



**Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls**

Location/Phase: Part 2 Regina

Witness: Daniel Bellegarde

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Add'l info: P02 P02 P0101

Date: JUN 25 2018

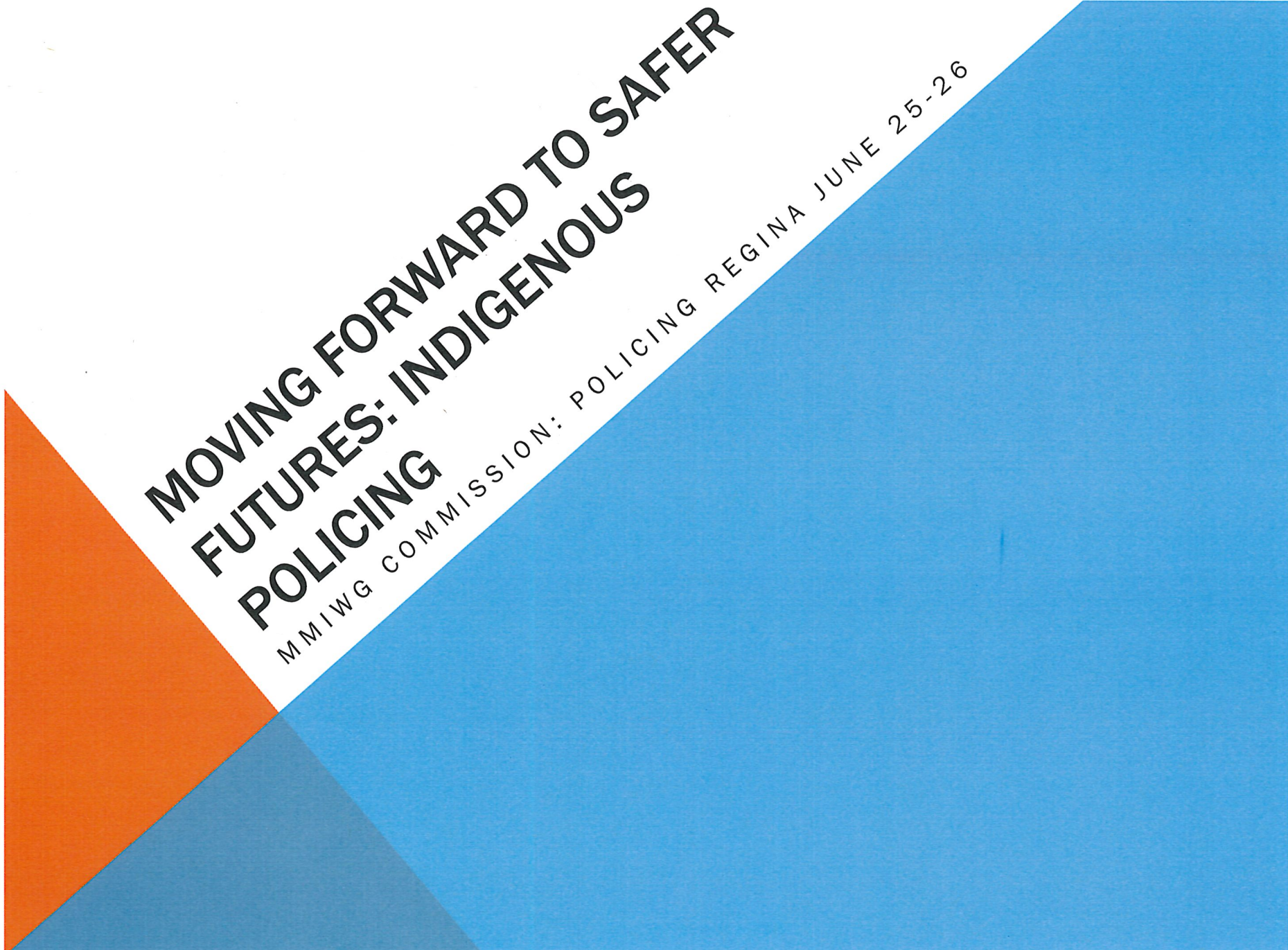
Intials

I/D

Entered

53

24

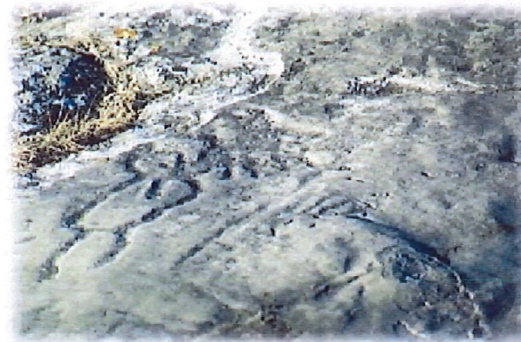


**MOVING FORWARD TO SAFER  
FUTURES: INDIGENOUS  
POLICING**

MMIWG COMMISSION: POLICING REGINA JUNE 25-26

# Inherent Rights

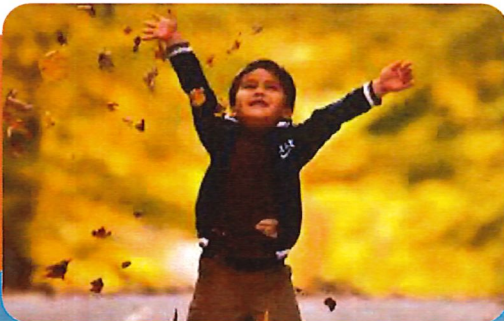
- ❖ Our history begins with the creation and placement of First Nations on this continent by the Creator
- ❖ Dakota, Nakota, Lakota, Nehiyaw, Anishinabe, Denesuline



- ❖ We organized politically, economically, socially and spiritually to enrich and protect our way of life

# Inherent Rights

- ❖ We always had governance and laws:
  - ways of teaching
  - ways of raising children and caring for families
  - harvesting medicines, healing, ceremonies
  - organizing hunting parties and trade expeditions
  - entering into treaty arrangements
