

From: [Judith Rae](#)
To: [Kelly, Tara](#); [Martin, Kellee](#); [Simmons, Sharleen](#); [Woodrow, Denise \(JPS\)](#); [Steve Joudry \(sjoudry@irtsec.ca\)](#); ["David Penashue"](#)
Subject: RE: Innu Justice & Policing touch base with Province
Attachments: [IRT ToR - draft Oct 12, 2021 \(clean\).docx](#)
[IRT J&P Sub-Committee - Draft ToR June 2017.docx](#)
[Innu Healing Path restorative justice outline, Feb 11, 2021.pdf](#)
[Funding Application - Indigenous Justice Program Theme 2 - Innu Round Table Secretariat_0001.pdf](#)
[Initial Innu Policing Proposal, May 2019.pdf](#)
[2018-4-24 Innu letter on Policing.pdf](#)
[2018-6-1 Minister Goodale federal reply to Innu Policing letter.pdf](#)
[2018-7-10 Minister Parsons NL reply on policing.pdf](#)
[2021-10-14 OKT JRae letter on Innu court access and interpretation issues - updated Oct 2021.pdf](#)
[FW Meeting .msg](#)
[FW Meeting.msg](#)

Hello,

Following on our call today, here are the attachments and follow-up notes I promised:

- The current draft of the updated Innu Round Table Terms of Reference is attached for your information and for purposes of orientation. Please keep it confidential and please note it remains a draft, and the work on this piece on NL's end is with Brian Harvey.
- The 2017 draft Terms of Reference for the Justice & Policing Sub-Committee is attached. Please note that the "sub" prefix is being dropped in the new IRT Terms of Reference for all committees. As noted during our call, this terms of reference was circulated in 2017 but never formally approved. Updated committee terms of reference could be pursued in the wake of the main TOR update process.
- On restorative justice / diversion, I have attached our February proposal outline. To discuss that proposal and our plans for restorative justice generally, we had a bilateral meeting on May 2021 with you Tara as well as the following provincial representatives: Donna Ballard, Taracetta Galgay, and Stefan Brunet. The current proposal we have pending with federal DoJ, submitted in August 2021, is actually more limited, because of the fairly narrow terms of that particular call for proposals. It's like a sub-set of our main outline. I have attached that pending proposal, I think Kellee has seen it previously.
- On policing, I have attached our policing proposal outline from May 2019, as well as the letters circulated in 2018.
- You will see that I just sent out the letter with background about court access issues and translation issues. I am attaching that here too so you have things in one place.
- About community justice workers, both SIFN and MIFN have provided NL with proposals / funding requests over the years in relation to that need. Steve and I have most of these and can assist if you have trouble locating them.
- Finally, about the Labrador Correctional Centre, I have attached my two June emails relating to this meeting which I sent to bring Donna Ballard up to speed. The commitment to have this meeting is now a year old as mentioned on our call. Donna Ballard had committed to follow up on this.

If there's anything else you need, please don't hesitate to let me know.

All the best,

Judith

Judith Rae

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-----Original Appointment-----

From: Judith Rae

Sent: October 14, 2021 8:38 AM

To: Judith Rae; Kelly, Tara; kelleemartin@gov.nl.ca; SharleenSimmons@gov.nl.ca; denisewoodrow@gov.nl.ca; Steve Joudry; David Penashue; 'John B. Tshakapesh'; Thomas Poker; clarence.nui@mifn.ca

Subject: Innu Justice & Policing touch base with Province

When: October 14, 2021 10:30 AM-11:30 AM (UTC-03:30) Newfoundland.

Where: <https://oktlaw.zoom.us/j/99588126936?from=addon>

Good morning – I'm sorry for the late zoom invite, I meant to get this out yesterday. We would still welcome a chat this morning to touch base if possible, at 10:30 Newfoundland time, which is 10am Labrador time.

Judith Rae is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting: <https://oktlaw.zoom.us/j/99588126936?from=addon>

Or by phone, One tap mobile: +12042727920,,99588126936# Canada

Or by phone, dial in manually: 1 855 703 8985 Canada Toll-free, Meeting ID: 995 8812 6936

Innu of Labrador - Newfoundland & Labrador - Canada**Innu Round Table Terms of Reference**

DRAFT for discussion, Oct 12, 2021

Purpose

1. These terms of reference set out structures and processes of the Innu Round Table, a trilateral table with the objectives of improving wellbeing in the Innu communities, promoting Innu control over services to Innu and Innu input on services, strengthening relationships and cooperative decision-making between the parties, and ensuring Innu leadership set priorities.

Mandate

2. The mandate of the Innu Round Table is to:
 - a. facilitate Innu priority setting, service integration, and community-based plans and actions, maximizing Innu control;
 - b. work openly, respectfully and cooperatively with each other in the interests of improving services and wellbeing in the Innu communities;
 - c. ensure candid discussions that build operational consensus and collaboration on major activities;
 - d. convene Committees and Task Forces as required to address issues;
 - e. maximize access to and collaboration with all related federal and provincial programs and services;
 - f. seek to sustain progress and develop the basis for a healthy long term intergovernmental relationship;
 - g. ensure communication of progress; and
 - h. such other matters that the parties may agree to consider from time to time.

Parties & Participation

3. The parties to the Innu Round Table tripartite process are:
 - a. The Labrador Innu represented by the Innu Nation, Sheshatshiu Innu First Nation, and the Mushuau Innu First Nation;
 - b. The Government of Canada; and
 - c. The Government of Newfoundland and Labrador.

4. Members

Members should attend all meetings of the Innu Round Table to the extent possible and are considered at the meetings as the official representatives of that party. The Members are:

- Grand Chief of the Innu Nation
- Deputy Grand Chief of the Innu Nation
- Chief of Sheshatshiu Innu First Nation
- Chief of Mushuau Innu First Nation

- Indigenous Services Canada - Atlantic Regional Director General
- Indigenous Services Canada - First Nations and Inuit Health Branch (FNIHB) – Atlantic Regional Executive
- Federal Special Representative

- NL Intergovernmental and Indigenous Affairs Secretariat – ADM or other senior official for Indigenous Affairs
- NL Department of Children, Seniors and Social Development – ADM or other senior official for Child & Youth Protection
- A third ADM or other senior official from a relevant NL Department may attend as a member, such as from the Department of Health and Community Services or Department of Justice and Public and Safety

5. Chair

The Executive Director of the IRT Secretariat acts as Chair for the Innu Round Table meetings, or as the parties may decide.

6. Federal Special Representative

A Federal Special Representative (FSR) is to be retained by Canada in consultation with Innu leadership, to provide effective and current feedback and advice to the federal Minister of Indigenous Services, contribute to priority-setting and workplans, and to participate in the Innu Round Table process.

7. Involvement of Political Representatives

Innu political leadership have committed to be directly involved in the Innu Round Table, as set out in s. 4 (Members). The Government of Canada and the Government of Newfoundland and Labrador commit to arranging for meetings between their respective political representatives and Innu political representatives as necessary to facilitate and implement the work of the Innu Round Table. Such meetings should be arranged in a manner the parties to that meeting agree (e.g. phone, video, in person) and at times and locations agreed by the parties to the meeting, and for

greater certainty, such meetings may occur outside of regular Innu Round Table meetings.

8. Other Attendees

Additional people may be invited by members or by the Chair to attend meetings as necessary. While other government participants are expected to cover their own costs, members inviting Innu guests should ensure their costs can be covered prior to invitations being issued.

Supports

9. The Innu Round Table will be supported by the Labrador Innu Round Table Secretariat Inc. The Secretariat is responsible for ensuring the effectiveness and efficiency of the trilateral process, including:

- a. Facilitating the process and the discussion at meetings;
- b. Setting the schedule and agenda for meetings, in consultation with the parties;
- c. Producing meeting minutes that include action items and a record of decisions;
- d. Following up with the parties in between meetings as to the carrying out of decisions and action items; and,
- e. Addressing issues and problems as they may arise.

10. The Secretariat may consult any of the Innu Round Table members as required.

11. The Secretariat will help maintain accountability among the parties, and accountability for its own activities, with respect to Innu Round Table decisions, action items, and deliverables.

12. Canada is responsible for funding the Secretariat to provide the supports to the trilateral process outlined in these Terms of Reference, and the Secretariat is responsible for reporting to Canada on that funding according to the agreements in place.

Committees and Task Forces

13. The following committees are convened by the Innu Round Table to provide ongoing focus and detail to issues under each theme:

- a. Justice and Policing Committee
- b. Health and Healing Committee (Innu Minnuinniun Committee)
- c. Income Support Committee
- d. CYFS Committee (Child, Youth and Family Services)
- e. Education Committee

14. Committees may be added or deleted by a consensus decision of the Innu Round Table.
15. The Secretariat will advise who will chair each committee, having consulted the parties. Typically this will be a senior staff person within an Innu organization.
16. Each Committee is responsible to:
 - a. Identify how often it will meet and when;
 - b. Consider issues within that sector, including the issues it may identify and any issues referred to it by the Innu Round Table;
 - c. Where appropriate, develop plans for improved program delivery, particularly plans that enhance Innu control;
 - d. Report to the Innu Round Table with recommendations, options, updates or concerns that should be considered by the Innu Round Table, at least annually; and
 - e. Report to the IRT Secretariat on its workplan and budget to fulfil its mandate, at least annually.
17. Committees are free to hold meetings in the manner they choose (e.g. in-person, virtual, phone, etc.), and to organize themselves internally as they may determine (e.g. working groups, etc.).
18. The Innu Round Table may also decide to establish short-term task forces.
19. Support services to the committees and to any task forces will be provided by the Secretariat. Meeting arrangements and records will be facilitated by the Secretariat in consultation with the committee chairs. The Secretariat will also maintain copies of all final documents of each committee that report to the Innu Round Table.

Process

20. It is agreed that each party will work in an expeditious and cooperative manner to help ensure the efficiency and effectiveness of the Innu Round Table.
21. Meetings of the Innu Round Table will be held three times per year unless the parties otherwise agree, and a schedule of meeting dates is to be established in advance.
22. Meetings of the Innu Round Table are intended to be held in person, rotating between Labrador, St. John's, and Halifax or Ottawa. If required, conference or video conference calls may be scheduled between in-person meetings, or in exceptional circumstances, in place of meeting in person.
23. The parties recognize that Innu caucus meetings are an important part of the process and will generally occur in advance of each Innu Round Table meeting and committee meeting.

24. The Secretariat will coordinate all communications and meetings, and is responsible for circulating a proposed agenda in advance of each meeting.

**INNU JUSTICE AND POLICING COMMITTEE
TERMS OF REFERENCE
Draft – June 2017**

Purpose:

The purpose of the Justice and Policing (J&P) Committee is to develop recommendations to improve justice and police services in the Innu communities of Labrador, and facilitate their implementation. It will function as a Sub-Committee of the Innu Round Table.

Scope:

The J&P Committee has wide discretion in determining the work it will need to undertake and the improvements it chooses to recommend.

Without limiting that discretion, the J&P Committee is asked to consider and make recommendations on each of the following 4 sectors:

1. *Crime Prevention & Diversion*

including, for example:

- a. Community programs for crime prevention and early intervention
- b. Alternative and/or restorative justice programs for pre-charge and post-charge diversion from the criminal justice system
- c. Coordination with health services, education, child protection/prevention and other community services
- d. Victims services, including the use of Innu victim services workers

2. *Policing*

including, for example:

- a. Agreements and relationships among police, Innu governments and other parties
- b. Training and capacity needs within the police force
- c. Training and hiring of Innu officers
- d. Options for Innu-run police services
- e. The enforcement of by-laws and other Innu laws

3. *Courts*

including, for example:

- a. The availability of court circuits in Sheshatshiu and Natuashish
- b. The availability and use of interpreters
- c. The legal aid system and effective relationships with lawyers
- d. Consideration of *Gladue* factors at sentencing, bail, parole and other hearings, the use of sentencing circles, and related staffing, training, and monitoring
- e. Training of judges and other court staff
- f. The use of Innu court workers
- g. Court resources, scheduling, and delay

4. Corrections

including, for example:

- a. Overcoming barriers to the use and effectiveness of community supervision in bail, sentencing, house arrest, probation, parole, etc., including the use of Innu probation officers and other supports
- b. Programs and services in custody, including the use of Innu liaison workers at the Labrador Correctional Centre, land-based programs, and access to medical services
- c. Reintegration and supports to limit re-offence

With respect to each sector, the J&P Committee will consider all relevant issues, including:

- The findings and recommendations of previous reports, proposals and other documents
- Existing justice and police services, including their policies, practices, and how they can be improved
- Relationships between services and improved integration
- The development of complementary services
- Options for different or reorganized services
- Capacity gaps for all parties and sectors of the justice and police systems
- Legislative frameworks and alternative options
- Best practices among other First Nations in Canada
- Infrastructure needs in the Innu communities to support justice and policing work

The J&P Committee will consider holding one or more conferences on justice and policing to be held in one of the two Innu communities.

Membership:

Parties to the Committee are the Sheshatshiu Innu, Mushuau Innu, Innu Nation, Newfoundland & Labrador, and Canada including the RCMP. Each party will appoint their respective members.

Membership will include:

- IRT Secretariat delegate
- Sheshatshiu Innu First Nation (two members)
- Mushuau Innu First Nation (two members)
- Innu Nation Negotiation Team (two members)
- Innu Elder (one)
- NL Department of Justice (one)
- NL Labrador and Aboriginal Affairs (one)
- Public Safety Canada (one)
- Justice Canada (one)
- Indigenous and Northern Affairs Canada (one); and
- RCMP Commanding Officer (one).

Guests may be invited as needed.

Administrative Support:

The Committee's agenda will require significant administrative, legal and technical support. Responsibility for these supports rests with the Executive Director of the IRT Secretariat. Support may be delivered by project staff and/or independent contract arrangements through the Secretariat.

Quorum & Process:

Attendance by a minimum of one member from each of the parties shall constitute a quorum.

The Committee may appoint any working groups it requires to carry out tasks or examine specific sectors or issues.

Round Table Committees are to be chaired by an Innu member of the Committee. This responsibility can be delegated to another Committee member, when appropriate.

Schedule:

The Committee will establish a workplan, in accordance with its decisions as to the establishment of any working groups.

As J&P is a longstanding priority and there has been a great deal of work undertaken over the years, it is expected that any working groups and the Committee itself will meet frequently. When face-to-face meetings are not practical, conference and video calls will be used. A schedule of meetings will be created so that members can plan for meetings.

Identified members are expected to attend all meetings and are asked to appoint an alternate who will be able to attend effectively in their absence.

Other Innu Round Table members may request to attend any IRT Committee meeting as an observer without being a formal part of the J&P Committee. The desire for observer status shall be communicated to the IRT Secretariat which will advise of meeting times and locations.

Reporting:

The J&P Committee will report and be accountable to the Innu Round Table. The Committee will provide a written update report in advance of each Round Table meeting and an oral report at Round Table meetings. The Committee will be represented at IRT meetings by the Committee Chair or their delegate.

Concurrently, members from each party are expected to keep senior representatives of their level of government abreast of the Committee's activities.

The J&P Committee will produce one or more reports with the recommendations it deems necessary, and plans for implementation.

When early implementation of changes in a specific area is considered beneficial, it is expected that the Committee will advise IRT of that benefit and ask it to pursue implementation.

Costs:

NL and Canada are responsible for providing funding to the IRT Secretariat to cover the costs of meaningful Innu participation in the Committee and related administrative support, staff support and technical, legal and consultant supports. Costs for Innu committee members will be an eligible Committee expense and contained in its budget. Additional costs for other attendees must be approved in advance by the IRT Secretariat. Other government participants will cover their own costs.

Innu Healing Path – Restorative Justice Proposal Outline, Feb 2021

Overview

We are looking for funding in the range of approximately \$400,000 per year to deliver an Innu restorative justice program. We are calling the program the Innu Healing Path, in keeping with previous Innu uses of that phrase in restorative justice proposals.

The Innu Healing Path would be a multi-stream diversion program that would target eligible cases, with necessary consents from the participants and from the relevant actors within the existing justice system. Specifically:

Pre-Charge stream	Arrangements with RCMP, Community Safety Officers, and Crown Prosecutor if appropriate, to divert to IHP prior to a charge being laid.	Targeting less serious cases, youth cases, others as appropriate
Pre-Conviction stream	Arrangements with Crown Prosecutor to divert after a charge is laid, prior to conviction. The goal is to hold off the court process, and if the person completes the necessary healing contract through IHP, to stay charges.	Targeting less serious or moderate cases, youth cases, others as appropriate
Sentencing stream	Arrangements with Crown Prosecutor and Judge. Offender enters a guilty plea, and the IHP process is directed at creating a recommendation as to sentencing, which the Judge will consider.	Targeting more serious cases

A case will only be eligible if the participants agree to it. Healing is a personal journey, and extremely hard. In many ways, doing the work of healing is harder than serving a standard sentence. Innu do not believe healing is something a person can be forced into; they have to be ready and willing. In addition, a case will only be eligible if the IHP staff team agrees that the case is suitable.

