



NISHNAWBE-ASKI LEGAL SERVICES

Newsletter

Dec 2020

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Welcome to NALSC E-Newsletter

NALSC Staff are working and available to assist! Staff are available through a mix of in person, walk-in, by appointment and by video and telephone across the territory. In this issue you will find some of the highlights, various legal information, updated contacts, as well as what has been going on in the past few months at NALSC.

Have a safe and happy holiday!



1805 Arthur Street East, Thunder Bay, ON P7E 2R6
Toll Free: 1-800-465-5581

Sioux Lookout: 47 A Front Street, PO box 187, Sioux Lookout ON P8T 1A3
Phone: 807-737-7981 Toll Free: 1- 866-468-5151 Fax: 807- 737- 7297

Timmins: 119 Pine Street S. Suite 210, Timmins ON P4N 2K3
Phone: 705-268-1105 Fax: 705-268-0012

Kenora: 308 Second Street S. Suite 14, Kenora ON, P9N 1G4
Please contact Thunder Bay Office for phone contact information



Human Resources

WHAT ARE YOU UP TO DURING COVID-19? HOW ARE STAFF STAYING SAFE?

*N*ishnawbe-Aski Legal Services has taken many steps to protect the safety of all our staff and clients so we can continue to provide our services to the NAN communities and clients.

We have.....

- created special meeting rooms so staff can continue to meet safely with clients,
- provided all Staff with required PPE so they continue to work safely and meet with clients,
- Installed PPE in all our offices (plexiglass, hand sanitizer, gloves, etc.)
- made sure our phone lines are OPEN to accept all phone calls, including collect calls from clients.
- staff on staggered schedules so we don't have a lot of staff in the offices at once.

We continue to take all necessary steps to keep everyone safe while we provide services to NAN members and communities.

ARE YOU HIRING?

YES! Nishnawbe-Aski Legal Services has continued to fill vacant positions during COVID-19. We announce all jobs on Wawatay radio so don't forget to listen in. We encourage everyone to apply for jobs by sending in their resumes. You can send a resume in for a specific job or at any time for other jobs. We look forward to hearing from you.

If you would like job postings sent directly to you, just send me your email. We will gladly send you a copy every time we post a job.

HOW CAN WE CONTACT YOU?

You can call our NALSC office at 1-807-622-1413 and ask for HR.

You can call Human Resources at 1-807-633-8158.

You can send an email to hr@nanlegal.on.ca or cshwetz@nanlegal.on.ca

You can send a fax to (807) 622-3024.





Legal Aid Department

Season's Greetings from the Legal Aid and CLW staff of NALSC. The past few months have been challenging for the staff working from home due to COVID. Legal aid staff are available by cell phone during regular office hours to assist persons applying for legal aid, general inquiries, referrals to other NALSC programs, other agencies, advice lawyer and duty counsel.

Legal Aid Ontario suspended all in person services at area offices and courthouse locations until further notice. At this time LAO will process family law DV (domestic violence), child protection applications and in custody criminal matters (excluding homicide related charges) with no legal or financial testing until further notice. New applicants who own property who own property will be required to enter into a lien agreement. Lawyers can also apply for a certificate on behalf of their client in and out of custody to help reduce court delays.

The CLW's participate in the all virtual/audio courts and will forward notices/posters to the communities with a listing of upcoming courts and the call in information and their contact information. The CLW's are following up with clients to assist in finding representation and inform them to call into the court. Since COVID it has been difficult following up with clients. The CLW's are anxiously looking forward to the day when normal activities resume and travelling to communities we service.

All Community Legal Worker positions are filled with the recent hire of Trish Kakekagumick who will service the Windigo communities (Bearskin Lake, Cat Lake, New Slate Falls, Sachigo Lake and Weagamow Lake. Trish will be working out of the Sioux Lookout office.

Thank you to the staff in legal aid department for their dedication to during these challenging times:

Legal Aid Staff: Doreen Stone, Jocelyn Rae, Mary Kakepetum

Community Legal Workers: Jacob Mekanak, Don Sainnawap, Stella Kiokee-Koostachin, Roberta Wesley, Rita Chapman, Jackie Edwards, Lloyd Comber, Darlene Suggashie, Madelaine Kioke, Trish Kakekagumick

Please email legalaid@nanlegal.on.ca if you have any questions regarding legal aid, northern courts, duty counsel, court calendars.

Wishing all Happy Holidays and Joyous New Year.

Heather Baillie
LAO Coordinator





**Roberta
Wesley**

Booshoo Miiziiwaay

*R*oberta Wesley Dishniikaaz, Constance Lake First Nation Community Legal worker doo awwbiitiiz omaa NALSC.

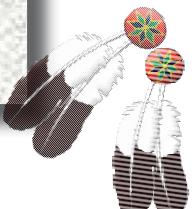
2020 has surely been a year of change, but through it all NALSC has stayed safe, this being our new attire as we prepare for our workday everyday a mask, gloves, and a shield to continue to serve our people.

Through Covid-19 we've got the best support and networking team ever here as CLW's and Legal Aid.

We're doing the best we can to service our people who mean the world to US. with the new safety measures, we can still maintain our services through virtual meetings and manage our courts as well in our areas.

In closing I want to wish you all a very merry Christmas stay safe and stay warm Amen God Bless.

Roberta Wesley



Nishnawbe-Aski Legal Services Corporation

December 3, 2020

Prepared by Danielle Wood & Martha Kataquapit

RE: Highway Traffic Act on Reserve

This is a brief information memo on the application and adoption of the *Highway Traffic Act, RSO 1990*, on First Nation reserves. It will provide some background on the applicable laws and propose some options for moving forward.

