

**FINAL REPORT**  
**CONSULTATION WITH ABORIGINAL PEOPLES**

**Report Prepared for the  
Aboriginal Justice Implementation Commission**

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**by  
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## ***Executive Summary***

The Aboriginal Justice Implementation Commission hired Thérèse Lajeunesse of *Thérèse Lajeunesse and Associates Ltd.* to conduct a consultation with Aboriginal leaders in Manitoba. The purpose of the consultation was: to obtain the views of respondents on the identified priorities of the Commission; to provide the Commission with feedback on the priorities for implementation; and, to provide the Commission with a detailed picture of where there is a consensus or divergence of opinion respecting the Commission's approaches to implementation.

As the Commissioners had identified First Nation and Métis leaders as potential respondents for the survey, a letter was sent to all Chiefs of First Nations and members of the Board of Directors of the Manitoba Métis Federation (MMF) inviting them to participate. Unfortunately, this method did not result in many interviews with Chiefs of First Nations, and it was later decided to invite representatives of Tribal Councils and Chiefs' organizations to take part in the consultation. All but one Tribal Council participated, thus the linguistic and geographic diversity of First Nations is well represented. Similarly, we were able to interview a little over half of the Board Members of the MMF again assuring a good representation of views. There were 27 respondents interviewed, i.e. 12 members of the MMF and 15 representatives of First Nation peoples.

### ***Priorities***

When asked which of the Commission's priorities are the top four in terms of importance, respondents identified child welfare, community justice and there was a tie for third and fourth place, i.e. Aboriginal rights, Métis issues and Government approach in policy, communication and administration.

### ***Child Welfare***

Respondents indicated a low satisfaction level with existing child welfare services, mostly attributed to the fact that even though there are strides being made in devolving child welfare, Métis services are in a developmental stage and First Nations reports inadequate funding. There was a strong consensus that existing child welfare services need to widen their focus from apprehension to prevention. In addition, respondents reported a need for child welfare officials to work more closely with families to prevent escalation of problems and to intervene at the earliest possible moment. When asked about what necessary supports are needed to facilitate this approach, respondents indicated that there is a need for increased financial resources and the building of community capability to handle a wide range of problems.

### ***Equity***

Respondents were asked whether the provincial government should hire more First Nation or Métis people and there was a strong consensus that there should

be more Aboriginal people employed by the government. However, respondents indicated that there needs to be a "critical mass" of Aboriginal employees to establish Aboriginal values within the provincial system. Similarly, they indicated that, when interviewing Aboriginal candidates for a position, there should be more than one Aboriginal person on the hiring panel to increase the comfort level about advancing their perspectives. All agreed that recruitment should be done through the Assembly of Manitoba Chiefs, the Manitoba Métis Federation and various regional and community newspapers.

### *Policing*

Respondents were asked to rate their respective police service and all but six provided a medium to low rating of satisfaction. Respondents rated the RCMP higher than they did Band Constables and gave even lower ratings for the Winnipeg Police Service. First Nation respondents from the North tended to give the RCMP a lower rating than Métis respondents overall. There was a strong consensus that police services should be focusing more attention on prevention and liaison with community leaders. As for the complaint mechanisms for redress of complaints about police behaviour, city of Winnipeg respondents were familiar with the Law Enforcement Review Agency (LERA) and expressed extreme dissatisfaction with that body. No one was aware of the official mechanism for complaints within the RCMP, although some respondents from the North expressed satisfaction with bringing complaints to the attention of the RCMP detachment in Thompson.

### *Community Justice*

Respondents in the city of Winnipeg expressed high satisfaction levels about community justice programs in the city, while respondents outside the city expressed dissatisfaction over the paucity of programs throughout the province. There was a strong consensus expressed for community sentencing, restorative justice and diversion programs, while recognizing that these programs would result in different models depending on the community. Respondents also indicated a need for Aboriginal-specific victim services which do not yet exist anywhere in the province. They also indicated high levels of dissatisfaction with the services of circuit court and expressed a need for court parties to spend time in liaison activities with community leaders.

### *Early Support and Crime Prevention*

As there are so few early support and crime prevention programs for youth, respondents indicated high dissatisfaction rates with this area. When asked what is needed, most respondents emphasized the need for recreational and cultural restoration programs.

### *Violence Toward Women and Children*

All respondents reported a need for shelters and safehouses within their communities as family violence is a problem everywhere. They also reported a need for intervention at the community level with all members of the family,

including treatment programs for abusive spouses. As many victim of family violence choose to remain in their respective families, respondents felt that these choices should be respected and resources should be made available at the community level to deal with these problems.

#### *Métis Issues*

Métis respondents identified a number of issues needing attention including: education; housing; land use; employment; compensation; and, cultural identity. Many identified the need for government representatives to acknowledge Métis culture as different from First Nations' culture, as policies are often developed based on the needs of First Nations rather than Métis needs. Many also identified the need for the provincial government to work with MMF on a nation-to-nation basis.

#### *First Nation Institutions in Urban Areas*

First Nation respondents were asked whether they and their leadership would support the creation of an urban reserve where resources could be shared to ensure that First Nation residents of Winnipeg receive appropriate services. All but one expressed support for the idea while another respondent indicated that an urban reserve in Thompson would make sense. It was felt that more time and financial resources need to be set aside for leaders and others to meet in order to adequately assess the idea.

#### *Reconciliation and Recognition*

All respondents were in favour of reconciliation becoming an important part of Government Aboriginal policy. There also was a strong consensus for an active reconciliation process to address past wrongs rather than just an apology. Many felt this reconciliation process could be established only after a consultation process with Aboriginal people about the most appropriate vehicle to gather views on how this process should occur.

#### *Government Policy, Communication and Administration*

All respondents indicated that there is room for improvement in the provincial government's approach in policy development, communication and administration as it pertains to Aboriginal people. Respondents provided a long list of suggestions for improvement including: MLA's and others visiting communities; more consultation exercises; providing more information about government programs; respecting Treaties; and dealing with First Nations and the MMF on a nation-to-nation basis, among others.

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Appendix A: Survey Questionnaire

## **1. INTRODUCTION**

On November 29, 1999, the Manitoba Government established the Aboriginal Justice Implementation Commission (AJIC) to follow-up on the Report of the Aboriginal Justice inquiry of Manitoba submitted in 1991. As reported in the AJIC's First Quarterly Report, the Commission's tasks are:

- to provide a report on the current status of implementation of the recommendations of the Aboriginal Justice Inquiry in the areas for which the Manitoba Government is responsible and accountable;
- to consult with Manitobans on priority areas for action;
- to consult with Manitobans on implementation strategies; and,
- to provide the Manitoba Government with recommendations on practical, cost-effective and attainable implementation and funding strategies in the priority areas as those recommendations are developed.

On August 28, 2000, the AJI Commission contracted with *Thérèse Lajeunesse and Associates Ltd.* to consult with Aboriginal peoples throughout Manitoba for the purpose of obtaining opinions and viewpoints about approaches to implementation. More specifically the purpose of the consultation was:

- to obtain the views of respondents on the identified priorities of the Commission;
- to provide the Commission with feedback on the priorities for implementation; and,
- to provide the Commission with a detailed picture of where there is a consensus or divergence of opinion respecting the Commission's approaches to implementation.

The following report describes the process used and the findings obtained from this consultation.

## **2. METHODOLOGY**

The first step in initiating this consultation was to meet with the Commissioners and the Executive Director of the Commission to determine their needs in establishing this consultation process. At these meetings, it was decided that the focus for the consultation would be on the identified priorities of the Commission. A survey questionnaire was developed, and after input was obtained from the Commissioners, it was finalized in the late fall of 2000.