This project would be delivered in line with Gladue principles, and would help divert a portion of Innu people from incarceration and in some cases from the criminal courts docket. Newfoundland and Labrador does not currently use Gladue reports at all. However this project fits within the description of “Gladue aftercare” in that it helps to (1) understand the legacy of trauma affecting the offender/accused, and potentially affecting victims or others involved as well, (2) determine what would be most useful to help the offender/accused (and sometimes others) take concrete steps to begin go to overcome that legacy in their personal journey to healing, and (3) provide referrals to help offenders/accused and other participants access needed healing services, and (4) follow up with all involved to ensure accountability, maximize rates of completion and minimize the chances of re-offence.

The number of cases diverted would, in the first few years, likely remain a minority of the overall criminal docket from the Innu communities. Yet that still would be significant, in terms of human impacts. It would also help to ameliorate the burden in the overcrowded Labrador Correctional Centre and in the overbooked courts docket in Happy Valley Goose Bay and related Natuashish circuit (often court time slots are triple booked). We hope that funding of 3-5 years could be secured initially.

During that initial period of 3-5 years, we plan to integrate an impact assessment component, using a research consultant to help evaluate the IHP program in a clear, evidence-based way. Based on that evaluation, we would hope to consider further extension and/or growth for the program in future years beyond the 3-5 year mark.

Budget Outline

It costs \$110,000 per year to keep an Innu person in provincial jail. There are typically 15-30 Innu people in provincial jails at any given time, by our estimate. This represents a cost of about \$1.6 million - \$3.3 million per year. Court costs and related legal system costs are additional.

We think the cost of this proposal needs to be viewed in that perspective. It is a modest proposal to help begin to decrease reliance on incarceration, both for the immediate offence, and in many cases over the longer term as well, as the chance of re-offence decreases if the accused/offender gets focused healing support.

Our budget estimate at this time is in the range of about \$400,000 per year. Funding would be split up between IRT Secretariat, MIFN and SIFN. This could either be accomplished through 3 contracts with the funder, or 1 contract with IRT Secretariat who would create sub-contracts with SIFN and MIFN. This can be discussed further.

This preliminary total estimate is based on the following costs:

- 1 FT staff at IRT, tentatively termed an IHP Coordinator. This person would provide coordination and support to both communities. They would assist each community to train the Program Facilitators. They would help develop relationships and consistent arrangements with external partners: Crown Prosecutors, court/judges, LCC, RCMP.
- 2 FT staff at each of SIFN and MIFN (total of 4), tentatively termed Program Facilitators. They would be responsible for delivering the IHP on the ground in each community. This would include meeting with potential participants, connecting participants with healing supports as needed, assessing the case for inclusion in IHP, conducting a healing circle if appropriate, creating a healing contract, following up with external partners as needed (and depending on the stream), ensuring participants follow up to implement the healing contract, closure processes.

- IRT would retain legal counsel to assist with writing agreements with external partners as needed to support the three streams (e.g. Crown Prosecutors, courts, LCC, RCMP).
- IRT would retain a researcher to conduct an impact assessment. Evaluation would be built into the program from the start. A qualified researcher has been contacted.
- Relevant operational, programming and administrative costs at IRT, SIFN and MIFN. For instance, office space, financial management, travel costs, other expenses, etc.

As discussions continue and the funder's program requirements are known in more detail, we can create more detailed budgets and work plans.

The funding requested is in addition to the existing justice staff funding provided to SIFN by the provincial and federal governments. The Justice Coordinator at SIFN (now funded by the Indigenous Justice Program at Justice Canada) would likely contribute some time in kind, to help oversee and support the IHP program. The rest of the Coordinator's time will continue to be spent as it is now on supporting those cases (still the majority) that are not part of the Innu Healing Program, ie. people going through the court process, or in jail, or recently released. The other justice staff at SIFN (victims services, probation officer, LCC liaison, which are funded mainly by Justice and Public Safety, NL, and with respect to the LCC liaison, funded in part by IRT Secretariat and MIFN) continue to be needed to help Innu navigate the mainstream justice system. They will continue to provide supports in the majority of cases that will still not yet be diverted to the Innu Healing Program.

Similarly, we continue to advocate for the provincial and federal governments to extend the same support to Mushuau Innu First Nation for those essential positions. Those positions remain an unmet need in Natuashish, in addition to this proposal.

Workplan Outline

Preparatory Phase:

IRT Secretariat will hire an IHP Coordinator for the program. The Coordinator will work with the support of legal counsel to develop protocols with external partners to support diversion of appropriate cases to the IHP in the 3 streams outlined above, and clarify how each stream will interact with the mainstream justice. We note that there is a draft Protocol with Crown Prosecutors that was discussed in 2007-2008, that can be used as a starting point. The IRT's trilateral Justice & Policing Sub-Committee will be a useful resource to help assist with this work with external partners, as relationships are already in place at a senior level, and the Committee has long since identified restorative justice as a priority.

Towards the end of this preparatory phase, the IHP Coordinator at IRT Secretariat will work with both Innu First Nations (MIFN and SIFN) to hire and train the local Innu Healing Path Program Facilitators. We hope to have a team of 2 in each community. Their training will include drawing on the knowledge of Innu and Innu-employed persons who have been involved

in carrying out previous Innu sentencing circles and other past and current Innu justice initiatives. They will also be trained in the arrangements reached with external partners (e.g. with the Crown Prosecutor's office, for example). The Program Facilitators may choose to refine the IHP process to best fit the local circumstances of each community.

In the meantime, the contracted researcher will use the preparatory phase to develop a plan for impact assessment and evaluation, and prepare to carry that out.

Operational Phase:

The program will operate in both Innu communities. Previous Innu proposals, e.g. from 2007-08 and from the 1990s, have described the Innu Healing Path principles and process in some detail. What is being proposed today flows from that past work. There will be room for local adjustments in each community, and there will also be certain procedural differences depending on the stage of the case within the justice continuum (e.g. the 3 streams outlined above). But generally the process includes:

- (1) identifying candidate cases;
- (2) individual meetings with victims, accused and others to provide immediate support, link to services as needed, assess suitability in more detail, etc;
- (3) confirm if Crown, participants, and IHP wish to proceed with an IHP process;
- (4) prepare all participants for a special meeting (circle), and hold that circle;
- (5) create a healing contract on the basis of decisions reached at the circle;
- (6) follow up with Crown, court, others depending on stage of case;
- (7) service referrals and ongoing follow-up with participants to support completion of the healing contract;
- (8) closure, which may involve ceremonies, reporting to court, or other formal processes.

Alongside program operation, during this operational phase the researcher will complete data gathering and analysis, in collaboration with IHP staff, to support the evaluation piece.

Assessment, Review, Continuation:

By the last year of funded operations, we hope to have an impact assessment (evaluation) report ready that can be reviewed and discussed. With the support of the IRT Justice & Policing Sub-Committee, we will likely seek renewed funding for the continuation, adjustment if needed, and perhaps further scale up of program operations.

Background Discussion

Prior to village settlement, what you would call crime among our people was very rare. Since settlement, alcohol and later drug abuse escalated, and the social and cultural fabric of our communities has come under considerable strain. There are many reasons for this. Settlement collapsed our traditional economy, and disrupted the roles and responsibilities that people had on the land. In addition, certain priests engaged in sexual abuse in our communities, and abuse also occurred against our children in religious-based schools (e.g. community schools within the

provincial Catholic board, certain residential schools, and some Innu were sent to the notorious Mount Cashels). We were finally able to gain control of our own school system in 2009, but the resulting inter-generational trauma remains high. Inter-generational trauma in our communities also involves child protection removals that started in the 1970s, and above-average rates of suicide that started in the 1980s, among other issues. For a number of reasons, which we have explored in processes such as Gathering Voices (1992-1993), Innu families have suffered heavy traumatic impacts in a short period of time, and crime rates have risen severely.

Most of the charges are assaults (typically family violence), or break and enters or other property damage (typically youth crime), plus breaches of conditions related to prior charges. Reoffending rates are high. Drug and/or alcohol abuse, and/or mental health concerns, are involved in nearly all of these crimes. Some people manage, eventually, to get their life together, and find healing and stability. Some have been lost to us before that occurs.

These crimes have a cascading impact for us. There are victims of violence who suffer direct impacts. Victims deal with hurt, grief, and other physical and emotional impacts. While there is the possibility to use local women's shelters, if that is applicable, this is not always sufficient to keep a family together. For example, if a mother is a victim of an assault, but also has her own addiction and pre-existing trauma, it may be difficult for the family to stay together, with or without use of a shelter, if the healing needs of both parents go unaddressed. The court process is also very challenging and alienating to navigate. It focuses narrowly on the accused, and a narrow range of events. From an Innu perspective, court operates in a foreign culture, language and legal system. Only one Innu victims services worker is available in Sheshatshiu, and none in Natuashish. Innu have long raised many concerns about how court and jail processes negatively affect victims as well as accused/offenders.

In addition to direct victims, children or youth may end up removed from a home if there is violence. While Innu children are rarely victims of direct physical violence, their exposure to violence occurring within their household can lead to their removal by the province's child protection department.

Child protection implications may also result if a youth or older child is themselves engaged in criminal activity. They may end up removed from home for their own "protection" so to speak, in an effort to try to help that young person access specialized services.

Any removal from home has dramatic impacts for children, through the period of removal and throughout their youth and adult years. Many of our Innu children and youth (i.e. still about half of those who are in care) face removal not only from family but also from the Innu communities, and therefore from Innu culture and language as well as personal relationships, if a local placement cannot be found that meets provincial policy standards. The traumatic impact on them is especially serious.

More broadly the community suffers from crime too, through instability, fear, property damage and loss, and grief when community members are hurt, jailed, or worse.

Impacts on accused persons / offenders are serious too. Innu face high rates of incarceration. Men are typically jailed at the Labrador Correctional Centre, a provincial facility in Happy Valley-Goose Bay. It has few services, and is seriously overcrowded. A 2019 report documented this, noting that it was built three decades ago to accommodate 38 inmates, and as of early 2019 had 61 inmates (John Howard Society report, 2019). The IRT Justice & Policing Committee visited the LCC in 2018, observing that about half of inmates were Innu. At a meeting last year, the Sheshatshiu justice worker noted that 35 Innu inmates were at the LCC, 20 of them “on remand” awaiting a hearing or sentencing (IRT Meeting Minutes, Jan 2020). The SIFN Justice Coordinator reports that the number of Innu inmates (and other inmates) at the LCC fluctuates, but is typically in the range of about 15-30 people.

The most common charge against Innu is assault (Innu justice worker; internal communication). Failures to comply with conditions or undertakings are also common. Innu people involved with the justice system tend, on average, to be young adults.

Many factors make it difficult for Innu accused to get bail. Remand incarceration often lasts many months. The court process is very slow; provincial court in Happy Valley-Goose Bay is the second busiest in the province after St. John’s (JHS, 2019).

When Innu men are released in a family violence situation, if there is a “no contact” condition in place, there is typically nowhere for them to go. Either they breach their condition by returning home, couch surf semi-homeless in their Innu community, or live homeless in Happy Valley-Goose Bay. Lack of available housing in the Innu communities exacerbates this problem.

When Innu women are jailed, unless they are released quickly from an RCMP’s police lockup, they are shipped to the women’s facility in Clarenville on the island of Newfoundland. There is no female jail facility in Labrador. Innu women in jail are severely isolated from Innu culture, language and family.

As noted above, nearly all Innu accused / offenders are struggling with issues of addiction, mental health, or both. In our experience, current court processes and use of jail time for Innu people frequently exacerbate issues of addiction, trauma, grief and anger. Usually, the trauma of the incident forming the subject of the charge is never properly addressed, either for the direct victim, indirect victims, or perpetrator. So too are the underlying layers of trauma and causes of violence left unaddressed. Jail, whether on remand or following a sentence, often makes things worse. Criminal offences often reoccur.

The cycle continues, with all its impacts on men, women, and children and youth. A 2019 survey of inmates at the Labrador Correctional Centre, for instance, found that 80% of respondents were repeat offenders (JHS, 2019).

Breaking this cycle is essential. The good news is, we already know we can make a difference, by responding to these issues in the Innu way, rather than the ageneshau (non-Innu) way. We have an alternative.

It has been about 50 years since ageneshau (non-Innu) started taking our criminal cases to their courts, and sending our people to their jails. But there has always been an Innu alternative. The Innu way of responding to these situations has been suppressed, and never directly funded. But it never fully disappeared.

Some call this “restorative justice”, “diversion”, and/or “sentencing circles”. We use those terms too, but drawing from the language used in previous Innu initiatives, we are calling our approach the Innu Healing Path.

The Innu Healing Path focuses on health and healing, for the victim, the family(ies), and the accused/offender. Through healing, it focuses on bringing about positive change that helps to address criminal incidents, and help prevent them from re-occurring. It is a response to crime that is for Innu, by Innu, and rooted in Innu culture.

Very briefly, some of the differences between the Innu Healing Path and mainstream justice system approaches to family violence include the following:

Mainstream justice system	Innu Healing Path approach
Focuses on guilt or innocence	Focuses on responsibility, accountability, and healing
If bail is denied, or if found guilty, jail is the main response	Wide range of more flexible responses, with healing at the centre. Depending on needs, healing actions and programs may be more within traditional Innu culture (e.g. ceremony), or clinical (e.g. addictions treatment centre), or restitutorial (e.g. community service), or a combination.
Formal response from the justice system comes only after a conviction	Individual support begins right away. Pathways available at pre-charge stage, pre-conviction stage, or sentencing stage.
Accused, alone, is the centre of attention	Victim has central role and own voice; Family is empowered; Relationship-centred
Based in Western legal traditions, values	Based in Innu legal traditions, values
Innu community has no direct role	Innu community-based; partnerships with courts, Crown prosecutors, and legal aid
Proceedings in English	Most steps can occur in Innu-aimun
Staff are mainly judges, lawyers, court employees, jail guards; nearly all of these are non-Innu; most lack understanding of Innu culture, people and language	System is staffed by Innu organization employees; most are Innu; strong understanding of Innu people & culture; many speak Innu-aimun

We have succeeded, over the years, in building confidence in our approach with certain local judges, local lawyers, and provincial government officials. Our experience is that our approach has been successful with offenders (including high rates of success in preventing re-offence), and supported by victims. Despite a lack of direct funding, we have still managed to operate the Innu Healing Path model in a few cases over the years.

In the 1990s, Innu Nation started operating sentencing circles in a number of family violence cases, particularly in Sheshatshiu, mainly led by Apenam Pone, who worked as an alcohol program worker. The accused person would plead guilty, followed by an Innu sentencing circle process. In that process, Innu health staff held private meetings with victims, other family members, and the offender. If appropriate, the group prepared for a sentencing circle. The decisions made at that circle formed the basis of a sentence recommendation that was brought back to the judge hearing the case. Healing to address the harm, and to prevent reoccurrence of violence, were core elements. Innu recommendations were generally accepted.

Without any dedicated funding, those sentencing circles were only able to reach a minority of cases, and it was not possible to consistently sustain them. For instance there was a gap after Apenam and other Innu health staff leading those sentencing circles passed away. However over the subsequent decades up to the present, Innu have continued to conduct sentencing circles occasionally on an ad hoc basis, when resources can be assembled to do so.

Also in the 1990s, Chief Katie Rich and other women forced the Provincial Court circuit to leave Davis Inlet. Frustration with the lack of respect for community processes had reached a peak. The circuit court returned in 1994, largely on the basis of a meeting in Davis Inlet on July 8, 1994 with Provincial Court Chief Judge Donald Luther. The meeting focused heavily on the need for sentencing circles and restorative justice programs. Commitments were made to ensure those would be supported, but that support has not materialized.

During the mid 1990s, Innu Nation submitted a proposal to Justice Canada called the Innu Justice Diversion Project. It was extremely detailed, but not funded.

In 2007-2008, there was another push towards restorative justice, under the concept of the Innu Healing Path Court. The Province was supportive of a model that would involve a dedicated judge or Innu-specific court, that would support Innu diversion efforts and have experience in receiving Innu sentencing recommendations. A draft protocol with the Provincial Crown Prosecutor was in discussion. However, funding did not come through from either level of government, leaving those discussions hanging.