- ❖ Political leaders, spiritual leaders, warrior societies, hunting societies, teachers, healers, counselors



Aboriginal people and the Euro-Canadian justice system they come into contact with are inherently in conflict, where a system orients people to do things a certain way vs. Aboriginal people who come from a system that orients them to do things differently.

Stanley: “The system is not broken. It works as it was meant to: impose laws, oppress, keep power”



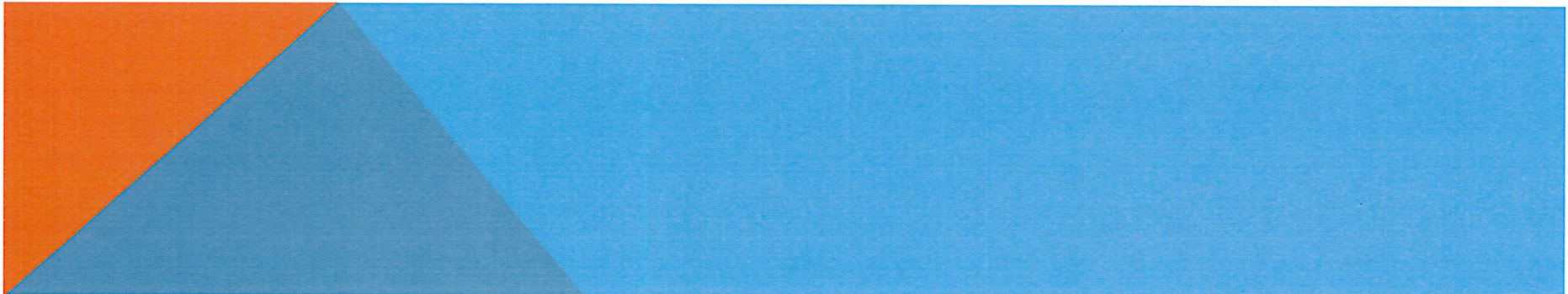
## JUST RELATIONS IN CULTURAL VALUES

- No rigid separation of spiritual/political
- Based on responsibilities to one another collectively and the land, not rights
- Not discipline and punishment as Europeans
- Natural connections (family, Elders) control social behavior



## INDIGENOUS CONCEPTS OF JUSTICE

- More than a set of rules and institutions
- An aspect of natural order in which everyone and everything stands in relations to one another.
- New Zealand: the Maoris have water, trees, rocks accepted as living beings, deserving of respect and protection just as a human