One of the difficulties in conducting a survey of this kind and magnitude was the issue of how to select and reach potential respondents for interviews. The Commissioners decided that interviews with the leadership of First Nations and the Manitoba Métis Federation (MMF) would be most valuable. Consequently, a letter of introduction was sent to all Chiefs of First Nations in the province as well as all Board members of the MMF. This letter was sent in mid-December 2000, and given the Christmas holidays, it was decided that potential respondents would be contacted after the holiday season.

This approach did prove to be problematic. It is well known that Chiefs of First Nations are very busy individuals with a myriad of responsibilities who must often travel to regional and national meetings. Our attempts to obtain interviews with Chiefs did not result in much success. It was then decided that interviews could be held with representatives of Tribal Councils and Chiefs' organizations. Letters of introduction to Tribal Councils and Chief's organizations were sent out in Feb 2001. This method proved to be more successful but did result in fewer interviews than if we had been able to interview respective Chiefs directly. We were however able to interview half of the members of the MMF Board of Directors which provides a good sampling of Métis perspectives.

The number of respondents interviewed was:

Members of the Manitoba Métis Federation: 12

Tribal Councils/First Nations: 15

**Total respondents interviewed: 27**

In terms of representation of First Nation communities, representatives of all Tribal Councils but one were interviewed, thus the findings of this survey do reflect the diversity of geographic and linguistic First Nations throughout the province. The same holds true for Métis respondents, as MMF Board members from each of the regions were interviewed, assuring the same geographic representation for Métis people in this survey. The findings of this research provide a rich qualitative perspective of topics included in the questionnaire.

A copy of the questionnaire used for this survey can be found in Appendix A.

### **3. FINDINGS**

#### **a) Priorities**

The AJIC has identified a number of priorities for its work that were outlined in all Quarterly Reports. The first task of this consultation was to determine the extent to which respondents agreed with the stated priorities of the AJIC. The first few questions asked whether any priorities were missing and whether respondents

had anything to add. Some respondents added more than one item. This resulted in the following findings.

*What priorities are missing?*

First Nation respondents answered:

- Natural resource sector and co-management;
- community education - "like what CLEA (Community Legal Education Association) does";
- "First Nation identity and strengthening tradition to incorporate beliefs in what we do today";
- First Nation Governance;
- resource revenue sharing;
- systemic issues throughout education, justice, social services, natural resources, gaming, loss of economic opportunities due to lack of recognition of jurisdiction - "we are the first order of government";
- Treaties;
- education, healing and search to reclaim history;
- Elders' role;
- protection of Mother Earth;
- Treaties and Natural Resources "priorities are too piecemeal"; and,
- natural resources and healing.

The four highest rated priorities among First Nation respondents were:

- Child welfare/community justice and early support and crime prevention measures for youth all scored the same number of mentions and are tied for the top priority; and,
- Policing, Aboriginal rights and government approach in implementing Aboriginal policy also tied with the second highest number of mentions.

Métis respondents answered:

- education/aftermath of residential schools and abuse;
- violence against men is also happening and should be included (respondent was a victim);
- "Does TLE include Métis land claims?";
- natural resources co-management;
- mentorship programs and Elders; and,
- housing, federal off-loading and economic development.



The four highest rated priorities among Métis respondents were:

- Child welfare and Métis issues tied for the top priority
- Community justice; and,
- Aboriginal rights.

When combining both First Nation and Métis responses, the top 4 were:

- child welfare;
- community justice; and,
- Aboriginal rights, Métis issues and Government approach all received the third highest number of mentions.

The total tabulation for the top 4 is displayed on the following page with 4 other priorities added in at the request of a few respondents.

**Table 1 - Top Four Priorities**

<b>Child welfare</b>	<b>18</b>
Equity issues	1
Police	5
<b>Community justice</b>	<b>15</b>
<b>Early support and crime prevention measures for youth</b>	<b>13</b>
Violence towards women and children	5
Aboriginal rights	9
Northern Flood Agreement	0
Treaty Land Entitlement including Métis land issues	4
<b>Métis Issues</b>	<b>9</b>
Urban issues	1
<b>Government approach in implementing Aboriginal Policy</b>	<b>9</b>
Recognition and reconciliation	5
Treaties	2
Healing	1
Development of own justice system	1
Protection of Mother Earth	1

The number of responses does not equal 4 responses for each of the 27 respondents because one respondent only provided one.

As the Commission has discussed and advanced recommendations in a few of these areas in previous Quarterly Reports, those areas were omitted from the survey. Specific questions were therefore asked about: child welfare; equity;

policing; community justice; early support and crime prevention; violence toward women and children; Métis issues; First Nation Institutions in Urban Areas; and, recognition and reconciliation.

## **b) Child Welfare**

In this section, respondents were first asked to rate their satisfaction level with existing child welfare services on a scale of 1 to 5, where 5 means very satisfactory and 1 means not very satisfactory at all.

For First Nation respondents, 7 rated child welfare services a "3" while 5 rated them at a "2". Métis respondents provided lower ratings, 5 respondents chose "2" and 4 respondents preferred "1". The low ratings are attributed to the fact that even though there are strides being made in devolving child welfare, Métis services are in a developmental stage and First Nations report inadequate funding. Both groups also mentioned the difficulty of operating within provincial legislation and guidelines that do not take into account important cultural differences on how to approach, intervene and resolve problems.

Respondents were then asked whether they support child welfare services being delivered to First Nation and Métis families by their own people.

There were unanimous responses in the affirmative. When asked what needs to be done, most indicated developing their own guidelines to incorporate cultural values, e.g. the greater use of the extended family in Aboriginal communities. As above, almost all indicated that working within provincial legislation and standards is confining.

Respondents were asked for their thoughts about whether the child welfare system should be doing other activities than they are currently doing in working with troubled families or youth. All but one answered yes and they listed the following activities:

- "prevention - need more recreational activities and need the school system enhanced to provide more than basics by including painting, writing music etc.";
- "should widen the focus from apprehension to a prevention (2 mentions)";
- "should handle the young kids that would go to the justice system";
- "should work with families through community resource centres and empower families";
- "should be more prevention and early intervention";
- "could be more prevention and recruitment of foster homes";
- "should work more in partnership with the government in identifying needs and working directly with communities";
- "should be developing programs for Fetal Alcohol Syndrome and Fetal Alcohol Effect" ( 2 mentions);

- "should work with rekindling culture and language to help reconstitute pride and a healthy outlook for the future";
- "should deliver more than crisis based services";
- "all agencies should share information and develop action plans for troubled families";
- "need focus on prevention" ( 3 mentions);
- "need more networking between child welfare system and justice system - they should not have an organizational mentality of 'don't rock the boat' and too much loyalty to program needs rather than community needs";
- "need integration of employment, training, recreation, culture and healing and child welfare should be part of it";
- "First Nations should be given full jurisdiction rather than operating under provincial legislation and guidelines that don't reflect values of First Nations;
- child welfare agency should work with troubled families at first possible moment to prevent escalation of problems";
- "instead of apprehension should work with families";
- "instead of apprehension, should work with family by removing parents and placing homemakers in home with children until crisis is resolved";
- "need more in depth awareness for non-native people about native parenting approaches"; and;
- "no - they are not handling what they've got very well".

When asked whether there should be a stronger relationship between the child welfare system and the justice system, all but 1 respondent answered yes to this question. The respondent who answered "no" thought that neither of these two systems is working particularly well and working together may not help the situation.

Finally, under the child welfare section, respondents were asked what kind of agency is capable of dealing with troubled youth and their families, i.e. the child welfare system, community-based programs or the youth justice system and, what supports are needed for this approach. The majority cited the benefits of community-based approaches where the family could be worked with as a unit and where treatment options could be developed at the community level. Five respondents indicated that all three could or should work together and provide optimum benefits from an interdisciplinary approach through networking.