Background: Division of Powers

To understand how this provincial law can apply, we must start way back in year 1867. Well, later in this memo, we will go back further, prior to colonization, to discuss traditions and the way things were governed and ordered before settler governments and laws.

As a federalist state, Canada's constitution has two orders of government, federal and provincial, whose legislative powers derive from and are defined in the *Constitution Act, 1867*. The orders of government and their respective authorities to legislate are known as the division of powers.

The Constitution sets out thirty sections of federal powers under sections 91, 92(10) as well as a general power to make laws for the Peace, Order and good Government of Canada. At section 91(24), the federal government has the exclusive power to make laws for “Indians and Lands reserved for Indians”. The only traffic law governing reserves made by the federal government is within the *Indian Act* and is discussed below.

The provincial powers of exclusive jurisdiction are set out in ss. 92, 92A and 93 of the *Constitution Act*, which includes generally all matters of a merely local or private nature in the province. The province makes vehicle laws and regulations under its power over traffic and transportation at s. 92(10) for “local works and undertakings”. Ontario enacted the *Highway Traffic Act* under this power.

Furthermore, First Nation Chief and Councils derive legislative authority from the *Indian Act* under Powers of Council ss. 81 - 86 of the *Indian Act*, as well as asserted through the inherent right to self-government which is also recognized by s. 35 of the *Constitution Act* and the *United Nations Declaration on the Rights of Indigenous Peoples*.

Indian Act Powers of Council

The *Indian Act* under s. 81(1) states that:

“The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely... (b) the regulation of traffic;”. The s. 81 power also allows Councils general law-making authority for law and order, health of residents on reserve and to prevent disorderly conduct.



Head Office:

138B Mission Rd, Fort William
First Nation, ON P7J 1K7

Nishnawbe-Aski Legal Services Corporation

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Bylaws made under s. 81.1 do not need the approval of the Minister and since 2014, the Minister's powers to disallow such bylaws has been extinguished. Punishment for contravening s. 81(1) are on summary conviction and can include a fine not exceeding \$1000 or 30 days imprisonment or both.

Indian Reserve Traffic Regulations

Under the *Indian Act*, is a regulation governing traffic on reserve called the *Indian Reserve Traffic Regulations*. This regulation is short, composed of 4 sections and eight directives regarding vehicles and driving conduct.

Mailing Address:

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Unit 100
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Tel: (807) 622-1413
Fax: (807) 622-3024

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Website:
<http://www.nanlegal.on.ca>



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In passing bylaws to regulate traffic under s. 81(1)(b) of the *Indian Act*, the bylaws must be consistent with the provisions of the *Indian Reserve Traffic Regulations* which incorporate provincial vehicle laws and regulations. This means that provincial laws do not need to be adopted in their entirety, but rather, that there is no tension or significant opposition between a First Nation traffic bylaw, the *Highway Traffic Act* and the *Indian Reserve Traffic Regulations*.

Highway Traffic Act

Despite the constitutional division of powers, and federal power under s. 91(24) for "Indians and Lands reserved for Indians", provincial powers of general application can and do apply to Indigenous Peoples and on reserve. Traffic regulations are intended to apply to the whole province and do not specifically target reserves or Indigenous populations, and are therefore of general application.

The Supreme Court of Canada held in *R v Francis*, and subsequently in *R v Delgamuukw* that traffic laws which are made to apply to all persons in the province, also apply to Indigenous Peoples living on reserve. The Court also expressed that although the federal government has the authority to make laws specific to Indigenous Peoples, it is not wholly responsible for all laws, rights, responsibilities of Indigenous Peoples. The Court also held that reserves are not federal "enclaves" protected from provincial jurisdiction.

Section 88 of the *Indian Act* is also discussed by the court. This section has the effect of incorporating some otherwise inapplicable provincial laws into federal law. It states:

"Subject to the terms of any treaty and any other Act of Parliament, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that those laws are inconsistent with this Act or the First Nations Fiscal Management Act, or with any order, rule, regulation or law of a band made under those Acts, and except to the extent that those provincial laws make provision for any matter for which provision is made by or under those Acts."

Nishnawbe-Aski Legal Services Corporation

Summary

There are multiple lawful avenues for regulating traffic on reserve. What's clear is that there is no enforcement. Police services are not supported through prosecution (provincially, federally, or privately) to lay such charges and infractions. An unenforced law has no consequences.

Options to Move Forward

Community safety is the priority of Chief and Council and also of government and non-government agencies and organizations serving First Nations communities. Engaging with partners, including the crown attorneys, police officers, and judicial officials on the issues, barriers, and desired outcomes is an important way to move forward.

Community solutions and community-driven processes are important and effective. Through membership meetings, consultations, votes, and directives, these solutions can come alive. Peacekeepers, First Nation bylaw officers, private prosecutors, tribunals and tribal courts can be created to deal with community safety issues.

Nations across turtle island have tackled issues of community safety creatively and in ways that are in keeping with traditions and laws, pre-settlement. Partnerships have been formed and agreements created to ensure that fines are received by the First Nation and not the municipality or province. Tribal courts have been created with jurisdiction over traffic infractions. Tribunals or committees composed of leadership, elders, community members have been created to hear and decide on community safety infractions. Alternative sanctions to fines and imprisonment, alternatives that are rooted in restorative justice are imposed to protect the community.

