REFERRAL LIST OF RECOMMENDATIONS FROM THE CONFERENCE ON NATIVE PEOPLES AND THE CRIMINAL JUSTICE SYSTEM

Prepared by

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INTRODUCTION

The following list is comprised of all recommendations agreed upon by ministers on February 5, 1975, and the recommendations included in the workshop reports from the National Conference on Native Peoples and the Criminal Justice System held in Edmonton February 3 - 5, 1975. This list was designed to aid advisory councils, governments and native organizations in carrying out the recommendations produced at the conference.

Recommendations have been grouped under three headings:

1. COMMON CONCERNS

2. PROVINCIAL CONCERNS

3. FEDERAL CONCERNS

Common Concerns are those recommendations which both levels of Governments must be involved in to see that they are met; included under the heading of Common Concerns are two kinds of recommendations: those that require joint action to be filled between Federal and Provincial Governments and those that both levels of Governments must act on separately. Provincial Concerns involve those recommendations which are at present provincial responsibilities on the whole, such as probation. Federal Concerns involve those recommendations which are at present largely Federal responsibility such as criminal legislation.

The distinction between these three areas was at times difficult to make. For example, parole is basically a Federal responsibility and yet Ontario and British Columbia have Provincial parole for certain inmates. Therefore recommendations under parole had to be included under Common Concerns unless the parole board was specifically mentioned. The reader then is asked to look upon this list as an aid not as a rigid classification.

You will please note that beside some recommendations is an asterisk (*) indicating that these proposals were agreed to by Ministers. The other recommendations were not dealt with at the conference by Ministers due to the lack of time and abundance of proposals. The recommendations made by the Inuit workshops are noted due to the unique jurisdictional situation of the Territories.

PART I: JOINT CONCERNS

A. INSTITUTIONS

*1. Where incarceration for Native offenders is necessary it should be in an institution in close proximity to their normal place of residence preferably in a community based treatment facility.

2. Greater use must be made of Federal/Provincial agreements to permit female offenders irrespective of their sentence to remain in their home province.

3. (Inuit)
Correctional institutions such as the one established in Frobisher Bay should be established in Labrador in the Goose Bay-Happy Valley area and agreement should be reached between the Federal and Newfoundland Governments as to any cost sharing.

4. (Inuit)
The Correctional Institutions should emulate the Frobisher Bay Institution.

5. (Inuit)
A halfway house should also be established for each correctional centre.

6. (Inuit)
In small communities especially where there is no police detachment a gaol house facility should be set up in the event the people need protection from an individual who is temporarily violent.

*7. Programs, particularly of a social, cultural or educational nature, special counselling services and community based work programs such as forestry camps must be made more available to Native inmates and must be tailored to their specific needs.

8. Native Court Counsellor/Worker training programs should be made available to Native inmates in institutions.

9. More liason persons and native workers should be employed in the institutions, particularly more female workers. The governments should, in co-operation with the Native Organizations both inside and outside institutions, develop a recruitment and training program for these workers.

10. All correctional institutions should have persons of native ancestry to interview native offenders immediately upon admission to institutions in order to interpret and explain institutional programs, Parole eligibility and rights and to ensure contact with Native Organizations and communities.

11. Due to differences in interests of native and non-native inmates incarcerated in the same institutions, consideration should be given to setting up specialized native programs such as satalite camps.

12. Greater consideration must be given to such programs as life skills, communication and trades, directly related to the native inmates probable life style after release.

13. The opportunity to voice complaints and grievances must be guaranteed to inmates to ensure that such complaints and grievances will be adequately investigated.

*14. Recognition and support must be given by institutional administrators and native groups alike to native inmates' self help groups.

15. Support and encouragement must be given to inmate clubs and societies.

16. Serious consideration must be given to the wishes of the native inmates in the planning and implementation of institutional programs.

17. There must be greater support and representation for native inmates by outside native organizations and band councils.

18. There must be community support and access for the native organizations inside institutions and those programs should be designed to assist the native offender moving back into society.