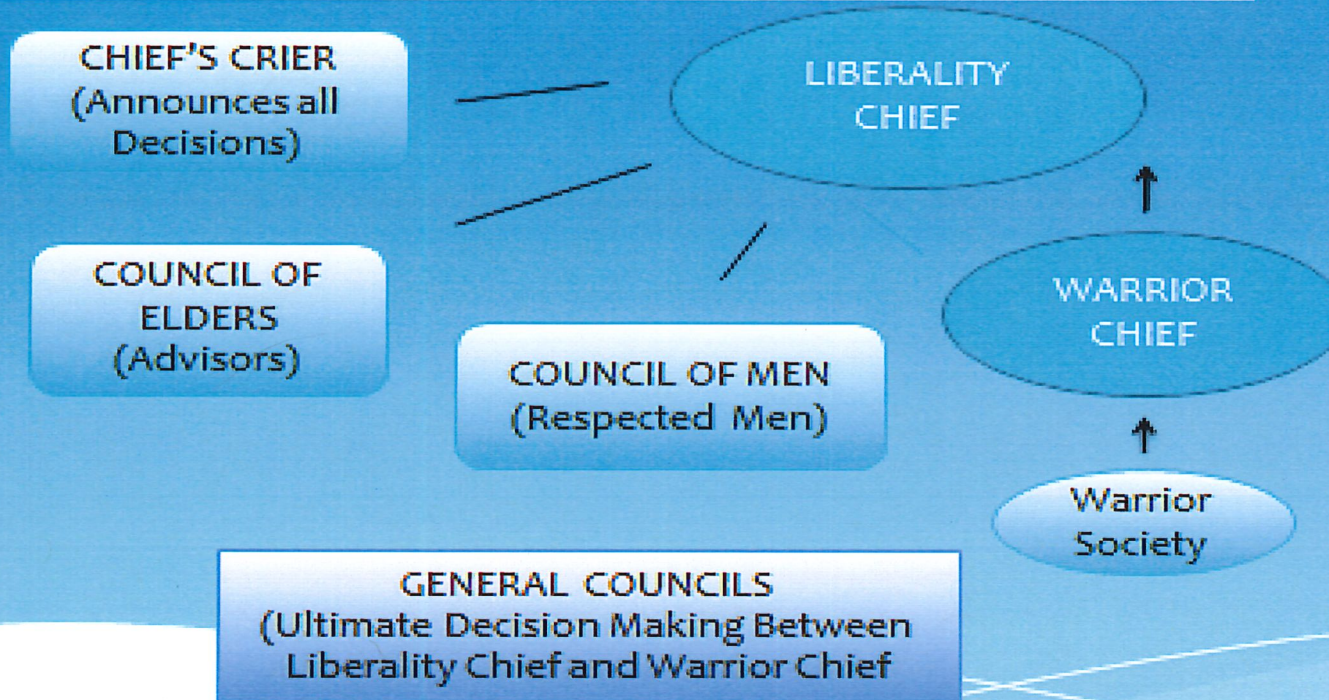
# Nakota Traditional Government



DEMOCRACY GOVERNMENT

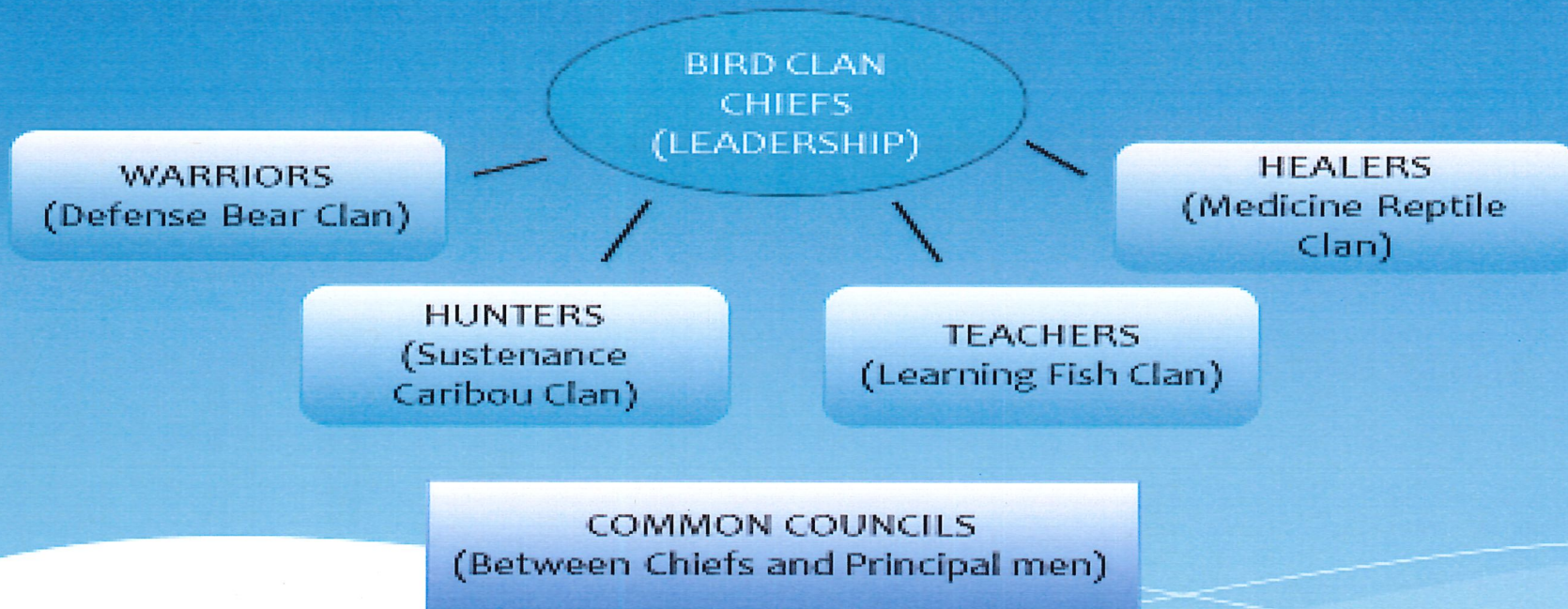


# Cree Traditional Government



HEIRARCHIAL GOVERNMENT

# Saulteaux/Ojibway/Anishinaabe Traditional Government



**PATRIARCHIAL GOVERNMENT**

# Spirit and Intent of Treaty

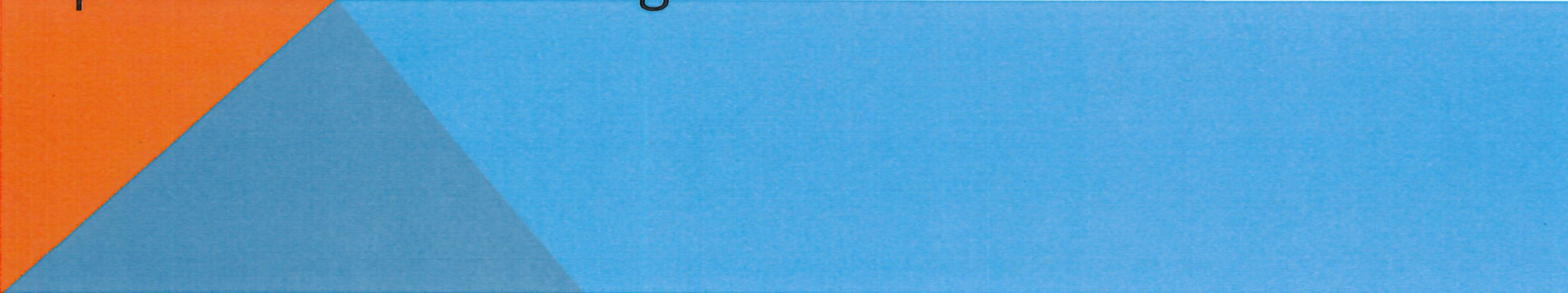
## ❖ Justice

- Maintain peace and order between each other, other Tribes of Indians and settlers
- Assist the officers of Her Majesty in the area of justice
- Treaty confirms First Nations' jurisdiction and authority



## Early relationships with the settler society:

### Indian Agents, priests and NWMP

- Para-military: protect Canada's interests in NWT
