



**Manitoba Metis  
Federation**



**Southern Chiefs'  
Organization**



**Manitoba Keewatinowi  
Okimakanak**

## **REPORT ON PROCEEDINGS**

# **FIRST NATIONS AND METIS YOUTH & ELDER'S JUSTICE CONFERENCE**

**February 18-20, 2005  
Winnipeg, Manitoba**

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## **INTRODUCTION**

The First Nations and Metis Youth and Elders Justice Conference was held in Winnipeg at the Clarion Hotel and Suites on February 18 to 20, 2005. The Conference was hosted jointly by the Manitoba Metis Federation (MMF), Southern Chiefs' Organization (SCO) and Manitoba Keewatinowi Okimakanak (MKO).

The organizations that hosted the conference represent Metis and First Nation people and communities across Manitoba. The Manitoba Metis Federation was established in 1967 to provide Manitoba Metis with an instrument to represent and promote their interests at the local, provincial and national levels. The Southern Chiefs' Organization was established in 1998 to represent members of Southern First Nations seeking to establish an independent political forum to protect, preserve, promote and enhance First Nation peoples' inherent rights, languages, customs, and traditions. MKO is a political organization that represents twenty-nine First Nation communities in Northern Manitoba. The objectives of MKO are generally to maintain, strengthen, enhance, lobby for, and defend the rights of First Nation peoples within its jurisdiction and to promote, develop, and secure a standard and quality of life deemed desirable and acceptable by its member First Nations.

The conference brought together more than fifty First Nations and Metis youth and Elders from throughout the province to explore Aboriginal peoples' traditional and contemporary experiences of justice (a list of delegates is provided as Appendix I). The conference focused on judicial issues, risk factors and pressures that affect Aboriginal youth in their communities (the conference agenda is provided as Appendix II).

A central goal of the Conference was to develop recommendations for action to reduce the overrepresentation of Aboriginal youth in the criminal justice system. Workshops offered over the weekend included:

- Introduction to the Youth Criminal Justice Act;
- Reflection on Gangs in Manitoba: Perceptions, Experiences and Alternatives; and
- Panel Discussion of Probations and Customary Law.

Following each workshop, delegates broke into discussion groups. Drawing on both the presentations and their own experiences and understandings relating to each workshop, the participants identified areas of need relating to each workshop and developed recommendations. Their ideas – along with the conference proceedings – are presented in this report.

**WELCOMING REMARKS**

The Conference opened on Friday evening with welcoming remarks from the leaders of each of the three organizations that hosted the conference, Manitoba Metis Federation, Southern Chiefs' Organization and Manitoba Keewatinowi Okimakanak, as well as the Province of Manitoba's Minister of Justice and Attorney General, the Honourable Minister Gord Mackintosh.

***PRESIDENT DAVID CHARTRAND, MANITOBA METIS FEDERATION***

Welcome to the heart of the Metis Nation's Traditional Territory. On behalf of the Manitoba Metis Community and Manitoba Metis Federation Board of Directors, I would like to welcome each delegate to the Metis and First Nations Elders & Youth Justice Conference.

Injustice affects many communities throughout the world, however, in Canada, it is our Aboriginal communities that are the most deeply affected. As Founders of the Province of Manitoba and Partners in Confederation, the Metis people have faced a unique history. While overcoming many challenges, our distinctive culture evolved and developed, as did our sense of community, family and justice.

Although First Nations and Metis live side by side, there is still disparity in the relationships between Governments and our Nations and inequality between us and other Canadians. This must change. However, it is important not to forget that, in order for us to achieve full benefits as Citizens while maintaining our identities, we must work with our Elders and Youth to pass onto the next generation the very essence and fabric that makes us unique.

We are challenged with limited resources and limited opportunities, but what we have and must never lose are our families and communities, our knowledge of fairness and equity and our understanding of right and wrong. We must treat others with mutual recognition and mutual respect and expect the same in return.

I encourage each of you to share your vision and ideas and to provide the guidance necessary to move into a future that will be beneficial to all our families at home. May your next two days be fruitful and may you have a safe journey home -- Meeqwetch!

***SOUTHERN GRAND CHIEF CHRIS HENDERSON, SOUTHERN CHIEFS ORGANIZATION***

Booshoo! Wash-ta-dow! Tansi! Greeting to our Youth and Elders. On behalf of the Southern Chiefs of Manitoba, I welcome you all to the First Nations and Metis Youth & Elders Justice Conference.

It is good to see you all in attendance to learn of current issues of justice and how they affect us today. Being here is the first step to helping your community become aware of justice issues.

I encourage you to take advantage of all the workshops, speakers and valuable information shared these next few days.

Miigwech!

***GRAND CHIEF SYDNEY GARRIOCH, MANITOBA KEEWATINOWI OKIMAKANAK***

It is my honour as Grand Chief of MKO to welcome you to the First Nations and Metis Youth and Elder Justice Conference. It is very exciting to have Elders, who are the Keepers of our Traditions and Teachings, and the Youth, who are our upcoming Leaders, come together to discuss the very important issues of Justice. I understand that the conference will be interactive and that we will be seeking vision and advice from the Youth and Elders. I encourage all the participants to openly share your valuable experiences and knowledge during the conference.

As Grand Chief of MKO, I strive to advocate for the rebuilding of relations in Canada with First Nations and the Governments and rebuilding foundations in health, education, justice, infrastructure, lands, resources, language, culture, and spirituality. I am committed to taking concrete action on the recommendations that I anticipate will come from the Elders and Youth on priority justice issues.

I wish you much success with your conference and I look forward to working with you to ensure that positive results come from your gathering.

Ekosani.

***HONOURABLE MINISTER GORD MACKINTOSH, MINISTER OF JUSTICE AND  
ATTORNEY GENERAL***

I welcome this conference and, for those of you from outside of Winnipeg, welcome to Winnipeg. You have a real intensive program ahead of you and I wish you well. I didn't want to miss being here because I did want to share some thoughts with you. I can't stay but you know I do hope that in some way we can relate to me how things went, any decisions made and the thoughts and insights that you have had and shared together. It will be important, and the people that we work together on projects with I will entrust to pass on that. I know how federal money works – you've got to do some report anyway – but perhaps we could sit down at the table and discuss orally what has happened here.

I am honoured to be in the presence of your leadership, I can tell you that we are forging ahead on some good and innovative initiatives here in Manitoba. One in particular where SCO, MKO and MMF are involved, is with regards to probations. I don't think it is generally known that the only place in North America where we are working to hand over, or hand back to where it really belongs, the responsibilities of supervising those who've been in conflict with the law to Aboriginal organizations and governments is taking place right here in Manitoba. We all say that from time to time that he is going too slowly on all this, but we are doing this and it is going to be sure-footed and we are going to pull it off.

So every once in awhile we all get together in my office and the organizations get together in other offices and it's all about public safety, and all about respect, respect for cultures and respect for the fact that we know we can do this justice system thing a lot better. There have been justice systems around a lot longer than the one that you see along Broadway Avenue and in the courthouses. We all know that those historic approaches to conflict can be made more effective and you'll get people back on the path and make sure that those who have done wrong and offended the communities standards, they right their wrong. And deal with those who have been harmed, not just the immediate victim but also the community. That is the notion that I think the non-Aboriginal people are starting to get into. This ideal called Restorative Justice is one that is deeply engraved in Aboriginal tradition, not just here in Canada but all around the world. I am probably speaking to people that know a lot more than I do. I am certainly a learner on this learning curve. I just say that as an opening remark because we have so much to learn and you have so much to share.

It is wonderful that this conference is bringing together the insights, wisdom of the elders with the hope and optimism of youth. I think that the forum will be a success and I think the whole idea was tremendous. One more thing I wanted to say I know that some of the work you will be doing will be around the new Youth and Criminal Justice Act. Some of you may have heard and read some of my preaching about that. We've said that Act is both good news and bad news. What is good about it is that to a greater extent than ever before, it recognizes that the soul solution to crime is not going to be found in the courthouses. It is going to be found in the community solutions. It is going to be found by the process I have just talked about. The bad news, I think, in there is that for the high risk offenders, those repeaters, my prosecutors are telling me that they don't have the tools to protect or safety to have the time out. So we're learning and this act is still new, in fact it is brand new still but we are getting some early indications about how it's working. The one thing I know for sure is that it is really going to work. If we collaborate, we share our ideas and if we empower our communities. If we let communities deal to a much greater extent with crime than what we have been doing over the last few decades. Quite frankly, we have to have greater local community control over justice in all the communities in Manitoba, not just the Aboriginal communities. I think you have first dibs on that, but everybody should have that whether it is Dauphin or whatever.

The reason I really wanted to be here was to say this: Crime affects us all so badly. Those that get involved in crime can be impacted for a lifetime. They can be hurt physically, of course, they can get killed, they can lose opportunities because of a criminal record, crossing the border, getting employment. Auto theft for example, can lead to license suspension for life, can really affect opportunities, having to pay off every paycheque an amount for the damages, perhaps for years and years. But crime also just undermines. It is a cancer on our communities. Not only are you breaking the hearts of your family, but your community and the peace that the communities should offer to you is undermined. So we all have so much at stake in working with our neighbours for a peaceful community, for a peaceful Manitoba.

I think too long we have relied on adults and police officers, and others going into classrooms and saying "don't do it" "Obey the law" and what can we do to help you to stay on the straight path and I think we have to do a better job encouraging and empowering youth, speaking to youth. So I leave this challenge to you. I am wondering in the next day or so, that you can collectively come up with some ideas, some proposals, some models so

that the youth, the youth that may be in this room, can suggest how they can speak to the other youth of Manitoba. Aboriginal youth of Manitoba going into classrooms, community halls, community center, urban centers and beyond, and perhaps on a regional basis. We don't have a lot of money, and it costs a lot of money to move people around as you know. The flights in the north are expensive. It is cheaper to fly someone to London than it is to Churchill, I think. But on a cost effective basis, is there some way we could put together some plan or some organization of youth speaking to youth, so youth know that there are role models there and youth will hear from others?

You know we often think, as adults, "Oh, youth crime – it is terrible." You know who it is most terrible to? It's the youth themselves, because they are the ones in the schools and in the community's centre and some kids are just scared to go to school in the morning. So youth themselves have the most at stake. I ask – I challenge you – I look forward to hearing some proposals from this conference and maybe you can plan something around that. And I will look to do what I can and I will talk to my colleagues to see, if there is a price tag to go along with it, if it is a reasonable cost. I think it is something we have to invest in, because we can't have youth being talked down to. We need youth dialoguing amongst themselves. I think it is a more effective method.

That is why I wanted to come here tonight to throw that out. I don't know if you wanted to do that, but I'd kind of like to see that. It would be nice to say that we had a conference and we have a product and here Gord, here are some ideas. Maybe we can change this province in a real way, because I'll tell you this – it's my view that the future of this province really depends on how well we as Manitobans work with Aboriginal youth. That was my contribution tonight to throw that out and see what you can do with it.

So all the best, I know your team and you know the fact that you put aside your personal time to come down here in the interests of personal safety and justice and Aboriginal justice speaks so highly of you. And that's a real important message to me, is that you are Manitobans that are going to spend time on Friday and Saturday taking care of our well being and our health as communities. So all the best to you.

## **OPENING REMARKS**

Saturday's activities began with greetings and opening remarks from youth leaders from The Assembly of Manitoba Chiefs and the Manitoba Metis Federation.

Crissy Courchene, the Youth Representative of The Assembly of Manitoba Chiefs, spoke with concern about the high rates at which Aboriginal children and youth are incarcerated. This is particularly true for Aboriginal children and youth who have been in foster or group homes and is part of the continuing legacy of residential schools and the "Sixties Scoop."<sup>1</sup> Crissy reminded participants that it takes a nation – and a whole community – to raise a child. Aboriginal people need a justice system that is holistic and that deals with the whole of each person's being. She called on delegates to work to find solutions for the children who are falling through the cracks, those young Aboriginal people who are lost and who need our help. In closing, Crissy commented "it is an honour for each of us to be gathered here to do this work."

Conor Lloyd is the Provincial Youth Representative from The Manitoba Metis Federation and member of the Metis National Youth Advisory Council. The Conference, he pointed out, is an opportunity for participants to listen with respect and learn from our Elders and then take what is learned back to our communities. He asked participants to contribute and to embrace and learn our cultures. Conor was 14 when he learned that he was Metis. Finding out about his history, legacy and roots brought him pride and honour. He believes that the path towards a strong future starts in our homes, guided by the traditional values of our cultures. If we break laws, don't work with our peers or don't listen to and respect Elders, we will go down the wrong road. Instead, we should make positive choices that will strengthen our spirits and our future. In closing, he offered good luck to the participants and asked them to listen to the Elders and to the youth at the Conference.

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<sup>1</sup> The residential school system and the "Sixties Scoop" are closely related examples of the assimilationist goals that historically have predominated federal and provincial governmental policies relating to Aboriginal peoples. Starting in the late 1800s, Aboriginal children were routinely taken from their families and communities and sent to residential schools, where they were stripped of their languages and cultures. Residential schools were phased out in the sixties (although the last federally-run residential school did not close until 1996), just as the "Sixties Scoop" was getting underway. The "Sixties Scoop" refers to the wide-spread policy and practice of removing Aboriginal children from their families and communities and arranging their adoption by non-Aboriginal (typically middle-class white) families. These policies and practices prevailed until the mid 1980s, when they were condemned and criticized by several judicial systems.

## KEYNOTE SPEAKERS

### **THE HONOURABLE JUSTICE MR. MURRAY SINCLAIR**

*At the time of his appointment as an Associate Chief Judge of the Provincial Court of Manitoba in 1988, the Honourable Justice Mr. Murray Sinclair became the first Aboriginal Judge to serve in the province's courts and only the second in Canada. Today, he serves as a judge of the Manitoba Court of Queen's Bench, an appointment he received in 2001. Judge Sinclair is of Canadian Ojibway descent. He graduated from the Faculty of Law at the University of Manitoba, articulated with a law firm in his home town of Selkirk, and was called to the Manitoba Bar in 1980. In the course of his civil and criminal litigation practice, Judge Sinclair was well known for his representation of Aboriginal people and his knowledge of Aboriginal legal issues. He has published on a wide range of topics, including youth justice and Aboriginal issues and has lectured in Cambridge, England and throughout North America. Judge Sinclair was co-commissioner of the provincial government's Aboriginal Justice Inquiry, which investigated the relationship between the administration of justice and Aboriginal peoples in Manitoba.*

Judge Sinclair asked the delegates to think about their answers to four questions:

- Who was or is the most important teacher you ever had
- Who was or is your role model?
- Where does law come from?
- What is the most important question in your life?

When asked “**Who was or is the most important teacher you ever had?**”, most of us identify someone in our family. The justice system, Judge Sinclair admitted, sometimes forgets this. Instead, justice workers who are looking for a way to help someone usually turn to community resources. When Judge Sinclair was still on circuit, he made a point of meeting with community members wherever he was. The first time he came to Paungassi, it seemed like the whole community was there to sit in on court, the old men along one wall and the women along the other. When he introduced himself to the women, one of them said, “You’re the first judge who has ever come to talk with us.” “We have something we’d like to tell you.” First, the community wanted to know who he was and where his family came from. After some conversation, one of the women realized that they had known his grandmother. With that connection made, the women were more open. They pointed out that they were in court watching what was going on. “Sometimes,” they said, “judges forget that the person they are judging is somebody’s child. If

you want to know about someone or help them, you need to talk to their mother, father and family members. The probation officers never come to our community, so what do they know?"

That conversation brought home to Judge Sinclair the importance of asking youth, "Where's your family? What can they do to help you?" Our families are typically the people who will always be there for us. They have the potential to be either the most constructive or most destructive vehicle for our healing. As a community, we need to learn how to work with families and include them as a resource in the justice system.

Judge Sinclair and his wife have been involved in an Early Childhood Education program. When they were told that they would never be able to teach young children in the program their traditional language, they turned to the children's first teachers, their parents and grandparents. They brought parents, grandparents and Elders into the classroom to share their knowledge with the children. Children as young as two or three (including those whose own parents didn't know their traditional language and those who had no grandparents of their own living near them) were able to learn the language. Research has now shown that the most important time for education is the first five years of life, because everything that young children learn has long-term impacts on brain development.

Our Elders already knew this – that our first teacher is our grandmother and that the nurturing women give children in the first years of life is crucial. Judge Sinclair shared another lesson that he learned from Elder John Tootosis at a child development conference. When the Elder spoke at the conference, he stated that one of the biggest problems that Aboriginal people faced was that their babies were being bottle-fed rather than breast fed. Children, he felt, need to be held by their mothers as they are being fed. At the time, people had dismissed him as an old guy from the Reserve with a Grade 5 education. Today, however, leading scientific experts have shown that breastfeeding – the nutrition and nurturing that mothers provide – is an essential part of brain development.