19. Accurate information must be made available to the general public regarding the magnitude of native inmate problems.

20. All documents and material relating to or arising from this conference and any subsequent submissions must be disseminated to the native inmates in the provincial and federal institutions as well as concerned native communities and organizations in order that the greatest degree of awareness be engendered in those people most directly concerned with commitments arising from this conference.

*21. Training standards for correctional officers should be upgraded and provision made for sensatizing staff to the needs and aspirations of native inmates.

B. POLICING

*1. A strong and more positive relationship between native communities and police must be encouraged.

2. Provisions should be made for regular liason meetings between police authorities (federal,provincial and municiple) and band councils or communities with special emphasis placed on native and Inuit communities -

a) to discuss matters of mutual concern regarding law enforcement and crime prevention in native and Inuit communities

b) to plan preventative programs appropriate for their regions and communities

c) to arrange for orientation by native peoples for police personnel assigned to work in or near native communities

d) to promote an understanding of law and law enforcement responsibility amoung all native peoples.

3. Police officers including the R.C.M.P., provincial and municiple forces assigned to a particular community should become familiar with native values, culture, native concepts of criminal justice etc.

4. (Inuit)
A primary function of police in Inuit communities should be the education of children and adults about peoples rights.

5. Police officers should revert to foot patrols in order to have direct contact with people in the community.

6. (Inuit)
There should be police liason officers who travel to all communities to hear complaints, to explain the police's function and to hear the views of Inuit as to how the police should conduct themselves.

*7. Police authorities must be prepared to work with native communities in determining policing needs and developing forces.

8. A study should be carried out to determine the number of native people who have been hired on police forces in the urban centres, the number remaining and why the balance have left the police force.

9. Provide for police commissions or citizens' committees in communities policed by federal, provincial or municiple police forces such committees to -

a) promote police/community relations

b) advise the police detachment of areas of concern in policing matters

c) provide a mechanism for receiving citizen complaints when requested to do so by the provincial police commission or the Attorney General/Solicitor General.

10. When native people are arrested in urban centres the arresting officer should contact the native police on the applicable reserve before taking any further action. If this is not possible they should contact a native organization in that community which could provide this service on a 24 hour basis.

11. Due to the lack of native police in urban communities, native organizations should hire native street workers to work in conjunction with the police on a co-operative basis.

*12. Band and special constable programs must be upgraded and extended.

13. (Inuit)
The Labrador delegation recommends that an Inuit special constable be stationed in Happy Valley-Goose Bay. This officer would also serve North-West River.

14. The federal government should enter into arrangements with Ontario and Quebec whereby their respective provincial police forces, with the co-operation and agreement of the band councils, will recruit,train and supervise special native and Inuit constables to serve in Native and Inuit communities.

*15. Increased numbers of native persons must be recruited and trained as police officers.

16. The R.C.M.P., Quebec Provincial Police and Ontario Provincial Police should establish a recruitment policy to hire native men and women in their regular forces taking into consideration ability and life experience as well as formal education in establishing selection requirements.

C. PREVENTION

*1. In policy planning and programing development emphasis should be placed upon prevention, diversion from the Criminal Justice System to community resources, the search for further alternatives to improvement and the protection of young persons.

2. Immediate steps should be taken by all structures within the Canadian Criminal Justice System to remove present inconsistencies or overcome inadequacy in order to provide an atmosphere of prevention.

3. Encourage the development of a sound economic base to engender community and cultural awareness by native people.

4. Commitment to foster flexibility in their respective operations of those administering the Criminal Justice System with those agencies outside the Criminal Justice System.

5. Commitment to finance and encourage auxilary support services to serve an important preventative function.

*6. A community based program of education must be developed and implemented to instruct elementary and secondary students as well as adults in the native community in both the law and the operation in the Criminal Justice System.

7. Emphasis must be placed on preventative law and education.

8. Commitment to assist the educators and administrators of justice to specifically familiarize natives about the Criminal Justice System through various educational means rather than a result of being arrested an incarcerated.