  - Accompanied the Crown's Treaty party
  - Enforced the Indian Act: residential schools, prohibition of cultural ceremonies, pass system
  - Helped FNs in rations, medical assistance, protection from illegal alcohol
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# First Nations and the Canadian Average

Crimes are 3.8 times higher

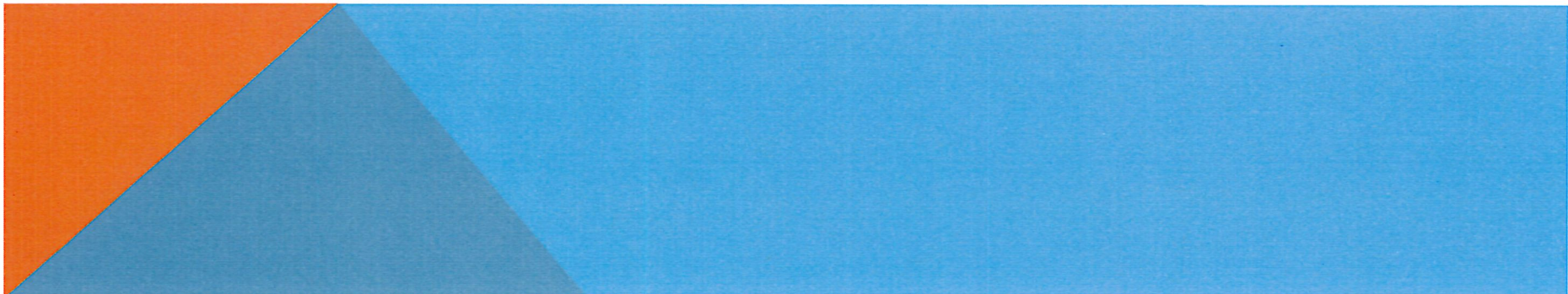
Violent crimes are 5.8 times higher

Assaults are 7 times higher

Sexual assaults are 5.4 times higher

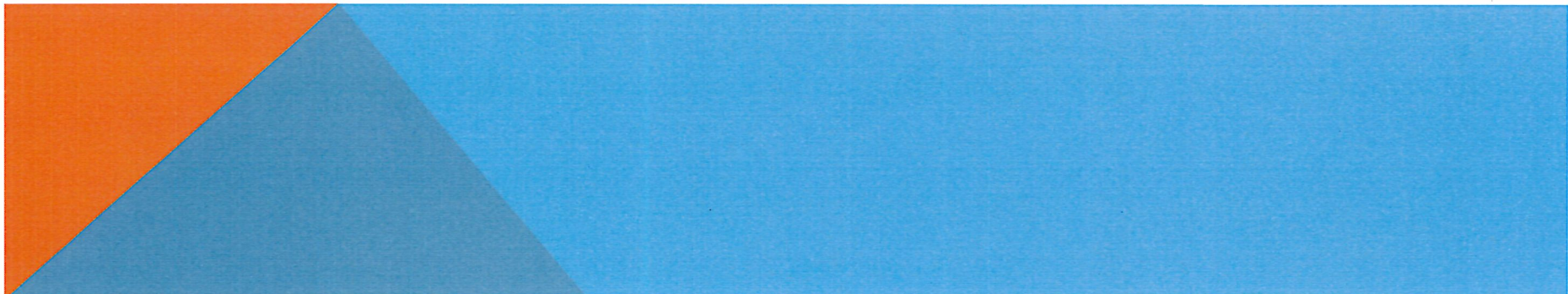
Drug trafficking are 3.8 times higher

(Public Safety Canada, 2012)