NALSC's bylaw program is available to assist with coordinating and engaging communities and justice partners, sharing information, offering restorative justice circle services and training, assisting with the preparation of justice models, plans, and proposals.



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First Nation, ON P7J 1K7



Discharge Planning Team

The discharge planning team was formed to in March of 2020 to support releasees and communities alike in safe transitions from custody to community. In May of 2020, NALSC signed the “Protocol regarding the Release of Indigenous Persons from Custody in response to the COVID-19 Pandemic” with Nishnawbe Aski Nation, the Indigenous Justice Division of the Ministry of the Attorney General, and the Solicitor General, affirming all parties’ commitment to safety in the pandemic.

Successes:

- 195 persons have been assisted in their journeys home as of December 10, 2020.
- Members of:
 - Mushkegowuk Regional Discharge Planning Table,
 - Release From Custody Task Force Thunder Bay,
 - Kenora Discharge Committee.
- Improved relationships and processes with northern provincial jails.
- Assistance to duty counsel and defence counsel for release planning at the bail stage.
- Flexible and responsive coordination such that release plans can be approved last-minute and after hours.
- Enhanced, supportive services for clients at release including: providing essential items, hotel accommodations, connections and appointments with community and cultural programming and supports.

Challenges:

- Short-term and long-term housing options.
- COVID-19 outbreaks and lock-downs resulting in longer stays and frustrated travel agreements.
- Staffing for afterhours and late-running courts can be challenging.

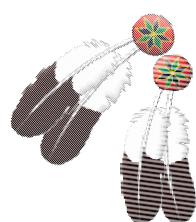
Our team:

The dedication of our team to this project during these unprecedented times inspiring. We would like to thank our partners Nishnawbe Aski Nation, The Indigenous Justice Division of the Ministry of the Attorney General and The Ministry of the Solicitor General. We would also like to recognize our team Oana Cristea, Lenard Comber, George Edwards, Catherine Gull, Marie Roundhead, Gillian Schaible, Holly Sitch, Danielle Wood and Terri Zoccole.

How to Reach Us:

If you have questions, please contact the Discharge Coordinator at:

Holly Sitch
hsitch@nanlegal.on.ca
(807) 627-7698 or 1-800-465-5582



Public Legal Educator & Communication Coordinator Update

Boashoo,

My name is Cheryl Suggashie, and I am NALSC's Public Legal Educator and Communications Coordinator. I started in late October and my office is out of Thunder Bay.

I am from Pikangikum First Nation and living in Thunder Bay for almost 5 years now. I have a BA in Political Science, minor in Law & Justice, and MA in Social Justice. Previously I worked as a "Community Legal Worker" for over two years at another Tribal Council.

My duties and responsibilities include maintaining NALSC's website, developing Newsletters and outreach plan, providing NAN community members with an opportunity to obtain information on the Law and Justice system, work to improve access to justice, and create effective ways for all NALSC Programs to succeed, notably during the Pandemic.

We are working on have a spot on Wawatay Radio station in the New year to discuss various Legal Topics along with special guests, and perhaps with a few draws and games. So, stay tuned.

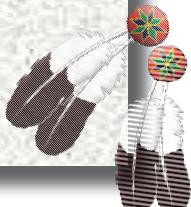
I am currently working from home. But we can continue to set up "Public Legal Education" virtually, through video and teleconference. PLE's will help people understand the law, how to deal with legal issues that affect their lives, help people understand how to use the opportunities and the protections offered by the legal system, specifically NALSC.

One of my main goals is to revive my own Ojibway and Oji cree speaking and writing skills. I was good at it in High School.

If you would like to share any imaginative or original ideas, or if you need some information or would like more resources on Legal Topics please let me know. I am open to new and innovative ideas during this trying time. And remember that as Indigenous people that one of our greatest gifts is our oral traditions.

Please check out our website www.nanlega.on.ca as some features have been updated. Our Website Committee are continuously trying to make it easier to navigate.

Meegwetch
Cheryl Suggashie
Public Legal Educator & Communications Coordinator





*T*he NALSC Virtual Programming website was created as a response to Covid-19 restrictions which limit the ability for our Youth Intervention workers to provide programming to the Youth in their communities. Supplies are provided to Youth upon request, who can then participate in online programs such as crafts, baking, and exercise. Some examples of the online programs that have been offered are;

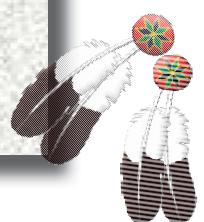
- Making Dreamcatchers
- Making Medicine Pouch
- Baking Pies
- Stretching & Warming Up
- Making Shakers
- Sketching
- Painting

The programming has expanded to include information sessions as well as self care and mental health assistance for youth and adults alike. Some additional workshops include;

- Teresa Snow Series : Self Care During Covid, Having Those Difficult Conversations, Grief & Loss
- Beading
- NAN Hope Info Session
- Restorative Justice for Sexual Assault & Domestic Violence Info Session
- Picking Medicines
- Making Venison Sausage

We continue to contribute a wide range of video programming and encourage our partner organizations to reach the communities through virtual programming as well.

Mary Spencer
CYIW- YI & YJ & VW
Kashechewan, ON



Boashoo, Wacheya

My name is Vernon Morris a new employee of the Nishinawbe Aski Legal Services Corporation hired to the Restorative Justice Bylaw Team and will be working out of the NAN Legal office in Sioux Lookout, Ontario.

