

CABINET DIRECTIVE

*The following is a Copy of a Directive
passed by Cabinet at a Meeting held on*
1992-09-01

MC 92-0899

J/DM
AG
AF
✓ File

J 58-92. The submission of the Honourable the Minister of Justice respecting policing at Davis Inlet was considered. Cabinet endorsed the strategy proposed by the Minister of Justice respecting policing of Davis Inlet in accordance with the following:

1. the maintenance of the position that only the Government of the Province, or the Government of Canada may create a force of peace officers, as distinguished from municipal police;
2. the Minister to meet with the Chief of the Band Council at Davis Inlet, or other representatives of the Innu, to put forth the position of the government, and offer to work with the community to address its acknowledged problems; and,
3. the Minister to take the initiative in the promotion of the position of the government through the media.

Clerk of the Executive Council



SECRET

J 58-92
Attach to: SPC 80-92

CABINET SECRETARIAT ANALYSIS

Title: The Policing of Davis InletOther Considerations:

1. The Band Council in Davis Inlet probably have a sincere desire to improve conditions in their community. However, there is likely a political side to their actions. In an earlier Social Policy Committee meeting, where the tragic fire in Davis Inlet was discussed, an official from the Native Policy Branch stated that the people of Davis Inlet want self-government. They want to assert themselves in health, education, and so on. They want a visible practical expression of what is being talked about in the Constitutional discussions. Every action by the Innu of Davis Inlet becomes a media event against the backdrop of what is happening nationally.

2. The recent tragic fire in Davis Inlet leads the general public to be sympathetic to actions undertaken by the Innu aimed at healing. It may be difficult for Government to sift through that emotionalism and get people to listen to the objective realities of what type of policing is desirable, affordable and effective. The Minister's suggestion to implement an aggressive media campaign, which takes the initiative rather than waiting to respond to statements by the Innu is a positive one. Government has done a great deal on behalf of the citizens of Davis Inlet, but because so much of it has been outside the media's attention, there may be a perception that Government is not trying to work with the Innu.

3. The Department's review of the available alternatives, raises strong concerns about loyalty/accountability in relation to several of the options. This a very real problem. The Innu have to date proceeded without the input or endorsement of the Provincial Government. If they are, as it appears, adhering to some political agenda to achieve self-government, loyalty and adherence to provincial laws would become a very pressing issue.

4. One desirable option would be to have Innu people from Davis Inlet train under the RCMP's Aboriginal Constable Development Program. This program is an affirmative action program which attempts to increase the number of aboriginal people serving in the RCMP. The program helps aboriginal people to meet all of the basic requirements for recruit training. It appears that the Innu in Davis Inlet feel that there is no need to pursue this program since the First Nations Tribal Justice Institute program is in place.

Recommendation:

The Secretariat recommends that the Minister's submission be approved.

August 31, 1992

ICC-0015

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J 58-92

Date received illegible on scanned letter.

Date received recorded at time of scanning.

EXECUTIVE COUNCIL

DATE RECEIVED: Aug. 27, 1992

DATE SCANNED: July 28, 1995

ICC-0015

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GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
TREASURY BOARD SECRETARIAT
P.O. BOX 4750, ST. JOHN'S A1C 5T7

OFFICE OF THE SECRETARY

*Attach to
J 58-92.*

August 26, 1992

Mr. A. Faour
Deputy Clerk of the
Executive Council

Re: J. 58-'92

At your request, we have reviewed the above noted submission and do not feel that there are issues contained therein which warrant the consideration of Treasury Board.

A handwritten signature in cursive script, appearing to read "D. Oake".

David J. Oake,
Secretary.

c.c. Honourable W. Baker
Mr. J. Abbott

558-92

Date received illegible on scanned submission.

Date received recorded at time of scanning.

EXECUTIVE COUNCIL

DATE RECEIVED: Aug. 21, 1992

DATE SCANNED: JULY 28, 1995

ICC-0015

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J. 58 - 92

File | 5PC⁸⁰**CONFIDENTIAL****MEMORANDUM TO EXECUTIVE COUNCIL****THE POLICING OF DAVIS INLET****Purpose:**

This submission seeks to ensure that my colleagues are informed about the problems that surround the provision of police services to Davis Inlet, in Torngat District, and requests their concurrence for the course I intend to follow in dealing with it.

