



**SATELLITE IN-PERSON  
FLY-IN COURT REOPENING**  
COMMUNITY PRE-ENGAGEMENT PLANNING

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# **SATELLITE IN-PERSON FLY-IN COURT RE-OPENING COMMUNITY PRE-ENGAGEMENT NOTES**

## **INTRODUCTION**

There are a total of 29 Satellite Fly-in and Remote Courts served in the Northwest (24) and Northeast (5) Fly-in Courts, of which 27 are held in NAN First Nation and affiliated First Nations and communities. Two Fly-in courts located in Moosonee and Armstrong are a hybrid as the court party flies but accessible by rail and provincial road networks.

The Ontario Court of Justice (OCJ) Administration and the Ministry of the Attorney General (MAG) sought to establish a Pre-Engagement with the Chiefs before the re-opening of the Fly-in and Remote Courts. Since March 2020, the Courts were suspended due to the global pandemic with the exception of procedural matters as necessary via audio and virtual means.

The backlog of the criminal trial cases prior to the pandemic has now increased and is putting more pressure on the Courts Administration, for equitable access and service to the Fly-in and Remote First Nations.

It is understood and recognized that the safety and health of the Fly-in and Remote First Nations needs to be factored into the re-opening of a safe court sitting. The Fly-in and Remote First Nations lack the resources that urban and most road access communities take for granted.

MAG through their Indigenous Justice Division requested NALSC to facilitate Pre-Engagement sessions with the Fly-in and Remote Communities and determine when and what is required to have a safe court sitting.

NALSC responded with a proposal with costs to contract four consultants to engage the Chiefs of each of the Fly-in and Remote First Nations. An initial letter was sent to all Chiefs on April 26th, and a follow-up letter on May 24th introducing the three consultants, along a list of questions to assist with the Pre-engagement.

The five questions agreed to by MAG and NALSC guided the discussions with the leadership, including what supports are needed for a safe court sitting, an offer of IT support to assist with the Courts and the Police, and seek any concerns in regards to the delivery of the Justice system into the Fly-in and Remote communities.

NALSC provided the clerical and logistical support for the zoom, audio, travel and face to face meetings with the First Nation leadership and community members, and the author was assigned 11 First Nations.

The Pre-Engagement started towards the end of the annual spring hunt and fishing, including threats of spring flooding and evacuation. Most First Nation Band Offices were NOT OPEN and fully operational due the ongoing Covid -19, however, plans were in place for a smooth transition in order to meet their seasonal obligations such as construction and other projects.

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## **EXECUTIVE SUMMARY**

The primary purpose of the Pre-Engagement is to support the First Nations in their Covid-19 recovery planning for the return of the administration of courts to the communities served by the Ontario Court of Justice - Satellite Fly-in Courts; and to assess what are the needs required to have a safe court sitting.

Since most communities had stricter Covid protocols in place which has affected travel and movement of people to only essential such as health and operational emergencies. Therefore, face to face meetings was not an option because of the time and the risks associated with it, so most meetings were done virtually either through zoom or audio. Both of these options were also limited due to inadequate bandwidth and power outages.

Calls were made directly with the Chiefs first, and/or councillors or Band managers, first to introduce self and explain the purpose of the Pre-engagement and ask for a follow-up zoom call with the Council. Several follow-up phone calls (cell and FN band office), email and text were made to try to reach the Chief and confirm a call, and in some cases explain the purpose to a councillor and/or a band manager which was good.

There is a genuine and urgent interest in re-opening the courts, however, there were concerns about the delivery of the justice system. Concerns with its effectiveness such as being a deterrent in curtailing the spike of serious offenses and juvenile delinquencies. The infrequent Fly-in courts who are sometimes delayed due to weather and other emergencies both from the community and the court party. Serious offenses such as community and personal property vandalized or lost completely, theft, sexual and other assaults are not being dealt with soon enough for the community's sense of closure or judgement.

The biggest challenge in the current system of the Fly-in and Remote courts is the VENUE as there is just no adequate and dedicated space available. Everything from community and training centers are used, school gymnasiums, Council boardrooms, and other available space, and most of these facilities are without handicap access. The use of school gymnasiums during classes has not been good due to movement of hand cuffed prisoners moving within the confines of the school.

Any space that can be used has been re-purposed for programs and services including some for screening and testing for Covid-19. Coupled with this challenge, the rental agreements are totally inadequate and an insult in what is being compensated. This is part of the lack of respect for the courts nowadays.

It may be time to look at a whole of governments (First Nation, Provincial, Federal) approach involving the health, social, justice, training, educational, family, children and youth, cultural, and economic Ministries and Departments to look at a cost benefit analysis of having a multi-purpose building which would bring harmony, fitness, health and pride to the community's social fabric and prosperity.

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The logistical supports such as security, interpreters/translators both for the legal counsel on advance days and in the court proceedings are lacking, and transportation especially for handicap is non-existent. The current Police service is under staffed and not able to provide these services. When these services are provided then it is the cost of the First Nation.

There is virtually no role in some communities for input and advice to the court from community representatives such as elders, Chief and Council members, and/or a justice committee. It is preferred that these representatives be endorsed by the Council on behalf of its members. This has proven to be a success when it is consistent and compensated properly. Council portfolio holders deal with court proceedings and other matters in between courts because their community members reside in different communities and municipalities.

In addition to local courts, any court proceedings such as bail hearings and conditions of release ordered by the courts outside of the community is not known by the Chief and Council until after the fact. Some of the conditions made by the court make it very difficult to meet due to lack of adequate accommodations in the community, prohibition from returning to the community, etc causing further breaches and criminalizing the first time offender, especially amongst the youth. When the First Nation has to intervene and request a change to the order, it is costly and money that First Nations don't have let alone the offender or their family.

There was interest in re-establishing the local Justices of Peace in the larger communities to deal with matters expeditiously in between courts, and that it could serve nearby communities.

The Police service was a big concern from the stand point of the people through the Chief and Councils, the lack of response, ineffective 1-800 Call Center for emergencies due to language, frequent turnover of officers, lack of accommodations for officers, inability to search and seize without warrants etc.

In the case of search and seizure for drugs and alcohol where communities have an alcohol prohibition bylaw, the Chief and Council has to appoint Special Constables and compensate them while the local Police Officers watch.

The local Police Service needs to be designated as an essential service and the provision of adequate number of officers, accommodations, equipment and support to do the job and keep officers safe.

The First Nations who have not decided to ban government controlled cannabis shipments onto their reserves by a Band Council resolution from the Ontario Government stores is creating a new problem with greater access to varieties of cannabis products which could further harm youth and especially unsuspecting children via Canada Post.

