendations were made in areas such as youth justice, policing, legal representation, sentencing alternatives, court services and corrections. These recommendations formed the basis for the change and expansion of the Saskatchewan criminal justice system through the Restorative and Aboriginal Justice Strategies.

As the Rasmussen Royal Commission on Aboriginal Peoples report, *The Case of Saskatchewan - Aboriginal Relations* (Public Policy and Aboriginal Peoples 1965-1992), notes: "The Government of Saskatchewan accepted most of the recommendations of both reports unequivocally." Aboriginal groups were also happy with the results and were cautiously optimistic. As FSIN Vice-Chief Dan Bellegard said:

We came to this review process not as supplicants, but as full partners. We see it as a very positive step toward not only dealing with people in conflict with the law, but also in the ongoing process of dialogue between governments (p.48).

Saskatchewan Justice memorandum documents from the fall of 1992, and elsewhere, show that Policy, Planning and Evaluation, with the Internal Aboriginal Justice Committee, coordinated the task of implementing the Saskatchewan Indian and Metis justice reviews. Records show that in 1992/93 Saskatchewan Justice was allocated \$500,000 to respond to the recommendations of the review committees; however, these funds were subsequently used by government to absorb the costs of the Nerland Inquiry into the shooting of Leo Lachance in Prince Albert. In the fall of 1992 Saskatchewan Justice held discussions with Treasury Board on the importance of developing a management plan and a three-year series of budgets to implement justice reform in Saskatchewan. Records note that pressure came from Aboriginal and non-Aboriginal communities to get moving with reform recommendations. In the following

year that we see the emergence of the Saskatchewan Aboriginal Justice Strategy and related initiatives to confront the daunting task of dealing with the over involvement, incarceration and justice reform for Aboriginal peoples in Western Canada, especially in Saskatchewan. LaPrairie (1996:33) notes that in this period, yearly averages for sentenced admissions to custody show that Aboriginal inmates made up 7% of the prison population in Ontario, 17% in British Columbia institutions, 31% in Alberta and 57% in Manitoba. In Saskatchewan where Aboriginal peoples make up just under 10% of the population, 73% of the prison population is Aboriginal.

The Strategy

In 1993 the Saskatchewan Aboriginal Justice Strategy (SAJS) was developed (see Appendix 1) with a focus on four main areas of activity. It was believed that attention in the following areas would enable the justice system to better serve Aboriginal peoples:

- crime prevention and reduction;
- building bridges to Aboriginal communities through community-based justice development;
- employment equity and race relations; and,
- self-determination and self-government issues.

The **Aboriginal Justice Strategy Interim Report (1998)**, in line with the **Cultivating Change** submission by the Minister of Justice and Attorney General for Saskatchewan to the Royal Commission on Aboriginal Peoples, stated further that:

The goals of this [Aboriginal Justice] Strategy are:

- ✓ *to confront the root causes of Aboriginal crime and victimization in Aboriginal and non-Aboriginal communities;*
- ✓ *to balance the needs of accused, victims and communities;*
- ✓ *to respond to the unique needs of each community, including the degree of interaction between Aboriginal and non-aboriginal peoples, Aboriginal policy, the Constitution, Charter of Rights, and the Criminal Code;*
- ✓ *to respond to the need and potential for Aboriginal peoples to have greater control over justice services and decisions;*
- ✓ *to increase the credibility of decisions and outcomes arising out of justice processes involving and affecting Aboriginal Peoples and communities;*
- ✓ *to focus on justice objectives that resonate with the values and cultures of Aboriginal Peoples; and,*
- ✓ *to develop justice services that are more responsible to and representative of the Saskatchewan population.*

Evaluation Methodology

Carol LaPrairie, a well-known researcher in this field, is cited in the **Aboriginal Justice Strategy Interim Report**, February 1998 as outlining four evaluation cornerstones to Saskatchewan Justice for the SAJS initiative:

- **equity**
the extent to which the Strategy is viewed as adding a measure of 'fairness' that will add to the legitimation of authority and credibility of the Strategy within the spectrum of the wider Aboriginal and non-Aboriginal populations.
- **effectiveness**
how well the Strategy has met its objectives.
- **efficiency**
the extent to which the Strategy is cost-effective, in both human and financial terms.
- **accountability**
the extent to which the service delivery is responsive to the needs of the communities served and the justice system.

In line with the previous material, the evaluation terms of reference as set out in the **Aboriginal Justice Strategy Interim Report** and consultation with the Policy, Planning and Evaluation Branch of Saskatchewan Justice, the following research methodology was developed and followed. (See Appendix 2 for a complete methodology.)

Policy, Planning and Evaluation (PPE) at Saskatchewan Justice oversaw the Aboriginal Justice Strategy from 1993 to its partial transfer to Community Services Branch in 1997. PPE made available a very substantial range of documents, internal memos and background reports and information on the origin, set-up and operation of the Aboriginal Justice Strategy and the related initiatives considered, developed and funded under the Strategy.

One of the most useful sources of information was the minutes from the Internal Aboriginal Justice Committee. This committee had a wide inter-departmental range of representatives. Approximately half of the people involved with the Saskatchewan Aboriginal Justice Strategy and its initiatives were chosen for personal interviews. Three other senior governmental administrators from Saskatchewan and one federal liaison person were also selected to interview. As well, three people from the Aboriginal community (First Nations, Metis and Aboriginal women) who had substantial to moderate Strategy- and initiatives-related dealings with Saskatchewan Justice were chosen, making a total of seventeen respondents.

A semi-structured interview schedule was developed by the researcher in consultation with the Policy, Planning and Evaluation Branch of Saskatchewan Justice. (See Appendix 3.) Respondents were asked about their type and length of involvement with the SAJS, why it was implemented and how well the SAJS had achieved its four main areas of activity. Respondents were then asked how well each of the four evaluation cornerstones had been reached to date through the SAJS. Finally the interviewees were asked what changes or supports, if any, were needed to improve outcomes in the four main areas of crime prevention, building bridges, employment equity and race relations, and self-determination/government.

Excerpts from these two data sources, archival and interview, will appear in the evaluation results section and in the conclusion.

In Summary

Before moving to the evaluation data it is important to reflect on the history of Aboriginal reform initiatives that have been proposed in Canada since the seminal 1967 report **Indians and the Law**. This report essentially "discovered" the present concern with Aboriginal peoples and the justice system. (See Appendix 1.) A critical reading of the history of Canadian justice reform initiatives strongly suggests that effective Aboriginal justice reform (AJR) has three essential components:

- AJR 1** well thought out, clearly defined and promulgated deliverable objectives and areas of change. Optimally with policy and resource priority as well as time lines for degrees of change in specific areas.
- AJR 2** strong, broad-based, genuine political commitment to substantial radical post-colonial changes to justice systems, law and society.
- AJR 3** where a genuine commitment to act is made, successful implementation depends upon substantial-to-equal Aboriginal peoples/community input and upon effective communication between parties involved, both among Aboriginal peoples and between them and governments.

In 1993 the Saskatchewan Aboriginal Justice Strategy was developed, centred in Policy, Planning and Evaluation, Saskatchewan Justice and set forth to confront the 'clashing rocks' of Aboriginal justice reform. To what degree and in what ways was it substantially successful, keeping in mind the three core AJR criteria outlined above?

Evaluation Results

Development and Implementation of the Strategy

It is extremely clear that the need to develop a substantial Saskatchewan Aboriginal justice reform strategy existed and was brought to the forefront by the parallel tripartite process of the early 1990s. The Strategy was well thought out within Saskatchewan Justice, as were the four main areas of activity. It was obvious from the file review that the 1992 report by the Indian and Metis Justice Review Committee formed the basis for the Strategy. People around the table provided reflective consideration to the Strategy's development and the four main areas of activity were targeted as a starting point for expansion and change in the criminal justice system in Saskatchewan.

The implementation of the Strategy presented challenges. It was very clear from the interviews and background archive file material that people recognized a serious constellation of issues:

- massive Aboriginal over incarceration for men, women and youth in Saskatchewan, the highest of the western provinces;
- demographics of substantial provincial Aboriginal population increases, especially for youth;
- the projected increasing numbers of Aboriginal offenders with substantial human and economic costs both in the justice system and related areas such as health, social services and housing;
- the massive problem of crime in Aboriginal communities (victims and offenders) and the clear alienation of Aboriginal peoples from the "justice" system; and,
- a growing impatience and/or politicization of Aboriginal peoples for self-determination and for solutions to colonialist-generated social problems, of which crime victims and offenders were but one part.

The recognition of these serious concerns and the lead role of Saskatchewan Justice in pushing for change can be documented in the following interview quotes from respondents:

... the late 80s was a time when the government didn't speak very much with Aboriginal organizations ... there had been a report done in 1985 on reflecting Indian concerns and the justice system. Those (1992) reports still remain for the Department and for communities really important products in terms of trying to map a course of change ... there was pressure within the Department to develop a strategy of that kind ... there's certainly pressure and interest from Aboriginal organizations themselves ... pressure from demographics within the province ...

Changing population ... the pressure Saskatchewan feels not exclusively and not uniquely but is certainly with the young age and the apparent poverty and the peoples at risk ... for being in contact with the justice system it leads one to think about how we're going to manage the future in different ways and who the partnerships are in that regard ... if there was one inhibitor at the time ... it was the overall government strategy dealing with Aboriginal folks ... there seemed to be a lot of difficulty in the government articulating exactly what that would be ... I don't think there was a lack of desire ... but how that articulation occurred and over what period of time ...

... the financial support for Aboriginal initiatives, I think, was very hard fought for ... even with the backdrop of the Indian and Metis reviews which one could argue gave a bit of a blueprint of where to go ... I see a real schism in intent and action ... within the government of saying yes these are directions we have to go in but such a cautiousness of actually putting dollars to it ... I think much to the credit of the Department there were attempts made, even if fairly modest, to be able to do that ... what was also, I think, opportune in the Department at the same time and helped in that regard was the development of the strategic plan which really ... set strategies and goals for itself around Aboriginal justice, around dispute resolution and social justice so it also gave that internal impetus.

Other respondents similarly stated:

I would say that in very significant measure ... more so than any other province in the country, the issues and challenges of the justice system, particularly the criminal justice system, are challenges of Aboriginal justice in Saskatchewan ... the minister at the time Bob Mitchell was a very enthusiastic proponent of finding better ways to deliver justice and to have the intersection between Aboriginal people and particularly the criminal justice system be a more constructive intersection than it was ... financial constraints were an obvious semi-external limitation on what could be done ...

I think they had to look at the Aboriginal Justice Strategy basically because most of the human services . . . the . . . recipients of those services are . . . Aboriginal people . . . a lot of this ties into the Social Services, the corrections services, the legal services . . . victimization services . . .

Aboriginal people began to speak out and say we need to do this ourselves, we need to look at what the issues are and find our own solutions because the solutions that have been put into place for us are not working . . . I think it's pretty much based on the fact of the day or at least for the future to have some kind of quality of life for Aboriginal people that is not entrenched in poverty and addictions and violence . . .

Some of the respondents highlighted concerns about the implementation of the Saskatchewan Aboriginal Justice Strategy, some internal to government generally, some internal to Saskatchewan Justice and some within the community. While raised in previous quotes, the problem of generating strong, broad-based, genuine political commitment to post-colonial change is well set out in the following:

. . . when the Aboriginal constitutional process hit the wall in 1987 the premier of the province played a key role . . . there was a great deal of anger and hostility directed at some of the leadership in the government and even some of us as officials by those who were negotiating on behalf of the FSIN and the Metis . . . the government wanted to demonstrate that it was not against Indians pursuing the agenda that they felt was appropriate . . . so I think those forces came together at the same time . . . the justice initiatives could not be viewed in isolation . . . and as it became an accepted part of the discourse among the professional policy makers in justice . . . and there's always been a division between the people who run the policy area . . . even the people who sit in the deputy's office, some of the leadership of the Departments and the line functions of the Department . . . so the policy people led, it gradually filtered down and became acceptable . . . setting up the Linn Report was a move down that road in a cautious and conservative way and in a way that was still consistent with the underlying belief . . .

. . . there was a feeling that there was a sort of political resistance to having to be involved . . . I think politicians, and then it worked down to the bureaucracy, were mindful that the other eight hundred thousand people who live in the province may not be entirely on board and empathetic to the plight of Aboriginal people in the province . . . Even though the Strategy was employed and may have . . . [raised] expectations . . . there was a resistance of, I think, politicians and bureaucrats probably to really get behind it and endorse it as something that Saskatchewan people needed to do . . .

In terms of the processes internal to Saskatchewan Justice the following two quotes show that, as found in the file review, an explicit communication strategy was lacking, perhaps for the reasons outlined above, and this caused frustration problems.

In comparative terms it was fairly solid. Saskatchewan has probably moved farther than any other province or territory in the country. The focus on capacity building in community justice development in Aboriginal communities is fundamentally sound. The First Nations policing component despite some challenges, is basically sound. Court worker services, despite their limitations, are basically sound. To the extent that these were core components of an Aboriginal Justice Strategy, it was fairly clearly thought through, I think we were less successful in terms of communicating that as strategy to a variety of both internal and external audiences. And I'm not so sure that the Strategy was always embraced or shared with others . . .

One of the tremendous difficulties that still plagues . . . all the initiatives and the Strategy is the lack of communications around this . . . there's simply never the attention or the effort with respect to the communication and what this was about . . . community as far as I've seen has never received anything . . . and I guess to be frank we're not just sure what the public take is on some of this too . . . and also reluctance federally . . . So how do you strike out talking about an initiative where you have nervousness amongst your partners, which sometimes also included the Aboriginal groups themselves . . . they were pleased to be part of, but some of them didn't want to highlight their full participation where not everyone was participating . . . But it has hampered the way that people understand the initiative I think it's fair to say. The funding history has also, definitely, and again, that is more an issue for the Aboriginal community than anybody else, but when you have a series of grants in the 96/97 year and the contracts are written in March of 97 . . . this is not good . . .

In terms of working with Aboriginal "communities" as real cohesive units the problems have been well expressed by LaPrairie (1995:52-3). She notes that, "The realities and needs of Aboriginal communities often appear hidden or compromised in the on-going Aboriginal justice discourse." A challenge for Saskatchewan Justice and other government departments who work with community-based organizations is the definition of "community," especially in urban areas. The following respondent raised this concern in terms of the Saskatchewan Aboriginal Justice Strategy:

I think we had a fairly good handle on the problem that we had . . . the challenges we faced in addressing it . . . you've got a situation where you've got the Band up there, the Town Council, you've got a number of political organizations that got their own . . . stakeholders . . . but then there's this group over here called community that may or may not participate. There are individual families that may or may not participate in these structures. But when all the opportunities come to actually do something . . . the funding, all the interaction, is right through this group here and it's not even through these groups . . . it's through selected groups and often through certain individuals in these groups . . .

The issue of regionally varied "community" justice development and the specific concerns of women is voiced below:

I think as with everything else in Saskatchewan we have to look at it by region . . . because everything is different. We have different levels of implementation across the province. We have a tribal council, for example, that I would consider to be very influential because they certainly are taking a very active role in looking for what's best for their own people . . . We also have other tribal councils that are really struggling . . . I think there's been a lot of focus on getting diversion programs up and running and . . . I don't think there's a lot of consideration given to programs for women, but I think that the women themselves are starting to take a more active part . . . My personal opinion is that's not really often the case at the political level . . . the men generally dominate . . .

The following two quotes from Aboriginal respondents about the responsiveness of Saskatchewan Justice to programs reflect both the progress of the Saskatchewan Aboriginal Justice Strategy and the frustration from community for First Nations in Saskatchewan.

. . . I think they responded to the needs as presented to them and you can't ask for a lot more than that . . . the government's really into partnerships and everything when it comes to a project that they say . . . be partner with this one and [then] we get the funding . . . and the partner takes over because they have all the cashflow the infrastructure and the resources to go with it . . . To date Sask. Justice has been really really supportive . . . for our programs and also with the programs that we've had to partner with . . . in supporting us to actually insisting that we be recognized . . . so they've given us a lot of support there . . .

Reflecting on funding criteria and accounting requirements for the Saskatchewan Aboriginal Justice Strategy an Aboriginal respondent stated:

It's difficult for small First Nations government, who are used to having essentially no financial reporting requirements, to come up with a great deal of details and receipts and whatnot . . . it's difficult for First Nations but at the same time it's a growing experience for them to try to understand those things and how it works. And I think that it's also important for First Nations to have capacities that they have to meet before . . . they receive funding . . . and it's just been a frustrating process to try and have that implemented. I'm not blaming government for the frustration either. It's just that all the time that we waste on that it's just time that could be better spent I think . . . I think it's been implemented fairly well and . . . I would say the people in it are very committed and hard working. I think they [Saskatchewan Justice] have good ideas and they're very open to working with First Nations people . . . I think they're good, hard working, committed . . . and I think that they share a lot of my frustrations with the process, that there are problems out there that are not usually dealt with . . .

The archived internal Aboriginal Justice Committee meeting minutes and attachments clearly show that Saskatchewan Justice was often ahead of other ministries, and at times took heat for it, when trying to deal with the Aboriginal justice and self-government policy-program activities as mandated (cf. minutes of March 4, 1996; p.6). In this series of minutes, we also find that the Justice Department was required to submit to Treasury Board for approval any proposal to financially support the

development of an Aboriginal justice system within self-government (Appendix A to July 20, 1995, Aboriginal Justice Committee minutes).

The internal minutes of the Aboriginal Justice Committee (April, 1996) reveal that a few notable writers on Law and Society, one of whom was Aboriginal, were asked to prepare future development reports for Saskatchewan Justice in the mid 1990s. They were referred to as the "Blue Sky" papers because the writers were asked to envision a "sunny future" for Saskatchewan. They were asked to consider the linkages model between federal, provincial and FSIN governments concerning justice development. The minutes (p.6) stated that opinions expressed in the papers, "confirm the basic soundness of the provincial approach to community-based justice development." The work of the Aboriginal author especially was notable, in that it directed progress toward a series of "multiple linkages" between Saskatchewan Justice and Aboriginal justice reform, as opposed to primarily separate and parallel systems. The minutes (cf. March 4, 1996) also reveal that Saskatchewan Justice was continually limited-to-hamstrung in its Aboriginal justice reform mandate because of unsettled issues around self-government ranging from taxes to law-making and jurisdiction, both on-reserve and in urban areas. Saskatchewan Justice was forced to move ahead cautiously because of these serious concerns and possible backlashes from the public. Saskatchewan Justice reform initiatives took place in "cell-like" fashion and communication was more-or-less on a "need-to-know" basis.

Still, as can be seen from the archival data, including the external Blue Sky papers and the interview data, most specific observations and general background information on the overall Strategy are positive. This may reflect the fact there was a fairly clear constellation of problems recognized during the Strategy development as needing 'core' attention. Most respondents interviewed expressed fairly strong agreement that the Saskatchewan Aboriginal Justice Strategy was well thought out, with a few people expressing qualified, and, perhaps ironically, positively insightful comments, especially on the implementation process.

Four Main Areas of Activity

In this section we will look at how well each of the four main areas of activity within the Saskatchewan Aboriginal Justice Strategy has been achieved to date. We begin with quotes from respondents and then move into archival information.

Crime prevention and reduction

When respondents were asked about the degree of implementation of this main area, responses ranged from very negative, to nothing, to modest at best. But, with increasing emphasis that something must happen, there is some hope for the future. To quote a First Nations respondent:

My feeling is that it hasn't been addressed at all . . . nothing on the scale of what I think is needed to really try and stem the flow of First Nations crime . . .

A Saskatchewan Justice respondent was similarly negative, but elaborated:

I'd say nothing . . . I think that the difficulty is that many of the initiatives set out to do a lot of things in and of themselves . . . But as they evolved they concentrated on one area more than another . . . so what I saw by way of crime prevention as an example, was a lot of it was included in everyone's proposal and their initiative, but I don't see so much evidence of any action . . . successful or not . . . that then lined up with that particular objective . . .

Other somewhat optimistically critical justice respondents stated:

. . . if you've got a stand alone First Nations police service, if it's credible good service and staffed by people who speak the language of the people and they're pursuing diversion, mediation, a different approach . . . working with the Elders, that sort of thing . . . that's crime prevention. And that can make a difference within a part of an integrated approach that works . . . the kind of crime prevention activities that governments do . . . [are] aimed at the wrong parts of the system . . .

That's difficult to answer when one relates it to one aspect of the whole socio-economic situation. I mean, you have so many other variables that impact on crime . . . again, I think it has made a start. I don't think we can see immediate results, but I think the beginnings of a foundation are there. And I think a question like that can probably be much better answered ten years hence, when we can make the comparison between what might exist in 2005 and what we had in 1995 or 1993 . . .