Background:

Davis Inlet, which is in northern Labrador, has about 500 people. Almost all of these are Innu. There is no organized municipal government, but the Band Council speaks in behalf of the Innu people. While the Innu are undeniably aboriginal, they do not have status as Indians under *The Indian Act* of Canada nor is the community constituted as a reserve under that statute. Police services to the community are provided by the RCMP, as is the case throughout all of Labrador except Churchill Falls, Labrador City and Wabush.

The RCMP detachment in Hopedale is responsible for policing Davis Inlet. There are 4 officers and a special Constable stationed there. They patrol Davis Inlet regularly, on a once-a-week basis, and also go there to deal with specific complaints whenever necessary. Davis Inlet is approximately 3.5 hours from Hopedale during the summer, when members must travel by boat, and 3 hours in the winter when they can travel by skidoo. The RCMP maintain a rudimentary facility in Davis Inlet, which provides overnight shelter and a temporary lockup.

I earlier sought advice as to the desirability of establishing a police detachment at Davis Inlet. The RCMP advise that to do so without increasing their authorized strength (presently 475 officers) would represent a very inappropriate disposition of their resources. A detachment would require three police officers, and would cost approximately \$250,000 a year. There would also be some capital costs, as the present facility would have to be replaced or improved and living accommodations constructed. Further, I am advised that priority should not be accorded to the community even if extra funds are made available, as there are needs as great elsewhere in the Province, and this option would not quell the demand for the deployment of native officers. Based on this advice, I have no plans to direct the RCMP to open a detachment at Davis Inlet.

My comments should not be taken as a denial of the serious problems that confront the people of Davis Inlet. But it must be said that simply stationing extra police there will not solve these problems, as I'm told - by both the Native Policy Branch of the Intergovernmental Affairs Secretariat and the RCMP - that the problems are more complex and comprehensive than those caused by the presence or absence of police, and crime in the community stems from the abuse of alcohol and other substances (including glue and gasoline). That said, I must emphasize that the problems are severe.

One further note, for those of my colleagues who may not be familiar with the more arcane aspects of the status and authority of police officers in Canada. Strictly speaking, Canadian law speaks of "peace officers," as opposed to policemen. A peace officer is authorized to use reasonable force to arrest persons, and is protected by law while doing so. That distinguishes him or her from an ordinary citizen. A peace officer must also be distinguished from a municipal

police officer, such as are employed by several municipalities in Newfoundland and Labrador: these men and women are authorized to enforce municipal bylaws such as parking and building regulations, but have no arrest powers.

Recent Developments:

The genesis of the present situation rests with the Davis Inlet Band Council. Its elected Chief, Katie Rich, is energetic and capable, and determined to address the problems which confront her people. A little more than a year ago, the Council (under the leadership of Chief Prote Poker) arranged to send two young men from the community (Simeon Tshakapesh and Jean Baptiste Tshakapesh) to the First Nations Tribal Justice Institute in British Columbia. The Council sought neither advice nor concurrence from either Justice or Native Policy, but I understand the venture was funded by the monies made available to the Council by the Government of Canada through a program administered by the Province. The matter began to come to a head in June of this year, when Chief Rich and a number of Council members met with the Premier and me in St. John's. She told us that the two men had graduated from the Institute, and asked whether the RCMP would be able to give them further training. We undertook to look into the request. An interim response was sent to the Council's solicitor (John Joy of White, Ottenheimer here in St. John's) by Native Policy on 9 June, and a substantive response was sent by my Deputy Minister on 7 July, after taking counsel from the RCMP. A copy of each is attached.

Chief Rich did not reply to our letter, nor did she press for further word from us. Instead, she decided to constitute the two men as police officers. The attached photocopy of a story that appeared in the 20 July edition of *The Labradorian* tells you what I know about the

incident. (You will note that Chief Rich lamented the absence of a representative of Government at the ceremony, and then went on to say none was invited: this gives the flavour of the Band's approach). Subsequently, Chief Superintendent Butt of the RCMP was in Davis Inlet. He informed Chief Rich that the two men were not authorized to enforce provincial or federal statutes.