As for supports, the most common response was for increased financial resources and the building of community capability to handle a wide range of problems. A few also mentioned the need for integrated support by all, i.e. municipal/township/First Nation and Métis leadership. Training was also an often mentioned ingredient for support to communities in dealing with child welfare problems.

### **c) Equity**

When respondents were asked "Do you believe the provincial government should be hiring more First Nations or Métis people in key positions?" almost all respondents answered yes to this question. The three who didn't were First Nation respondents who thought that: the provincial government should be dealing with First Nations on a government to government basis and there would be no need for employment equity; another indicated "doesn't matter" because no matter how many First Nation employees there are, the non-Aboriginal culture of the provincial government would not change to allow for First Nation friendly policies; and the other wasn't sure, due to the same considerations.

Respondents were then asked to rate how important it is for the provincial government to hire First Nation and Métis people in key positions on a scale of 1 to 5, with 5 meaning most important. Twenty-two (22) of the 27 respondents picked "5", 1 chose "4", 1 chose "3" and another 3 picked "1". Those who picked the lower end of the scale did so for the same reasons mentioned above.

When asked what positions should be a priority for hiring First Nation and Métis people, almost all respondents cited all levels of the justice system in policing, courts, and corrections as well as throughout the provincial system at policy and administrative positions rather than lower clerical or entry level positions. Many cited the need for a "critical mass" of Aboriginal employment in order for the culture and belief systems to become part of the organization's culture and to avoid further alienation of Aboriginal people by forcing them to adopt the system's "white" culture. The importance of speaking an Aboriginal language was cited as an important benefit to government operations when service delivery is involved.

As for the best ways of recruiting Aboriginal people, almost all respondents indicated that positions should be advertised through the Assembly of Manitoba Chiefs, the Manitoba Métis Federation and regional and community newspapers. Some mentioned the importance of preparing young people for jobs through mentoring programs and apprenticeship training. One respondent indicated that the federal government, through its Career Advancement Program, provided an important model for recruitment through the use of preferred hiring practices and on the job training.

When asked about what barriers exist that prevent Aboriginal candidates from being hired, many indicated that there is an over reliance on University degrees that preclude many Aboriginal candidates. A better approach would be to consider life and work experience in conjunction with education and the ability to speak an Aboriginal language. "Why stipulate that a B.S.W. is required when a (community) college certificate would do?" A few respondents took exception to this approach indicating that the merit principle should be applied to all

candidates and all jobs and lowering standards "does not do anybody a favour". Other identified barriers included:

- wording of government posters is often "too bureaucratic" making it difficult for some to apply;
- "racism and not understanding the culture";
- "selection process is designed to ensure everybody is treated the same way without recognizing the uniqueness of individuals - the process can be intimidating"
- " not having an Aboriginal person or more on the hiring panel as well as not having a person who speaks the Aboriginal language of the candidate";
- "due to the negative stereotypes still associated with being an Aboriginal person, many still don't self-identify";
- "attitudes toward Aboriginal people still a problem";
- "need to have more than one Aboriginal person on panel so together they will feel comfortable in speaking up which is a problem at times when only one person is Aboriginal";
- "a criminal record should not automatically disqualify a person";
- "interviewers should understand that the English language can sometimes be a barrier as it is foreign to us, as is the selection process"; and
- "written tests may reflect a mainstream system and language bias".

#### **d) Policing**

In this section, respondents were first asked to rate their respective satisfaction levels with policing services on a scale of 1 to 5, where 5 means very satisfied and 1 means not very satisfied at all.

Answers to this question varied as follows:

- "1" - 7 responses
- "2" - 5 responses
- "3" - 5 responses
- "4" - 6 responses
- "5" - 0 responses
- "Don't know" - 1 response

Respondents rated the RCMP higher than they did Band Constables and gave even lower ratings for the Winnipeg Police Service. They were asked to specify which police service they wanted to rate. First Nation respondents from the North tended to give the RCMP a lower rating than Métis respondents overall. Band Constables were rated medium to low due to the lack of financial resources for training and equipment rather than performance.

When asked whether policing is a priority for their respective organizations, most respondents indicated yes. Some indicated it is, but policing competes with other more pressing priorities making it difficult to ascertain. On the scale of 1 to 5, where 5 means very important and 1 means not very important at all, they said:

"1" - 2 responses  
"2" - 0 responses  
"3" - 5 responses  
"4" - 9 responses  
"5" - 10 responses  
"Don't know" - 1 response

Twenty-four (24) of 27 respondents rated the importance of policing at least at a medium level priority and most as a high priority.

Respondents were then asked how existing services could be improved. They said:

- "need to improve resources, training and equipment for Band Constables" (multiple mentions);
- "RCMP need to understand cultural differences" (multiple mentions);
- "there should be community involvement in policing rather than them just coming into the communities to pick up people";
- "there should be more liaison with the community - police need to invest money in community-based crime prevention";
- RCMP should work more closely with Chiefs and Councils (multiple mentions);
- "more emphasis on public relations and crime prevention";
- in one instance where there is an RCMP detachment on reserve, a respondent complained about the inability to reach a local dispatcher as they must route calls through Winnipeg after 5 p.m. which often results in longer response times at critical times when incidents are occurring;
- "need less turnover, just when we get to know an officer he is transferred out and the whole process has to begin again";
- "RCMP should use Band Constables more often" and,
- "RCMP should enforce Band By-Laws particularly as they apply to bootleggers".

Respondents were also asked what the most important function of a police service is. Although many mentioned protection and law and order functions, most also mentioned crime prevention and community relations.

When asked " Do you think the priorities would be different if your police service was Aboriginal-run?" most answered "yes" while a few replied in the negative. Those who answered "no" thought that law and order would still be the prevailing priority. Those who answered "yes" explained as follows:

- systemic racism would not be an issue;
- there would be more interaction with the community;
- "we would understand the subtleties of the language and culture" (several mentions);
- "we would work directly with the leadership";
- "we would be more approachable in taking initiative about involvement in recreational and sports activities and involvement with Elders"; and,
- "we would be more sensitive to needs.

Two questions were then asked about the type of police force First Nations would prefer, as well as the recommended potential governing structure. The options are the RCMP model, the stand-alone model, or a regional model.

The consensus was that the stand-alone option, on a regional or provincial basis, would be the best option. Only 2 respondents preferred an RCMP model. One respondent indicated a preference for stand alone, but where there would be a capacity for RCMP oversight. The argument for a stand alone on a provincial basis is that there would be benefits to be gained from economy of scale, in training and other areas.

As for the governing structure, all respondents indicated a need for community representation along with regional representatives, administrators and elected members. One respondent indicated that community representation should include Elders, women and youth. Another indicated that the governing structure should include representatives from the Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak, Chiefs and Council and community members. Another mentioned that a representative of the RCMP should also be included.

The next question asked respondents whether they were satisfied with the current complaint mechanism for redress of complaints concerning police behaviour. The overwhelming majority, or 17, said "no", 5 said "yes" and 5 said "don't know".

Those who said yes, who were First Nation members from Northern reserves, actually reported satisfaction with bringing their concerns to the attention of the Thompson RCMP detachment rather than the official complaint process. No one was aware of the RCMP process for lodging complaints. Those familiar with the city of Winnipeg were particularly condemning of the Law Enforcement Review Agency (LERA) and complaining about the Winnipeg Police Service in general. There was a high degree of familiarity with LERA but those who had experience with submitting complaints to that body were very unsatisfied. When asked, "What do you think is needed?" respondents indicated that LERA should be fairer and more open to complaints about police behaviour emanating from Aboriginal people; there were no concrete suggestions about the RCMP complaint mechanism.