Meanwhile, on a positive note, both Innu First Nations have significantly expanded locally available health and social health services in the intervening years. While service gaps remain, there is now a solid range of services that can be called upon for referrals and support in the course of Innu Healing Path work in the criminal justice context. Programs such as Apenam's House (Innu residential addictions treatment and after care), the Charles J Andrew Youth and Family Treatment Centre, the Mushuau Innu Healing Lodge in Natuashish, the Mary May Healing Centre in Sheshatshiu, and Innu Prevention Services (prevention in the context of child and family services) can all assist in this effort through in kind services.

The staff involved in those services have, when they can, continued to advocate for alternatives for Innu accused persons / offenders. They have, at times, advocated for completion of addictions treatment, land-based work, or other healing programs as components of sentences, or in lieu of remand incarceration. But their work in that regard is only ad hoc at the present, without any dedicated staff, nor a focused process (i.e. the healing circle process as proposed here with preparation and follow-up), nor do they have established arrangements with local courts and prosecutors.

Dedicated funding and dedicated staff are essential to make the Innu Healing Path a reality.

It is also worth noting that Innu and others have repeatedly identified restorative justice as an unmet need and a priority. To highlight a few recent statements and initiatives:

- In 2014, Innu created the Innu Healing Strategy ([IRT Secretariat, 2014](#)). Innu leadership and staff identified that moving ahead with the Innu Healing Path work is a priority. They said effective sentencing circles and diversion must be “established, working, and supported”. Family justice matters were highlighted as a priority.
- In 2018, the provincial government organized a [Justice Summit in Happy Valley-Goose Bay](#). The top concern identified among participants by vote was “Lack of alternatives to the current justice system - (e.g. restorative justice)” (GNL, 2018). This remains a high priority unmet need in our area.
- The John Howard Society report (JHS, 2019) recognizes restorative justice approaches as an unmet need of central importance to justice in Labrador. And in its small survey of inmates at the Labrador Correctional Centre, 95% had a mental health or addiction issue, 95% had adverse childhood experiences (e.g. experienced family violence as a child), the majority had “no support system”, the majority had experienced homelessness, and 80% were repeat offenders.
- Innu already engage in regular trilateral meetings with provincial and federal officials. Through that process, a Justice & Policing Sub-Committee has been created. That trilateral committee identified Innu restorative justice as one of its top two priorities.

REFERENCE LIST

Materials from past Innu descriptions of the Innu Healing Path (unpublished) can be provided:

Innu Justice Diversion Program (Innu Nation, 1994-1995)

The Road to an Innu Justice Program (Innu Nation, 2001)

The Innu Healing Path Court initiative (Innu Nation and Sheshatshiu Innu First Nation, 2007-2008)

Goss Gilroy Inc., *Service Needs in Labrador Relevant to the Justice System, Final Report. Prepared for: John Howard Society of Newfoundland and Labrador* (John Howard Society, 2019) ["JHS, 2019"]

IRT Secretariat, *Innu Round Table Meeting Minutes, Meeting #26, January 2020* (IRT Secretariat, 2020) ["IRT Meeting Minutes, Jan. 2020"]

IRT Secretariat, [*Innu Healing Strategy*](#) (IRT Secretariat, 2014)

Simonne Poirier et al (Review Panel), [*Decades of Darkness, Moving Towards the Light: A Review of the Prison System in Newfoundland and Labrador*](#) (Government of Newfoundland & Labrador, 2008) ["GNL, 2008"]

[*Out of the Silos: Implementing Solutions Together. Justice Summit – Labrador*](#) (Government of Newfoundland & Labrador, 2018) ["GNL, 2018"]

Marlene Jesso et al (Review Team), [*Newfoundland and Labrador Corrections and Community Services: Deaths in Custody Review*](#) (Government of Newfoundland & Labrador, 2018)

Larry Chartrand and Kanatase Horn, [*A Report on the Relationship between Restorative Justice and Indigenous Legal Traditions in Canada*](#) (Dept of Justice Canada, 2016)



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FUNDING APPLICATION FORM

Program Name	Indigenous Justice Program - Systemic change informed by Gladue Principles to address Indigenous overrepresentation in the criminal justice system
Theme 2 – Systemic change focused initiatives (changes to policies, practices, processes and institutions)	

1.0 Applicant Information		
Type of Applicant (required) <i>Indigenous Organization</i>	Level of Government (if applicable) Indigenous	
Legal Name (if you are an individual, include your first and last name) (required) Labrador Innu Round Table Secretariat Inc.		
Street Address (if outside of Canada please provide full address including city, state and country in this field) (required) 7 Peenamin Drive (also: PO Box 449)		
City (required) Sheshatshiu,	Province/Territory (required) NL	Postal Code (required) A0P 1M0
Phone (###-###-####) (required) 709-497-3855	Fax (###-###-####) 709-497-3881	Website (http://www.url.com) http://www.irtsec.ca/

1.1 Primary contact for this application		
First Name Germaine		Last Name Benuen
Salutation Ms.		Title (if applicable) Executive Director
Phone 709-497-3855 x * 232	Fax 709-497-3881	Email gbenuen@irtsec.ca
Authorized to sign on behalf of the organization / entity : Yes		
Same address as main address provided above (if yes, skip address fields below): Yes		
Street Address (if outside of Canada please provide full address including city, state and country in this field)		
City	Province/Territory	Postal Code (Canada)

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1.2 Additional person(s) with signing authority (2 maximum)		
PERSON #1		
First Name Kylie		Last Name Rose
Salutation Ms.		Title (if applicable) Assistant Director
Phone (709) 497-3855 * 236	Fax 709-497-3881	Email krose@irtsec.ca
Same address as main address provided above (if yes, skip address fields below): Yes		
Street Address (if outside of Canada please provide full address including city, state and country in this field)		
City	Province/Territory	Postal Code
PERSON #2		
First Name		Last Name
Salutation		Title (if applicable)
Phone	Fax	Email
Same address as main address provided above (if yes, skip address fields below) : Yes / No		
Street Address (if outside of Canada please provide full address including city, state and country in this field)		
City	Province/Territory	Postal Code



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1.3 Is your organization a (select one)

- ☒ Inuit, Métis, First Nations, Bands, Tribal Council, local, regional or national Indigenous organization
- ☐ Non-profit organization, society or association
- ☐ Education-related institution or association (e.g. law institute, university etc.)
- ☐ For profit organization undertaking "not for profit" work
- ☐ Provincial, territorial or municipal government, including their agencies and institutions
- ☐ Other, please specify:

1.4 Is your organization incorporated?

Yes

If yes, please answer the questions below:

At which level of government is your organization incorporated?	Newfoundland & Labrador
Please provide your incorporation number	71703
Date of incorporation	January 14, 2014

1.5 Is your organization a registered band?

No

If yes, please provide your Band Number

1.6 Is your organization registered as a charitable organization with the Canada Revenue Agency?

No

If yes, please provide the information below:

Registration Number	
Date of Registration	



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1.8 What is the mandate of your organization and what are your key activities? (300 words maximum)

The **Labrador Innu Round Table Secretariat ("IRT Secretariat")** is an Innu-controlled corporation that provides capacity support to both Innu communities in Labrador and delivers several joint services. We have a proven track record in coordination, project management, supporting the development of, and delivering high quality Innu-led services in the two Innu communities through targeted capacity building within a well-planned framework.

Since 2012, IRT Secretariat also convenes and facilitates regular trilateral meetings, and related committee meetings, between Innu governments, the federal government, and the provincial government. These are called the Innu Round Table meetings.

The four sectors in which we are currently operating are justice & policing, health, income support, and child youth and family services. Each of these sectors has a tripartite committee within the Innu Round Table tripartite process.

Our main activities in the justice & policing sector have to date involved strategic planning and advocacy. We launched the Justice & Policing Committee in 2018. Innu restorative justice (the basis of this proposal) and Innu policing were identified as the top strategic priorities in that sector. In the health sector, IRT Secretariat is involved in capacity building, pre-and post-natal health, health services planning with both communities, and an Innu midwifery initiative. In both Labrador Innu communities, IRT Secretariat successfully delivers Income Support (social assistance), devolved from the province in 2016 following development of a phased plan and 4 years of capacity development. In the child and youth sector, we assisted in the creation of a group home and emergency placement homes in each Innu community that meet both Innu and provincial standards. And, in both Innu communities, we deliver supportive child welfare services known as Prevention services (since 2017) and the Innu Representatives (since 2019).

IRT Secretariat plans to deliver this project in close collaboration with **Sheshatshiu Innu First Nation** and **Mushuau Innu First Nation**. This will ensure the program is adapted to local differences and well integrated with the mix of local needs and services within each First Nation.

1.9 For Québec organizations only

Are the majority of your members from the Québec public sector, that is, appointed by the Government of Québec, a minister, a government agency, a municipal body, a school board or another public agency?	Yes / No
Is your personnel appointed in accordance with the Public Service Act (of Québec - Chapter F-3.1.1)?	Yes / No



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Is more than half of your financing derived from Québec public funds, that is, from the consolidated revenue fund, a government agency, a municipal body, a school body or another public agency?	Yes / No
<i>If you answer "yes" to any one of the three questions in this section, your organization is required to provide a copy of the Ministerial Order allowing your organization to negotiate and enter into an agreement with Justice Canada either with your completed funding application or before a formal agreement will be offered by Justice Canada. For more information about this requirement, please see: "An Act respecting the Ministère du Conseil exécutif" (chapter M-30) on the Government of Québec's website.</i>	

2.0 Project Title

Innu Healing Path Partnership Building & Demonstration Project

2.1 Anticipated timeframe

Start Date (YYYY-MM-DD)	End Date (YYYY-MM-DD)
2022-01-01	2023-03-31

2.2 Will this funding application be submitted to another federal department?

No – None are anticipated at this time. If that changes, we will advise you.

If yes, please provided the information below:

Federal Department Name	Contact Information

2.2.1 Is this application for a continuation/next phase of a previously funded application?

No

If yes, please provided the information below:

Federal Department Name / Provincial/Territorial government / Other	Contact Information



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2.3 Project Description (2000 words maximum)

To be funded, your project must include the five mandatory key activities listed in the theme description:

- a) Partnerships
- b) Examine Context and Needs Assessment
- c) Determine and Choose an Option
- d) Implementation
- e) Knowledge Sharing

Briefly explain HOW you will deliver each mandatory activity outlined in the theme description and the amount of TIME in months you expect to need for each activity. You do not have to describe the intervention or change you want to implement, but rather explain how you will go about developing and delivering your project.

If applicable, include any adaptations or additions that you are considering to improve the proposed project, as well as describe any special considerations that would apply to your community.

The Innu Healing Path Partnership Building & Demonstration Project ("Project") will build off needs assessment and priority-setting work that has already started through the Justice & Policing Committee of the Innu Round Table (see 1.8 above). That work has identified the creation of a diversion program based in Innu restorative justice as a high need and priority. The committee's work has also identified the need for fundamental systemic change as a prerequisite to establishing an effective restorative justice program.

Kicking off from that starting point, the Project will build the necessary partnerships, and refine the assessment of needs through adaptive implementation of a demonstration project that measures and highlights the linkages to systemic change initiatives. Knowledge will be shared back with Project partners and through the Justice & Policing Committee to facilitate transformative change in systems and processes.

We do very much hope that the Project will provide the practical foundation and build the "case" for the creation of an ongoing Innu diversion program. But we fully understand that ongoing services will *not* be part of the current Project, and will require entirely separate decision points and funding. This Project is designed to be self-contained, while at the same time being something more than a one-off project that goes nowhere. It creates fertile ground for the next stage of developing and implementing a restorative justice program, supported by all parties.

The Innu Healing Path is a concept that has been discussed in relation to Innu justice for several decades. An Innu Justice Diversion Project was proposed in the 1990s, and though several sentencing circles did take place, ongoing funding was elusive. In the 2000s, an Innu Healing Path Court was under discussion along similar lines, but again funding remained elusive. Several Innu healing circles have taken place over the years,

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mostly in a sentencing context, but not in a sustained or predictable way. While not creating something ongoing, this Project would demonstrate *how* Innu diversion could occur in a reliable way, in interaction with the current provincially-run justice system.

The Project would build and refine the necessary partnerships for, and demonstrate, the framework for a diversion system based in Innu restorative justice for appropriate cases. Showing how things can be done differently will create a shared vision of systemic change in the justice system as applied to Innu, and commitment to that change.

This project description has been organized into four phases:

Phase One – Preparatory Phase (January – March 2022)

Phase 1 of the Project will involve hiring 3 contract positions for the duration of the 2022-23 fiscal year, one at the IRT Secretariat, one on the ground in Sheshatshiu (SIFN), and one on the ground in Natuashish (MIFN). These will be Project-based contracts, not permanent positions. These 3 positions will be closely involved in the partnership development work, and also in implementing the demonstration project.

While hiring is taking place, the pre-existing members of the trilateral Justice & Policing Committee linked to the Innu Round Table will set up meetings for spring 2022. The meetings will focus on confirming procedural arrangements for Innu diversion. These procedural arrangements may or may not take the form of written agreements, as needed. At a minimum, meetings will be set up with the Provincial Prosecutor's office, as Crown lawyers will be key to diversion after charges have been laid, which will be the focus of the Project. Meetings can also be considered with the RCMP to consider a pre-charge diversion option in more minor cases, and with judges and others involved in the Provincial Court to consider sentencing circles and so everyone is aware of the process.

The Justice & Policing Committee has representatives on the Innu side (IRT Secretariat, Sheshatshiu Innu First Nation, Mushuau Innu First Nation, and Innu Nation, with the support of legal counsel) and from the Province of Newfoundland and Labrador's department of Justice and Public Safety, who are well aware of and fully committed to this Project. The Committee has a representative from Justice Canada, Chantal McAviney, which would create a smooth link to the federal funder. The RCMP also participates, as do other federal and provincial departments. The Committee structure already in place creates a strong resource for this Project.

Phase Two – Partnership Phase (March – June 2022)

As highlighted above (see 1.8), this Project builds off groundwork in previous decades. In 2007-2008, a draft Protocol was developed between Sheshatshiu Innu First Nation and the Goose Bay Provincial Crown Attorney's Office. While a few things have changed since that draft, it takes the conversation several steps forward. The main goal of this partnership phase would be to confirm a *current draft diversion process* with the Provincial Prosecutors in Happy Valley-Goose Bay that we can test during the Project.

While much "needs assessment" work has been done, as noted above, the partnership phase will involve drilling down into some more specific needs and choices about how



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the Innu Healing Path diversion program will work, and determining and choosing options within those specifics. This refinement of needs and options is important to creating meaningful and effective systemic change.

The Province's Department of Justice and Public Safety is supportive. The demonstrative nature of the Project (rather than ongoing) may also prove useful. Crown prosecutors may feel less worried about giving the Innu Healing Path a try, knowing that the program is not set in stone.

Innu are advancing a 3-stream diversion and restorative justice model:

1. Pre-Charge stream	Arrangements with RCMP, Community Safety Officers (employed SIFN and MIFN), and Crown Prosecutor if appropriate, to divert to Innu Healing Path prior to a charge being laid.	Targeting less serious cases, youth cases, others as appropriate
2. Pre-Conviction stream	Arrangements with Crown Prosecutor to divert after a charge is laid, prior to conviction. The court process is held off for a time, and if the person completes their healing contract through the Innu Healing Path, charges can be stayed.	Targeting less serious or moderate cases, others as appropriate
3. Sentencing stream	Arrangements with Crown Prosecutor and Judge. Offender enters a guilty plea, and the Innu Healing Path process is directed at creating a recommendation as to sentencing, which the Judge will consider.	Targeting more serious cases

This Project will *focus on Stream 2*, given high needs and volume in that area (i.e. Innu experience high levels of remand incarceration pending trial). Stream 2 would thus have the biggest impact in line with Gladue Principles. If time and attention allow, we may be able to try Stream 1 and Stream 3 as well, or else would plan to expand to include them later, beyond this Project. Each stream promotes Gladue Principles by reducing the incarceration of Innu and the over-representation of Innu in the criminal justice system according to the nature of the offence.

Once a candidate case is identified, the Innu Healing Path process takes place. For more on what this looks like, see the description of Phase 3, below. Phase 2 will also include training for the 3 contract staff in the Innu Healing Path model, in terms of what will occur once a case is diverted. This training will involve knowledge-sharing from those who ran Innu sentencing circles / healing circles in the past. The Innu Healing Path model is not new; as noted, it has in fact been used several times, just without dedicated funding. There are written materials from past years that can be updated, and several knowledgeable community members who can provide training about what they did, and what worked best, in the 1990s and 2000s.

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The Project Coordinator will prepare the Month 4 report during this phase, including detailed work plan, performance measurement plan, and contributions of project partners.

Phase Three – Demonstration (June 2022 – January 2023)

What does the Innu Healing Path actually involve? There will be certain procedural differences depending on the stage of the case within the justice continuum (e.g. the 3 streams outlined above). Given space constraints we summarize briefly as follows.