Judge Sinclair believes that, when someone has a problem, the solutions they need can often be found in their family. Very few of the people he sees in court are "bad souls." Most of them are "poor souls," people who are caught up in the justice system because they simply do not have enough resources to make better choices. Judge Sinclair believes that if we give people the opportunity to make better choices, they will. One of the questions explored in the Aboriginal Justice Inquiry (AJI) was: "How many of the Aboriginal people who are in prison really need to

be there?” The conclusion they came to was that roughly 95% of the Aboriginal people who are currently locked up are there because of other conditions, such as a drug or alcohol problem. We do not need to protect society or punish these people by locking them up – we need to help them.

**Who was or is your role model?** We pattern our behaviour after our role models. Most of us model ourselves after the real people in our lives, the people who have shaped us, taught us how to behave and influenced us. Often, our role models are family members. We do not necessarily recognize that we are patterning our behaviour (and, in particular, abusive behaviour) on someone else’s. It is important that all of us (including those of us who work in the justice system) remember that, if a child has negative role models and is engaged in negative behaviour, one way to change their behaviour may be to change the behaviour of their role models. We need to give children access to positive role models. It is not easy to change children’s role models. For example, moving a child to a group home does not guarantee that their role models will change.

Judge Sinclair has seen the valuable role that Elders can play in community justice. Elders, he stated, usually know what is *really* going on in a family. In the court held once a month in Waywayseecappo, the judge typically remands all the youth who appear to an Elders’ Justice Committee, which then directs the youth to make amends. This community has recognized that the least likely place to find solutions is in court, that solutions can be found more often in a Justice Committee and that families are the most likely place to find solutions. Judge Sinclair is convinced that the provisions in the YCJA that allow families and communities to be engaged in justice will produce better outcomes in the long term.

**Where does law come from?** It can be argued that law has many sources – our communities, traditions, ceremonies, European practices, or the Creator. Ultimately, though, law comes from nature. It reflects our own sense of what should be happening naturally. The traditional laws of Aboriginal peoples came from our observations of natural behaviour. The same is true of English common law. In a sense, natural laws are the root of all laws.

If we, as Aboriginal people, are going to move towards self-determination and government based on our own customs and traditions, we need to enrich our understanding of what these customs and traditions are. Currently, we are moving to take control of our own laws and societies, with the expectation that we will recreate them based on Aboriginal traditions and customs. Unfortunately, in many communities, there are only a few Elders left. Additionally, in any community, the Elders do not necessarily know everything there is to know about local traditions

and customs. Judge Sinclair advised that if you are not sure if what you have been told about your traditions and customs is true, stop and look around at how people are treating each other and see if it makes sense.

**What is the most important question in your life?** Throughout our lives, we face many important questions: Why am I here? How can I make a difference? How can I communicate better with my Creator? Judge Sinclair believes that the most important question we ask is “Who am I?” Often, it is the first question young people ask when they start to communicate. “Who am I?” is often the start of a whole set of questions: Where did I come from: Where am I going? Why am I here? Why do I exist? Each of these questions is asking everything about who we are, including where we, as a people, came from. These questions linger throughout our lives and change as we ourselves grow and our sense of self changes. We need to provide our children with more than biological explanations of who we are. We need to share our history and creation stories with our children and make sure that they know that there is more to being Aboriginal than being brown. Everything that we do with our children, Judge Sinclair feels, should be devoted to helping them understand who they are.

Part of understanding who we are is understanding where we are going. As children and as adults, we wrestle with questions such as, “What will happen next week? Next year? When I grow up?”, “What will I be?” and “What will happen to me after I die?” These questions ask about spirituality, faith and a higher power and look for reassurance that what happens will not just be about loss and darkness.

To be believable, the answers we give our children to the question “Where am I going?” must be connected to our answers to the question, “Where did I come from?”. Questions such as “Why am I here?” and “Why do I exist?” are always in the back of children’s minds. The “poor souls” whom Judge Sinclair sees in his court room are, he believes, people who are still struggling with these questions. It is our responsibility, then, to help our children and community members find the answers they need. In a Corrections Canada survey of Aboriginal men who had been released on parole and stayed out of trouble for 10 years or more, 86% of the men said that they had been able to do so because they had found their culture. Almost all of them had found their culture in jail. These statistics suggest that the jail system can be a correctional system for some – but, as Judge Sinclair remarked, it is very sad that these men did not have the chance to find their culture before they went to jail.

Canada (along with the United States and Great Britain) consistently is one of the top three nations in the world for rates of incarceration. Western democracies lock up more people than countries (such as Iraq) that we routinely criticize for human rights abuses. In western Canada, roughly 75% of the men, 80% of the youth and 90% of the women who are currently locked up are Aboriginal. For every \$1 that is spent on programs and services to keep people *out* of jail, \$10 is spent on keeping people *in* jail. Clearly, not enough is being done to keep our people out of jail.

Judge Sinclair feels that one of the best models for sentencing can be found in the holistic healing program at the Hollow Water First Nation. This program has had a dramatic effect on recidivism. Nearly three-quarters of all adults in the communities served by the program had been sexually abused at some point in their lives and nearly half of all adults acknowledged that they had been offenders. Before the healing program was established, the justice system had simply locked up offenders who were found guilty. Community members set up the Circle of Healing to take control of offenders in their community. The Circle has reduced rates of both incarceration and offending. Before the Circle was in place, there had been a rate of almost 100% recidivism. In contrast, only 2 of the many people who have been dealt with through the circle have been repeat offenders.

Only three responses are available through the court system: People who are found guilty of criminal behaviour can be fined, put on probation or sent to jail. Any other responses must come from our communities. In closing, Judge Sinclair pointed out, “It has taken a long time for our communities to be destroyed and it is going to take a long time to rebuild them. It is always faster and easier to tear something down than it is to build it.”

**KEY AREAS FOR ACTION**

- ☑ When someone is having trouble, their family members are often the people most capable of helping them make positive changes. We need to learn how to work with families and include them as a resource that the system draws upon.
- ☑ People cannot make positive choices if they do not have or are not given the opportunity to do so.
- ☑ We should not attempt to protect society by locking up people who have drug or alcohol problems. These people need and deserve to be helped.
- ☑ Children need access to positive role models.
- ☑ Our children need to know that there is more to being Aboriginal than being brown: We need to share our history, culture, language and spirituality with them.
- ☑ Our community members need more opportunities to learn about their history, culture, language and spirituality.
- ☑ We need to help our children and other community members find answers to their most fundamental questions about identity (Who am I? Why am I here? Where am I going?). Our answers should support and strengthen their sense of self as an important and valued part of our families, communities and world.
- ☑ We need to enrich our understanding of our customs and traditions (including customary law) so that they can be incorporated into the judicial and legal systems of our communities.
- ☑ We need to develop more community-based responses to criminal activity, such as the holistic healing program at Hollow Water First Nation, which has dramatically reduced recidivism in that community.

## **ADAM BEACH**

*Adam Beach is a well-known Canadian actor. A member of the Saulteaux tribe, Adam was born on the Dog Creek Reserve, north of Lake Winnipeg. When he was seven years old, his mother was killed by a drunk driver. His father drowned only two months later. Following the tragic deaths of his parents, Adam and his brothers moved to Winnipeg, where they lived with relatives. While attending Gordon Bell High School, Adam became interested in music and theatre. He formed a short-lived garage band and took drama classes. After earning roles in local theatre productions, he dropped out of school to take the lead role in a production at the Manitoba Theatre for Young People. Within a few years, he landed the title role in Disney's Squanto: A Warrior's Tale. He has appeared frequently on both Canadian and U.S. television and had lead roles in several movies, including Smoke Signals and Dance Me Outside. In 2002, Adam starred alongside Nicholas Cage in John Woo's big-budget action film, Windtalkers. Even as his career has flourished, Adam has maintained a close connection to his family and to the Aboriginal community in Manitoba. He is a committed and inspiring mentor and role model for our youth.*

Adam always finds it a pleasure to be back in Winnipeg and to see what has changed since his last visit. He feels that the changes he personally has made are good, because he is beginning to understand what he can and cannot do. In this conference, he noted, we are talking about youth who are in trouble. These youth include some of his friends, people who grew up like he did, in need of a helping hand. He knows that, given the chance to change, these youth can become leaders.

Before he started acting, Adam was involved in gangs. He first became involved in acting as part of a volunteer theatre group at the Freight House – this opportunity, he feels, got him out of trouble. Acting kept him busy and enabled him to learn about himself. His experiences have convinced Adam that providing meaningful activities for youth is part of the solution to gang activity in our communities.

To initiate activity and recreation programs for youth, we need money. It is often a challenge to find funding, Adam acknowledged, but by working together, we can increase our chances of success. As individuals, community members and leaders, we should unite and focus on what we need. It can be hard to remain positive: “We often live our lives just trying to sustain the deficit that our communities are subsisting with.” He tries not to get drawn into this kind of negativity. He shared the story of an old friend of his who has a girlfriend and a child. All that his friend can provide his family is a rundown home, because he cannot find a job. He has begun to sell drugs. “Some people,” Adam stated, “can’t see their way out of their situation, but this guy can. He is *still* out looking for a job everyday. These are the people that we need to reach out and help.”

Adam is doing exactly that – reaching out to help. Currently, he is developing several resources for youth. He has been negotiating with American Indian casinos to invest in a fund that will finance film projects and is now looking for investments from Canadian businesses. He has also just bought a ranch, which he plans to turn into a youth facility that will provide an alternative to the Remand Centre and be a place where youth can develop the skills they need to succeed.

Adam believes that we already have the tools to heal. We just need to use them. Right now, he feels, there is a bridge between youth and the older generation: “We’re looking at each other across this bridge, pointing fingers – we need to meet on one side. Why not get together with youth for just one day? ... We can open our arms to the youth.” Young children, Adam reminded participants, are bright and alive. When he first became a father, he took a 3-year parenting course. Other young parents also need help to learn how to parent.

Adam believes that the gang situation will eventually deplete itself. “We’re in an era where gangsters are cool. Our kids look at this as a source of identity. We need to reel them back in.” He has been asked how, as an Aboriginal man, he managed to make it in Hollywood. He stated that he uses the difficult things that have happened to him – like abandonment, sexual abuse and being parented by people who were alcoholics – as a force field, something that impels him forward. He is determined to show our youth that they can do this too.

#### **KEY AREAS FOR ACTION**

- Providing our children with meaningful activities is part of the solution to gang activity.
- Our children need positive role models that can compete with the cool image that gangsters have acquired.
- We need to reach out and help people who are in trouble.
- We need to bring youth and the older generations together.
- We need to provide our community members with resources that will help them learn how to parent more effectively.
- Working together increases our chances of success. Aboriginal community members, leaders and organizations should unite and focus on shared needs.
- We already have the tools that we need to heal. We need to figure out how to use them.
- The difficult things that happen to us can also provide us with the momentum to move forward. We need to help our youth understand and do this.

## **Workshop 1. Introduction to the Youth Criminal Justice Act**

### **Presenter: Charlene Lafreniere**

*Charlene Lafreniere is a proud Metis and Northerner, born and raised in Thompson, MB. She is a Traditional Woman who holds her family and friends close to her heart. In both her personal and professional life, Charlene has demonstrated a deep commitment to the Aboriginal community and to youth. She graduated from the University of Winnipeg in 1998, with a Bachelor of Arts, specialized in Justice and Law Enforcement. Her extensive professional experience includes work as a Peer Counsellor, Youth Care Worker, Youth Justice Researcher, Project Director and Strategy Coordinator. Currently, Charlene is the Director of Devolution of Probation Services for Manitoba Keewatinowi Okimakanak. She has served on several boards and has been a part of many community committees. She is the Vice President of the Thompson Neighbourhood Renewal Corporation, an active volunteer for Northern Restorative Justice, a facilitator and trainer of Traditional Justice Circles. In her presentation, Charlene sought to enhance participants' understanding of the Youth Criminal Justice Act (YCJA), along with their ability to use the YCJA as a tool for young people, adults and communities to engage in a healing process. Her presentation is summarized below.*

Statistics that describe the criminal justice system's response to youth crime are alarming:

- Canada incarcerates more youth (per capita) than the United States does.
- Crime costs Canadians \$35-46 billion per year.
- It costs \$100,000 to incarcerate one youth.

What could we do with this money in our communities?

The recently legislated Youth Criminal Justice Act (YCJA) is an attempt to develop a more effective response to youth crime. The YCJA became effective in April 2003. It cancelled and replaced the previous Young Offenders Act (YOA), which in turn had replaced the earlier Juvenile Delinquents Act (JDA).

The YCJA operates with the presumption that the use of non-court responses (in lieu of court responses) can provide the most appropriate and timely response to less serious offences by youth. Because of this, non-court responses (where appropriate) should become the expected norm.

The goal of the YCJA is to reduce youth crime through three strategies:

- Crime prevention
- Rehabilitation and reintegration
- Meaningful consequences

The YCJA includes a declaration of four principles relating to:

- The objectives of the youth justice system
- A distinct justice system
- Principles to guide the use of measures
- Special considerations for youth proceedings

The objectives of the youth justice system are to promote crime prevention and long-term protection of society through:

- Teaching and learning, using meaningful consequences
- Healing and rehabilitation
- Reconnection and reintegration with community.

The YCJA calls for a distinct justice system that reflects the maturity level of youth, with emphasis on:

- Healing self and community through the rehabilitation and reintegration of youth offenders
- Teaching respect and responsibility through fair and proportionate accountability
- Protecting our children, including the protection of youth rights
- Paying attention to our youth, especially with respect to providing a timely response

The principles that guide the use of community and youth justice measures under the YCJA are:

- To reinforce respect for community and societal values
- To encourage the repair of harm done to victim and community
- To encourage the participation of family, victim and community
- To respect gender, ethnic, cultural and linguistic diversity
- To be meaningful, proportionate and timely

The YCJA establishes special considerations for youth proceedings:

- A young person has the right to be heard and to participate in the decisions affecting them
- The victim has a right to be heard, to be informed, and to participate
- Parents also have the right to be informed and encouraged to participate.

The YCJA calls for the increased use of extrajudicial measures and extrajudicial sanctions in youth justice proceedings. The term “extrajudicial” refers to measures and sanctions that take place outside of court, i.e., the YCJA encourages a Community Justice approach.

A Community Justice approach enables communities to strengthen and take back ownership of justice. It enables youth, Elders, police, justice workers, volunteers, teachers and families to come together and use community resources to help each other. Volunteering as a facilitator in a justice circle can be a tremendous and enriching learning experience. It is a place to plant a seed that will help your community grow. For example, Charlene recently participated in a circle involving two teenaged girls. In spite of the fact that one of the girls was scared to see the other, they both went into the circle and shared openly. One of the girls accepted responsibility for hitting the other. At the end of the circle, the girls hugged each other. They had gone from being terrified of each to being willing to become friends. Damaged relationships can be repaired and new relationships can be built in justice circles. People want to share their stories and be heard.

Community Justice looks different in every community. It may involve the use of circles, mediation, Elders' panels and Community Justice forums. In many communities, Community Justice is handled by a Justice Committee.

Community Justice gives communities, victims and offenders opportunities to:

- Have a voice in repairing the harm caused by criminal behaviour
- Have their questions answered
- Be validated
- Begin their healing process
- Gain closure

People who participate in Community Justice often need encouragement to start talking and working together. Charlene, who once took part in a justice circle as a victim, understands how hard it can be to overcome your fears and participate. It is also difficult for most young offenders to sit in a circle and share their stories, because justice circles do not just deliver a slap on the wrist – they deal with root causes.

Youth still go to jail under the YCJA. Canada incarcerates more youth than adults. One out of six youth who are found guilty of a crime in Canada serve time in jail. Today, 64.5 of every 10,000 Aboriginal youths are in jail, a rate of incarceration that is nearly eight times that of non-Aboriginal youth.

Youth may go to jail (called youth custody) if they:

- Use violence (violent offences)
- Have not followed through with previous conditions, such as probation orders

- Are guilty of an indictable offence, such as murder
- Have committed an offence that has aggravating circumstances and where there is no other reasonable alternative.

Some of the strengths of the YCJA are that it:

- Gives responsibility back to the community
- Gives victims a voice
- Holds offenders accountable
- Deals with the root causes of the problems
- Is rooted in a vision and principles that are similar to traditional Aboriginal beliefs.

The YCJA was developed by Canadian law, but the beliefs it supports are very close to those of First Nation and Metis people. We now need an action plan to get the YCJA into motion. Instead of waiting for the government to give us the resources to do this, we need to start developing them ourselves.

**PRESENTER'S KEY AREAS FOR ACTION ON THE YCJA**

- ☑ Governments are spending enormous amounts of money to incarcerate people. Some of this money should be redirected to community-based prevention and interventions.
- ☑ Non-court responses can provide the most appropriate and timely responses to less serious offences by youth and should become the expected norm in these cases.
- ☑ Rather than waiting for the government to provide us with the resources to get the YCJA into motion, we should develop an action plan and start doing this ourselves.