*9. Alcoholism is intimately associated with native criminality special programs must be directed at this problem at the community level.

10. Institute an alcohol and drug education program to provide information to native peoples of all ages, particularly between the ages of 9 - 21 years, concerning the nature of alcohol, drugs and addition . Programs of a diversionary nature designed and administered by native people should be set up within the remote native communities as a means of prevention.

*11. All non-native staff in the Criminal Justice System engaged in providing services to native peoples should be required to participate in some form of orientation training designed to familiarize them with the special needs and aspirations of native persons.

12. Teachers, nurses and other personnel who are sent into remote areas should be required to attend orientation courses including language training designed and administered by the local native community.

*13. Native persons should be closely involved in the planning and delivery of services associated with criminal justice and native peoples.

14. Limits imposed on native peoples trying to obtain expertise (e.g. funding) in any professional field should be removed, and once qualified, native peoples should be put into those positions which correspond to their qualifications.

15. The public service regulations requiring bilingualism in government agencies should be relaxed and/or deferred for native peoples.

16. Native peoples should be employed wherever possible to act as resource personnel for recreational facilities, workshops, summer camps, hunting and fishing reserves, survival programs, forestry training programs and any other program which could conceivably draw on the natural expertise of native people.

17. Accessability to arts and crafts markets and exhibition areas should be enhanced.

18. A national body should be formed immediately composed of representatives of the native organizations in Canada, both provincial and national, to lobby and obtain funding specifically for programs on prevention.

D. ADMINISTRATION OF JUSTICE

*1. More native persons must be recruited and retrained for service functions throughout the Criminal Justice System.

2. Emphasis and support must be given to the successful programs already operating.

3. Scholarships and other forms of assistance must be offered to native people to allow them the opportunity of training for a career in all aspects of the Criminal Justice System.

4. Incentives must be provided for trained Indian people to ensure that these people will remain at work in the Criminal Justice System.

*5. Legal services available to native persons should be improved and extended.

6. (Inuit)
As a general principle we insist that people must be provided with interpretation and translation facilities from properly qualified personnel in all dealings with legal agencies where it is essential the person understand what is happening.

*7. Native communities should have greater responsibility for the delivery of criminal justice services to their people.

8. The system of administration of justice should reflect the spirit of the Treaties in the terms of section 91 of the BNA act. Only those federal laws, band council laws and provincial laws adopted by band councils should be effective on Indian reserves.

9. Commitment to pre-criminal justice system diversions in order that individuals will not have to have criminal records to follow them.

10. Advisory Committees of Natives should be established. The persons in these committees must be primarily those from remote communities and those directly involved with native offenders. These committees will be charged with the responsibility of advising and recommending solutions and alternatives to correctional agencies, federal, provincial and private. Native organizations and native communities must recognize and accept their responsibility to the native offender by assisting correctional agencies, federal, provincial and private, in prevention, community based treatment, institutional care and after-care.

11. (Inuit)
Funds should be made available by all governments concerned in order that native organizations can study and record Inuit laws and customs. These funds should be sufficient to enable native organizations to assess the ordinances and laws governing them which are antipathetic to Inuit values. Territorial councils and other legislative bodies would then be presented with revisions and/or asked to pass appropriate amendments, modifications and new laws.

*12. Native community workers should be provided to communities to give assistance in obtaining legal aid and advice to provide legal education courses etc.

13. The role of the prosecutor must be investigated. The separation of the functions of the police, prosecutor and judge must be made very clear.

14. The age and respect of juvenile delinquents should be made uniform throughout Canada.

E. COURTS

1. Natives accused of criminal offences should have the option of being tried by Native Peacemakers Courts. (Tabled for discussion and study to the Canadian Advisory Council)

*2. Alternatives to incarceration developed in conjunction with native communities must be an important consideration in sentencing.

*3. Diversionary programs should be developed for first and minor offenders to limit further penetration into the Criminal Justice System.