Procedurally, it involves:

- (1) identifying candidate cases;
- (2) individual meetings with victims, accused and others to provide immediate support, link to services as needed, assess suitability in more detail, etc;
- (3) confirm if Crown, participants, and IHP wish to proceed with an IHP process;
- (4) prepare all participants for a special meeting (circle), and hold that circle;
- (5) create a healing contract on the basis of decisions reached at the circle;
- (6) follow up with Crown, court, others depending on stage of case;
- (7) service referrals and ongoing follow-up with participants to support completion of the healing contract;
- (8) closure, which may involve ceremonies, reporting to court, or other formal processes.

Conceptually, it feels very different than a court and incarceration process within the western tradition. It is conducted in the community, not in town. It is run by Innu, for Innu, rather than imposed by ageneshau (non-Innu) on Innu. The main language used is Innu-aimun, with English being secondary, rather than the other way around. And it is focused on the questions of what will address the harm, restoring healing and balance.

What goes into a healing contract? It depends on the specific needs of each case. The goal is to support the victims and accused, prevent the need for incarceration, and most importantly, *prevent re-offense*. By restoring balance to the Innu people involved with an offense, suffering is lessened for those individuals, their families, and the community.

In most cases, Innu services will be used, which have expanded dramatically over the past two decades. There are now a range of Innu services, including addictions treatment (residential and after-care), mental health counselling, support groups, land-based programs, a family treatment centre, placements for child and youth, prevention workers, and traditional healing services (ceremonial, etc.). External services can also be used. The mix of services in each community is slightly different.

The goal of Phase 3 will be to conduct this process 1-2 times in each of Sheshatshiu and Natuashish as a demonstration. Feedback will be collected throughout from all participants and stakeholders – accused, victim(s), Innu service providers, the Project's 3 contract staff, courts, Crown, department of Justice & Public Safety, Innu leadership.

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In Phase 4, we will take the new knowledge gained during the demonstrations to refine and adjust the partnerships and related procedures as necessary. We will report back at the Justice & Policing Committee and use that forum for additional feedback.

If any draft written agreements have been used to facilitate the diversion process, for instance with the Provincial Crown Prosecutor's office or with the courts, we would aim to have them adjusted as necessary and signed off if possible.

Materials internal to the Innu Healing Path program, such as flow charts and internal training tools, can be adjusted during this time too.

The Project Coordinator will prepare the Month 12 needs assessment report during this phase, which will focus on the needs for the Innu Healing Path that were refined during the course of the partnership building and demonstration phases, as well as attention to future needs for systemic change that could be addressed with new funding.

This will create a tested model for the Innu Healing Path that could be carried forward. We will be looking for new funding that can take this work to the next level during the 2023-24 fiscal year and beyond. The Project creates the space for a broader change that could, if implemented further, see a significant decrease of Innu over-representation in the jail system and justice system.

Even on its own, the Project will take meaningful measures towards systemic change, by showing the way. By not just explaining the change but *showing* the change and *building the practical tools* for the change, this Project would make a real difference for Innu in Labrador in line with Gladue Principles.

2.4 Describe why your project is needed and how the project will address these needs? (800 words maximum)

It is worth bearing in mind that the Innu Nation in Labrador lived relatively free of interaction with the Canadian justice system until quite recently. Innu continued to live on our land, Ntassinan, until we were settled into permanent communities in the 1950s-60s. RCMP policing, criminal charges in the province's courts system, and the incarceration that sometimes resulted from those processes started to impact the Innu in the 1960s. These systems have only been with us for a little over 50 years – within living memory for older people. But the impact has been severe.

Colonialism and settlement disrupted traditional social, economic, and cultural life in Innu communities. The disruption of traditional life was exacerbated by colonial enterprises such as Catholic schools and then the ongoing displacement of Innu child and youth by child protection services. Child abuse also occurred through the externally imposed educational and religious systems during the 1960s-1990s. These factors



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contribute to a high rate of intergenerational trauma. Innu families have suffered heavy traumatic impacts in a short period of time and crime rates are now high.

Crimes have a cascading impact for Innu communities. Both the victims and offenders suffer when forced into the court process. Victims deal with hurt, grief, and other physical and emotional impacts. Impacts on accused persons/offenders are also serious. Innu face high rates of incarceration. Men are typically jailed at the Labrador Correctional Centre (LCC), a provincial facility in Happy Valley-Goose Bay. It has few services and is seriously overcrowded. A 2019 report noted that it was built three decades ago to accommodate 38 inmates, and as of early 2019 had 61 inmates (John Howard Society [JHS] report, 2019). The IRT Justice & Policing Committee visited the LCC in 2018, observing that *about half of inmates were Innu*. This is consistent with earlier studies, such as a 2008 provincial government report finding that 94% of inmates at that facility were Indigenous, and our general experience is that about half of those are Inuit, and half Innu (Decades of Darkness report, 2008). At a meeting last year, the Sheshatshiu justice worker noted that 35 Innu inmates were at the LCC, 20 of them “on remand” awaiting a hearing or sentencing (IRT Meeting Minutes, Jan 2020).

Innu women who are jailed are sent to the women’s facility in Clarenville, Newfoundland because there is no women’s jail in Labrador. No one there speaks Innu-aimun. Innu women inmates are severely isolated from Innu culture, language and family.

Yet release without more is grossly insufficient. When Innu men are released in a family violence situation, there may be a “no contact” condition in place, but there is typically nowhere for them to go. Either they breach their condition by returning home, couch surf semi-homeless in their Innu community, or live homeless in Happy Valley-Goose Bay.

Innu inmates are struggling with issues of addiction, mental health, or both. This was verified in the John Howard Society’s report, 2019. In its survey of inmates at the LCC, nearly all survey respondents had mental health and/or addictions issues. Nearly all also had adverse childhood experiences, such as being a victim of violence, witness of violence, or experience of a death in the family or parental addiction (JHS, 2019).

Current court processes and use of jail time for Innu people frequently exacerbate issues of addiction, trauma, grief and anger. Usually, the trauma of the incident forming the subject of the charge is never properly addressed, either for the direct victim, indirect victims, or perpetrator. The cycle continues. The same survey of inmates at the LCC, for instance, found that 80% of respondents were repeat offenders (JHS, 2019).

This Project can help break this cycle. The multi-stream diversion program is a flexible, culturally informed approach. It recognizes and addresses the legacy of trauma affecting the offender/accused and victim(s) as well. It seeks to create change and healing, rather than setting people up for failure and re-offense.

Indigenous specific restorative justice has been repeatedly identified as a critical gap and unmet need in our area.



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- In 2005, the NL Legal Aid Commission's Aboriginal Justice report on Labrador referred to restorative justice and continued (p. 56):
"No where is there a clearer need, nor is it more appropriate, for such measures to be applied than in aboriginal Labrador - given the present costs and challenges in administering legal services".
- In the Labrador Justice Summit convened by the Province in 2008, the top priority participants identified was: "Lack of alternatives to the current justice system: need for further emphasis on restorative justice and diversion programs".
- The 2019 report by the John Howard Society identified the same critical gaps.

This Project is aimed at these well-known needs.

2.6 What is your organization's expertise and/or experience to undertake this project? (500 words maximum)

If your organization is lacking some relevant expertise/experience but will supplement this gap through partners and/or professionals/consultants, please describe.

IRT Secretariat has a proven track record in coordination, service planning, and delivery. Because we convene the trilateral Justice & Policing Committee, we know all the players well who would be involved in this Project. The concepts in this Project have already been under much discussion at the Committee.

As an Innu organization, IRT Secretariat has a great deal of experience working within and the other Innu organizations to get things done. We have also carried out successful, professional and culturally-responsive program delivery in other sectors, such as child & family services, health, and income support.

Our partners on this project will also add to the Project's strength:

- Both Innu First Nations will be closely involved. Sheshatshiu Innu First Nation already has an active Justice Department, with 5 employees: a Justice Coordinator, Court Interpreter, Victims Services Worker (connects to provincial victims services), Probation Officer, and Labrador Correctional Centre Liaison. Mushuau Innu First Nation does not yet have a Justice Department, but created a Community Safety Officer program in 2019 that Sheshatshiu has adopted as well. A portion of funds will be provided to SIFN and MIFN to each hire a local Innu Healing Path Facilitator as two of the three temporary contract positions in the Project.
- The Government of Newfoundland and Labrador is another important partner. It is committed to innovation in the justice sector to reduce the over-representation



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of Indigenous accused and inmates, and to more effectively prevent re-offense. Its Department of Justice and Public Safety has indicated its commitment to work collaboratively on this Project.

- The Justice & Policing Committee (see 1.8) is not its own legal entity. However as a tripartite committee (Innu, federal, provincial), with a number of representatives from various departments and Innu organizations, it will provide a strong resource for this Project. It meets several times per year (exact schedules vary according to needs). It is now used to meeting online, which allows for more flexible meeting timing. It provides a network of contacts and a forum for discussion which will help throughout the Project. It will be useful in setting up meetings during the Preparatory and Partnership phases (phases 1-2), to assist with troubleshooting during the Demonstration phase (phase 3), and for feedback during the last Adjustment & Knowledge-Sharing phase (phase 4). Because the Committee also includes a representative from Justice Canada, it provides an ongoing link to the funder as well.

2.7 Who will directly benefit (target population) from this project?

- ☐ Children (0 to 12 years old)
- ☒ Youth (12 to 18 years old)
- ☒ Indigenous peoples
- ☒ Northern communities
- ☒ Remote communities
- ☐ Urban communities
- ☒ Ethno-cultural or visible minority groups
- ☐ Official language minority communities
- ☒ Homeless persons
- ☐ Persons with disabilities
- ☒ Persons with mental health issues (including FASD)
- ☒ Persons with addictions issues
- ☐ Persons undergoing separation or divorce
- ☒ Youth at risk



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- ☒ Youth involved in the justice system
- ☒ Victims of crime
- ☐ Justice related professionals
- ☐ Other professional groups
- ☐ Governments (provincial/territorial)
- ☐ Seniors

Other (specify):

2.8 Specify and briefly describe the community (or communities) in which you will be working or that your project will benefit.

The Project will operate in the two Labrador Innu communities, Sheshatshiu and Natuashish. It will also operate in and interact with the town of Happy Valley-Goose Bay, which is the site of the provincial courthouse and correctional centre.

Sheshatshiu Innu First Nation is based in Sheshatshiu, and IRT Secretariat's head office is located there. Sheshatshiu has a population of about 2,000. The Innu have long used this site as a seasonal coastal village and, later, a location for trading with settlers. The first permanent homes in the community were built in the 1950s. It became a reserve in 2003.

Mushuau Innu First Nation is based in Natuashish, and IRT Secretariat has a smaller office there as well. The community has a population of about 1,100. The community was first established in 2002 as a planned community, and became a reserve in 2003. Prior, Mushuau Innu experienced several relocations. Old Davis Inlet (Utshimassits) was a seasonal camp and trading site. Innu experienced a brief relocation to a northern site called Nutak before returning to Davis Inlet. The first permanent settlement of Mushuau Innu was constructed at government direction at a different site at Davis Inlet, chosen for trading company convenience (as a port location) but it had many deficiencies from an Innu perspective, including lack of clean drinking water and difficulty in accessing caribou hunting areas. In the 1990s, Innu chose to leave Davis Inlet, and entered into an agreement for voluntary relocation to Natuashish.

Hunting, trapping, gathering and other land-based activities in the country (Nutshimit) remain important in the Innu communities. While Nutshimit is seen as a place of wellbeing, the villages are sometimes seen as places of struggle. Both communities are coping with alcohol and drug abuse, suicide, overrepresentation in child protection services, and overrepresentation in the criminal justice system. That said, positive community activities take place in both Sheshatshiu and Natuashish as well.



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The Innu Healing Path is an innovative and culturally informed approach to justice that comes directly from the Innu communities.

2.10 The Department of Justice is committed to enhancing the vitality of the English and French linguistic minority communities in Canada, supporting and assisting their development, and fostering the full recognition and use of both English and French in Canadian society. (300 words maximum)

If applicable, describe how your project takes into consideration the needs of the French-speaking people outside Quebec or English-speaking people in Quebec.

n/a

2.12 How will you measure the impact or success of your project (select all that apply)?

- ☒ Evaluation (including third party or in-house evaluations)
- ☐ Satisfaction Survey
- ☐ Pre- and post-participant questionnaires
- ☐ Data collection against key performance indicators

Other (specify):

2.13 If your project will be evaluated, indicate who will do the evaluation and provide an overall description of your evaluation plans or approach. (300 words maximum)

The Project Coordinator hired by the IRT Secretariat will be responsible for evaluation, with the assistance of professional consultant support. This will include outreach to participants, partners and stakeholders to seek their feedback.



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Evaluation will not only occur at the end (phase 4), it will also be ongoing through phase 3 (Demonstration). The Project Coordinator may adjust the Innu Healing Path program, and related processes and agreements among partners, based on real-time feedback.

Phase 4 will include more focused evaluation efforts. The Justice & Policing Committee will be one forum for such feedback. Participants such as accused persons, victims, and service providers involved in healing contracts will be approached individually or in small discussion groups (written questionnaires would not be a good fit in the Innu context).

2.15 Will your project require partnership with others?

Name of partner	Describe the nature of the partnership (i.e. referral source, advocate, donating space, providing advice, volunteer, etc.)	Has the partnership been confirmed? Yes / No	Is this a new or on-going relationship?
Sheshatshiu Innu First Nation	Collaborating throughout all stages. Will be leading a portion of implementation by demonstrating the Innu Healing Path in Sheshatshiu. We plan to have IRT Secretariat provide some funds to SIFN to retain its own IHP Facilitator during the Project.	Yes	Partnership in terms of this particular Project will be new. However SIFN is a regular participant in the Justice & Policing Committee, and is one of the Innu government bodies that formed the IRT Secretariat and appoints its board members.
Mushuau Innu First Nation	Collaborating throughout all stages. Will be leading a portion of implementation by demonstrating the Innu Healing Path in Natuashish. We plan to have IRT Secretariat provide some funds to MIFN to retain its own IHP	Yes	Partnership in terms of this particular Project will be new. However MIFN is a regular participant in the Justice & Policing Committee, and is one of the Innu government bodies that formed the IRT Secretariat and appoints its board members.

	Facilitator during the Project.		
Government of Newfoundland & Labrador	Any diversion program requires close interaction with the existing criminal justice system. As the operator of that system, the Province will be an important partner, especially in Phase 1 (Preparation) and Phase 2 (Partnerships).	Yes	Partnership in terms of this particular Project will be new. However GNL is a regular participant in the Justice & Policing Committee.
Justice & Policing Committee	Participation in the Committee is formed by the in-kind contributions of representatives from the Innu parties, Provincial government, and Federal government. The Committee will, in-kind, provide contacts for partnership building and a forum for feedback.	Yes	Ongoing

2.18 Budget

Current project start and end dates

(Note: Theme 2 Projects cannot exceed 36 months in duration)

Start Date (YYYY-MM-DD)

2022-01-01

End Date (YYYY-MM-DD)

2023-03-31

Justice Canada Cash Contributions

Expense Category	Expense Description	Expense amount for year 2021-2022	Expense amount for year 2022-2023	Expense amount for year 2023-2024	Expense amount for year 2024-2025



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<i>Salary (including fringe benefit & MERC)</i>					
	Project Coordinator (IRT Secretariat)		\$80,000		
	Innu Healing Path Facilitator (SIFN)		\$65,000		
	Innu Healing Path Facilitator (MIFN)		\$65,000		
<i>Program delivery or direct program cost</i>	Costs in operation of healing circles		\$10,000		
<i>Professional fees</i>	Legal support in negotiation partnerships agreements (diversion protocols); Consultant support through IRT Secretariat to assist Project & Committee	\$10,000	\$14,000		
<i>Administrative (no more than 20% of total budget)</i>	10% of total for both years		\$30,000		
<i>Office Equipment, Furniture, Office Supply</i>	Phones, laptops, office needs, etc.		\$5,000		
<i>Training</i>	Honoraria, travel, and/or food associated with training. SIFN and MIFN will be providing some in-kind support.		\$5,000		
<i>Audit</i>			\$2,000		
<i>Evaluation</i>	Consultant support		\$4,000		
<i>Travel</i>	Between Innu communities and Goose Bay		\$10,000		
<i>Other (Specify in expense description)</i>					
TOTAL:		\$10,000	\$290,000		
Other Cash Contributions					
Expense Category	Expense Description	Expense amount for	Expense amount for	Expense amount for	Expense amount



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		year 2021-2022	year 2022-2023	year 2023-2024	for year 2024- 2025
<i>Salary (including fringe benefit)</i>					
<i>Program delivery or direct program cost</i>					
<i>Professional fees</i>					
<i>Administrative (no more than 20% of total budget)</i>					
<i>Office Equipment, Furniture, Office Supply</i>					
<i>Training</i>					
<i>Audit</i>					
<i>Evaluation</i>					
<i>Travel</i>					
<i>Other (Specify in expense description)</i>					
TOTAL:		\$0	\$0	\$0	\$0
In-Kind Contributions (In-kind is the amount of funding that is given in goods and/or services rather than money)					
Expense Category	Expense Description	Expense amount for year 2021-2022	Expense amount for year 2022-2023	Expense amount for year 2023-2024	Expense amount for year 2024-2025
<i>Salary (including fringe benefit)</i>	Portion of time of SIFN staff such as Justice Coordinator	\$10,000	\$10,000		
	Portion of time of MIFN staff such as Band Manager	\$10,000	\$10,000		
	Portion of time of Govt of NL staff, in partnership building	\$20,000	\$20,000		
<i>Program delivery or direct program cost</i>					



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<i>Professional fees</i>	Legal and consultant support through IRT Secretariat prior to Project launch, and estimated in addition to above Justice Canada cash contribution	\$10,000	\$10,000		
<i>Administrative (no more than 20% of total budget)</i>					
<i>Office Equipment, Furniture, Office Supply</i>					
<i>Training</i>	Training from SIFN and MIFN and Innu Nation, to pass on knowledge about Innu Healing Path work in prior years		\$30,000		
<i>Audit</i>					
<i>Evaluation</i>					
<i>Travel</i>					
<i>Other (Specify in expense description)</i>					
TOTAL:		\$50,000	\$80,000		

2.19 If applicable, provide any additional information about this project that you think is relevant and that we should know. (300 words maximum)

The Innu Healing Path Partnership Building and Demonstration Project would be a significant step towards transformative change in the justice system.