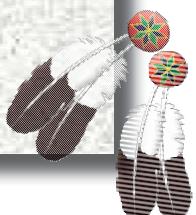
I am a member of the Muskrat Dam First Nation and in my work capacity as Restorative Justice Bylaw worker I will be covering the NAN West catchment area of First Nation Tribal Councils and Independent communities. In an outreach capacity I will also work with other communities in the NAN territory as assigned.

The primary purpose of the Bylaw program is to give support to NAN First Nation communities which are developing and establishing their own community bylaw programs that may include indigenous cultural values and practices. We are aware that some First Nation communities already have a program in place and can use the NAN Legal Bylaw program to further enhance their efforts in addressing issues such as abuse of intoxicants, street drugs, underage drinking and other community social ills that are not necessarily law related. The Restorative Justice component of the bylaw program can be used to resolve disputes and as a tool to enforce community bylaws. Matters affecting the community would not necessarily have to appear in a court of law for resolution. Diversions from local law enforcement agencies (NAPS and O.P.P) and visiting courts can be accessed and processed before a formal charge can be laid by utilizing the Restorative Justice component of the Bylaw program.

The aforementioned items are just examples of how the bylaw program can be of use to our First Nation communities. It is our understanding that our community leaders and First Nation community residents are the most qualified to give direction on how this resource can be effectively used in their communities.

I look forward to meeting with the people of the First Nation communities of the NAN territory in the coming months after the cloud of the Covid -19 virus passes us. In the meantime please stay safe and healthy.

My contact information is as follows: email address vmorris@nanlegal.on.ca, Cellphone number 807-738-5932





RESTORATIVE JUSTICE

NISHNAWBE-ASKI LEGAL SERVICES

Successful Changes & COVID-19

Natasha Sakchekapo, Sioux Lookout

Even throughout the turmoil of the virus, we have successfully lifted off our **pre-charge restorative justice program** in Sioux Lookout, ON.

We have established a standard of procedure with the Ontario Provincial Police that will be utilized in **Sioux Lookout, Pickle Lake, North Caribou Lake First Nation, Wapekeka First Nation and Big Trout Lake First Nation**.

This new program will allow us to assist the police with youth and adults before charges are laid and processed for the court system.

This program has increased effective communication with the police, and decreased charges laid within each community. It has also assisted with decluttering the dockets within the court system.

We are aiming to assist individuals with accessing services such as mental health & addictions, substance abuse prevention, suicide prevention, and to ensure we provide culturally inclusive services.

COVID-19 has not prevented us from providing our best services to our communities. We have accommodated the changes that have occurred due to the virus, and now we are successfully utilizing technology to complete our programming.

Due to travel restrictions, we are unable to do our healing circles face-to-face, so we now complete them via video conferencing and teleconferencing. We have seen an increase in our attendance of circles, and successful completion of restorative justice cases through both pre-charge and post-charge restorative justice.

We are seeing empowerment throughout the NAN territory and an increase in utilizing restorative justice programming. It has been uplifting to see the establishment of positive relationships and helping the westernized systems become less regimented.



“Maa-Mü-Nah-Chi-Ke-Win”

Domestic Violence and Restorative Justice Practices

- Alana Odawa

Domestic Violence (DV) is not an easy topic to discuss, whether you're a victim or the one causing the harm. Everyone is impacted. Our program here at Nishnawbe-Aski Legal Services Corporation (NALSC) will assist individuals through the process of Restorative Justice (RJ) in partnership with the NALSC Victim Witness Program.

Why Restorative Justice?

Restorative Justice is a voluntary process involving the person who has been harmed, the person who has caused the harm and their supporters. With the intent being to bring them together to talk about what happened, who was affected and what can be done to help repair the harm.

The offender must take responsibility for their actions in order to be admitted into a restorative justice program. This is an opportunity for the offender to understand the harm caused and prepare in some ways to find and accept responsibility for the offence committed. As such, restorative justice can help resolve nearly any form of wrongdoing or conflict, including domestic violence.

When you come together in a RJ Circle, we are honouring what our ancestors have done in the past to resolve matters. Coming together in a Circle, as equals for a healthy discussion. Our Ancestors had to overcome many struggles and

hardships, to where we are today. Many of us have struggled through intergenerational traumas and effects. So it's our responsibility to reclaim and recapture how our Ancestors would resolve matters prior to contact. In order to keep their teachings alive and pass on to our future generation.

My role as a facilitator will be to assist the individual through this process. We will receive a referral either from the Crown, Legal Counsel, NAPS, Self or other program agencies. An intake will be conducted and ongoing support will be for the client. Once all information is collected, a Circle will be scheduled, this will include key players such as the offender, victim and their supports, RJ facilitator, RJ Victim Witness Worker, Elders and other supports as it relates to the offence such as Chief and Council, police, social worker and other frontline workers.



Discussion are had until a resolution is formed and an agreement is made. Each Circle is unique as their outcomes. When working with the client(s), we will continue to provide support prior and after the Circle. However, we can not forget that we are responsible for our own healing journey and how we move forward in a good way.

For more information, please visit our website at Nanlegal.on.ca or email me at aodawa@nanlegal.on.ca. Miigwetch!

