

Restorative Justice, Legal Aid, Police Standards and Bylaws

Nishnawbe-Aski Legal Services Corporation &
Nishnawbe Aski Police Service

Nishnawbe-Aski Legal Services Corporation

Irene Linklater, Executive Director

Nishnawbe Aski Legal Services Corporation- Restorative Justice

- ▶ Foundation - Mandate: Nishnawbe Aski Nation Chiefs in Assembly Resolutions
- ▶ Memorandum of Understanding: NALSC and Legal Aid Ontario (LAO) 2004
- ▶ Restorative Justice Initiatives: approx. 2/3 of NALSC services and programs
- ▶ LAO's Aboriginal Justice Strategy - consultation across NAN territory - 2020



Foundation - Mandate: Nishnawbe Aski Nation Chiefs in Assembly Resolutions

- ▶ 1988/45 JUSTICE - the current system of justice is inadequate, inappropriate and unfair;
- ▶ affirm commitment to the goal of re-establishing traditional forms of justice within our communities;
- ▶ in the interim NAN continue to work on improving the administration of justice in our communities ...
- ▶ 1989/40 LEGAL SERVICES CORPORATION - mixed model supported by NAN; agree to establishment of LSC and a Board of Directors established ...



Foundation - Mandate: Nishnawbe Aski Nation Chiefs in Assembly Resolutions

- ▶ 1990/26 LEGAL SERVICES CORPORATION - 1988/45 recognizes two pronged approach to justice, 1989/40 established the LSC;
- ▶ respect and support development of traditional justice systems and need to have adequate legal services;
- ▶ LSC Mandate: promote creative community based justice programs and ensure education of non-Native justice personnel about FN traditional values and culture;
- ▶ traditional component in the Memorandum of Understanding “integral part of the “powers and institutions of self-government” negotiations
- ▶ LETTERS PATENT March 1, 1990 (Canada Corporations Act)
- ▶ Board of Directors and Elders, Tribal Councils and Independent Councils
- ▶ Communication, relationship and reporting to the NAN Chiefs in Assembly



Memorandum of Understanding: NALSC and Legal Aid Ontario (LAO) 2004 - Changes

- ▶ NAN Chiefs in Assembly Resolution December 2018 - negotiation for new MOU
- ▶ *United Nations Declaration on the Rights of Indigenous Peoples* 2007, endorsed by Canada November 2010
- ▶ *Truth and Reconciliation Commission Calls to Action* - 2015
- ▶ *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous women, girls, 2SLGBTQQIA people* - 2019
- ▶ Ontario's Bill C161 *Smarter & Stronger Justice Act* December 9, 2019 (Schedules 15 & 16 *Legal Aid Services Act, 2019*) to replace *Legal Aid Services Act, 1998*. [currently in 2nd reading at Ontario Legislature towards Royal Assent]



Mandate & Mission

► Mandate:

To promote creative community based justice systems and to deliver on a wide range of law-related services including, legal, para-legal, public legal education and law reform services to members of Nishnawbe Aski Nation.

► Mission:

To deliver the programs and services in a culturally appropriate manner sensitive to the unique values, customs, and traditions of the Nishnawbe Aski Nation communities



Restorative Justice (RJ) Initiatives - Community Based

- ▶ Gladue Writers
- ▶ Gladue Case Workers
- ▶ Talking Together
Program/Alternative Dispute
Resolution - Child and Family
- ▶ Victim Witness Liaison
- ▶ RJ Sexual Assault and Domestic
Violence
- ▶ RJ By-Law
- ▶ RJ Youth Justice
- ▶ RJ Youth Intervention
- ▶ RJ Youth Intervention/Justice
- ▶ Community Learning Hub
- ▶ Guns & Gangs