The Innu have now decided to force the matter to a conclusion by attempting to set up a full-fledged justice system, complete with a court. Daniel Ashini, the Director of Innu Rights and Environment with the Innu Nation, revealed this in a interview that he gave to *The Evening Telegram* a few days ago: a copy of the article published by the paper on 14 August which recounts the interview is attached.

This is the first formal intimation we've had that the real purpose of the initiative with respect to the two men is the creation of a police force comparable to the RCMP or the Royal Newfoundland Constabulary. The latter, of course, are the only two provincially-authorized police forces in the Province. (There are some federally-authorized peace officers, such as the Ports Canada Police and so forth. These have very limited authority). The issue has now been squarely drawn.

Options:

My Deputy Minister, at my request, prepared a Minute that sets out the various alternatives available to us. I attach a copy of this. It is comprehensive so I need say nothing more about it.

Analysis:

My colleagues will have noted the absence of any formal discussion of financing arrangements. Neither Chief Rich, nor any other

representative of the Innu, has raised the issue with us. I'm told by Native Policy that with the concurrence of federal and provincial officials, the Band Council could, if it wanted to realign existing

community service priorities, access funds from the existing Innu Funding Agreement and pay for policing. However, at this point, I can only assume that Chief Rich has not directed her mind to this issue. Similarly little thought appears to have been given to the issue of direction and control of the force that Chief Rich is trying to create. My Deputy Minister addresses this in paragraph 5 of her Options paper. The point is a substantial one, I stress, and must be given great weight in our considerations.

Finally, I must say that in my judgment the initiative to create an aboriginal police force in Davis Inlet is being driven by political concerns, rather than by the need to improve the policing services provided to the people who live there. Mr. Ashini said so, in so many words, during his interview with *The Telegram*.

The Suggested Strategy:

I propose to follow a three-point strategy.

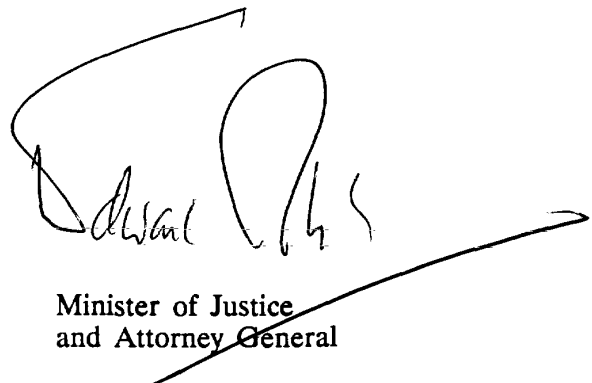
- (A) We shall maintain the position that nobody except the Government of the Province or the Government of Canada may create a force of peace officers (as distinguished from municipal police). We shall say so firmly, and in a manner that avoids confrontation to the greatest possible extent. But we shall not be driven or bullied by the Innu to acquiesce in the creation of a force of peace officers in a situation such as this, where we consider it neither necessary nor desirable to do so.

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- (B) I shall meet with the Innu, including Ms. Rich and Mr. Ashini or whomever they wish to speak for them. I shall make two points at the meeting: the first is to reiterate our policy, and the second is to offer to work with them in the development of an appropriate means to address the acknowledged problems of Davis Inlet.
- (C) I shall conduct an aggressive media campaign, by means of press conferences, and interviews, to make known our position and the reasons we've adopted it. Hitherto, I have simply responded to various media representatives: in effect, the media agenda has been driven by the Innu, as the questions to me are prompted by statements or actions by them. I propose to seize the initiative, and to set out our position clearly, so that the people of Newfoundland and Labrador will know what we have done and why.

Conclusion:

I would welcome the advice and guidance of my colleagues. I will, of course, carry into effect any directions with respect to this matter that we may adopt as a Cabinet.