## **BREAKOUT GROUPS**

Following Charlene's presentation, participants broke into groups to discuss the Youth Criminal Justice Act. Participants joined groups based on the organization they were affiliated with, i.e., the MMF, SCO or MKO. The groups were provided with questions that they could use (as desired) to guide their discussions. The questions, which explore the possibility of incorporating customary law into the implementation of the YCJA, were:

1. Traditionally, what roles and responsibilities did the following people have? How can these traditional responsibilities be incorporated into these roles today?

|                    |                       |
|--------------------|-----------------------|
| Police Officers    | Elders/Youth          |
| Judges/Magistrates | Aboriginal Leadership |
| Parole             | Teachers              |
| Probation Officers | Community Members     |

2. How can we use the YCJA to carry out Aboriginal-led justice services for our communities?
3. What would you like to see in an Aboriginal-led justice system?

Each group appointed note takers, who recorded group members' comments. The results of the breakout group discussions are presented below.

## **MANITOBA METIS FEDERATION**

In response to the questions about roles and responsibilities, group members commented that:

- The community does not know what the current role or mandate is of the RCMP. Previously, RCMP officers were part of the community: They visited homes, interacted in a positive way and took part in community activities. Because RCMP officers were involved in and knew the communities they worked in (and typically were appointed from within the community), they gained the respect of community members. In the 1970's and 1980's, however, this began to change. Today, officers typically are not from the communities they serve. In some communities, officers are there long enough to start to get to know community members and gain their respect, but more often than not, they are transferred before that can happen.
- Group members identified RCMP officers' primary function as apprehending people – picking them up and putting them in jail. In the past, if an apprehended person was a

youth, there was no guarantee that the RCMP would notify their parents and generally there was no contact between offenders and their families. Participants acknowledged that RCMP officers now try to have direct contact and be more involved with the families of people who are apprehended. In spite of this, they feel that the RCMP needs to be more involved than it currently is and that officers need to improve their understandings of families. They suggested that if officers had a better understanding of families, they would be more capable of determining whether an offender should actually be in jail. Group members also noted that people are afraid to speak out and don't want to be called a snitch or a rat. Our attitudes need to change.

- The names given to the police in Metis traditional languages varied in different regions. In the Bacon Ridge area, they were known as “apprehenders” or “soldiers.” In the Southwest, they were called “la police” and in the South Indian area, they were called “soldier” or “officer.” The Sioux used the term “yellow stripe.” It is interesting that, in many places, the same names are used for both the police and soldiers.
- The group considered community norms with respect to criminal justice and reflected on what is allowed and what is expected. Traditionally, the Metis people were not accustomed to being apprehended, so many people were afraid when the police arrived. The police had authority and people did not want to talk to them or get involved. Because Metis people were not part of the criminal justice system, they did not have terminology for most of the positions people held in the system. When the people used customary law, it was administered by Elders, aunts, uncles and other community members. The old people built fear into people by, for example, telling stories about Stony Mountain Correctional Institute.
- Many of our community members have had negative experiences with the RCMP, especially when they didn't tell officers what they wanted to hear. Group members recalled incidents where the RCMP had driven people out to the country, beaten them up and pushed them around, or where they had tried to scare people and make them admit to crimes. Group members feel that, to some extent, the RCMP still misuses its authority.
- The justice system is moving forward, but group members feel that a stigma against Aboriginal people remains. Having our own people in the police and probation services might help to break this stigma, but, they noted, the criminal justice system would still

remain an institutional system and additional problems might arise. In particular, group members worried that “Native-on-Native discrimination” might develop within the system. The group acknowledged that problems with the justice system go both ways and advised that we also need to look at how we interact with the police.

- Group members feel that the police “don’t take the time to find out who they’re dealing with” and recommended that more Aboriginal-led workshops and training opportunities should be offered to workers in the criminal justice system. They wondered what police officers are taught about Aboriginal cultures. Police officers should be aware that there are many Aboriginal cultures (not just one) in Manitoba. Within the criminal justice system, the term “Aboriginal” is typically taken to mean “First Nations” and not assumed to include the Metis Nation. They pointed out that currently the criminal justice system does not offer cultural services for Metis. At the Youth Centre, for example, the cultural services are all oriented to First Nations cultures. Police officers should be given cultural training and then should learn more about the cultures of the communities to which they are assigned. Group members recommended that Metis people should develop their own training materials for the police to use. They pointed out that we do not need to educate our own people, because they know their culture, but we do need to educate professionals in the criminal justice system. The group recommended that cultural awareness training should be a condition of police officers’ and other professionals’ employment.
- The group summarized the approach of Correctional Services Canada as “if you do the crime, you do the time.” This approach does not work, because it takes people out of their communities and away from their families. We need to find alternative ways to deal with offenders. Group members pointed out that, traditionally, parents and grandparents played important roles in teaching children respect and feel that these roles need to be revived.
- We do not know a lot about justice roles in our traditional communities.
- Traditionally in our communities, any type of crime was looked down upon. We were taught to walk a good road and have a good life. Our communities protected each other and provided support services. People worked to keep up the pride of their family. Now, however, many of these traditional values and practices have been lost or left behind. For

example, it has become acceptable to go to jail and our youth are not held accountable for what they do. We need to regain respect for our traditional values.

- People’s sense of community has changed. Our communities are much larger than they used to be and we live in a commuter culture. Many of us don’t interact with other members of our communities. Although many police services operate community-based initiatives, the services – and individual officers – no longer know the community as people. Instead, they are most familiar with the offenders in the community.
- Group members feel that the police should show community members more respect. For example, when the police come into a community, they should greet people. Group members also stated their objection to police pulling people over just because they are young. They feel that it is important for police officers to be seen as members of the community, not as enemies.
- Group members presented concerns about the court process of remand.<sup>2</sup> They feel that the remand process does a great injustice to our people, because it prolongs minor problems and compounds other problems. People should be dealt with the first time that they go to court. When people’s cases are repeatedly remanded, they run the risk that, while they are waiting for their original charges to be resolved, they will continue to collect charges. If they collect enough charges, they will go to jail. Group members feel that the remand system serves lawyers, not young offenders. Youth are offered a lawyer when they are first picked up by the police. The youth may sit in the Remand Centre for months and months while their case works its way through the system. During this time, the prosecutor may find more and more charges against they youth and the lawyer may meet with the youth repeatedly. Group members characterized this situation as, “Offenders can be kept in the system forever and line the lawyers’ pockets.”

In response to the question, “How can we use the YCJA to carry out Aboriginal-led justice services for our communities?”, group members commented that:

- Communities can use the YCJA in a number of ways. For example, Sections 19 and 42 of the Act enable youth workers, judges, police officers, a prosecutor and others to

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<sup>2</sup> When a criminal proceeding is remanded, the court sets a future date when the matter will come back before the court. This definition of “remand” is taken from the Manitoba Courts’ web publication, “Definitions: Understanding Legal Words,” available on-line at [www.manitobacourts.mb.ca/english/definitions.html](http://www.manitobacourts.mb.ca/english/definitions.html).

convene a conference to make a decision on a youth offender's case.<sup>3</sup> Youth workers can use conferencing where they feel that extrajudicial measures are appropriate. Group members asked what we can do to have police divert offenders and suggested that more funding was needed for Justice Committees. Manitoba, they felt, is lagging in this area.

- Group members feel that there is not enough information available or awareness about the YCJA. They also observed that youth do not want to be involved in work around the YCJA and pointed out that you can't use the YCJA if you do not know what it is. They think that the YCJA needs to be broken down in simple terms. As it stands now, the YCJA "stops at the courts" and lawyers and youth offenders do not know how to use it. Young offenders continue to do community hours because they are not aware that other options are provided in the Act. Group members recommended that the Metis leadership should make sense of the Act and share that information with the community.
- Group members called for a community-based contact person who could deal with youth and injustices at a local level. For example, the MMF could place a community justice person (someone who understands the YCJA and who also knows the community) in each regional office.
- Group members emphasized the importance of providing prevention that reaches children while they are still young. If criminal behaviour becomes engrained as a young person's lifestyle, it is very difficult to provide them with programs that work or that they will accept. Once youth join gangs, we lose them. Children need recreation and other programs, especially in small towns, where there is not much to do. Youth need to know their communities and their communities need to know them. It takes a community to raise a child, they observed, and the community's eyes should always be watching their children. The community must be involved and make it clear that it will not put up with certain things. Elders can play a key role in the community's care for its children by, for example, visiting the parents of families that have a problem.
- Parents need to stay involved with their children. Many parents do not have a close connection with their children anymore. Some parents are fortunate enough to be employed and able to give their children opportunities, but resources are needed for the

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<sup>3</sup> Section 42 sets out a nearly 20 options that can be used to achieve the objectives of sentencing, i.e., to hold a young person accountable for an offence through the imposition of just sanctions that have meaningful consequences for the young person and that promote his or her rehabilitation and reintegration.

parents who can't. We need to instil the traditional values that many parents learned into this generation's children.

- Children need to spend more time with their teachers. Teachers also need to be educated, particularly at the junior high and high school levels. Group members feel that this is an issue of respect. Teachers need to encourage children to respect their parents and children need to understand that they carry their parents' name and family honour.
- Our children need to have a sense of self-worth and belonging. Extended families can enrich a child's sense of belonging. Children need to be kept busy and be able to take pride in something. Traditionally, kids were taught to respect other people, nature and the world. These were teachings that, once learned, were never forgotten. We need to return to these teachings and give them to children when they are young. Our development as people has been lost, because parents no longer know what to teach their children. Group members recommended that schools should employ someone to teach cultural programming. They suggested that we, as parents and community members, should work alongside teachers. We need to advocate and take responsibility for who we are as Metis people, in the schools, in our workplaces and in our communities.
- We do not give our young people enough praise. They need to be acknowledged and appreciated. We want our young people to change, but need to ask ourselves, "What are the tradeoffs?" Group members commented that the most inspiring word is love and asked us to consider whether we tell our children that we love them or love them for the people they are. Traditionally, love was shared in the community through hospitality or by sharing things such as food and clothing. When we are used to hearing negative things about people, they reminded us, we often forget to love them. The answer, they advised, is not out there somewhere. It is within us.

In response to the question, "What would you like to see in an Aboriginal-led justice system?", group members commented that:

- We need a liaison to take information to the community.
- We need someone to advocate for youth in the system.

- Youth are looking for answers. To help children with their self-development, we need to offer them love, direction and spiritual care while they are young. Without these things, they are getting lost and falling through the cracks. Respect, self-respect and mentoring are important to solutions for our youth and communities.
- More volunteers are needed and we need to keep the volunteers that we have happy. In particular, we need community volunteers who can provide mentorship and/or placements for youth when they leave custody. It is especially important to provide continuity of supports for youth who are leaving custody.
- We need to get into the institutions where youth are in custody and help them. Currently, many supports are in place for First Nations youth who are in custody, but there are no supports for Metis youth. Some of the supports that should be there for Metis youth are Elders and cultural activities like square dances.
- Justice issues should be dealt with at a community level. Community-based justice initiatives will ensure that our communities deal with their own people and will help to keep the court system from getting bogged down. Group members recommended that our communities develop Justice Committees. The Committees would be locally driven and have flexibility to deal with community issues. This concept could be negotiated for the whole province.
- The police need to become more involved with the communities they serve, including any local Justice Committees. In these involvements, they should be willing to share advice and not behave simply as authority figures.
- We need to deal with the red tape. Red tape can limit solutions, especially if the solutions are holistic.
- Programs and solutions should not be dependent on statistics. Successes often cannot be measured by numbers.
- Our leadership needs to lobby the government on justice-related issues. The government needs to be made more accountable for justice outcomes and challenged to make an Aboriginal-led justice system happen.
- Mainstream society is looking for partnerships with Aboriginal people and communities.

- Group members suggested that a pilot Justice Committee project be developed. The project should have real goals that are achievable and acceptable to the community and address SMART (i.e., specific, measurable, achievable, realistic and time-specific) objectives. To support the success of people involved with the project, it should provide after care, follow-up and follow through with programs and services.
- We need to be realistic about the effects that residential schools and child and family services have had on our community members, families, communities and Nations.

**MMF GROUP'S KEY AREAS FOR ACTION ON THE YCJA**

- Many of our people are afraid of and do not want to get involved with the police and the justice system. They have experienced or know about intimidation, abuse and misuse of authority by police officers. Many people feel that Aboriginal people have been stigmatized by the police.
  - Police officers once knew our community members as people – now, they know us primarily as offenders. The police and other workers in the justice system need to know our communities better and be more involved in the communities they are serving.
  - Police officers and other workers in the justice system need more Aboriginal awareness training. It is important that this training distinguish between Metis and First Nation peoples and cultures and that individual officers are provided with training specific to the communities they will be serving.
  - Crime is more acceptable today than it was in our traditional cultures. We need to strengthen traditional beliefs, morals and justice practices in our communities.
  - Parents, families, Elders and other community members need to have more active roles in the justice system.
  - We need to find ways to develop mutual respect between youth, their families, other community members and authorities such as the police.
  - Youth generally are not held accountable for their actions.
  - Children need a sense of self-worth, pride, appreciation, and belonging – need to know that they are loved and needed. We need to acknowledge and be proud of what our youth accomplish.
  - We need more preventative programming that can reach youth when they are still young, before they are criminally involved.
  - Youth need more access to recreation, extra-curricular activities and other opportunities for personal development and direction. Youth mentors can help with this.
- (continued)*

**MMF GROUP'S KEY AREAS FOR ACTION ON THE YCJA (cont.)**

- ☑ Schools need to provide cultural programs to our youth.
- ☑ The court system is inefficient and overly reliant on remands. The courts should avoid remands and try to take action to resolve cases more quickly and meaningfully.
- ☑ Culturally-appropriate supports should be available to Metis people who are involved in the criminal justice system. These supports should be distinct from those designed for First Nation peoples.
- ☑ We need community volunteers to provide cultural supports within criminal justice institutions, such as the Youth Centre or Remand Centre. In particular, people who are incarcerated need access to Elders and to cultural events.
- ☑ Each MMF region and local should have a contact/liaison person to work with community members and the justice system.
- ☑ Our community needs to be educated about the justice programs and resources that are currently available so that they can access them.
- ☑ Youth workers can use Section 42 of the YCJA to divert youth from the justice system.
- ☑ Community-based justice systems are the most appropriate way to deal with minor offences. They give youth an opportunity to be accountable and responsible for their actions.
- ☑ A community justice pilot project should be developed. The focus of the project would be a Justice Committee. The Committee would be community based and run and would address minor offences, utilizing in-community resources. The Committee would include Elders and youth. This project could be developed in partnership with mainstream agencies or organizations. It is important that the project set constructive and achievable goals, including the long-term goal of dealing with more serious offences.
- ☑ We need more funding to implement programs.
- ☑ The Metis people need an independent justice system that implements our own ideas about justice. The system should be directed at a provincial level but enable communities to retain local control.

## **SOUTHERN CHIEFS' ORGANIZATION**

The group of participants affiliated with the Southern Chiefs' Organization held their first breakout session as an open-ended discussion. Group members offered the following comments:

- Group members feel we need to address the root causes of crime. Why do youth get involved in crime?
  - Poverty leads many of our youth into criminal activity.
  - Many of our youth do not feel good about themselves. They have low self-esteem and do not feel good about being First Nation. We need to find ways to make them feel better about themselves. A group member who was released from jail two years ago feels that we must help youth who are criminally involved to heal from the pain and trauma they have experienced in their lives. Many of these youth do not have a sense of direction and feel hurt. We need to use whatever resources we can to help them. He now practices traditional spirituality, but before he could take up that practice, he had to identify where his issues came from and forgive the people who betrayed him as he grew up. He is now trying to develop a program for youth that incorporates the psychological tools that he needed to heal and traditional practices. Another group member stated that he grew up as a troubled child and has served time at the Youth Centre, Headingley, and Stony Mountain. He now works with the Onashowewin Justice Committee. He feels that many of the young people who are in trouble in our communities need attention from the people around them. An Elder commented that many of our people who are in trouble feel isolated and are shunned by other community members. People who are in trouble need to know they are not alone and that we care about them. We need to talk with people who are in trouble, try to help them get rid of their own pain we can and show them that they can help their people too.
  - Many families in our communities have broken down and a lot of our youth live without one or both of their parents, or simply do not have families.
  - Colonialism has tragically altered the relations between our men, women and children in our communities. We cannot hide the fact that many people in our

communities have abusive relationships. This contributes to our over-representation in the criminal justice system. Many of the people from our community who are incarcerated – including both men and women – are there because of their relationships with their partners. Many of our children grow up seeing their mothers and fathers being beaten. An Elder stated that domestic abuse in our communities must end. We need to work family-by-family to make it end.