Several respondents noted the serious problem of crime prevention/reduction in urban areas, and highlighted the need for violence prevention activities in Aboriginal communities. Programs

Although the answer to preventing crime does not lie solely in funding support, Saskatchewan Justice has financially supported several community-based crime prevention programs.

- In 1995 the Aboriginal Women's Council of Saskatchewan received funding to conduct violence prevention workshops in schools and communities. As well, the Women's Council implemented its Women Find Project to educate and inform Aboriginal women about safety identification clinics and established a database to assist in searching for missing women. This initial crime prevention activity was also a response to the need to focus concern on women's issues.

- In 1997 Saskatchewan Justice committed \$250,000 to crime prevention programs for seven- to eighteen-year-old children and youth, with particular emphasis on urban Aboriginal peoples. A program in Prince Albert for outreach workers is targeted at children on the street and builds on initial Social Services funding. The youth centre concept and its outreach component were conceptualized by the Prince Albert community and appear to be very successful. In Saskatoon several community-based crime prevention projects were funded, including a school program for children and youth aged nine to fourteen not in school and a community patrol project. In Regina, two youth programs have expanded and a summer camp for at risk youth was held.

The focus on children and youth reflects research that has shown that once kids get into the criminal justice system, it requires much work to keep youth out of it. It has been said that \$1 worth of prevention is worth \$7 of institutional programming. Although outcome information is not available at this time, this program support and the \$350,000 contributed to community-based family violence programs should affect crime statistics in the future.

and some resources are apparently going in that direction; however the degree of success remains to be seen.

Building bridges through community-based justice

This main area of activity received more positive comment than the previous one, presenting a fairly bright picture to date. In 1992/93 Saskatchewan Justice began working in the area of community development with one or two projects. In 1998/99, it funded 14 community-based justice projects, eight Aboriginal family violence projects, 14 contracts for courtworker services and several crime prevention projects in each of three urban centres.

... I think we did really well with sort of the moving out ... or at least starting to move out control of the community on courtworkers and victims and the community justice stuff ... so I think that part has worked well ... that has really built some trust and some good relationships ... but you can always do more ... and I think where we haven't succeeded is probably more on the other end in terms of the actual justice personnel themselves ... understanding what we're doing ... with some of the initiatives we were doing ... they were handled more centrally ... they were never given a high profile ... they were provided information on them but we didn't make a big noise about them ... and so I think there is still a need for the rest of the Department to understand exactly what we were trying to do

The groundwork for that was laid and that's important to recognise ... the inhibiting factor on that was that there wasn't the staff to work with the communities. There was only one community development person ...

I know it's probably the most successful part of the program ... those bridges are being built. There is increased communication particularly in policing for example. Much greater awareness over all of the province ... they've always related to the federal government but I think now much increased knowledge of provincial responsibility and the need to develop a relationship between the province and First Nations ... it's got a long ways to go but ... when one can sit down at a tripartite justice table with FSIN, Canada and Saskatchewan, I consider that significant progress because people are talking about problems and looking for mutually acceptable solutions ...

Three respondents then offer some critical but informative data with a front-line "lens:"

Then the community was split on who was Indian who was Metis and again that reflects back to the original Aboriginal policy framework and the big tofurah about inherent right to self government and people became impassioned in that and lost the vision ... of social justice ...

(In) a number of the key communities it's been quite successful. I think we did a lot of really good work in Regina, some good work in Saskatoon. Saskatoon was [a] considerably more complex environment to work in; very good work in some of the high crime communities [such as] La Loche, La Ronge . . . I think we were actually able to develop and help sustain some of the community-based organizations . . . in ways that often presented some political conflict for us because there was an expectation in some of the Indian organizations that we just turn over the resources to them to design [especially] at a tribal council level . . . I think we managed that issue, but not perfectly because there's a natural tension there . . .

Well I think that's been well achieved from the program. We have a strong network you know . . . across the province now of First Nations communities who are actively involved in justice . . . As well, there (are) other people who are showing an interest in becoming involved in justice and these were interlinked with federal government and provincial government and various areas of both those governments. So I think it's happened quite effectively . . .

While problems may exist for working with Metis people, prospects also exist:

We have got good relationships now virtually with every tribal council across the province . . . we have a lot of relationships with individual First Nations . . . the Metis side I think is challenging . . . I think it's kind of an up and down situation. I mean clearly Metis are quite involved in the courtworker program, MFCJS, and in the alternative measures . . . just very marginally . . . I mean there's there's a lot of work that needs to be done. We've got a couple of family violence programs starting with Metis women of Yorkton and with Metis Family Circle Healing Lodge in Saskatoon . . . it's a start . . .

Employment equity and race relations

Responses to the question of progress in this area illustrated the important diversities in parameters of consideration and views:

That's really difficult to answer. In my opinion race relations in Saskatchewan have not improved . . . but to say that this program has had no impact I think would be misleading . . . it might be worse if there weren't programs . . .

I think certain parts of the Department are sincerely trying and certainly parts of the Department need serious work . . . what's the harm in an Aboriginal person being a director you know . . . But you don't see that. So where we're being critical with guards or head office, policy planning, community services you know . . . they are all the visible places. But if you get down into the system we're not there . . . and in terms of race relations there's a lot of tension in the Department, a lot of resentment, a feeling that Aboriginal people are getting jobs just because they're Aboriginal and they're not seeing their skill sets . . .

(Race relations between the Department and Aboriginal peoples have) I think improved . . . because clearly the Department has been more visible in the community and has really started talking more to community and their language is getting a little closer and people aren't so nervous when they go to communities and stuff like that . . . that makes a big difference . . .

As a consequence of some decisions that were made both at the departmental level and at the executive government level, there's been less activity in relation to employment equity than there might have been . . . it fell down the list of priorities. That said, once again in comparative terms, Saskatchewan Justice has made more gains in the relation to the employment of Aboriginal people, with the exception of Social Services, than any major government department at the provincial level. There is much discussion of mutual respect and its importance. As someone who's been a lightning rod for grievances of all sorts you sometime feel that the mutuality is lacking, and yes, I think there are those within the Aboriginal communities who have stereotypical assumptions about quote unquote "white bureaucrats" and their understanding of Aboriginal culture. And there is a tendency to, in the language of Charles Taylor, lapse into identity politics quite frequently and it's very tricky terrain.

I think there (have) been some strides there . . . within limits because we live on our side of the fence and they live on theirs . . . you need to be able to . . . spend enough time . . . living with the cultures that you're trying to deal with . . . before you can really cross that bridge . . . taking the prosecutors out and giving them a half-day course in race relations doesn't do it.

A First Nations respondent notes some interpersonal positive "identity-politics" and program gains, but a long haul ahead as did many other interviewees.

(Targetting employment and race relations) has worked quite well . . . between justice and Aboriginal peoples at least between our organization and them . . . actually now with a lot of them we're on a first name basis.

When asked about the impact on the relationships between non-Aboriginal peoples in this province and Aboriginal peoples, this respondent replied, "I think that'll take a little bit longer to do," and then raised the problem of ongoing daily racism in community. The discussion ended with the following expression of optimism: "I think that eventually (the government strategies and initiatives) will have an impact on it."

A Saskatchewan government respondent described employment equity and race relations within the Department:

. . . not extremely well at the highest levels of management in the Department . . . part of that too was that I don't think an animosity necessarily towards Saskatchewan Justice but senior executive talent . . . within the Aboriginal communities was often being attracted to work with the FSIN or other tribal council organizations where there was perhaps seen to be a slightly more direct kind of service that you'd be providing . . . on balance I was pleased with the willingness of the senior managers to try to attract, recruit, retain Aboriginal employees . . . some of the divisions did less well than others . . . on race relations either within the

Department or with the general public some of the general public stuff is really beyond our control . . .

The following respondent may, unfortunately, be correct about the public.

. . . well, if you read the newspapers, I would say not that much . . . I think the relationship as far as race relations between the Department of Justice and the Aboriginal communities and the Aboriginal organizations is better. I think that the Aboriginal organizations would say that, but they would say there's still a long way to go . . . but I don't think generally race relations as far as the public is concerned is necessarily that much better . . . In fact it could be worse because of the problems with crime . . .

The Justice Department has apparently taken some active "opening-up" activity, as can be seen from interviews and archival data.

I think there's a feeling that the Department was a very cold inhospitable place previously, and that it's coming out of its shell so . . . for Aboriginal people I think there's almost a bemusement about . . . what are these guys up to . . . are they really . . . real? . . . I mean we're a long ways from being embraced as a model . . . an improvement in attitude . . .

As shown by these quotes, the majority of interviewees agreed that, while some gains have been made in the area of employment equity and race relations, a gap does still exist.

Development of self-determination and self-government

Not surprisingly, and given the problems surrounding self-government development and its linkage to justice, we find a general belief that movement in this area has not been extensive (see Appendix 1). Respondents' comments raised the need for moving carefully here for both Aboriginal and non-Aboriginal peoples, and how community readiness is a critical issue.

It started down that road . . . and I think that obviously it had to wait for there to be government permission . . . to go in that direction . . . and the [federal] Department of Justice did create a mandate for negotiating and we are involved in the Meadow Lake Tribal Council . . . negotiations. As well, we're involved at the tripartite table with the Metis . . . I think obviously then MLTC, given that they are a fairly advanced Tribal Council . . . and very well organized . . . and are seen as a model of self-government agreement by the federal government, there is quite a bit of pressure to move forward on that . . .

[Saskatchewan Justice] is ahead in some areas . . . we've certainly been out ahead of other departments in terms of the overall community-based planning and involvement . . . And I think we were ready with our mandate a lot earlier than others . . . But I think we are prepared to bend a few more corners than other departments who have not been in the field as much . . . The real benefit for Justice is we've been out there, we've been negotiating on a tripartite basis for . . .

over five years now. We're not as threatened by the process because we know in fact it is consensual . . . and that's how you do it . . . and it isn't supposed to be adversarial . . . the people will make principled decisions . . . even if their perspectives are from different points of view . . .

It is important to note that moving ahead in the development of self-determination and self-government, respectively, in a non-adversarial way took time and effort in government and in various Aboriginal communities. It appears in the early years a fear existed within Justice and government that taking a different approach to negotiations may not be possible.

. . . and I think that still comes up in negotiations, that if you want to negotiate don't litigate at the same time . . . either you're into this in good faith or you're not . . . there's a lot of scope to work with the communities. I think the communities have really developed too, particularly in the justice area because through the community justice process and simply through the evolution of thinking in the Aboriginal community, they recognise that these things are all small incremental steps. Nobody wants to jump into an area that they simply haven't managed before . . . the communities themselves are saying take it slow because there's a lot at stake here.

And, a comment on community readiness:

. . . we have tried to give equal time to the Metis community as well as the First Nations community, at least in the policy sense and the support sense . . . the fractionalism in the community . . . and the lack of the demographic base . . . in concentrated areas . . . or a land base makes it really difficult.

The following interviewee noted that the concern with moving ahead with self-determination/self-government with Metis people was a general issue not unique to Saskatchewan Justice.

. . . they're weak everywhere in government . . . it's not unique to justice . . . there's a tremendous amount of work that has to be done with the Metis in terms of resolving once and for all . . . are we entertaining the same notion with the Metis as we have entertained with the Indians, and if that's the case how do we justify it with the small population and limited capital base. And it comes down to that . . . it comes down to that seriously . . . because they just don't have the same . . . resources . . .

Interviewees were also asked the following questions, "Do you think Justice should be more proactive in this area in terms of where there are difficult places to organize?" "Or, do you go with the organized people and leave the non-organized alone?" Generally, all agreed Justice is moving in a proactive direction, somewhat too slowly and carefully for some.

I think justice needs to be proactive . . . or we don't follow our mandate . . . I think [Justice has] done rather well and it's been a learning process . . . it's been very tough because it's really easy just to listen to FSIN . . . but I've noticed in the last year or so . . . where's the community base in this? So I see a growing

understanding and appreciation of that . . . and some of the things that have to happen . . .

An Aboriginal respondent here cautioned:

I think it moved towards self-government . . . Self-determination is something else . . . some of the reserves are now taking over their own policing . . . my own personal opinion is . . . in the self-government part they moved too quickly . . . there was not the preparation . . . you still have reserves that have the haves and have nots . . . having self-government like electing a Chief is almost like electing a King, and once in power you can't get him out . . .

The following quote is a concise, substantive overview of provincial justice thinking in this area.

A lot of the work that was related to self-determination came out of the Blue Sky thinkers' work . . . our challenge there was in terms of what the government policy would be in relation to self-determination and our approach was to try to assist in creating the capacity of, particularly First Nations, to be engaged in the delivery of certain kinds of justice services so that as we moved on a continuum toward more legally-based self-determination they would have the ability to take on that as a jurisdictional responsibility . . . That was influenced I'd like think somewhat by me, but significantly as well by Bob Mitchell as the Minister, who had high expectations that we would facilitate rather than impede discussions towards self-determination and that they feed back into the more practical exercises. What can this do to facilitate the strength of Aboriginal or First Nations communities in taking on this responsibility? If we reach some jurisdictional understanding, there's going to be a need for Aboriginal governments to deliver programs and services. So let's concentrate on how we do that. Let's enable them to hire the courtworkers so that they have the responsibility for, in a sense, delivering the courtworker program . . . So I saw linkages there but the overall outcomes of self-government and self-determination were/are ultimately government mandated and I hope supported by Justice, as opposed to impeding it . . .

Two final quotes help summarize First Nations concerns, the first from a First Nations respondent and the second from within government.

I don't think that it's been well addressed . . . I think from our perspective, the First Nations perspective, justice is a very important area as a treaty right. And I know that the provincial government and the federal government have not addressed that concern directly. From our perspective . . . justice is probably the strongest foundation to lay. If we're really talking about creating a system of self-government . . . Until everybody can take justice seriously enough to recognise that that's the foundation for government, justice you know in the white system is the foundation for government. And until that's recognised we're going to see marginal development in the area of self-government . . .

I'd say pretty slow . . . pretty cautious . . . we haven't actually been pushed that hard on this question by Aboriginal people . . . we do have a level of activity going on with MLTC and I think that's been proceeded with fairly cautiously . . . In fairness to MLTC it's probably their feeling that we're too cautious. But I would say

generally speaking that a lot of First Nations are very cautious about it . . . A lot of these First Nations aren't very big . . . and self government means so many different things to different people . . .

In Summary

Let us summarize the four core area developments and bring in archival material to round out our analysis. It would also be useful here to bring in some discussion of the seven basic goals of the Strategy, as described in the introduction.

Crime prevention and reduction

In terms of crime prevention and reduction it is quite clear that the Strategy may have to date contributed relatively little directly to this area. Some important inroads have recently been made in the urban areas, with possibly promising, but as yet undetermined results. Two points must be noted here. First, from the Strategy goal statements and minutes of the internal Aboriginal Justice Committee it is clear that it was important to get at the root causes of crime and victimisation. However, the draft minutes of the internal Committee (October 7, 1996) show that Saskatchewan Justice and the Aboriginal Justice Committee were seriously reflecting on the work of LaPrairie especially a 1996 draft report by her on "Defining The Objectives and Roles of Saskatchewan Justice In Aboriginal and Restorative Justice." The minutes show that individuals, including senior justice staff, recognised that: "There are limits to what can be done to address deeply rooted social problems within the criminal justice context" (p.9). It was then emphasized (p.10) that the justice system must nonetheless try to respond in conjunction with Aboriginal peoples and communities in "sorting out substantial long-term objectives for Aboriginal [justice]." This began with the social development model of crime prevention adopted by Saskatchewan Justice. The type of projects funded through this initiative — education and prevention — demonstrate that while there may be limits, the criminal justice system can step outside of its box.

Interview data show that respondents generally recognize that the strategy has laid the groundwork for this tough, but necessary, long-term goal, and that communities must be on side. This recognition takes us into the second main area of building bridges through community-based justice.

Building Bridges Through Community-based Justice

The interview data show that this is apparently the best developed area of Strategy activity, likely a result of the focus on community development. This is perhaps not surprising given the mid-80s onward Justice and Aboriginal peoples discussions in Saskatchewan. The internal draft minutes of the Aboriginal Justice Committee

(July 2 1996, p.2) outline some notable activity points and dimensions:

- The 1992 Indian/Metis tripartite reviews made 90-odd recommendations. As of June 1995, 57 recommendations had been implemented, 32 were in development and just four were not supported.
- Saskatchewan Justice completed its strategic plan in 1995, which included Aboriginal justice reform, constructive dispute resolution and social justice as three of six core strategies.
- A province-wide Aboriginal Courtworker Program was reinstated in 1995.
- Contracts were negotiated with Aboriginal organizations, including First Nation bands and tribal councils, to provide community-based justice services such as alternative measures and crime prevention through local community justice committees and community justice workers.
- Eight urban Aboriginal family violence programs were funded through Aboriginal community-based organizations.
- By 1996 about 20 First Nations policing agreements had been negotiated, providing police management boards, Aboriginal members and resources for Elders and community case workers.
- In May 1996 Victim Services Program embarked on a consultation on the needs of Aboriginal victims.
- Deliberations on a provincial position on self-government continue.

However, a building bridges "narrowness of focus" was noted (I.A.J.C., July 4 1996, p.9). A report on the 1995/96 FSIN criminal justice workshops funded by Saskatchewan Justice indicates that, while fairly well received in the province, the curriculum departed in important aspects from that contemplated in the contribution agreement. For example, there was apparently little attention devoted in the workshops to family violence and victim issues as opposed to healing and sentencing circles and First Nations policing, which in all likelihood were more offense-based, and often focused on male offenders. This highlighted a limitation that the building bridges through community development was attempting to address — the gap between community need and community input into planning. The province in itself cannot eliminate consultation barriers in the community, only encourage them to be recognized and dealt with.

Employment equity and race relations

In terms of employment equity and race relations the picture shows fairly good lower-level employment equity for Saskatchewan Justice, but a need for more senior-level

activity. It may be particularly important to have Aboriginal people in senior-level justice positions to formulate and implement positive policy/program developments within government, and then help direct these initiatives into communities. Perhaps not surprisingly, there would appear to be little short-term general improvement in race relations, Aboriginal and non-Aboriginal, in Saskatchewan. Indeed, some contentious concerns such as Aboriginal young offenders and white offender lenient treatment may have caused some deterioration. However, the positive side here appears to be linked to the previous main area of building bridges. Saskatchewan Justice and Aboriginal agencies/peoples relations have improved in their process of dealing with each other.

Self-determination and self-government

There were many "only minimal" responses to this thorny concern. This issue is well stated in the opening to the Rasmussen Royal Commission on Aboriginal Peoples document, **The Case of Saskatchewan - Aboriginal Relations**. The report noted that Saskatchewan had taken steps here that other provinces have not even contemplated. High concentrations of Aboriginal peoples have generated pressures, responsibilities, and obligations to act. The report then states:

The difficulty for Aboriginal people in Saskatchewan is that while the government accepts that they have an inherent right to self-government, as a provincial government it must balance this with the needs of the whole province. Their goal then is not self-government itself, but positive results in terms of the social and economic well-being of Aboriginal people. As a result the government feels that self-government must be guided by the idea of maximizing self-reliance and self-determination.

We shall come to this concern again in the conclusion to this report, after having looked at the evaluation cornerstones set out by LaPrairie.

Evaluation Cornerstones: Equity, Effectiveness, Efficiency, Accountability

In this section we look at the extent to which each of the four evaluation cornerstones has been reached to date. It is important to note that there is some overlap among the cornerstones.

Equity

This was one of the more difficult research questions to conceptualize for both the researcher and respondents. Virtually all respondents offered some qualified positive comments here, while generally noting the multi-faceted way that equity could be looked at. It would appear that most respondents ultimately focus on whether the Saskatchewan Aboriginal Justice Strategy could be viewed "as adding a measure of fairness." This "added measure of fairness" may be grounded in the baseline process of building bridges to Aboriginal communities. However, as one frontline administrator notes, "do something" pressure, target areas and fiscal parameters set some guidelines on equity:

Equity

► extent to which the Strategy is viewed as adding a measure of "fairness" that will add to the legitimation of authority and credibility of the Strategy within the spectrum of the wider Aboriginal and non-Aboriginal populations.

I think in the initial years that would have been very hard to assess because we were really struggling to think of what it is we should fund and we were given three or four locations where we were supposed to find something to fund . . . We were glad to fund anything that looked like it would progress so it wasn't as much assessing which communities needed what as what was available to fund and that was not terribly comfortable. But then, as we moved along through the process and we're actually more certain in our funding and we're able to bring the federal government in as a partner and started developing processes . . . but we had a little more difficulty because we were dealing with communities that were more advanced than others, and part of the issue is to be able to show quick returns and rewards for investing in this area. So you had to give weight to those communities who would likely be most successful, most advanced . . . and so simply sharing the money on a per capita basis would not have been equitable in a sense of trying to achieve the most for Aboriginal people. But we did manage to spread the money much more broadly across the province. The areas where we have probably not given the resources . . . what I would have liked to have seen happen . . . were probably Metis and urban . . . and Metis once again the fractionalism and simply the disorganization problems that the MNS had during this whole period of time. They were sort of backwards forwards on all the initiatives . . . and then on the urban . . . it takes longer to find a way to coalesce the interests . . . it's so much easier to deal with the First Nations groups directly . . . so that certainly was a delay.