Minister of Justice
and Attorney General

20 August 1992

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INTERGOVERNMENTAL AFFAIRS SECRETARIAT
EXECUTIVE COUNCIL
NEWFOUNDLAND AND LABRADOR

P. O. Box 8700
Confederation Building
St. John's
Newfoundland
A1B 4J6

June 9, 1992

Mr. John L. Joy
White, Ottenheimer & Green
Baine Johnston Centre
10 Fort William Place
P.O. Box 5457
St. John's, NF
A1C 5W4

Dear Mr. Joy:

Thank you for your letter of June 5, 1992 respecting the June 1, 1992 meeting involving Premier Wells and Honourable Edward Roberts with representatives of the Davis Inlet Band Council.

From the message of your letter, there is obviously some misunderstanding of what was agreed to at the meeting. It is my clear understanding that there was no commitment by the Premier or Mr. Roberts to "arrange on the job training" for the two Davis Inlet Innu who have just completed "the Tribal Police Program". The Premier and Minister did agree to carry-out an assessment of the quality of training received by these individuals and to discuss the matter further with the RCMP. Should the qualifications of these individuals be deemed by the RCMP as less than necessary for acceptance as supernumerary members of the force, Ministers agreed to look into the possibility of additional training for these individuals. It is my understanding they also acknowledged that a preferable option would be one that saw local residents trained as police officers. However, this is just one component of the review of this matter which the Department of Justice and Native Policy have undertaken to pursue.

I felt it necessary to respond immediately to your letter to ensure that the apparent misunderstanding of the result of the June 1, 1992 meeting was rectified.

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Please be assured that this policing issue will be pursued following on the information provided at the meeting, and that Council will be contacted as soon as further relevant information is available.

Sincerely,

Shelby Thornhill
for RAY HAWCO
Assistant Secretary to Cabinet
(Native Policy)

/st

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GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

Department of Justice

Office of the Deputy Minister
of Justice and Deputy
Attorney General

Tel: (709) 729-2872

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Confederation Building
P. O. Box 8700
St. John's, NF
A1B 4J6

7 July 1992

Mr. John Joy
White, Ottenheimer, Baker
P. O. Box 5457
St. John's, Newfoundland
A1C 5W4

Dear Mr. Joy:

This is further to correspondence between you and Ray Hawco of I.G.A., and our subsequent conversation regarding a request of the Davis Inlet Band Council to provide a period of on-the-job training to two individuals who have completed course work in a Tribal Police Program in Mission, B.C.

It is important to note at this point that in some Provinces specific geographic areas are designated by the Federal Government as reserves and tribal councils have the capacity to make "by-laws" which apply on the reserve and to hire personnel to enforce those by-laws. In addition, policing is done by Municipal forces. This infrastructure does not exist in Labrador at this time, and policing is provided in Coastal Labrador by the R.C.M.P. under contract with the Province. It was therefore necessary for us to explore with the R.C.M.P. what possibilities might exist with regard to the request as it related to these particular individuals, as any person involved in enforcing the law in Davis Inlet would have to be employed by them in some capacity.

I have had numerous discussions with the R.C.M.P. They advise that while they are unable to provide "on-the-job training" to these individuals in Davis Inlet, as apparently envisaged in the request, they are more than anxious to pursue any opportunity to recruit native constables and to establish through them a sensitivity to the needs and issues of the aboriginal peoples in Newfoundland and Labrador.

In recognition of the importance of deploying aboriginal police officers in their own communities, priority is given to recruiting aboriginal peoples who seek positions with the R.C.M.P.

For those who do not meet the R.C.M.P. basic requirements for recruit training, there is an Aboriginal Constable Development Program. It is an initiative to engage aboriginal peoples as constables in advance of basic recruit training and to assist them in attaining the training standard required. The program is designed to allow newly engaged aboriginal constables who do not meet all of the constables basic requirements to pre-qualify prior to basic recruit training. I should also point out that, whenever possible, an aboriginal constable will be posted to the division from which he applied, if he so desires. The objectives of the program are as follows:

- (a) to provide the opportunity to upgrade education to a Grade XII or equivalency level through on-the-job training combined with attendance at the nearest suitable educational facility;
- (b) to allow the opportunity to obtain a driver's licence through a local driving school or to upgrade driving skills;
- (c) to provide a non-aboriginal cultural view to give insight into other cultures and customs;
- (d) to provide a fitness program to improve physical fitness to constables basic requirements;
- (e) to provide counselling services as required;
- (f) to provide an opportunity for the aboriginal constable to work on community projects;
- (g) to provide an opportunity to orientate themselves in a police environment prior to basic recruit training;
- (h) to provide an opportunity to upgrade any skills that would assist in the preparation for basic recruit field training and regular constable duties.