*4. Police officers should not function as prosecutors or court officials (subject to further discussion between federal/provincial governments).

*5. The use of native para-professionals must be encouraged throughout the Criminal Justice System.

*6. Native court worker programs should be expanded.

F. PROBATION, PAROLE AND AFTER CARE

*1. Probation, parole and aftercare supervision and assistance must be much more readily available to native offenders and must be decentralized to the community level.

2. (Inuit)
Parole should be considered by a parole committee in the community from which the parolee lives.

3. (Inuit)
All responsibility for parole should be that of the Northwest Territories Government,not as at present a federal responsibility of the agency based in Edmonton.

4. (Inuit)
There should be native representation on the Northwest Territories parole board.

*5. The goal of probation, parole and aftercare must be primarily to re-orient the native person to the community of his choice.

*6. That all new inmates must be made aware of their rights and also of the criteria for obtaining parole.

*7. Better services must be provided to native inmates in the preparation and presentation of cases for parole.

*8. That bail supervision should be studied in order to reduce the number of remand in custody cases before trial.

*9. Existing half-way house programs must be expanded to include community resource centres and community residential centres for the special provision being made for the needs of native persons.

10. Increased and stable funding should be immediately provided to half-way houses to ensure proper facilities and programs for native people.

11. Governments should consider broadening the concept of half-way houses notably as an alternative to correctional institutions and as facility for day parole programs.

12. The federal/provincial governments, and where possible the municiple and local governments, should encourage the establishment of half-way houses for native people. There is a need for two types of half-way houses, one exclusively for the native people and the other integrated, with the native half-way houses designed, controlled, and managed by and for the natives themselves.

13. There is a need for facilities such as half-way houses or community based residential centres, both for post institutional purposes(i.e. parole and temporary absence), and as alternatives to incarceration in the first instance, particularly for juvenile and woman offenders. Federal and provincial governments should co-operate in one program. The above mentioned facilities must be managed and staffed by native people.

14. Additional half-way houses staffed by natives are needed for female offenders as well as an outside sisterhood comprised of ex-inmates working in conjunction with other interested groups in the home community; as well, consideration should be given to co-ed half-way homes.

G. GENERAL RECOMMENDATIONS

1. The Solicitor General for Canada, the Attorney General for Canada, and the Provincial Attorneys General should meet at the earliest possible date to discuss the creation of federal/provincial mechanisms which would allow the Government of Canada to provide block funding for the implementation of programs on the local level dealing with native people and the Criminal Justice System.

2. Follow-up after the conference:

   a) Recommendations should be carried out on a National scale rather than piece-meal

   b) A follow-up mechanism should be devised whereby the contributors to this conference will be kept advised of the implementation of the proposals.

PART II: PROVINCIAL AND TERRITORIAL CONCERNS

A. COURTS

*1. Where possible courts should be held in native communities.

2. It is recommended that a program be developed to sensitize/educate the Canadian Court System to traditions and values of the Native Peoples. Several methods are recommended:
   a) education of judges
   b) holding courts in native communities
   c) resident judges or justices of the peace should be appointed within native communities
   d) training programs should be set up by chief judges and/or native organizations for newly appointed and interested non-Indian judges.

*3. Provincial and Territorial Attorneys General be asked to change present methods of choosing jury panels so that native peoples have an equal opportunity to serve on these panels.

*4. That adequate interpreter services be provided where necessary.

*5. Judges sitting in remote areas should be familiar with native culture, background and concerns.

6. Native justices of the peace should be appointed for Native communities with jurisdiction under provincial statutes, Indian act (Section 107) including bail provisions.

7. (Inuit)
   The Quebec delegates recommend at least two court-workers for the Hudson Bay side and two for Ungava.

B. PROBATION

1. The setting up of a program of a recruitment and training of native peoples as probation officers.

2. The establishment of specialized units of probation services for the native people staffed by natives and/or non-natives who are aware and sensitive to the cultural differences.