It is important to understand that crime does not occur in a vacuum in our communities; it comes from past harm, and it creates further harm. A lot of criminal charges relate to domestic violence. There are serious impacts on direct victims, say a victim of an assault charge. There are also cascading impacts, say when children are removed from their home by provincial child protection services, after violence has occurred between parents. The whole community feels the impacts of instability, family breakdown, and lack of safety.

The current justice system tends to make these problems worse, not better. We have spoken this truth at countless meetings.



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Many reports on justice in Labrador have echoed our calls, such as the 2005 Aboriginal Justice Report by the NL Legal Aid Commission, the 2008 Justice Summit report from the provincial government, and the 2019 John Howard Society report (see 2.4, above). Many national reports have done so as well, perhaps most recently the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, in which Call 5.11 states:

We call upon all governments to increase accessibility to meaningful and culturally appropriate justice practices by expanding restorative justice programs and Indigenous Peoples' courts.

But words are not enough. Change needs to happen on the ground.

Frustration is high. Our contact at Justice Canada who participates in the Justice & Policing Committee recommended that we apply to this program. This Project would create modest but meaningful system change in the right direction in line with Gladue Principles, to show how Innu over-representation in jails and criminal courts can be reduced, and to build the partnerships necessary for that to happen. Please take the next steps forward with us so we can start down this road of systemic change.

2.20 In the last 5 years, has the federal government audited your organization? (if yes, you will be asked to provide a copy of the audit report(s))

No. Annual audited statements are provided pursuant to funding agreement terms and conditions.

2.21 Does your organization receive a GST/HST rebate from the federal government?

Yes

If yes, please provide the percentage:

IRTS is a band-empowered entity, and is typically exempt from paying GST/HST as its activities are for band management purposes for bands under the Indian Act. GST/HST rebates vary between 50% – 100%



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Conditions

In the event that your funding application is successful, you will be required to provide banking information in order to permit electronic payments.

Departmental funding may be used only for the purposes specified in this application. Once the Department has agreed to grant financial assistance, no major change can be made to the project without departmental approval (in each case, the Department shall determine what constitutes a major change). Funds not used for these purposes must be returned to the Department.

The organization bears full responsibility for its debts. The Department will not consider any request for assistance in settling debts. The organization must agree to comply with all provincial, territorial and federal legislation.

The Department's financial contribution must be explicitly acknowledged and must be mentioned in publications funded by the Department. A typical form of acknowledgement is: "We acknowledge the financial support of the Department of Justice Canada".

With regard to the project or programming for which funding is requested, the organization shall agree to comply with the spirit and intent of the *Official Languages Act* by implementing the appropriate linguistic measures.

By signing this application, (the applicant) authorizes the Department of Justice Canada to disclose any information received in this application within the Department and the Government of Canada or to outside entities for the following purposes: to reach a decision on this application, to administer and monitor the implementation of the project or programming, or to evaluate the results of the project or programming after project completion. This disclosure of any information received in this application may also be used to reach a decision on any other application of the applicant for funding under any other departmental program.

In the event of an access to information request regarding the present funding application or any relevant information about the organization in the Department's possession, the information provided to the Department will be entirely disclosed, with the exception of personal information, which will be treated in accordance with the *Privacy Act*.

Any person lobbying on the recipient's behalf must be registered under the federal *Lobbyists Registration Act*.

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Canada**Declarations****I declare that:**

- the information in this application is accurate and complete;
- the application is made on behalf of the organization named, whose name appears in knowledge and consent;
- if financial assistance is granted, the organization shall undertake to provide financial reports on results pursuant to the requirements of the Department of Justice Canada;
- if financial assistance is provided, the organization shall agree to an assessment programming pursuant to the requirements of the Department of Justice Canada;
- no public servant or holder of public office, past or present, which is in breach of the Values and Ethics Code for the Public Sector or the Conflict of Interest Act shall derive a direct benefit from the requested funding;
- this organization has not paid or agreed to pay, directly or indirectly, and agrees that it shall not pay, directly or indirectly, any contingency fees for the solicitation, negotiation or acquisition of funding for the purposes of this application.

Applicant 	Labrador Innu Round Table Secretariat ("IRT Secretariat")
Name of person with authority	Germaine Benyen
I agree to the conditions and declarations	Yes
Date Aug 17, 2021	

Innu Self-Administered Police Services – Initial Innu Proposal for Discussion

Introduction

Innu communities have long called for control of their own policing services, and, critically, to change the model of policing to one which is closer to Innu culture and delivered largely by Innu people. The problems with the current system have been discussed for decades. For instance, it funnels too many people into the criminal justice system, leaving them with criminal records and excluding them from many jobs. Moreover the culture and language gap between non-Innu police officers and the Innu communities is ripe for misunderstanding and miscommunication at the very least, and at its worst, racism and dynamics of colonial control.

Previous efforts have not resulted in meaningful change. The 1995 interim policing agreement between MIFN and the RCMP for the integration of Peacekeepers ceased to be funded, and the RCMP at that time were not ready to move towards significant integration of Innu officers. Negotiations on policing in the late 1990s and early 2000s eventually derailed as the Province at that time was not ready to discuss the concept of building to an Innu-led police service.

People have changed and positions have changed. Having come together to form the Justice and Policing Sub-Committee, the Innu, the Province and Canada have all indicated, through their exchanges of letters in spring 2018, their willingness to look at creating an Innu-administered police service. Innu welcome the positive preliminary discussions on policing and related justice issues that have occurred with representatives of the RCMP, the Provincial government and the federal government.

To advance discussions on Innu-led policing, this document comments on 5 components:

1. Innu governance – a joint police services board
2. Policing Model – culturally-appropriate Innu community policing
3. Tripartite Agreement – key terms to consider
4. Co-Developed Legislation – to be co-developed by Innu and the Province
5. Process – potential next steps

Note that this document is an initial non-binding draft presented by Innu for further discussion. Innu reserve the right to modify their positions through further discussions with community members, Innu First Nations and Innu Nation leadership, technical advisors, and in discussions with the federal and provincial governments.

1. Innu governance – a joint police services board

Innu propose to operate self-administered police services through a joint police services board. Board members would be appointed by Innu governments to serve both communities. The board would be responsible for hiring the Chief of Police, for establishing policies and procedures, and providing oversight over finances and governance.

- Benefits of this model:
 - responsive to both communities
 - promotes professionalism and allows for economies of scale where available
 - board can devote sufficient time to the unique needs of police services, rather than over-burdening existing Innu departments
 - provides arms-lengths independence from the political level in policing matters
- Innu have considerable experience and success with this type of model.
 - For instance, joint Innu boards already provide successful services in education (Mamu Tshishkutamashutau Innu Education, since 2009), and income support (IRT Secretariat, since 2016), both of which must comply with provincial laws.
 - In addition, each First Nation has appointed independent boards for certain programs and services. Most recently, boards were created to oversee CYFS placement facilities in each community, also in compliance with provincial laws.
- Innu police services will be accountable to the community and the board would provide civilian oversight.
 - The board would be responsible for policies and procedures, which would include, among others:
 - a complaints process accessible to community members
 - a disciplinary process to deal with officer misconduct
 - a special investigations protocol, in collaboration with RCMP and/or RNC, to avoid conflicts of interest in cases where a member of the Innu police service might be implicated in a possible crime and avoid any appearance of bias in those investigations (for example, if a person is ever killed or seriously injured in the course of an interaction with police)
 - The board would oversee the finances and manage the funding that would be governed by the Tripartite Agreement.

2. Policing Model – culturally-appropriate Innu community policing

The development of Innu self-administered police services requires further work to develop and set out an Innu policing model in more detail. This will require consultation within the Innu communities and further research on promising practices in Indigenous policing.

Considerations include:

- identifying aspects of “community policing” within an Innu cultural context; this includes things like how to best connect police officers with Innu community members, leaders and local services; how to build and maintain those relationships and related communication on an ongoing basis; and how to involve police along with others in collaborative crime-reduction strategies

- integrating Innu Elders and other non-officer staff into the provision of police services, to provide multi-faceted responses to social issues and mental health issues
- providing mechanisms for diversion from the criminal justice system in favour of Innu healing and restorative justice systems as much as possible (this connects to the ongoing development of Innu restorative justice)
- providing further eyes on the street and patrols on the ground to improve community safety pro-actively, going beyond a response-to-calls approach
- identifying means to ensure that police services can be reliably provided in Innu-aimun
- a program to promote policing careers for Innu (see below)
- a program to train all police officers in the Innu policing model and provide ongoing professional development to enhance cross-cultural competence (see below)

3. Tripartite Agreement – key terms to consider

As per the First Nations Policing Policy, the Innu police service would be funded and supported by a tripartite agreement (Innu, Province and Canada). Under the FNPP, Canada provides 52% of the funding and the province provides 48% of the funding.

Some of the key terms to address in an agreement include:

1. Name and logo: Innu would have the right to determine the name of the Innu police service and its logo or other insignia.
2. Scope of jurisdiction: The area of jurisdiction would be set out, including the Innu First Nation reserves at a minimum (and the Labrador Innu Lands if an Innu land claim agreement comes into effect).
3. Co-Developed Provincial Policing Law: The Innu police service would comply with and be enabled by a provincial policing law co-developed between the province and the Innu (see Legislation section below). The Agreement would set out the process of co-development, ensuring Innu consent, and would include a process for co-development of amendments and of regulations if needed.
4. Service Guarantee: The agreement would establish a high-level service standard of adequate, effective, equitable, and culturally responsive policing in keeping with an Innu policing model.
5. Staffing profile: Funding must support enough officers to meet the Service Guarantee, with an appropriate staffing profile (including a Chief of Police, consideration of appropriate rank/seniority distribution among officers, and supporting non-uniformed staff including Elders and others as part of the Innu policing model, as well as admin).

6. Pay parity: Salaries and benefits will be equal to those in the RCMP and/or RNC, plus appropriate remoteness incentives for postings in Natuashish.
7. Equitable facilities and equipment: Policing facilities, officer accommodation, information technology including database access, vehicles, and other equipment will be maintained at levels comparable to those used by RCMP and/or RNC.
8. Transition of buildings and capital needs: The parties should consider transfer of the existing RCMP structures in the communities and any new or modified capital needs.
9. Internal governance: Innu police must follow the policies and priorities set by the Innu communities through the Innu police services board, providing civilian oversight and community-based overall direction. The funding will include support for usual governance costs, e.g. operations of the board, legal and technical support, administration and finances, communications, reporting to the communities and gathering feedback, etc.
10. Enforcement of laws: In addition to criminal law, First Nations by-laws will be enforced. If the Innu treaty comes into effect or separate self-government agreements are concluded, Innu laws would be enforced as well. The scope of enforcement for other federal and provincial laws may be considered as part of the agreement. Funding will need to be appropriate to the scope of laws being enforced.
11. Insurance and liability: Insurance coverage would comprehensively cover the police services board and the Innu governments who establish the board for all damages and legal costs (including employment-related and negligence-related lawsuits).
12. Hiring and qualifications: The Innu police services board would be in charge of its own hiring decisions. Minimum qualifications for officers will be reasonably comparable to legal qualifications for RNC and/or RCMP *plus* training in an Innu policing model (see below).
13. Training in the Innu policing model: A training program for all officers in the Innu policing model would be developed and implemented, including orientation to the Innu communities and related community services.
14. Innu Officers Program: A special program would be developed and funded to promote policing careers for Innu. This program should begin before the agreement takes effect, to ensure that some Innu officers are ready to begin at the onset of self-administration. The agreement would also set year by year targets for increasing Innu hiring.
15. Professional development: Ongoing professional development opportunities would be resourced and planned, including ongoing cross-cultural training opportunities in addition to more standard policing topics. Access to RCMP and/or RNC professional development opportunities should be made available.

16. Transition Support: Special provisions should be worked out to facilitate a smooth transition. This would include measures to apply during the last 1-2 years of RCMP operations (e.g. RCMP to host and mentor some of the officers that will be employed in the Innu police service, and/or the anticipated Innu Chief of Police), and measures during the first years of Innu-administered operations (e.g. the role of the RCMP providing assistance, consulting services, and/or seconded officers, for example).
17. Inter-Police Coordination: The agreement should provide for information sharing, regular meetings, and other coordination measures amongst police services (Innu, RCMP and RNC). This may also be addressed further in the Legislation (see below).
18. Community Coordination Meetings: Innu police services will meet regularly with First Nations leadership and local service providers in the communities (Health and Social Health services including addictions and mental health services; Innu prevention services for children, youth and families; Education; others) to discuss trends in policing and criminal activity within the communities, to coordinate crime-prevention efforts, and to help decrease criminal justice system involvement and promote culturally-appropriate responses.
19. Justice & Policing Committee: The Justice & Policing Committee will provide an ongoing mechanism for tripartite review and renewal of the Agreement.
20. Funding: Funding must be sufficient to cover the work outlined in the Agreement, and the fiscal management and reporting structure must be fair, efficient and accountable. Details of the funding approach will need to be determined, on the principles of being needs-based, sufficient to support substantive equality, predictable and sustainable.
21. Dispute Resolution: The agreement will include accessible, efficient and robust dispute resolution provisions, including binding independent arbitration, which can address any matter that the parties are unable to resolve themselves under the Agreement, including funding sufficiency to meet the terms of the Agreement.

4. Co-Developed Legislation

Policing in Newfoundland and Labrador is currently divided between a provincial police service, being the Royal Newfoundland Constabulary (RNC), and the federal Royal Canadian Mounted Police (RCMP) under contract. Legislation is in place to specifically govern these two models, but as there is no municipal model for police services, there is no legislation that would readily apply to an Innu police service.

The Province's legislation governing the RNC, the [Royal Newfoundland Constabulary Act, 1992](#), SNL 1992, c R-17, deals with some of the following topics:

- the responsibilities of the constabulary (i.e. "policing services" in an area of jurisdiction, without detail on the content or standard of those services)
- the duties of officers

- administration and the duties of the Chief of Police
- certain other roles (commissioned officers; special constables; a flexible ability of the Province to create boards, committees or councils)
- the hiring of officers and related qualifications, however most of the details on qualifications are provided by RNC policy rather than in the legislation or regulations
- the conduct and discipline of officers, and various prohibited conduct
- a complaints process using a Public Complaints Commissioner (complaints may relate to officer conduct, and may lead to a disciplinary process, or may involve other matters)
- an oath of office
- a prohibition on officers striking or unionizing, though they may form an association

To give effect to the federal-provincial agreement contracting for RCMP services, the Province has passed the [Agreement for Policing the Province Act](#), RSNL 1990, c A-5, a brief law. It allows the Province to make agreements for RCMP policing, gives RCMP officers the same powers as RNC police officers, and gives the RCMP Commanding Officer stationed in NL the same powers as the RNC Chief of Police.

- The current NL-Canada RCMP agreement took effect in 2012 and lasts 20 years (to 2032). It includes the funding structure that now applies to RCMP policing in the two Innu communities as with other communities, i.e. it provides for the calculation of the Province's payments to Canada for providing RCMP police services, which are generally on a 70/30 basis.