- Substance and alcohol abuse affect many of our community members. An Elder who has worked extensively with people who are incarcerated reported that roughly three-quarters of the people in jail do not remember committing the crime that brought them there because they were under the influence of alcohol or drugs at the time they committed them.
- Several group members spoke about a young man, Matthew Dumas, who had been shot and killed by a police officer in Winnipeg only a few weeks before the conference. Group members were disturbed by the Winnipeg Police Services' announcement that the youth had been killed by a police officer who is Metis. They suspect that this information was presented to silence criticism from the Aboriginal community: "Our brother was gunned down, but the cop is, like, 'By the way, I am Metis,' as if we are supposed to say, 'Oh, that is cool. Then you are one of us.' ... That doesn't make it right and that doesn't negate the fact that Matthew should not have been hurt."
- It is clear to the group that the current criminal justice system is not helping our community members or communities. As one participant stated, "From time immemorial, we had a justice system that worked. When the Europeans introduced their justice system, it didn't work. It has never worked. It does not work for our youth and it does not work for any of our people." One group member was employed for 10 years as a Correctional Supervisor at Stony Mountain and is now the Community Justice Development Coordinator for SCO. While working at Stony, she saw the same community members coming back over and over again to serve time and observed that the people who are incarcerated for the first time are getting younger and younger (as young as sixteen). Both of the Chiefs in the group felt that many of our problems with the justice system occur because we are using somebody else's law. If we try to fix the "white man's [justice] system", it will just keep breaking down. Instead, we need to

develop a system that is rooted in our own cultures and communities. Before the Europeans arrived, Aboriginal people had their own systems of government and law that included formal structures through which the people gave direction to the leadership. The roles and responsibilities that, under the current system, are assigned to a wide range of individuals (such as police officers, judges, parole and probation officers and counsellors) traditionally were taken on by all members of our communities. One of the Chiefs stated that, “If our clan mothers could get together and say, ‘Hey guys, sit back, relax – let’s get back to our original law. Let’s get back to our original structures and how they work,’ I would gladly step aside in my community.”

- Several group members reported that, in their communities, aspects of traditional law and governance have been maintained and new structures to support traditional law and governance have been developed. One group member reported that she was “very much raised in justice.” Her community is matriarchal and women still dictate what goes on, to some extent. Other group members noted that Justice Committees have been established in their communities and that they are working well with youth. The Chief and Council of Rolling River First Nation have returned power to the people by forming a Round Table. Twenty-eight community members, each representing several households in the community, sit on the Round Table. The Round Table is a place where community members can share their opinions and ideas. An Elder from another community reported that his community is returning to the clan system and going back to the basics about what our roles should be in society. He feels that it will not be police forces or Chiefs and Councils that return our communities to health, but that each of us – as parents, as Elders, and as community members – can play a major role in bringing justice to our communities. We need to become more aware of our roles in the community and take responsibility for administering them. If we see a youth who is in trouble, we need to help them make the right choices and get back on track. If we see something wrong happening, we should not pretend that it is not our problem. We cannot abandon or ignore community members who are in trouble. A Chief shared a teaching he had been given by Elders. Trees, because they stand so straight, represent the truth. The roots of the trees are connected beneath the ground. We are all connected in a similar way and, as Indigenous people, we need to bring each other back to and help each other stay on the straight path.

- One of the Chiefs in the group suggested that to clean up our communities, we need to start in each and every home. When he was growing up, they had their own justice system in their home and every time their mother gave them a willow, they learned something from it. Today, parents cannot physically discipline their children, because it is seen as abuse. When youth get into trouble, their families typically blame someone else – the police who arrested their child or their probation officer – rather than the person who actually did the crime. If we want change in our communities, we need to start taking control of our houses and our communities.
- An Elder stated that each of us – including those of us who have committed crimes – must take responsibility for the things we have done or said. Taking responsibility, he pointed out, is a form of empowerment. A Chief related that when, as a child, he was exposed to Christianity, he was struck by the idea that, if you confessed your sins, they could be forgiven by the priest – “What an easy way out!” He prefers, however, the ways of our traditions – to live with any wrongdoings he has done and try to make up for it or pay it back. All we have are our spiritual guides and two guarantees about our time on earth: We were born into this earth, we will die here and anything that happens in between is up to us. We make our own decisions. Justice models should include opportunities for youth offenders to take responsibility and to right the wrongs they have done. Traditionally, if someone hurt another person, they were held accountable to that person and to their community, until balance was returned. Both the offender and the victim continued to receive supports from other community members and came together to talk about what had happened and resolve it.
- The Creator gave us the gift of being able to live holistically. We need to be in balance and harmony, emotionally, mentally, physically and spiritually, wherever we go. This can be difficult to maintain in contemporary society, but, as one Elder noted, each of us has a spiritual fire inside us that we can draw upon to help us stay in balance. Our politics, in particular, should be connected to our spiritual understandings. This, a Chief pointed out, will give us the vision to scope out what’s in front of us and to see beyond.
- We need to show each other respect. An Elder who has worked with community members who are incarcerated will ask anyone who swears while he is working with them to leave, explaining that he is not there to hurt them, he is there to help them the best that he can and we need to do away with the things that hurt our people. He also

discourages gossip, which he feels has seriously hurt many of our people and is particularly dangerous in a correctional institution or on the street. He has had to arrange for people who are incarcerated to be removed from the general population and put in protective custody because they were the subject of gossip.

- The youth are the future leaders of our communities. Because of this, it is important that our youth learn about the history of our people. We need to dig deep and find the history that is not being taught in schools. Our Elders know much of this history. In one community center, a mural that will show the history and evolution of the people is being installed. Describing the mural, an Elder stated that young people who look at it will be able to see their place (and those of their grandparents and children) in the history and future of our people. Group members feel that it is crucial that our youth have a clear understanding of the treaties that we are party to. When we signed the treaties, we agreed to allow visitors to come here and share the land with us. However, as one Chief said, for the Crown, it was “a big land scam.” He added later that “We were supposed to sit together with the white man, making laws together on how we are going to govern this country, but we got pushed out of the mix.” He pointed out that treaties can only be signed between nations, which suggests that each First Nation that was signatory to a treaty is, in fact, a nation and needs to act like a nation. We never gave up this land.
- Group members feel that youth need more opportunities to learn from our communities’ Elders. Many group members were able, as they grew up, to spend time with Elders, learning about traditional ways of life and spirituality. That connection has been lost for many of our youth. We need to look for and create new opportunities for youth to be involved with Elders.
- Group members suggested that we need to stop fighting amongst ourselves and start working together. In particular, people who are professionally involved with the criminal justice system, such as probation officers, welfare workers and child welfare workers, need to work together.
- We need to motivate our youth and support the development of their strength and leadership. One of the Chiefs tries to encourage youth to use their voices, to take a stand and not sit down. He offered himself and another Chief who was attending the

event as an example of how we can grow and learn. When he was a young man, he spent time on the streets of Winnipeg. He also spent time in jail. He performed in a band: “[The other Chief] used to play in my band when I was in jail or when I couldn’t perform... Who ever would have thought that two guys off Main Street that used to play in the bar – who would have ever thought we’d be shaking hands in a political circle, pleasing and speaking for our people?”

**SCO GROUP’S KEY AREAS FOR ACTION ON THE YCJA**

- We need to address the root causes of crime, including poverty, the breakdown of the family, domestic violence, substance abuse, poor self-esteem and other effects of colonialism.
- The current criminal justice system does not work for our people or communities. In large part, this is because it does not belong to us and it does not reflect or incorporate our traditional justice practices or understandings.
- It will not work for us to try to fix the current criminal justice system. We need to develop a justice system that is rooted in our own cultures and communities and based on our traditional justice practices and understandings.
- Several communities have successfully integrated aspects of traditional law and governance into their local criminal justice and government systems.
- Each of us has an important role to play in bringing justice to our communities. We cannot abandon or ignore community members who are in trouble. We have a responsibility to reach out and help them.
- Change can start in our homes. Parents need to provide their children with discipline and direction.
- Taking responsibility empowers us. Justice models should enable youth offenders to take responsibility and right the wrongs they have done.
- We need to strive for balance and harmony, and show each other respect.
- We need to teach our youth about our history, so that they will have a better sense of who they are. This history is not being taught in schools, but can be found in Elders and other community resources.
- Our youth need more opportunities to learn from and be involved with our communities’ Elders.
- We need to stop fighting and start working together to create change.
- We need to motivate our youth and support the development of their strength and leadership.

## **MANITOBA KEEWATINOWI OKIMAKANAK**

Elders in the group shared their views about youth who are in conflict with the law:

- Justice in our communities began to deteriorate a few generations back.
- Police used to walk around in communities without being paid. Current policing options do not make people of the community a priority.
- The Elders observed that non-Aboriginal police officers are more punitive with our people than Aboriginal officers are. They feel that, rather than working together with Aboriginal officers, non-Aboriginal officers believe that they are superior. There should be only one way to enforce laws and one path for all police officers, both non-Aboriginal and Aboriginal.
- In 1992, Youth Court was offered in one northern community, but it was later dismantled because the Magistrate was uncomfortable about sentencing, which required him to be judgmental. The community then formed a Justice Committee, which took responsibility for domestic violence in the community. Many community members did not like the zero tolerance aspect of domestic violence laws, especially where it required that family members be separated from each other.
- Teachers are very important for youth, but nowadays, teachers have to spend more time disciplining youth than they do teaching them. Community members need to become involved in schools.
- Our youth have lost their connections to tradition.
- Youth are living in a time where they are spoiled. Lifestyles are lazier and easier today. Chores such as cutting wood should be done together as a family.
- Our children have lost discipline and their parents have lost authority. The law should have no say in how we discipline our children. If there is no discipline at home and lack of responsibility with chores, then youth have nowhere to learn how to discipline themselves. Some of us consider spanking a form of discipline, rather than a physical act. School strapping kept students in line.

- We need to repair the role of parenting to regain a better sense of justice. As families, we need to start by showing our children that we love them. We should ask ourselves what the last thing we said to our children and think about how we would feel if it was the last time we saw them. There needs to be a sense of family.
- In the “white man’s” system, our traditions are treated as though they are inferior. We thought that academics would prove to the “white man” that Aboriginal people are not inferior. After living in the “white man’s” world, many of us now are trying to go back to our traditions.
- The “white man’s” system doesn’t work for them, so how can it work for us? Laws are set up for Aboriginal people to fail. We need to take back our laws and create our own system. Traditional law works!
- Traditionally, laws came from women. Women know what’s best for the children and men in their communities. Women also traditionally took the roles that are now assigned to people in the judiciary system.
- We can restore justice by being traditional again. Justice Committees that use mediation and conflict resolution should be formed.
- Languages are important to our cultures. We need to embrace them.
- Elders have a lot of wisdom. Teachers get paid for sharing their knowledge – why aren’t Elders paid?
- People should be open to offering help and guidance.
- We need places for healing and gathering in our communities.

The youth in the group also offered their views on youth in conflict with the law:

- Gang activity is associated with many negative activities for our youth, including dropping out of school and disconnection from family and community, as well as law-breaking
- Family values and morals have been lost. We need a system to help youth learn and grow with Elders, the community, schools, police, women and parents.

- We need to learn from and work with the system that is already in place, but incorporate our traditional teachings into it. We need to give customary law more force and strength. We should learn our traditions in a modern way, comparing past traditions with new ones.
- Discipline works – that’s what people were brought up with.
- A lot of youth adopt negative influences when living in cities such as Winnipeg. When they become involved with drugs, alcohol and/or gangs, they break away from positive relationships. Our youth need role models.
- We need to work together to create change.
- A community justice committee should be created to provide guidance for youth who are in conflict with the law.
- We need our own criminal justice system that incorporates the seven sacred teachings and four laws.
- We need to make changes that will make the justice system better for the next generation.
- When we are strategizing for crime prevention, we need to focus on our youth, not on economics. Listen to the youth and make them feel like they are a part of something. Don’t put economics before them.

**MKO GROUP'S KEY AREAS FOR ACTION ON THE YCJA**

- Non-Aboriginal police officers are more punitive with our people than Aboriginal officers are and do not treat Aboriginal officers as their equals. There needs to be equity between Aboriginal and non-Aboriginal police officers.
- Many legal judicial practices (such as zero tolerance laws) do not work in our communities.
- Community members need to get more involved in schools, so that teachers can spend less time on discipline and more time on teaching.
- We need to repair the role of parenting, show our children love and help them to learn discipline.
- We need to find role models for our youth.
- Our youth need a system that will help them learn and grow with Elders, their communities, schools, police, women and parents.
- We can restore justice by bringing back our own traditions. We need our own criminal justice system that incorporates traditional teachings and practices, such as the seven sacred teachings and four laws.
- Traditionally, women took a lot of responsibility for upholding justice in our communities.
- Justice Committees that incorporate mediation and conflict resolution should be formed. These Committees can provide guidance for youth who are in conflict with the law.
- We need to strengthen our cultures and traditions. For example, we should embrace our traditional languages. We should learn our traditions in a modern way, comparing past traditions with new ones. We should also find ways to pay our Elders for sharing their wisdom.
- We need to offer each other help and guidance.
- We need places for healing in our communities.
- When strategizing for youth crime prevention, we need to keep our focus on the youth, listen to them, and make them feel like they are part of something. Our youth must come before economics.

## ***Workshop 2. Reflections on Gangs in Manitoba: Perceptions, Experiences and Alternatives***

***Presenters: Nahanni Fontaine & Marvin Johnson***

*Nahanni Fontaine is the Director of Justice for Southern Chiefs' Organization and a PhD student at the University of Manitoba. She is a Council Member of the Mothers of the Red Nation Women's Council of Manitoba and the Co-Chair of the board for Onashowewin, an Aboriginal Restorative Justice program in Winnipeg. Nahanni is a strong advocate for Aboriginal youth, women and people and has taken leadership in speaking out about issues such as the death of Matthew Dumas, a young Aboriginal man who recently was shot and killed by a member of the Winnipeg Police Force.*

*Marvin Johnson grew up in Riverton. A former gang member, he is finishing off a 4½ year sentence and currently is at the Crane River Healing Lodge.*

Gang activity has risen dramatically (particularly in Winnipeg) since the early 1990s. We hear more and more stories about the impacts of gang activity on individuals, families and communities. Gangs are no longer just an urban phenomenon. For the last several years, gangs have penetrated and focused their activities in rural First Nation and Metis communities.

Gangs are often presented, constructed and positioned as the fundamental reason for many of society's ills. Discouragingly, gangs are repeatedly portrayed in the media and other public forums as Aboriginal. We need to look at this and see if this is actually true.

In collaboration with Mother of Red Nations (MORN), Southern Chiefs' Organization has conducted research on the involvement of Aboriginal women in gangs. MKO and SCO are also in the preliminary stages of conducting research on Aboriginal male gangs. Nahanni reported some of the key findings of this research:

- Gangs in Canada have a foundation in the colonial history of this land. Canada was formed on a racist ideology and social construction that has played down into our present day society. The traditional lands of Aboriginal people were stolen from them. We were kicked off our lands and our children were taken from us and sent to residential schools. These actions also took away our intrinsic connections to land, culture, community and family. Aboriginal people are the only people who have a legislated identity. The Indian Act governs our lives from first breath to last. Factors, mechanisms and effects of colonialism such as these contribute to the creation of gangs. People don't just wake up and say, "Hmm, I think I am going to be a gang member." They are pushed to gang

involvement by poverty and inequity of opportunities around things like education, employment and health.

- There is a clear divide between the sexes in gang reality, one in which women are often the losers. Violence against women is a norm in gang culture. As a gang-involved woman, you “get your beatings” – if you complain, you are seen as “not solid with the gang.” Women who are involved with gangs are typically connected through their partners. It doesn’t work to advise them to leave the gang. To do so would be to go against the gang code. Almost all the women who have been contacted through the SCO/MORN project have had children while involved with the gang.
- There are family connections within gangs. Gangs are an intergenerational reality – fathers, uncles, brothers, grandfathers, cousins and sons may all be gang-involved. Getting people out of gangs often means that they must leave their family members behind.
- We associate gang-involvement with criminal behaviour and cycles of addiction and abuse. Gang-members are often portrayed as drug users, but the higher you are in the gang, the more you are expected not to drink or use drugs. Our gang-involved community members go in and out of correctional facilities. We are killing each other.
- In a sense, gangs are a form of resistance to dominant society. They challenge many of the views and norms of dominant society. They are a reminder that the dominant society is inequitable and something needs to be done about that. If people continue to be oppressed and are not given opportunities for education and employment, gang activity will continue.
- Gangs provide our people with a sense of identity, unity and pride. Gangs provide oneness and a front against the racism and colonial history of our society. As communities, we need to find ways to help people confront racism more positively.
- Many people who are gang-involved are just people trying to survive. It may not be how the dominant culture wants us to survive and it may not be a happy life, but it *is* survival in the face of racism and oppression. Nahanni noted that many of our people who are gang-involved do not want to be where they are and feel genuinely bad or upset about some of the things they have done.

Following Nahanni's review of research findings, Marvin Johnson, of Crane River Healing Lodge, spoke openly about his experiences as an ex-gang member. Marvin grew up in and out of Child and Family Services foster homes and jail. He has spent a total of 16 years behind bars. Although the time that Marvin spent in foster homes, as a gang-member and in jail was difficult, he does not see it as wasted time. He feels that he went through these experiences for a reason.

As a child and youth, Marvin did not have a family to seek guidance from. He understands now that that was part of the reason he joined a gang. Gang membership brought him a sense of family and unity. It also gave him access to money, drugs and alcohol, which in turn gave him power and control. That, he acknowledged, was the biggest attraction of gang-membership.