In relation to the North:

I worry about the small northern communities . . . I think everybody does . . . and it's just so difficult . . . to coalesce the resources to go in there . . . to go in when you look at the actual volumes and population you're down to a quarter or half a worker and you know it's finding a way to practically provide support which I think is a real challenge . . .

Two respondents believed that the involvement of Aboriginal people in deliberations around justice brought "an increased measure of fairness." Another respondent emphasized the problems of getting broad-based involvement and change across services, geographical areas and Aboriginal peoples:

There has been a direct engagement of Aboriginal, in particular First Nations, . . . in deliberations around justice issues. In terms of shaping programs, (this) was absent and invisible and nonexistent as recently as a decade or half a decade ago. There have been some challenges in terms of striking a balance between urban imperatives and reserve imperatives in terms of the flow of resources . . . I'm not sure that we've always been as successful as we might have been . . . All the evidence . . . points to the striking over-representation of First Nations people to a much greater extent than the Metis, and we need to dedicate more of the resources in that realm. In the issue of equity, . . . one of the things that really colours and shapes things . . . is the internal inequity within Aboriginal communities in terms of the distribution of resources. This is something that somewhere we need to address.

Not all Aboriginal people are at equal risk of offending or being victimized. There are class relations, there are socio-economic inequities within the Aboriginal communities that also fuel the problems that we confront. There are also gender issues, age issues which are real challenges.

The respondent continued to support LaPrairie's research on the inner city which found that the most in need may not necessarily get the most attention or resources.

The substantial problem of adding "a measure of fairness" to our justice system and society was aptly noted by several respondents, within Justice and First Nations communities. As one government respondent stated:

. . . Compared to what's going on in many other provinces [Saskatchewan is] reasonably "progressive" . . . but no I don't think Indian people believe that the justice system does equity . . . I think that the high profile cases that are seen as race-based still reflect the underpinnings of the view that the Indian community has about the justice system and how it works . . . and throwing in a couple of million bucks into an Aboriginal pot doesn't change that . . . you know. We're talking small change compared to the changes that it would really require . . .

A First Nations respondent added:

I think that the issue of equity . . . has been achieved in a limited fashion from the Aboriginal perspective . . . from the government's I know that they're trying to work within the context of their legal structure as far as they can take it . . . from the Indian perspective I think that that doesn't take us far enough . . . I cite examples like the Pamela George case where Cummerfield and Turnowetski were sentenced to . . . relatively short sentences for having murdered somebody. Whereas, in the case of Terence Bear for example . . . an Indian man was sentenced to twenty years for . . . raping and beating and trying to murder somebody . . . this crime did not cause someone's death but yet he received a longer sentence. And those things are definitely viewed as inequitable in the First Nations communities . . .

When asked about positive change an interviewee replied:

Tripartite agreements in policing have been really effective. There's just the use of the sentencing circles that we've been involved in . . . Very just kind of sentences come out of those situations . . . I know that they haven't all resulted in perfect circumstances but I think that it's helping. Those little incremental changes, I think, are what takes us into the future. So you know I'm positive that things are working to some degree . . .

Another respondent reiterated the problem of many Aboriginal peoples feeling that, "they cannot achieve a just settlement within the current structure," especially if high profile lenient treatment cases for non-Aboriginal offenders with Aboriginal victims occur.

. . . And the other side, the non-Aboriginal - there's a feeling that Aboriginal people get off scott free . . . they don't pay for their crimes and . . . that challenge remains, and I don't think the initiatives have had a major impact . . .

However, overall it would appear that the past few years have seen the development of some greater equity between the larger tribal councils not flexing too much "program funding muscle" and working to include smaller bands, especially in the south of the province as noted by a respondent.

. . . The process we used with all of the First Nations tribal councils for funding was through the Indian Justice Council . . . They themselves working with the criteria that had been all agreed to . . . which are, I think everyone would say, fairly fair criteria . . . It painted a way for us as a government and as a partnership to be able to discern what can often be just a quagmire of everybody having competing financial interests. But also it struck me that there was such a degree of equity and fairness in that because some of the larger players, if you will, those that had the infrastructure that could have benefitted from more funding to expand what they were doing, opted instead to bring more people into the loop . . .

When moving beyond the tribal council to the smaller community-level groups, which likely includes Metis provincial and local groups, equity may progress, but albeit slowly.

... they've certainly added a lot more fairness in the last five years than they had before ... I think basically ... they could actually add a lot more ... The people with power got the programs; people without it didn't really get it. But the last five years has changed that ... [however] women still do not get ... the same amount of funding that male organizations get ...

Effectiveness

Respondents here made generally positive, modestly successful evaluative comments. These comments, however, must be understood against the backdrop of:

Effectiveness

➤ how well the Strategy has met its objectives

- ◆ early high pressures but few resources, both fiscal and human;
- ◆ the movement over time to more structured working relations, fiscal and organizational at the bi- and tri-partite level; and,
- ◆ the necessity of starting on what is very likely a 20-year "long-haul" program to get substantial Aboriginal justice reform in Saskatchewan.

In terms of high pressures on Saskatchewan Justice to "get going," especially in Policy, Planning and Evaluation and within the internal Aboriginal Justice Committee, we can cite the following respondents. One Saskatchewan Justice frontline worker stated:

No ... I don't think it has been ... I think the Strategy's a very good strategy ... but we were not prepared for the level of work ... It's such a demanding workload and we were stretched thin ... We took on more than we could chew ... far too big ... There's certainly the resources. We don't have the capacity in the Department to meet a mandate in that area as we've defined it ... and as we've agreed with community and as per the expectations of community in what we can do ... no there's no way that we can meet that mandate ... we need more capacity within the Department but we also need capacity within community ...

One respondent provided a minimal grade of 50% to 60% on effectiveness, while likewise noting the evolutionary problems. A Saskatchewan Justice employee reflected:

In comparative terms, it's been modestly successful. Again I would say a six and a half to a seven. There have been challenges internally in terms of both the communication coordination issues and also in terms of having enough dedicated personnel to bring it off ... Given the resources that people have had to work with, we have done fairly well. I wish that I could say that all the hard toil has been richly rewarded, [but] that would not be reality. So again, given what we've had to work with and given the constraints in which we've operated, I think that we've been fairly effective.

One of the best reflections on the overall strategy, and its evolution over time comes from another person in Saskatchewan Justice:

There's an old saying about . . . what you get is what you fund . . . it is part of that, I mean, that always comes with the funder that you have an agenda . . .

A description of the initial process used in funding was provided by one respondent.

In the initial years it was very ad hoc . . . we certainly took the proposals that came in and some of them were very much politically influenced in terms of what was going to get funded. But we did try to make sure that it was, in fact, a stable organization and that there were set deliverables, that we understood what was going to be delivered. Although most of the time it was developmental rather than concrete numbers of cases. As we moved through the process, then I think we became much more structured on what we were expecting out of it. Certainly in both the courtworker and in the community justice projects we had set criteria that we expected the communities to address. Both of those processes went through an RFP process and people knew they were going to get assessed through criteria.

In both the courtworker and in the community justice, the First Nations were represented and in the courtworker the MNS was represented as well. So for the one process the proposal review committee process, we had all six tribal councils there, plus three feds and three provincial . . . and we went through all the proposals and agreed on high, medium, low and who should get what money generally . . . And then the process changed a bit last year so it was back to more of a funder meeting with proponents. But still it was an open process . . . with the same criteria being used in terms of what would get funded . . . Plus the FSIN Justice Commission agreed in giving the general direction that those people who got funding before would be considered first, assuming they were still meeting the expectations. So we were getting the FSIN buying in (to) the process . . . to there being a Justice Council of technicians that would be very much the logistical support for negotiation . . .

Despite the contextualized "some-to-moderate" effectiveness commented on previously, one respondent raised the problem of change in the far north in a very concrete case:

Well I think that our effectiveness is much better on some of the reserves, or where the community is small and somewhat homogeneous, than in other communities where it's mixed and it's more difficult . . . what we call northern Saskatchewan and I find it quite discouraging . . . From my point of view, we have more police officers there, I'm not sure we're doing all that much better . . . I'll give you an example . . . The police in La Loche said, "don't bring in beverages in bottles." If the beer was in cans and we used plastic containers, it would probably save about forty serious assaults a year, because when people get drinking and it gets out of control they start using the bottles as weapons. And so I initiated some contact with the liquor authorities . . . And I get a litany of excuses why we can't do that . . . none of them would make any sense to the northern communities, so it seems sometimes what appears to me maybe . . . fairly simple not solutions, but initiatives that would be helpful . . . are frustrated because of what I would call bureaucratic concerns. And I think that if we're going to make some dramatic improvements there, we have to be able to override the problems of the

bureaucracy, to say well we don't care about your bureaucratic concerns, about having market share of this guy that only sells bottles . . . the social good requires that we think about the people and we think this would be better for the people . . .

One final, future-focused quote rounds out things here fairly well:

. . . I guess I would say that . . . you can measure this in a number of different ways . . . I think we've done a lot better than most jurisdictions have . . . I think we're about five per cent of the way there . . . It's a long road . . . and so know we [are] leading edge . . . are we much past the leading edge? . . . no not really . . . I would say that we've had to build that support [from upper level government people]. There are days where we have been told that this whole thing is a political liability . . . There is a great concern from time to time about the level of support that the province offers to First Nations communities because of the jurisdictional question . . . currently we have a high level of support so it has evolved but . . . it can be two steps forward and one step back . . .

Efficiency

Overall, respondents noted the modest investment made in the Strategy, in the early years especially. Still, some reasonable degree of efficiency is noted by most respondents, particularly in the raising awareness of Aboriginal peoples and justice problems, as well as building bridges and the development of Aboriginal peoples' capacity to run and account for program resources. Only one respondent commented on the concern that a small number of people would use up the resources put into an Aboriginal community or program:

Efficiency

► extent to which the Strategy is cost-effective, in both human and financial terms

We fund for certain services that are not getting to where they should be . . . I think it's inexperience with programs . . . There is no question that sometimes it's pure abuse . . . But that's just not an Aboriginal issue. But I don't think that you can have a group of people who have . . . no decision making powers then suddenly, "here take this money and run this program". So I think that in a way it's the fault of the funder not to give the support for the community. We are getting better at that; communities are getting better at that. The big thing is getting the community to understand that part of the evaluation is the financial responsibility.

Another respondent puts the question of efficiency into a broader perspective:

Any answer that I could provide could only capture one part of the question of efficiency. I'm often struck by the observation that if we were accessing larger criminal justice institutions in terms of their efficiency, and given the extent to which we confront recidivism and the revolving door phenomenon, I don't think we would grade them very well. So that said, there's been modest expenditure of resources in global terms, and fairly significant impacts as a consequence. So at that level, for the dollars spent there's been a fairly positive impact . . . in terms of capacity building and bridge building.

In terms of dialogue around issues of crime prevention and public education, justice as healing, restorative justice, again, I think at that level too there been an efficiency.

A First Nations respondent is in accord with the previous comments:

... I think overall the money that's spent on First Nations people in the area of justice (has) not led to the assistance of very many First Nations people in their experience in the justice system. But in terms of the development of... the relationships, the foundations, I think it's been effective that way... So not very efficient but I think it has achieved some goals... I understand that it had been tried back in the late sixties as well. There was a justice initiative that went ahead pretty strongly at that time... Many times those justice initiatives fell by the wayside for the lack of interest, lack of funding... changes of government and I think that we're trying to fund something at this time that maybe won't die so easily... that's my hope, that at least what we're trying to lay the foundation for now is not something that will just sort of disappear...

In terms of the human dimension of Strategy efficiency, both within Saskatchewan Justice and in the community, the following respondent stated:

For the most... I think, it's been, from the point of view of the human investment, very effective... labour intensive, but in terms of the devotion of human resources to this initiative I think it's been highly efficient. The people who've done the work, whether in restorative justice or community justice work... have done a lot on a relative shoestring... For myself, I would have liked the investment to have started earlier once we'd put our hands on the money... We got to the point where we weren't actually expecting resources... So getting them... came as a bit of a surprise. We didn't have as comprehensive a plan for starting today as we would have liked... the one inefficiency I think I could define...

The following observation is an appropriate end to this discussion:

... in financial terms there's a number of different ways to measure cost effectiveness... If you can change somebody's life and they're less inclined to go into the system, you're obviously saving the system money... These programs though... on a price-per-case basis are not terribly cost-effective... and certainly, I don't think we can point to any great saving in the system by having these programs, I mean in any sort of net saving... In the long-term I have no doubt that if we keep up the fight, be committed to what we have to do... we will... save ourselves so much in human and financial grief that it will be well worth the effort. But we have to think of this as a long-term struggle... it's one of the great challenges of Saskatchewan society...

When the researcher asked for opinions on whether Saskatchewan will have to go it alone because the federal government has a five-year mandate that ends in 2001, one particularly reflective respondent replied:

Well I think all you can say is that... we... have to be hopeful... To give a devil their due they have been quite supportive of the work that we're doing; they've looked at Saskatchewan as a key ally... One of the interesting things though is that this strategy has the potential to cross party lines. It's not necessarily some sort of left-wing love in... It is seen

in many circles as being accountable justice and a way of delivering the goods. On the right-wing side of the agenda too . . . (that) is occurring not only in the federal-level party, but in the reform party here as well . . . so you know again it's part of the struggle I mean, you've got to make this stuff work . . . or it'll lose political credibility both here and in Ottawa . . . are the feds going to be there in the long haul? Well . . . I mean we've got to work to make sure they are, but you know you don't know for sure . . .

Accountability

As noted previously, there is some degree of overlap between the evaluation cornerstones. This may be particularly true for issues of efficiency and accountability in terms of concerns and ideas raised by respondents.

Accountability

► extent to which the service delivery is responsive to the needs of the communities served and the justice system

Nonetheless, some important

observations are made by respondents when asked about "accountability." Overall, one sees an evolutionary, at times reciprocal, picture of the development of fiscal and program accountability in the Aboriginal community and in the Saskatchewan Aboriginal Justice Strategy.

The importance of accountability is raised by one respondent in reflections on the Aboriginal Courtworker Program:

. . . for the Aboriginal Courtworker Program we built in all sorts of accountability mechanisms and build in all sorts of criteria for reporting . . . Some of our carriers are not that good at reporting. There's still some issues with accountability with some of the carriers. But up front that was a main objective, and emphasis on the program was having that accountability built into it and to be able to determine and track how well we were doing with the program. Because that's really the thing that killed the program from what I can understand when it was back in place in the 1980s . . .

One justice respondent noted the difficulties and developments in fiscal accountability as follows:

There are always questions about the accounting. We see the record of accounts for the year come back in. There are always questionable areas . . . that aren't easy to answer . . . but yes I'm concerned that I think we did account for the dollars spent, that we had very firm principles. But we didn't always get the answers we wanted but we were certainly told that we were tougher than anybody else . . . It's an ongoing struggle that needed structure and so with the move to community justice. I think that there is more structure there able to help the communities learn what sort of expectations we have for openness and accountability. And these are expectations that they have to have for their own population too. I really do see it as part of what they need to move ahead with self-empowerment and managing processes. They've got to learn ways to be more open with their own community

about how they're spending the money and why. So I think the accountability has improved but there are still problem areas . . .

One challenge in Aboriginal communities and one in the Strategy are raised by another Saskatchewan Justice respondent:

We're accused by many as being totally out of line with respect to our requests for financial records . . . Many will argue, I'm sure you've heard this, that it's part of the INAC legacy . . . If you're funding an initiative which requires you hire staff, that you rent hotels, that you travel, that you stay in accommodation . . . for a fiscal year you don't give anybody a cent . . . until the twelfth month of that year . . . you're buying yourself a lot of problems because if they're in fact going to move ahead on an initiative then they're going to have to borrow money somewhere . . .

An important critical observation on another type of accountability is made by another Saskatchewan Justice respondent:

. . . Most of my experience has been that the justice programs tend to do a reasonable job . . . most of them but not all of them . . . of separating themselves from the wrong kind of accountability which is accountability to the political structure that runs the band and the individual concerns of the Chief and Councilors about who's getting punished, who's not getting punished . . . It's a very difficult balance for people working in this area to draw out for the band administration, so I think it's an improvement in accountability when it runs well . . . To be fair there are a substantial number of those programs which are . . . breaking down because they're not adequately staffed . . . They're not adequately funded . . . Control and independence issues have not been properly thought through . . . The people that are working in the communities really lack . . . the resources to grapple with those problems in advance, get the system set up so it runs cleanly . . . most of those kinds of problems I found in justice are . . . they're really not so difficult . . . the rules are relatively simple about what it means to be fair and even-handed on a day-to-day basis . . . as long as you have them clean and clear at the beginning and you get rid of the base conflicts that exist . . . It works in a way that the answers are always obvious so that people always accept them . . . That hasn't happened out there in a lot of Aboriginal communities . . .

A First Nations respondent reinforced many of the ideas raised previously:

I think they've been pretty accountable . . . I think it's been a pretty effective system . . . Of the areas of any government I think it's probably the most accountable. I think that we're responsive with receipts, we're responsive with explanations for travel and meetings . . . and reporting. It's taken its toll in the people who are involved in the process but I think it's laying a good foundation and it's a critical requirement that good people are in the process and I think that that's been the result . . . the people who do the work are in the process . . . and it's not necessarily an easy thing to have that happen in the Indian government . . .

A final quote from a reflective Saskatchewan Justice respondent closes the data analysis and presentation of the evaluation of the Saskatchewan Aboriginal Justice

Strategy. This quote may partially explain the present evaluation process at Saskatchewan Justice.

Accountability, has many layers. It's especially difficult to achieve in the context of multiparty agreements. At minimum . . . shared common understanding of goals, objectives, purposes and willingness to be open to scrutiny for one's conduct. Things are not always as transparent as they need to be, both at the program and financial level, certainly in the context of provincial/federal bureaucratic culture. First Nations, Metis organizations don't have the same practices . . . There's a long list of reasons why that is the case, the legacy of the Indian Act and federal funding for institutions. But especially in relation to First Nations organizations there hasn't always been accountability for the conduct of leaders, of programs, of services. By the same token, I'm not convinced that we in the justice sector are always accountable to wider publics for the way in which we expend the resources, for our own successes and failures, including this Strategy and its impact. So again the question of accountability is not the exclusive domain of any sector or institution, it's one that we need to dedicate a lot of careful thinking and activity to. And part of it involves communication with wider audiences. Historically, criminal justice institutions and Justice have been sort of quiet about going about their business. We live in an age where that luxury is no longer available to us. We can be much more active in terms of trying to inform people about what it is we think we are up to and how we are trying to go about it, and to be accountable for the work that we do.

Conclusion: The Strategy to Date and into the New Millennium

It should be clear from the previously presented data that the Saskatchewan Aboriginal Justice Strategy has been developed and implemented fairly well. This success likely has a basis in the thoughtful, and possibly sombre, reflections on the "core issues" facing Saskatchewan in the early 1990s. Albeit, this occurred with growing-pain limitations, especially in the area of crime prevention, senior government level Aboriginal hiring and likely in a direct contribution to race relations in Saskatchewan. In general it was perceived, and likely did, "add a measure of fairness" to criminal and social justice in the province (equity). In terms of effectiveness it should be viewed as moderately to reasonably successful. For efficiency, the strategy was fairly successful given early pressures to "get something done" and relatively uncharted Aboriginal justice reform with on-the-ground programs, as opposed to statements of need. For accountability, hard lessons were learned in setting up this Strategy both fiscally and in terms of program delivery by both Saskatchewan Justice and Aboriginal agencies and people.

The Strategy initially had almost no resources, and was watch-dogged by Treasury Board. This likely did not represent a "meanness" on the part of any one or group of individuals in senior government per se. It likely did reflect, as has been commented on in the interviews and archival material, the very serious budget deficit concern in Saskatchewan and federally in the early 1990s. Concomitant with that concern was the issue of federal off-loading for the existing and projected Aboriginal population.

In this report we have heard respondents raise demographic and political concerns. As well, one respondent stated that the long-term plan at the beginning was hard to chart, but "the reality was it was the right humanistic response to the community." This is apparently not only this person's opinion. Review of file data showed that there was concern over how federal provincial jurisdictional challenges and responsibilities could work together in forging partnerships with Aboriginal peoples to the benefit of all concerned.