Finally, a question was asked about what is needed in terms of cross cultural training/information for non-Aboriginal police officers. Respondents answered:

- an understanding of the differences between Métis people and First Nation peoples as cross cultural courses are almost always based on First Nations' culture (multiple mentions);
- "they should work in Aboriginal communities as field placements prior to graduation";
- "must understand the importance of language and culture;
- "should understand the history of Aboriginal people, cultural values and positive self identity";
- "it's hard to deal with hidden bias - must have right people in the first place and have them live directly in the communities - reading doesn't help";
- "they need to understand factors that lead to crime: abuse, low self-esteem, socio-economic conditions etc. so as not to be overcome by negative stereotypes;
- "they should be assessed after the training to make sure they are not still carrying their negative biases";
- "they need to understand culture and what we consider normal e.g. that the smell of sweetgrass is similar to marijuana, and that not all Métis are poor people who fit the stereotype";
- "they should take part in cultural and community events and understand that each community is different";
- "they need to understand what each culture holds sacred and what their beliefs are through lectures and contact with Elders";
- "they need in-depth work on racism and prejudice and how it plays out - need more experiential work rather than lectures";
- "need to know real history and pre-contact structures and how it is today";
- "they need to understand how to work in cross cultural settings and implications of cultural differences;"
- "they should learn the language";
- "they should learn about the Medicine Wheel, history of First Nation peoples, root causes of socio-economic conditions, the impact of the Indian Act and the history of oppression";
- "training is not enough to get at bad attitudes - they should do an interchange with First Nation Band Constables for a month";
- "they need everyday cultural habits through an immersion approach to experience culture from the inside";
- "should focus on selecting appropriate people who aren't racist and measure attitudes instead of academics"; and,
- "need ongoing training and more work with attitudes and feelings".

From the richness of these comments it is apparent that respondents have already spent time thinking about this issue and have had experiences with

police officers that demonstrated a lack of cultural sensitivity. It is also interesting to note that many identify the more traditional model of cross cultural training, where historical information is delivered through lectures and didactic teaching, as inadequate for addressing ingrained biases. They emphasized the need for experiential learning approaches that engage an individual on a personal level.

#### **e) Community Justice**

Respondents were first asked whether there is an individual in their agency or community that is designated to work on community justice issues and activities. Twenty-one (21) respondents indicated that there is someone designated to work on community justice. All 12 Métis respondents answered in the affirmative, as there is a Board Member of the MMF who is assigned the justice portfolio. For the most part, where someone has responsibility for justice it is in the context of other responsibilities, e.g. a Councilor in First Nations. Only a few had a staff person working exclusively in justice.

When asked to rate satisfaction levels with existing community justice programs on a scale of 1 to 5 where 5 is the highest rating, nine (9) respondents rated existing programs a "1", 4 respondents chose "2", 10 picked "3", there were 3 respondents who chose "4" and one respondent said "don't know". For the most part, those who chose higher ratings were in the city of Winnipeg. The lower ratings were due to the lack of community justice programs outside of Winnipeg. Only a few outside of Winnipeg made reference to Justice Committees.

Respondents were then asked whether they believe there is a need for community input in sentencing. Responses to this question demonstrated a high degree of sensitivity to both the diversity of individual communities and the suitability of specific types of offences that could benefit from community input.

Twenty-one (21) replied "yes", 2 answered in the negative, 12 said "yes and no" and there was one "don't know".

Of the twenty-one "yes" responses, many tempered their comments with "it depends" on the community, the offender and the type of crime, as did those who replied "yes and no". One of the respondents who said "no" explained: "it's mixing the white system with Aboriginal systems which results in minestrone soup". The other individual who replied "no" was thinking of his own community and thought there was not enough cohesion for a sentencing circle to work. There was no clear consensus on whether a sentencing circle or Elder input to the Judge is a better model. It is clear that whatever type of input would have to vary depending on characteristics of the community. Some expressed doubts about whether community input in sentencing would work in larger communities where most people may not know the offender.

Respondents were asked: "There has been, in the last ten years or so, a movement toward 'restorative justice' where more attention is paid to including victims and community members in meeting directly or indirectly with offenders. Is this an approach that makes sense to you?"

A strong consensus exists as to the suitability of restorative justice. Twenty-three answered in the affirmative while only 1 said "no" and another said "don't know". It was not clear why the one respondent said "no". Those who said yes specified it would depend on the severity of the offense. A surprising finding related to this question is that no one objected to victims and offenders meeting directly, despite the literature that indicates that indigenous people tend to prefer non-confrontational models such as shuttle mediation, where a mediator meets with parties separately and does not bring them together in the same room.

Respondents were then asked to rate the importance of restorative justice on a scale of 1 to 5, with 5 being the highest value. Twenty-four respondents assigned a "4" or a "5" to the importance of restorative justice. There was one "don't know", one "3" and one "2". Those who assigned a "2" or a "3" tended to be less familiar with the area of restorative justice.

The subsequent question asked whether there is a need for victim services to be designed specifically for Aboriginal victims. The majority of respondents, i.e. 24 agreed that there is a need for Aboriginal-specific victim services. This is an interesting finding as there has been little discussion in the victim services area of the need for culturally specific services. Respondents indicated that comfort with the language and culture of the victim would likely be more helpful than when the service is provided by someone who does not speak an Aboriginal language and cannot refer to cultural signposts in facilitating healing for the victim. Another respondent who said "yes and no" said that it is important in the city of Winnipeg but academic for his northern reserve community where there are no victim services. and if there were, they would likely be delivered by a member of that community. The two respondents who answered "no" did not elaborate, but it can be speculated that these two individuals may not be familiar with the trauma of victimization.

The questionnaire then shifted to the topic of circuit court, and respondents were asked to rate their satisfaction level with the services of circuit court in their respective communities, again on a scale of 1 to 5, with 5 as the highest rating. Fourteen of the twenty-seven respondents assigned a "1" or "2" to this question. Seven respondents did not provide an answer as they were either residents of towns and cities where there is no circuit court or had no familiarity with it. Three respondents answered "3" which was the highest rating for this question.

This is not a surprising finding and previous research, including the AJI, have indicated widespread dissatisfaction with the "fly in - fly out" circuit court. The few who did pick "3" referred to Judges who were open to meeting with First

Nation or Métis leaders on a regular basis, therefore establishing a more respectful relationship within these communities. The lower ratings are due to respondent perceptions of uncaring court parties who dispense "foreign" justice without regard to community dynamics or working in collaboration with communities, particularly where crime is widespread. Respondents felt that court parties, particularly Judges, could benefit from community input by becoming aware of community options and knowledge of what would work better for individual accused, as well as delivering more appropriate sentencing.

A further question asked: "There has been a trend in sentencing lately to have some offenders serve their sentences in their community instead of going to jail. Is this something you agree with?"

Twenty-four (24) respondents answered "yes" to this question while specifying that it would depend on the severity of the offence and the ability of the community to provide adequate monitoring and healing options. Three said "yes and no" for the same reason. There is strong consensus for conditional sentences.

The subsequent question was "Also, there have been programs developed where some accused are "diverted" to a community program at the pre or post charge levels rather than going to court. Would you and your agency/community support the use of these types of diversion programs?"

As with the previous question, a very strong consensus in favour of diversion programs was expressed. All but two respondents answered "yes" while the other two said "yes and no", again depending on the severity of the offense and the ability of a community to deliver a diversion program.

#### **f) Early Support and Crime Prevention**

Respondents were asked how satisfied they were with existing early support and crime prevention for youth services or programs. Again a scale of 1 to 5 was used, where 5 means very satisfied and 1 not very satisfied at all. They indicated that there are so few early support and crime prevention program across the province that the ratings of choice were "1" and "2" with two respondents insisting that "0" was the most appropriate answer. Three respondents picked "5" as their answer because they had familiarity with a crime prevention initiative in their communities, while another chose "4" for the same reason. Comments indicated that recreation and cultural restoration programs would be the best options, "to give youth something to do" and to instill a sense of pride in being Aboriginal which would lead to higher self-esteem and a lesser tendency to act out through criminal behaviour.