This program will also allow the aboriginal participants to compete on an equal basis with other applicants for positions with the R.C.M.P. or with other governmental agencies if they are not interested in pursuing police duties beyond the constable level.

The basic qualifications for entering the Aboriginal Constable Development Program are as follows:

1. be an aboriginal;
2. be a Canadian citizen;
3. be at least 19 years of age;
4. possess basic skills/education to be able to attain Grade XII or equivalent in the province or residence;
5. be of good character;

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6. meet medical standards as set out for regular member constables, unless there exists a correctible condition, eg., dental or physical fitness.

Members will be given two years from the time of engagement in which to satisfy the basic requirements for basic recruit training. In essence, native peoples applying for entrance into the R.C.M.P. will be accepted as regular member constables and employed under the Aboriginal Constable Development Program if they are unable at the time of their engagement to meet all of the basic requirements for normal engagement into the Force. During this program, they have two years in which to upgrade their skills to allow them entrance into the basic recruit training academy in Regina, Saskatchewan. Although the program was originally designed to allow the applicant to become more familiar with police procedures, etc, by working with members at the local detachment, the emphasis has now shifted to one of almost exclusively upgrading an individual's skills to allow him/her to successfully complete basic recruit training as a regular member constable.

Consequently, while the First Nations Tribal Justice Institute is not recognized as an accredited training institute by R.C.M.P., I would urge Simeon Tshakapesh and Jean Baptiste Tshakapesh to contact the R.C.M.P. to apply for entry into the R.C.M.P, through the Aboriginal Constable Development Program, if necessary. Superintendent Phil Cameron, R.C.M.P. "B" Division, has assured me the R.C.M.P. would be glad to meet with these gentlemen, and after assessment and discussion of their current qualifications, to advise them on all programs and possibilities that exist, and their eligibility for same.

Superintendent Cameron has suggested that he is happy to facilitate and expedite the process if they contact either Inspector Steve Leach at Happy Valley-Goose Bay Detachment or Inspector Cameron at "B" Division, St. John's, telephone 772-4381. Either will do whatever they can to meet with these individuals quickly to assess their eligibility and expedite a response to their applications should they decide to apply.

If you have any questions, or wish to discuss the matter further, please do not hesitate to contact me.

Yours truly,



LYNN E. SPRACKLIN, Q.C.
DEPUTY MINISTER AND
DEPUTY ATTORNEY GENERAL

c.c. Mr. Ray Hawco

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THE LABRADORIAN, HAPPY VALLEY-GOOSE BAY, JULY 20, 1992 SECTION A PAGE 3

Davis Inlet brothers take native police course

By KELLEY CROSSLEY
The Labradorian

Davis Inlet honored two of its residents last Wednesday in a ceremony which recognized the need for policing in the community.

Simcon Jacobish and J.B. Jacobish were given an official welcome home after returning from the Native and Justice Tribal Institute in British Columbia where both completed a course in native community policing. The brothers attended the British Columbia institute from September, 1991 to June of this year.

"There were presentations made on behalf of the two brothers," says George Rich, a member of the Davis Inlet Band Council. "The ceremonies were held because we have two local residents that are

trained in police work, but they are not being recognized by the governments and therefore will not get paid."

The men are willing to remain in the community and act as police enforcement, according to Mr. Rich. However, neither the federal government, nor the provincial government will provide funding to pay the men for their duties.

"It will be very hard to get recognition from the governments," says Mr. Rich. "They (the Jacobish brothers) need our support - support from the community."

INPUT

Mr. Rich says the ceremony was held to get community input into why community policing is important.

"We want to know what kind of policing services we want and how

we are going to set it up," he says.

Since there is no RCMP detachment in Davis Inlet, Mr. Rich says the community is in desperate need of some permanent enforcement.