An analysis of the archival reports, especially the draft minutes of the internal Aboriginal Justice Committee (July 4, August 28 and October 7, 1996), clearly shows a great deal of reflection by front-line and senior Saskatchewan Justice people on how to continue to develop the Saskatchewan Aboriginal Justice Strategy within the framework of the Community Services Branch and into the new millennium. It is also quite clear from the interview data that people, governmental and Aboriginal, see that it is crucial politically, demographically and humanly to move forward with an expanded, resourced, prioritized, evaluation-focused, long-term Strategy. As one respondent noted, after four generations of generating the problems faced by Aboriginal and non-Aboriginal peoples

in Saskatchewan, it is not realistic to expect them to be able to turn around immediately, but turn around they must. As was noted in the internal Aboriginal Justice Committee minutes (October 7, 1996, p.8), "sorting out substantial long-term objectives for Aboriginal and restorative justice makes it easier to develop programs and projects and to identify evaluation issues."

Especially important here are interview respondents' comments on changes to and supports needed for the Saskatchewan Aboriginal Justice Strategy and its initiatives. Initially, the 1993 five-year provincial Strategy required the review and redirection of money then being spent on Aboriginal peoples. By the mid 90s the federal government had come on board and committed funding to 2001.

Overall, it is important that Justice continues moving forward in the four main areas of activity: crime prevention and reduction, building bridges through community-based justice, employment equity and race relations, and development of self-determination and self-government. Although progress has been made to some extent in each area, a shift in emphasis may be required to ensure equal success in each area of activity.

Recommendations

The following recommendations reflect the general challenges of effective Aboriginal justice reform (AJR 1,2,3) as set out in the introductory section of this report (cf. p.8). What do we see as a future role for Saskatchewan Justice in Aboriginal justice reform?

- ①➔ **Continue to use the 1993 Saskatchewan Justice Aboriginal Justice Strategy as a framework to initiate and implement successful Aboriginal justice reform.**

Using a community development model to work in partnership with Aboriginal communities appears to be a successful template for initiating and implementing Aboriginal justice reform. The Strategy itself is well thought out

and clearly defined. Placing priorities in four main areas of activity that have been agreed to by all stakeholders is an efficient use of resources in time of fiscal restraint.

AJR 1

well thought out, clearly defined and promulgated deliverable objectives and areas of change. Optimally with policy and resource priority as well as time lines for degrees of change in specific areas.

AJR 2

strong, broad-based, genuine political commitment to substantial radical post-colonial changes to justice systems, law and society.

AJR 3

where a genuine commitment to act is made, successful implementation depends upon substantial-to-equal Aboriginal peoples/community input and upon effective communication between parties involved, both among Aboriginal peoples and between them and governments.

However, further attention should be paid to the area of evaluation because this is the only way of knowing what is happening and what changes are needed to ensure effective, efficient reform.

②➔ **Develop a 20-year plan that consists of four five-year cycles based on the vision of Aboriginal justice reform outlined in the Aboriginal Justice Strategy.**

A series of four five-year cycles of Aboriginal justice reform activity should be established, with targets, success criteria and an evaluation process, for these initiatives will likely not come easily or cheaply (AJR1). Saskatchewan residents, Aboriginal and non-Aboriginal, must coalesce a strong genuine political commitment for an effective Aboriginal Justice Reform Strategy for the new millennium (AJR 2). Reflection on hard issues and well-thought out objectives and areas of specific change, especially for urban areas, must happen along with the prioritizing of adequate resources.

In identifying targets and success indicators it is important to remember the context of the challenges being faced. For example, if a Saskatchewan Treaty Indian boy turning 16 in 1976 had a 70% chance of at least one stay in prison by the age of 25, while a non-native Saskatchewan boy had an 8% chance (Jackson, 1992:148-9), how can they both have an equally low chance by 2001? Sadly, it may be optimistic to think that a male Aboriginal born in 1999, the last year of this millennium, turning 16 in 2015 would drop down to this 8% range.

③➔ **Develop a communication strategy and a community development policy and strategy as part of the plan.**

It is quite apparent from the evaluation data that the Saskatchewan Aboriginal Justice Strategy has been seriously ham-strung in terms of developing a communication strategy. It is time to correct this, including making sure that this evaluation report is well promulgated. As well, although Saskatchewan Justice has been using a community development process, no written policy and strategy exists, sometimes resulting in a lack of consistency in the process and a lack of information on "best practices."

Within the communications strategy it should be emphasized that the strategy establish a cohesive and published Saskatchewan Justice community-development model for assessment of problems, needs and solutions. However, efforts should be made to streamline consultation and reporting procedures for Aboriginal community-based organizations. This may be particularly important as more communities/groups become ready to proceed with programs, request funding, and then have to deal with program effectiveness measures, and fiscal accountability. Overall, the funding process for contracts should be improved in some substantial way, likely through a tripartite federal, provincial and Aboriginal consultation and agreement on this concern.

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- ④→ **Take a lead role in involving municipal governments, health districts, school divisions and other government departments in large and small urban areas, not necessarily in the administration of justice, but in broader public policy issues which bear upon the inner city.**

This incarcerated Aboriginal youth and others will most likely come from an urban area. Harding (1994:350) cites data that indicate a past fairly even rural/reserve and urban split in incarceration for Aboriginal peoples has shifted to 15% on-reserve and 85% off-reserve. As LaPrairie (1996:64) also noted, "with high off-reserve migration and permanent residency of Aboriginal People in these [marginalized] settings, inner cores of some western cities show signs of becoming entrenched Aboriginal-ghetto areas."

To date a great deal of important capacity-building groundwork and trust has been generated through the Strategy and its initiatives with First Nations reserve communities and some tribal councils with a large portion of resources dedicated in that direction. However, it was repeatedly emphasized that in terms of the future the challenges presented by urban situations must be addressed and a bolder provincial vision must be implemented (AJR 1).

At a minimum Prince Albert, Saskatoon and Regina, with almost 50% of the Aboriginal population, should be included in a broad, provincial, integrated justice, health, education, housing and social services Aboriginal justice reform consultative committee. It should be modelled after, the generally successful, Internal Aboriginal Justice Committee. There must also be adequate broad-based involvement of Aboriginal peoples.

- ⑤→ **Participate in, or lead, an integrated governmental approach to the challenges in the North.**

As Aboriginal people who live in the North repeatedly state, the problems that exist in that area require community participation in resolving social development issues. It is very important that government departments work with each other and with community in order to facilitate successful interventions and develop programs that work.

- ⑥→ **Develop comprehensive inner-city and northern programs geared to a multi-faceted approach to crime prevention and direct connections with treatment and intervention, especially for the rapidly growing youth population.**

It is important to take an integrated approach to building on existing mechanisms and activities. For example, an opportunity exists to match funding with the National Crime Prevention Centre in Ottawa, building on its Community Mobilization Program. There is a need for program funding to address issues identified by projects that received funding from the national Community Mobilization Program. Suggestions for initiatives that could be considered include the following:

- The archival data and interviews indicate that Saskatoon has been a particularly tough provincial area for the Strategy to proceed in. The Winnipeg Native Alliance, through Troy Rupert, has been running a fairly substantial north-end Winnipeg in-school project to divert youth from crime and gang activity. This might be combined with the fairly successful Saskatoon Joe Duquette high school intensive day program to divert urban Aboriginal youth away from street violence, drugs/alcohol and crime (*cf.* Haig-Brown *et al.*, 1997 - *Making the Spirit Dance Within*).

- Urban reclamation Aboriginal housing co-operatives can also be established with multi-agency input and Aboriginal staff with Elders' guidance. The fairly successful Maple Creek healing lodge residential facility and programming may provide some degree of role model for an urban residential healing facility. The money is being spent anyway, mostly provincially, on servicing individuals and families with multiple social problems, especially young single-parent female-headed families in our inner-cities. As recent statistics show "almost one-third of Aboriginal families are lone-parent, 85% of them headed by a woman" (Policy, Planning and Evaluation memo, May 24, 1996).
- Effective programming in the North, whether crime prevention, crisis intervention or treatment and counselling, requires a catalyst to initiate the community development process. This catalyst may lie in two institutions common to all communities: the school and the police. These two groups could collaborate in individual communities and facilitate the development of programs to meet the needs of youth and their families.

⑦ → **Continue to ensure a role for the involvement of often marginalized groups, including women and youth, in Aboriginal justice reform.**

It was stressed in the Blue Sky consultancy that it was important to have and support non-aligned community-based Aboriginal women involved in the Aboriginal justice reform process. Otherwise, there was a risk that the marginalization of women in Aboriginal leadership and decision making would be perpetuated (Internal Aboriginal Justice Committee, June 15, 1995).

Other marginalized groups, including youth, people with disabilities and seniors, should also be included in the planning and delivery of projects and programs, especially when these groups are part of the target population. For example, the Provincial Justice Crime Prevention Strategy focuses on children and youth aged 7 to 18 years, with specific emphasis on the needs of Aboriginal peoples. It would be interesting to know how often youth were involved in designing the projects funded through this Strategy.

Saskatchewan Justice should substantially expand the fiscal support and Aboriginal justice reform program input for Aboriginal women, youth and other marginalized groups in Saskatchewan. It should also work with First Nation bands, tribal councils and Metis organizations to ensure the participation of the whole community in decision making and program planning. Only very modest strategy fiscal and planning resources have been expended here to date.

⑧ → **Expand emphasis on self-determination with increased quality of life and economic self sufficiency.**

This is core to the fiscal cost concern for the province about current and future expenditures on Aboriginal peoples. A genuine province-wide commitment to actual self-government for Aboriginal peoples and a communication strategy for the dissemination of that plan is necessary. This may not be an easy sell, especially with urban issues seriously compounding concerns. The original governmental discussions in 1993 on the Saskatchewan Aboriginal Justice Strategy and its initiatives noted the views of Tommy Douglas in 1957, when he emphasized "that the road to equal opportunity was becoming increasingly difficult and involved changes in deeply rooted habits and attitudes." The

Saskatchewan Aboriginal Justice Strategy must develop its initial vision for Saskatchewan as formulated in the early 1990s:

This policy provides for an incremental transfer of control or power from non-Aboriginal people to Aboriginal people. This shift of power may be viewed negatively by some citizens of the province. This transfer of power must be managed appropriately, primarily through an educative process, in order to prevent a racial backlash. (Highlights of the Aboriginal Policy document, 1993, p.2)

In Summary

It will be important for Saskatchewan to engage Aboriginal peoples broadly — status, Metis, women and youth — into planning and program delivery. The urban city halls/councils will also be key players, especially in terms of land use, zoning and taxes on urban "hard money" development projects. The province must also push hard at the federal government, at the Aboriginal Justice Directorate and perhaps now at the National Crime Prevention Centre to, as one respondent aptly noted, "keep the Aboriginal justice agenda on the table" (AJR.3). As one senior Saskatchewan Justice official stated:

For us this truly is the future . . . and if we don't learn to meld . . . the Aboriginal and non-Aboriginal values and processes we're in for a really rough ride.

Appendix 1: Development History of the Saskatchewan Aboriginal Justice Strategy

The 1993 strategy main activity goals of crime prevention and reduction, building bridges to Aboriginal communities through community-based justice development, and employment equity and better race relations can be found in the 1975 "guidelines for action." In the fourth point the recognition and development of self-determination and self-government issues by the Saskatchewan government and the active push by senior government, especially justice, officials to actually implement it, albeit in varying degrees, we see Saskatchewan Aboriginal justice reform moving into relatively uncharted waters. In the short-run at least, we also find a double edged sword.

There was apparently no mention of the self-government issues in the 1975 Aboriginal justice reform call. Then, Aboriginal peoples and justice reform virtually disappeared as a federal/provincial, and apparently even Aboriginal, front-burner issue until the late 1980s Marshall Inquiry and the Indian and Metis Justice Reform Commissions in the early 1990s. Still, the Manitoba Aboriginal Justice Inquiry (AJI, 1991) and the **Alberta Justice On Trial Cawsey Report** were basically very detailed compendium analyses of criminal justice problems and possible solutions.

The AJI brought in the issue of self-government in a short section on Taking Control of Aboriginal Justice. It noted that the term "self-government" causes some concern to non-Aboriginal people. The 1992 Saskatchewan **Indian Justice Review Report** in its opening pages touched on the Federation of Saskatchewan Indian Nations (FSIN) statement that First Nations Justice Reforms could not be separated from the issue of self-government. The **Indian Justice Review Report** stated, "Although the Committee does not have a mandate to consider or make recommendations in relation to Indian self-government it recognizes the FSIN's position." It also noted that federal and provincial governments were cautiously developing the policy position that "community justice systems connected with self-government initiatives are both possible and desirable" (1992:2).

In 1993 Saskatchewan does, however, apparently quickly take a lead role here. As the Royal Commission on Aboriginal Peoples (1996:54) favourably noted, Attorney-General and Minister of Justice Robert Mitchell participated in the roundtable on justice and presented a thoughtful brief setting out the government of Saskatchewan's position on justice reform. In that brief and at the 1993 Saskatchewan conference on Aboriginal

justice, he clearly articulated the relationship between justice reform and self-government. Mitchell is quoted:

I believe that justice reform has to be built upon and has to develop within the framework of self-government. You can't go very far with many of the ideas that relate to justice reform without running smack up against the idea of self-government (RCAP, 1996:54).

Mitchell's sympathetic position takes over four years to dovetail with the notable 1988 Canadian Bar Association report by Michael Jackson, **Locking up Natives**. As the RCAP (1996:54) noted, it was this report that linked the development of Aboriginal justice systems to the right of self-government and the urgency of moving in this direction. A Saskatchewan study on increasing post World War Two Aboriginal overincarceration was singled out in this report as "driving home" the very concerning statistics. To quote "[in Saskatchewan] a treaty Indian boy turning 16 in 1976 had a 70% chance of at least one stay in prison by the age of 25 . . . For a non-native Saskatchewan boy the figure was 8%" (cited in Jackson, 1992:148-9).

Aboriginal Peoples and the Justice System: From Indians and the Law (1967) into the 1990s

In 1967, the report of the Canadian Corrections Association, **Indians and the Law**, "discovered" the concern with Aboriginal peoples and criminal justice in Canada. It made recommendations on improving the justice system, one of the most notable being in the area of policing. The Department of Indian Affairs and Northern Development (DIAND), which oversaw policing until 1992, obtained Treasury Board approval to further develop the band constable system; however, it took approximately four years for "Circular 55" to be issued in September of 1971. "Circular 55" stated that the objective of the band constable, over and above matters such as enforcing band by-laws, was to "supplement the senior police forces at the local level, but not supplant them" (RCAP, 1996:83-4). It took another four years of debate, primarily driven by the federal government, to coalesce the first federal, provincial and Aboriginal peoples justice conference (Woods and Sim, 1981:64).

In February, 1975 the National Conference and Federal-Provincial conference on Native Peoples and the criminal justice system was held in Edmonton. It was attended by delegates from every major Native organization in Canada at the time, by federal and provincial Cabinet ministers and other government officials (Ekstedt and Griffiths, 1988:332). It was at this 1975 Edmonton conference and through the three substantial sub-initiatives in 1975 to 1977, that a broad-based Aboriginal peoples and justice

reform intent was first clearly stated by the Solicitor General of Canada at the time, Warren Allmand. As Ekstedt and Griffiths (1988:333) noted:

This Conference produced guidelines for action (which) were regarded and adopted by the Minister as a statement of general philosophy underlying any approach to problems of natives within the criminal justice system.

1. Native persons should be closely involved in the planning and delivery of services associated with criminal justice and native peoples.
2. Native communities should have greater responsibility for the delivery of criminal justice services to their people.
3. All non-native staff in the criminal justice system engaged in providing services to native people should be required to participate in some form of orientation training designed to familiarize them with the special needs and aspirations of native persons.
4. More native persons must be recruited and trained for service functions throughout the criminal justice system.
5. The use of native para-professionals must be encouraged throughout the criminal justice system.
6. In policy planning and program development, emphasis should be placed upon prevention, diversion from the criminal justice system to community resources, the search for further alternatives to imprisonment and the protection of young persons (Solicitor General of Canada 1975,38).

Still, despite the increased concern with provincial and federal Aboriginal over-incarceration, considerable difficulties were encountered in translating conference recommendations into policy and policy into practice. Two problems in particular stood out. Ekstedt and Griffiths cited research by Griffiths and Yerbury (1982; 1984) which argued that, while the Conference served to identify many issues and concerns, the recommendations were too general and did not address the many legal and cultural complexities surrounding Native involvement in the criminal justice system. Second, and exacerbatingly, they cited research by Jolly et al (1979) which found that many senior level civil servants interviewed had not read the report and were unfamiliar with the recommendations made. And, many of those who were aware of the Conference recommendations expressed strong reservations about creating alternative justice structures for Indians. As Verdun-Jones and Muirhead (1979/80), two of the earliest critical analysts in this area, noted: "Furthermore, it is not clear whether these recent political developments reflect a genuine commitment to radical change or merely an overall governmental strategy of reducing costs by turning over part of its responsibility to volunteers and self-help groups of various kinds" (cited in Ekstedt and Griffiths, 1988:334).

The 1967 Corrections report *Indians and the Law* is noted in the 1993 Royal Commission on Aboriginal Peoples (RCAP) roundtable report, at the very beginning of its overview and evaluation of the virtual explosion of Aboriginal peoples and justice reform debate in the 1990s. This RCAP (1993) report said that more than thirty government-sponsored justice studies had been undertaken since the 1967 report. The RCAP report also critically states that this proliferation of reform considerations had led to numerous, often repeated, recommendations, many of which had not been implemented. This fact, it noted, reinforces an awareness of the inadequacies of the existing system. However, it also reveals a need for increased emphasis on implementation (RCAP, 1993:15). Implementation was notably absent in the case of recommendations that would require significant restructuring, transfers of control, and agreement by three levels of government. The RCAP (1993:37) report then cautions that one of the most important conclusions to be drawn is that, in cases where a political commitment to act is made, successful implementation depends upon effective communication between the parties involved and equal participation by Aboriginal peoples in the process.

RCAP's final report on justice further cautioned that, the notion of seeking substantial community input and control is a frightening one for many people. A true consultative process could mean loss of power and control both for justice and government officials as well as established Aboriginal spokespeople, such as elected band councillors. This concern about loss of control, the RCAP (1996:171) report noted, can lead to a process termed "elite accommodation."

In this process, bureaucrats or justice officials approach the leaders they trust and respect in an Aboriginal community and give them responsibility for developing and delivering a justice program. However well meaning these people might be, such a process rarely works — this has already occurred with a number of justice initiatives. The RCAP (1996) report suggested that a much broader consultative process is essential and must reach out to the groups that are the most marginal in the community — those whose views are most often ignored when important decisions are made. The report further noted that, in many Aboriginal communities, as in the rest of the country, women and young people are often among the most marginalized.

Recent Aboriginal justice inquiries began with the Royal Commission on the Donald Marshall Jr. prosecution in 1990² and the Manitoba Aboriginal Justice Inquiry in 1991³.

² An investigation was conducted into the wrongful conviction and eleven-year incarceration of Donald Marshall Jr., a Micmac in Nova Scotia.

³ This inquiry was set up in the wake of the Winnipeg police shooting of J.J. Harper, an Aboriginal Band Councillor, and the death of Helen Betty Osborne, a young Aboriginal woman in The Pas, Manitoba where police waited sixteen years before seriously pursuing the matter.

Subsequent substantial provincial Aboriginal justice inquiries were completed in Alberta, **Justice on Trial** (1991) and Saskatchewan Indian and Metis Justice Reviews (1992) in addition to federal government report, **Law Reform Commission of Canada** (1991), and Aboriginal peoples report, **Justice for the Cree** (Brodeur et al, 1991). Most recently we have had the exhaustive Royal Commission on Aboriginal Peoples (RCAP) roundtable (1993) and final reports (1996).

A bright side is appearing, none the less. Often lengthy and trying tripartite discussions, together with hard work and hard lessons learned, have seen some areas of promise for change. As the Royal Commission on Aboriginal Peoples (1996:172) concluded in its review of this area, "The success of these projects illustrates that significant strides will be made in the development of justice initiatives only when true consultation takes place."

Appendix 2: Evaluation Methodology

Data Collection

Information was gathered for this report by reviewing file data and by interviewing key respondents from government departments and the Aboriginal community.

Policy, Planning and Evaluation (PPE) at Saskatchewan Justice oversaw the Aboriginal Justice Strategy from 1993 until its partial transfer to Community Services Branch, Community Justice Division, Saskatchewan Justice in 1997. Policy, Planning and Evaluation made available a very substantial range of documents, internal memos and background reports and information on the origin, set-up and operation of the Saskatchewan Aboriginal Justice Strategy and its related initiatives considered and/or developed and funded under the Strategy. One of the most useful sources of information was the minutes from the Internal Aboriginal Justice Committee. This committee had a wide inter-departmental range of representatives from the Deputy Minister's office to branches within Saskatchewan Justice such as Policy and Planning and Evaluation, Public Prosecutions, Corrections, Law Enforcement Services, Legislative Services, Constitutional Law, Human Resources, Finance and Administration, Court Services, Civil Law and Victim Services Program. As well, this committee included representation from Aboriginal Policing, the Aboriginal Courtworker Program and the Department of Social Services.