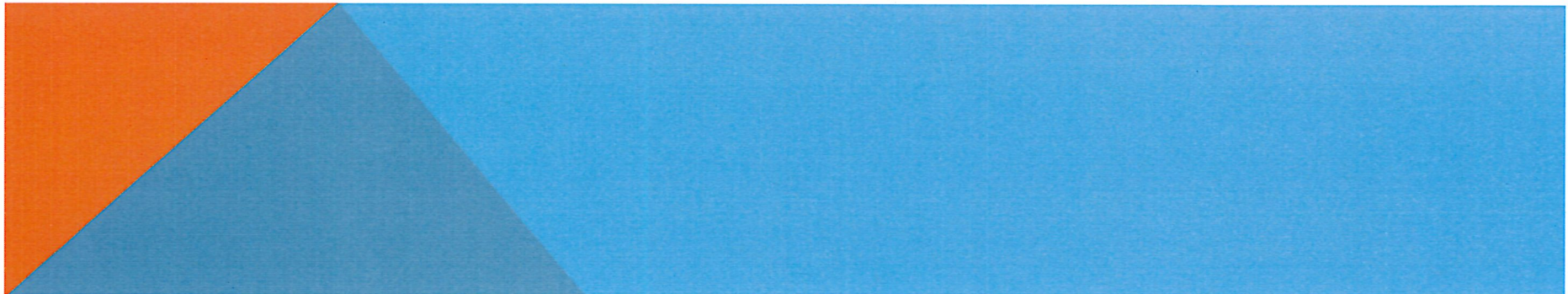
## CURRENT CRIME PATTERNS

- Increase in aboriginal gang activity
- Increase in bootlegging, opioids and illegal drug and resulting property crime and violence
- Instances of human trafficking for the sex trade
- Increase in Elder abuse and domestic abuse
- Increase in victims of crime



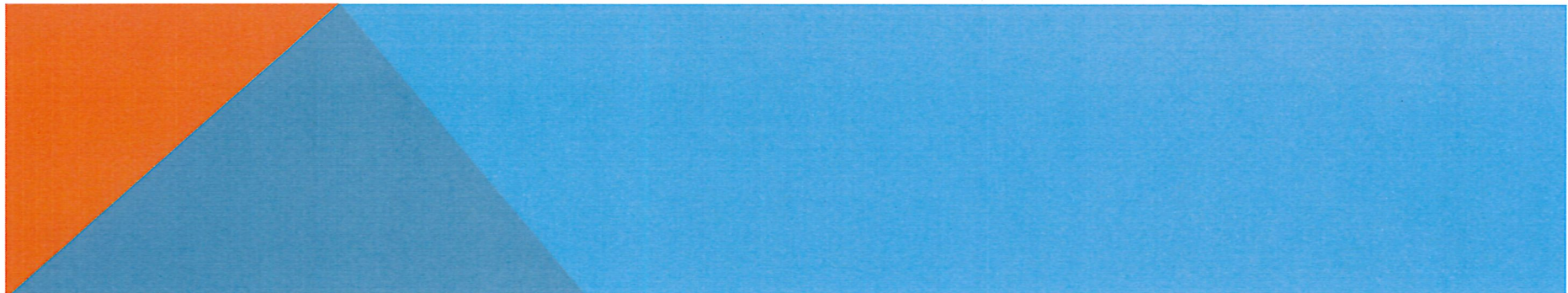
## CURRENT CRIME-CONTROL STRATEGIES

- Crime prevention programs: anti-gang, cadets, education programs
- Partnerships in the communities: the HUB model of assisting at-risk people
- Enforcing First Nation law: banishment
- Community and family empowerment
- Language and cultural revitalization
- Community policing models