Although Marvin "grew up lost", he feels that he has finally found himself. He is at the end of a 4½ year sentence at the Stony Mountain Federal Institution and arrived at the Crane River Healing Lodge seven months ago. He feels very lucky to be there. Before he went to the Lodge, he learned about and practiced his traditional culture with Elders at Stony. The Elders taught him that he could do things on his own and did not need to glamourize the negative things about gangs. He has come to understand that all of us – including himself and other people in institutions – are human. We make mistakes and can correct them.

In closing, Marvin spoke from his heart directly to youth. "If you are in a gang," he advised, "think twice about what you're doing, what you want and where you're going to go, what you want for yourself and your children, the young ones and the next generation." He called for youth to educate themselves: "You are somebody and you can be somebody. Help your community, your children and yourself, and you will see that you can do good things."

**PRESENTERS' KEY AREAS FOR ACTION ON GANGS**

- ☑ Gangs in our communities have a foundation in the colonial history of this country and the loss of our intrinsic connections to land, culture, community and family.
- ☑ People are pushed to gang involvement by poverty and inequity of opportunity with respect to education, employment and health. Reducing poverty and inequity will help to reduce gang activity.
- ☑ Many people who are gang-involved also have family members who are gang-involved. This can mean that to leave the gang would also mean leaving family members behind.
- ☑ Gangs provide our people with a sense of identity, unity and pride and provide them with a front against the racism in our societies. As communities, we need to help people find more positive ways to confront racism.
- ☑ Many of our people who are gang-involved do not want to be where they are or doing what they are doing.
- ☑ People who are gang-involved need to think about what they are doing, where they are going, and what they want in the long-term for their children and the next generations.
- ☑ Young people should look for opportunities to help their communities, their children and themselves. Helping others helps you to see yourself more positively.

## **BREAKOUT GROUPS**

Following Nahanni and Marvin’s presentation, participants again broke into groups to discuss the gang activity in their communities. The guiding questions for these discussions were:

1. What impacts are gangs having on your community?
2. What do you think are the three most important things that need to be done to keep individuals from joining gangs?
3. What responsibilities do the following parties/stakeholders have in dealing with gangs?  
How can they make it happen?

Families

School System

Communities

Businesses

Police

Aboriginal Leaders

Justice System

Political Representatives

Social Services

Provincial and Federal Governments

The results of the breakout group discussions are presented below.

## **MANITOBA METIS FEDERATION**

In response to the question about the impact of gangs on communities, group members commented that:

- Many group members indicated that they knew of or suspected that gangs were active in their communities. As one group member stated, “Gangs don’t show their colours in [our community], but you know they are there.”
- A lot of gang activity is hidden, especially with respect to drug and alcohol distribution.
- Gangs are very expensive for communities and families – both emotionally and financially. Ripple effects from gangs interfere with the well-being of community members who are not gang-involved. Gangs create conflict, can make people afraid to go out and can disrupt and destroy families. The impact of gangs, group members noted, is greater in small communities, where they tend to have more influence on young people.

- Youth are often searching for a sense of belonging. For some, gangs appear to be cool. Kids who are not in a gang can feel isolated, as though they are not part of the cool group. Peer pressure is powerful. We need to provide youth with more positive role models.
- Youth often don't know where to turn, especially if they don't have any parents. There are not enough resources that youth can turn to. Some communities, especially those where youth have no where to reach out for help, have high youth suicide rates.
- Youth often don't trust the people and agencies that are there to help them. Some agencies share information that is supposed to be confidential. Many youth feel like it is not safe to share and they cannot trust those who are in positions of trust.
- Youth are typically drawn into a gang by older people.
- Youth are sometimes forced to be involved in gangs. They may get beaten up if they don't participate. This is particularly true for youth who have family members involved in a gang.
- Gangs are an intergenerational problem for Aboriginal people. If a youth has family members who are gang-involved and if gangs have always been part of their life, then why would they see anything wrong with it?
- Youth recreation facilities and clubs, such as the Boys and Girls' Club are valuable to our communities, but they can also be places where gangs recruit. We need to monitor places and groups such as these.
- Gangs communicate in specific ways and have a code not to talk about their activities. This creates a barrier that makes it hard to give young people safety.
- As a society, we don't want to acknowledge that gangs are happening. Pleading ignorance doesn't help – we must do something.

When asked to identify the most valuable things that could be done to keep individuals from joining gangs, group members made the following suggestions:

- We need to treat our youth with respect and help them to develop a sense of who they are, a sense of belonging, feelings of self-worth and self-confidence.
- Youth need positive peers. We also need to offer them role models and mentorship programs.
- We need to share our spiritual teachings with youth.
- We need to keep an eye on our youth.
- We need to provide youth with safe environments for socializing.
- We need to stop bullying in our families, schools and communities.
- We need to keep youth busy by, for example, providing them with extra-curricular recreation and cultural activities and volunteer opportunities.
- We need to educate our youth, families and communities and increase their awareness about gangs.
- As a community, we need to provide positive supports to help families become and/or stay healthy, including parenting workshops.
- We need to provide youth and other people who are leaving gangs with support and follow-up.
- We need to provide a continuum of supports for people who are leaving prison. For example, Elders who had contact with the person while they were in prison should continue their relationship with the person once they have been released. We should ensure that ex-prisoners' basic needs (e.g., housing, clothing and food) are taken care of and establish support groups and mentorship programs to help them with other needs. We need to believe in, give hope to, empower and create choices and opportunities for people who have been released from prison. This continuum of supports, which should be ongoing throughout a person's transition from prison to the community, may need to be in place for years. To provide this level of support, we may need to do fundraising (through our locals) and utilize in-place programs that have been shown to work for ex-

prisoners. Smaller communities, which typically are provided with little or no money for such programming, will need assistance to set up these supports.

When asked about the responsibilities of stakeholders to deal with gangs, group members made the following comments and suggestions.

- Parents need to be actively involved with their children. If there is a problem, families need to accept that it exists, know that it is okay to ask for help and access the services that are needed. We need to avoid enabling our children by blaming other people and hold our children accountable for their actions. If our child becomes involved the criminal justice system, we should get involved in the justice processes that our child is subject to. Families should educate themselves about gang-activity and the youth criminal justice system.
- Police officers need to both enforce laws and have a positive role in the community. Group members feel that police officers should take a community approach, be visible and get to know the communities they serve. They also think that police officers should increase their awareness of Metis culture and people. In return, there should be mutual understanding between community members and the police. The community needs to respect the police and the role they have to play.
- Social services, group members feel, “can be worse than the police.” Workers in social services need to do more preventative work, stop taking short cuts, and find the root of the problem they are dealing with. If children must be removed from their home, they should (where possible) be cared for by members of their extended family. Workers who truly want to help people should be looking for ways to help them get out of the social services system.
- Rather than stereotyping or stigmatizing youth, business owners should create youth-friendly environments. They should offer employment (or other tasks that have rewards) to youth and support youth initiatives in their communities by, for example, giving in-kind donations, networking with other businesses or developing community partnerships. They could also agree not to sell certain items (such as spray paint) to those under the age of eighteen.

- Our leadership should recognize and address the underlying causes of gangs. They need to understand the situations of individual communities, be aware of what is needed, and support and implement the Aboriginal Justice Inquiry recommendations and community justice initiatives. They need to be accountable and follow through with their commitments. They also need to hold others accountable by, for example, pressuring the government for funding for the programs we need to support and help our youth. In their professional and personal lives, they should be positive role models for our youth.
- People working in the media need to stop glamorizing gangs. Rather than taking sides in crime- and justice-related stories, they need to tell the whole story. In particular, media workers need to educate themselves about the Metis people and look for positive stories about our communities.
- As communities, we need to take a more proactive approach with youth. We need to take more responsibility for our youth and create more drop-ins and other resources for them, including opportunities for community service work. We also need to give our youth more responsibility and make them accountable for their own actions. We should enable them to contribute to our communities. To help our youth, we need to become healthy ourselves. Once we are healthy as individuals, we can work together as a community.
- The justice system should be fair and consistent. It should provide more victim services and help youth to learn from their crimes.

**MMF'S KEY AREAS FOR ACTION ON GANGS**

- As a society, we need to stop denying reality – gangs are present in most of our communities. We need to take action.
- Gangs are financially and emotionally expensive. The effects of gang-involvement and gang-violence ripple through communities and families.
- We need to address the reasons that youth join gangs. They join to feel like they belong, because of peer pressure, because they are forced to, because they have been recruited by older gang-members (including family members) and for other reasons.
- We need to treat our youth with respect and support and strengthen their sense of self. This includes sharing our spirituality. *(continued)*

**MMF'S KEY AREAS FOR ACTION ON GANGS (*continued*)**

- We need to provide our youth with more supportive resources, including positive role models and resources that they can turn to for help.
- Workers at agencies that provide support services to youth need to respect their confidentiality.
- We need to provide youth with safe places for recreation and socializing.
- We need to provide people who are leaving gangs and people who are leaving prison with supports that will help them succeed.
- We need to provide families with the support and resources they need to become and/or stay healthy.
- Parents need to be actively involved with their children. If their child has a problem, their families need to acknowledge it and get the help they need.
- Police officers should both enforce the law and assume a positive role in the communities they serve. In return, community members should respect the police and the role they play in their community.
- Social service workers should help families and people to develop the resources and skills they need to get out of the social services system.
- Our leadership needs to recognize and address the underlying causes of gangs, be aware of what individual communities need and help them get it. They also should support and implement the AJI recommendations. In their personal and professional lives, they should be positive role models for our youth.
- Businesses should actively support youth by creating youth-friendly environments, offering employment to youth, and supporting youth initiatives in their communities.
- The media needs to stop glamourizing gangs and be more fair, accurate and positive in its representation of the Metis community.
- Our communities need to be proactive about supporting youth. We need to acknowledge the contributions that youth can make to our communities. We should also work to become healthier people and a healthier community.
- The justice system should be fair and consistent, provide more services to victims and help youth learn from their crimes.

## **SOUTHERN CHIEFS' ORGANIZATION**

The group of participants affiliated with the Southern Chiefs' Organization held their breakout session on gangs as an open-ended discussion. Group members offered the following comments:

- Youth join gangs for many different reasons. They may think it will make them cool or be a place where they will be accepted and have a sense of belonging. Gangs may be particularly attractive to children who have unsafe families or no families, who feel neglected and isolated, who do not have anyone to talk to or share their feelings with, who don't feel like they fit in or who don't know their direction. Gangs provide youth with friends, people who have shared experiences with them, who often have the same problems as they do, and with whom they can talk and hang out. They give youth a feeling of belonging and brotherhood and give them something to believe in.
- Youth may not know what they are getting into when they join a gang. A group member who had been gang-involved as a youth stated that, "I didn't know I was going to be an intimidator, enforcer, all these things that gang members have. We support ourselves because we all follow. We feed off each other. We couldn't trust each other and that was the one thing that I knew about myself – I couldn't trust the person that I hang around with. I know I couldn't trust that person because that person could stab you right in the back." When he finally left the gang, he said, it was because of fear. After leaving the gang, he finally began to identify who he was and to grasp his needs and wants.
- Jails and prisons, such as the Youth Center and the Remand Center in Winnipeg, are a place where gangs recruit. Many of our community members who are incarcerated have joined gangs in jail simply because they are scared not to.
- Gangs spread by migration. For example, if one community member starts going out with a gang member, the gang member may start recruiting in the community.
- Gangs and drugs have become an epidemic in our communities. In some communities, gangs are intergenerational or involve several members of the same family. Crack addiction is a serious problem in many communities, and group members expressed concern about the number of babies being born to mothers who are crack-addicted. Group members spoke of a Chief and Council members who are selling or using crack.

For example, a band councillor at Nelson House First Nation was recently arrested for using crack and was subsequently kicked off the Council. Incidents such as this raise the profile of crack-use in First Nation communities and feed discriminatory perceptions of First Nations communities.

- Group members feel that it is very easy and very profitable to bring drugs or alcohol into our First Nation communities. In remote communities, dealers and bootleggers can charge very high prices and get very high profits. Group members noted dealing and bootlegging are driven by poverty. People sell drugs or alcohol so that they can have cash in their pockets and people buy drugs and alcohol to escape reality and hopelessness. This may lead to other crime in the communities, such as break and enters by people who need or want money for drugs.
- One group member observed that their community includes members of two different gangs. In spite of the rivalry and territorial conflicts that typically occur between gangs in the city, when these people are on the Reserve, they call a truce. He thinks the truce happens because people living on Reserves have grown up with each other, so “it is all put behind them, because you are not going to hurt somebody that you spent all your life getting to know. It is just like hurting your dad or your best dog.” He added, “That is why families are so important, because when it comes back to the reserve, they are all close knit.”
- It can be very hard for our community members who are gang-involved to get out of the gang. A group member shared the story of her brother, who was forced to join a gang while he was in jail. Her brother was convinced that if he did not join the gang, he would be killed. Now, her brother is out of jail and in hiding, unable to see his four children. He believes now that, if he comes back, he will be killed by another gang member. When she asked if anyone could explain why our brothers are doing that to each other in the name of brotherhood, an ex-gang member in the group explained that, “Our brothers are doing that to each other because it is a code that we wear and when you join, you stick to that crew.” He advised her that it is unlikely that the gang will go out and search for her brother. When he wanted to get out, he spoke to someone in the gang and explained that he no longer belonged in the gang. He spoke from his heart: “I needed to get out of this life. I have two kids and I want a career. I want a life. I want to stand on my own two feet. I don’t want to hide behind you. I don’t want to be doing

the things that you do anymore. I just want to go.” He managed to leave (as did his brother-in-law) and believes that most gang-members want to see the people who leave the gang have a good life. He commented that the gangs are not afraid of people leaving because they might rat on the gang. They are afraid of people leaving because, “There is only so many [gang members] and if we lose one, that is just one less, and they lose power.” An Elder later added that, when someone leaves a gang, they are, in effect, making a commitment that they will no longer be involved in the kinds of criminal activities that the gang is involved in. If they break that promise, then they will “hear about it” from the members of their former gang.

- The group discussed the roles of women who are connected to gangs. They noted that traditionally, women had decision-making roles and responsibilities in our communities. These traditional roles were displaced during colonization. SCO has conducted a research project with women who are gang-connected. None of the women identified as gang members. They were either “old ladies”, “bitches” or “ho’s”. “Old ladies” are women that have relationships with gang members. They adhere to a code of ethics in which they, as mothers, do not do drugs. “Bitches” are women that gang-involved men cheat with and “ho’s” are the women who are put out on the streets to work as prostitutes. In gang reality, there is a hierarchy of women. The mothers of gang-members’ children are revered and respected to some extent.
- Group members also talked about the roles of men in our communities. “As a society, we have kind of accepted single mothers. Where are our men? What are their roles as caregivers, as warriors or whatever you want to term it? How come it has become the norm... for men not to be involved in their children’s lives?” A father in the group responded that, in his relationship with the mother of his children, what was missing was communication. He left, he feels, because he was a coward and could not own up to his responsibilities. At the time, he was young, immature and gang-involved. Today, however, his kids are back in his life and he has developed a friendship with their mother. Another man in the group told the story of his separation from his wife. He left out of frustration with his wife, who was involved with alcohol and drugs. Child and Family Services and the court system, however, assumed that he was at fault, gave his wife custody and required him to pay child support. Eventually, however, his ex-wife brought the children to him. He pointed out that there are very few supports available to men who are single parents. Another group member noted that welfare has

had a destructive effect on our families: “I have known men who have to leave because welfare said, ‘Have you got a man in the house? If he is in that house, [you can’t have] your cheque.’” Much later in the discussion, a group member raised the issue of men who stay with the women they have had children with because they are receiving Family Allowance. She feels that these men are living off their children. Another group member cautioned that we should avoid taking a men vs. women position: “Our men need to be healed and our women need to be healed because we need each other.”

- Children and youth who are in the care of CFS often have very little continuity in the services they receive. They may be moved and have a different worker each month, which makes it hard for them to develop stable, trusting relationships.
- Children who are moved from home to home may become institutionalized – if they eventually end up in jail, it may feel almost like home to them. One group member remarked that, for some Aboriginal youth, jail doesn’t feel like such a bad place, because, “In there, they have more than what they have out here, because in there, they are something and out here they are nothing.” Another group member added that, “When you’re in an institution, that becomes your family – that is all who you know, your friends, your brothers, your sisters ... because you don’t have anything else.”
- Our youth who have been incarcerated are often forgotten about. They may lose their positive connections with people, including family members who are embarrassed by them. The loss of connection to family is particularly devastating. As Judge Sinclair suggested earlier, we need to remember that our community members who are in jail (or in the care of CFS) are somebody’s child, brother or sister. We need to remember that gang-involved youth are children who have the same needs as other children – they need to be loved. We need to get beyond our fear, reach out to them as people and recognize the goodness in them.
- Social workers have high rates of burnout and are often frustrated by CFS failure to focus on prevention rather than intervention. Additionally, as one group member observed, “We know when someone is coming to supposedly help us who can’t run their own lives.”