Approximately half (10 out of 21) of the people involved with the Saskatchewan Aboriginal Justice Strategy were chosen for in-person interviewing. Three people from the Aboriginal community (First Nations, Metis and Aboriginal women) who had substantial to moderate Strategy-related dealings with Saskatchewan Justice were also chosen for interview. This made a total of seventeen respondents, often about the maximum number of individuals for conducting in-depth qualitative research.

Interview respondents were sent a letter by PPE explaining the nature of the research and asking if they would consent to participate. They were told that all interviewing would remain anonymous. Agreeing respondents were told that the researcher would contact them by telephone in the near future to set up an appropriate meeting time for an in-person interview.

All respondents contacted agreed to participate. Given that one respondent was now living far away from Saskatoon, one interview had to be completed by telephone. In the interview, respondents were again told the nature of the research and that all

information would remain anonymous. They were also told that all background research material and edited anonymous interview transcript excerpts would be returned to Saskatchewan Justice for safe storage. All but one of the interviews was completed successfully. One individual's busy schedule, work load and out-of-town travel made repeated attempts by the researcher and potential respondent to set up an interview unsuccessful. Interview tapes were transcribed and edited for data citation in the final evaluation report.

A semi-structured interview schedule was developed by the researcher in consultation with the Policy, Planning and Evaluation Branch of Saskatchewan Justice (see Appendix 3). Respondents were asked about the length and type of involvement they had in the Strategy (question 1). Then, four specific questions were asked about two central evaluation concerns, rationale for and implementation of the Strategy:

- ✓ why Saskatchewan developed the Aboriginal Justice Strategy and related initiatives (question 2);
- ✓ how well thought out the Strategy was (question 3);
- ✓ what role each had played in implementing the Strategy (question 4); and,
- ✓ overall, how well did they think it was implemented (question 5).

Respondents were then asked how well the Strategy had achieved its four main areas of activity: crime prevention and reduction (questions 6a), building bridges to Aboriginal communities through community-based justice development (question 6b), employment equity and better race relations (question 6c) and development of self-determination and self-government issues (question 6d). They were also asked to give their opinion about how much potential the Strategy had for long term gains in these four areas (questions 7).

The focus then moved to the four evaluation cornerstones. Following the defining of each cornerstone, respondents were asked to provide their opinion of the degree of equity (question 8a), effectiveness (question 8b), efficiency (question 8c) and accountability (question 8d) of the Strategy and its initiatives. A series of probes then tried to elicit information to round out and/or sharpen the specific evaluation terms of reference and concerns as set out in the **Aboriginal Justice Strategy Interim Report (1998)**.

Finally, respondents were asked what changes or supports are needed to better achieve the four main Aboriginal Justice Strategy concerns of crime prevention, building bridges, equity and race-relations and self-determination (question 12). The interview concluded with an opportunity for respondents to add anything they believed had been missed in the interview.

Data Analysis

The archival material from Saskatchewan Justice (PPE) took several weeks to sort and analyze, yielding approximately 60 pages of archival-based research field notes. The interview tapes yielded approximately 153 typed pages of responses to the central evaluation questions, even when single spaced. These two data sources were excerpted from in the evaluation results section and/or in the conclusion to this report.

Appendix 3: Interview Questions

The following questions formed the basis for the semi-structured interview.

1. Can you tell me a little bit about your length and type of involvement in the Saskatchewan Aboriginal Justice Strategy and its initiatives?
2. Why did Saskatchewan develop the Aboriginal Justice Strategy and initiatives?
3. In your opinion how well thought out was the Strategy and its initiatives?
4. What role did you play in implementing the strategy and specific initiatives?
5. Overall, how well do you think it was implemented? (probe: examples of well versus not so well)
6. The 1993 Aboriginal Justice Strategy had four main areas of activity that worked towards enabling the Saskatchewan justice system to better serve Aboriginal peoples. How well do you think each of the following four things has been achieved to date:
 - a) crime prevention and reduction?
 - b) building bridges to Aboriginal communities through community-based justice development?
 - c) employment equity and better race relations?
 - d) development of self-determination and self-government issues?
7. How much potential do you think the Saskatchewan Aboriginal Justice Strategy has for long-term gains in these four areas?

In this review there are four specific evaluation cornerstones to focus on:

- equity [the extent to which the Strategy is viewed as adding a measure of "fairness" that will add the legitimization of authority and credibility of the Strategy within the spectrum of the wider Aboriginal and non-Aboriginal populations (e.g., across the province accessibility to funding)]
- effectiveness [how well the Strategy has met its objectives]
- efficiency [the extent to which the Strategy is cost-effective, in both human and financial terms]
- accountability [the extent to which the service delivery is responsible to the needs of the communities served and the justice system].

-
8. Could you please tell me your opinion on how well, or not, each of the following four cornerstones has actually been reached to date, with specific community initiative examples where possible. (probe short- and long-term)
 - a) equity
 - b) effectiveness
 - c) efficiency
 - d) accountability

 9. Overall, how well do you think the Strategy and its initiatives respond to the needs of Aboriginal peoples in general, but also to the elderly, women, children, and on- and off-reserve?

 10. Overall, what contribution has the Strategy made to the administration of justice in Saskatchewan?
 - 10.1 How about in specific initiatives or areas?

 11. In your opinion, has any one issue, geographical area or group received too much or too little attention in the general Strategy and/or specific initiatives?

 12. Overall, what changes or supports are needed to better achieve the four main Aboriginal strategy concerns of crime prevention, building bridges, equity and race-relations and self-determination that we discussed previously?

 13. In conclusion, is there anything that you would like to add here, is there anything important that I may have missed in this interview?

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 13. In conclusion, is there anything that you would like to add here, is there anything important that I may have missed in this interview?

INCREASING THE USE OF RESTORATIVE JUSTICE

ISSUE:

The Ministry of Justice is taking action to increase the use of restorative justice in Saskatchewan.

KEY MESSAGES:

- **The Ministry supports a province-wide restorative justice initiative that resolves about 4,000 adult and youth criminal matters every year. This holds offenders accountable, reduces reoffending, provides restitution to victims, and enables the courts to focus on more complex cases.**

BACKGROUND:

Public Information:

- Saskatchewan has a province-wide restorative justice initiative offered by 19 funded community-based organizations, 29 fee-for-service mediators, and 5 community justice committees. These programs, which include alternative measures, extrajudicial sanctions, and community justice programs, facilitated 3,740 referrals in 2016-17 (the most recent year for which we have complete data.)
- Community justice programs are operated by First Nations and Tribal Councils. These programs serve 65 of the 74 First Nations in the province, as well as many other Aboriginal communities.
 - In 2015-16, 60% of the referred offenders were under age 24. Excluding unknowns, 53% of the adults and 61% of the youths referred in 2015-16 were Aboriginal. Since many of the offenders who participate in restorative justice programs are young and Aboriginal, these programs play a key role in reducing the over-representation of marginalized, vulnerable people in the criminal justice system, and support Government's commitment to reconciliation.
 - The community justice programs and other restorative justice programs are delivered by community-based agencies, draw on local strengths and resources such as Elders, and respond to locally identified needs.
- Enhancing restorative justice is a key aspect of the Ministry's Innovation Agenda goal of increasing mediation, diversion from the mainstream court system, and other processes such as sentencing circles, which supports accessible and timely resolution of cases.

- The Ministry is increasing the use of restorative justice in Saskatchewan by:
 - Enhancing the ongoing training provided to restorative justice practitioners. Justice Canada is funding a new Victim Engagement Training program that was designed by the Ministry and which will launch in fall 2018 to enhance the ability of restorative justice workers in Saskatchewan to engage and support victims;
 - Making presentations to prosecutors and Royal Canadian Mounted Police cadets; and
 - Considering how restorative justice could be used with a wider range of offences.

COMMUNITY JUSTICE COMMITTEES

ISSUE:

The Community Safety and Well-Being Division works with Community Justice Committees throughout the province.

KEY MESSAGES:

- **Community Justice Committees enable community members to get involved in delivering justice services that include alternative measures, public education, and crime prevention initiatives.**
- **Community Justice Committees are guided by restorative justice principles and philosophy.**
- **The Ministry of Justice values volunteers that demonstrate leadership in their communities by participating in Community Justice Committees.**

BACKGROUND:

Public Information:

- A Community Justice Committee is a group of volunteers that work with the police and other justice professionals to provide justice services. Community Justice Committees increase the availability of alternative measures and extrajudicial services in Saskatchewan by working with offenders with less complex cases, leaving the more complex cases to paid service providers.
- There are five (5) Community Justice Committees in Saskatchewan: Melfort, Nipawin, Pasqua Hills (Carrot River, Arborfield and Zenon Park), Tisdale, and Valley West (Martensville and surrounding communities). These Community Justice Committees provided services to 93 offenders in 2017-18.
- The ministry's agreements with Aboriginal communities allows for funding to be used to establish local Community Justice Committees. The ministry does not provide funding for Community Justice Committees in non-Aboriginal communities.
- Community Justice Committee members are required to take the 6-day Victim Offender Mediation training and encouraged to take the 2-day Victim Engagement training delivered in partnership with the Dispute Resolution Office.

SCHOOL-BASED RESTORATIVE JUSTICE PROGRAMS

ISSUE:

Integrated Justice Services is working with schools, community-based partners, and the Ministry of Education to support school-based restorative justice approaches in Saskatchewan.

KEY MESSAGES:

- **School-based restorative justice (SBRJ) approaches help young people resolve conflicts, develop leadership abilities, and build positive relationships while enhancing their academic and study skills. These programs focus on reducing bullying and violence.**
- **The Ministry of Justice provides annual funding for the Restorative Action Program in Saskatoon and the Yorkton Tribal Council Peer Mediation Program, which are innovative, successful SBRJ programs. The Ministry also supports the Restore Programs in the northern communities of Pinehouse and La Loche.**
- **A recent evaluation from the Restorative Action Program suggests that schools with SBRJ services had fewer conflicts, suspensions, and drop outs.**

BACKGROUND:

Public Information:

- In 2018-19, Justice is funding and supporting the following SBRJ programs:
 - Restorative Action Program (RAP), which has been operating in Saskatoon since 2003. RAP is supported by the Rotary Clubs of Saskatoon and justice and educational system partners, including the ministries of Justice and Education. RAP serves eight (8) high schools with about 8,000 students. RAP workers make presentations on topics such as bullying, academic skills, and empowering young women. The program provides mediation for matters such as fighting, bullying, theft, vandalism, and family and relationship issues. In 2016-17, the RAP program provided direct supports for 1,385 students, conducted 268 mediations, made 2,794 follow-up contacts, and provided

353 additional services such as presentations, events, workshops, and group programming.

- Yorkton Tribal Council Peer Mediation Program, which supports students from grades 7 to 11 in Grenfell High School, Broadview, and Yorkton, as well as five schools on their member First Nations (Keeseekoose; Cote; Kahkewistahaw; Sakimay; and Key First Nations). This program serves approximately 150 students annually.
- The RESTORE programs in La Loche and in Pinehouse. These are community-driven initiatives that deal with bullying and conflict in schools. RESTORE supports and responds to the needs of all youth so they can live in safer school communities. As well, La Loche Friendship Centre's Community Justice Program received a funding increase beginning in 2016-17 for an additional half-time position to support activities in the school such as workshops on bullying and peer mediation.
- SBRJ programs use circles, conferences, and peer mediation to resolve conflicts. Saskatchewan's SBRJ programs are supported by community justice workers and other trained mediators. Teachers in some schools with SBRJ programs invite community justice workers into the classroom to model positive communications and conflict resolution skills and to facilitate class discussions. Entrenched conflicts or more serious matters may be referred to community justice and other restorative justice programs.
- Buxmont Academy in Pennsylvania pioneered RJ with children and youth who are at-risk or involved in the child welfare and criminal justice systems. A study of 858 students found that those who stayed in the program for more than three (3) months had a 32 per cent recidivism rate after two years, compared to 48 per cent for students who withdrew/did not complete it.

COMMUNITY JUSTICE PROGRAMS

ISSUE:

The Ministry of Justice's Community Safety and Well-Being branch supports community justice programs, alternative measures programs, extrajudicial sanctions programs and restorative justice programs.

KEY MESSAGES:

- **The Ministry of Justice knows restorative justice programming is an effective approach in supporting victims of crime and in holding offenders accountable.**
- **The Community Safety and Well-Being branch works with communities to develop and implement programs and services that best meet their needs, and the needs of victims and offenders.**
- **Provincially, over 3,300 adult and youth offenders received services in 2017-18. Well over 90% of the victim-offender mediation agreements are completed successfully.**

BACKGROUND:

Public Information:

- Saskatchewan has a province-wide restorative justice initiative. The community-based justice programs that offer restorative justice services function in a variety of ways. The majority are community justice, alternative measures, and extrajudicial sanction programs. These programs support victims and offenders through restorative justice processes, such as victim-offender mediation. Community justice programs offered by First Nations and Tribal Councils also conduct public education, undertake crime prevention activities, and facilitate school and peer mediations.
- In 2018-19, the ministry has agreements with 19 agencies for alternative measures/extrajudicial sanctions programming with a total budget of approximately \$3.6M:

Agency Chiefs Tribal Council	\$20,100
Ahtahkakoop First Nation	\$25,520

North West Professional Services Corporation	\$164,068
Beardy's & Okemasis First Nation	\$31,680
Cowessess First Nation	\$19,040
File Hills Qu'Appelle Tribal Council	\$123,600
La Loche Friendship Centre	\$149,600
Meadow Lake Tribal Council	\$304,240
Moose Jaw John Howard Society	\$312,420
Moose Jaw Salvation Army	\$8,000
Onion Lake First Nation	\$38,480
Prince Albert Grand Council	\$538,500
Regina Alternative Measures Program	\$593,830
Saskatoon Community Mediation Services	\$250,880
Saskatoon Tribal Council	\$466,950
SMILE Services (Estevan)	\$110,620
Swift Current Salvation Army	\$121,200
Touchwood Agency Tribal Council	\$93,170
Yorkton Tribal Council	\$265,250

- Saskatchewan data from adults that participated in community justice and restorative justice programs show that participating clients had significantly lower rates of re-offending. Only 20% of offenders had reoffended three years later compared to 32% of the comparison group. (This data comes from a 2011 Justice Canada evaluation of the community justice programs co-funded with Saskatchewan Ministry of Justice through the federal Indigenous Justice Program).
- Research indicates that victims who participate in restorative justice are satisfied with their experience. For example, 99% of the 558 victims, offenders and community members surveyed by the Regina Alternative Measures Program were satisfied or very satisfied with that program's interventions in 2014-15 (the year of the survey).
- The ministry supports four (4) school-based restorative justice programs (Saskatoon, Yorkton, La Loche, and Pinehouse), five (5) Community Justice Committees, and numerous Fee-for-Service contractors who provide victim-offender mediation services in communities across the province.
- Partner organization staff delivering these services are required to take the 6-day Victim Offender Mediation training that is delivered in partnership with the Dispute Resolution Office.
- Partner organization staff conduct feasibility assessments and sentencing circles for youth involved in the criminal justice system offering community involvement and increasing offender accountability.



**Use of Alternative Measures and
Extrajudicial Sanctions in Saskatchewan
2014-15 to 2015-16**

Innovation and Strategic Initiatives Branch

December 2016

Executive Summary

Adult alternative measures and youth extrajudicial sanctions programs are delivered across the province by a variety of community-based organizations, tribal and band councils, and service providers. Information about these referrals is entered in one database.

Referrals

There were just under 4000 adult and youth referrals each year; there was a decrease in the number of referrals over the two years, due to a drop in in both adult and youth referrals. Over the past five years, adult referrals have dropped by 7% while youth referrals have dropped by 36%.

The majority of referrals were post-charge and the four offences referred to alternative measures and extrajudicial sanctions most often were theft under \$5000, mischief under \$5000, assault, and possession of narcotics.

The majority of offenders were young and male. Approximately one-quarter of adult offenders were working full or part time; approximately seven in ten youth were attending school. A greater proportion of offenders going through alternative measures and extrajudicial sanctions were Aboriginal; this proportion is higher for youth than adults.

Victims

In just over one in three cases involving adults the victim of crime was a person (this includes both violent and property offences). Other types of victim include businesses and public agencies. In approximately half of the youth cases the victim was a person (both violent and property offences).

In cases involving victims where the victim participation is known, victims participated in between one-fifth and one-quarter of cases and a surrogate was used in one-fifth of the cases (adult and youth). A representative was used in one-tenth of the adult cases but was used less often in cases involving youth. Approximately one-fifth of victims refused to participate in cases.

- ➔ There were 3895 referrals in 2014-15 and 3689 in 2015-16 (adult and youth).
- ➔ Approximately nine out of ten referrals were made post-charge (adult and youth).
- ➔ Almost six out of every ten offenders were male (adult and youth).
- ➔ Approximately one-third of offenders were youth (12-17 years of age); the majority of offenders were between the ages of 12 and 24 years.
- ➔ Excluding unknowns, approximately five out of ten adult offenders and six out of ten youth offenders were Aboriginal.
- ➔ Approximately two out of ten adult referrals and one out of ten youth referrals involved a violent offence; two out of ten adult referrals and four out of ten youth referrals involved a property offence against a person.
- ➔ In 2014-15, victims refused to participate in 20% of adult cases and 17% of youth cases. In 2015-16 that number changed to 19% of adult cases and 21% of youth cases.

Interventions

Three-quarters of cases reach agreement with the proportion of youth cases being slightly higher than adult cases.

Accountability hearings and mediation were the types of interventions used most often for both adults and youth. Youth cases also used community justice forums and family group conferences.

Of those cases reaching agreement, more than nine in ten completed the agreement. Of those not reaching an agreement, in the majority of cases it was for a reason related to the offender (e.g. the offender refused to participate or denied responsibility). Other reasons may be related to the victim (e.g. refused to participate), the diversion process (e.g. inappropriate referral), or the criminal justice process (e.g. Crown veto).

Agreements included apologies in approximately one-quarter of adult cases and one-third of youth cases in 2014-15, with a higher proportion to just over three in ten for adults and four in ten for youth in 2015-16. Community service was used more often in youth cases than adult, and adult cases were more likely than youth to include donations to charity in their agreements. Restitution to victims was similar between adult and youth cases for both years. Agreements for youth were more likely to include essays/presentations and referrals to educational programs in 2014-2015 and were similar in percentage for 2015-2016.

For adults, orders involving payments to victims increased in terms of the number while the amount of payment was stable over the two years, with donations to charity increased. Community service hours increased substantially from 2014-15 to 2015-16.

For youth, there were fewer restitution orders and amounts in 2015-16. There was a decrease in the number of orders involving donations to charity with the total amount up slightly, and community service hours increased from 2014-15 to 2015-16.

→ Of closed cases, an agreement was reached in 76% of the cases in 2014-15 and in 77% of the cases in 2015-16. For adults, 75% of cases in 2015-16 reached an agreement while 80% of cases involving youth reached an agreement in that year.

→ In 2015-16, accountability hearings/diversions were used in five in ten adult cases and one in four youth cases. Mediation was used in three in ten cases (adult and youth). Community justice forums and family group conferences were used in one in ten youth cases.

→ Of those cases reaching an agreement, 96% in 2014-15 and 95% in 2015-16 completed their agreements.

→ For adults, a total of \$199,026 in restitution to victims was ordered in 2014-15 and \$198,850 in 2015-16. For youth, the restitution amounts were \$71,032 in 2014-15 and \$61,800 in 2015-16.

→ For adults, a total of 5,995 community service hours were ordered in 2014-15 and 8,975 in 2015-16. For youth, a total of 6,499 community service hours were ordered in 2014-15 and 7,595 in 2015-16.

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Introduction

This report provides information on the use of alternative measures (adult) and extrajudicial sanctions (youth) in Saskatchewan for a two-year period (2014-15 and 2015-16).

In 2010, the Alternative Measures Program Customer Relationship Management (AMP CRM) Database replaced the Paradox database created in 1997. Information about all alternative measures (AM) and extrajudicial sanctions (EJS) referrals in Saskatchewan is stored in this database system. The AMP CRM Database has information stored in four tables: Offender, Case Referral, Charge, and Victims data and are available for the past five fiscal years. Where possible, this report is similar in structure to previous reports, but because the information is stored differently in the two databases (Paradox and AMP CRM), historical comparisons with data provided prior to 2010-11 should be made with caution.