3. The establishment of foster homes and/or group homes for younger offenders as an alternative for magistrates to probation.

4. (Inuit)
All probation officers should be Inuit. The present insistence on paper qualifications for Inuits should be dropped. Each community should have a probation officer.

C. SENTENCING

*1. Discriminatory practices of whatever nature should be avoided.

*2. Fines should be used only when meaningful and should then be tied to the economic situation of the offender with incarceration in lieu of payment of a fine being avoided.

D. POLICING

1. Citizen committees comprised of native people should be established in the urban centre to deal with complaints related to the treatment of native people by the police.

2. In each province the Attorney General should appoint native people to sit in local police commissions. These appointments should be made in consultation with native organizations in that community.

E. ADMINISTRATION OF JUSTICE

1. Changes should be made in the administration of criminal justice to incorporate the values of Indian people.

2. Band councils or communities should be given additional responsibilities for the administration of criminal justice.

3. Alternatives to gaol and fines must be allowed to ensure that people are not incarcerated for minor offences.

4. All pre-sentence reports should be based upon contact with the Native people of a particular community.

5. In sentencing, the judges should be given jurisdiction to commit to community-operated facilities as well as to correctional facilities.

6. It is recommended that the accused be informed he/she may use his/her mother tongue in presenting evidence and addressing the court (interpreters to be provided for such)

7. (Inuit)
In the Northwest Territories, Quebec and Newfoundland all ordinances should be translated into the different dialects and made available.

F. PREVENTION

1. (Inuit)
Where new liquor outlets are established Governments should allocate sufficient funds for a detoxification centre.

2. (Inuit)
A three year residency requirement should be mandatory before a person is permitted to vote at the community level on issues concerning alcohol.

*3. (Inuit)
Provincial/Territorial laws related to the sale of alcohol beverages solvents etc. should be strictly enforced and special attention should be given to the submission of native communities who wish to prohibit or restrict the sale or distribution of such substances.

4. Commitment for a massive education program concerning past and contemporary achievements to be at all areas of native education of programing-primary, elementary, secondary, adult.

5. Native peoples through school boards and other such mechanisms should have control over and input into native content in school curricula at all levels of education.

G. GENERAL RECOMMENDATION

1. A follow-up meeting should be held at a provincial level to discuss the implementation of recommendations from this conference as well as establishing a permanent mechanism for consultation and liason.

2. Special Recommendation: An inquest should be held regarding the death by hanging of a native in the Hull gaol.

PART III: FEDERAL CONCERNS

A. PAROLE

1. Provision must be made for native offenders to be represented at parole hearings by Native advocates, preferably by his/her choosing. These persons are to provide moral support and input, particularly in respect to the native community to which the offender expects to return.

2. There must be a more equitable representation of natives on the Parole Board.

3. A specialized unit of parole services for the native people should be established. This unit would be staffed by competant native parole officers or when none are available non-native officers who are familiar with native people.

4. (Inuit)
   Paroles should be considered by Parole committee in the community from which the parolee lives.

B. ADMINISTRATION OF JUSTICE

1. Efforts must be made to ensure that the people at the community reserve level are involved in the law reform process.

C. POLICING

1. (Inuit)
A cultural orientation course should be compulsory for R.C.M.P. sent to the north. The community councils in co-operation with the R.C.M.P. are the appropriate agencies for administering this program.

2. (Inuit)
R.C.M.P. should enter a community on a probationary basis, and their performance assessed by community councils. Assessment must be according to criteria agreed upon by the R.C.M.P. and the representatives of the native people.

3. (Inuit)
In addition to the normal R.C.M.P. detachment in any community, a minimun of one native counselor to every 500 Inuit residents should be maintained.

4. (Inuit)
The R.C.M.P. must stay longer than a few months in communities; the recommendation is for a 5 year stay in a community.

5. (Inuit)
The R.C.M.P. must cease to have discriminatory practices such as the current Commissioner's Standing Order that white officers may not marry native women.