"We have along ways to go yet, but at least we now have a foundation,"

Mr. Rich says the community would have liked to have representatives of the provincial government attend the ceremonies last week. However, he says, there wasn't enough time allowed in the planning to get the invitations sent out.

"It would have been nice to have someone from government here, but we had short notice," he says. "The boys only got back from British Columbia two weeks ago."

NO POLICING

Several months ago, the RCMP assured the residents of Davis Inlet

that there would be 24-hour policing in the community.

"People in the media are saying we already have paid police officers here - that is not the situation," he says.

Members of the Davis Inlet Band Council recently met with Premier Clyde Wells and Justice Minister Ed Roberts in St. John's to discuss the issue.

"We met with them on June 4 to try and get something for these two guys - at least funding for six weeks on-the-job training, so they could get to know some of the paper work," says Mr. Rich.

He says members of the band council haven't received any confirmation of funding for the two men.

"We have also contacted Ottawa and the Attorney General's office to find out how we can get funding for the two men," he says.

Mr. Rich says the Innu Nation and members of the band council will try and seek funding for the two policemen from the federal Department of Justice. But, he says, that will be a difficult task.

"Here in Labrador, the Innu have always been blocked from any kind of funding that is available to other natives across Canada," he says. "This is where we (the Innu Nation and the band council) are going to have to work hard."

Money to pay the Jacobish's for their work can't be obtained from the Innu Nation or the band council office's either, according to Mr. Rich.

"The two organizations have limited funding right now," he says.

GOVERNMENT CONCERNED

Meanwhile, the province's justice minister says his department is still

discussing plans for policing in Davis Inlet.

"There were meetings this week between people in this department and senior RCMP people," Mr. Roberts said Wednesday.

He went on to say the department is also looking at providing funding to the two men.

"That process is still underway. I know there were meetings today here in this office with the deputy minister," he says, adding that the superintendent with the RCMP is expected to visit Davis Inlet possibly this week.

"We are having a look at this question of the training course received by these two individuals," he says. "However, it is largely up to the RCMP to make the assessment - although we are looking at this as at very urgent basis."

George Cluney retires after 26 years of service

Family celebrates with surprise party

By DAWN BLAKE
The Labradorian

For the first time in over 26 years, Happy Valley-Goose Bay resident George Cluney doesn't have to get up and go to work in the morning.

The 55 year-old officially retired July 8.

Mr. Cluney first came to

me over to the small mechanic shop. I haven't got anything against females taking positions, but I worked there close to 25 years at that time."

He worked at the small mechanic shop until September 1991. After that he went back to the maintenance shop.

"They (DND) asked me to come back to the shop in September because production was

shop. They went out and did that for me and the military couldn't."

OWN DECISION

According to Mr. Cluney, it was his own decision to retire.

"In December of 1991 or January of 1992, I had a meeting with my supervisors and they said they were going to move me to another place," he says. "I



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to 200 to 300 pounds elsewhere. There
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were weighed, measured, ear-tagged



JOE GIBBONS/The Evening Telegram

rsday for the Japanese fishing vessel Shiogama,
ch is docked on the north side of St. John's harbor.

Innu taking justice into their own hands

BY BONNIE BELEC
Telegram Staff Writer

The Innu of Davis Inlet in Labrador has set up its own police force and its elders are currently working on setting up a court system.

But the Ed Roberts, the province's Minister of Justice, said no community is allowed to set up its own police force.

Daniel Ashini, director of Innu Rights and Environment with the Innu Nation, said two native constables, who recently graduated from a police school in British Columbia, are now doing policing for the community.

Ashini said in the Innu's view, the RCMP no longer has authority in the community.

"But of course there will be matters of some nature which will require the expertise and services of both police forces. We are not saying that some laws may not be applied that exist at the moment," he explained.

Ashini said there are some difficulties with the existing system which has been imposed upon the Innu people.

"It is more or less creating more difficulty and the only way we see resolution is by putting in place our own system. It is not based on punishing people but healing people. Innu people see the role of the RCMP in our community as people who take you to jail," he said.

He said the Innu people do not need any authorization to set up their own police force and court system.