They were then asked to specify what types of measures or programs are necessary to support children and families in order to prevent crime.

They answered:

- "need facilities to try to address youth issues - the communities are handcuffed because there are no recreation dollars and everything falls on volunteers including fundraising";
- "should do an inventory of spending on specific problems broken down by categories like arson, suicide, assaults, theft and break and enters";
- "clients and workers don't understand what early support means - need education and training about prevention";
- "someone to work directly with youth who is young and who has healed - need some infrastructure and some tools";
- "need the involvement of community leadership and schools";
- "CFS should work directly with kids as well as RCMP Members - crime prevention is a must but is non existent";
- " a gang strategy";
- "need a neighbourhood/helper/friend model and an ability to connect communities to resource centres";
- "need mentoring programs and emphasis on positive role models";
- "need more activities for youth and focus on respecting them and validating them and helping to build their self-esteem";
- "need meaningful family services and intervention";
- "need recreation and programs to keep them busy";
- "need personnel and financing";
- "need a mandate for MMF to address building healthy families";
- "need sports and recreation to keep children busy and other types of interventions for more serious crime - must address aftermath of residential schools";
- "need to look at where children with problems are coming from and intervene as soon as possible - need to provide more support for welfare families who are often struggling with many problems - need crime prevention programs in schools and police visits";
- "need to keep kids busy in recreational programs and summer jobs to teach them responsibility";
- "need education and awareness programs that are non-judgmental with no user fee";
- "need to work directly with families especially for Métis people";
- "need to have speakers come to the community and consultants to help us learn how to access resources and build a community base";
- "need more community and family initiatives including recreation and cultural programs - need to introduce young people to music, computers and the benefits of summer employment";
- "need to work with child welfare and within that mandate to make youth do mandatory programs to affect them at an early age i.e. values, discipline, ethics and mandatory training for marketable skills";

- need education and early intervention:
- "need more flexible criteria for funding and more education in schools perhaps have someone who has been in jail speak to them";
- "need programs, human resources to develop programs"; and,
- "need to train people who speak the language to do drug awareness in classrooms."

## **g) Violence Toward Women and Children**

Respondents were asked to rate existing programs and services that deal with violence toward women and children, on a scale of 1 to 5, where 5 is the highest rating. Not surprisingly, particularly in First Nation communities and to some extent in Métis communities, there is a sense that the family is being destroyed by zero tolerance policies which disallow the ability of extended family and caring community members to get involved in resolving problems that lead to violence against women and children. Despite this, all respondents indicated that it is a problem in their communities and there is recognition that women will return to their abusive partners negating the effect of zero tolerance and shelters in helping women develop safety plans based on no contact with the offender.

Respondents picked the following ratings:

"0" - 4  
 "1" - 11  
 "2" - 6  
 "2.5" - 1  
 "3" - 2  
 "4" - 0  
 "5" - 3

Those who picked "5" did so because there are integrated services in their communities. One of these was a respondent from Pukatawagan where a shelter has been established, and programs and support services are readily provided to those in crisis. The lower ratings were due to the total lack of services. All respondents reported the need for a shelter and safehouses within their communities.

All respondents also indicated that family violence is a problem in their respective communities.

A few respondents also indicated that the problem of family violence is not helped by the fact that police often don't attend to calls until the next day, when the RCMP detachment is not in the community. It was reported that there have

been instances where the police did not lay charges, despite zero tolerance policies.

When asked "what would you suggest to help women and children who are living in abusive relationships within their families?" respondents provided a variety of answers. Respondents in some instances provided multiple answers. They are as follows:

- work with resource within community (1);
- respect family units (2);
- seek help outside family (1);
- counselling for all concerned, i.e abused spouse, partners and children (6);
- shelters and programs in community (3);
- get out of home/community (2);
- needs education about dynamics and "people need to know that abuse is not acceptable" (4);
- need resources/phone line 1-800 number (2);
- need to build self-esteem of battered spouse in order to appreciate options (2);
- counselling for abusers (1)
- need police to understand dynamics (1);
- support and advocacy (2);
- "must take shame out of crime and deal with it" (1);
- need province to recognize its obligation to deliver service (1);
- "see your pastor" (1) and,
- need community involvement in the problem.

Few respondents indicated that their respective government structure (Chief and Council or MMF Board Member) had a person with a portfolio for this area. The exception were 2 First Nation communities who have a Councilor assigned to the issue. Although the MMF has a Board Member who is responsible for women's issues generally, almost all MMF respondents felt that the topic of violence toward women and children was not adequately profiled in this general portfolio.

The last question in this section asked whether a restorative approach could be used for cases involving domestic violence. All indicated that this approach could be pursued in the early stage manifestations of violence. Respondents further explained that healing is important for families caught in the throes of violence and restorative justice or problem solving early on would likely meet that goal with careful screening of cases.

#### **h) Métis Issues**

Métis respondents were asked three questions specific to Métis people. The first two were to identify issues that concern respondents' respective Métis

constituents and to identify the top three. The third was to identify obstacles that prevent issues from being resolved.

There was a large variety of issues identified as the top three and they are as follows. Unless otherwise specified, areas were mentioned once:

- education (7 mentions);
- land/fishing/hunting (6 mentions);
- employment/economic development ( 4 mentions);
- housing (4 mentions);
- child welfare ( 3 mentions);
- community development;
- equality;
- racism;
- need for more MMF service delivery;
- hydro compensation;
- natural resources;
- cultural identity;
- need to protect timber;
- compensation for land;
- lack of financial resources; and,
- policing.

The following are others that were identified but were not in the top three:

- Métis rights in general;
- compensation for past injuries;
- education;
- employment;
- housing;
- compensation for land claims;
- financial resources for legal representation;
- substance abuse;
- Child and Family Services;
- violence against women;
- land base;
- youth;
- cultural identity;
- obtaining appropriate educational resources;
- employment;
- access to wage subsidies;
- need to define Métis;
- Treaties;
- lack of consultation in justice area in past 10 years;



- winter roads;
- health services;
- isolation of some communities; and,
- cultural differences not understood;

Métis respondents were then asked what current provincial policies are seen as obstacles to resolving concerns of Métis constituents. They said:

- housing policy - government has not built houses since 1993;
- need for more community input re Hydro;
- apprehension policies of Child and Family Services and adoption of Métis children into non-Métis homes;
- education policies;
- child welfare policies;
- lack of bilateral Tables and definition of pan-Aboriginal;
- Manitoba Act does not recognize Métis
- Natural Resources;
- land;
- education;
- lack of resources;
- policies don't have any ability for Métis to act as a people - policies are about control rather than empowerment;
- should be more Métis specific policies; and,
- legislation always geared to First Nations rather than Métis people;

Finally, Métis respondents were asked "What specific recommendations would you propose to the province to deal with Métis issues and Manitoba policy obstacles?" They answered:

- the use of more local advisory committees for such issues as natural resources and housing and how to address issues common to Métis communities living in close proximity with First Nations;
- that there be a mandated Métis child and Family Services ( 3 mentions);
- recognition of different cultural ways;
- formal recognition that we are Aboriginal, history must be accepted and the government should take responsibility and do what's right";
- establish bilateral (negotiating) tables
- multi-year funding in "set-aside" pot - Métis can't compete with First Nations";
- Manitoba government does not operate as a whole, different Departments go in different directions;
- should be a Métis Directorate that reports directly to the Minister of Aboriginal Affairs where all Departments would pool resources for central focus;

- need to recognize Métis nation and place more focus on Métis rather than First Nations; and,
- use MMF more often as sounding board and interpreters of Métis societies;

### **i) First Nation Institutions in Urban Areas**

Questions for this Section were preceded by the following explanation:

*Some First Nations in Saskatchewan are setting up reserves in urban areas. Many observers have commented on the lack of appropriate services of all kinds in urban areas for First Nations people who do not live on their reserve. One way to deal with this might be to aggregate the existing resources of First Nations in various services sectors (e.g. education, health, criminal justice services, child and family services) and build First Nation owned and controlled institutions in urban areas. So, to give an example, First Nations, who alone are too small to afford a school in Thompson or Winnipeg, might pool their resources and build a school where all the member bands could send their children if they so chose. There are alternative ways of doing this, including setting up urban reserves in or near urban areas, or simply by purchasing land and buildings in the free market.*

*Having a presence in urban areas would provide First Nation people with better access to information, to jobs, to markets, and to opportunities not available in rural and remote reserves. People would have a choice they do not now have, to go to an urban area and continue to have the support of the larger First Nation community to help them carry on their lives.*

First Nation respondents were asked if this idea makes sense and, if so, what is the likelihood that the political will could be gathered to make it happen. All but one respondent agreed. The one who did not was a Tribal Council representative who stated that they have established their own systems for members who live in the city. Another said " we have talked about it for a long time - it is a dream - but we will need a lot of capital dollars". Another respondent indicated that an urban reserve in Thompson would also be a good idea as many residents of northern reserves migrate to Thompson for the purpose of health services or education. Those who answered "yes" also believe there is political will to make it happen, but there is a need for regular meetings to discuss it.

### **j) Reconciliation and Recognition**

Respondents were asked whether "reconciliation" should be an important part of Government Aboriginal policy. Responses are presented according to First Nation and Métis respondents.

In general all First Nation respondents answered "yes" although many qualified their answers by specifying that an apology would not be enough; there has to be

action and funding to back up the sincerity of the apology. They qualified their answers with the following:

- "it would be good if the general public is able to recognize injustices we have faced in the past but if there is an apology it must be sincere";
- "apology not good enough - need to provide money for justice communities in the community";
- "yes - apology is needed and we are very forgiving people";
- "yes - but need concrete action";
- "after input re specifics from First Nations the government should then design a process";
- "apology not enough, need action to address inequities in education, need for historical accuracy - in natural resources need to find ways to help us deal with federal government - must use a collaborative approach - need healing programs";
- "yes is important for people beginning their healing";
- "apology could be meaningless and lip service - if there is admission of responsibility then there should be compensation - reconciliation should involve putting harms to rest and gaining closure"; and,
- "apology is a start but an apology alone does not support healing process".

Métis respondents also agreed that a reconciliation process is needed but had similar concerns. They qualified their answers as follows:

- "saying I'm sorry doesn't make a difference - need a 20 year commitment to something";
- "apology good in principle - any government can apologize but how do you compensate";
- "yes, Métis people have been neglected e.g. Northern Flood Agreement, the government must work with and recognize Métis".
- "sincere apology a first step but we need resources and programs dealing with everything that needs to be addressed";
- "yes, apology would be nice to deal with residential schools, healing, Treaties, and land";
- "apology important and must take onus of responsibility - there must be a recognition that they will deal with MMF on nation to nation basis";
- "yes - there was no mention of Métis people in Throne Speech - need to recognize Louis Riel: and,
- "yes they need to apologize and help Métis people put it behind us".

A follow-up question asked "what does reconciliation in this sense mean?" As with the previous question, there were many suggestion for action. First Nation respondents answered:

- "we need strategy for jobs, logging, and fishing";
- "need to acknowledge that First Nations were First residents;
- "must also provide an apology for harm done by others";
- "need support for programs- there are programs needed to undo damage such as parenting skills lost due to residential schools, treatment programs on reserve based on traditional models and programs to help re-build self-esteem as well as how to build healthy relationships";
- apologize not just for past wrongs but implicit in that is a new approach for everything government handles;
- "need to start working together to outstanding issues";
- "if they are serious, they need to review and change policies on a system-wide basis; and,
- "need acknowledgement of public at large and a planned commitment to restoration, i.e. restoring economies and jurisdiction.

Métis respondents added:

- "need to make us equal again and to have a commitment to land claims that is more than words";
- "need to develop Métis-specific policies";
- "Métis people need to know they can criticize as much as they want to in order to be self-sufficient - government should be prepared to send out letter of understanding to acknowledge needs - compensation for land and jobs has not been given and there still is poor housing";
- "need an endowment fund in partnership with service groups and look at St Vital and St. Boniface where lots of land was expropriated generations ago";
- "need to fix what was done wrong - re-write history books and develop Métis educational material";
- people must recognize that Métis belong and should be treated on same level as any other Manitoban but we live in third world conditions";
- "once government admits to mistakes they could begin to undo wrongs and work with representatives of Métis to help heal pain and people"; and
- "they should not just give money - must set up programs and community healing programs".

The next question asked was "what specific policy recommendations would you make to promote reconciliation?" This question elicited less responses than the previous ones but one First Nation respondent indicated that there would need to be an outline of how steps are to be taken and "there is no need for a Commission to do this as it will turn people off". Another emphasized that reconciliation would help to rid the general public of negative stereotypes and to restore the role of culture and identity.

Métis respondents emphasized the need for Métis specific policies and the need to settle Treaties and outstanding land claims. Again many respondents

mentioned that the government should start dealing with the MMF on a nation-to-nation basis.

## **j) Government Policy, Communication, and Administration**

A final section of the survey questionnaire focused on government policy, communication and administration. The first series of questions was about whether respondents had noticed any weaknesses in the province's capacity to communicate, administer programs and develop policies in relation to Aboriginal peoples. There was a resounding yes to all segments of this question from all respondents. Finally respondents were asked for specific policy recommendations to address these weaknesses.

First Nation respondents answered:

- "they should visit communities as members of the province not just MLA's - go as Team with Cabinet members and meet with people and it must not be done in a rush, i.e. not just 1-2 hours";
- "use the Native Communications Incorporated (NCI) radio system and do interviews";
- "look for input on what the priorities of community are, don't just meet with AMC - there are different experiences among communities - going to Tribal Council level may get cumbersome but they would get true a true cross section of viewpoints";
- "we need more funds for community-based activities - Medicine Wheel needs history";
- "the present government is making every effort to meet concerns of FN leadership";
- "province needs to be more supportive about justice - systems training and accepting First Nation justice - court parties should be communicating with leadership and be open to trying new things";
- "need capital funds for court facility and look at long term vision for proper court facility with interview rooms";
- "have consultation with Aboriginal people - contradiction between licensing bingo's yet not nursing home - need to be clear and precise and consistent in approach";
- "general information is required - need workshops on everything and more public legal education";
- "they only started working with us since last election - need to involve both levels of government in many issues";
- "we never hear from Dept of Northern Affairs - there is provincial interest in issues touching reserves - need info about government programs";
- "give community more ownership of court system and pollicies should reflect fiduciary obligation";

- "start working together and try to understand what First Nation people go through instead of pointing to them - include them in developing programs - consult with First Nation people";
- "incorporate seven teachings in how we interact with each other and find a way to follow these teachings and incorporate them into how we live - mirror reverence for principles that guide traditional thinking";
- "let First Nations do their own thing and get out of the way";
- "through Treaties, the expectation was that First Nations would only deal with federal government then the province came along - we live within our territory - most leaderships do not want to deal with the province in co-management - funds should come directly to First Nations for hospitals/dental for Status Indians - it would be good to know how much money the province administers for hospitals and schools on behalf of First Nations' peoples"; and,
- "has been welcome change and improvement in government since '91 - need to acknowledge full citizenship of First Nation people and work seriously to address inequities and race issues".