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It is a given that all First Nations could use the *Starlink System* along with the IT support as long as it does not replace the face-to-face courts sittings in the community. We have found out even in those communities who have broadband fibre often have bandwidth challenges because of their service provider. Arrangements should be made by the Ontario Courts Administration for First Nations representative(s) who have community members living off-reserve to observe and/or provide input if and when necessary on any or most court proceedings.

The final question # 5, '***Is there anything else related to reopening the Fly-in Courts that you want to identify or ask?***' brought a lot of different responses, and the two specific matters caused for concern when they were raised during the discussions. One is in regards to confidentiality of the information shared because some were personal examples of a situation with members of the First Nation or Council family members. So, the notes became very generalized and edited and therefore should not be forwarded to the government, as we did not ask for permission to do so.

The second concern or question was the *Duty to Consult* by government and why once again a native service organization such as NALSC and its contractors were being used to filter and seek information about its services, responsibilities and obligations to the citizens of Ontario including First Nations. However, discussions continued because the First Nations wanted to see the administering of the current Justice System to be fair and equal to what is offered to all Ontarians, and because there is no alternative at this time.

So, there was some reluctance to express all issues related to the Justice system in its current form, while at the same time expressing the First Nations worldview which is wholistic in nature. Thus, the close relation to the Police service as an essential piece in delivering Justice to the communities, and the role and participation of the community via its elected and appointed leadership.

One of the largest challenges of the Fly-in and Remote Courts is ideological. Court parties are essentially on the front-line when it comes to representing Canada's and Ontario's administration of justice in the region. Police do their best to represent enforcement of the *Criminal Code* with the resources they have, but they fail to act as a sufficient deterrent in many communities because they are under-resourced, over-stretched, and even when they make an arrest, police do not have the administration of justice working closely behind them to follow up with managing the charges, the bail, the trials, or sentencing. ***Inefficient justice is not justice at all.*** Among other things, it leads to charges being abandoned due to delay, offenders being unmonitored in communities among their victims, and victims left without hope of protection.

During COVID, when the Courts ceased their operations, the absence of any appearance of justice was harshly felt in the First Nation communities. A presence is needed, not merely of police, but of courts, of the mechanisms of justice with faces, uniforms, buildings, and accountability. These mechanisms of justice generate

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denunciation and deterrence, and go some way to creating and maintaining the lines people are willing and not willing to cross in their personal behaviour. Courts represent consequences, and the sentencing power of the Courts gives them the semblance of authority, at least to ensure the *Criminal Code* is being complied with.

Communities certainly need more than just the deterrent aspect of courts, they need to manage the harms caused by crime in their communities: victims' services/shelters; mental health support; addictions counselling; domestic violence treatment options; better support for children and youth affected by the criminal justice system, and many more of the types of services that are available to people in towns and cities. Offenders also need access to lawyers in their communities, and safe places to be managed and placed on conditions which can be monitored pending trials and after being sentenced.

Technology is one way of stretching the services available in the towns and cities to try to make them available to First Nations in the remote north of Ontario, but the *Starlink System* technologies cannot replace the ideological appearance of justice that comes with having a physical presence in the communities. The *Starlink System* will not deter offenders. Administering justice from a centralized provincial location arguably creates an even further divide, because having local knowledge creates a basis for the exercise of judicial discretion. Without it, justice is meted out on the basis of assumptions that people in the remote north should behave just like people in the urban centres. A good example is banishment or prohibition of return to the community.

Child welfare is a good example to look at because it is more widely accepted now that imposing provincial policies of child welfare on Indigenous children is not culturally appropriate. It leads to Indigenous children being apprehended more often than non-Indigenous children and it fails to protect and support Indigenous families. Local knowledge comes with an understanding of the practicalities of adhering to certain standards, and where there are acceptable departures from otherwise normal rules to accommodate realities.

For example, leaving a child with a caregiver without the approval of a Child and Family Services (CFS) agency might be a breach of a condition imposed on a parent which leads their child to be removed from their care, but in some circumstances in the remote north, there may be no other person to leave the child with safely and a legitimate reason to require urgent child care. Parents in the remote north need more discretion as to how they manage their legal responsibilities within the realities facing them, including poverty, to receive the same substantive equality before the law as their urban counterparts. A present day phenomenon is of young Indigenous mothers who have given up hope in raising and nurturing a family are now homeless in the streets of urban Canada because the system has failed them.

Criminal justice is no different. More Indigenous offenders are arrested and sentenced to jail because of the same phenomenon. Arbitrarily applying urban standards and norms to First Nations in the north when assessing their behaviour fails to acknowledge their culture or their lived experience in a community. Lack of localized knowledge robs

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a sentencing judge of their ability to exercise appropriate discretion, and the consequences are hard felt by victims, offenders, families, and communities.

Offering justice at the local gymnasium via a virtual link is one way to speed up the administration of justice as it presently is, but it is not a real solution. It does not provide equality before and under the law. The Fly-in and Remote Courts are needed for the time being, but they are also inefficient and incapable of ensuring the substantive equality of Indigenous victims and offenders. First Nation communities deserve much better than this.

Some communities are ready to take on greater roles and responsibilities over their administration of justice. Some are already volunteering without the proper expertise or equipment because of the lack of resources. Many of the communities spoke about self-government in various different forms, but it requires capacity-building, resources, negotiations, agreements, and legislation. These are large steps to take but they fall squarely within ***Calls to Justice*** 5.4 and 5.5 as issued by the ***National Inquiry into Missing and Murdered Indigenous Women and Girls***:

5.4 We call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing. To do this, the federal government's First Nations Policing Program must be replaced with a new legislative and funding framework, consistent with international and domestic policing best practices and standards, that must be developed by the federal, provincial, and territorial governments in partnership with Indigenous Peoples. This legislative and funding framework must, at a minimum, meet the following considerations:

i Indigenous police services must be funded to a level that is equitable with all other non-Indigenous police services in this country. Substantive equality requires that more resources or funding be provided to close the gap in existing resources, and that required staffing, training, and equipment are in place to ensure that Indigenous police services are culturally appropriate and effective police services.

ii There must be civilian oversight bodies with jurisdiction to audit Indigenous police services and to investigate claims of police misconduct, including incidents of rape and other sexual assaults, within those services. These oversight bodies must report publicly at least annually.

5.5 We call upon all governments to fund the provision of policing services within Indigenous communities in northern and remote areas in a manner that ensures that those services meet the safety and justice needs of the communities and that the quality of policing services is equitable to that provided to non-Indigenous Canadians. This must include but is not limited to the following measures:

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- i. With the growing reliance on information management systems, particularly in the area of major and interjurisdictional criminal investigations, remote communities must be ensured access to reliable high-speed Internet as a right.
- ii Major crime units and major case management must be more accessible to remote and northern communities on a faster basis than the service is being delivered now.
- iii Capacity must be developed in investigative tools and techniques for the investigation of sexualized violence, including but not limited to tools for the collection of physical evidence, such as sexual assault kits, and specialized and trauma-informed questioning techniques.
- iv Crime-prevention funding and programming must reflect community needs.