Innu propose that legislation to govern Innu policing services be co-developed by Innu and the Province. It would be passed by the Province as provincial legislation, and also have the approval of Innu government.¹ The co-development process, ensuring Innu consent, would be set out in the Tripartite Agreement, and would also cover amendments and regulations.

Topics to consider for the legislation include:

- empowering officers of the Innu police service on the same basis as RNC and RCMP
- empowering the Innu Chief of Police on the same basis as the other police chiefs
- enabling the Tripartite Agreement (the parties can consider further what this looks like to ensure the Tripartite Agreement and its terms can be fully implemented)
- standards of police officer conduct / misconduct that are reasonably comparable to RNC and/or RCMP standards
- coordination between the Innu police service and RNC and RCMP, such as:
 - the parties should consider whether certain specialized units of the RCMP and/or RNC will be used as part of Innu policing, e.g. when cases have complex dimensions that go beyond day-to-day community policing

¹ Innu will determine what level of Innu government is appropriate for this role.

- the parties can also consider whether the legislation (or a regulation, or an agreement) could set out a Special Investigations Protocol, which would provide coordination mechanisms to avoid any appearance of conflict of interest in investigations that could be seen to implicate Innu police services

As noted above, the Innu police services board would also be expected to provide a complaints process and a staff disciplinary process.

5. Process – Next Steps

The next steps will include the following key tasks:

1. Further work developing the Innu policing model, including Innu-led consultations within the Innu communities and research on best practices.
2. Developing an Innu policing model training program to apply to all officers participating in the self-administered police service.
3. Launching an Innu Officers Program to encourage Innu to take on policing careers and to support the initial cohorts of Innu officers to be part of the self-administered police service and/or part of pre-devolution transition hiring.
4. A needs/costs assessment to inform funding under the Tripartite Agreement, that takes the Innu policing model into account, identifies an appropriate staffing profile, looks at transfer of facilities and other capital resources, and incorporates capacity-building needs, ongoing operations, and other anticipated costs.
5. Refinement of options and discussion amongst the parties with the objective of reaching a Tripartite Agreement.
6. Co-development of legislation between Innu and the Province.

And when ready:

7. *Pre-devolution transition stage*: Creation by Innu of the Innu police services board, and implementation of a pre-devolution transition stage (mentorship, board training, developing policies & procedures, hiring and officer training).
8. *Post-devolution transition stage*: Once the Tripartite Agreement and Legislation come into effect, a post-devolution transition phase will begin (RCMP consulting, etc.).

The work-planning of these tasks, and appropriate funding to support this work, will need to be discussed. Innu will require a staff lead and appropriate technical consultant support throughout, as well as legal support. The ongoing role of the Justice & Policing Sub-Committee will be essential.

Minister of Public Safety and
Emergency Preparedness



Ministre de la Sécurité publique
et de la Protection civile

Ottawa, Canada K1A 0P8

JUN 01 2018

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Deputy Grand Chief Etienne Rich
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Mushuau Innu First Nation
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Dear Chiefs:

Thank you for your correspondence dated April 24, 2018, following up on a meeting held with representatives from Public Safety Canada, the Department of Justice and Public Safety for Newfoundland and Labrador, the RCMP and the Innu of Labrador regarding the recently formed Justice and Policing Committee. Public Safety Canada officials who attended the meeting reported that discussions were positive and efforts are being sought to work towards a safer community for the Innu of Labrador.

The Government of Canada has committed to reducing gaps in services to Indigenous Peoples and to developing a renewed relationship, based on the recognition of rights, respect, co-operation and partnership. Addressing policing and public safety challenges of Indigenous communities is a key priority for Public Safety Canada. In that vein, I am pleased to hear that you have had positive discussions with Assistant Commissioner Peter Clark and support from Inspector Jim Elliott of the RCMP. I am confident that this is a positive step towards meeting the policing needs of the Innu of Labrador.

Canada

- 2 -

As indicated in your letter, it is my understanding that the existing provincial policing legislative framework in Newfoundland and Labrador does not currently allow for the creation of an Indigenous police service in that province. Since Indigenous police services are possible in other provinces, Canada is supportive of the concept of such a police service in Newfoundland and Labrador should the province be willing to modify its current legislative framework to make this possible.

Public Safety Canada is committed to working with the Department of Justice and Public Safety for Newfoundland and Labrador, and the Innu Nation in meeting the policing needs for the Innu of Labrador. Canada supports ongoing discussions with the Justice and Policing Committee and will continue to loop in officials from Indigenous Services Canada who have played a strategic role in coordinating the federal approach.

I have shared a copy of our correspondence with my colleague, the Honourable Jane Philpott, Minister of Indigenous Services Canada as well as the Honourable Andrew Parsons, Minister of Justice and Public Safety for Newfoundland and Labrador, for their consideration.

Thank you for taking the time to write.

Yours sincerely,



The Honourable Ralph Goodale, P.C., M.P.

c.c.: The Honourable Jane Philpott, P.C., M.P.
Minister of Indigenous Services Canada

The Honourable Andrew Parsons, M.H.A
Minister of Justice and Public Safety for Newfoundland and Labrador
Attorney General



Government of Newfoundland and Labrador
Justice and Public Safety
Office of the Minister and Attorney General

July 10, 2018

Grand Chief Gregory Rich
Deputy Grand Chief Etienne Rich
Chief Eugene Hart
Chief John Nui

Dear Grand Chief, Deputy Grand Chief, and Chiefs:

I would like to acknowledge and thank you for your letter dated April 24, 2018 in which you requested that I give direction and authority to officials to take the steps necessary to allow for the establishment of a self-administered Innu police force in the near future.

While I am responsible for the administration of justice in the Province, your request would constitute a major shift in the delivery of policing services in your community and would be a first in the Province. As such, I would require the concurrence of my cabinet colleagues regarding this change.

The Government of Newfoundland and Labrador is committed to working with you to provide effective and culturally appropriate policing services in your respective communities. Given the significance of your request, I commit to having further discussions with my cabinet colleagues. In this regard, it would greatly benefit our discussions and decision making process if you could provide further detail on how you envisage the devolution of policing duties from the RCMP to an Innu administered police force. This would include budget, recruitment, scope of duties, relationship with the RCMP, training, and civilian oversight. While I acknowledge that there are cultural differences and that policing should be responsive to these differences in order to be effective, we would expect training, standards, policies, and procedures comparable to the RNC and RCMP for the most part. While much of this information would be gathered by you, I would think it appropriate to collaborate with officials in assisting with the provision of necessary information.

As we await further information from you about your plans for a self-administered police force, may I suggest that you consider approaching Public Safety Canada about your participation in the First Nations Policing Program (FNPP) as an interim measure. It is my understanding that, currently, participation in this program has been restricted to existing participants. That said, Public Safety Canada has acknowledged its commitment and recently increased its investment in this program.

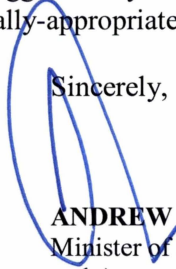
As you are likely aware, the Inuit communities of Hopedale, Nain, Makkovik, and Rigolet are participants in the FNPP through Community Tripartite Agreements (CTA) with Public Safety Canada and the Province. The RCMP is the police service provider. The CTAs contain several of the following features which may interest you:

- a. The CTA allows for the creation of a Community Consultation Group (CCG) to be created as a liaison between the Community Government, police and community organizations, to provide a means for the community to influence policing services.
- b. The RCMP is required to work with the CCG to develop the objectives, priorities, goals, strategies, and special projects related to policing and effective crime prevention strategies, identify which by-laws are to be enforced, describe how RCMP Members can participate in or be involved in the Community, specify the expected frequency and nature of meetings between the RCMP member(s) and the CCG, and develop a Letter of Expectation (LOE).
- c. The CCG has a role to identify police issues and concerns, bring them to the attention of the RCMP, and work with the RCMP in seeking solutions to these issues and concerns.
- d. The CCG has the authority to identify desirable attributes for the RCMP Member(s) who are to be considered for deployment to the Inuit Community;
- e. The CTA requires RCMP members to enforce By-Laws enacted by the Community Government in accordance with the LOE where consistent with available resources and community priorities.
- f. The CTA requires the RCMP to provide reports detailing the policing services provided and when the RCMP Member(s) are utilized to provide policing services not related to the policing needs of the Community.
- g. The CTA states members will devote 100% of their regular working hours to the policing needs of the Inuit Community.
- h. The CTA requires the RCMP to exercise its best efforts to assign Members who are Aboriginal or familiar with the needs and cultures of the Community. In the absence of a Member meeting these requirements, training is to be provided.
- i. Where a vacancy occurs, the RCMP is required to exercise best efforts to fill or provide coverage for such vacancies as expeditiously as possible and without undue delay.
- j. The RCMP are required to inform the Community as soon as it is known that a RCMP Member will be off duty for any reason other than regular time off, annual leave or training lasting more than seven (7) days.

Given the content of your letter, we also discussed the provision of policing services in your communities with the RCMP. In this regard, the RCMP advise that they are committed to providing policing services which are responsive to community needs and delivered in a culturally-appropriate manner.

Again, I would like to thank you for your letter and look forward to receiving further information to guide our decision making process surrounding an Innu administered police force for your communities. In the meantime, I would also suggest that you maintain an open dialogue with the RCMP who are committed to providing culturally-appropriate policing services.

Sincerely,



ANDREW PARSONS, QC
Minister of Justice and Public Safety
and Attorney General

cc: Premier Honourable Dwight Ball
Honourable Ralph Goodale
Honourable Jane Philpott
Assistant Commissioner Peter Clark



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April 24, 2018

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By email: InfoPubs@aadnc-aandc.gc.ca

Dear Minister Parsons, Minister Goodale and Minister Philpott,

Re: **Self-administered Innu Police Force for Sheshatshiu and Natuashish**

We are writing you in follow-up to an important meeting held on February 15 and 16 in Halifax, where representatives of Canada, the Province, the Innu of Labrador and the RCMP came together to plan for the work of the newly formed Justice & Policing Committee of the Innu Round Table. One of the key Innu priorities identified for this Committee is to develop appropriate policing for Sheshatshiu and Natuashish, to help our communities towards breaking out of the cycle we are in of so many of our people being arrested for minor matters and then getting caught up in the justice system. We need to work together to break this cycle.

The Innu of Labrador have been seeking for decades to have policing that is culturally appropriate and consistent with our approach to healing for our communities. We know that for effective policing to occur that meets our communities' needs, we need Innu officers who intimately know and understand our communities' needs, aspirations and challenges.

However, countless letters and meetings with prior ministers of Canada and the Province and officials of the ministries responsible for policing have not resulted in appropriate policing for our communities. We will not take pages and pages to recite that history again. At the NL Justice Summit in October 2017, the Grand Chief of Innu Nation spoke about the long history of Innu initiatives to bring appropriate policing to our communities. The failure of the 1995 interim policing agreement that the Mushuau Innu had hoped would lead to effective appropriate community policing was cited. At that time, the RCMP did not share our vision of moving towards developing an Innu police force staffed by Innu police officers. Another attempt after years of policing negotiations to reach a policing agreement in the early 2000's also failed.

But we are now in a time where we believe that the Province and Canada and the RCMP in Labrador have come to embrace the need for reconciliation which requires respect for Innu objectives of self-determination, including in the area of policing.

I am thus writing to you on behalf of the Innu of Labrador to request you to give the necessary direction to your representatives on the newly formed Justice & Policing Committee of the Innu Round Table, and to give your governments' commitments to take the necessary steps, to allow for the establishment in the near future of a self-administered Innu police force. We cannot wait another 20 years, Ministers. The work to make this happen must start immediately.

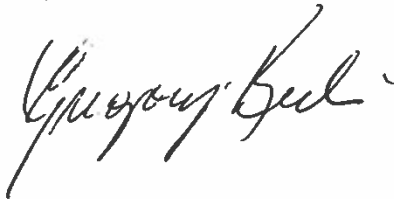
We understand this will require the Province of Newfoundland and Labrador to pass policing legislation to enable an Innu police force. We are asking you, Minister Parsons, to provide a political commitment to us that your government will begin the necessary work to develop, in cooperation with the Innu, that enabling legislation.

We also understand that funding to enable an Innu-run and Innu-staffed police force in our communities will be required. Canada has recently committed to funding for policing in indigenous communities who already have self-administered police forces in Ontario and in Quebec. Ministers, the Innu of Labrador deserve no less.

We believe that in order to achieve our objective, the RCMP will need to play an important role. We envision the RCMP playing a training role for several years, helping in the transition towards an Innu-run and Innu-staffed police force, and that it would play a continuing supportive role thereafter when, on occasion, complex investigations may be required. We have had positive initial meetings with Assistant Commissioner Peter Clark in 2017 as we began work towards the establishment of the Justice and Policing Committee. We were pleased to hear openness and willingness from Inspector Jim Elliott at the February 2018 planning meeting to support the initiatives of the Innu Nation in relation to policing.

We look forward to a reply from all parties as soon as possible, to give the mandate to enable a working group of the Justice and Policing Committee to begin as soon as possible the focused work required to reach a policing agreement to establish an Innu police force for our communities.

Nin,



Grand Chief Gregory Rich



Deputy Grand Chief Etienne Rich



Chief Eugene Hart, Sheshatshiu Innu First Nation



Chief John Nui, Mushuau Innu First Nation

cc: Todd Stanley, QC, DM and Deputy AG Department of Justice and Public Safety
toddstanley@gov.nl.ca
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October 14, 2021

Sent by email

Heather Jacobs
Acting Deputy Minister
Department of Justice and Public Safety
Government of Newfoundland and Labrador

CC: Tara Kelly, ADM
Denise Woodrow, ADM
Kellee Martin, Policy Director

Dear Ms. Jacobs:

Re: Background on court access issues and interpretation issues

Further to discussions at the Justice & Policing Committee of the Innu Round Table, and in particular my commitment at the July 7th 2021 Committee meeting, this letter provides some background about certain issues affecting Innu, namely: the return of the circuit court to Sheshatshiu, court access issues that affect Natuashish, and Innu-aimun interpretation in the justice system context.

The contents of this letter reflect issues and concerns that have been brought forward by Innu representatives at prior meetings, particularly Justice & Policing Committee meetings. Given turnover of provincial representatives, we decided to put this background in writing, rather than ask Innu representatives to repeat and repeat.

I had originally prepared this letter in July for then-ADM Donna Ballard, ADM for Court Services and provincial representative on the Innu Round Table Justice & Policing Committee. Following her retirement, I was not sure who to send it to.

We connected today with a few representatives of your department in anticipation of the upcoming Justice & Policing Committee of the Innu Round Table, which is scheduled for October 20th. They encouraged me to send this letter to provide background. Please feel welcome to forward this letter to anyone you feel would benefit from it in order to understand and advance the issues discussed.

Return of court to Sheshatshiu

The return of the circuit court to Sheshatshiu is an important concern for Sheshatshiu Innu First Nation. The November 2019 letter attached raises a number of reasons why this return is important. There are other reasons, too, including the following:

- *The numbers justify it, and dignity requires it.* A large portion of both the Provincial Court's docket in HVGB involve people from Sheshatshiu. It feels disrespectful that dozens of them are forced to come into Goose Bay each week for that purpose, instead of a small number of court personnel coming to Sheshatshiu instead. There is an issue of dignity, especially in that many appearances require a long wait with uncertain timing, and then end up being very short or rescheduled. People make a long trip, back and forth, back and forth, sometimes taking time off work, or making child care arrangements, let alone transportation arrangements, to do so. The process feels entirely designed for the convenience of the mainly white judges, lawyers and court staff, with Innu supposed to show up at their beck and call and bend over backwards to do so.
- *Even if Sheshatshiu residents were transferred into a separate Sheshatshiu circuit, it appears there would still be a more than sufficiently-sized docket in HVGB at the new courthouse.* Non-Indigenous and Inuit residents would still be served at that facility. I am not sure whether or not additional judge or staff resources would be involved in re-introducing the circuit; perhaps it could be done either way, but there is certainly a case to be made to do so. But it is hard to imagine that the HVGB court would be too empty. Currently the HVGB Provincial Court is "the second busiest in the province after St. John's".¹ As that report notes, court dates are often triple booked, sometimes worse. I myself have experienced this, and it is a travesty of justice. I have worked on several urgent child protection matters – definitely urgent due to the need to challenge where a child should be in their best interests, and whether the child should be reunited with their family – and we had to wait months, often over a year, to get enough court time to complete the case. I have never (in over 10 years) seen or heard of a presentation hearing or protective intervention hearing occurring within the legislated time frames in Labrador.