"The land belongs to us as our rights of claim have never been relinquished. The only authorization we need is from our elders, and we

have that," Ashini said.

"The Attorney General (Ed Roberts) has no authority in this matter and his refusal to recognize the Innu police officers is irrelevant," he added.

Roberts said there cannot be a private police force in Newfoundland and Labrador and neither can there be a court system that has the state's power to compel obedience to it.

"We have constitutional law in this country and the men and women who live in Davis Inlet are subject to the law of Canada and the law of Newfoundland and Labrador just like everybody else," he said.

The law of Canada recognizes special considerations for aboriginal people in some regards, but the law of Canada does not allow aboriginal people simply to go and set up their own courts, the minister said.

"You cannot set up a private police system in this province period," said Roberts.

Ashini said the Innu is moving towards its own justice system including courts, with the elders being the ones to act as magistrates and judges. "They are moving towards a whole new process to eliminate the existing process," he said.

"We are not doing this to create confrontation (with the Department of Justice). We are doing it to help our people and to try to resolve the situation we are in and we will proceed with it. If a confrontation occurs with the existing government we will deal with it when it comes, but we don't plan to back down on it at all," he said.

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GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

Department of Justice

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of Justice and Deputy
Attorney General
Tel: (709) 729-2872
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Confederation Building
P. O. Box 8700
St. John's, NF
A1B 4J6

12 August 1992

MinisterRe: Policing - Davis Inlet

I have attached hereto a copy of a letter that I received from Katie Rich of Davis Inlet, together with a transcription of that letter which I provide because of the poor quality of the copy.

I have also attached a copy of my response to Ms. Rich.

I wish to draw your attention to the fact that Ms. Rich calls upon the Government of Newfoundland to acknowledge the Peace Officers appointed by her to enforce by-laws passed by the Band Council. This obviously raises major policy issues that cannot be dealt with at my level without instruction and direction.

I have outlined herewith some options to try and get a native police presence in Davis Inlet. Obviously, at this point I can only work within existing budgetary allocations and with regard to the present constitutional and legal framework. Consequently, in my view, the only realistic alternative is the Native Constable Development Program which has been rejected by Chief Riche. As Davis Inlet is not a municipality and, as I understand it, does not wish to become one; is not a Reserve, and does not wish to become one, and as there has been no policy decision nor any budgetary allocation to police Davis Inlet by creating a detachment of the RNC, options are limited given the rejection of the Native Constable Development Program.

You may wish to consider a Cabinet paper outlining the options and requesting additional budgetary provision for native policing. However, I wish to comment that the Native Constable Development Program appears to me to be an honest and generous effort on the part of the RCMP to address the concerns of native communities.

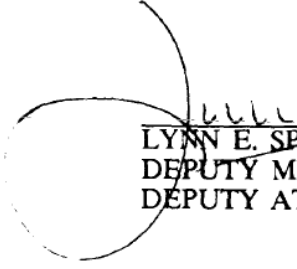
I would not intend to do a detailed cost analysis of these various options before receiving some sense that the Province is interested in pursuing any particular option.

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If you wish to discuss this further, please advise.


LYNN E. SPRACKLIN, Q.C.
DEPUTY MINISTER AND
DEPUTY ATTORNEY GENERAL

Attach.

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OPTIONS

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[illegible]

ICC-0015

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ICC-0015

24

TRANSCRIPTION

August 7, 1992

Lynn E. Spracklin, Q.C.
Deputy Minister and Deputy
Attorney General
Department of Justice
Government of Newfoundland
Confederation Building
P.O. Box 8700
St. John's, NF A1B 4J6

Dear Deputy Minister Spracklin:

I received a message through Constable Anders Flowers of the RCMP Detachment in Hopedale, Labrador that you or someone in your department had requested a letter from me concerning the appointment of Simeon Tshakapesh and Jean Baptiste Tshakapesh as peace officers. He showed me a copy of the memo addressed to the RCMP Detachment in Hopedale from the Office of the Deputy Minister of Justice and Deputy Attorney General containing this request. He refused, however, to permit me to take a copy for our own records.