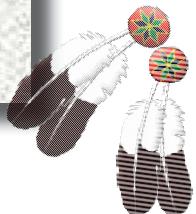


**Martha
Kataquapit**

Hi my name is Martha Kataquapit,

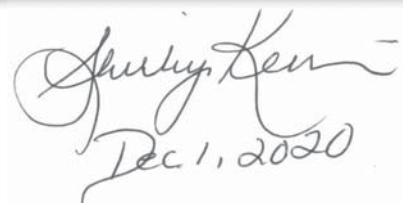
I am from Attawapiskat and am a registered band member. I currently live in Timmins, Ontario and have been with NAN legal services for close to 7 years. I have a great deal of passion working with the Restorative Justice By Law program and love the community involvement it provides me. During the difficult time of this pandemic, we faced challenging times as the world deals with the virus in connecting with our NAN Communities. However, we have continued to work with communities over the phone and internet on a daily basis to ensure their needs are being met. By law is always improving, and we have continued to be mindful of community requests with relation to by laws of the First Nation governments within their communities. With the respect to doing visits with the communities, it's very challenging but we continue meeting the community and its needs through safe and secure measures. I have also been in contact with the local office and local law enforcement detachments to offer assistance with the Restorative Justice process relating to the by law program during COVID-19, if the community or the local police detachments request.

My door is open for any community's member and working partner of eastern Nishnawbe Aski nation.



Boosho!

ell this has been a challenging 2020 to say the least! As a Restorative Justice worker, it has been very challenging due to the pandemic. Trying to come up with ideas on how to facilitate Circles is a “miss or hit” endeavour. I first started with being “official” meaning writing formal letters to clients via post mail. I soon found out that didn’t go over very well. Then, trying to set up the Circles with set dates and times didn’t work out either. In the end, I ended up doing Circles N-O-W. Meaning when the client phones, texts, emails, that was the time to do the Circle. There is no guarantee they would call back. Lots of clients who reside on the reserves do not have access to a phone whatsoever. But, they do have social media and texting is the best way to go. I found out they are more than ready to text. They disclose information via text that I’m sure they would not if the Circle were done face-to-face. Sometimes they tell me more than they should but that’s okay. I respect their privacy and advise that “what is said here, stays here”. I had one client who kept saying they were sorry, sorry, sorry, for not being in touch sooner. But, that’s ok I tell them. No need to worry and I am here to help you not to knock you down. The more help I can give you, the better. I hope I don’t sound like “Super Woman” but hey! Maybe we sometimes are “Super Women and Men”. I really do admire clients who are so willing to “get rid of that charge” and “how do I do it” More & more are realizing Restorative Justice is a good program. They want to live a good clean life. They always hear, “Don’t do this, don’t do that, don’t, don’t don’t”. So when do they the positive side of life? I try to give the client a positive way of thinking of things. Sure you fell off the horse, try again and get back on it. You will succeed, I can guarantee it. Life is not easy, but if you give up, you will never know how “your story ends” unless you try. I don’t mean to sound like a “High Priest” but sometimes we all need words of advice. Maybe sometimes the words you don’t want to hear but hey! That’s life. Well, before I write a book I best close off with saying “Merry Christmas & Have a Wonderful New 2021” Don’t forget: Truth, Honesty, Love, Respect, Wisdom, Humility, and Courage. See you all next year and be safe! God Bless!



Shirley Ken
Dec 1, 2020



Nishnawbe-Aski Legal Services Corporation

Restorative Justice Post-Charge Referral

Date of Referral: _____

Referral Source (Name & Organization): _____

Name of Accused: _____ Date of Birth: _____

Accused Contact Information: _____

Charge(s) for Restorative Justice: _____

Charge(s) Date: _____ Charge(s) Location: _____ Next Court Date: _____

Complainant(s) Name:	Contact Information (or Crown phone number):	Date of Birth:
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Crown Consent: I am of the opinion that there is a reasonable prospect of conviction for the charge(s) against the accused and I hereby consent to referring the matter to the Restorative Justice Program. I acknowledge that I have the discretion to proceed with prosecution if the accused does not successfully complete the program.

Crown Signature

Date

Accused Consent:

1. I understand that the prosecution believes they have a reasonable prospect of conviction but is using their discretion to divert me to the Restorative Justice Program.
2. I understand that if I do not complete the Restorative Justice Program, my charge(s) may proceed through the court process.
3. I consent to attend the Restorative Justice Program and to comply with all the terms of the Restorative Justice Program.
4. I understand that any statements made during a circle are confidential and sacred and are not to be used against me in a Court of Law.
5. I understand that in order to participate in the Restorative Justice program I have to take responsibility for my actions.

Accused Signature

Date

If under 18, Parent/Guardian Signature

Date

*Where possible, attach synopsis/crown brief and if applicable, outstanding probation and release orders.

Attention to Chantelle Johnson, Manager

Email: cjohnson@nanlegal.on.ca

Fax: (807) 622-3024



From the Gladue Manager

The Gladue Program in unprecedented times

George Edwards Gladue Manager

Gello, Waacheaya, Booshoo from the Gladue Program. My name is George Edwards and I am the Gladue Manager. I have been with the Gladue Program since it started on December 1, 2014. I started as one of the first three Gladue writers. Since then, our Gladue Program has significantly grown to 13 Gladue staff: Manager, six Gladue Writers, and six Gladue Caseworkers to assist our Nishnawbe Aski Nation (NAN) members who face sentencing through the court process.

Nishnawbe-Aski Legal Services Corporation (NALSC) has operated its Gladue program in NAN territory to prepare Gladue reports for consideration by judges in the sentencing of Indigenous people from NAN communities. A Gladue report outlines the person's life circumstances, identifies individual and systemic factors that contributed to his or her involvement with the criminal justice system, and offers recommendations for restorative justice and healing. Our Gladue Caseworkers develop these recommendations with our clients and help them follow through to mitigate their criminogenic behaviours.