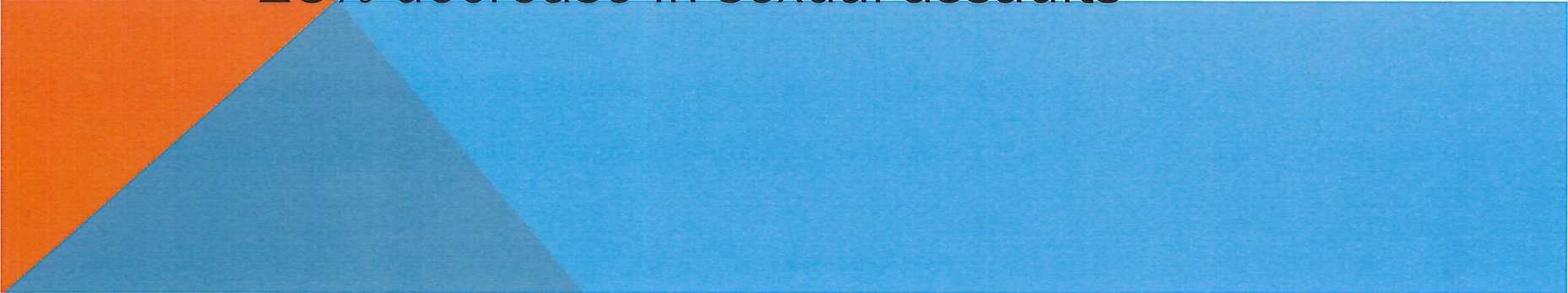
## THE FIRST NATION POLICING PROGRAM

- NWMP and RCMP
- Indian Act Band Constables
- RCMP Special Constables (3B)
- RCMP/OPP/SQ/Municipal PS Recruitment Policies
- First Nation Policing Program (1991)





## Self-Administered Policing and Impact on Crime in FNs

- 22% decrease in incidents of crime
  - 36% decrease in homicides  
(Canada had a 16% decrease)
  - 19% decrease in violent criminal incidents
  - 20% decrease in assault
  - 23% decrease in sexual assaults
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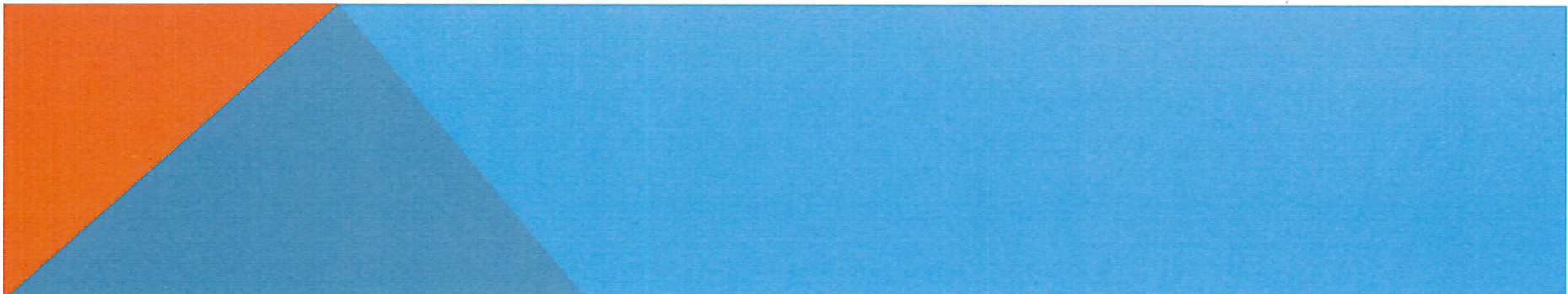
## AGREEMENTS

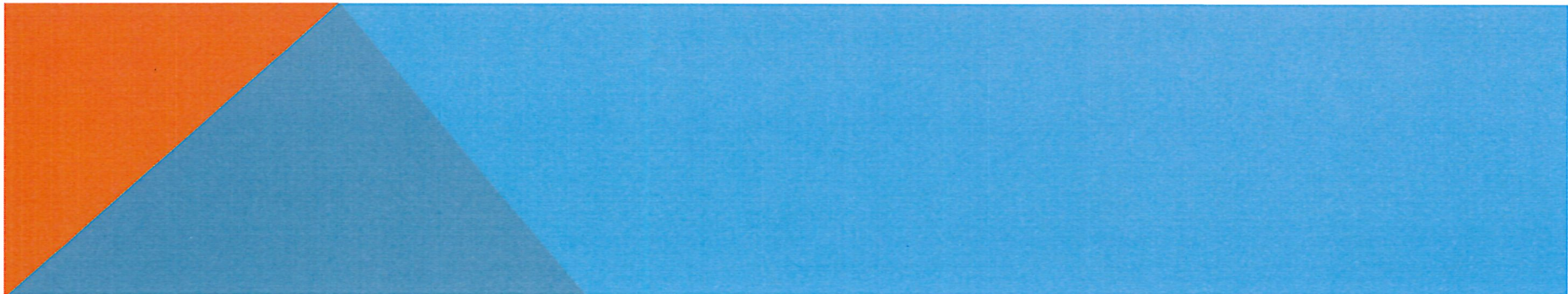
- RCMP Community Tripartite Agreement: 3 parties, dedicated officers from existing service. 20 positions in PBCN, 2 in Canoe Lake, 3 in Waterhen
- Self-Administered: FN manages its own PS under provincial legislation: 34 in Canada, most in Ontario and Quebec, only 6 east of Ontario, one in SK. Range in size from 10 (FHFNPS) to 150 officers (Nishnabi-Aski PS).