Exercising self-governance and self-determination over policing and the courts is the best way to achieve the ideological deterrence required from justice systems in remote First Nation regions of Ontario, and the best way to ensure substantive equality in the method of its delivery. In the long-run, communities need support and partnerships with the **Courts and the Law Society** to build capacity to administer justice themselves, not to continue to try to stretch services to fit them within the umbrella of services available in urban non-Indigenous centres.

This starts with community consultations and open dialogue. Elders and Knowledge Keepers hold the key to remembering their own laws, customs and ways of managing peace within their communities, and these can co-exist with the *Criminal Code*, and support its application if given the chance to do so. There needs to be a forum for open dialogue to take the grassroots messages to Ontario's Indigenous Justice Department, and work together as equal partners. Ideologically, the relationship cannot exist as one of dominance anymore, else it will not be respected. Times have changed and this requires a new solution that is centred in Indigenous law, identity, and respect.

### KEY RECOMMENDATIONS

Here are some key recommendations derived from discussions with the Fly-in and Remote First Nation leadership;

#1 In response to the ongoing COVID challenges and a lack of adequate resources including infrastructure challenges with the First Nations; **a focused and a coordinated strategy** with additional partners such as Sioux Lookout First Nations Health Authority, local Health Services, Community Covid Coordinators and First Nation administration



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and quickly assess what is required at the time it is required. Some may need **surge capacity** for supplies and equipment, while others will be adequately serviced or in good state of readiness. These and other organizations have already dealt with various and challenging scenarios in the last two years. What we do not need is another organization coming in and imposing a new checklist in how to conduct a safe event. Covid protocols have changed during the Pre-engagement period and will continue to change. Most contacts have been identified.

#2 The community of Mishkeegogamang First Nation has suffered ongoing systemic racism for decades in both first by the Policing services of the Ontario Provincial Police (OPP) and the Ministry of Solicitor General; and by the Ministry of Attorney General and the Ontario Court of Justice administration in a delivering a biased discriminatory Justice and Policing services to the people of Mishkeegogamang First Nation. Therefore, it is recommended that **first a formal apology** be made to the people of Mishkeegogamang First Nation; and secondly the Crown who is a Treaty partner **formally declare on-reserve Court sittings** at Mishkeegogamang First Nation immediately. This is to do with the re-establishing of the **Honor of the Crown**.

#3 It is recommended that the Ministry of Attorney General **provide surge capacity** to deal with the **shortfalls and inadequacies** of its current Fly-in and Remote Courts system in areas such as **venue and equipment rentals, security, interpreters and translators, transportation**, and a **meaningful role and participation** of the First Nation representatives in all matters related to Justice; and any other support required for a safe and secure courts. Again, the **Honor of the Crown** is at stake in meeting its constitutional obligation to the First Nations people.

#4 With the offer by the Ministry of Attorney General for the **Starlink System** to assist with on-reserve court proceedings, that it should be **expanded to included off-reserve proceedings for community members** who have their matters dealt with outside of the community. And that First Nation representative(s) be allowed to participate and provide advice before sentencing and/or conditions of release are ordered.

#5 Question #5 offered an opportunity for the First Nation leadership to express their concerns of the current justice system, and with the limited time allowed in the Pre-Engagement, and the primary focus being on the reopening of a safe Fly-in and Remote courts. It is recommended that **a FORUM be created for ongoing dialogue and engagement**, first, to look at ways **to improve and/or reform** the current Justice system; and two to **transition to rebuilding and enforcing inherent jurisdiction as part of the solution** to the issues raised so far. It has been recognized and acknowledged by all parties for some time now that the current justice system is not fulfilling its role in society and to its citizens as it relates to Indigenous people. A **FORUM** with the **Treaty partners** of Ontario, Canada and First Nations **working together** is the only option for a **true Reconciliation of Nations**.

#6 **Indigenous Policing Services** needs to be designated an essential and mandated service and funded accordingly by legislation by both Governments.

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### **EABAMETOONG FIRST NATION**

- May 24<sup>th</sup>, Telecon with Chief Sol Atlookan and briefly explained my role and the questions to be used on the Pre-Engagement. Asked for a zoom call and tentative dates for June 6<sup>th</sup> or 7<sup>th</sup>. Council contact is Miranda Waboose, EA to Council – email [executive.assistant@eabametoongfn.ca](mailto:executive.assistant@eabametoongfn.ca).
- Followed by call (May 27<sup>th</sup>) from councillor Charlie Okees and explained the purpose of the Pre-Engagement and the zoom call. CO commented that the Fly-in Courts are getting lack of respect due from the community. People see and hear the offenses going on and the Police would not respond and charges are not laid. For instance, there was a drunk driver on the streets but no action was taken. Serious offenses or charges need to be dealt with.
- We have a Restorative Justice Committee but they never show up at the Court. There was a time when Council members attended court and provided input but now none. Judges or prosecutors don't ask. Eabametoong First Nation used to have a JP to deal with matters such as searches but no more, discontinued. Maybe its time to renew the local JPs in the north. CnC appoints its own Special Constables to do searches by BCR under the Indian Act and the NAPS officers just watch. It's costing the FN money which we don't have when we have a local police force.
- Zoom call with the Chief and Council was held on June 7<sup>th</sup>, so after introductions and an overview of the purpose of the Pre-Engagement in reopening the Fly-in courts. Both letters were forwarded to the CnC, including the EA to Council to distribute prior to the zoom call.
- Brief discussions had taken place with both the Chief and Councillor before the zoom meeting.
- Chief Sol Atlookan in his opening remarks stated that the Council and Community want the courts to resume as soon as can be accommodated. The problem is the venue where to hold the courts because the Youth Hall is currently occupied and use for Covid Screening and testing. Covid numbers have been up and down lately.
- Chief also mentioned that the Council has decided in opening up to community meetings more and more with Mining exploration companies etc. in August.
- The Council expressed a lot around the activity and effectiveness of policing in the community. NAPS has always had staff shortages and most are new and unfamiliar with the community. The full complement of 10 officers has never been achieved. No visible presence in the community such as patrols or at community events. So people are beginning to have no respect for the courts because Police are not charging people with offenses.
- Eabametoong First Nation does its own search and seizures of alcohol and drugs at their own cost. And these contrabands are found in the presence of the Police, charges are not laid because of the fear of seizure without a warrant.