Since March 17, 2020, when the Province of Ontario declared a state of emergency because of COVID-19, NALSC's Gladue Program has been impacted by the closure of courts in urban and remote First Nation communities. Gladue requests for Gladue Reports in the three court jurisdictions (Timmins, Thunder Bay, and Sioux Lookout-Kenora) have been much fewer compared to pre-COVID-19 stats. Lawyers in each of the three areas are aware of the impact COVID-19 has had. In August 2020, courts slowly started to open in urban areas, whereas fly-in courts in remote NAN communities have just recently opened, in November 2020, through a virtual sit-in, via Zoom. NAN First Nation communities are still on lockdown and continue to implement travel restrictions into communities. During these current circumstances, and once we overcome these challenging times, we will continue to do our best to represent and assist NAN clients in the Gladue process.

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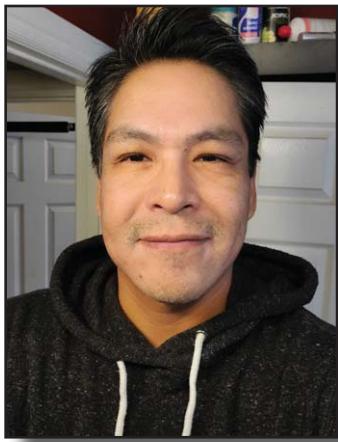
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Gladue: Healing through storytelling

Bob Albany Gladue caseworker

*H*ello, my name is Robert Albany, though my family and friends know me as Bob or Bobby. I was raised in Minaki, Ont., and live in Kenora, Ont. I'm a proud member of Fort Severn First Nation and hopefully one day I'll make a visit to my father's homeland and traditional hunting area.

I started my employment with the Gladue Team in January 2020. I must say that this has been a learning experience that has involved a lot of research of Canadian law as well as the area known as Treaty #9. The Gladue case law for me represents a chance to help out our people find some healing in their collective journey and hopefully find some connection with family and community. In its simplest form, the Gladue process is traditional storytelling. We must help people find their truth by helping them sort through unresolved trauma. The unresolved trauma that most of the people we serve are facing is the most overlooked obstacle. It underlies the issues of poverty, exposure to violence, abuse, homelessness, and other issues. I feel that our team is doing a great job in helping change the narrative of why our people are overrepresented in the mainstream justice system. And I see us treating our people with dignity and respect during the entire process.

This year has had us all have a life changing experience with the COVID-19 pandemic and I hope that next year brings us a chance to once again meet with people and maybe share some visits with each other.

Bryan Phelan Gladue Writer

J was hired as the first Gladue Writer for the Northwest region of Nishnawbe-Aski Legal Services' Gladue program back in 2015.

The previous two decades I worked as a journalist, mostly based in Sioux Lookout for the Wawatay Native Communications Society. During that time, I travelled extensively to the same First Nation communities I work with now, meeting and interviewing hundreds of people along the way. I was often helped by their extraordinary openness, kindness and generosity.

Those were also characteristics of my mother Lorraine, a nurse and counsellor originally

from Cape Breton Island, Nova Scotia. I have grieved her passing in 2019 but remember her for always seeing and encouraging the best in others. Now I try to do the same in my work as a Gladue Writer.

My father Brian Sr. is Metis, from a commercial fishing family on Lake Winnipeg. He became a paper mill worker in Kenora. I learned from him the value of hard work.

My job as a Gladue Writer has brought me back to Kenora, where I live with my wife Anna and son Shane, who are Kitchenuhmaykoosib Innuuwug (Big Trout Lake people). Gladue program clients often land here in my hometown through the justice system. Together we tell their stories to the Court, in the hope they can find a better way forward.

Interviewing clients in a pandemic

Lenny Carpenter

Gladue Writer

*A*s a Gladue writer, I research the life circumstances of clients through interviews with them and their loved ones, where possible. At NALSC, we prioritize conducting interviews in person – especially with the client. Interviewing clients and their loved ones face-to-face builds trust and rapport with the people who often share sensitive and traumatic details about their lives.

When the pandemic reached Canada in March, it led to shutdowns and lockdowns across our region. Health and safety measures and protocols were implemented in order to reduce the spread of COVID-19. And rightfully so, in order to keep our communities and families safe from this contagious and potentially lethal virus. But these measures led to challenges in our role in interviewing clients for their reports, which often have a beneficial impact to their sentencing.

Northern First Nations locking down meant we could not travel to the communities to meet our clients. Correctional facilities, where clients may be held in custody, limited visitors. NALSC imposed its own travel restrictions early on by prohibiting non-essential travel, while also shutting down our offices.

So there were significant challenges early on as Gladue writers in completing our work. We turned to phones to do our interviews though that could be a challenge too, as some of our clients either up north or here in Timmins did not have access to a phone. One time, when restrictions were eased, I interviewed a client in my personal vehicle since we had no other space available.

The social workers in the correctional complexes did their best to accommodate our requests for phone time with our clients in custody, but it often came with limited timeslots. Even when I did phone interviews, they can be lacking – and not just for me. One client in a James Bay community, as he tried to relate a traumatic event, told me he wished we were face-to-face so he can be more comfortable sharing.

In the end, we just have to do our best. That's all we can do in a global pandemic. I find the courts have been understanding of this, and have often deferred to our recommended timelines when setting new court dates.

I do look forward to when we can travel again, to go to communities and meet the clients in person. That has always been one of my favourite parts of my job.

Lenny Carpenter is a member of Attawapiskat First Nation who grew up in Moosonee, Ont. He is a former journalist with training in film production. He grew up taking part in the traditional spring and fall harvests and enjoys being out on the land wherever possible.