- The current devolution of social services and establishment of independent Aboriginal social service agencies may help to resolve some of the problems with CFS. The new agencies are expected to include a high proportion of Aboriginal workers.
- We need to start educating children about gangs at a young age, before they begin to romanticize gangs. Group members recommended that SCO develop a gang-awareness training model or workshop similar to the Assembly of Manitoba Chief's certified ASIST training.<sup>4</sup> It would be important to get input on the curriculum and training from people with different backgrounds.
- A group member who was once gang-involved cautioned that, for a program that targets people who are gang-involved to succeed, it must come from the heart: "Programs that I received when I was incarcerated, I got them from people that did it from the book, that didn't even understand where I was coming from... There didn't even know who I was – or they thought they did, but you know what? I figured it out – they didn't figure it out."
- We can draw youth away from gangs by offering them some of the positive things they find in gangs. One group member explained how the group of friends he had as a youth evolved into a gang. "It was just a bunch of our friends together who happened to get into trouble at social event. Next thing that you know, schools wanted to try to take us down and hence, one night we were called the West End Boyz. That led onto fights, trouble, the affiliation, making money and getting into all that stuff." He knows that gangs are bad, but also recognizes that some things about gangs are good. "Gangs attract people that need a family, that need the togetherness. It is a powerful system where you are treated with a certain respect because of that affiliation... A lot of these kids who come from outside the cities into the cities, they are feeling abandonment from being away from home. They have no where else to go but to the brotherhood-in-arms. You are accepted because you're a brother. You are of the same kind... You tend to do what they do, because that is the new family." He thinks that the best way to intervene in gangs is to use the same things that a gang offers – to provide a sense of brotherhood and affiliation, to bring together people from the same upbringing, the same neighbourhood, the same toughness, in the same clubhouse atmosphere – to create

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<sup>4</sup> Applied Suicide Intervention Skills Training is a widely-used suicide intervention training program. Participants learn how to recognize risk and to prevent the immediate risk of suicide.

a viable positive alternative to gangs. In his case, he left the gangs after he got involved in acting through a theatre group at the Freight House. He envisions a similar project for youth today, a place where kids can go to hang out and connect with their community, that has a clubhouse atmosphere, that provides opportunities to participate in recreation and the arts, but also can be a place where youth are comfortable just to chill and chat.

- We need to educate ourselves about gangs and be aware of things like the different gangs in our communities, gang culture, gang belief systems, how people get out and how we can help people who are gang-involved. Today, because we don't have that kind of knowledge, we typically react to the idea that there might be gangs in our communities with fear and denial – until it affects us personally. Having knowledge will empower us, as individuals and as communities, to be proactive rather than reactive and strengthen our ability to prevent gangs from taking hold in our communities.
- Group members suggested a tool kit or education package be designed for communities that will help them educate community members and prevent gang activity.
- We need to work to break the romantic image of gangs. For example, if people talk about gang-members as their “brothers” or people who have “got my back”, we should call them on it.
- Many of the issues and problems in our communities, such as justice, family services, health and poverty, are interlinked and we cannot address them in isolation. We need to work together to resolve them. As one group member pointed out, as long as we are dependent on welfare, not fighting for our rights, on crack or pot, or addicted to sex, “we are not challenging the system and we are not claiming our rightful place in our land.” Another participant responded that she had heard people talking about “how we are actually products and how they actually make money off of us because we go into corrections. If they actually put more money towards prevention, then they wouldn't have this system anymore. It is almost like... they don't want us to clean up.” She suggested that we need to start strategizing about how we can educate our people to understand that we are better than that and that we can beat the system.
- One group member suggested that poverty may be the root of all the problems our people and communities face. She feels that we are poor because we do not have

control over or the rights to use the resources in our own Nations. Another group member later observed that, in her home community, everyone gets welfare, because the community has no jobs and no economic base.

- The media – in both pictures and words – almost always presents a negative view of Aboriginal people. For example, the Winnipeg Sun prints a 10 Most Wanted feature every week. Typically nine of the ten featured criminals are Aboriginal people. This kind of representation of Aboriginal people in the media contributes to racism. Media representatives who have been asked about this typically say that they are just doing their jobs – and, as one group member commented, they will write whatever will make a profit for the paper. Bias appeared in coverage of the recent police shooting of Matthew Dumas, an 18-year old boy. In coverage immediately following the shooting, he was described as a knife-wielding youth. In fact, he was holding a screwdriver.
- We need to help our youth become empowered, by being honest about the racism they are subject to and helping them to develop strategies to counter it. For example, we can help them learn how to be respectful. We also need to show them that, as Judge Sinclair stated earlier, “There is more to being an Indian than being brown.”
- Spirituality is a crucial part of healing. The residential school experience and other aspects of colonization took spirituality away from many of our people. People need to be in touch with and believe in their own spiritual power. In research conducted by SCO, many people who had been gang members or had been involved with the criminal justice system talked about how finding a spiritual connection helped them to make positive changes. As one group member observed, “At times when we don’t have jobs... have nothing in the bank, not much food in the cupboard ... you have one thing that will pull you through and that is knowing that on this earth, it is not the be all and end all. It is just a small part of time.” We need to help each other learn about and practice our spirituality by, for example, inviting people to sweats.
- An Elder who has worked extensively in correctional facilities spoke of the importance of respect. He related a story about a sweat he led for men who were incarcerated at Headingley. He caught a few of the men throwing hot rocks at the junior men. He demanded that they stop and asked them to apologize. He asked them to respect that place because once you start respecting something, you are going to respect yourself.

Another group member pointed out that we need to make sure that youth understand what we mean by “respect.” In gangs, people get respect by scaring other people and taking their power from them. Other youth may have, for example, asked their father “Why are you drinking?”, got a backhand across the face and been told, “Have respect for your elders!”

- Traditionally, our community members treated our Elders with respect and honoured and took care of them. Today, many of our Elders cannot meet their own basic needs. A group member pointed out that, for some, when they get their monthly cheques, their children take their money. We need to respect our Elders and actively support them. For example, we need to find the money to give Elders appropriate honorariums for the work they do.
- We need our own schools where we can ensure that curriculum provides our youth with the skills and information they need and deserve (e.g., history and current affairs content that is about Aboriginal people; language classes), taught in a way that values and honours them. A teacher who works at a First Nation school explained that, “With my students, I say to myself, ‘This is someone’s baby,’... I think to myself, ‘How would I want this teacher to treat my baby?’ and that is how I treat them.
- A group member later returned to the idea of “atmosphere,” which he feels is crucial to what young people today are experiencing. He does not want his children to ever have to experience the atmosphere he experienced growing up – they will never have to jump out the window or hide from him. As an adult, he recognizes the damage that atmosphere did to him and is doing to other children today. He feels that we need to look after what is going on in your own life so that your children grow in a healthy atmosphere. We also need to think about the atmosphere in our communities. In his home community, they used to have a drop-in center that was much needed and well-used by youth. It closed, however, because the community did not actively support it. Our leaders, he feels, need to have a better understanding of what young people in their communities are going through.
- Natural laws, one group member observed, don’t cost money. With guidance from our natural law, we can start to make changes now: “We really like blaming people and society and society structures, but the only way to stop the cycle is to stop it in our own

homes... If a couple of people made the decision ... I am not going to hit my wife anymore – and from there it just goes on and one to more and more better things. But it starts with a couple of decisions within the home.”

### SCO'S KEY AREAS FOR ACTION ON GANGS

- ☑ Gangs and drugs have become an epidemic in our communities.
- ☑ Youth often do not understand what they are getting into when they join a gang. We need to educate our children about gangs, starting at an early age, before they develop romantic ideas about gangs or become convinced that gangs are cool.
- ☑ SCO should develop gang-awareness training and materials. To be effective, the training and materials need to “come from the heart” and address the realities of gang life.
- ☑ It is very hard for our community members who are gang-involved to get out of the gang. Many are afraid to leave.
- ☑ We need to acknowledge the effects that colonialism has had on the relationships between men and women in our community. We need to restore the respect that was extended to women and the decision-making roles they had in our traditional communities. We need to provide men with more support to make positive choices, especially as parents. We need to avoid taking a men vs. women position, and help both men and women to heal.
- ☑ Children and youth who are in the care of CFS need supports that are more consistent and more relevant than what they are receiving now. Ideally, they should have one worker in all their interactions with CFS. CFS should focus on prevention, rather than intervention. These issues may be addressed more effectively by the new independent Aboriginal social service agencies.
- ☑ We need to stay connected with our youth and other community members who are gang-involved or incarcerated, reach out to them and recognize the goodness in them.
- ☑ We need to educate ourselves about gangs so that, rather than reacting to them with fear and denial, we can be proactive.
- ☑ The best way to intervene in gangs may be to present positive alternatives that offer the same things that a gang offers – a sense of brotherhood and affiliation, involvement from people who have had similar experiences and a clubhouse atmosphere.

*(continued)*

**SCO'S KEY AREAS FOR ACTION ON GANGS (*continued*)**

- Many of the issues and problems in our communities, such as justice, family services, health and poverty, are inter-related. We should work together to develop approaches that address them as a group, rather than attempt to address them one-by-one.
- The media often misrepresents our people, which contributes to racism and stereotypes. We need to be aware of this and challenge the media to be positive and truthful about our people and communities.
- We need to help our youth to empower themselves by helping them to develop strategies to counter racism and to understand that "There is more to being an Indian than being brown."
- Spirituality is a crucial part of healing. We need to help each other to learn about and practice our spirituality.
- Our Elders traditionally were treated with respect, honoured and taken care of. This is no longer true. We need to show our respect for them, actively support them and acknowledge the contributions they make to our communities.
- We need our own schools where we can ensure that curriculum that meets the needs of our youth is provided and that it is taught in a way that values and honours them.
- Our leaders need to be aware of what young people in their communities are going through.
- We need to stop the cycle of violence in our communities by starting in our own homes. As individuals, we need to make personal decisions not to be violent.

## **MANITOBA KEEWATINOWI OKIMAKANAK**

Elders in the group shared their views about gangs:

- People don't just wake up one day and say, "I'm going to be in a gang." There's a driving force in gangs. Youth want to be part of something and often idolize power.
- Police officers are often too judgmental and confuse fashion with gangsters. This creates tension between police officers and youth.
- We need to dismantle gangs before they start. Chiefs and Council should create by-laws that punish gang activity. People will think twice about joining a gang if they know they'll be banned from their community.
- An Elder mentioned that he sometimes voluntarily patrols the streets late at night on welfare and family allowance days. He is trying to make his community safer and prevent a tragedy. A youth who, along with his friends, was getting a ride home from him asked him why he does this patrolling. When he answered that it was because he cares, the youth replied, "I never figured that people cared for us."
- Where can community members go for help?
- Band constables don't get paid for training, so training is not a priority for them.
- Some of our communities (including those that really need it) do not have drug units in their police forces.
- Television is having negative influences on our youth and children
- Research should be done in our communities about parenting to find out how much time parents spend with their children. Parents need to take back the responsibility to parent and teach our children. Involvement in community activities and recreation should not replace parenting.
- Parents often become defensive when talking about disciplining their children. Elders should talk to parents about this.

- We should establish Parent Councils in our communities.
- There needs to be give and take between parents and teachers and they should work together to provide positive programming and activities. Parents should stop blaming teachers for their children's behaviours.
- Gangs are having impacts on our schools, including intimidation. Elders should offer presentations in schools.
- Native studies should be incorporated into the Manitoba middle school curriculum.
- We need to educate children about gangs while they are still young – high school is too late.

The youth in the group offered their views on gangs:

- Potential gang members are looking for a functional family instead of a dysfunctional one. Too many of our youth and children are crying for belonging.
- One youth in our group formed a gang because of poverty and lack of care and attention from his family. As a sixteen year old, he felt good to be a leader of older men. By the time he was 17, he was a drug addict. When he eventually understood the consequences that his negative actions were having on people, he felt ashamed. Soon after, he stopped selling or doing drugs because he had fallen in love. It took a one year transition period for him to quit.
- Gangs have power because of drugs.
- Drugs are seeping into the north. Even “respectable” community members are drug users, with other community members fully aware.
- There are gang members on some of our police forces. What kind of example is that?
- What proactive approaches to gangs can we take at a community or provincial level? How or what measures are effective to break the cycle of gangs? It is important to provide positive programming and activities for people. Opening a youth centre is a good start towards positive alternatives.

- Children and youth need to be involved in their parents' lives. Parents can have the biggest role in preventing gang-involvement.
- There should be crack and cocaine healing facilities in our communities for users who want to quit.
- People need to be helped if that's what they are looking for. We need to talk to our youth who are gang-involved about gangs. Most of them want to get out.
- We need to reach out to people who use and show them that we really care.
- We need to confront people who use drugs – this makes them think about what they really want.
- Youth need to have someone they can trust and talk to, preferably one on one. People who counsel youth must respect their confidentiality.
- You have to help yourself and believe in yourself to change.
- Culture brings people back into reality, into living life and enjoying it.

**MKO'S KEY AREAS FOR ACTION ON GANGS**

- Youth join gangs for a reason. We need to address those reasons.
- We need to educate our children about gangs while they are still young.
- Our youth need to be able to talk to someone they can trust and who will respect their confidentiality.
- Our youth need recreation centres in their communities.
- Gangs have power because of drugs. We need to have treatment facilities in our communities to help people quit using drugs. We also need to be ready to talk to people who are using and show them that we really care.
- Band police officers need more training and, where appropriate, our police forces should include a drug unit.
- Police officers should not assume that youth are gang-involved because of the clothing they wear.
- We should consider developing community by-laws that prohibit gang-activity.
- We can take responsibility as individuals to patrol our own community members.
- Parents need to be actively involved in their children's lives, including being involved with their schools.
- Elders should speak with parents and at schools to help our communities deal with gangs.
- Those of us who want to change need to help ourselves and believe in ourselves.
- Culture brings us strength.

## **Panel Discussion: Probations and Customary Law**

**Presenters: Charlene Lafreniere, Elder Norman Fleury, Elder Calvin Pompana & Elder Leonard York; Moderator: Nahanni Fontaine**

*Norman Fleury is the Director of the MMF Michif Languages Program and the National Co-chair of the Metis National Council's Language Revitalization Program. Norman credits his 101-year-old mother and her mother with teaching him the importance of the Michif language. "My grandmother looked at our language as a spiritual language, a God-given language." Norman took teacher's training through Brandon University and has worked as Director of Dakota Ojibway Tribal Council's drug and alcohol abuse program, a health liaison and a Life Skills Coach. He has served the MMF in various capacities and has been on the Advisory Board of the Aboriginal Court Work Program. Norman speaks seven of the Aboriginal languages common to the Metis. He has authored and contributed to several language and cultural resources, including The Canadian Michif Language Dictionary (2000) and the Learn Michif language CD (2004).*

*Calvin Pompana is a Dakota Elder who works to enhance awareness and respect for Aboriginal traditions within the Aboriginal and non-Aboriginal communities. He strives to empower individuals to believe in themselves. As a consultant in Holistic Aboriginal Spirituality, Calvin has facilitated and coordinated several events and workshops such as Taking Action Against Hate, Indigenous Tribal Village, and the Red Road Program, partnered with the University of Winnipeg, Children of Earth High School, Stony Mountain Penitentiary, and the Indian and Metis Friendship Centre. In addition, Calvin is a Coordinator (Sun Dance Chief) of five Sun Dances at Birds Hill Park and has facilitated cross-cultural awareness workshops for a variety of schools, businesses and associations across Manitoba.*

*Leonard T. York was born and raised at the #17 Indian Reserve Norway House, Manitoba and has lived in various Northern Manitoba and First Nations Communities. He went through the residential schools system at Birtle, Manitoba – where he "got processed and came out fully programmed." This experience interfered with his identity as a First Nations person and affected his relationships with his immediate family and community. For the past thirty years, Leonard has struggled to regain his identity and culture. In the early 1970's, he was appointed Vice President to the Manitoba Indian Brotherhood and became a Ground Councillor to the Four Nations Confederacy of Manitoba. He helped set up the Northern Lights radio program in Northern Manitoba in the late 1960's and mid 1970's and later worked with Native Communications Inc. Leonard is presently an active member of the Norway House Cree Nation Elder's Council and the Assembly of Manitoba Chiefs Elder's Council. Leonard is one of the Elders for the Manitoba Keewatinowi Okimakanak and has worked with MKO on numerous occasions.*

*NOTE: Charlene Lafreniere's biography is presented in Workshop 1.*

**Charlene Lafreniere** opened the panel discussion with a crucial question about the devolution of probation services in Manitoba: How can we bring the old ways and the old teachings into today? Currently, Aboriginal organizations are negotiating with the Province of Manitoba to establish three new autonomous probation systems, two that will serve First Nation peoples and one that will serve Metis people. The goal of these negotiations is not simply to “turn probation systems brown” by putting the same old systems and agencies under First Nation and Metis control. What we want are new agencies and systems that are rooted in and reflect what our people know about customary law and ethics.