Referrals to Alternative Measures and Extrajudicial Sanctions Programs¹

In each of the two years there were just under 4000 referrals to alternative measures and extrajudicial sanctions programs. In 2014-15 there were 3895 referrals; the number dropped to 3689 referrals in 2015-16. Table 1 provides program-specific information on adult and youth referrals in each of the two years. A breakdown by specific programs on adult and youth referrals can be found in Appendix A.

¹ The information in this section includes all referrals opened between April 1 and March 31 for each of the fiscal years.

Table 1: Number of referrals to individual programs, 2014-15 and 2015-16

Program	2014-15	2015-16
Agency Chiefs Tribal Council	36	32
Ahtahkakoop First Nation	9	3
Battlefords Alternative Measures Program	62	56
Battlefords Tribal Council	50	72
Beardy's & Okemasis First Nation	20	9
Cowessess First Nation	2	--
Creighton CJC	21	23
File Hills Qu'Appelle Tribal Council	43	23
John Howard Society - Moose Jaw	206	156
John Howard Society - Regina	106	136
John Howard Society - Saskatoon	172	163
JU:CP Creighton	10	1
JU:CP Melfort	49	1
JU:CP Nipawin	2	--
JU:CP Weyburn	19	--
Kikinahk Friendship Centre Inc.	7	9
Kindersley Rosetown Alternative Measures Program (KRAMP)	36	33
La Loche (AMP)	25	--
Lac La Ronge Indian Band	--	1
Marguerite Riel Centre	3	46
Meadow Lake Community Justice Forum	5	1
Métis Family & Community Justice Services	56	72
Mistawasis First Nation	6	5
MLTC Program Services Inc.	79	120
Nipawin Community Justice Committee	3	--
Onion Lake First Nation	22	9
Out of Province	8	7
Pasquia Hills	1	1
Pinehouse Wellness Centre Corporation	13	10
Prince Albert Grand Council Community Justice Program	409	484
Prince Albert Indian Métis Friendship Centre	1	--
Prince Albert Urban Alternative Measures Program	217	231
Qu'Appelle Valley Friendship Centre Inc.	29	22
Regina Alternative Measures Program (RAMP) Inc.	531	524
Sandy Bay Alternative Measures Program	26	13
Saskatoon Community Mediation Services	973	854
Saskatoon Tribal Council - Rural	16	13
Saskatoon Tribal Council - Urban	112	104
Shellbrook	12	4
SMILE Services Inc.	118	65
The Salvation Army (Swift Current)	98	98
Thunderchild First Nation	1	2
Touchwood Agency Tribal Council Inc.	27	44
Valley West Community Justice Committee Inc.	38	24
Weyburn Adult and Youth Alternative Measures Program (AMP)	--	43
Yorkton Tribal Council	216	175
Total	3895	3689

Adult referrals make up the majority of the referrals in each year ranging from 67.3% of the referrals in 2014-15 to 67.2% of the referrals in 2015-16. The drop in the number of total referrals over the two-year period continues the trend seen over the past five years. However, for the first six months of 2016-2017, there were 1846 referrals, up from 1806 referrals over the first six months of 2015-2016. Adult referrals were 7 fewer while youth referrals were 47 higher. The increase shows that the trend toward a reduction in youth referrals may be reversing (1883 in 2011-12, 1576 in 2012-13, 1407 in 2013-14, 1272 in 2014-15 and 1211 in 2015-16). Table 2 provides an overview of the number of referrals for adults and youth for each year.

Table 2: Number of adult and youth referrals, 2014-15 and 2015-16

All Referrals	2014-15	2015-16
Adult	2623	2478
Youth	1272	1211
Total	3895	3689

Pre- and Post-Charge Referrals

Referrals can be either pre-charge or post-charge. With the approval of a Crown prosecutor, a referral can be made by the police before a charge is laid (pre-charge), while a post-charge referral is made by a Crown prosecutor after a charge is laid². As shown in Table 3, most (between 89.9% and 90.8%) of the referrals were post-charge. Appendix B shows the pre-and post-charge referrals for each program for each of the two years.

Table 3: Pre- and post-charge referrals, 2014-15 and 2015-16

All Referrals	2014-15		2015-16	
	#	%	#	%
Pre-Charge	352	9.0	366	9.9
Post-Charge	3538	90.8	3316	89.9
Total*	3895	100.0	3689	100.0

*For 2014-15 and 2015-16, there were 5 and 7 "post sentence" referrals respectively.

As shown in Tables 4 and 5, a greater proportion of youth cases were pre-charge compared to adult cases, the proportion of youth cases that were pre-charge increased over the two years (from 10.5% in 2014-15 to 12.6% in 2015-16).

Table 4: Pre- and post-charge adult referrals, 2014-15 and 2015-16

Adult Referrals	2014-15		2015-16	
	#	%	#	%
Pre-Charge	218	8.3	214	8.6
Post-Charge	2402	91.6	2260	91.2
Total*	2623	100.0	2478	100.0

*For 2014-15 and 2015-16, there were 3 and 4 "post sentence" referrals respectively.

² *The Alternative Measures and Extrajudicial Sanctions Policies* (2013).

Table 5: Pre- and post-charge youth referrals, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Youth Referrals				
Pre-Charge	134	10.5	152	12.6
Post-Charge	1136	89.3	1056	87.2
Total*	1272	100.0	1211	100.0
*For 2014-15 and 2015-16, there were 2 and 3 "post sentence" referrals respectively.				

Gender, Age, Employment, and Ethnic Origin

Gender

Overall, males accounted for approximately six in ten referrals (59.2% in 2014-15 and 57.8% in 2015-16) to alternative measures and extrajudicial sanctions (Table 6).

Table 6: Gender of offenders attending alternative measures and extrajudicial sanctions programs, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Adult Referrals				
Male	1521	58.0	1399	56.5
Female	1101	42.0	1074	43.3
Transgender	1	0.0	1	0.0
Not stated	0	0.0	4	0.2
Total	2623	100.0	2478	100.0

As shown in Tables 7 and 8, the proportion of males was slightly higher for youth than adults. For example, in 2014-15, males made up 58.0% of the adult referrals and 61.6% of the youth referrals while in 2015-16 males made up 56.5% of the adult referrals and 60.5% of the youth referrals.

Table 7: Gender of adult offenders attending alternative measures programs, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Youth Referrals				
Male	784	61.6	733	60.5
Female	485	38.1	475	39.2
Transgender	3	0.2	1	0.1
Not stated	0	0.0	2	0.2
Total	1272	100.0	1211	100.0

Table 8: Gender of youth offenders attending extrajudicial sanctions programs, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
All Referrals				
Male	2305	59.2	2132	57.8
Female	1586	40.7	1549	42.0
Transgender	4	0.1	2	0.1
Not stated	0	0.0	6	0.2
Total	3895	100.0	3689	100.0

Age

In 2014-15, just over three in ten offenders going through alternative measures or extrajudicial sanctions programs were youth (31.2%) at the time of the referral³. This number dropped to 31.0% in 2015-16 as the number of youth referrals decreased. Of all the age categories noted in Table 9, youth made up the largest category of offenders, followed by those who were between the ages of 18 and 24. As in previous years, as the age increases, the number of offenders in each category decreases. This generally matches patterns of age of offenders as seen in criminal statistics data.

Table 9: Age of offenders attending alternative measures and extrajudicial sanctions programs, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
12 to 17 years	1215	31.2	1145	31.0
18 to 24 years	1183	30.4	1084	29.4
25 to 34 years	718	18.4	701	19.0
35 to 44 years	381	9.8	368	10.0
45 to 54 years	230	5.9	211	5.7
55 to 64 years	94	2.4	92	2.5
65 years or older	44	1.1	42	1.1
Unknown	30	0.8	46	1.2
Total	3895	100.0	3689	100.0

Employment

In terms of employment, for adults going through alternative measures, those who were working full-time made up the largest category in 2014-15 at 24.2% while those who were not working or in school made up the largest portion in 2015-16 at 28.5%. However, in approximately four in ten cases over the two years, the employment status of the offender was not known as this information was not entered into the database. If these missing data were removed from the data set, those who were working full-time would account for more than 43.0% of the cases in 2014-15 while those who were not working or in school would have made up 45.6% of cases in 2015-16.

For youth, those attending school made up the largest category: 64.9% in 2014-15 and 65.2% in 2015-16. The proportion of cases where these data were not reported was much smaller for youth than adults (9.0% in 2014-15 and 10.0% in 2015-16).

The data on employment status are presented separately for adults and youth in the following two tables (Tables 10 and 11).

³ Age was calculated by subtracting the date of birth from the date of referral.

Table 10: Education and employment status of adult offenders attending alternative measures programs, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Adult Referrals				
Attending school	153	5.8	143	5.8
Attending school and working	26	1.0	38	1.5
Not working/not in school	565	21.5	705	28.5
Working full-time	636	24.2	532	21.5
Working part-time	100	3.8	129	5.2
Missing data	1143	43.6	931	37.6
Total	2623	100.0	2478	100.0

Table 11: Education and employment status of youth offenders attending extrajudicial sanctions programs, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Youth Referrals				
Attending school	826	64.9	790	65.2
Attending school and working	87	6.8	75	6.2
Not working/not in school	180	14.2	167	13.8
Working full-time	44	3.5	40	3.3
Working part-time	20	1.6	18	1.5
Missing data	115	9.0	121	10.0
Total	1272	100.0	1211	100.0

Ethnic Origin

As shown in Tables 12 and 13, a greater proportion of offenders over the entire time period going through alternative measures and extrajudicial sanctions programs were Aboriginal, and this proportion is higher for youth than adults. Between one in three and four in ten adult offenders were self-identified as Aboriginal in 2014-15 and 2015-16 (33.5% and 39.8% respectively) while the number of non-Aboriginals held fairly constant in both years (Table 12). If the cases where the ethnic origin of the offender was refused to be given were removed from the data set, the proportion of Aboriginal offenders would be 49.5% in 2014-15 but rise to 53.4% in 2015-16.

For youth, around six in ten offenders were self-identified as Aboriginal (Table 13). If the cases where the ethnic origin of the offender was refused to be given were removed from the data set, the proportion of self-identified Aboriginal offenders would increase slightly. The number of refusals to be identified dropped dramatically in 2014-15 from the previous three years of data in the AMP CRM Database.

Table 12: Ethnic origin of adult offenders attending alternative measures programs, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Adult Referrals				
Aboriginal	880	33.5	986	39.8
Non-Aboriginal	897	34.2	854	34.5
Refused to Self-identify	846	32.3	638	25.7
Total	2623	100.0	2478	100.0

Table 13: Ethnic origin of youth offenders attending extrajudicial sanctions programs, 2014-15 and 2015-16

Youth Referrals	2014-15		2015-16	
	#	%	#	%
Aboriginal	753	59.2	741	61.2
Non-Aboriginal	494	38.8	432	35.7
Refused to Self-identify	25	2.0	38	3.1
Total	1272	100.0	1211	100.0

Offences

Data on offences are gathered according to specific offence and victim type. Table 14 shows the four offences referred to alternative measures and extrajudicial sanctions programs most often over the two-year period (theft under \$5000, mischief under \$5000, assault, and possession of narcotics). The offences on this list are the ones that made up at least 5% of the total proportion of offences.

Table 14: Offences referred to alternative measures and extrajudicial sanctions programs most often, 2014-15 and 2015-16

	2014-15	2015-16
Theft under \$5000	21.4%	25.2%
Mischief under \$5000	11.1%	10.1%
Assault	9.4%	9.6%
Possession of narcotics	9.5%	8.3%

However, significant differences occur when examining the nature of offences between youth and adults. For example, in 2014-15 a higher proportion of adult offenders (10.6%) than youth (7.5%) going through alternative measures and extrajudicial sanctions programs had committed an assault. In addition, break and enter was an offence more commonly committed by youth (7.4%, compared to 1.5% for adults). Youth were more likely (13.4%) than adults (9.8%) to be referred for mischief under \$5000 while adults were more likely (11.8%) than youth (5.6%) to be referred for possession of narcotics. Relatively speaking, a higher proportion of youth (3.6% versus 1.4%) were referred for possession of property under \$5000. However, adults had a much higher proportion of thefts under \$5000 (24.1% versus 16.8%).

In 2015-16, similar trends existed for assault (adults, 11.4% and youth, 6.9%) and break and enter (adults, 1.4% and youth, 7.6%). A higher proportion of youth (10.5%) than adults (9.8%) were referred for mischief under \$5000. Twice as many adults (10.4%) than youth (4.9%) were referred for possession of narcotics, and 4.5% of youth (compared to 1.8%) of adult referrals were for possession of property under \$5000. A greater proportion of adult (27.5%) than youth (21.6%) referrals involved theft under \$5000.

Victims

Information about offences is sorted by victim type as listed in Tables 15 and 16. For adult offenders, there was an increase in the number and proportion of business victims (18.3% to 19.3%) while there was a marked reduction in the number of instances where there was no victim (this would include system charges and CDSA charges that were not coded to those line items). The overall number of victims also dropped 7.6% (from 3353 to 3099) between 2014-15 and 2015-16.

Victim types in youth referrals remained constant between businesses (approximately 20%) and persons (around half). There was a shift between an increase in system charges and a decrease in offences which had no victim. The number of victims of youth referrals rose 2.2% over the two time periods.

Table 15: Victim type (adults), 2014-15 and 2015-16

Victim Type	2014-15		2015-16	
	#	%	#	%
Business	961	28.7%	988	31.9%
Person - Property Offence*	612	18.3%	599	19.3%
Person - Violent Offense	545	16.3%	506	16.3%
No Victim	484	14.4%	258	8.3%
Public Property	52	1.6%	59	1.9%
System Charge	367	10.9%	353	11.4%
CDSA	332	9.9%	336	10.8%
Total	3353	100.0%	3099	100.0%

*Refers to a property offence against an individual, not a business or public property.

Table 16: Victim type (youth), 2014-15 and 2015-16

Victim Type	2014-15		2015-16	
	#	%	#	%
Business	392	20.6%	397	20.4%
Person - Property Offence*	752	39.4%	710	36.4%
Person - Violent Offense	228	12.0%	251	12.9%
No Victim	318	16.7%	195	10.0%
Public Property	87	4.6%	104	5.3%
System Charge	59	3.1%	212	10.9%
CDSA	71	3.7%	80	4.1%
Total	1907	100.0%	1949	100.0%

*Refers to a property offence against an individual, not a business or public property.

Victim participation is an important aspect of restorative justice and the Ministry expects agencies to attempt to involve victims in alternative measures and extrajudicial sanctions programs. Victims can participate in a variety of ways such as in person, by letter, by phone, or they may choose to send a representative to speak on their behalf. Additionally, some agencies have surrogate victims who can represent the victim if they are unable or unwilling to participate⁴. Victim participation was not entered

⁴ *Alternative Measures and Extrajudicial Sanctions Program Manual* (2013).

in all cases as there is a large proportion of missing data. It should be noted that the amount of missing data decreased in 2015-16 for both adult and youth cases. Tables 17 and 18 show the different ways that victims participate in adult alternative measures programs and in youth extrajudicial sanctions programs in terms of the total number of participants in each category and the percentage of cases reported in each category (as a proportion of the reported cases).

Of closed cases, between 17.7% and 24.2% of victims participated in person in adult and youth cases. Surrogate victims participated in between 16.5% and 19.9% of programs for adult and youth cases. In youth cases, 4.0% involved a representative in 2014-15 falling to 2.6% in 2015-16. The percent of adult cases involving a representative fell from 10.0% in 2014-15 to 7.2% in 2015-16.

Between one in nine and one in ten victims in adult cases participated by phone; for youth, the proportion dropped from one in eight to one in ten over the two years. The victim refused to participate in one-fifth of the adult cases over the two years and in 17.2% of the youth cases in 2014-15 and 21.3% in 2015-16.

Table 17: Victim participation in adult alternative measures programs, 2014-15 and 2015-16

Type of Participation	2014-15		2015-16	
	#	%	#	%
By letter	20	1.7%	25	1.6%
By phone	133	11.2%	155	10.0%
By representative	119	10.0%	112	7.2%
In person	259	21.7%	275	17.7%
Surrogate victim	237	19.9%	295	19.0%
Refused to participate	239	20.1%	294	18.9%
N/A	185	15.5%	397	25.6%
Total	1192	100.0%	1553	100.0%
Missing data*	1028		614	

*Missing data includes all cases where the type of participation was not filled in. Cases involving "no victim" or CDSA or systems charges have not been included in the total.

Table 18: Victim participation in youth extrajudicial sanctions programs, 2014-15 and 2015-16

Type of Participation	2014-15		2015-16	
	#	%	#	%
By letter	21	1.8%	35	2.8%
By phone	145	12.5%	124	9.8%
By representative	46	4.0%	33	2.6%
In person	281	24.2%	263	20.9%
Surrogate victim	192	16.5%	246	19.5%
Refused to participate	200	17.2%	268	21.3%
N/A	277	23.8%	292	23.2%
Total	1162	100.0%	1261	100.0%
Missing data*	337		195	

*Missing data includes all cases where the type of participation was not filled in. Cases involving "no victim" or CDSA or systems charges have not been included in the total.

Agreements

Interventions refer to restorative justice processes used in alternative measures and extrajudicial sanctions. An analysis of the results of cases can only be conducted on cases that have been closed. In 2014-15, 5152 cases were closed and 5040 cases were closed in 2015-16. Since cases can be closed in the years after they were first referred, the totals here do not match the totals earlier in conjunction with the number of referrals.

An immediate outcome of the alternative measures or extrajudicial sanctions process is whether an agreement is reached between the victim and the offender about how to resolve the matter. These agreements may include offender actions such as apologies, restitution to the victim, donation to charity, or community service. Over three-quarters of cases in 2014-2015 and 2015-16 that were closed reached agreement (Table 19). It should also be noted that there was a large increase in the number of closed cases from previous years (4215 in 2011-12, 4360 in 2012-13, 4187 in 2013-14, 5152 in 2014-15 and 5040 in 2015-16).

Table 19: Closed cases and agreements (adults and youth), 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Reached Agreement	3914	76.0%	3876	76.9%
Did Not Reach Agreement	1238	24.0%	1164	23.1%
Total	5152	100.0%	5040	100.0%

An examination of the adult and youth cases separately shows that youth cases are more likely to result in an agreement and the proportion of cases reaching agreement stayed constant over both years (79.6% in 2014-15 and 79.5% in 2015-16). Meanwhile, there was a slight increase in the number of adult cases reaching an agreement in 2014-15 (74.0%) and 2015-16 (75.3%). Tables 20 and 21 show the number and proportion of closed cases that reached agreement for adults and youth.

Table 20: Closed adult cases and agreements, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Reached Agreement	2451	74.0%	2327	75.3%
Did Not Reach Agreement	863	26.0%	764	24.7%
Total	3314	100.0%	3091	100.0%

Table 21: Closed youth cases and agreements, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Reached Agreement	1463	79.6%	1549	79.5%
Did Not Reach Agreement	375	20.4%	400	20.5%
Total	1838	100.0%	1949	100.0%

Tables 22 and 23 show the percentage of closed cases where an agreement was successfully reached, by type of victim participation for adults and youth over the two-year period. For both adults and youth, the largest proportion of agreements reached included cases where victims participated in or where a surrogate victim was used.

Table 22: Type of victim participation in adult cases where an agreement was reached, 2014-15 and 2015-16

Type of Participation	2014-15		2015-16	
	#	%	#	%
By letter	19	1.8%	14	1.1%
By phone	110	10.6%	137	10.6%
By representative	116	11.1%	102	7.9%
In person	240	23.1%	254	19.6%
Surrogate victim	231	22.2%	282	21.8%
Refused to participate	214	20.6%	264	20.4%
N/A	111	10.7%	241	18.6%
Total	1041	100.0%	1294	100.0%
Missing data*	585		356	

Table 23: Type of victim participation in youth cases where an agreement was reached, 2014-15 and 2015-16

Type of Participation	2014-15		2015-16	
	#	%	#	%
By letter	18	1.8%	33	3.1%
By phone	127	12.9%	115	10.9%
By representative	43	4.4%	33	3.1%
In person	262	26.7%	244	23.0%
Surrogate victim	184	18.7%	234	22.1%
Refused to participate	179	18.2%	230	21.7%
N/A	170	17.3%	170	16.1%
Total	983	100.0%	1059	100.0%
Missing data*	145		107	

*Missing data includes all cases where the type of participation was not filled in. Cases involving "no victim" or CDSA or systems charges have not been included in the total.

Types of Interventions

Accountability hearings/diversion and mediation are the type of interventions used most often for both adults and youth (Tables 24 and 25). Accountability hearings or diversion was used in approximately half of the adult cases and four in ten of the youth cases. Mediation was used in approximately one-third of adult cases and one-quarter of youth cases. Community justice forums/family group conferences were used in approximately one in ten youth cases.

