

MÉTIS NATION OF ONTARIO RESTORATIVE JUSTICE SERVICES



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Métis Nation of Ontario
Healing and Wellness

**Métis Nation
of Ontario** 

“LOCKING UP NATIVES IN CANADA” IN R V GLADUE 1999

- according to national census figures in 1988-1989, **2%** of the Canadian population was Indigenous
-**10%** of the federal penitentiary population and **13%** of the federal women’s prisoner population was indigenous
 - situation found to be worse in provincial prisons: in Saskatchewan, Indian-status males were **25 times more likely** to be admitted to a correctional centre than non-indigenous people while non-status Indian or Métis males were **8 times more likely** to be admitted.
 - the figures are even more extreme for women: Indian-status women were **131 times more likely** to be admitted to a Saskatchewan correctional centre than non-indigenous men
 - Non-status Indian or Métis women were **28 times more likely** to admitted to a correctional centre in Saskatchewan than non-Indigenous men.
 - In 1976, an Indian-status boy turning 16 years-old had a **70% chance** of at least one stay in prison by the age of 25; a Métis or non-Indian status boy had a **34%** of at least one stay in prison by age 25.
- “Placed in an historical context, the prison has become for many young native people the contemporary equivalent of what the Indian residential school represented for their parents.” – M. Jackson



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



R V GLADUE 1999

“In sentencing an aboriginal offender, the judge must consider: **(a) the unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts; and (b) the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection.** In order to undertake these considerations the sentencing judge will require information pertaining to the accused. Judges may take **judicial notice** of the broad systemic and background factors affecting aboriginal people, and of the priority given in aboriginal cultures to a restorative approach to sentencing. [...]”



R V IPEELEE 2012

“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:

Intergenerational effects of the residential school system

Experience in the child welfare or adoption system

Effects of the dislocation and dispossession of Indigenous peoples

Family or community history of suicide, substance misuse, and victimization

Loss of, or struggle with, cultural and spiritual identity

Level or lack of formal education

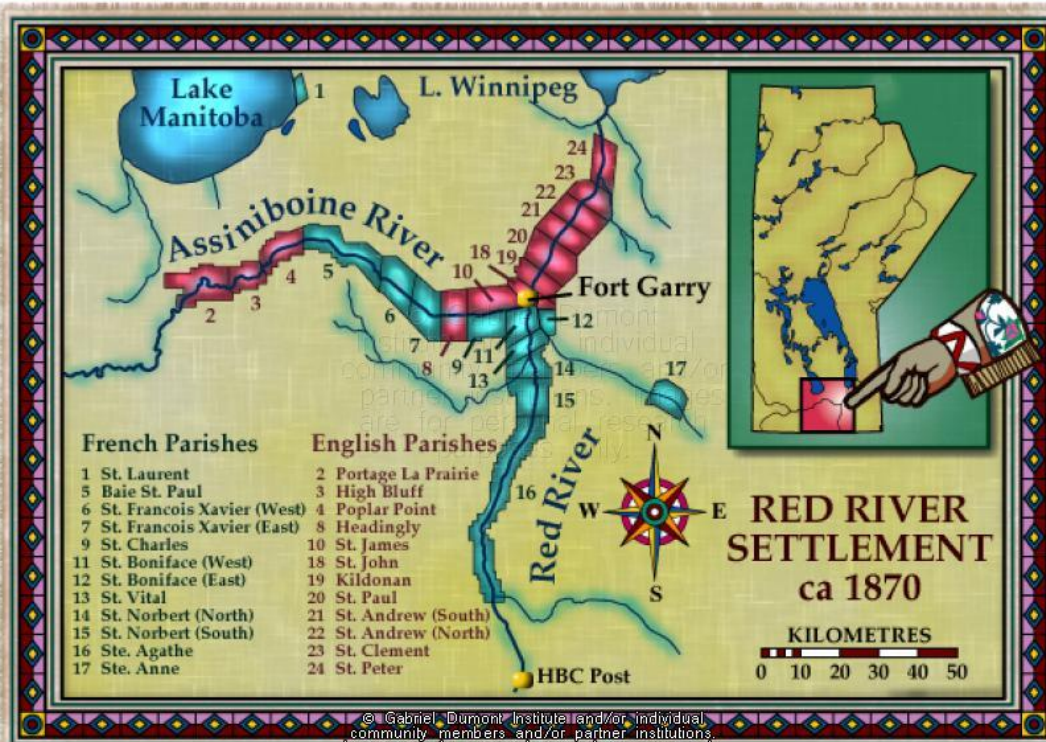
Poverty and poor living conditions

Early life exposure to or membership in Indigenous street gangs

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

- *Office of the Correctional Investigator, Government of Canada*





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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 and Métis identity is verified by a modern Métis community



A WESTERN NORTH DAKOTA SCENE IN 1883



For more information on history of Métis peoples and on Métis identity, watch 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

Here is an in-depth module on Gladue sentencing principles:

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



MNO Restorative Justice Services: Stages-of-Entry in the Criminal Prosecution Process