The new Aboriginal probation systems will bring a wide range of services under First Nation and Metis control, including:

- Youth justice
- Supervision of probation and orders
- Conditional sentencing
- Community service
- Attendance orders
- Bail orders
- Fine options
- Extra-judicial sanctions
- Open custody homes
- Intensive supervision and support
- Domestic violence intervention programs
- Cultural programs
- Addictions management
- Anger management
- Administrative support
- Records management

Charlene is confident that we can develop systems that incorporate customary laws and ethics and that are capable of delivering the services above, especially if we focus on the intent (rather than just the names) of the services. Our leaders have fought for years to get justice for Aboriginal peoples. The government established the Aboriginal Justice Inquiry in 1988 in response to pressure from our leadership. Our organizations have also passed resolutions to get the justice system to work with us and to reflect our cultures. At this conference, our Elders have come to help us with this task by sharing teachings that will help us understand how to incorporate customary laws into the new probation systems and services.

**Elder Calvin Pompana** stated that correctional services keeps its people employed at the misery of our people who are in jail. In his experience, it is very hard to work in the correctional experiences. As an Elder, he advocates for people who are in penal institutions. For example, he explains to people that they have the right to speak their own language if they want to and that no

one can take that right from them. He believes that we will get our languages back and tells young people that if they learn one word a day, they will know 365 words in a year.

Elder Pompana reminded participants that all of us, wherever we are, are looking for balance and stability. As members of the founding Nations of this province, each of us has and will experience discrimination to some extent, including from our own people and relatives. The roots of this discrimination were planted a long time ago. Discrimination occurs today in every Metis and First Nation community and will continue until we take action to resolve it. Those of us who are older may not be able to resolve this issue, but, Elder Pompana believes, our younger people may be willing to forget and start mending the sacred hoop of life that encompasses our physical, emotional, mental and spiritual ways of being.

The hoop of life was given to us in many different ways. Elder Pompana told the story of the White Buffalo Calf Spirit Woman. Before contact, our people shared the Central Plains with an ocean of buffalo. At that time, we were totally dependant on the buffalo for our food, clothing and tools – “The buffalo was like Wal-Mart!” When our people needed them, teachings came in the form of a White Buffalo Calf Spirit Woman, who brought the pipe to our people. We also received a prophecy that the White Buffalo would return and, in 1994, it was reborn in Wisconsin. When the buffalo was first born, it was unusually large and black. It lowered itself and rolled, turning red, then yellow and finally white. The people were scared by the buffalo. Children were crying and the old people were trying to comfort them. At that moment, the big white buffalo turned into a little white buffalo calf and there was no more fear. The calf came amongst the people and turned into a White Buffalo Spirit Woman. Today, we honour the buffalo. It is sacred to us because it brought us teachings that we can use, wherever and whenever. Today, many of our people are learning ceremonies in jail.

Elder Pompana feels strongly that we need to “put an Aboriginal flavour into [probationary] services” and that we need to have our own people providing these services. Elder Pompana pointed out that, although 400 of the 500 people incarcerated at Headingley are Aboriginal, the guards there are not. Why, he asked, is the government closing down rehabilitation facilities at Egg Lake and Bannock Point at the same time as it is considering building a \$30-million institution to house women? He is glad that our leaders are speaking out on these issues and have committed to help change things. He hopes that the recommendations developed at the conference will empower our people so that they don’t need these services anymore. He urged us

to educate parents and other people to take responsibility for what is getting our children into trouble.

**Elder Norman Fleury** has been an advocate for Aboriginal people for many years. For generations, his family has been involved in the Aboriginal people's movement, from Riel's resistance in Batoche to today. The Metis people, he observed, have always made laws. He agrees with Justice Sinclair earlier statement that Aboriginal people's traditional laws reflect the natural laws of our earth. Elder Fleury feels that this conference, which brings First Nations and Metis Nations together, is a milestone event because it brings us together to work on solutions to the problems we face.

Elder Fleury grew up in an era when people still had their old ways. The only modes of transportation were horse and wagon and sleighs. Because horses were important to our livelihood, people had great respect for them and some still see the horse (and the buffalo) as powerful spirits. His family respected the traditional laws of the land and, as a little boy, he learned to hunt and collect medicines with his grandmother. He was taught not to play with rabbits because, if you didn't respect their spirit, you would have bad luck. He learned that you could touch some things and other things you didn't. He learned not to ask questions because too many questions can destroy things. It is better to respect the mysteries and knowledge of the people.

Elder Fleury grew up as part of a clan/family system. "You knew who your relatives were and always addressed family as your cousins." This practice ensured that the law of respect was maintained in the community. There were also powerful maternal and paternal laws, stories and legends that helped maintain control in the community. Some of these stories were to be told only in the wintertime, never in the summer. As Metis people, his family followed the laws of the hunt. In keeping with these laws, when he first successfully hunted an animal, his grandmother had a feast.

These laws existed when Elder Fleury was young, but were lost to many people and communities as he grew up. Communal laws and work ethics were lost because people moved around. To stay employed, people had to go where there was work that could support their families. The European laws that were introduced were very different than the customary laws and they brought imbalance. Community members no longer had control.

Elder Fleury has travelled all over and is always interested in the history of the communities and people he meets. He often visits Elders and hears their stories and songs. One family he visits hunts and they always send him home with meat for his mother, an Elder. Honouring people in this way reflects the customary law that, even when we think we can't afford to, we should share.

Before the confederation of Canada, the Metis Nation had many laws in place, like the laws of the land and the laws of the buffalo, that maintained respect in communities and kept people together. In many communities, the hunt was controlled by the captains of the hunt and there was a penalty if people hunted before they were told to. The systems of justice that were in place at that time had been developed by the people and for the people and they worked. We must be allowed to do that again. When we do, we will see positive changes in statistics relating to crime.

Today, the Metis Justice system is being revitalized and we are seeing positive developments around family services, hunting and in other areas. We need to be part of the criminal justice process and control what's happening for Metis people. The youth, Elder Fleury believes, are the most important people in our families and communities. They are our future. "The MMF started when I was a youth," Elder Fleury stated, "They believed in me and were building a future for me. That's why I'm still there today." Our leaders, he pointed out, were put there by our own people and, because of that, we should respect them. Reverse discrimination, coming from within our own communities, is harder to face – and hurts us more – than the direct discrimination that comes from the non-Aboriginal community. We need to work through our differences to build solid ground.

Elder Fleury asked that we give youth a role to play within our communities, to preserve and learn our laws and put them into proper perspective. We need to recognize our local heroes (by, for example, giving tobacco to signal our respect) and share our stories and legends. We need to take interest in our youth, instead of running away from them when they get into trouble. By becoming lawyers, magistrates and judges, we can get into positions where we can influence outcomes in the justice system.

Elder Fleury's message is that we need to continue to work together as Aboriginal people and work together more often. We often hear about problems, but we need to start talking about the positive things in our communities. We need to find the models and mentors in our communities and show who we are and what we have done.

**Elder Leonard York** affirmed that, long before the coming of the Europeans, our First Nations had developed systems that supported our survival. Man-made laws identified roles and conduct for the people that supported their safety and security. These laws were built upon seven teachings:

- The wisdom that we discover through our journey in life. It can be heard in every sound and seen in all things.
- Respect, which must come from within and cannot be demanded. Respect must be earned and freely given from the goodness of our hearts.
- Love, a feeling that knows no bounds. Give it, accept it and feel its power.
- Humility, which requires us not to place ourselves above others.
- Honesty, so that we keep our lives simple and speak the truth.
- Courage, so that we are not afraid of what is difficult
- Truth, which we should understand, speak and live by.

These teachings are simple and Elder York sees no reason we can't live by them.

Elder York feels that respect (including respect for mother earth) is the foundation of traditional laws. Both sides of his family were instrumental in promoting these teachings. His father and grandfather helped him to understand the law of respect and his mother and grandmothers taught him about the laws of honesty and truth. Based on those teachings, he understood the laws of nature. He has always had a deep respect for the wilderness. It provides for many of his needs: "I go into the bush and I shop at my grocery store, pharmacy, hardware store. It is also my church."

"The onus of the law falls on the shoulders of each and every one of us," Elder York stated. "We are a collective group – what happens to one of us happens to the whole tribe." As such, each and every one of us is responsible to administer, adhere to, look after and carry the law. Survival was – and still is – very important to our people. Traditionally, our laws were made up by the grandmothers and mothers. The Chief and Council then took these laws and 'made' them laws. After that, it was up to every member of the community to ensure that the laws were adhered to. If an offence occurred to any single person, then the offence was done to the whole group. For survival, every group member needed to make sure that everyone was good.

Elder York identified an urgent need in our society: Each of us needs to recognize that we have a responsibility to uphold and conduct ourselves in a way that ensures the safety and security of our entire group. "We cannot depend upon governments to provide us with the answer. We have

become dependent on outside influences to a point where we can't do anything by ourselves. It's time we tried to do things ourselves."

After Elder York had spoken, Nahanni opened the floor to questions and comments.

A participant thanked the Elders for the historical information they had provided, and then asked the panel to speak about where we should go next. She wondered about how we will be able to regroup ourselves when we have such a large urban population and live with laws and election processes that have instilled a lot of conflict. How can we earn respect again in our communities or bring back an agreement to walk the road together with our visitors that our resources and land will be the source of a good life for all? We are the First People but seem to be the last. How can we start running with what we have or continue with talks such as these? We are all similar and we are all related. What's our next step?

Elder York observed that the first step we need to take has already happened: The young people are here with our Elders. We have always placed our youth in a position of expectation, saying that they are our future and that we expect nothing but the best for our future. That is a lot of expectation to place on anyone. At this gathering, however, the Elders and youth have agreed to walk together and see what they can learn from each other.

Elder York also noted that, as Aboriginal people, we always talk about culture. The foundation and base of any culture is language. "How can you understand the fundamentals of any culture if you do not understand its language?", he asked. "We need to teach our young people their languages." He also reminded participants that our treaties have been abused. When we, as First Nations and Metis people, signed treaties, we understood that the spirit and intent of the treaties was an agreement to live in peaceful co-existence and share resources with our visitors. That understanding has not been honoured and the treaties have taken the form of the Indian Act, which Elder York described as "the most racist policy ever – a policy and procedure manual on how to deal with the Indians." Elder York hopes that the establishment of a Treaty Commissioner's office in Manitoba will give our people the confidence to stand up for our interpretation of the treaties. "We never gave up or lost this land. The only reason we live on reserves was to facilitate promises that the queen made to us to provide services. It was easier to deliver those services if we lived on small parcels of land. Those parcels have become areas of imprisonment."

Elder Fleury remarked that, prior to 1870, the Metis people had a strong nation, founded on our Elders. Although we were weakened when our nationhood and leadership were taken away from us, we continued to believe in our powers and our Nation and maintained our spirituality as a strong foundation. He grew up in a family that knew who they were, knew their roots, was proud of where they came from and walked with their heads up. Some people, he noted, left our communities and denied who they were because they believed the stereotypes circulated about Aboriginal people. Today, we need to work together and include everyone (from the grassroots to politicians) in our activities. When he participates in consultations such as the Roundtable Discussions about accountability, he always refers the group to the people back home. If it doesn't begin there, you're lost, he advised. He encouraged our communities to unite, offering the example of the Brandon Council of Elders, which includes both urban and rural people.

Elder Pompana also spoke about treaties. When we talk about traditional use and occupation of land, we should remember that, pre-contact, we had treaties between each other. When the Europeans promised peaceful occupancy and usage of land, we believed them and made treaties, agreements made with our pipes. As Indigenous people, Elder Pompana stated, we remain committed and are still trying to keep our part of those agreements. When we use a pipe, we are making a commitment to the Creator. Any commitment made with a pipe – including the commitments made in the treaties – last as long as the river flows. The original spirit and intent of the treaties (peaceful occupancy and usage of land) remains and should be honoured. Today, however, we must spend much of our time trying to educate people who do not understand those agreements.

A participant asked the Elders to comment on the possibilities of developing a parallel justice system. Elder Pompana feels that, “All the processes and agreements are there already. We just have to make them so they work for us.” He suggested that because, as he had stated earlier, the government profits from our misery, it will be easier for us to make the necessary changes than it will be for the government to do that. In his experience, “the government of the day speaks in good terms when they're in Indian country, but as soon as they leave, they go back to who they are and don't follow through.” He is convinced, though, that “The chiefs are going to make them follow through, for the benefit of our people and our young people in particular.”

Elder York emphasized the importance of ensuring that the process of setting up a parallel justice system starts with the seven sacred teachings. “How could you go wrong if you follow those?” He pointed out that the established roles and duties of each department or position within the

conventional justice system are, in fact, a matter of interpretation and that we can also interpret them from our perspective as First Nations and Metis people and communities. He believes that we need to approach the appropriate departments and convince them that we, as voters, want those roles and duties to be interpreted in the right way: “We have allowed bureaucrats to dictate and make the interpretations about what it’s supposed to stand for. We need to begin that process ourselves.”

Nahanni Fontaine added that we need to have a balance. “We are overrepresented at the wrong end of the system. We need to be not just the victims of the criminal justice system. We have to educate our people, using our traditions, introduce those systems and work in partnership with others to wipe away the injustices of long ago and create a true justice system for all of us.

A youth participant asked why it takes so long for change to happen. She has noticed that white people do things very quickly, but we seem to need to do things over and over again. Elder York acknowledged that this is an important question for youth and one that he could respond to in many different ways. What he chose to say, however, was that because the youth are our future, we spend a lot of time preparing them for adulthood and later to be Elders: “When I was young, I was very impatient and wanted things to happen now. I became very bothered listening to old people sit around and say things. Why didn’t they get up and do something about it? Now, I understand that they weren’t telling us what to do – they were showing us.” Elder Pompana added that we need support from each and every one here to go back to their communities and get things done. He also asked participants to commit to another meeting in six months. “Six months is not long in our minds,” he stated, “but it is for people in jail and people on the streets who keep getting picked up.” He recommended that the money that is now being spent on keeping people in jail should be put into treatment and intervention. This would save money for the government and bring money and health into our own communities.

Elder Fleury feels that patience will pay off. “With the power of the Creator and our greater power, we’re gathered here today. We’re with good people, good presence, our leaders, friends and families, different nations at home with each other. We have good momentum and if we continue, we’ll get to our destination very soon... In 1884, our leader was hung for treason. It has taken us a long time to regroup, but all the time we’ve taken has been worthwhile.”

Charlene advised that, “As young people, we’re used to being told what to do and we forget what we want to do. Start doing things on your own – don’t wait for the government or for the adults

to pay attention to us. We have to jump right up beside them and sit with them.” She suggested that the young woman should start going to meetings of the MMF or Chief and Council – eventually, she will find her role. This weekend, she said, had helped her remember that we can’t always look for the big things – we also need to look inside ourselves.

Elder York offered similar advice. He reminded the young woman of the important sacred teachings about respect, and asked her, as an individual, to carry that back to her community and see what she can do. He asked her to bring that respect to her community, people, self and ancestors. His final suggestion echoed Charlene’s comments: “Begin to involve yourself in any and all activities involving leadership. Don’t wait for anyone to say, ‘Get up – do this – go over there.’ Do it yourself. It’s no big sweat! Just take one step and the next will follow.”

### PRESENTERS' KEY AREAS FOR ACTION

- ☑ Aboriginal people, communities and leaders need to work together on solutions to the problems we face.
- ☑ We should strive to live by the seven sacred teachings: Wisdom, respect, love, humility, honesty, courage, and truth.
- ☑ Traditional/customary systems of justice, which had been developed by the people and for the people, worked. We need to do that again.
- ☑ We need to make the most of the resources and tools that are already in place.
- ☑ We need new criminal justice agencies and systems that are rooted in and reflect our customary law and ethics *and* that are capable of delivering the necessary range of services and programs.
- ☑ Aboriginal people should be employed at all levels in departments, organizations and agencies that administer and deliver criminal justice programs and services.
- ☑ Some of the money that is currently being spent to keep people in jail should be diverted to treatment and intervention.
- ☑ The original spirit and intent of the treaties (peaceful occupancy and usage of our traditional lands) has not been upheld. We need to demand that the government honour them.
- ☑ We experience discrimination both from non-Aboriginal people and from within our own communities. This will continue until we take action to resolve it.
- ☑ We need to find out from our community members what needs they have with respect to the criminal justice system and include all community members (from the grassroots to our leadership) in action that addresses these needs.
- ☑ We need to empower our people so that they don't need criminal justice programs or services.
- ☑ Each of us needs to assume responsibility for upholding and conducting ourselves in ways that ensure the safety and security of our entire group.
- ☑ Parents and other community members need a better understanding of how to take responsibility for why and how our children get into trouble
- ☑ We need to take interest in our youth – instead of running away from them – when they get have problems.
- ☑ We need to find role models and mentors for our youth.
- ☑ Our youth should not wait to be told what to do by their leaders. They should involve themselves in any and all activities that involve leadership in their communities.
- ☑ Our Elders and our youth have a lot to learn from each other. We need to support and encourage them to work together.
- ☑ Strengthening our cultures (by, for example, providing people with the resources to learn their traditional languages) will strengthen our communities.

## ***Recommendations for Action***

The recommendations below are drawn from and address the key areas for action identified in the presentations and breakout groups.