Table 24: Types of interventions in adult cases, 2014-15 and 2015-16

	2014-15	2015-16
Accountability Hearing/Diversion	53.3%	48.9%
Community Justice Forum/Family Group Conference	1.2%	0.5%
Healing/Talking Circle	0.5%	0.2%
Mediation	29.5%	33.9%
Stoplift	7.4%	6.8%
N/A	5.2%	9.0%
Program/Cultural Specific	0.2%	0.3%
Missing Data	2.6%	0.5%
Total	N=3227	N=3076

Table 25: Types of interventions in youth cases, 2014-15 and 2015-16

	2014-15	2015-16
Accountability Hearing/Diversion	38.9%	39.8%
Community Justice Forum/Family Group Conference	9.5%	9.6%
Healing/Talking Circle	3.9%	2.2%
Mediation	27.5%	27.9%
Stoplift	4.3%	4.3%
N/A	10.4%	13.1%
Program/Cultural Specific	0.0%	0.6%
Missing Data	5.4%	2.4%
Total	N=1739	N=1902

Cases Completing Agreements

Whether the offender is successful at the completion of the agreement is at the discretion of the agency overseeing the particular case. In cases where an agreement was reached, the majority of agreements were all or partially completed (Table 26).

Table 26: Completion of agreements⁵ reached in alternative measures and extrajudicial sanctions programs in adult and youth cases, 2014-15 and 2015-16

	2014-15		2015-16	
	#	%	#	%
Adult Agreements Completed	2382	97.2%	2182	93.8%
Youth Agreements Completed	1354	92.5%	1505	97.2%
Total	3736	95.5%	3687	95.1%

⁵ Includes agreements completed as planned, completed as amended, and partially completed.

Cases Not Reaching Agreement

In cases where an agreement was not reached, there were different reasons for this outcome. Table 27 shows the reasons for cases not reaching an agreement for adults and Table 28 shows the reasons for youth. In approximately four out of five adult cases, the reason an agreement could not be reached was related to the offender (i.e., could not be contacted or refused to participate or denied responsibility for the crime or total default). This was the case for a greater proportion of adult cases than youth cases in 2015-16 (but not 2014-15). Agreements not being reached because the victim refused to participate were similar in rates for both adults and youth. Finally, while the percent of cases for adults in both years and youth cases in 2014-2015 that did not reach agreement due to Crown veto held fairly constant around ten percent, the youth percent for 2015-16 was distinctly higher.

Table 27: Reasons for agreements not being reached in adult alternative measures programs, 2014-15 and 2015-16

Reason	2014-15	2015-16
Related to the offender		
Unable to make contact	16.2%	22.5%
Offender refused to participate	10.5%	13.7%
Offender denied responsibility	2.9%	4.9%
Total default (offender did not complete agreement)	53.1%	40.1%
Related to the victim		
Victim refused to participate	2.1%	4.2%
Related to the diversion process		
Unable to reach agreement	0.4%	2.3%
Inappropriate referral	1.5%	1.4%
Related to the criminal justice process		
Crown veto	10.8%	8.9%
Charge stayed	2.6%	1.7%
Deceased	0.0%	0.2%
Total	N=816	N=812

Table 28: Reasons for agreements not being reached in extrajudicial sanctions programs (youth), 2014-15 and 2015-16

Reason	2014-15	2015-16
Related to the offender		
Unable to make contact	28.8%	30.6%
Offender refused to participate	24.7%	22.3%
Offender denied responsibility	4.1%	0.5%
Total default (offender did not complete agreement)	24.9%	10.8%
Related to the victim		
Victim refused to participate	1.9%	2.5%
Related to the diversion process		
Unable to reach agreement	2.9%	2.8%
Inappropriate referral	1.2%	4.5%
Related to the criminal justice process		
Crown veto	9.4%	22.8%
Charge stayed	0.2%	3.0%
Deceased	1.7%	0.3%
Total	N=413	N=413

The Agreements

An agreement may include one or more outcomes. Examples of outcomes are payments or apologies to victims, community service, referrals to educational programs (such as life skills, crime prevention, or Stoplift), and writing essays. Table 29 shows the case outcomes (as a proportion of the closed cases) for adults and Table 30 shows the case outcomes for youth for 2014-15 to 2015-16.

The victim received an apology from the adult offender in 25.4% of the cases in 2014-15 and 30.7% of the cases in 2015-16. About one in six adult cases involved community service, and one in seven involved an essay or presentation. The percent of adult cases involving a donation to charity dropped from 23.8% in 2014-15 to 18.4% in 2015-16. The number of adults agreeing to an education program declined from 12.0% to 9.0%.

In 2014-15, one-third (33.2%) of youth agreements included an apology to the victim; this rose to 39.5% of cases in 2015-16. Approximately one-fifth of cases involved community service; less than 5% involved a donation to charity; and restitution was included in approximately one in ten of the agreements. Essays and presentations decreased from 18.5% of the agreements in 2014-15 to 14.1% in 2015-16. Referrals to educational programs were included in 12.0% of youth agreements in 2014-15 and 11.7% of agreements in 2015-16.

Table 29: Case outcomes from adult agreements, 2014-15 and 2015-16

Outcome	2014-15		2015-16	
	#	%	#	%
Apology to victim	600	25.4%	834	30.7%
Community service	359	15.2%	432	15.9%
Donation to charity	563	23.8%	498	18.4%
Restitution to victim	238	10.1%	305	11.2%
Essay/presentation	321	13.6%	400	14.7%
Educational program	284	12.0%	244	9.0%

Table 30: Case outcomes from youth agreements, 2014-15 and 2015-16

Outcome	2014-15		2015-16	
	#	%	#	%
Apology to victim	569	33.2%	743	39.5%
Community service	368	21.4%	413	22.0%
Donation to charity	74	4.3%	61	3.2%
Restitution to victim	182	10.6%	178	9.5%
Essay/presentation	317	18.5%	265	14.1%
Educational program	206	12.0%	221	11.7%

Table 31 shows the amount of restitution, donations to charity, and community service hours ordered in the adult agreements for 2014-15 and 2015-16:

- Payments to victims ordered were relatively constant at \$199,026 in 2014-15 (238 agreements for an average of \$836 per agreement) and \$198,850 in 2015-16 (305 agreements for an average of \$652 per agreement).
- Donations to charity ordered, on the other hand, rose from \$90,585 in 2014-15 (563 agreements for an average of \$161 per agreement) to \$94,820 in 2015-16 (498 agreements for an average of \$190 per agreement).
- Community service hours ordered increased from 5995 in 2014-15 to 8975 in 2015-16.

Table 32 shows the amount of restitution, donations to charity, and community service hours ordered in the youth agreements for 2014-15 and 2015-16:

- Payments to victims ordered decreased from \$71,032 in 2014-15 (182 agreements for an average of \$390 per agreement) to \$61,800 in 2015-16 (178 agreements for an average of \$347 per agreement).
- Donations to charity were \$9,080 in 2014-15 (74 agreements for an average of \$123 per agreement) and \$9,330 in 2015-16 (61 agreements for an average of \$141 per agreement). While the total amount rose marginally, the number of agreements fell over the two years.
- Community service hours increased from 6499 hours in 2014-15 to 7595 hours in 2015-16.

Table 31: Total amounts ordered in all adult agreements, 2014-15 and 2015-16

	2014-15	2015-16
Restitution payments	\$199,026	\$198,850
Donation to charity	\$90,585	\$94,820
Community Service Hours	5995	8975

Table 32: Total amounts ordered in all youth agreements, 2014-15 and 2015-16

	2014-15	2015-16
Restitution payments	\$71,032	\$61,800
Donation to charity	\$9,080	\$9,330
Community Service Hours	6499	7595

Conclusion

This review and analysis, the second since the change to the new AMP CRM Database, provided evidence in several issues that the Ministry may want to discuss further:

- although youth reporting is much better, missing data in specific data sets;
- a continued decrease in referrals for both adults and youth; and
- the choice of interventions used, with accountability hearings used most often.

The issue described in the first bullet directly affects the ability to report valid and reliable data. The AMP CRM Database is an improvement over the old system, but data gaps and issues remain that need to be addressed. The amount of missing data indicates that work needs to be done in the areas of data entry training and regular data audits to ensure that data are entered consistently and correctly. The Ministry will continue to monitor the data and work to improve the quality of data being entered into the AMP CRM Database.

Despite this limitation, this report shows how alternative measures and extrajudicial sanctions are currently being used in Saskatchewan and the outcomes of those cases.

APPENDIX A

Number of referrals to individual programs for adult and youth, 2014-15 and 2015-16

Referrals to individual programs, by adult vs. youth, 2014-15

Program	Adult	Youth	Total
Agency Chiefs Tribal Council	16	20	36
Ahtahkakoop First Nation	7	2	9
Battlefords Alternative Measures Program	40	22	62
Battlefords Tribal Council	17	33	50
Beardy's & Okemasis First Nation	15	5	20
Cowessess First Nation	1	1	2
Creighton CJC	7	14	21
File Hills Qu'Appelle Tribal Council	30	13	43
John Howard Society - Moose Jaw	156	50	206
John Howard Society - Regina	0	106	106
John Howard Society - Saskatoon	4	168	172
JU:CP Creighton	7	3	10
JU:CP Melfort	23	26	49
JU:CP Nipawin	1	1	2
JU:CP Weyburn	0	19	19
Kikinahk Friendship Centre Inc.	0	7	7
Kindersley Rosetown Alternative Measures Program (KRAMP)	24	12	36
La Loche (AMP)	22	3	25
Marguerite Riel Centre	2	1	3
Meadow Lake Community Justice Forum	2	3	5
Métis Family & Community Justice Services	56	0	56
Mistawasis First Nation	4	2	6
MLTC Program Services Inc.	43	36	79
Nipawin Community Justice Committee	2	1	3
Onion Lake First Nation	6	16	22
Out of Province	0	8	8
Pasquia Hills	1	0	1
Pinehouse Wellness Centre Corporation	0	13	13
Prince Albert Grand Council Community Justice Program	273	136	409
Prince Albert Indian Métis Friendship Centre	0	1	1
Prince Albert Urban Alternative Measures Program	129	88	217
Qu'Appelle Valley Friendship Centre Inc.	27	2	29
Regina Alternative Measures Program (RAMP) Inc.	410	121	531
Sandy Bay Alternative Measures Program	11	15	26
Saskatoon Community Mediation Services	973	0	973
Saskatoon Tribal Council - Rural	6	10	16
Saskatoon Tribal Council - Urban	3	109	112
Shellbrook	9	3	12
SMILE Services Inc.	91	27	118
The Salvation Army (Swift Current)	53	45	98
Thunderchild First Nation	1	0	1
Touchwood Agency Tribal Council Inc.	11	16	27
Valley West Community Justice Committee Inc.	7	31	38
Weyburn Adult and Youth Alternative Measures Program (AMP)	0	0	0
Yorkton Tribal Council	133	83	216
Total	2623	1272	3895

Referrals to individual programs, by adult vs. youth, 2015-16

Program	Adult	Youth	Total
Agency Chiefs Tribal Council	19	13	32
Ahtahkakoop First Nation	1	2	3
Battlefords Alternative Measures Program	38	18	56
Battlefords Tribal Council	32	40	72
Beardy's & Okemasis First Nation	5	4	9
Creighton CJC	17	6	23
File Hills Qu'Appelle Tribal Council	17	6	23
John Howard Society - Moose Jaw	124	32	156
John Howard Society - Regina	1	135	136
John Howard Society - Saskatoon	2	161	163
JU:CP Creighton	0	1	1
JU:CP Melfort	1	0	1
Kikinahk Friendship Centre Inc.	0	9	9
Kindersley Rosetown Alternative Measures Program (KRAMP)	14	19	33
Lac La Ronge Indian Band	0	1	1
Marguerite Riel Centre	29	17	46
Meadow Lake Community Justice Forum	1	0	1
Métis Family & Community Justice Services	71	1	72
Mistawasis First Nation	5	0	5
MLTC Program Services Inc.	83	37	120
Onion Lake First Nation	2	7	9
Out of Province	0	7	7
Pasquia Hills	0	1	1
Pinehouse Wellness Centre Corporation	0	10	10
Prince Albert Grand Council Community Justice Program	305	179	484
Prince Albert Urban Alternative Measures Program	140	91	231
Qu'Appelle Valley Friendship Centre Inc.	17	5	22
Regina Alternative Measures Program (RAMP) Inc.	410	114	524
Sandy Bay Alternative Measures Program	5	8	13
Saskatoon Community Mediation Services	854	0	854
Saskatoon Tribal Council - Rural	9	4	13
Saskatoon Tribal Council - Urban	0	104	104
Shellbrook	3	1	4
SMILE Services Inc.	42	23	65
The Salvation Army (Swift Current)	64	34	98
Thunderchild First Nation	0	2	2
Touchwood Agency Tribal Council Inc.	13	31	44
Valley West Community Justice Committee Inc.	6	18	24
Weyburn Adult and Youth Alternative Measures Program (AMP)	28	15	43
Yorkton Tribal Council	120	55	175
Total	2478	1211	3689

Appendix B

Post- and pre-charge referrals by program, 2014-15 and 2015-16

Post- and pre-charge referrals by program, 2014-15

Program	Post-charge	Pre-charge	Total
Agency Chiefs Tribal Council	100%	0%	36
Ahtahkakoop First Nation	100%	0%	9
Battlefords Alternative Measures Program	97%	3%	62
Battlefords Tribal Council	94%	6%	50
Beardy's & Okemasis First Nation	100%	0%	20
Cowessess First Nation	100%	0%	2
Creighton CJC	100%	0%	21
File Hills Qu'Appelle Tribal Council	100%	0%	43
John Howard Society - Moose Jaw	87%	13%	206
John Howard Society - Regina	82%	18%	106
John Howard Society - Saskatoon	89%	11%	172
JU:CP Creighton	100%	0%	10
JU:CP Melfort	88%	12%	49
JU:CP Nipawin	100%	0%	2
JU:CP Weyburn	100%	0%	19
Kikinahk Friendship Centre Inc.	86%	14%	7
Kindersley Rosetown Alternative Measures Program (KRAMP)	97%	3%	36
La Loche (AMP)	100%	0%	25
Marguerite Riel Centre	100%	0%	3
Meadow Lake Community Justice Forum	100%	0%	5
Métis Family & Community Justice Services	100%	0%	56
Mistawasis First Nation	83%	17%	6
MLTC Program Services Inc.	99%	1%	79
Nipawin Community Justice Committee	100%	0%	3
Onion Lake First Nation	95%	5%	22
Out of Province	88%	13%	8
Pasquia Hills	100%	0%	1
Pinehouse Wellness Centre Corporation	100%	0%	13
Prince Albert Grand Council Community Justice Program	95%	4%	409
Prince Albert Indian Métis Friendship Centre	100%	0%	1
Prince Albert Urban Alternative Measures Program	85%	15%	217
Qu'Appelle Valley Friendship Centre Inc.	100%	0%	29
Regina Alternative Measures Program (RAMP) Inc.	89%	11%	531
Sandy Bay Alternative Measures Program	96%	4%	26
Saskatoon Community Mediation Services	91%	9%	973
Saskatoon Tribal Council - Rural	94%	6%	16
Saskatoon Tribal Council - Urban	91%	8%	112
Shellbrook	33%	67%	12
SMILE Services Inc.	80%	20%	118
The Salvation Army (Swift Current)	90%	10%	98
Thunderchild First Nation	100%	0%	1
Touchwood Agency Tribal Council Inc.	100%	0%	27
Valley West Community Justice Committee Inc.	100%	0%	38
Yorkton Tribal Council	92%	8%	216
Total	91%	9%	3895

Post- and pre-charge referrals by program, 2015-16

Program	Post-charge	Pre-charge	Total
Agency Chiefs Tribal Council	97%	3%	32
Ahtahkakoop First Nation	100%	0%	3
Battlefords Alternative Measures Program	93%	7%	56
Battlefords Tribal Council	100%	0%	72
Beardy's & Okemasis First Nation	89%	11%	9
Creighton CJC	96%	4%	23
File Hills Qu'Appelle Tribal Council	100%	0%	23
John Howard Society - Moose Jaw	91%	9%	156
John Howard Society - Regina	66%	34%	136
John Howard Society - Saskatoon	80%	18%	163
JU:CP Creighton	100%	0%	1
JU:CP Melfort	100%	0%	1
Kikinahk Friendship Centre Inc.	100%	0%	9
Kindersley Rosetown Alternative Measures Program (KRAMP)	91%	9%	33
Lac La Ronge Indian Band	100%	0%	1
Marguerite Riel Centre	91%	9%	46
Meadow Lake Community Justice Forum	100%	0%	1
Métis Family & Community Justice Services	100%	0%	72
Mistawasis First Nation	80%	20%	5
MLTC Program Services Inc.	99%	1%	120
Onion Lake First Nation	89%	11%	9
Out of Province	100%	0%	7
Pasquia Hills	100%	0%	1
Pinehouse Wellness Centre Corporation	100%	0%	10
Prince Albert Grand Council Community Justice Program	96%	4%	484
Prince Albert Urban Alternative Measures Program	87%	12%	231
Qu'Appelle Valley Friendship Centre Inc.	91%	9%	22
Regina Alternative Measures Program (RAMP) Inc.	88%	12%	524
Sandy Bay Alternative Measures Program	100%	0%	13
Saskatoon Community Mediation Services	89%	11%	854
Saskatoon Tribal Council - Rural	92%	8%	13
Saskatoon Tribal Council - Urban	81%	19%	104
Shellbrook	75%	25%	4
SMILE Services Inc.	78%	20%	65
The Salvation Army (Swift Current)	98%	2%	98
Thunderchild First Nation	100%	0%	2
Touchwood Agency Tribal Council Inc.	93%	7%	44
Valley West Community Justice Committee Inc.	92%	8%	24
Weyburn Adult and Youth Alternative Measures Program (AMP)	79%	21%	43
Yorkton Tribal Council	97%	3%	175
Total	90%	10%	3689

Saskatchewan Alternative Measures/Extrajudicial Sanctions Statistics

Source: Saskatchewan Ministry of Justice; AMPCRM Database

Referrals

	2015/16	2016/17	2017/18*
Adult	2478	2504	2278
Youth	1211	1236	1059
Total	3689	3740	3337

*Preliminary as of Nov. 1, 2018

Source: Saskatchewan Ministry of Justice; AMPCRM Database

Note: Data is "evergreen" and may not match previously published data

Agreements Reached - Percentage

	2015/16	2016/17
Adult	75%	73%
Youth	80%	75%
Total	77%	74%

Source: Saskatchewan Ministry of Justice; AMPCRM Database

Note: Data is "evergreen" and may not match previously published data

Completed Agreements - Percentage

	2015/16	2016/17
Adult	94%	97%
Youth	97%	98%
Total	95%	98%

Source: Saskatchewan Ministry of Justice; AMPCRM Database

Note: Data is "evergreen" and may not match previously published data

Adult Amounts Ordered

	2015/16	2016/17
Restitution payments	\$198,850	\$149,192
Donation to charity	\$94,820	\$92,382
Community Service Hours	8,975	12,600

Source: Saskatchewan Ministry of Justice; AMPCRM Database

Note: Data is "evergreen" and may not match previously published data

Youth Amounts Ordered

	2015/16	2016/17
Restitution payments	\$61,800	\$50,903
Donation to charity	\$9,330	\$11,923
Community Service Hours	7,595	9,288

Source: Saskatchewan Ministry of Justice; AMPCRM Database

Note: Data is "evergreen" and may not match previously published data

Most Common Types of Offenses

2015/16	% of Total	2016/17	% of Total
Theft under \$5000	25.2%	Theft Under \$5000	23.2%
Mischief under \$5000	10.1%	Assault	11.6%
Assault	9.6%	Mischief Under \$5000	9.6%
Possession of narcotics	8.3%	CDSA	7.1%

Source: Saskatchewan Ministry of Justice; AMPCRM Database

Note: Data is "evergreen" and may not match previously published data

TOPIC: FIRST NATIONS AND MÉTIS CULTURAL PROGRAMS AND SERVICES

<p>LEGISLATIVE AUTHORITY: <i>The Correctional Services Act , 2012 ; The Youth Criminal Justice Act (YCJA); The Youth Justice Administration Act (YJAA)</i></p>	<p>Authorization: Associate Deputy Minister, Custody, Supervision and Rehabilitation Services Policy Owner: Director, Institutional Operations</p>
<p>Prepared by: Faye Ozmun Revised by: Fred Tarr</p>	<p>Effective Date: November 1, 2014 Latest Revisions Effective: July 12, 2017 Scheduled Review Date:</p>

SCOPE:

This policy applies to all Saskatchewan correctional centres as defined in section 2 of *The Correctional Services Act* and youth facilities as defined by s. 4 of *The Youth Justice Administration Act (YJAA)*.