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- Chief gave an example of a vehicle who ran off the road under the influence and again no charges. And when there are serious charges laid and then they are released immediately.
- There is a Restorative Justice Committee but inactive or ineffective when it comes to participating at the courts.
- When a dispute or domestic violence or assaults is known and reported at a particular residence, Police will not attend to the call because of the lack of officers to go into the building.
- Children are committing repeat offenses such as arson or vandalism and charges are laid and most times parents or caregivers do not know the conditions of that child when released.
- Last 3 months only 2 officers on average and cannot respond to the calls for action.
- The emergency call number 1-800 is NOT working because they ask you first 20 questions before anything is done if any. Also when an elderly person or someone with less use and understanding of the English language, people give up because they cannot understand. So Police view that as a non-emergency call. Eabametoong First Nation wants the call to go to the local Police detachment. Q- who is going to be responsible or accountable for lack of action especially with serious issues such as fires or violence.
- Courts need to include the Community in some way either through the Council or a committee of elders/members.
- People are taking matters into their own hands such as a citizens' arrest but endangering themselves. It happened once where an individual stopped a drunk driver and took the keys because the Police were not responding.
- The former JP court should be reinstated to deal with minor offenses including drunk charges.
- Eabametoong First Nation is experiencing younger drivers driving vehicles.
- Covid protocols need to be respected although they are changing and could change if there is a spike in cases.
- We will need a community contact to deal with some of the logistics such as requirements if any for the safe conduct of the court sitting. Support such as extra cleaning, barriers, masks, sanitizers etc.
- Work with administration for the Starlink system with two pin points to be identified.
- Venue to be identified for court sittings
- Further follow up may be necessary such as more zoom calls or face to face meetings to discuss improvements to the way the court is conducted.
- Role of the community to be determined.
- Follow up call with Councillor Okees to get the contact information for the Covid coordinator and the band manager for handling of the logistics of conducting a safe court sitting and the set up for the Starlink System.

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### **MARTEN FALLS FIRST NATION**

- May 24<sup>th</sup>, Called cell for Chief Bruce Achneepineskum but number unassigned. Called band office 807 349 2509 and left message with reception for the Chief to call back.
- A follow up email was sent (May 25<sup>th</sup>) and the Chiefs' response was that Councillor Robert Moonias will be the Council contact person and will be able to speak to the issues on behalf of the Council.
- Robert Moonias called and left a vmm to call, returned call to set up the Zoom call. RM cannot do mornings as he has physio for his leg each day. Staying at Victoria Inn in Tbay. MFFN wants to resume the Fly-in Remote Court sittings but will discuss the concerns on the zoom call. Invitation will be extended to the Chief and other Council to join if available, otherwise RM will brief the Council.
- Court sittings will be held at the School Gymnasium however, both the arena and the training center have been used before if they are not busy.
- Starlink system will be good to have to expediate matters quicker so people do not have to be transported to Tbay or other.
- There is going to be community meetings in MF on June 27<sup>th</sup> and 28<sup>th</sup>, and time could be set aside for a presentation about the Fly-in courts.
- Zoom call with Marten Falls First Nation Councillor Rob Moonias was held on June 14<sup>th</sup>, with Coreen present on the call.
- After a brief overview and background on the purpose of the Pre-Engagement in reopening the courts, introductions and brief explanation of the letters and questions.
- MFFN wants the on-site Courts back because they act as a deterrent that offenses and charges are being dealt with by the Courts.
- Release Conditions are a concern to the Council because they do not often know until after the fact and causes extra time and costs dealing with matters especially the serious matters.
- Compensation should be considered for the Council portfolio holders in dealing with the Pre-Engagement in the reopening of the Courts. This is a Duty to Consult and therefore Council should be properly compensated for their time. An Honorarium is strongly recommended.
- As well compensation for the Council member who participates during the court proceedings including in between Court sessions. Often Council members have to deal with community members who are taken out of the community and need help in returning home including extra legal costs. Those matters usually relate to conditions that cannot be met in the community because the Council is not informed or included in the release plans.
- Remands are a concern as there are far too many and Council would like these dealt with more quickly.
- Access to legal counsel for clients is done all remotely and limited in advice and therefore affecting the representation and sentencing by the courts.
- Reliance on the video and audio should NOT replace the face-to-face court sittings because the presence of Court in the community acts as a deterrent. Visibility by

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the court personnel and community people makes a difference and increases the awareness of the seriousness of the offenses committed.

- Starlink system can be set up with the administration because they know the facilities including costs associated with the set up of the court can best be handled by the band manager.
- When there is a domestic family violence issue is involved, children are most likely involved or get caught with these disputes. Conditions such as no-contact order is difficult and causes further problems. Often the First Nation has to expend additional funds which it doesn't have to lift the court order. Otherwise breaches of the Order intensifies the trauma for children and reconciliation of the family.
- Agreed there could be additional zoom calls or face to face meetings in the community and carry on the discussions in regards to improving the court system.
- MFFN is planning Community meetings in July, so there could be an opportunity for a community presentation.

### **NIBINAMIK FIRST NATION**

- May 24<sup>th</sup>, Called Ogimakan (Chief) Michael Sugarhead's cell 620 6143, and explained my role with NALSC as a consultant on the MAG's Pre-Engagement in the reopening of the Fly-in Remote Courts. Asked for a zoom call and June 6<sup>th</sup> was picked and local time is EST. Email for the Chief is [mikesugarhead1@gmail.com](mailto:mikesugarhead1@gmail.com). Courts will be held at the School Gym although there are concerns when the school is held there due to young children present.
- Zoom call was set up for June 6<sup>th</sup> at a time specified by the Chief but the FN was not able to join. We found out later the community of Nibinamik suffered a power outage which knocked off all phone service. Zoom call is being rescheduled.
- Contact made with Chief Sugarhead for a zoom call and agreed to have the call on Friday, time tbd. Chief confirmed 4 PM on Friday for the zoom call.
- Zoom call was held on June 24<sup>th</sup> with the Chief and Council.
- A brief explanation to the Council members on the purpose of the Pre-Engagement in the reopening of the Fly-in and remote courts that the Attorney General of Ontario asked NALSC to help facilitate discussions with the First Nations. I had an opportunity to explain my role and the purpose before with the Chief, when I was trying to arrange a zoom call with the Council. First attempt was disrupted by a power outage in the community which is common especially with those diesel generation systems.
- Don Rusnak did a brief overview on the purpose including the Starlink system and disappeared into shortly thereafter. TGIF!
- Chief Sugarhead opened his comments with the amount of bench warrants issued during the pandemic period, and of course aware that the procedures were handled virtually.
- Community has eased its covid restrictions especially with contractors, including lessening the isolation period, but we reserve the right to revisit and change the covid protocols as necessary.