Métis respondents said:

- "they need to respect us";
- "need to recognize fishing and hunting rights - Aboriginal people should have own corporation to deal with fishing and hunting - abolish Freshwater Corporation";
- "need for specific comprehensive plan/approach - there are no policies";
- "we must advocate to be part of the process with government as our input is paramount - government should negotiate and focusing on land, jobs etc. - we are forced to do more with less";
- "meet with Métis leaders and deal with issues at Ministerial level";
- "need to set up hotline where families can give oral history to be validated - need compensation - allow families to have spokesperson";
- "need more Aboriginal people working with them and they in turn would deal directly with Métis people - need more Aboriginal representation and look more at specific regions to see what's needed - don't always look at Winnipeg and transport those ideas";
- "deal with us government to government and have bilateral process and resources to bring us to the table";
- "need administrative and legal functions e.g. housing to be able to do what we need to do -should be committee of Métis people to develop policy and understanding for government";
- "provincial government needs to have understanding of culture and history"; and,
- "programs and services should be brought closer to people";

#### 4. CONCLUSIONS

Despite the variety of topics addressed by this consultation with First Nation and Métis respondents, the findings demonstrate that a strong consensus has emerged. A summary of conclusions can be found in the following Table.

**Table 2: Summary of Consultation**

Topic	Issues	Recommendations
Child Welfare	<ul style="list-style-type: none"> <li>• inadequate funding</li> <li>• difficulty operating within provincial legislation and guidelines</li> <li>• too much focus on apprehension</li> </ul>	<ul style="list-style-type: none"> <li>• need improved funding</li> <li>• need ability to develop own guidelines incorporating cultural values</li> <li>• need more focus on working with troubled families and prevention</li> <li>• need mandated Métis Child and Family Services</li> </ul>
Equity	<ul style="list-style-type: none"> <li>• hiring of Aboriginal peoples should be a high priority</li> <li>• jobs should be throughout the provincial system and not only entry level jobs</li> <li>• need critical mass of Aboriginal employees to establish Aboriginal values within the provincial system</li> </ul>	<ul style="list-style-type: none"> <li>• recruit through AMC, MMF and regional and local newspapers</li> <li>• create mentorship programs</li> <li>• adjust requirements where life experience and education can be considered rather than only academic qualifications</li> <li>• make posters advertising jobs more accessible by not using "bureaucratic" language</li> </ul>
Policing	<ul style="list-style-type: none"> <li>• need to improve resources, training and equipment for Band Constables</li> <li>• need more community involvement in law enforcement</li> <li>• police should work more closely with leadership</li> <li>• need more emphasis on</li> </ul>	<ul style="list-style-type: none"> <li>• increase funding for Band Constable program</li> <li>• improve information about police complaint mechanisms</li> <li>• work more closely with leadership</li> <li>• provide experiential learning in cross cultural issues</li> </ul>

	crime prevention	
Community Justice	<ul style="list-style-type: none"> <li>• there is a general lack of community justice programs outside Winnipeg</li> <li>• programs need to be tailor made by/for specific communities <ul style="list-style-type: none"> <li>• diversion and restorative justice programs highly rated by respondents</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• provide funding for capacity building within communities</li> <li>• provide funding to communities for the development of community justice programs</li> <li>• develop Aboriginal specific victim services</li> <li>• improve circuit court services</li> </ul>
Early Support and Crime Prevention	<ul style="list-style-type: none"> <li>• few programs exist</li> <li>• need funding for various activities for youth</li> </ul>	<ul style="list-style-type: none"> <li>• provide funding to communities to develop their own programs</li> </ul>
Violence Toward Women and Children	<ul style="list-style-type: none"> <li>• urgent need for shelters and safe houses everywhere <ul style="list-style-type: none"> <li>• need treatment programs for abusers and families in respective communities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• treatment needs to be developed for all members of family</li> <li>• need a focus on family as most stay together despite violence</li> </ul>
Métis Issues	<ul style="list-style-type: none"> <li>• most important issues: education, land use, employment and economic development, and housing</li> </ul>	<ul style="list-style-type: none"> <li>• develop consistent Métis specific policies <ul style="list-style-type: none"> <li>• deal with MMF on nation to nation basis</li> </ul> </li> <li>• need to recognize Métis culture as different from First Nations</li> </ul>
First Nation Institutions in Urban Areas	<ul style="list-style-type: none"> <li>• is strong support for urban reserve(s)</li> </ul>	<ul style="list-style-type: none"> <li>• need to consider Thompson as well as Winnipeg <ul style="list-style-type: none"> <li>• need financial resources to organize meetings to discuss idea in depth</li> </ul> </li> </ul>
Recognition and reconciliation	<ul style="list-style-type: none"> <li>• recognition viewed as essential to undoing wrongs <ul style="list-style-type: none"> <li>• support for reconciliation as long as it constitutes more than an apology</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• need to consult to establish a process <ul style="list-style-type: none"> <li>• strategy must compensate for lost jobs, opportunities, and land by establishing healing programs</li> </ul> </li> </ul>
Government Approach in Implementing Aboriginal	<ul style="list-style-type: none"> <li>• definite problems identified although</li> </ul>	<ul style="list-style-type: none"> <li>• visit communities in a less rushed way and</li> </ul>



Policy	present government has made advances	open communication with Tribal organizations <ul style="list-style-type: none"> <li>• establish nation to nation process</li> <li>• develop consistent policies among government Departments</li> </ul>
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All respondents emphasized the need for individual communities to develop their own approaches that may differ from community to community. In a sense these responses very much represent a "blueprint" to desires and willingness for communities to become more engaged in developing tailor made approaches to preventing crime, as well as to developing community-based justice approaches. Another strong theme was the need for the provincial government to deal with First Nations and the MMF on a nation to nation basis and through this recognition to deal with past wrongs and healing. The need for healing programs was evident in almost all sections of the questionnaire. Finally, there exists a strong consciousness about the necessity to heal the past and move on to a more promising future.

**ABORIGINAL JUSTICE IMPLEMENTATION COMMISSION  
CONSULTATION**

**SURVEY INSTRUMENT**

**The Purpose of the Consultation**

- To obtain the views of respondents on the identified priorities of the Commission;
- To provide the Commission with feedback on the priorities for implementation; and,
- To provide the Commission with a detailed picture of where there is a consensus or divergence of opinion respecting the Commission's approaches to implementation.

**Introduction to Interviews**

The purpose of this interview is to ask you some questions to assist the Aboriginal Justice Implementation Commission in confirming its priorities and in providing the Commission with ideas or suggestions under these priority areas. The interview should take about an hour. Do you have any questions before we proceed?

**General Information**

Name:

Location:

Agency/role (if applicable):

First Nation or Métis?:

Gender:

**Priorities**

1. After consultations with various groups and individuals, the Commission has identified the following priority areas for its work:

- Child welfare

- Equity issues
- Police
- Community justice
- Early support and crime prevention measures for youth
- Violence towards women and children
- Aboriginal rights
- Northern Flood Agreement
- Treaty Land Entitlement
- Métis Issues
- Urban issues
- Government approach in implementing Aboriginal policy
- Recognition and reconciliation

Do you agree with these priorities?

Yes \_\_\_\_\_ No \_\_\_\_\_

If not, why not?

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2. Of these priorities, what would be the top 4?

- 1 \_\_\_\_\_
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

3. Are there any other priorities in the Aboriginal justice area which have not been included?

**I am now going to ask you some questions about some of these priority areas.**

Child Welfare

4. Are you familiar with or do you have knowledge of the child welfare area?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what is the source of your knowledge?

5. On a scale of 1 to 5, where 5 means very satisfactory and 1 means not very satisfactory at all, how would you rate existing child welfare services?

1.....2.....3.....4.....5

Why did you give it that rating?

6. The Manitoba government has indicated that it is prepared to have child welfare services delivered to First Nation and Métis families by their own people. Do you think that this is a good approach?