6. (Inuit)
The R.C.M.P. should rely on the recommendations of community councils when appointing Special Constables.

7. (Inuit)
Ridiculous height qualifications should be abolished as a qualification for the R.C.M.P. Inuit are not tall people.

D. GENERAL RECOMMENDATION

1. The cost of litigation arising out of the Indian act should be born by Government Agencies.

E. SPECIAL RECOMMENDATION

1. A public inquiry should be held regarding the incident on Parliament Hill involving the Native Caravan.

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MINISTRY OF SOLICITOR GENERAL

BRANCH OF MINISTRY : Consultation Centre (Prevention)

RECOMMENDATION	ACTION TAKEN
Emphasis on Prevention and Diversion with community participation.	a) Increased consultation within all regions by National and Regional Consultants with a view towards prevention and diversion programing.
	b) Financial assistance to Qinuayooaq Society of Frobisher Bay for preventive program through cultural training.
	c) Financial support to Native Counselling Services of Alberta for Diversion project in High Level, Alberta.
	d) Exploration of Multi Departmental Preventive Program for Native people in Canada by National Consultant, Natives.
	e) Financial support of demonstration project by L'il Beavers of Ontario.
	f) Considering support of development of sentencing option project for adults in Northern Ontario.
	g) Provision of diversion facilitators to B.C. Courtworkers in area of community absorption.
Increased education of Natives on law and the Criminal Justice System.	a) Financial support for Native Counselling Services of Alberta for Natives and Law projects.

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MINISTRY OF SOLICITOR GENERAL

BRANCH OF MINISTRY : Consultation Centre (Prevention)

RECOMMENDATION	ACTION TAKEN
Special Alcohol Programs.	Thus far, responsibility of National Health and Welfare and Indian Affairs.
Sensitization training for Non-Indians in the Criminal Justice System.	a) R.C.M.P. recruit training programs, to be extended to in-service training. b) Canadian Penitentiary Service Prairie Program. c) Consultation Centre program.
Increased Native involvement within the Criminal Justice System.	a) Person of Native origin hired (1976) as National Consultant, Natives. b) Persons of Native origin hired (1976) as support staff to Federal Advisory Council. c) Extension of option 3-B native constable program. d) Dakota-Ojibway Tribal Council policing project. e) Considering financial support of Neskainlith (B.C.) Indian Band for project to seek ways to increase Native participation in C.J.S. f) Position created in CCS, National Headquarters, for Native Coordinator, Native Offender Programs (1977). Person of Native origin hired as Native Project Officer in Pacific Region (1977).

BRANCH OF MINISTRY : Consultation Centre (Prevention)

RECOMMENDATION	ACTION TAKEN
	g) Pilot project being initiated in Prairie Region to recruit and train Native people for positions in CCS. Native employment Coordinator to be appointed to manage project.

MINISTRY OF SOLICITOR GENERAL

BRANCH OF MINISTRY : Canadian Penitentiary Service

RECOMMENDATION	ACTION TAKEN
Incarcerate Native offenders closer to home in community based facilities.	a) Some use of Federal-Provincial exchange agreements.
More availability of cultural-educational-social programs for Native inmates, plus community-based work programs.	a) Continued sponsoring of Native Brotherhood clubs and Sisterhood clubs. b) Sponsoring of drug and alcohol abuse program. Nechi Institute program conducted in Prairie Region in 1977-78, and will possibly be extended to Ontario and Pacific Regions in 1978-79. c) More use of forestry work camps.
Recognition of Native Brotherhoods and Sisterhoods as self-help groups.	Sponsorship (1975) of Report on Brotherhoods by Charles Hill Thirty-eight recommendations now in hands of Canadian Penitentiary Service, Special Programs.
Sensitization of Canadian Penitentiary Service personnel.	a) Sensitization program for prison and parole staff established within Prairie Region, and being introduced in Atlantic Region, NHQ studying the development of a sensitization program for service-wide use. b) Sensitization session carried out for Head Quarter staff in conjunction with National Consultant and National Parole Service.