## SELF-ADMINISTERED POLICE SERVICES IN SK

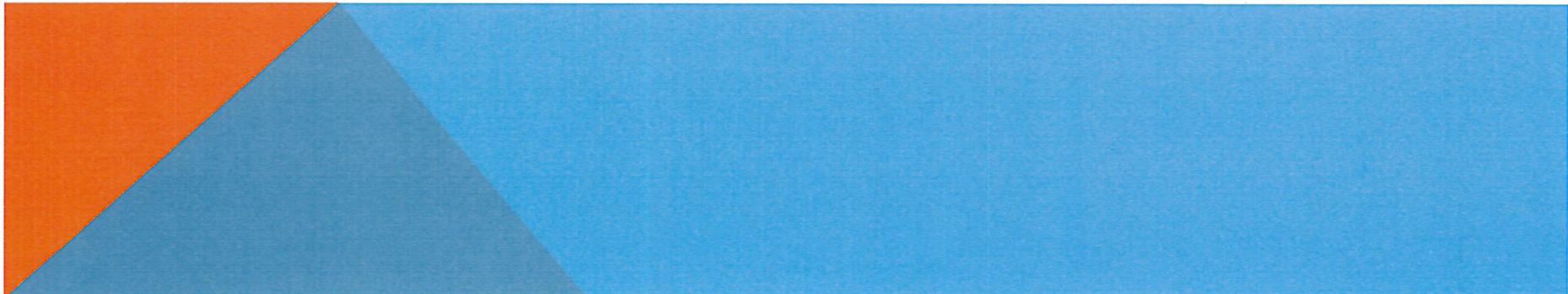
- Self-Administered (SA) Agreements and CTAs are negotiated among First Nation or Inuit communities, provincial or territorial governments, and the federal government.
- 34 Community Tripartite Agreements (CTA's) in SK
- 38 SA Police Services's across the country
- One in SK, FHFNPS serving 5 First Nations in Treaty 4 Territory in southern SK. There are 74 FNs in SK.
- High interest in SAs from PBCN, La Ronge, Battle River, MLTC, Crooked Lake, TATC, Qu'Appelle Agency, OLCN





## GOVERNANCE ON-RESERVE OF FHFNPS

- Under Saskatchewan Policing Act: professional standards, training, governance
- Oversight by Saskatchewan Police Commission
- Board members appointed by Chief and Council
- Serves term of 3 years
- Policy and governance
- Stabilize, strategize, indigenize, mobilize