Yes\_\_\_\_\_ No \_\_\_\_\_

If yes, what do you think needs to be done in this area?

7. Do you think child welfare agencies should be doing other activities than they are currently doing in working with troubled families or youth?

8. Should there be a stronger relationship between the child welfare system and the justice system?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, what could that stronger relationship involve?

9. What kind of agency/program is capable of dealing with troubled youth and their families, i.e. the child welfare system, community-based programs or the youth justice system?

10. What supports are needed for this approach?

Equity

11. Do you believe the provincial government should be hiring more First Nations or Métis people in key positions?

Yes\_\_\_\_\_no\_\_\_\_\_

12. On a scale of 1 to 5 where 5 indicates it is very important and 1 means it is not important at all, how important is it for the provincial government to hire First Nation and Métis people in key positions?

1.....2.....3.....4.....5

Why did you give it this rating?

13 . What priority positions in the justice system and other provincial positions need to be filled by First Nation and Métis people, including Boards, Advisory Committees and Crown Corporations?

14. What are the best ways to recruit Aboriginal people for specific jobs?

15. Are there any barriers in the general selection process (i.e. interviewing process, written aptitude test etc.) that prevent Aboriginal candidates from being hired?

Policing

16. Are you familiar with or do you have knowledge of the policing area?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what is the source of your knowledge?

17. On a scale of 1 to 5 where 5 means very satisfied and 1 means not satisfied at all how would you rate your satisfaction level with your police service?

1(not satisfied at all)---2 (not satisfied)-----3 (indifferent)-----4(satisfied)-----5 (very satisfied)

Why did you rate it as (interviewer fills in) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. What kind of policing service do you have?

19. Is policing a priority for your agency or in your community?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, on a scale of 1 to 5 how important is it (where 5 indicates the highest priority)

1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5

20. How can existing services be improved?

21. What are the most important functions of a police service?

22. (if applicable) Do you think the priorities would be different if your police service was Aboriginal-run?

23. (if applicable) What type of Aboriginal police force would be appropriate for your community, i.e. RCMP model, stand alone, regional?

24. (if applicable) What kind of governing structure would be necessary for this option?

25. Are you satisfied with the current complaint mechanism for redress of complaints concerning police behaviour? (municipal force or RCMP)

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, what do you think is needed?

26. What is needed in terms of cross-cultural training/information for non-Aboriginal officers?

### Community Justice

27. Are you familiar with or do you have knowledge of the community justice area?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what is the source of your knowledge?

28. Is there a person designated within your agency/community for working on community justice issues and activities?

Yes \_\_\_\_\_ No \_\_\_\_\_

29. On a scale of 1 to 5, where 5 means very satisfactory and 1 means not very satisfactory at all, how would you rate existing community justice programs?

1.....2.....3.....4.....5

Why did you give it that rating?

30. What kinds of community-based justice activities are currently going on in your community?

31. Do you believe that there is a need for community input for sentencing?

Yes\_\_\_\_\_No\_\_\_\_\_

If yes, what kind of input would be good?

32. Do you think there should be more Aboriginal Judges and Magistrates?

33. There has been, in the last ten years or so, a movement toward "restorative justice" where more attention is paid to including victims and community members in meeting directly or indirectly with offenders. Is this an approach that makes sense to you?

Yes\_\_\_\_\_No\_\_\_\_\_

Why or why not?

34. How important is it on a scale of 1 to 5?

1.....2.....3.....4.....5

35. If you and/or community want to pursue community-justice approaches what are the current obstacles (funding, expertise in program development, availability of Elders etc.)?

36. Is there a need in your agency/community for victim services to be designed specifically for Aboriginal victims?

37. (if applicable) On a scale of 1 to 5, how satisfied are you with the services of circuit court in your community?

1.....2.....3.....4.....5

Why did you give it that rating?

38. (if applicable) What would make circuit court more acceptable?

39. There has been a trend in sentencing lately to have some offenders serve their sentences in their community instead of going to jail. Is this something you agree with?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not?

40. Also, there have been programs developed where some accused are "diverted" to a community program at the pre or post charge levels rather than going to court. Would you and your agency/community support the use of these types of diversion programs? (Interviewer to explain diversion if necessary)

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not?

Early Support and Crime Prevention for Youth

41. Are you familiar with or do you have knowledge of the early support and crime prevention for youth area?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what is the source of your knowledge?

42 . On a scale of 1 to 5, where 5 means very satisfactory and 1 means not very satisfactory at all, how would you rate existing early support and crime prevention for youth services of programs?

1.....2.....3.....4.....5

Why did you give it that rating?



43. What types of measures are necessary to provide support to children and families to prevent crime?

44. Should there be specific services/programs developed to prevent crime?

Yes\_\_\_\_\_No\_\_\_\_\_

If yes, what services or programs?

Violence Against Women and children

45. Are you familiar with or do you have knowledge of the area concerning violence against women and children?

Yes\_\_\_\_\_ No \_\_\_\_\_

If yes, what is the source of your knowledge?

46. On a scale of 1 to 5, where 5 means very satisfactory and 1 means not very satisfactory at all, how would you rate existing services or programs that deal with violence against women and children?

1.....2.....3.....4.....5

Why did you give it that rating?

47. Is violence against women and children a problem in your community?

48. What would you suggest to help women and children who are living in abusive relationships within their families?

49. Is there a need for a shelter or safehouse in your community?

50. Should there be a local government portfolio for violence against women and children in Aboriginal Governments, as recommended in the AJI, that would look at educational approaches, support programs or financing?(Appropriate wording to be used by interviewer depending on whether respondent is Métis, FN member, or in urban setting)

51. Can a restorative approach help to protect women? If yes, how? What would be that approach?

## Métis Issues

52. What issues concern your Métis constituents?
53. What are the top three priorities among these issues?
54. What current provincial policies, if any, do you see as an obstacle to resolving concerns of Métis communities?
55. What specific recommendations would you propose to the province to deal with Métis issues and Manitoba policy obstacles?

## First Nation Institutions in Urban Areas (e.g. Winnipeg, Brandon, Portage, Selkirk, Dauphin, The Pas, Thompson)

Some First Nations in Saskatchewan are setting up reserves in urban areas. Many observers have commented on the lack of appropriate services of all kinds in urban areas for First Nations people who do not live on their reserve. One way to deal with this might be to aggregate the existing resources of First Nations in various services sectors (e.g. education, health, criminal justice services, child and family services) and build First Nation owned and controlled institutions in urban areas. So, to give an example, First Nations, who alone are too small to afford a school in Thompson or Winnipeg, might pool their resources and build a school where all the member bands could send their children if they so chose. There are alternative ways of doing this, including setting up urban reserves in or near urban areas, or simply by purchasing land and buildings in the free market.

Having a presence in urban areas would provide First Nation people with better access to information, to jobs, to markets, and to opportunities not available in rural and remote reserves. People would have a choice they do not now have, to go to an urban area and continue to have the support of the larger First Nation community to help them carry on their lives.

56. Does this idea make sense to you? Why or why not?
57. If this idea makes sense to you, what is the likelihood that the political will could be gathered to make it happen?

## Reconciliation and Recognition

58. Do you believe that "reconciliation" should be an important part of Government Aboriginal policy?
59. What does reconciliation in this sense mean?

60. What specific policy recommendations would you make to promote reconciliation?

Government Policy, Communication, and Administration

61. Have you noticed any weakness in the province's capacity to:

- communicate with (Métis or First Nation) people and communities?
- administer programs and services for (Métis and or Nation) people?
- develop policies on issues that concern (Métis or First Nation) people?

62. What specific recommendations, if any, would you make to improve these areas?

- communicate with (Métis or First Nation) people and communities?
- administer programs and services for (Métis and or Nation) people?
- develop policies on issues that concern (Métis or First Nation) people?