### **RECOMMENDATIONS FOR FAMILIES**

- RF1. Parents need to take responsibility for parenting and teaching their children. They need to show their children that they love them, by caring for them, providing them with discipline and direction and being actively involved in their lives. This is crucial for children's self-esteem, security and feeling of belonging.
- RF2. The parents of children and youth who are gang-involved or at risk of being gang-involved need to find ways to help their children. They need to acknowledge the problems their child is having, identify the resources, supports or actions they need to help their child and take action.
- RF3. Stopping the cycle of violence in Aboriginal communities begins in our own homes. As individuals, we need to make personal decisions not to be violent.
- RF4. Aboriginal Families need to maintain connections with family members who are gang-involved or incarcerated, and recognize the goodness in them and hold on to love and hope for them.

### **RECOMMENDATIONS FOR COMMUNITIES**

- RC1. Children need to be part of meaningful activities that will build their sense of self-worth, pride, appreciation and belonging. Communities should offer children and youth programming, activities and other opportunities for personal development and direction.
- RC2. Communities need to provide their youth with safe and appealing places for recreation and socialization, such as youth drop-in centres and recreation facilities. To compete with the sense of brotherhood and shared experience offered by gangs, these centres should have a "clubhouse" atmosphere.

- RC3. Communities should develop and support mentoring and role modelling programs for children and youth.
- RC4. Communities should develop gang-awareness and prevention programs for all community members, including children, youth and parents.
- RC5. Community members need to take active roles to support justice in their communities. We need to assume responsibility for upholding and conducting ourselves in ways that ensure the safety and security of our entire community. We cannot abandon or ignore community members who are in trouble. Each of us has an individual responsibility to reach out and help them. Communities also should develop Justice Committees that include Elders, youth, parents and other community members and incorporate mediation and conflict resolution.
- RC6. Gangs have power because of drugs. We need treatment facilities in our communities to help people quit using drugs.
- RC7. Culture brings us strength. Our leaders and other community members need to find more ways to support and strengthen culture (including language and spirituality) in our communities.

### **RECOMMENDATIONS FOR THE POLICE**

- RP1. Police officers need to become more respectful of, more positively involved in and more knowledgeable about the people and communities they serve. In turn, our community members should extend respect to the police and acknowledge the importance of the job they do in our communities.
- RP2. There should be equity between Aboriginal and non-Aboriginal police officers. Currently, Aboriginal police officers are often treated as inferior to non-Aboriginal police officers. Aboriginal police officers (particularly those who are part of on-Reserve police forces) need to be offered more training, to ensure that their skills – and the level of responsibility they can assume – are on par with non-Aboriginal police officers.
- RP3. Police forces need to ensure that police officers receive training that will enhance their abilities to serve Aboriginal people and communities. This should include

Aboriginal awareness training that provides a general overview of Aboriginal people and cultures and that includes a component focusing on the specific Aboriginal, First Nations and Metis people and communities that the officers will be serving.

## **RECOMMENDATIONS FOR THE CRIMINAL JUSTICE SYSTEM**

- RJ1. The current criminal justice system does not work for our people and communities. Both Metis people and First Nation people need independent justice systems that are rooted in their own customary law and that incorporate traditional justice practices and understandings.
- RJ2. The procedures and practices of the justice system should reflect the communities it is serving. In Aboriginal communities and in communities that include a large proportion of Aboriginal people, the justice system should incorporate the understandings and practices of Aboriginal customary law. The justice system should give parents, families, Elders and other community members more active roles in the system and include community-based responses such as holistic healing programs
- RJ3. The court system is inefficient and overly reliant on remands. The courts should avoid remands and try to take action to resolve cases more quickly and meaningfully.
- RJ4. Non-court responses are an effective and timely response to lesser offences and should become the norm in these cases. Community-based justice systems, for example, give youth an opportunity to be accountable and responsible for their actions.
- RJ5. Families are often the people most capable of helping a person change. The justice system needs to learn how to work with families and include them as a resource that the system draws upon.
- RJ6. We should not attempt to protect society by locking up people who have drug or alcohol problems. These people need and deserve to be helped – the justice system must provide them with treatment programs.
- RJ7. Departments, organizations and agencies that administer and deliver criminal justice programs and services should employ Aboriginal people at all levels.

- RJ8. Culturally appropriate supports should be available to Metis people who are involved in the criminal justice system. These supports should be distinct from those designed for First Nations peoples.
- RJ9. The justice system should provide a long-term continuum of supports to our community members who have been incarcerated and are re-entering our communities.

### **RECOMMENDATIONS FOR SOCIAL SERVICES**

- RS1. Social services agencies and workers should provide children, youth and families with the supports that they need to become and/or stay healthy. The focus of their work should be prevention, not intervention. They should help children, youth and families to develop the resources and skills they need to get out of the social services system.
- RS2. Children and youth who are in the care of Child and Family Services need supports that are more consistent and more relevant than what they are receiving now. Ideally, they should have one worker in all their interactions with CFS.
- RS3. Our youth need to be able to talk to people that they can trust. Workers at agencies that provide support services to youth need to respect their confidentiality.

### **RECOMMENDATIONS FOR THE EDUCATION SYSTEM**

- RE1. We need our own schools where we can ensure that curriculum that meets the needs of our youth is provided and that it is taught in a way that values and honours them.
- RE2. Our children need to know that there is more to being Aboriginal than being brown. Schools should ensure that Aboriginal children have opportunities to learn about and share their history, cultures, languages and spirituality. Schools can play a vital role in strengthening our cultures and traditions.
- RE3. Schools should create more opportunities for children and youth to learn from and be involved with our communities' Elders by, for example, inviting Elders to make presentations or to share their knowledge in other ways.

- RE4. Parents and other community members should become more involved in the schools, so that teachers can spend less time on discipline and more time on teaching.

### **RECOMMENDATIONS FOR BUSINESSES**

- RB1. The private sector of our communities should actively support youth by creating youth-friendly environments, offering employment to youth and supporting youth initiatives in our communities.
- RB2. The media needs to provide more accurate, responsible and unbiased coverage of Aboriginal people and communities. We need to challenge media representatives and outlets to stop misrepresenting us and to be more positive and truthful about our people and communities.

### **RECOMMENDATIONS FOR ABORIGINAL LEADERS**

- RL1. Aboriginal leaders and organizations should work together to address youth justice-related issues, including the root causes of crime, such as poverty, family breakdown, domestic violence, substance abuse, poor self-esteem and other effects of colonialism. Many of the problems in our communities are inter-related and can be best addressed by integrated approaches. Working together enhances our ability to develop creative, comprehensive and effective solutions and increases our leverage with government.
- RL2. When strategizing for youth crime prevention, our leaders need to keep their focus on the youth, listen to what they have to say and make sure that they have a good understanding of their needs.
- RL3. Aboriginal leaders need to work with their community members to develop an action plan to bring the Youth Criminal Justice Act fully into effect in their communities.
- RL4. Our regional Aboriginal organizations should provide contact/liaison people to work with community members and the justice system.
- RL5. Our organizations should develop resources to educate community members about the justice system and, in partnership with mainstream agencies or organizations, support the development of a community-based Justice Committee pilot project.

- RL6. Our organizations should develop gang-awareness training and materials. To be effective, the training and materials need to “come from the heart” and address the realities of gang life.
- RL7. In their personal and professional lives, our leaders should be positive role models for out youth.

## **RECOMMENDATIONS FOR GOVERNMENT**

- RG1. Our governments are spending enormous amounts of money to incarcerate people. Some of this money needs to be redirected to community-based prevention and interventions.
- RG2. All levels of government should provide funding and other forms of support to Aboriginal community justice initiatives and for full implementation of the Youth Criminal Justice Act.

**Appendix I**

**CONFERENCE PARTICIPANTS**

## CONFERENCE PARTICIPANTS

| Delegate         | Community          | Organization                    |
|------------------|--------------------|---------------------------------|
| Brandy Bulycz    | Mafeking           | Manitoba Metis Federation       |
| Brooke Meeches   | Long Plain         | Southern Chiefs' Organization   |
| Buddy Brass      | Birch River        | Manitoba Keewatinowi Okimakanak |
| Calvin Pompana   | Sioux Valley       | Southern Chiefs' Organization   |
| Candice Pronteau | Thompson           | Manitoba Metis Federation       |
| Cara Cain        | Winnipeg           | Manitoba Metis Federation       |
| Carla Gauthier   | Grand Marias       | Manitoba Metis Federation       |
| Carla Quill      | Sapotaweyak        | Southern Chiefs' Organization   |
| Christopher Ross | Cross Lake         | Manitoba Keewatinowi Okimakanak |
| Clarice Wilson   | Rolling River      | Southern Chiefs' Organization   |
| Clayton Marsch   | Black River        | Southern Chiefs' Organization   |
| Clifford Thomas  | Grand Marias       | Manitoba Metis Federation       |
| Clifton Flett    | Dauphin            | Manitoba Metis Federation       |
| Clifton Harper   | Red Sucker Lake    | Manitoba Keewatinowi Okimakanak |
| Clint Webb       | Selkirk            | Manitoba Metis Federation       |
| Corrina Pronteau | Thompson           | Manitoba Metis Federation       |
| Crissy Courchene | Sagkeeng           | Southern Chiefs' Organization   |
| Daniel Hamilton  | Cross Lake         | Manitoba Keewatinowi Okimakanak |
| Darlene Mason    | Nelson House       | Manitoba Keewatinowi Okimakanak |
| Dave Choken      | Lake Manitoba      | Southern Chiefs' Organization   |
| Debbie Berens    | Berens River       | Southern Chiefs' Organization   |
| Desmond Colomb   | Nelson House       | Manitoba Keewatinowi Okimakanak |
| Don Samatte      | Cranberry Portage  | Manitoba Metis Federation       |
| Dorothy Stranger | Peguis             | Southern Chiefs' Organization   |
| George Fleury    | Minnedosa          | Manitoba Metis Federation       |
| Henry Wilson     | Opaskwayak         | Manitoba Keewatinowi Okimakanak |
| James Bone       | Keeseekoowenin     | Southern Chiefs' Organization   |
| Jamie Gelean     | Pine Falls         | Manitoba Metis Federation       |
| Jamie Sinclair   | Hollow Water       | Southern Chiefs' Organization   |
| Janiel Benn      | Birdtail Sioux     | Southern Chiefs' Organization   |
| Jordan Fleury    | Winnipeg           | Manitoba Metis Federation       |
| Josh Sinclair    | Fisher River       | Southern Chiefs' Organization   |
| Joshua Harper    | Red Sucker Lake    | Manitoba Keewatinowi Okimakanak |
| Leonard York     | Norway House       | Manitoba Keewatinowi Okimakanak |
| Leslie Crowe     | Paanguassi         | Southern Chiefs' Organization   |
| Lloyd Chubb      | God's Lake Narrows | Manitoba Keewatinowi Okimakanak |
| Mike Harper      | St. Theresa Point  | Manitoba Keewatinowi Okimakanak |
| Murdo Dysart     | South Indian Lake  | Manitoba Metis Federation       |

|                  |                    |                                 |
|------------------|--------------------|---------------------------------|
| Norman Fleury    | Brandon            | Manitoba Metis Federation       |
| Robert Monkman   | Lundar             | Manitoba Metis Federation       |
| Robert Pronteau  | Thicket Portage    | Manitoba Metis Federation       |
| Ryan Gauthier    | Grand Marias       | Manitoba Metis Federation       |
| Sean Dorland     | Berens River       | Southern Chiefs' Organization   |
| Shane Pronteau   | Bloodvein          | Southern Chiefs' Organization   |
| Solomon Pronteau | Thompson           | Manitoba Metis Federation       |
| Steve Merasty    | Opaskwayak         | Manitoba Keewatinowi Okimakanak |
| Steven Okemow    | God's Lake Narrows | Manitoba Keewatinowi Okimakanak |
| Sydney Wood      | St. Theresa Point  | Manitoba Keewatinowi Okimakanak |
| Tara Fontaine    | Sagkeeng           | Southern Chiefs' Organization   |
| Tiffany Roulette | Sandy Bay          | Southern Chiefs' Organization   |
| Trent Robinson   | Cross Lake         | Manitoba Keewatinowi Okimakanak |
| Trudy Hart       | Norway House       | Manitoba Keewatinowi Okimakanak |
| Virginia Harper  | St. Theresa Point  | Southern Chiefs' Organization   |
| Yolanda Lavallee | Winnipeg           | Manitoba Metis Federation       |

#### **Other Participants**

#### **Community**

#### **Organization**

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|  |                   |                               |
|--|-------------------|-------------------------------|
| Adam Beach                                       | Lake Manitoba     | Southern Chiefs' Organization |
| Angela Busch                                     | South Indian Lake | Southeast Education Centre    |
| Chris Beach                                      | Lake Manitoba     | Southern Chiefs' Organization |
| Chief Morris Shannacappo                         | Rolling River     | Southern Chiefs' Organization |
| Chief Irvin McIvor                               | Sandy Bay         | Southern Chiefs' Organization |
| Chief Terry Nelson                               | Roseau River      | Southern Chiefs' Organization |
| Councillor Yvonne Bearbull                       | Birdtail Sioux    | Southern Chiefs' Organization |
| Elder Myrtle Bone                                | Keeseekoowenin    | Southern Chiefs' Organization |
| Elder Nelson James                               | Roseau River      | Southern Chiefs' Organization |
| Justice Portfolio Chair<br>Julyda Lagimodiere    | Thompson          | Manitoba Metis Federation     |
| Justice Portfolio Co- Chair<br>Darryl Montgomery | Thompson          | Manitoba Metis Federation     |
| Marvin Johnson                                   | Fisher River      | Ochichakkosipi Healing Lodge  |
| Rachel Charette                                  | Winnipeg          | Onashowewin Inc.              |
| Stewart Boulette                                 | Bloodvein         | Onashowewin Inc.              |

## **Facilitators and Organizational Staff**

### **Manitoba Metis Federation**

Amanda Rozyk  
Shannon Allard  
Amy McPherson  
Cynthia Genaille  
Tammy Field  
April Grouette  
Sharon Conway  
Ramona Samatte  
Lawrence Barkwell  
Lorne Flett

### **Manitoba Keewatinowi Okimakanak**

Charlene Lafreniere  
Nina Cordell  
Louis McGillivary  
Zelda Kitchikeesik  
Larry Constant  
David Gray  
Joe Pinterics  
Kathy Whitehead  
Trish Daniels

### **Southern Chiefs' Organization**

Nahanni Fontaine  
Kim Cramer  
Brenna Grafton

**Appendix II**

**CONFERENCE AGENDA**



## **First Nations and Metis Youth & Elders Justice Conference**

**February 18, 19 and 20, 2005**

**Clarion Hotel and Suites**

**Winnipeg, Manitoba**

### **AGENDA**

#### **Friday February 18, 2005**

**6:00pm** Registration Opens

**6:30pm** Conference Opening

**Location: Alberta Room Lower Level**

**6:30pm to 8:30pm** Leadership Welcoming Remarks

*Minister of Justice and Attorney General  
Honourable Minister Gord Mackintosh*

*Manitoba Keewatinowi Okimakanak  
Grand Chief Sydney Garrioch*

*Southern Chiefs' Organization  
Grand Chief Chris Henderson*

*Manitoba Metis Federation  
President David Chartrand*

## **Saturday February 19, 2005**

|                         |   |
|-------------------------|---|
| <b>8:00am</b>           | Breakfast   |
| <b>8:30am</b>           | Delegate Registration   |
|                         | <b>Location: Manitoba Room Lower Level</b>  |
|                         | Opening Prayer  |
| <b>9:00am – 9:30am</b>  | Greetings and Opening Remarks   |
|                         | <i>The Assembly of Manitoba Chiefs Youth Representative Crissy Courchene</i>  |
|                         | <i>Metis National Youth Advisory Council and Provincial Youth Representative from the Manitoba Metis Federation Conor Lloyd</i> |
| <b>9:30am – 9:45am</b>  | Break   |
| <b>9:45am - 12:00pm</b> | Workshop I  |
|                         | <i>Introduction to the Youth Criminal Justice Act</i><br>Breakout Discussion Groups   |
| <b>12:00pm – 1:15pm</b> | Lunch   |
|                         | <i>Keynote Speaker:</i>   |
|                         | <i>The Honourable Mr. Justice Murray Sinclair</i>   |
| <b>1:30pm – 4:00pm</b>  | Workshop II   |
|                         | <i>Reflection on Gangs in Manitoba: Perceptions, Experiences and Alternatives</i><br>Breakout Discussion Groups                 |
| <b>2:20pm</b>           | Health Break  |
| <b>6:00pm to 7:30pm</b> | <i>Dinner Banquet and Keynote Address</i>   |
|                         | Location: Manitoba Room Lower Level   |
|                         | <i>Keynote Speaker: Adam Beach</i>  |
| <b>7:30pm to 9:00pm</b> | <i>Entertainment Eagle and Hawk</i>   |

**Sunday February 20, 2005**

**8:00am**

Breakfast

**Location: Manitoba Room Lower Level**

**8:45am**

Conference Reconvenes

**9:00am – 11:45am**

*Panel Discussion: Probations and Customary Law*  
*Panel Discussion includes a question period*

**12:00pm – 1:00pm**

Lunch

**1:00 pm to 1:30pm**

Closing Remarks and Prayer