On July 21, 1992, as Chief of the Mushuau Innu of Utahimassits, Nitassinau, and with the approval of the Band Council, I appointed Simeon Tshakapesh and Jean Baptiste Tshakapesh as Officers of the Peace of the Mushuau Innu in Utahimassits and Nitassinau, before God and their people, both officers swore to enforce the laws and to protect the lives and community of the Mushuau Innu and to preserve the peace and order of the Mushuau Innu in Utahimassits and Nitassinau. Since that time, they have acted in this capacity and will continue to do so. We call upon the Government of Newfoundland and Labrador to acknowledge these appointments and to enter into meaningful negotiations concerning jurisdictional issues that may arise between the Mushuau Innu and the Government of Newfoundland and Labrador and the practical problems of providing adequate police services in the Mushuau Innu people of Utahimassits.

Within the last week an example of a potential problem has arisen concerning the control of dogs in the community. A woman was seriously bitten by a dog. The Band Council met and passed a by-law prohibiting all persons in the community from permitting their dogs to roam at large. The Band Council instructed its peace officers

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to enforce this rule. Notices were posted stating that owners of all dogs roaming at large were required to tether their dogs within 48 hours of the notice, otherwise the dogs would be destroyed. On the expiry of the date contained in the notice, the peace officers found a number of dogs roaming at large in the community, took them out of the community, and destroyed them.

On Thursday, August 6, 1992, I was contacted by RCMP Corporal Graham Hobbs and advised that the Mushuau Innu should not act under the notice. If they did, then Simeon and Jean Baptiste Tshakapesh would be arrested for discharging a firearm in the community.

It is an unsatisfactory situation to have the RCMP threatening to arrest Mushuau Innu people each time they attempt to keep order in the community. The Mushuau Innu have not found the RCMP law enforcement to be either effective or efficient. They are not present in the community, provide no crime prevention or patrolling services, and are incapable of timely response to calls. They have no understanding of the Mushuau Innu when acting on their own. On a practical basis, we have found that the Mushuau Innu peace officers and the RCMP work well together in the community. We would like to see this relationship grow and develop.

We cannot, however, accept the proposal set forth in your letter of July 7, 1992, to our legal advisor concerning the RCMP Aboriginal Constable Development Program. We do not believe that adequate consideration has been given to the First Nation's Tribal Justice Institute program. Our officers have been enrolled in a 12-month program at the Institute and do not need to repeat work which they have already completed. We suggest that no meaningful comparison has been done between the two training programs, nor has there been any attempt to look beyond the rigid institutions, which have been in place for some time, to reach a workable and meaningful solution to this problem. As you can see from news reports and newspaper editorials, the initiative of the Mushuau Innu has been favourably received throughout Newfoundland and Labrador. It is time for the Mushuau Innu and the Government to meet and discuss this problem in an imaginative and innovative manner.

We look forward to your response.

Sincerely yours,

Katie Rich, Chief
Mushuau Innu Band Council

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88/10/92 09:33

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MUSHUAM INNU

P.02

Mushuam Innu Band Council

Davis Inlet • Labrador • General Delivery
(709) 478 8827/8902 Fax 478-8936

August 7, 1992

Lynn E. Spracklin, Q.C.
Deputy Minister and Deputy
Attorney General
Department of Justice
Government of Newfoundland
Confederation Building
P. O. Box 8700
St. John's, NF A1B 4J6

Referred To:

Date:

Action:

Target Date:

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08/18/92 09:34

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MUSHUAM INNU

P.03

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We look forward to your response.

Sincerely yours,



Katie Rich, Chief
Mushuam Innu Band Council

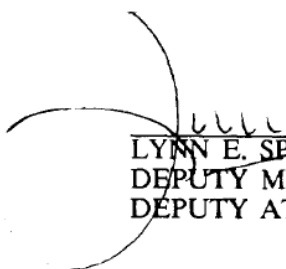
cc: Ovide Nereredi
Peter Penashue
Ed Roberts
Clyde Wells
Jack Harris
Garfield Warren
Bill Rompkey

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If you wish to discuss this further, please advise.


LYNN E. SPRACKLIN, Q.C.
DEPUTY MINISTER AND
DEPUTY ATTORNEY GENERAL

Attach.

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