

MÉTIS NATION OF ONTARIO RESTORATIVE JUSTICE SERVICES



Presented by Diana Filici – Restorative Justice Services Coordinator for the Métis Nation of Ontario



dianaf@metisnation.org

Métis Nation of Ontario
Healing and Wellness

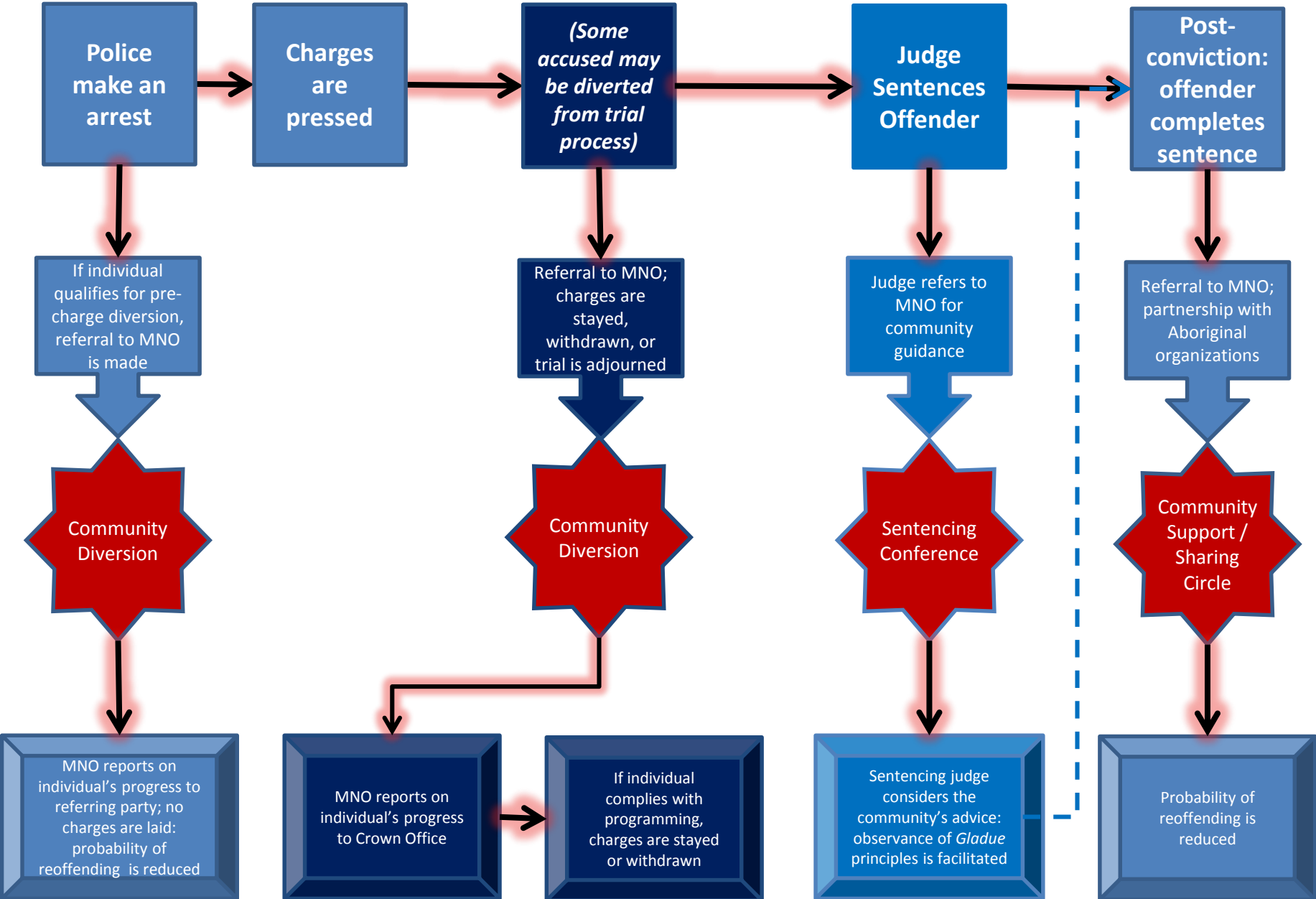
Métis Nation
of Ontario 

Criminal Justice vs Restorative Justice



Retributive / Adversarial	Restorative / Community-led
Focuses on establishing guilt	Focuses on the harm that was caused: problem-solving, liabilities and obligations, and future actions
No incentive to repent or apologize for actions other than formal threats of punishment (i.e. apologies or displays of remorse are forced)	Individuals are encouraged to take responsibility for their actions when they are ready to; genuine feeling is valued above performative behaviour
Crown attorneys and sentencing judges decide on the fate of offenders: decisions are formal and from the top-down 	All participants have a say in the proceedings and final decisions, including the individuals who have caused harm 
“Accountability” is equated with the mere completion of one’s punishment (and is has more clinical weight than emotional or personal weight)	Accountability involves empathic understanding for the impact of one’s action and is demonstrated by the steps taken to repair the harm done and restore harmony to one’s relationships
Harm caused to individuals, families, and communities are defined in purely legal terms, as “offenses”	Harm is considered in a holistic context, including the socio-historical, economic, and background factors which contributed to an individual’s harmful actions
“The community” is represented abstractly by the state	“The community” is represented by committed members who genuinely strive for restitution, restoration, and harmony in the community

Métis Nation of Ontario Community Justice Services



Updates

1. Projected deadline for implementation of Aboriginal Diversion in Newmarket and Oshawa courthouses: beginning of **August / end of July**
2. Negotiating to have a Métis Working Group to represent the diverse perspectives, worldviews, barriers, and circumstances of Métis people in the York and Durham communities (i.e. to reduce barriers to accessing services)

R V IPEELEE 2012: SENTENCING PRINCIPLES FOR ABORIGINAL OFFENDERS

“To be clear, courts **must take judicial notice** of such matters as the **history of colonialism**, displacement, and residential schools and **how that history continues to translate** to lower educational attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and of course higher levels of incarceration for Aboriginal peoples [...]”