Being where I want to be

Shannon Naveau Gladue Caseworker

aniin, wachay. My name is Shannon Naveau and I'm a Gladue Caseworker with Nishnawbe-Aski Legal Services based in Timmins. Ever since I finished my college year in 2004, I've always wanted to work with and support Indigenous people caught in the justice system. My first foray into working in Law was when I was a Legal Secretary with the Saskatchewan Legal Aid Commission in Meadow Lake, Sask. The clients we serviced were mostly indigenous and many were from the First Nation communities in the north and surrounding area. Later I attended the University of Alberta's Psychology program, which was delivered through Red Deer College. I completed my first year and decided I wanted to move back to my home territory. When I settled back in to Timmins, I enrolled in the Law Clerk program at Northern College. It was then I came across the Nishnawbe Aski Legal Services Corporation (NALSC) website. What caught my attention was the Gladue Program. I did some research on what it was and it was then I knew where I wanted to be. I applied for a reception position that was posted with NALSC, got the job, and continued with my Law Clerk course. When a Gladue caseworker position became available I applied and now I have been working in this field for three years. I love my job and I am part of an excellent team. I am glad that I am able to support people from our First Nations communities. It has been a great honour to be able to work on helping our clients and do my part in reducing the overrepresentation of our people in the justice system, and I can see myself doing this important work for years to come.



Shannon L. Naveau is a proud member of Mattagami First Nation. She is a committee member on the Indigenous Advisory Council with the Timmins Police Service. A mother of four children, Shannon enjoys nature, crafts, learning to play instruments and spending time with her family



Gladue casework during COVID-19

Terri Zoccole Gladue Caseworker

I have been a Gladue Caseworker for Nishnawbe-Aski Legal Services for the past three years. Since I am based in our Thunder Bay office and cover the Central part of our service area, most of my clients are from the Matawa First Nation communities. My Caseworker duties include writing recommendations for Gladue reports and helping clients follow up on those recommendations.

This work may involve arranging client applications to drug and alcohol treatment centres, including medicals and drug and alcohol assessments. However, most residential treatment centres temporarily closed during the COVID-19 pandemic. Since the Fall, though, some have re-opened, including the Sister Margaret Smith Centre (Smith Clinic) and the Dilico treatment centre, both located in Thunder Bay. For now, these programs are operating with standard COVID-19 safety measures and with fewer clients to allow for social distancing.

Some Gladue clients participate in a 28-day residential healing program at Waashkootsi Nanaandawe'iyewigamig Healing Lodge in Washagamis Bay First Nation, near Kenora, which is re-opening in January 2021.

During the COVID-19 pandemic, clients I have referred to a therapist or counsellor are often participating in weekly counselling by phone instead of in-person. I try to match clients with a counsellor who best fits their needs and personality.

While face-to-face contact has been limited because of COVID-19 circumstances, a client can add me on Facebook, "Gladue Caseworker Tea," and we can talk via Facebook Messenger. Another option is texting by cell phone. If the clients are in custody, I make contact through the social worker at the jail. I usually touch base with my clients weekly to support them.





Gladue Report Request Form

Request Date: (dd/mm/yyyy): _____ Court File (CV) #: _____

Judge/Justice of the Peace: _____

Crown Counsel: _____

Contact Info: _____

Defence Counsel: _____

Contact Info: _____

Court Location (City/Community): _____ Provincial _____ Federal _____

Report Required for: Bail Sentencing Other (Specify): _____

Name of Accused Person/Offender: _____

Band Name: _____

Address: _____

Home Ph: _____ Cell Ph: _____

Email Address: _____

Charges: _____

Crown's Sentencing Position: _____

Accused Person/Offender is: In Custody (facility if known): _____
 Out of Custody

Court return date: (dd/mm/yyyy): _____ Purpose: _____

Date required: (dd/mm/yyyy) _____

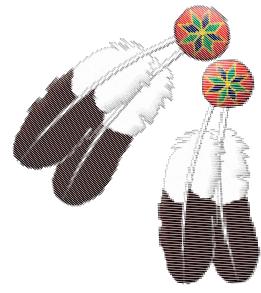
Please attach a copy of the Synopsis, CPIC, Charges, and Crown Screening Form

Please Submit Request to:
George Edwards, Gladue Team Leader
gedwards@nanlegal.on.ca Fax: 807-622-1774

Revised December 13, 2017



Honouring Sheba Fox



*W*hen you think of NALSC for the past 30 years, one person is brought to the forefront and has remains a constant. She is the first person who greets you when you come to the office, the first person who answers your call when you call the office. Whether you are a client in need, a community, a leader, a fresh-faced brand-new staff or one of our many seasoned employees she is there to greet you, to guide you, to point you in the right direction.

We are so happy to announce that this marks the 30th year SHEBA FOX has been a part of the NALSC Family. From the beginning since we opened our doors Sheba has been an amazing member of our team and has always taken care of anyone who walked through our doors. With her bright smile when you walk in the door and compassionate nature, she is always willing to help those in need. She also brightens up the office as she walks through its halls making everyone feel special. It has been our privilege to have Sheba with us for the past 30 years and we are looking forward to having many more years with her.

All of us are so happy to have Sheba with us and would like to thank her for the best 30 years of NALSC, may there be many more to come.