MINISTRY OF SOLICITOR GENERAL

BRANCH OF MINISTRY : National Parole Service and Consultation

RECOMMENDATION	ACTION TAKEN
Probation-Parole supervision for Natives at Community level.	National Parole Service a) Opening of offices in Thompson, Manitoba and Yellowknife, N.W.T. b) Contracts with Native organizations for parole supervision, e.g. Native Clan (Manitoba), Nikaneet Band (Saskatchewan) Consultation Centre a) Financial supports ($117,481) for Indian Probation project in Saskatchewan.
Re-orientation of Native person to his choice of community as a goal.	National Parole Service a) Continued contractual arrangements with groups across Canada serving parolees on a per diem basis including: A.I.M.S. House, B.C.; Native Clan of Manitoba, Native Counselling Services of Alberta. b) Financial assistance for residential services for Native people released on parole in Halifax, Val D'or, Quebec; Thunderbay. Consultation Centre a) Financial assistance to Indian Probation Project of Saskatchewan.
Inmates' rights and parole criteria.	Inmates' rights under continuing study by CCDM.

MINISTRY OF SOLICITOR GENERAL

BRANCH OF MINISTRY :

RECOMMENDATION	ACTION TAKEN
Improved assistance for parole hearings.	No information available.
Bail supervision study to reduce number of remands-in-custody cases.	No information available.

MINISTRY OF SOLICITOR GENERAL

BRANCH OF MINISTRY : R.C.M.P. and Consultation

RECOMMENDATION	ACTION TAKEN
Better Police-Native relations	R.C.M.P. a) Expansion of R.C.M.P. (option 3-B) Special Constable Program, cost shared with Indian and Northern Affairs. Presently, over 100 Special Constables across Canada. b) Continued recruiting for Native people as regular officers. c) Establishmentof R.C.M.P. recruits sensitization program as well as in-service training sessions.
Police-Native Community Policy and Program liaison.	a) Established (1976) Native Policing Branch at Head Quarters and within each region. b) Assistance given Dakota-Ojibway Tribal Council Police Commission by way of R.C.M.P. commission member, as well as R.C.M.P. training. Consultation Centre a) Financial support of Dakota-Ojibway Tribal Council Police Commission
Band and Special Constable Program upgraded and expanded.	Expansion of R.C.M.P. (option 3-B) Special Constable Program, cost shared with Indian and Northern Affairs. Presently over 100 Special Constables across Canada.
More Natives recruited into regular R.C.M.P.	Continued recruiting for Native people as regular officers.

DEPARTMENT OF JUSTICE

BRANCH: Programmes and Law Information Development Section

RECOMMENDATION	ACTION TAKEN
1. In policy planning and programming development, emphasis should be placed upon prevention, diversion from the Criminal Justice System to community resources, the search for further alternatives to improvement and the protection of young persons.	a) The Executive Directors of Native Courtworker Programmes across Canada have input into new initiatives with respect to policy planning and programme development in the Department. b) National and provincial Native organizations are continually consulted by the Department's officials to secure proposals from them for future programme development. c) A contribution of $1,500 has been granted to the Metis and Non-Status Indian Crime and Justice Commission to determine the major reasons for the high rate of criminality among Native people.
2. A community based programme of education must be developed and implemented to instruct elementary and secondary students as well as adults in the Native community in both the law and the operation in the Criminal Justice System.	a) The Department has sponsored local workshops in Alberta and British Columbia to assist Native people in their understanding and appreciation of the legal system. b) The staff of the Native Courtworker Programmes work in schools and other local community facilities to assist in this area also.
3. All non-Native staff in the Criminal Justice System engaged in providing services to Native peoples should be required to participate in some form of orientation training designed to familiarize them with the special needs and aspirations of Native persons.	a) No formal orientation courses are sponsored by the Department to assist in this manner. However, the Courtworker Programmes, which the Department supports, provide expertise in this field for administration units which require this service. b) Native employees in the Department are also participating a various conferences for non-Native administrators of justice to sensitize them to the unique cultural qualities of Native peoples.