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- Some people have subpoenaed to appear at court proceedings, so the Starlink system will help the process.
- Overall we have expressed our concerns about the courts system such as at NAN Chiefs meetings and other meetings.
- We heard about Restorative Justice type projects but uncertain whether they are useful or effective.
- The community has looked at the bylaws to address community concerns but it has bogged down and not really go anywhere.
- During Covid were sent out and returned shortly thereafter, while others are waiting a long time to have their case dealt with.
- One of the councillors stated that we do not have a building with handicap access to conduct court, so we end up using the school gym which is not good when school is in session. It is not just those charged that appear in court but family members including victim family members, and some are handicapped.
- School washrooms were modified to provide plexiglass barriers to keep people safe, so we would need to do that for the court sittings. Filters between clients, judges, defense counsel and crown prosecutors, including the public.
- A comment on victims' services, sometimes the perpetrators get help faster like letters of support for treatment than the victims who also need help. The victims and families are left out in the sentencing such as post traumatic stress put on them when the offense happens. They get left out altogether.
- The Community applied for funding for a Youth and an Elders Centers, and both were denied, so these could have been used as multi use purposes.
- Translations services are sometimes difficult to get locally and we end up with outside people coming in to provide translation. The terms used in the court proceedings including with the client's own lawyers may not be understood adequately including consequences of different pleas and conditions offered to them.
- The Chief also mentioned that in the past court parties came from another community but that would a risk to the community. We stopped that with our contractors and use direct flights to the community.
- It was agreed more could be said and expressed and look forward to continuing these discussions into the future, the Chief stated he will follow up with an email later this summer about it.

## **WEBEQUIE FIRST NATION**

- May 24<sup>th</sup>, called Chief Cornelius Wabasse cell 621 1970 and left a vmm
- Called the band office (June 2<sup>nd</sup>), and the Chief was not in so asked for a Councillor. Councillor Samson Jacob came on and I explained what my role and the purpose of the Pre-Engagement that MAG wants done before the reopening of the Fly-in Remote courts. I also mentioned that MAG is offering a Starlink system with IT support for the first year and possibly the following year. This equipment would be used by the courts and the Police when needed however the community

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could use it. He gave me his email and forwarded to him the 2 letters and questions, and set a date for a zoom call with the Chief and Council.

- Left a vmm on the Chiefs' cell, and also contacted Gordon Wabasse who is the Natural Resources Director for the FN to get the contact information for the Council.
- Councillor Tyler Shewaybick called the NALSC office and spoke to the ED Irene L who relayed their brief conversation by text and email to me.
- A letter was received from Chief Cornelius Wabasse that the community was ready to reopen the courts in Webequie subject to observing the community's Covid protocols. Current Covid Protocols was attached.
- Chief Wabasse called (June 24<sup>th</sup>) and we discussed the purpose of the Pre-Engagement by Ontario's Attorney General before reopening the Fly-in and Remote courts.
- The Community does not have a band manager at the moment however the operations, programs and services are still ongoing. They do have a Covid coordinator who works with the Council who is tasked to monitor travel, screening and testing, and isolation. Criteria was developed to assist with that process and relieve Council from making individual decisions unless there are circumstances beyond the criteria approved.
- The Court sitting and the Starlink system will be handled by the staff of Webequie FN to get ready for the court. It would be good to know a head of time when the next court sitting will be in Webequie.
- The venue that has been used is the Band Hall and the rental is good enough because the prices on heating oil and electricity have gone up including wages.
- The health and safety will still be paramount because we don't know where the visitors have been and a negative test the day of the court may be positive within the next 3 to 5 days. They may be restrictions on observers at the court to only the essential people.
- The community had issues with post bail and releases. The Council is not involved in that process but ends up paying for the cost of housing and feeding and getting them home. The First Nation does not have the resources to do this and therefore the court should be responsible to pay for the return of these individuals back to the community until they appear before the court for their charges.
- NAPS would call us when the court will be held but we don't know the schedule on an advance notice. We do know there is an advance day before the main court sitting, so this would be a good time to have input on the various charges.
- We get calls from NALSC when a client is released with conditions and sometimes the Council has to deal with these matters. If it is more serious with a repeat offender, the Council has added conditions before they return to the community. These individuals need additional help such as counselling or seek treatment because we know how they behave when they are in the community. Minor offenses or charges are easier to deal with.
- On question # 5, there are more issues that we have observed not only from Council but from the community as well on the way the court is done especially the sentencing. Sometimes it appears it is not fair the way the sentences are made,

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for instance, the serious ones seems like they get lighter sentences whereas the minor ones, it looks like they get a harsher sentence.

- It would be good to continue the dialogue and include the broader community such as elders and young people too.

### **NORTH CARIBOU LAKE FIRST NATION**

- May 24<sup>th</sup>, Called the band office 807 469 5191 for Chief Cornelius Benson and vm was full, so call Grace Matawapit, councillor and left a vmm.
- Douglas Semple requested to work with this community and switched with Sandy Lake – agreed.

### **SACHIGO LAKE FIRST NATION**

- May 24<sup>th</sup>, Called Chief Robert Beardy 807 595 2597 and left message with the receptionist. Called the Chief's cell 633 3075 and left a vmm.
- Telecon with CRB and did an overview and background of the Pre-Engagement in the reopening of the Fly-in Remote Courts. We need an email for the zoom call and agreed that someone will call from SLFN with dates and email address.
- Follow up call and text with Chief Beardy resulted in agreeing for a zoom call for Thursday at noon EST.
- Zoom call was held on June 23<sup>rd</sup>, with the Chief and Council. So after explaining the purpose of the Pre-engagement and the questions developed to guide the discussions
- Chief Beardy started his comments with the current Virtual sessions, the Council is not involved at all and don't know what are the conditions of release. The Council ends up having to talk to NAPS and find out what are the conditions. We are most concerned with the serious charges and the conditions set by the court.
- The community at one time had a situation where they had to bring in the Emergency Response Team (ERT), to find a fugitive. Community members ended up assisting the ERT because they had no idea where to begin the search. This put community members at risk especially as volunteers. The cost of that ERT unit must have been expensive and community put in their own resources and time at their cost.
- Some people were locked up during Covid period, and some learned their lesson and stopped, while others just kept doing the same thing.
- We have a building to hold court; a community hall with offices, phones, a sound and video system, washrooms and a kitchen. The rental agreement is not adequate the year because of rising costs. We do clean before any events are held at the hall including courts. Courts bring their own sound recording system. Plus we have to put up notices and announcements on the radio including informing the people proper protocol procedures such as removing head gear when entering the court sitting.