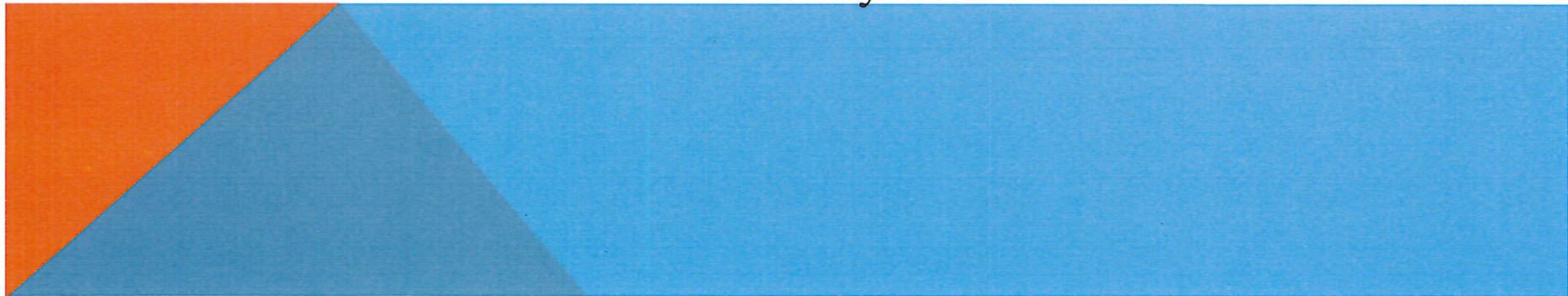
# TSUU T'INA COURT PROPOSAL

**An aboriginal court and a Peacemaking initiative.**

## **The aboriginal court involves**

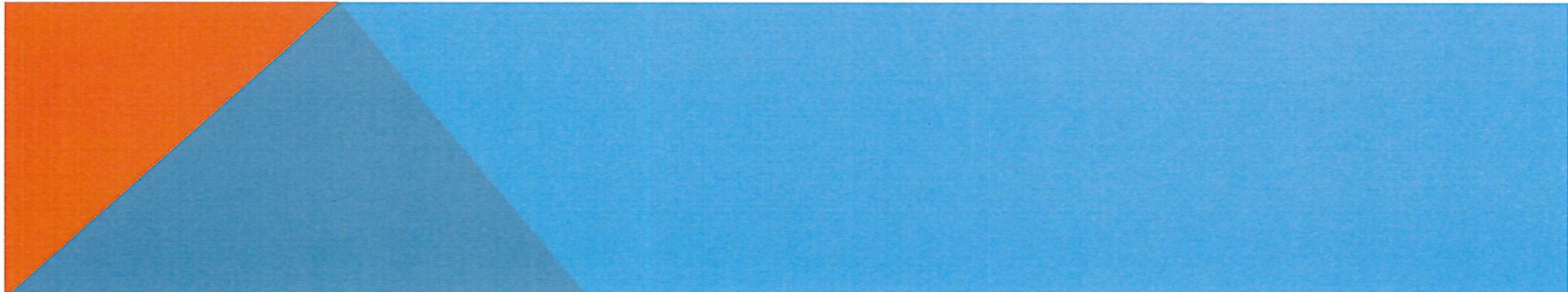
- a provincial court situated on the Reserve
- aboriginal people participate in all aspects of the court
- jurisdiction for criminal and youth initially with family, child welfare and civil to be added later
- all matters arising on the Reserve or waived in

**The Peacemaking** initiative diverts matters from court to Tsuu T'ina community peacemaking for resolution of conflict and restoration of harmony



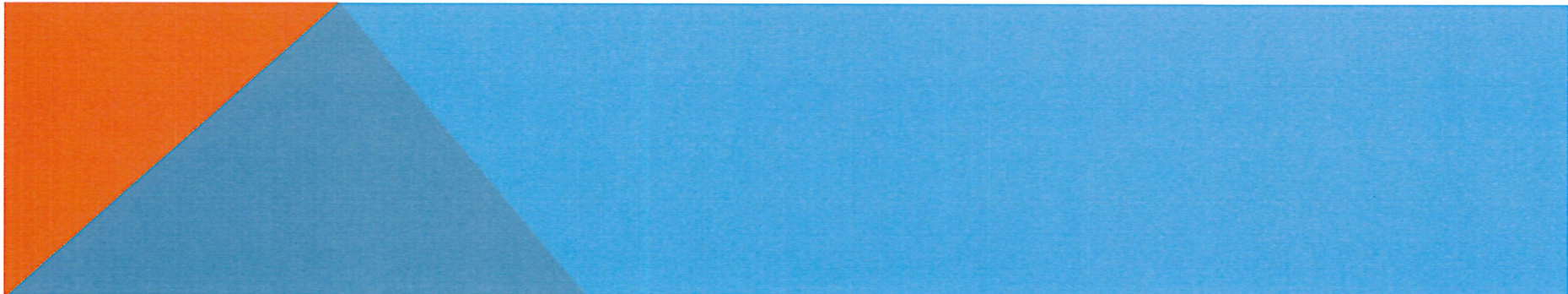
# THE PRISON POPULATION

- \* federal prison populations in Canada over the past decade have risen overall 17.5 per cent, but jumped 47 per cent for indigenous people and dropped three per cent for the Caucasian population;
- while indigenous people comprise 15 to 17 per cent of the Saskatchewan population, 80 to 90 per cent of the men in the province's jails, 90 to 95 per cent of the women and 80 plus per cent of the youth are indigenous;
- 2014: \$322 - average daily cost of a prisoner in a penitentiary (\$221 in 2001-'202)
- \$117,788 - average annual cost of a prisoner in a penitentiary in 2011-2012
- \$151,484 - annual cost of a prisoner in maximum security
- \$104 889 - annual cost of a prisoner in medium security
- \$91,959 - annual cost of a prisoner in minimum security
- As of April 14, 2013, 579 women were incarcerated in federal prisons at an annual cost of \$211,618 each, according to the document.



## NOW WHAT?

- Environmental scan: happiness level? Integrate with justice initiatives and Self-Government? Dispute resolution and rehabilitation? Restorative justice?
- Regional approach through Tribal Councils and Treaty areas?
- SK-wide police service
- Legislation: FSIN Police Act, Peacekeepers Act
- Province is looking at Community Safety Officers, Manitoba has changes its Police Act to include FNs under its Community Safety Officers Program (no more Band Constables – an AANDC program)





### Who is Tyler?

A fictional character based on the prototypical chronic young offender in Canada. The story of Tyler's career is intended to illustrate the risk factors associated with a criminal career, the high costs\* associated with chronic offending and how those costs can be avoided if the proper interventions are in place.

#### The numbers:

- 125,000 youth were accused of a Criminal Code offence in 2012
- 55,000 youth were formally charged (or recommended for charging)
- 5,500 CJS involved youth become serious, chronic offenders

At a cost of **\$1.5 million** each, collectively these serious, chronic offenders would cost Canada over **\$8.3 billion**.

\* Cost estimates in this scenario only include the tangible costs of crime for the criminal justice system, health care system, and social services. Therefore, the estimate of the total cost of Tyler's criminal career is likely undervalued.

## THE COST OF TIMELY INTERVENTION