DEPARTMENT OF JUSTICE

BRANCH: Programmes and Law Information Development Section

RECOMMENDATION	ACTION TAKEN
7. More Native persons must be recruited and retained for service functions throughout the Criminal Justice System.	a) The Department has two full-time Native employees in managerial positions at this time. Additionally, there is a Native law student articling with the Department. b) From time to time, the Department contracts with Native people to perform specific tasks that require their particular expertise. Several contracts have been signed with Mr. Chester Cunningham from Alberta with respect to the development of Native Courtworker Programmes in other provinces and territories.
8. Legal services available to Native persons should be improved and extended.	a) Legal aid in criminal cases is available to everyone including the Native peoples across Canada through a cost-sharing arrangement between the federal and provincial governments. b) The number of Native courtworkers has increased substantially over the past two years to meet the growing needs of Native people who require such services.
10. Native communities should have greater responsibility for the delivery of criminal justice services to their people.	a) The Department of Justice is studying Law Reform Commission proposals in relation to Diversion and Fine Option alternatives.

DEPARTMENT OF JUSTICE

BRANCH: Programmes and Law Information Development Section

RECOMMENDATION	ACTION TAKEN
12. Native community workers should be provided to communities to give assistance in obtaining legal aid and advice to provide legal education courses, etc.	a) This is now done in most isolated communities where Native people can be recruited. b) Native courtworkers act as legal aid representatives whenever and wherever possible in remote communities.
13. Alternatives to incarceration developed in conjunction with Native communities must be an important consideration in sentencing. 14. Diversionary programmes should be developed for first and minor offenders to limit further penetration into the Criminal Justice System.	a) The Department of Justice, through the Criminal Law Reform Fund, is in the process of establishing pilot projects to test out the recommendations of the Law Reform Commission in these two areas.
15. Police officers should not function as prosecutors or court officials (subject to further discussion between federal/provincial governments).	a) R.C.M.P. officers only perform this function in remote communities in the courts of the Justice of the Peace. Their role in this capacity is diminishing as court circuits increase.
16. The use of Native para-professions must be encouraged throughout the Criminal Justice System.	a) Native para-professionals are now being trained and used in such areas as Frobisher Bay. b) Native courtworkers are presently functioning as para-professionals. Their roles may change to accommodate additional responsibilities such as advocacy in the courts of the Justice of the Peace and the dissemination of legal information to add a preventative thrust to their activities.

DEPARTMENT OF JUSTICE

BRANCH: Programmes and Law Information Development Section

RECOMMENDATION	ACTION TAKEN
17. Native courtworker programmes should be expanded.	a) The programme has expanded in both territories and Prince Edward Island since 1975. b) It is anticipated that the programme will expand to include Quebec, Newfoundland and New Brunswick in the near future. c) The amount of our contribution to the programme has more than doubled since 1975.
19. Where possible courts should be held in Native communities.	a) This is now occurring and further developments in this area are anticipated in the future.
21. Provincial and Territorial Attorneys General be asked to change present methods of choosing jury panels so that Native peoples have an equal opportunity to serve on these panels.	a) This is now in effect in most areas.
22. That adequate interpreter services be provided where necessary.	N/A
23. Judges sitting in remote areas should be familiar with Native culture, background and concerns.	a) There are orientation courses sponsored by the existing courtworker associations to assist judges in this regard.

DEPARTMENT OF JUSTICE

BRANCH: Programmes and Law Information Development Section

RECOMMENDATION	ACTION TAKEN
26. Discriminatory practices of whatever nature should be avoided in sentencing.	N/A
27. Fines should be used only when meaningful and should then be tied to the economic situation of the offender with incarceration in lieu of payment of a fine being avoided.	a) The Law Reform Commission has made recommendations on this which are presently under study.