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- Current Covid measures; need a negative test, plus a second test within 3 days and the 7<sup>th</sup> day while isolating. We do that with the contractors. Same procedure for all who enter and work in Sachigo.
- We also have larger indoor gathering but still require masks or PPE.
- The Covid period has had an impact on our youth because of the prolonged isolation. Hardly any youth are out and about in the community.
- Virtual sessions are new but we can work with it providing the matters are dealt with as quickly as possible.
- We have a letter to go out soon expressing our concerns in regards to release conditions, where the Chief and Council is not aware of the conditions until after the fact. Especially with the drug addicts who need anger management as an example, and therefore the Council needs to be informed or involved.
- Some clients who are hauled out to Kenora and released manage to do a drug run but fortunately we were able to intervene and have them caught or charged.
- The Starlink system should not replace face to face or on-site court sittings.
- We could have more to say especially if we were to canvass what the community thinks about the courts system. So, if this continues in finding ways to improve the courts, that would be good.

## **MISHKEEGOGAMANG FIRST NATION**

- May 24<sup>th</sup>, Chiefs David Masakeyash cell 355 0753 left vmm.
- Tried to reach the Chief again on his cell and left a vmm. Later he text back that he will call in 2 hours as he was busy in a meeting.
- Zoom call was held with the Chief and Council on June 17<sup>th</sup>, so after explaining the purpose of the Pre-Engagement in reopening of the courts including the two letters and questions.
- Chief David Masakeyash opened with the most important issue and that is where the court proceedings take place for their people. Chief informed us that they have had discussions with the AG and Ontario including NALSC about the location of the court sitting before the pandemic was declared.
- Mishkeegogamang wants the Courts to sit in the community especially in the light when Pickle Lake decided not to host courts and terminated their contract.
- They have a new facility that can accommodate a safe court sitting for all attendees.
- Mobility is an issue when people had to travel to Pickle Lake and later it is was proposed for Sioux Lookout, Dryden and Ignace which presented a greater challenge.
- Community members would unnecessarily be disadvantaged and charged with breaches causing further problems for clients such as bench warrants.
- Their primary excuse has been the instability and safety of the court sitting and it started with the OPP. The community is ready but it is the Crown and the OPP who are dwelling with past challenges of the community.
- 'This is systemic institutional racism at its worse still in 2022'

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- Councillor Maryanne P reinforced the desire to have courts on our own territory because there are too many bench warrants issued. Also the community via the Council should have a say when dealing with our people. We can advise the courts before sentencing so it is fair and appropriate. We know our people best.
- Previous Councils met with Court officials before the court sitting and it helped with the way charges were dealt with and act as a deterrent because the people know the Council has a say on behalf of the community.
- Working with NALSC on Restorative Justice helped reduce the remands and serious matters were being dealt without waiting for two years.
- Defense lawyers never come to the community to visit and ask questions about the incident or charge a client is facing.
- Elders can be used to provide input to the Courts.
- We can work together.
- Don mentioned that the Mishkeegogamang facility is far superior than what Pickle Lake had to offer for court sittings.
- We would need from the FN extra costs associated with extra cleaning for the high touch areas, including filters, PPE supplies etc.
- Also AG is offering a Starlink system to the community with IT support and annual subscriptions and it go on for several years. Need to identify two locations for use by the court and the Police, otherwise the community can use it in between sessions.
- In regards to the location of the Court sitting, it was agreed on the NALSC and AG IJD zoom call of June 20<sup>th</sup>, a letter should be sent to the Ontario Chief Justice and AG, requesting Mishkeegogamang to host courts, and they are obligated to respond.
- NALSC can assist with the drafting of the letter.

## **LAC SEUL FIRST NATION**

- May 24<sup>th</sup>, Called 582 3211, Chief Clifford Bull is in Red Lake with Councillor Wade Bull. Called Frenchman's Head office 582 3503, Samantha Keesic, ext. 1000, no answer
- Called Chiefs cell 738 3242, left vmm
- Called Chief Bull again on his cell 738 3242, and we discussed my role etc. CCB has had a couple of meetings in April and May with MAG because so many people are incarcerated waiting for their day in court. And it's taking too long to deal with the serious offenses. Now about 130 criminal cases. CCB also mentioned that they will be hosting a visit from Ontario Chief Justice and the Law Society on June 8<sup>th</sup> and you are welcome to come. CCB invited Ogichidaa Francis Kavanaugh and DGC Anna Betty Ach to attend as well. The Chief told me to speak to Ovide Mercredi and gave me his number 204 805 0322.
- Spoke to Ovide Mercredi 204 805 0322 about the tour by the Ontario Chief Justices and other Judges to Fort William FN on June 7<sup>th</sup>, followed by Lac Seul on June 8<sup>th</sup> and Sandy Lake on June 9<sup>th</sup>. The Law Society of Ontario was contracted to help facilitate discussions with the FNs and OCJ and the Law Society. Ovide asked me

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to be one of the presenters in LS as it is relevant for the OCJ and the Law Society to hear firsthand the concerns by the people about the Courts and Justice system.

- Emailed Irene L and Don R at NALSC of this new development and travel assistance.
- Ovide is to find out whether there will be an extra seat on the planes to Sandy Lake from Sioux Lookout where the group will be overnighiting.
- Ovide text back that I will be the last to present in Lac Seul, however, the trip to Sandy Lake is uncertain at this time.
- Justice Forum was held at the Choose Life Hall at Frenchman's' Head on June 8<sup>th</sup>, in the afternoon.
- The Chief and Council met with the Law Society and others in the morning and the open community event happened in the afternoon. The Ontario Chief Justice did not make it due to Covid.
- The time of the event changed so when I arrived a couple of presentations had already been done such as GCT#3 Ogichidaa and other community members.
- There were community members in attendance including elders and Council members but not all.
- Chief Bull made his presentation and sited that the Justice is inherently discriminatory against the First Nations' people including racism and oppression.
- Seven Grandfather teachings are ignored or dishonored.
- Poverty is systemic in the communities as a way of life.
- Reconciliation is hard to understand to why it is not happening at the community level.
- Settler governments have failed to recognize Indigenous Laws.
- Doctrine of Discovery has harmed our Treaty Relationship.
- We need to be sitting together on Self-determination and reinstituting a First Nations' Justice System.
- Working together as Nations and respecting each other.
- Respecting each other by Gifting and Honoring one another.
- Our existing Laws need to be implemented.
- Arthur Huminuk made a presentation on behalf of Robert Nelson and some of the group made brief presentations on the prevention and aftercare support provided to those individuals encountering the Justice system.
- Some of the points expressed were about creating relationships first, promoting equal access to women who experience greater degree of resistance to services especially via the 60's Scoop, seeking direction from elders to deal with loss of identity and shame, and showing kindness to all people including other Treaty areas.
- However more resources are needed to do the work effectively.
- Ovide commented between the presentations that non-indigenous systems are very well financed but not the First Nations, including Indigenous Police services are under financed.
- Lac Seul's Chief of Police Bruno Rossi who has served in several First Nation Police forces across the country made a presentation.