Sentencing Judges Must Consider:

The intergenerational effects of the residential school system on **individuals, families, and communities**

Ho experiences in the child welfare or adoption system shape **individuals, families, and communities**

The effects of dislocation and dispossession of land and culture on **individuals, families, and communities**

The effects of family or community history of suicide, substance misuse, and victimization on **individuals, families, and communities**

How the loss of, or struggle with, cultural and spiritual identity affects **individuals, families, and communities**

How level or lack of formal education affects **individuals, families, and communities**

The effects of poverty and poor living conditions on **individuals, families, and communities**

The effects of early life exposure to or membership in Indigenous street gangs on **individuals, families, and communities**

<http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut20121022info-eng.aspx>

- Office of the Correctional Investigator, Government of Canada



Canada's prisons are the 'new residential schools'

A months-long investigation reveals that at every
step, Canada's justice system is set against
Indigenous people

Nancy Macdonald

February 18, 2016



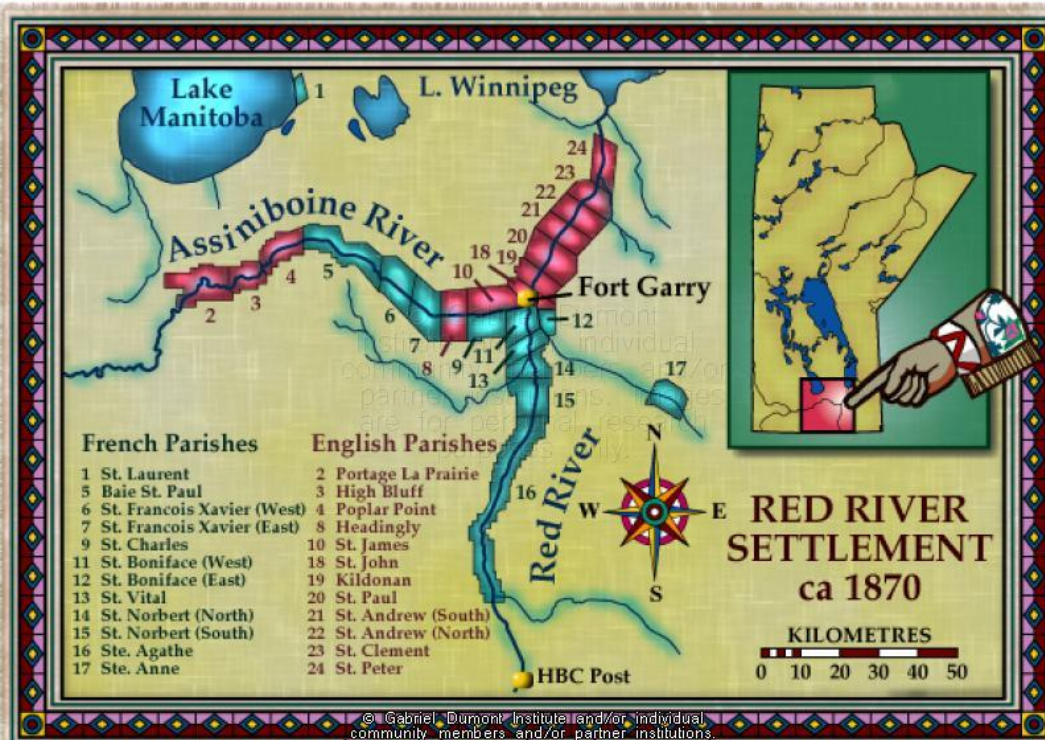


Opinion • Star Columnists

Census vastly undercounts Indigenous population in Toronto, study says

Study by researchers from York University and St. Michael's Hospital, in collaboration with Indigenous agencies, estimates numbers at least double that of census findings.





R v Powley 2003 test for identifying individuals as “Métis”:

- 1- self-identifies as Métis
- 2- establishes ancestral connection to a historic Métis community
- 3- is accepted by, and Métis identity is verified by, a modern Métis community



A WESTERN NORTH DAKOTA SCENE IN 1883



OFFICES ARE BASED ALL ACROSS ONTARIO; TORONTO / YORK, BRAMPTON, OSHAWA & DURHAM

MÉTIS NATION OF ONTARIO HEALTH & WELLNESS: CORE SERVICES

COMMUNITY WELLNESS

MÉTIS FAMILY WELLBEING

MÉTIS HEALTHY BABIES HEALTHY CHILDREN

AGING-AT-HOME

*All services are Status Blind

*Are wrap-around, case management services so compatible with other agency services



Métis Nation of Ontario
Healing and Wellness

Métis Nation
of Ontario 

For more information on the history of Métis peoples and about Métis identity, see University of Victoria Law School, John Borrows' YouTube lectures:

<https://www.youtube.com/watch?v=RA-6901PjuA>

https://www.youtube.com/watch?v=bYap_QmOoCI

For a module on *Gladue* sentencing principles:

<http://www.gladueprinciples.ca/welcome>