LAO's Aboriginal Justice Strategy - consultation across NAN territory

- ▶ LEGAL AID ONTARIO (LAO) seeks to consult with NAN First Nations on the next *Aboriginal Justice Strategy*,
- ▶ LAO sent letters of invitation Feb. 14, 2020 to Chiefs and Council and NAN Deputy Grand Chief and met with NALSC Board of Directors Feb. 26, 2020
- ▶ To compile feedback towards a report and recommendations in the areas of (1.) Legal Aid Services, (2.) Relations, (3.) Governance
- ▶ LAO's consultation options under review with the NALSC Board of Directors
- ▶ Mix of Community, Regional and NALSC administration office locations
- ▶ Budget - LAO
- ▶ Time line - Feb. 27th 1st Session held with Community Legal Workers (to conclude June 2020)



PROTOCOLS

- ▶ Traditional Protocols
- ▶ Political Protocols
- ▶ Service Protocols - examples
 - Nishnawbe Aski Police Services
 - Ontario Provincial Police
 - Ontario Victim Services



The background features abstract, overlapping green geometric shapes in various shades of green, creating a modern and dynamic visual effect. The shapes are primarily located on the left and right sides of the slide, framing the central text.

NALSC's Legal Aid Program

Danielle Wood, Area Director

Legal Aid

- ▶ Community Legal Workers
- ▶ Public Legal Education
- ▶ Duty Counsel Program
- ▶ General Administration of NAN Community Courts



Community Legal Workers

- ▶ Are at Advance and Court Days
- ▶ Legal Aid applications & Finding Lawyers
- ▶ Legal Information and Referrals
- ▶ Routine Forms
- ▶ Connection to NALSC



Public Legal Education

- ▶ “Know your rights”
- ▶ Radio shows
- ▶ Website & legal updates
- ▶ Clinic Days



Duty Counsel Program

- ▶ Available Court and Advance Days
- ▶ Offer free legal advice
- ▶ Help clients that don't have lawyers
- ▶ Advice Lawyer Monday, Wednesday and Fridays from 1-5 PM EST



Administration of NAN Community Courts

- ▶ Court Committees
- ▶ Court and Travel Scheduling
- ▶ Lawyer Lists
- ▶ Issues with Lawyers on Panel



NAN Courts and Justice

- ▶ Administration of Justice
- ▶ Ethics and Standards
- ▶ Duty Counsel Training
- ▶ Services in the Communities



Relations with Police, Professional Standards, Complaints

Pierre Guerard, Inspector

Irene Linklator, Executive Director

NAPS Professional Standards Bureau

- ▶ **Professional Standards Bureau**
Nishnawbe Aski Police Service
Inspector Pierre Guerard
Headquarters
309 Court Street South
Thunder Bay, Ontario
P7B 2Y1
PHONE: (800) 654-6277 EXT 6108 (Toll Free)
FAX: (807) 623-2225
Email: psb@naps.ca



Making a Complaint Against the Police

- ▶ To file a complaint against the OPP or a city police services (*i.e.* Thunder Bay Police), contact the OIPRD
 - ▶ Toll-free phone: 1-877-411-4773
 - ▶ https://complaint.oiprd.on.ca/OIPRD.Efile/Complaint_en.aspx
- ▶ To file a complaint against NAPS, call the professional standards bureau
 - ▶ Toll-free phone: 1-800-654-6277, extension 6108
 - ▶ http://www.naps.ca/index.php?option=com_chronocontact&Itemid=86



Band Bylaw Program

Cecilia Fiddler, Martha Kataquapit, and Victor Stephen



Introductions to Our Team



What is the Bylaw Program?

- ▶ The Bylaw program focuses on providing information on community-based enforcement and law-making.
- ▶ Provides communities with the opportunity to enforce their bylaws through the Restorative Justice Circle Process.



What has been accomplished this year?



Future Plans

- ▶ Continue working with NAN communities who requests assistance with law making.
- ▶ Create stronger working relationships with Chief and Council, NAPS and OPP to help with the enforcement of bylaws.
- ▶ To continue working with the communities and acquiring their assistance and guidance with how they would like to move forward with law making and enforcement.
- ▶ Assist in training for the facilitation of NALSC's model of Restorative Justice to community members as requested.