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- LSPS is severely under financed with equipment and officers and the primary reason is that it is NOT considered an essential service like other Police Forces. Yet LSPS and other FN PS are called upon to provide the support such as transporting prisoners and clients to courts outside of jurisdiction. I.e: court appearance in TBay.
- The current Native Policing Service is set to fail and therefore reflects a negative image on its effectiveness.
- His partner who is also a police officer made a few comments as well.
- NAN DGC Achneepineskum made her remarks on Justice and Policing, and shared her experienced to date on the Thunder Bay Police Service in regards to investigations that are being re-investigated. The procedures are not the same for native people and therefore the District Jail and other jails are 95% Native people. Reports such as TRC Calls to Action are not being implemented fast enough, others very slow or none at all.
- There are Natural Laws which respects all living things.
- Restorative Justice needs to improve to be effective.
- Jails are NOT an alternative to a home or shelter.
- Young persons commit offenses so they can leave the community.
- After the presentations, a community member, a woman Mona Gordon, named Lightning Thunder Woman had a vision of a woman handing a Paper to the Law Society. During the sunrise ceremony, saw a horse running along the shores of the lake. Saw a cloud where our ancestors are listening and hearing us. She mentioned the four laws of Land, water, children and spirit in Ojibway. Also mentioned the Manitou Nest near the Chiefs' house on an Island.
- Ovide then asked, What can the Law Society do about the lawyers? He mentioned four years ago Lac Seul FN presented the Four Framework Pillars on a birchbark scroll to the Chief Justice.
- A second empty birchbark scroll was presented by Chief Bull to the Law Society to be given to the Ontario Chief Justice because nothing has happened to date in reforming the Justice System for the people of Lac Seul FN. So the work begins and work together and FILL that scroll.
- BTW Birchbark was used for writing, shelter, canoe traveling, burials, food container etc.
- Ovide then invited the Law Society representative to respond so Dianne Corbiere came up and introduced Teresa Donnelly, Treasurer of the Law Society who really didn't say much at all. I think she was looking at her watch too much. She did say that the Ontario Chief Justice was being briefed of the presentations and will present the empty birchbark scroll.
- Dianne C talked about herself and where she worked including which cases she worked on at the AFN such as the Child Welfare Case and the Annuities Case.
- She did say two things worth noting and that is Bill 92 Child Welfare Law is NOT enough by itself but that we need Indigenous Laws to execute the First Nations LAW.
- And the other is that she is about Promoting and Acknowledging Indigenous Laws and Law Making.

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- I did make a presentation to the panel so separate notes will be attached for that with some edits.
- Follow up calls to Councillors Wade Bull and Samantha Kejick who is responsible for the Justice portfolio whether they want a zoom call, and also to get the contact information for the band manager and the covid coordinator for the logistics.
- Forwarded the two letters and questions to SK.

### **FORT SEVERN FIRST NATION**

- May 24<sup>th</sup>, Called band office 478 2572 for Chief Paul Burke, vm full
- Called the Band Office again (June 2<sup>nd</sup>) and left a message with the reception for the Chief to call me.
- A couple of conversations with Tony Matthews who is the band manager and is in charge pending Council elections on July 9<sup>th</sup>. Forwarded the two letters and questions for the councillors and set up a zoom call.
- Zoom call set up Wednesday at 130 PM.
- Tony Matthews informed us on the zoom call to postpone or cancel the call because two more councillors resigned so there is no quorum of Council to make the decision to resume or delay court sittings.
- Understood and respect that the decision for the resumption of Court sittings will be best left to the new Chief and Council.
- Recommendation was made to Tony that the logistics for the setting up of the court venue and where it will be sitting, including supplies needed for a safe court sitting and location for the Starlink system can be dealt with by the band manager and covid coordinator.
- Also to get the contact information for the Covid coordinator and the band manager.

### **NESKANTAGA FIRST NATION**

- May 24<sup>th</sup>, Called Chief Wayne Moonias' cell 631 6474 and left vmm
- Tried calling the Chief again (June 2<sup>nd</sup>) and left a vmm. Also called the Land and Resources office 807 479 2586 but could not leave a message.
- Met with Councillor Allan Moonias and gave a copy of the questions for the zoom call, as well explain the purpose of the Pre-Engagement before reopening of the Fly-in and remote courts.
- Forwarded the two letters with an explanation on each of the questions to start the conversation with the Council but it is not intended to complete the dialogue on one call. It is anticipated ongoing dialogue will happen with respect to question #5 which looks to ways to improve the Fly-in and remote courts.
- Follow up email to AM asking for a zoom call soon including getting contact information for the band manager and the covid coordinator for the logistics setup for court sitting and the location of the Starlink system.

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### **PIKANGIKUM FIRST NATION**

- May 24<sup>th</sup>, called the band office 773 5578, and vm was full so unable to leave a message.
- Contacted a friend Kenneth Strang 807 728 2474 and email at [kennethstrang54@gmail.com](mailto:kennethstrang54@gmail.com) and explained to him about my work and the difficulty in reaching the Chief. He asked for the information (2 letters and the questions) to be sent to him. KS will talk to the Chief. He told me the Chief has a family matter that he is attending to and I told him I was aware of his situation. KS did say they had 191 Covid cases active in the community.
- Also Pikangikum is developing its own Justice System and own Police Force, because they are not happy with the results of the current Justice and Policing system.
- Chief Owen text back to say the community wants the resumption of community courts on June 16<sup>th</sup>.

### **SANDY LAKE FIRST NATION**

- Email sent to Chief Delores Kakegamic and briefly explain my role, and MAG and NALSC's Pre-Engagement on the reopening of the Fly-in Remote Courts. Asked for a zoom call and the questionnaire will serve as a guide to start discussions.
- No response to email, text and phone calls to the band office and cell.
- The Law Society of Ontario contracted Ovide Mercredi to facilitate FN visits to Fort William FN, Lac Seul FN and Sandy Lake FNs with the Ontario Chief Justice, and I was invited to participated at Lac Seul and Sandy Lake FN visits.
- We arrived in Sandy Lake from Sioux Lookout on a beautiful day, and were met by the covid team for screening and covid tests before we were allowed to leave the waiting room and shake hands or whatever. This took a good hour before we were allowed to go to the band office and some toured the community.
- The community had experienced several losses lately, a young girls funeral that day and two bodies out of the community for post mortem. They also had suffered a fatal air crash close to the community's' band office, therefore the visit was shortened as originally planned.
- Chief Delores Kakegamic was in isolation at home but participated by phone with the Council and the Law Society and others. The Council along their Justice Committee, staff, elders and advisors were also present.
- Ontario's Chief Justice did not make the trip to Lac Seul and Sandy Lake due to being covid positive however a couple of the Law Society of Ontario officials attended the sessions but with reduced numbers.
- As it is customary with the Council, an opening prayer was given by one the councillors Apin K. After introductions welcoming remarks were made from Chief Delores Kakegamic and the deputy Chief Marcel Linklater and handed the proceedings to Councillor Allan Rae who has the Justice portfolio to chair the meeting.