This delay is a routine breach of the rule of law that the Province should not put up with. It is also, in my view anyway, a routine breach of Charter rights. It is only a matter of time before a case like *R v Jordan* reaches the Supreme Court of Canada in the child protection context, and judges have been sending warning signs in their rulings in other jurisdictions. It is simply not possible for families to get access to justice to have their case heard and have a chance. The delay in the system, currently in HVGB, is absolutely intolerable. While anecdotal, I note that in my experience doing child protection in Ontario and Labrador,

¹ Goss Gilroy Inc, prepared for the John Howard Society of Newfoundland and Labrador, *Service Needs in Labrador Relevant to the Justice System – Final Report* (April 2019), at p. 47.

the delay in Labrador is far worse. Cutting the docket in HVGB and moving some files into Sheshatshiu would make sense. I cannot see how it would leave HVGB under-occupied. It also frustrates Innu to say the least – who never asked for the new courthouse in HVGB – to hear any suggestion that the construction of that courthouse could mean that their call for the return of court to Sheshatshiu cannot be fulfilled.

- *The transportation issue is not just about transporting accused and parents. It is also about witnesses, support people, and Innu staff who may be witnesses and/or support people.* It is hard enough to get the actual accused or parent to HVGB for court. But let's say a witnesses is needed, who is a staff member at an Innu program the accused or parent is participating in. Are they going to take a whole day off work, to drive into Goose Bay, and wait around for the file to be called up? And how often will they be asked to do that? They can't be going back and forth to court every day. This is an increasing issue. Either it takes away from the staff's ability to do their usual job, or it means that justice is not served in a particular legal matter by not having complete evidence.
- *As the 2019 letter shows, the issue is more than technical. It is also cultural.* The cultural distance between Goose Bay and Sheshatshiu cannot be bridged by a taxi voucher. The whole court system is a foreign system for Innu. It operates in a foreign language, and under a foreign justice system in a foreign culture. These barriers would not be totally erased by bringing the court physically back into the community, but it would help. It would be easier to avoid the miscommunications that so often lead to people missing their court date. It would be easier to ensure interpretation is available as needed. It would be easier to have staff there who can help provide context and cultural translation. The fear and unease would be lessened somewhat, making the system a bit more humane, decent and accessible for Innu people. This is important in its own right. And sometimes that comfort level changes the outcome of cases.
- *Court operations in Sheshatshiu would complement restorative justice initiatives in the works.* The Justice & Policing Committee is supporting plans to build up an Innu diversion program, which will run in Sheshatshiu in the community. The interaction of those cases with the court system would strongly benefit from more local access.

There was a meeting between Chief Hart and Chief Judge Goulding in early 2020. I believe Kendra Wright with the Province and Shannon Tobin with SIFN also attended. I was not present. I have been told that the Chief Judge did not respond directly on the circuit court issue, and agreed to take it back for further consideration. In several Justice & Policing Committee meetings since then, Innu have asked for an update on this matter, but have not received one.

I am not sure when the circuit court ended; I think about a decade ago. Its return was called for in the 2014 Innu Healing Strategy and many times since. As the 2019 letter notes, when the court left there were some technical and space challenges in Sheshatshiu for holding court. There are now several excellent options where court could be held.

Court access issues affecting Natuashish residents

There are problems with court access that involve Natuashish as well. The circuit court attends Natuashish several times per year. But there are still many occasions on which Natuashish residents are expected to appear in court in Happy Valley-Goose Bay.

A recent high profile incident occurred in December 2020 when RCMP arrested a mentally ill woman in Natuashish for her failure to appear in court in Goose Bay.² The arrest was rough to say the least; some witnesses say she was punched. RCMP behaviour in the course of forcing her on to a plane led to a complaint. The SIRT is investigating the matter.

RCMP conduct aside, this incident highlights the fact that people who are normally resident in Natuashish (often vulnerable people) may be required to attend court in Goose Bay. It was not an isolated incident in that respect.

It would be helpful if the Province could gather more information from the courts system about this, i.e. how often do people whose main address is in Natuashish appear on the court dockets in Goose Bay? I do not have numbers. But my understanding is that this arises in a few ways:

- One is that people come in and out of Happy Valley-Goose Bay with some frequency, in the normal course, for many reasons (e.g. medical, access to services, access to stores and supplies, visiting people, etc). In doing so, if they are charged with an offence in HVGB, the charge proceeds in HVGB. As you know, a typical criminal proceeding even on something minor takes months to resolve, with a number of appearances in court. So, even if such an individual remains in town and turns up in court for their first appearance, what are their options for future appearances? They are expected to turn up, somehow, at dates that may be weeks or months apart. Transportation is not covered. In practice, they either return to Natuashish (in which case, it is often Mushuau Innu First Nation who pays out of its own pocket for their travel back to court, out of their own funds, if the person is well-organized enough to ask for this support and follow up; Nick Paradisis the Band Manager confirmed this to me), or they remain homeless or couch surfing in Goose Bay. David Penashue, SIFN Justice Coordinator, stated that this contributes to homelessness in Goose Bay. He is aware that this arises with some regularity.

It is not surprising that a number of these individuals do not, in fact, turn up in court. They miss court dates, and then incur further charges for failure to appear.

- Another way this can arise is if a matter is in Supreme Court. This is probably less common than the above, but would occur in some cases. Similar access issues would apply.

² See: <https://www.cbc.ca/news/canada/newfoundland-labrador/natuashish-arrest-rcmp-plane-video-1.5831470>.

- There may be other ways this can arise that I am not aware of.

What could be done to improve on this issue? While one option would be covering transportation, and this would be better than nothing, that would not be the preferred solution. The preference would be to keep justice services *as close to home as possible*, for many of the same reasons as were set out above with respect to Sheshatshiu. When a person is able to remain in their home community, they are able to maintain access to various supports. Also, as discussed below, there is still no Mushuau Innu interpreter regularly available in Goose Bay.

Thus, sensible options to explore further would include:

- a. Allowing more matters to be transferred into the Natuashish circuit, including Provincial Court matters for Natuashish residents that arose in Goose Bay, and Supreme Court matters involving Natuashish residents.
- b. Allowing remote appearances on a more regular basis. This would require attention to the necessary equipment and personnel who would need to be on the ground in Natuashish to support that effort. I note however that there are currently no justice staff at MIFN, and having a support person would be necessary at a minimum in order to operate the location and equipment, and help manage things with the accused persons appearing. As you may know, MIFN has sought support for community justice workers in line with what SIFN receives, and this could be another efficient use of such staff.

Interpretation

Through our discussions at the Committee, we confirmed that the following methods of Innu-aimun interpretation are currently available at court:

- a. The SIFN interpreter, current this is Xavier, serves court in Happy Valley-Goose Bay. This position is paid for by the Province through its community justice worker funding to SIFN, and hired by SIFN. The feedback is that it works very well, he does a good job, and having someone consistently “on hand” is a good system. However, he is not well paid, because the funding has not increased over the past decade. Thus SIFN reports they are at high risk of losing him. Other issues to manage are that there is no back up when he’s away, and also that he cannot be in multiple places at the same time (e.g. there are 2 active courtrooms in HVGB, plus Supreme Court, so 3 in total; SIFN reports that he is stretched too thin and is often in demand in multiple places). In addition, he does not speak Mushuau Innu dialect.
- b. For the Natuashish circuit, court staff arrange for an interpreter in advance in the community. This has gone fairly well. They are paid at the contract rate of \$45/hr.

- c. Contract interpretation can be arranged in HVGB as well, on a case by case basis, at the rate of \$45/hr. However it depends on (i) the Innu person identifying their own need for translation in advance, which many are reluctant to do because of racism and shame, (ii) a lawyer recognizing the need and asking the court for interpretation in advance, which often does not occur, and (iii) court services being able to find someone on short notice, which is not always possible. There are not a lot of qualified people just hanging around, waiting to be asked to come in for an hour or two. So this method of interpretation often fails to materialize and is not reliable.

In sum, Innu experience is that (a) is working well, but SIFN needs a salary increase for that position to be fair and to maintain staffing. In Natuashish itself (b) is working reasonably well for circuit court weeks. And (c) is not working. There remains a large overflow of cases in HVGB that Xavier either does not have time to serve, or that are in Mushuau Innu dialect. This overflow is not being adequately met by the contract system.

Instead, what tends to happen is that proper interpretation is not made available, and that leaves a few possibilities for what transpires. Because of shame, fear, internalized racism, and the massive delays in the court system (that mean an adjournment could push things quite far back), Innu participants sometimes choose to proceed without interpretation. Ruben Pillay of SIFN recently related a story of hearing a judge say “we’ll just speak slowly”. Another option is to adjourn, which as noted, because the system is so overburdened, often means a substantial delay. Would you want to stay in jail, or stay separated from your children, waiting for the next court date? What would you choose? A third option may be to use another person present for interpretation, creating problems about confidentiality, interpretation experience/skills, and dignity both for the accused or parent as well as for the person being asked to step in at random.

Having a qualified, designated person “on hand” helps get over the reluctance some people have to admit they need an interpreter. It also makes interpretation much more reliably available. And it creates the possibility for an interpreter to build their skills, invested in a job.

Using staffed positions also creates opportunities for training. The need for reliable staffing and ongoing training for interpreters were concerns identified not only in many Committee meetings, but also in several reports, such as the Reid report for the NL Legal Aid Commission (2005)³ and the Goss Gilroy report for the John Howard Society (2019).⁴ I note that the John Howard Society report also mentions a 2007 provincially-commissioned report “which identified the provision of trained court interpreters for Innu-aimun and Inuttitut as being of the highest priority”. I do not have that report and would be interested to see it. Training should be addressed as an ongoing program, not a one-off.

³ Jenny Reid, prepared for the Newfoundland and Labrador Legal Aid Commission, *Aboriginal Justice Project Report* (June 2005), especially at p. 62.

⁴ Goss Gilroy Inc, prepared for the John Howard Society, cited in footnote 1, especially at p. 86.

Interpretation *outside of court* in relation to justice system cases is another important area of need that has not been adequately addressed. Interpretation is important at every stage of the justice system, not just in the courtroom. This can include, for instance, interacting with RCMP, communicating with a lawyer, and during the course of any incarceration. The John Howard Society report identifies continuing language barriers at each of these levels, noting for instance that Clarendville has no Innu-aimun speaking staff, and that Legal Aid's measures to supply interpreters only "partially address these linguistic barriers".⁵

I hope this background letter has been helpful. We look forward to making progress together on these issues.

Sincerely,

OLTHUIS KLEER TOWNSHEND LLP

A handwritten signature in black ink, appearing to read 'Judith Rae', with a large, stylized initial 'J' and 'R'.

Judith Rae
Partner

Attached: 2019 letter about return of circuit court to Sheshatshiu

If you do not have access to the Jenny Reid report or Goss Gilroy/John Howard Society report, please advise, I can send them.

⁵ Goss Gilroy Inc, prepared for the John Howard Society, cited in footnote 1, at p. 53-57.

From: [Judith Rae](#)
To: [Ballard, Donna](#)
Cc: [Steve Joudry \(sjoudry@irtsec.ca\)](mailto:sjoudry@irtsec.ca)
Subject: FW: Meeting
Attachments: [2020-2-21 Innu letter to Justice Min Parsons.pdf](#)
[2020-7-30 Grand Chief letter to Premier Ball & Min Parsons re LCC.pdf](#)
[2020-8-12 letter from Minister Parsons re LCC next steps.pdf](#)

Hi Donna,

Further to our discussion with the Justice & Policing Committee (or parts of it) on June 7th, I am sending you some information on the proposed meeting with Mr. Dan Chafe about conditions, policies and programs at the LCC and among Innu facing incarceration more generally. This is a meeting we would indeed like to have.

The emails below between myself and ADM Megan Nesbitt in October show where this landed. The email chain also shows correspondence with Mr. Chafe. I'll give a bit of context:

- Jacob Collins, an Innu young man, took his life at the LCC on February 6th 2020. A second attempted suicide of an Innu person followed shortly after.
- There were 2 letters from Innu Nation following up on that, asking for a discussion of his case and systemic issues. (Attached for reference)
- The Province's response was delayed, which they indicated was due to the pandemic.
- Myself and Damien Benuen for Innu Nation (the Grand Chief was unavailable last minute) had a call with Minister Andrew Parsons in August 2020, and confirmed the need to discuss both Mr. Collins' specific case and also the broader issues. He asked us to start by meeting with Mr. Dan Chafe, who was fairly recently appointed at that time. The Province sent a letter following that call (attached for reference).
- I followed up to arrange 2 meetings back to back in October, one with Jacob's parents to talk about personal details of his case, and one to discuss broader issues. However, Mr. Chafe (quite late in these arrangements) indicated he was not prepared to meet on broader issues at that time.
- In October 2020, Mr. Chafe met with the parents of Jacob Collins and Innu leadership, along with Mr. James Hickman, who I believe is director of the LCC. I joined by phone. The Province did not provide the parents with information at that meeting, which made for a very difficult meeting. We sent a follow-up letter, after which the Province did provide the parents with a document package in late December.
- But as you can see, the issue of a meeting on the broader issues was left hanging. However Megan Nesbitt had committed, in the email below, that such a meeting could occur "at a later date".

There is an email in which I responded on that issue, to Megan and Mr. Chafe both, to confirm our need for such a meeting. I will forward that email separately. I said in that email "Please advise as to when this meeting can be arranged and with whom."

In terms of a draft agenda, please see my email of October 9th below. There are several bullets there in terms of proposed agenda items. I will just copy them here for ease of reference:

- training for facility staff, e.g. on Innu history, culture and experiences, as well as mental

health

- a proposal involving the Canadian Mental Health Association to assess mental health needs amongst Innu inmates at LCC and enhance services
- availability of mental health services within the facilities, particularly at LCC
- access to health care services for inmates generally and the manner in which such access occurs (e.g. access to hospital services, etc.)
- access to funerals and other important family events for inmates and the manner in which such access occurs
- opportunities to collaborate for more intensive and/or residential mental health and addictions services, which are services now offered by the First Nations (I note that Corrections Canada has also been exploring these options for federal inmates, particularly with Apenam's House, the Innu addictions treatment centre)
- coordination of discharge procedures, and COVID-planning in particular in terms of potential discharge issues if either community goes into lockdown again (this arose in March)
- implementation of the Jesso Report recommendations

I note that we are not talking about a wide open "community meeting" here. It would be a meeting with Innu leadership and relevant staff, to discuss some very practical issues. I think it would help clarify information on both sides, and I anticipated we could identify some concrete actions and improvements at a meeting such as this.

Please feel welcome to call me as needed. We would like to hear back from you to get this meeting set up. I think it would be productive.

Best,

Judith

Judith Rae

Olthuis Kleer Townshend LLP

250 University Ave, 8th floor, Toronto, ON, M5H 3E5

T: 416-981-9407 C: 416-998-0995 F: 416-981-9350

she/her

jrae@oktlaw.com

www.oktlaw.com

From: Nesbitt, Megan <MeganNesbitt@gov.nl.ca>

Sent: October 16, 2020 12:45 PM

To: Judith Rae <jrae@oktlaw.com>

Subject: RE: Meeting

Hi Judith,

Firstly please accept my apologies for the delay in response. Mr. Chafe was on leave for a few days and had then reached out to seek direction from the department as he had understood the meeting arranged on the August call with the Minister was specific to meeting with the family of Mr. Collins only at this time.

The department had been of the same understanding. I note the letter from the Minister in August does indicate that Superintendent Chafe would meet with the family in Natuashish which would be

followed up with another virtual meeting with the Chiefs. We would be happy to proceed with the small focused meeting between Superintendent Chafe and the family next week and arrange for the follow up meeting with the Chiefs shortly thereafter.

Regrettably, at this particular time it is not feasible for Mr. Chafe to participate in a larger meeting on the broader issues on October 21. We could arrange a meeting with the community, leadership, staff and Superintendent on the broader issues you note wish to be discussed, at a later date. In the interim we remain available to discuss specific concerns or issues as they may arise. Mr. Chafe is still relatively new to his role and familiarizing himself with the provincial system and each separate institution. Given that and in light of the current pandemic situation it would be most appropriate for the Superintendent to have a meeting next week with the family of Jacob Collins and to participate in a broader collaborative meeting with leadership and the community at a later date. Alternatively, should you choose, we could reschedule the meeting with the family and have both meetings during the same week at a later time, if that is preferable.

Let us know how you would like to proceed. Please also provide a list of attendees for the family meeting if you choose to proceed with that meeting next week.

I'm happy to chat this afternoon at your convenience if you wish. I can be reached at 709-729-7357.

Kindest regards,

Megan

Megan Nesbitt

Assistant Deputy Minister (A)

Corrections and Community Services

Department of Justice and Public Safety

Government of Newfoundland and Labrador

From: Judith Rae <jrae@oktlaw.com>

Sent: Thursday, October 15, 2020 12:37 PM

To: Nesbitt, Megan <MeganNesbitt@gov.nl.ca>

Subject: FW: Meeting

Importance: High

Hi Megan,

The Innu were planning to meet with Mr. Chafe in Goose Bay next week on the 20th and 21st. The afternoon of the 20th was planned to meet specifically with Jacob Collins' family, and the 21st with a broader group of Innu staff and leadership to discuss the LCC and incarceration specific issues. My full email chain with him is below.