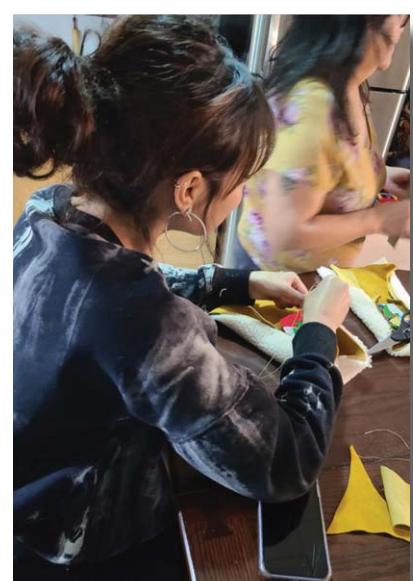
Sewing nights -

By: Steffany Fiddler, Sandy Lake Victim Witness Liaison Worker
Partnership with Healthy Babies & NAN LEGAL Victim Witness Liaison Program

Together we have been hosting sewing nights to help Ladies by offering Cultural evenings. Together we are learning how to sew Mitts, Moccasins and make beaded Asayzins (also known as beaded Vamps). Due to Covid-19 we are only allowed to have a small amount of people in one space, or known "Bubble" families together. Sewing is a great time spent – hours go by without a notice. As long as you have good people, fresh tea and the healing power of sewing. It is taught by Elders to always sew with a good positive mind and give your item to someone who needs it.

Below are a few pictures of our evenings together – we always have a small meal because we start at 5pm and never leave until 9:30pm. We sew, and have a home cooked meal together, and enjoy good laughs together. The good vibes bring together beautiful finished products and a newly learned hobby.

Mary Jane Meekis, my mother, has been our elder, to help teach us how to properly to make each item. She has been making Moccasins for years and is a very good teacher. She is awesome!





NISHNAWBE ASKI LEGAL SERVICES CORPORATION
TALKING TOGETHER PROGRAM – REFERRAL FORM – CONFIDENTIAL

**Forward completed form to Zelda Watt, Talking Together Program Assistant/Coordinator @
zwatt@nanlegal.on.ca or fax (807) 622 1096. If you have any questions please call 807 474 4376 or 807 474
4379/ toll free 1 800 465 5581.**

FOR OFFICE USE ONLY				
LEVEL OF RISK	<i>High:</i>	<i>Medium:</i>	<i>Low:</i>	<i>Initials:</i>
OFFICE OF THE CHILDREN'S LAWYER CONTACTED?		<i>Yes:</i>	<i>No:</i>	<i>Initials</i>
REVIEWED & APPROVED BY MANAGER:				

Contact Information

Applicant/Client Name	First Nation	
Mailing Address	Telephone Number	Date of Birth
	Email Address	

Mother's Name (if different from above)	First Nation	
Mailing Address	Telephone Number	Date of Birth
	Email Address	
Father's Name (if different from above)	First Nation	
Mailing Address	Telephone Number	Date of Birth
	Email Address	

Case History

Relationship Status - Applicant/Parents (ie., married, common-law, etc.,)		
Child/Children Apprehended	<input type="radio"/> Yes <input type="radio"/> No	Date (if yes):
Involvement with CAS Current/Previous	<input type="radio"/> Yes <input type="radio"/> No	Date (if yes):
Domestic Violence Issues Current/Previous	<input type="radio"/> Yes <input type="radio"/> No	If Yes, state conditions:

Band Council Representative Information

Name of Council Representative	Address, Telephone #, Fax # & Email Address

CAS (Worker) Information

Worker's Name & Agency Name	Address, Telephone #, Fax # & Email Address

Referral Information

Referral Date	Reason for Referral	Referent Name, Address & Phone No.

Child/Children Information

First Name	Last Name	DOB	Sex	Placement
				<input checked="" type="radio"/> Foster/Customary Care <input type="checkbox"/> In Care of Parent <input type="checkbox"/> In Care of Extended Family <input type="checkbox"/> In Group Home <input type="checkbox"/> Crown Ward
				<input type="checkbox"/> Foster/Customary Care <input type="checkbox"/> In Care of Parent <input type="checkbox"/> In Care of Extended Family <input type="checkbox"/> In Group Home <input type="checkbox"/> Crown Ward
				<input type="checkbox"/> Foster/Customary Care <input type="checkbox"/> In Care of Parent <input type="checkbox"/> In Care of Extended Family <input type="checkbox"/> In Group Home <input type="checkbox"/> Crown Ward
				<input type="checkbox"/> Foster/Customary Care <input type="checkbox"/> In Care of Parent <input type="checkbox"/> In Care of Extended Family <input type="checkbox"/> In Group Home <input type="checkbox"/> Crown Ward

Court Orders (If Applicable) Agreements

Customary Care Agreement (If Applicable)	Voluntary Care Agreement (If Applicable)
<input type="checkbox"/> YES <input type="checkbox"/> NO Expiry Date: _____	<input type="checkbox"/> YES <input type="checkbox"/> NO Expiry Date: _____

Legal Representatives

Office of the Children's Lawyer (OCL) Phone #	Mother's Lawyer Name & Phone #	Father's Lawyer Name & Phone #

Participant Information

Name	Contact #	Address	Relationship

Conference Preparation

Goal	Date	Place

Briefing Notes & Additional Information (re: trial/conferencing dates): _____

Signatures

Client's Signature:	Date:
Referent's Signature:	Date:

FOR OFFICE USE ONLY

Manager's Signature:	
Date Reviewed and Approved:	
Name of Talking Together Facilitator (Assigned to):	



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**The Staff at
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and the Board of Directors
wish everyone a very
Merry Christmas, and a
Happy New Year**

**We are also undergoing maintenance
with our NALSC website so please keep checking
www.nanlegal.on.ca**

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