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- The first presentation was made by Cordia Goodman, facilitator for the Mameenimwaywin Justice Project and outline the current situation and concerns, Sandy Lake had their first post pandemic court on June 6<sup>th</sup>.
- Some of the concerns the Committee had is the growing numbers of remands some since 2018, and the primary reason is the inability for the clients to find adequate legal counsel in time to deal with their charges.
- Bench warrants issued but report to Police and told to appear at the net court. Committee noted that people are not taking the bench warrants seriously.
- Concerns about the serious charges such as sexual assaults are timing out due to delays before they are dealt with at the court.
- The facility where they have the video/audio courts is the communities radio station but it is too small and with inclement weather it is not good for the clients. Courts use to be held at the Youth Center but deemed inappropriate for court proceedings.
- Those people with serious charges sent out to the district jail and returned to the community without the community knowing about their conditions of release.
- Difficulty reaching the Kenora Courthouse within 5 to 7 business days because the Committee is very active is assisting with the court proceedings.
- Allan Rae spoke about their first encounter in 1907 where two individuals were hauled out to Norway House for a swift trial and justice denied.
- Also AR said that the community does not have a proper building to conduct court proceedings, including finding ways for diversion in sentencing etc. FN had submitted a proposal to have a Healing Lodge which would include counselling and other traditional therapy and ceremonies.
- Grand Chief Fox spoke about the goal of taking over our own services such as Justice Reform and Health Transformation, and needing more resourcing for Police, health and education. Also remember the tragic losses that we have had and something needs to be done to honor and respect.
- DGC Achneepineskum commented that we need to look at more prevention measures including Land Based programs and acknowledged that SLFN has had a Justice project since the 1990's. We need to work together because we were here first with our own laws and had ability to manage our affairs.
- NAPS CoP Morrison said it is frustrating with the inability to use FN Laws in dealing with FN offenses. Need to look at alternatives to Courts and a Criminal record. For instance, if someone is caught stealing bread, we need to examine the reason behind it. Having trouble recruiting FN people to be Police officers despite the promotion.
- Don Rusnak commented that we need to resolve our own problems because the system is broken. Once change begins to happen then we need to go in deeper and deeper. Need more resources for Healing/Justice Centers.
- Teresa Donnelly, President and Treasurer of the Law Society representing 57,000 lawyers and 10,000 paralegals and prosecutor as a career which she will be returning at the end of her term at Law Society. The Ontario Chief Justice was not able to make it due to Covid but she will provide a report as she believes or understood what has been said. Disappointingly very short, although she did state that 'we need Indigenous people at all levels of the Justice system such as

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paralegals, lawyers, Judges' but nothing to do what! Maybe I missed it. TD is returning soon to as a prosecutor.

- I was invited to do a brief presentation and acknowledged past and present leaders of SLFN, including the tragic losses not only of late but over time that fester over the lives of the community. The key point, that I expressed is that providing that Ontario Government via the Attorney General is truly committed to Justice Reform. Then we have to take the opportunity to Reform and Rebuild our own Justice system: Our Way.
- Julian Falconer talked about a case involving a child loss of life due to mishandling which is unnecessary in this day in age. Mentioned that the Coroners' office has two ways of dealing with deaths, one for the south and another for dark skinned people. There is an opportunity for change with the Ontario Chief Justice and two others, and unfortunately, lawyers have been agents of destruction and hopefully for healing in the future.
- An elder Henry from Chippewa of the Thames spoke a few words where he has been working with the Law Society in helping them with knowledge and understanding so they can help us.
- Ovide Mercredi under contract with the Law Society until 3 PM today, and made a few comments from what was said as well share experiences.
- People to rise up together and do and take control.
- Don't need anyone's permission to do something.
- FN governments has an Inherent Power to deal with matters affecting your people, including youth and NOT just in words but in action.
- For instance, our FN passed a BCR our Law in regards to the Drug Issue. We declared that ALL leaders must be clean. Anyone charged with offenses, we worked with them instead of Courts. Did unannounced drug tests with staff and it worked to stem the drug use.
- Another the Indian Act had over ruled my Chief, yet my Chief was elected by our people who was empowered.
- Do not abandon what you are doing.
- Transfer payments to FNs is a Treaty obligation.
- Question – Why a bylaw under the Indian Act?
- Do NOT use including the BCR.
- Adam Fiddler added the FN to pass your own Laws, using your own languages, and we do not need anyone's permission. We have our own Laws including recent Covid Onakokinagawin.
- A copy of the Declaration of Sandy Lake First Nation's Drug and Alcohol Strategy was distributed.
- Chief Delores Kakegamic made some closing remarks and thanked everyone and was good to hear all the comments made. However, the Chief pointed a couple of issues raised by the Committee's presentation. Lives have been put on hold waiting for Justice and also creating anxiety and depression etc.
- The Chief met with the Kenora judiciary regarding family domestic issue where the conditions do not work for Sandy Lake because of living conditions. Likewise the



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conditions should be equally applied such as in Kenora and Red Lake incorporating the conditions of the community.

- On Policing, our officers are over worked and the most we have ever had is 3 when we are supposing to have a full compliment of 12 officers. So we need more officers to deal with the various offenses.
- When a Surety is required for an individual by the Courts, we need to do more thorough checks before it is declared. Conditions like distance from those involved is sometimes impossible because of overcrowding conditions and lack of alternate or temporary housing.
- DC Marcel Linklater also added a few points in regards to his son not being allowed back into the community waiting for his day in court. In the meantime, the family has to pay for accommodations and meals while he is out in Winnipeg. At one time he ended up on the streets. Questioning about Surety when an individual is in a different province. No answer was given.
- Teresa Donnelly was already standing by the door to go to the airport. Absolutely no flexibility or understanding that in the remote north you have to go with the flow and not get your underwear tied up in knots.
- Went to the airport where the Chief came by to say goodbye and briefly spoke to Dianne Corbiere and Catherine Banning but not Teres D who already strapped herself on to her seat.
- Ovide and I were dropped off in Sioux where Ovide took the scheduled flight to Winnipeg instead of Thunder Bay to Winnipeg the next day.