POLICY OBJECTIVE:

The objective of this policy is to establish standards and guidelines for the implementation of programs and services that are culturally relevant to First Nations and Métis offenders/youth in custody. Implementing this policy will assist with balancing the need to protect the public with the rights of offenders/youth to participate in culturally appropriate programming and services.

PRINCIPLES:

- Custody, Supervision and Rehabilitation Services (CSRS) are committed to providing culturally relevant programs and services to First Nations and Métis offenders/youth.
- Cultural services shall be delivered in a manner that upholds the dignity and worth of others, without prejudice of race, culture, language, gender, sexual orientation or religion. This policy and all decision making related to this policy will respect the following:
 - ***The Canadian Charter of Rights and Freedoms***; guarantees everyone the fundamental freedom of conscience and religion.
 - ***The Universal Declaration of Human Rights***; indicates that everyone has the right to freedom of conscience and religion.....and the right to manifest his/her religion or belief in teaching, practice, worship and observance.
 - ***The Convention on the Rights of the Child***; articulates the rights of the child to freedom of thought, conscience and religion. Article 30 specifically cites: In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language..
 - ***The Saskatchewan Children and Youth First Principles***. that recognize the importance of unique life history and spiritual traditions and practices, in accordance with their stated views and preferences.

BACKGROUND:

First Nations and Métis people represent approximately 16 per cent of the population in Saskatchewan, but are significantly over-represented in the criminal justice system.

<p><i>Custody</i></p>	<p><i>Adult and Youth Custody</i></p>	<p>Data Mart Programs 0053 Extranet Chapter 3 Section 8  Page 1 of 5</p>
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Approximately 77 per cent of people in custody are of First Nations and Métis ancestry. The province of Saskatchewan consists of six treaty territories that span the entire province. Treaties are beneficial to all people in Saskatchewan. All people in Saskatchewan are treaty people.

DEFINITIONS:

First Nations: an individual who is either a status or non-status Indian:

- “Status Indian” - an individual who is recognized within the *1982 Canadian Constitution*; who is neither Inuit nor Métis; who is registered or entitled to be registered as an Indian under the *Indian Act*, or;
- Non-Status Indians – An individual who does not identify as being Métis and is not or cannot be registered as an Indian under the *Indian Act*.

Métis: an individual who self-identifies as a Métis; is distinct from other peoples; is of historic Métis Nation ancestry; and is accepted by the Métis Nation.

Cultural Advisor / Elder: an individual who is recognized by a First Nations/Métis community as an Elder, pipe carrier, knowledge keeper, spiritual advisor, or a cultural facilitator. These individuals have knowledge and an understanding of the culture, which includes the culture of the people and their spiritual and social traditions and/or ceremonies. Knowledge and wisdom, coupled with the recognition and respect of the people of the community are essential defining characteristics of a Cultural Advisor / Elder.

Ceremonial Objects or Personal Spiritual Effects: objects deemed by Cultural Advisor /Elders as sacred, spiritual or ceremonial in nature, may include, but are not limited to:

- ceremonial medicines (sage, cedar, sweetgrass, tobacco, and other dried herbs and plants)
- ceremonial medicine bags
- prayer bundle or pouch
- personal protective pouch
- smudge bowls
- ceremonial pipes
- drums, rattles or shakers
- eagle wings and feathers
- cloth, prints or flags
- Métis sash
- Sacred objects that have been approved by cultural advisors and coordinators in consultation with the director of the correctional centre/youth facility must not be handled by staff under any circumstances.

Cultural Ceremonies: often incorporate the use of traditional (or non-traditional) foods and/or gift giving (Giveaway). The purpose of the ceremony will depend on the participants, as there

TOPIC: FIRST NATIONS AND MÉTIS CULTURAL PROGRAMS AND SERVICES

are numerous reasons to attend or request a ceremony. Cultural ceremonies may include, but are not limited to the following:

- smudging ceremony
- sweat lodge ceremony
- sun dance/rain dance ceremony
- pipe ceremonies
- round dance
- pow-wow
- healing/sharing circles
- fasts
- feasts
- giveaways (gifts)

Cultural Competence: the ability of individuals and systems to respond respectfully and effectively to people of all cultures, classes, races, faiths, and ethnic backgrounds in a manner that recognizes, affirms and values cultural differences as well as similarities, the worth of individuals, families and communities, preserving and protecting the dignity of each.

Offender: means a person as defined in s. 2 of The Correctional Services Act, 2012.

Youth or Young Person: means a person as defined in s.2 of the *Youth Criminal Justice Act*.

STANDARDS:

First Nations and Métis programs and services will be delivered within correctional centres and youth facilities according to the following standards:

1.0 GENERAL

- 1.1 Directors shall ensure all staff responsible for supervising offenders/young persons have attended Cultural Training. The training is designed to enhance staff's intercultural competence. New staff shall receive one day of Cultural Awareness training as part of their Induction Training prior to commencement of employment.
- 1.2 All employees will be respectful of the practices and beliefs of offenders/young persons under their care and must not impose responsibilities contradictory to the offenders/young person's spiritual beliefs.
- 1.3 Where and when appropriate, necessities required by an offender/young person for his/her spirituality are to be made available providing they are not contraband.
- 1.4 If security concerns arise respecting any ceremonial object or personal spiritual effects, the matter shall be referred immediately to the Cultural/Community Coordinator or the Cultural Advisor / Elder and the appropriate supervisor.
- 1.5 First Nations and Métis Services is committed to a philosophy of working together with Chaplaincy services.

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- 1.6 Where operationally feasible and approved by the director, sweet grass, sage or other required smudging substances will be harvested or collected by offenders/young person's locally when in season. Alternatively they will be obtained along with rocks and wood, with the assistance of the Cultural and Community Coordinators.
- 1.7 Giveaways and offerings will be permitted in the context of traditional protocols and ceremonies, according to local traditional practices.
- 1.8 For safety and security reasons Cultural Advisor / Elders shall not perform ceremonies without correctional centre/youth facility employee supervision when the ceremony participant is an offender/young person of the opposite gender.

2.0 CULTURAL ADVISOR/ELDERS

- 2.1 Working within established daily operational and or security procedures the Cultural Advisor / Elders will have access to all areas of the correctional centre/youth facility, including areas where offenders/youth do not have free movement such as: segregation, protective custody, secure units, hospital/medical areas, etc.
- 2.2 Cultural Advisor / Elders shall participate in orientation, training and provincial meetings as required. This orientation shall include an overview of relevant policies related to First Nations and Métis programs and services.
- 2.3 Cultural Advisors/Elders shall provide statistical data as required to assist in the completion of program inventories and management reports.
- 2.4 Cultural Advisor / Elders shall not carry out their duties in a manner that is contrary to their personal beliefs, practices or their conscience.

3.0 CULTURAL AND COMMUNITY COORDINATORS

- 3.1 In conjunction with Cultural Advisor / Elders, Cultural and Community Coordinators shall assist correctional centre/youth facility staff to develop cultural competence to foster an effective and respectful environment for the rehabilitation of First Nations and Métis offenders/young persons.
- 3.2 Cultural Coordinators in consultation with the centre director and director of First Nations and Métis Services will be responsible to ensure local policies regarding ceremonies and protocols are current and reflect acceptable practice.
- 3.3 Orientation to the Cultural Advisors/Elders and volunteers shall be done by the Cultural and Community Coordinators

CROSS-REFERENCE:

Universal Declaration of Human Rights
Convention on the Rights of the Child
Saskatchewan Human Rights Code, Section 4;
Canadian Charter of Rights and Freedoms, Section 2(a).
 Saskatchewan Children and Youth First Principles
 Chaplaincy Policy

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ACCOUNTABILITY:

A quality assurance audit will be conducted every three years by a person designated by the Associate Deputy Minister of Custody, Supervision and Rehabilitation Services. The audit will, at a minimum, assess compliance with all sections that require a recorded task. A report of this audit will be submitted to the Executive Director of Custody.

SCHEDULED REVIEW:

The Legislation, Policy and Planning Unit will conduct a review at a minimum once every three years to ensure the content reflects any recent provincial, federal legislation changes and or higher court decisions. In addition, all policies are subject to review or revision at any time on an as-needed basis.

AUTHORIZATION:



Dennis Cooley, Associate Deputy Minister
Custody, Supervision and Rehabilitation Service

Out-of-Scope Job Description

A job description and a current **Organizational Chart** signed by an **Executive Manager** are required for initiation of a classification review and/or allocation of the job to the new out-of-scope class plan. A **guide** is available at www.gov.sk.ca/psc/class_plan. Please note: This is a public document.

Please Check the Appropriate Boxes

- | | |
|--|--|
| <input checked="" type="checkbox"/> New/Vacant | <input type="checkbox"/> Temporary Reclass |
| <input type="checkbox"/> Encumbered | <input type="checkbox"/> Non-Permanent |

Department: Corrections and Policing Branch: Custody, Supervision and Rehabilitation Services
Position Number: 1012830 Effective Date: _____
Current Level: MCP07 Expiry Date (Temp Reclass only): _____
Working Title: Director, First Nations and Métis Services

I have thoroughly reviewed this job description and confirm that it is indicative of the typical nature of the job and the position's role.

Executive Manager (Print) Signature Date Phone #

I confirm that this job description has been shared with me, and I understand and agree that it is an accurate reflection of the typical nature of the job assignment.

Employee (Print) Signature Date Phone #

1. Summarize, concisely, the changes that have occurred to this position since it was last classified. (Do not complete this section if this is a new position or if this form is being submitted for the new class plan.)

For information only – summary of information contained in 2004/2005 budget submission:

2. Briefly describe the 3 to 7 primary responsibilities of this position and a purpose for each one.

Reporting to the Assistant Deputy Minister, and working closely with the Senior Management Committee, the position is responsible to:

- Lead the department's response to recommendations made by the The Commission on First Nations and Métis People and Justice Reform which requires putting best practice into the development, implementation and reporting of Correction's policy changes. The position serves as the advisor to the Deputy Minister and Senior Management on the long term implementation of this work;
- Be the lead for the department in working with the Ministers' Elders Advisory Committee, the FSIN Forum and the FSIN Just Relations Program Manager, the interjurisdictional committee on Aboriginal Justice Directorate Funding and other provincial departments' Aboriginal initiatives committees (e.g. Justice, DCRE, FNMR). Advise senior management on the Federal/Provincial/Territorial Aboriginal Justice Issues Working Group. Representation and leadership at these tables is essential in order to impact and influence policy and program direction to further the department's objective for improved outcomes for Aboriginal Offenders;
- Build capacity within the department to improve outcomes for First Nations and Métis People by leading the development of effective Corrections and Public Safety policy and programs for First Nations and Métis youth, adults and communities. This includes advising executive and senior management on First Nations and Métis cultural and spiritual protocols, treaties, governance structures, self-government negotiations and ensuring that policies and programs reflect the First Nations and Métis justice principles and effective correctional practices;
- Build the capacity of First Nations and Métis organizations to develop effective policy and to participate in the design, development and delivery of youth and adult correctional services, both as partners and as service providers. Capacity includes the ability to establish effective supervisory, accountability and quality assurance structures. The position develops policy forums, work plans and agreements with the Federation of Saskatchewan Indian Nations (FSIN), Métis organizations, Tribal Councils and other Aboriginal organizations. The position is the lead in working directly with similar positions within FSIN, MNS, the Department of First Nations and Métis Relations, etc. to advance this work;
- The position will provide advice to senior management and direction to policy and program staff in the application of core correctional practices for Aboriginal offenders and the development of indicators of success;
- The position reviews practices and culture within the organization and prepares findings and recommendations concerning program structure, training and quality assurance to improve relationships (staff to staff, staff to inmate, inmate to inmate) to enhance outcomes regarding racism and employee and client satisfaction. The position will consult and partner with Aboriginal resources to develop and provide the appropriate training;
- The position will work with Human Resources, senior management and the department's provincial diversity committee to increase the department's ability to recruit and retain First Nations and Métis staff by:
 - Being the department's "ears" to the Aboriginal community as it relates to identifying prejudice/systemic discrimination and breaking down barriers within the correctional system for Aboriginal employees
 - Providing input to managerial proposals for collective bargaining, around possible changes which would see an agreement which is more inclusive of Aboriginal peoples
 - Providing a link to the senior members of the Aboriginal community (FSIN/MNS/Individual Tribal Councils) in order to develop and facilitate collaborative strategies for recruitment and retention of Aboriginal employees

3. EXPERTISE (Factor 1)

- a) Outline the expertise required (inclusive of formal education) and why it is required.

The Position will have the respect of the Aboriginal communities and be seen as a leader due to their:

- Extensive knowledge of, and experience and comfort working with, First Nations and Métis cultures, spiritual practices, political structures, organizations and individuals in order to guide the department's approach to working with these sectors;
- Knowledge of public policy development, program development and community development and related planning and decision making processes;
- Strong leadership and relationship skills and the ability to impact and influence others to further the objectives of the department;
- Strong management skills and the ability to meet deadlines, achieve outcomes and foster accountability;
- Knowledge of justice and correctional processes and services;
- Knowledge of program review and evaluation to assess effectiveness in reducing reoffending;
- Strong writing skills and the ability to be a conceptual thinker;
- Typically the knowledge and skills required for this position will be acquired through a degree in a relevant discipline and through related experience in a senior program or policy position.

- b) What other positions provide the same or similar expertise?

- Associate Director, Program Development, Department of Learning
- Director, Program Development and Therapeutic Services, Department of Corrections and Public Safety
- Senior Financial Management Analyst, Department of Finance
- The above positions are similar in regard to policy formulation, maintenance of program standards, scope of impact and expected influence, and recognition as subject expert.

4. PROBLEM-SOLVING (Factor 1)

Provide 2 examples that are indicative of the **issues** this position manages and indicate the nature of research and planning the position undertakes to achieve improvements.

- This position is the department lead in balancing the self-government interests of First Nations with the department's legally mandated requirement to deliver effective services.
 - Significant judgment, discretion and knowledge of First Nations values and political objectives are required to ensure third party contract negotiations are respectful and that the First Nations have the capacity to provide the service and can be held accountable.
 - The problems are complex and of significant scope given the many levels of First Nations political structure and the often opposing interests requiring the ability and foresight to plan for disparate demands and to independently build cooperation and/or consensus.
 - Provides leadership to department managers, staff, Tribal Council personnel and First Nations Government in identifying key issues, possible solutions and the development of a work plan to address the situation, including clear expectations and timelines;
 - Plans ahead and works with stakeholders to influence the direction of joint forums that are inter-departmental and inter-governmental in nature.
 - Improves the Department's understanding of the objectives/needs of First Nations and Métis governments and organizations.

- The position will be either First Nation or Métis and must gain the trust and respect of the other cultural group in order to further the department's objectives.
 - Position must maximize relationship building skills in order to gain first hand knowledge and expertise in the culture;
 - Position must balance advocacy of own culture (either First Nation or Métis), that of the department and that of the second Aboriginal culture in order to build cooperation;
 - Develops and initiates communications strategies to educate and influence understanding and appreciation of the Department and First Nations and Métis governments and organizations for each other;
 - Monitors the department's use of established protocols and practices to increase the trust level of First Nations and Métis governments and organizations in the Department.
 - Significant foresight is required to advise senior and executive management of potential conflict situations and prepare an approach that increases opportunity for success.

5A) IMPACT (Factor 2)

- a) Briefly outline the specific aspects of the program/service/policy/standards that this position directly impacts, who is impacted, and the geographical area or portfolio assignment, etc. (i.e., the nature and extent of results – client, citizen and internal – that should occur if this job is done effectively).
- The position impacts on community safety through increased effectiveness of programs to reduce offending.
 - The position directly impacts on the policies, programs and practices of Adult Corrections, Young Offender Programs and Public Safety. There are 1600 staff in the department of CPS.
 - Position impacts on the overall cultural quality of Adult Corrections and Young Offender programs, partnerships and services throughout the province. This is a direct impact on approximately 10,000 offenders, of which 70% are Aboriginal.
 - The position impacts on the structure and culture of the organization i.e. staff to staff and staff to inmate relations.
 - Position contributes to the credibility of Young Offender Programs, Adult Corrections, the department and the government with First Nations and Métis governments and organizations.
 - Position impacts on the understanding, capacity and effectiveness of First Nations and Métis organizations to provide effective, accountable corrections services. This represents an impact on 72 First Nations, two political structures (FSIN and MNS) and dozens of Aboriginal service organizations.
 - Position contributes to the protection of communities through enhanced communication and cooperation with First Nations and Métis governments and organizations, leading to more effective programming.
 - Position impacts on job security of staff and funding sustainability of partners subject to long term strategic planning and program evaluation and development.
 - Impact of this position is inter-departmental, inter-governmental and intra-governmental in nature.
- b) What final decisions does this job have the authority to make?
- The position will advise senior management on incidents of systemic discrimination/racist practice and will recommend culturally sensitive options for restorative action (this may include performance improvement or disciplinary action within work units).
 - This position will make determinations on First Nations and Métis agency contracts obligations and recommend action from amendments to termination of contracts.
 - The position will make recommendations to executive and senior management that will form an essential part in decision making on adjustments to the system to respond to First Nation and Métis offender needs and reduce the degree of Aboriginal over representation in the justice system.
 - This position will make recommendations to executive and senior management on communication and agreements with First Nations and Métis governments which, due to their recognized level of expertise, will guide decision making.

5B) IMPACT (Factor 2)

- a) This position has responsibility for: Direct Influence on
- | | | |
|------------------------|---|-------------|
| Expenditure budget of: | 0 | 105 million |
| Revenue generation of: | 0 | 8 million |
- b) This position has overall responsibility for the work of 0 employees that report directly to this position. "Reporting directly" includes those reporting through subordinate managers.
- c) Does this position have assigned authority to assign work, set deadlines and contribute to the performance evaluation of individuals **not** reporting to this position? If yes, explain, including who the individuals are.
- Yes. By providing leadership to a number of departmental and inter-departmental forums this position assigns work, establishes deadlines and monitors the performance of in scope staff and out of scope managers. Through the role of determining program and practice standards the position advises staff on unsatisfactory procedures and performance.
- d) Does this position have responsibility for the safety of employees, reporting directly, in a dangerous environment (e.g. fire suppression, young offender's facility, etc.)?
- No.

6. COMMUNICATIONS (Factor 3)

- a) Describe 2 specific examples of issues typical to the job where the position is directly required to influence perception or achieve agreement. Define what the issues/conflicts are, the parties involved and what outcomes are needed to achieve resolution.
- The position is required to influence staff to understand and embrace the need for programs and practices that are responsive to the needs of First Nations and Métis people. It must move them to a point where they are able to articulate how their approach and programs meet this objective so they can act as spokespersons for new staff and outside agencies. The position will experience resistance from staff due to personal bias, lack of knowledge and fear of change. The position will use training, modeling, contact with Elders, policy, other supervisors and managers and observation and feedback to bring about the necessary changes.
 - The position is required to influence First Nations political organizations (FSIN and Tribal Councils) to work in partnership with the department in providing reintegration services to offenders returning to their home communities. First Nations have a self-government agenda and want to approach justice services through devolution of government services to First Nations. FSIN states that the department's policies and procedures for working with First Nations Elders are not respectful of the First Nations agenda. The position must work with First Nations to develop common interests and mediate an approach whereby First Nations practices and program needs can be respected, while the department's legal mandate is maintained. The position works directly with First Nations to build their capacity to develop policies on First Nations that are acceptable to their people and can be implemented in conjunction with department policies. The position persuades the department to take the appropriate action and the FSIN to extend flexibility to address the structural confines of government. The position implements and monitors the new policies/procedures, addresses any further concerns to minimize damage to the relationship, and works to address systemic barriers over time.

- b) In the event agreement/consensus is not achievable, does the position have authority to give direction or enforce standards that others are required to follow? If yes, please explain.

Yes. This position would determine whether or not a practice or procedure implemented within an office, community or facility setting was in violation of standards pertaining to appropriate cultural requirements. If this position determined a particular practice was inappropriate, this position would direct the supervisor or director responsible to stop the practice, or provide direction to change/modify the practice to meet acceptable standards. The position has the authority of the department to make these determinations and recommend what actions must be taken. This authority is required to ensure public confidence and offender and employee safety.

7. RISK (Factor 4)

Review the factor and in the boxes provided, indicate the ongoing average percent of time this position is exposed to each level of risk. This estimate should be based on what one might reasonably expect of this position. Please round to the nearest percentage, ensuring the total equals 100%.

Level 1 80% Level 2 10% Level 3 10%

8. DEMAND (Factor 4)

Review the factor and in the boxes provided, indicate the ongoing average percent of time this position is exposed to each level of demand. This estimate should be based on what one might reasonably expect of this position. Please round to the nearest percentage, ensuring the total equals 100%.

Level 1 70% Level 2 30%

2 hours = 5%; 5 hours = 13%; 10 hours = 26%; 20 hours = 53%