I am concerned that Mr. Chafe appears unwilling, in his last email of October 9th, to have any meeting other than to discuss Jacob Collins' case only, in isolation from other issues. This came as a real surprise to me, given our conversation with the Minister in August and given my email communication with Mr. Chafe from August through now. You will see my reply on October 9th below. I have not heard back.

Jacob Collins' death did not occur in isolation from other issues. Everyone on our end has been expecting an opportunity to have a broader discussion about conditions, policies and practices during incarceration, and opportunities for better collaboration. We are planned and set up for the 21st and the meeting room at Hotel North 2 is booked.

We need to confirm as soon as possible if this is going ahead. We very much hope that it does. Please feel most welcome to call me directly, I'm at 416-998-0995.

Judith

Judith Rae

Olthuis Kleer Townshend LLP

250 University Ave, 8th floor, Toronto, ON, M5H 3E5

T: 416-981-9407 C: 416-998-0995 F: 416-981-9350

jrae@oktlaw.com

www.oktlaw.com

From: Judith Rae

Sent: October 9, 2020 1:44 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Cc: KendraWright@gov.nl.ca

Subject: RE: Meeting

Good afternoon Mr. Chafe,

The meeting on the 21st is by no means a community meeting. It is a meeting with a select group of leadership and staff. The purpose is not to discuss "overall justice issues". It is to discuss incarceration specifically, and experiences inside the jails.

This meeting is essential. It was discussed this week at the Innu Round Table and all sides are anticipating that it will occur. It has been discussed with Innu leadership several times since August.

If any issues arise that are outside of your mandate, it would be entirely appropriate to refer them back to Kendra Wright (who I have copied) to link to IRT or elsewhere. However there are many matters specific to operations inside the LCC and other facilities that the Innu are keen to discuss with you and that I believe fall within your mandate, such as:

- training for facility staff, e.g. on Innu history, culture and experiences, as well as mental health
- a proposal involving the Canadian Mental Health Association to assess mental health needs amongst Innu inmates at LCC and enhance services
- availability of mental health services within the facilities, particularly at LCC
- access to health care services for inmates generally and the manner in which such access occurs (e.g. access to hospital services, etc.)
- access to funerals and other important family events for inmates and the manner in which such access occurs
- opportunities to collaborate for more intensive and/or residential mental health and addictions services, which are services now offered by the First Nations (I note that Corrections Canada has also been exploring these options for federal inmates, particularly with Apenam's House, the Innu addictions treatment centre)
- coordination of discharge procedures, and COVID-planning in particular in terms of potential discharge issues if either community goes into lockdown again (this arose in March)

- implementation of the Jesso Report recommendations

As mentioned in my email below, I was planning on compiling this list into an organized agenda to be provided to you shortly.

Innu leaders also wish to hear from you, to get to know you, and to develop greater understanding of the provincial jail system and the Innu inmates within it, from your perspective as that system's head administrator.

It would be unusual, from our perspective, to have the head of a key service refuse to meet with Indigenous representatives to discuss that service when presented with the opportunity to do so.

As Kendra can attest, there have been numerous occasions when she, as the Province's main justice representative at IRT, has had to refer matters elsewhere for further discussion. A recent example is a meeting she set up earlier this year between the Chief Judge of the Provincial Court and Chief Eugene Hart of Sheshatshiu, to discuss his call for return of the court to Sheshatshiu. Another example would be meetings we have had previously with the RCMP. In other service area, I note there are also many meetings regularly between lead administrators of CSSD child protection services and Innu staff. The IRT does not replace the need for these sorts of meetings to get into the "nitty gritty" of specific services. In fact, matters raised at IRT are quite frequently referred out to more specific meetings.

Please note that our intentions with regard to these two meetings have been consistent throughout. For instance, my email below of August 17th says: *"We're hoping to arrange a time for you to meet with Innu representatives from Innu Nation, Sheshatshiu Innu First Nation and Mushuau Innu First Nation. In addition, the family of Jacob Collins may wish to meet with you."* (emphasis added) There will be significant disappointment and surprise if the main meeting is cancelled.

I await your response.

Judith

Judith Rae

Olthuis Kleer Townshend LLP

250 University Ave, 8th floor, Toronto, ON, M5H 3E5

T: 416-981-9407 C: 416-998-0995 F: 416-981-9350

jrae@oktlaw.com

www.oktlaw.com

From: Chafe, Dan <DanChafe@gov.nl.ca>

Sent: October 9, 2020 12:39 PM

To: Judith Rae <jrae@oktlaw.com>

Subject: RE: Meeting

Hi Judith,

I am happy to meet with the family of Mr. Collins in HVGB rather than Natuashish as discussed in August, should the family prefer and Innu Leadership is supportive of that location. I understand that the meeting is intended to be a small meeting with the family and leadership, should the leadership wish to participate.

I have discussed the request for a community meeting. There are other venues to discuss overall

justice issues (including the IRT meetings of this week) which would be a more appropriate forum for community discourse on a broader range of topics.

Please confirm that the family of Mr. Collins would like to proceed with a focused meeting in HVGB and that October 20th would work best. I look forward to hearing from you.

Kind regards,

Dan Chafe | Superintendent of Prisons

Department of Justice and Public Safety

Corrections and Community Services – **Adult Corrections Division**

Her Majesty's Penitentiary

89 Forest Road, Box 5459, St. John's NL A1C 5W4

Tel: (709) 729-2978 | Fax: (709) 729-0409

Email: danchafe@gov.nl.ca

From: Judith Rae <jrae@oktlaw.com>

Sent: Thursday, October 8, 2020 4:12 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Subject: RE: Meeting

Hi Dan,

Just want to confirm – do these times work for you?

At meetings this week, I was able to re-confirm with my clients that this schedule works for them. IRT Secretariat has gone ahead and booked a meeting room at Hotel North 2 for the 21st, and we are looking for an Innu-operated space potentially for the smaller meeting with Jacob Collins' mother Virginia Collins on the 20th.

We will provide a draft agenda and small briefing package in advance. Do you have items you wish to have on the agenda?

Thanks

Judith

Judith Rae

Olthuis Kleer Townshend LLP

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jrae@oktlaw.com

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From: Judith Rae

Sent: September 30, 2020 1:41 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Subject: RE: Meeting

Hi Dan,

I have some more specific timing updates.

We will be inviting the family of Jacob Collins to meet with you and some other Innu representatives to discuss his case specifically, in Goose Bay on the afternoon of Tuesday October 20th.

We are planning for a larger discussion with various staff and leadership for a full day meeting in Goose Bay on Wednesday October 21st.

We are going ahead to book space for those meetings. We may be able to fit the first meeting in an in-house location but the larger meeting will require more space, likely Hotel North 2.

Can you please advise if the Province is able to cover or share costs for the meeting room and food?

Thanks

Judith

Judith Rae

Olthuis Kleer Townshend LLP

250 University Ave, 8th floor, Toronto, ON, M5H 3E5

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jrae@oktlaw.com

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From: Judith Rae

Sent: September 17, 2020 4:42 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Subject: RE: Meeting

OK let's plan for those dates. I think that timing will work well.

I personally wish I could be there in person, but the Atlantic bubble doesn't make that possible. I will probably be a voice on a computer or something like that.

We can both follow up to confirm more details but let's plan to move forward with those dates.

Thanks Dan.

Judith

Judith Rae

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From: Chafe, Dan <DanChafe@gov.nl.ca>

Sent: September 17, 2020 4:09 PM

To: Judith Rae <jrae@oktlaw.com>

Subject: Re: Meeting

Hi Judith

The October 20-22 would be ideal for me if we can make that work.

Thanks

Dan

Sent from my iPhone

On Sep 17, 2020, at 5:00 PM, Judith Rae <jrae@oktlaw.com> wrote:

Hi Dan,

Innu leadership are suggesting October 13-14 (Tuesday-Wednesday). The meetings could be in Goose Bay, possibly Sheshatshiu as well. People from Natuashish will come down for the meeting.

Would that work for you? It is right after Thanksgiving.

An alternative could be the following week, October 20-22.

Thanks,

Judith

Judith Rae

Olthuis Kleer Townshend LLP

250 University Ave, 8th floor, Toronto, ON, M5H 3E5

T: 416-981-9407 C: 416-998-0995 F: 416-981-9350

jrae@oktlaw.com

www.oktlaw.com

From: Chafe, Dan <DanChafe@gov.nl.ca>

Sent: September 17, 2020 12:01 PM

To: Judith Rae <jrae@oktlaw.com>

Subject: RE: Meeting

Hi Judith

As of right now my schedule is wide open for October.

Tuesdays, Wednesdays and Thursday are better for me in general however I am flexible.

Thanks

Dan

Dan Chafe | Superintendent of Prisons

Department of Justice and Public Safety

Corrections and Community Services – **Adult Corrections Division**

Her Majesty's Penitentiary

89 Forest Road, Box 5459, St. John's NL A1C 5W4

Tel: (709) 729-2978 | Fax: (709) 729-0409

Email: danchafe@gov.nl.ca

From: Judith Rae <jrae@oktlaw.com>

Sent: Tuesday, September 15, 2020 2:50 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Subject: RE: Meeting

Hi Dan,

It looks like September will not work out. Many Innu are spending time on the land at this time of year.

Are there dates in October that may work for you? I will be speaking with my clients again tomorrow and I'm hopeful we may be able to pin something down

then.
Judith

Judith Rae
Olthuis Kleer Townshend LLP
250 University Ave, 8th floor, Toronto, ON, M5H 3E5
T: 416-981-9407 C: 416-998-0995 F: 416-981-9350
jrae@oktlaw.com
www.oktlaw.com

From: Judith Rae
Sent: August 17, 2020 9:41 AM
To: DanChafe@gov.nl.ca
Subject: RE: Meeting

Hi Dan,
Thanks for getting in touch. Yes, your name came up in a call Innu Nation had recently with the Minister, DM and ADM in which I participated.
We're hoping to arrange a time for you to meet with Innu representatives from Innu Nation, Sheshatshiu Innu First Nation and Mushuau Innu First Nation. In addition, the family of Jacob Collins may wish to meet with you. I will follow up with my clients about dates. There was just recently an election completed at Innu Nation so there may be some delay in getting instructions but I'll be in touch.
Are there any dates in September we should rule out?
Best,
Judith

Judith Rae
Olthuis Kleer Townshend LLP
250 University Ave, 8th floor, Toronto, ON, M5H 3E5
T: 416-981-9407 C: 416-998-0995 F: 416-981-9350
jrae@oktlaw.com
www.oktlaw.com

From: info <info@oktlaw.com>
Sent: August 17, 2020 9:32 AM
To: Judith Rae <jrae@oktlaw.com>
Subject: FW: Meeting

From: Chafe, Dan <DanChafe@gov.nl.ca>
Sent: August 12, 2020 9:55 AM
To: info <info@oktlaw.com>
Subject: Meeting

Good Morning Judith

I'm the recently appointed Superintendent of Prisons for Newfoundland and Labrador.

My assistant Deputy Minister asked that I reach out to you to arrange a date and time to meet in Goose Bay.

I'm booked up until August 28th but can be flexible after that date.

I can be reached on my cell at 709-693-9760 or via email.

Thank you

Dan

Dan Chafe | Superintendent of Prisons

Department of Justice and Public Safety

Corrections and Community Services – ***Adult Corrections***

Division

Her Majesty's Penitentiary

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☐ Box 186 Natuashish NL A0P 1A0 T 709 478 8943 F 709 478 8833
☐ Box 119 Sheshatshiu NL A0P 1M0 T 709 497 8398 F 709 497 8396
☐ Box 1106 Stn C Goose Bay NL A0P 1C0 T 709 356 3853 F 709 356 1150

July 30, 2020

Premier Dwight Ball
Office of the Premier
Government of NFLD & Labrador
P. O. Box 8700
St. John's, NL
A1B 4J6

Hon. Andrew Parsons
Minister of Justice
Government of NFLD & Labrador
P. O. Box 8700
St. John's, NL
A1B 4J6

Hand Delivered

By email: AndrewParsons@gov.nl.ca

RE: Labrador Correctional Centre

Premier Ball and Minister Parsons,

I am writing in follow-up to our correspondence to Minister Parsons of February 21st, 2020, attached for your reference. Beyond a brief acknowledgement that this letter was received, we received no response. The letter calls for an urgent meeting to discuss the way forward regarding the Labrador Correctional Centre, and in particular, the recent suicide and attempted suicide by Innu people in custody.

That meeting needs to occur without delay. We need to discuss options for an independent process, involving Innu Nation, to review of Jacob Collins' death at the LCC and surrounding circumstances.

We have heard no results from any investigation of his death other than the basic confirmation that it was a suicide. From our inquiries, it does not appear that the circumstances leading to his death have been properly examined. Innu justice workers asked his family, his legal aid lawyer, and the Innu inmate who was placed with him whether they were interviewed by anyone in authority, and they had not been. Our information is that before his death Jacob requested access to an Innu land-based program to assist with his rehabilitation, and he was denied. Lack of respect for Innu healing is a chronic issue we have raised many times, as you know. We have also been informed that other contentious issues arose between LCC management and Jacob shortly before his death. These issues need a full investigation and response, that is impartial and independent from the LCC itself, and with meaningful Innu participation.

We look forward to discussing an appropriate mechanism to ensure that occurs.

Nin,

ORIGINAL SIGNED BY

Grand Chief Gregory Rich

CC: Deputy Grand Chief Etienne Rich, Innu Nation
Chief Eugene Hart, Sheshatshiu Innu First Nation
Chief John Nui, Mushuau Innu First Nation

Attachment: February 21, 2020 letter to Minister Parsons



Government of Newfoundland and Labrador
Justice and Public Safety
Office of the Minister and Attorney General

August 12, 2020

Grand Chief Gregory Rich &
Deputy Grand Chief Etienne Rich
Innu Nation
PO Box 1106, Stn. C
Happy Valley-Goose Bay, NL
A0P 1C0

Chief Eugene Hart
Sheshatshiu Innu First Nation
PO Box 160
Sheshatshiu, NL
A0P 1M0

Chief John Nui
Mushuau Innu First Nation
PO Box 190
Natuashish, NL
A0P 1A0

Dear Sirs:

I write in response to your correspondence of July 30, 2020 regarding the Labrador Correctional Centre. I apologize again for the delay in response to yours of February 21, 2020, which was in the process of being addressed when we found ourselves at the beginning of the COVID-19 pandemic.

I wish to offer my condolences on the death of Jacob Collins. The Department of Justice and Public Safety takes the responsibility of ensuring the safety and wellbeing of all persons incarcerated at our correctional facilities very seriously and appreciate the sharing of the concerns raised in your letters. There have been several investigations related to Mr. Collins' death, and there are no further investigations contemplated at this time. The RCMP and the Chief Medical Examiner have conducted separate investigations. An internal review examined all the circumstances surrounding the death, including staff response and the appropriateness of related policies and procedures. Appropriate action was taken as a result. For privacy reasons, we cannot discuss details related to inmates or staff.

As well, the review conducted by Marlene Jesso in 2018 was comprehensive and changes are being made consistent with the Jesso report as well as *Towards Recovery: The Mental Health and Addictions Action Plan for Newfoundland and Labrador*.

Nationally, Indigenous people are overrepresented in the Canadian criminal justice system as both victims/survivors and accused/convicted persons. There several causes for this overrepresentation. Cultural issues are one of those causes. We are working diligently to improve the interactions, experiences, and outcomes of Indigenous peoples within the justice system by fostering and supporting Indigenous cultures and traditions. The Department is continually evaluating the programs and processes in place within all aspects of the criminal justice system, particularly as they relate to culturally appropriate responses, as well as restorative justice initiatives and alternatives to incarceration.

This work requires collaboration with our partners and key stakeholders. While the administration of justice rests with the provinces, the federal government is a critical partner in relation to these issues, given its exclusive Constitutional jurisdiction for Indigenous Peoples, and Criminal Law and Procedure. This work, also, requires hearing from those individuals directly involved. I am always willing to meet with you and community members to discuss ways to improve the justice

system for Indigenous peoples. I believe our meeting of yesterday was constructive and informative. As discussed during our meeting, Superintendent Dan Chafe will be in contact with Judith Rae soon to arrange an in-person meeting in the coming weeks in Natuashish. As we agreed yesterday, we will also schedule a follow-up to yesterday's meeting with you soon after you have had an opportunity to meet with Superintendent Chafe.

I look forward to the continuation of this constructive dialogue.

Sincerely,



ANDREW PARSONS, QC
Minister of Justice and Public Safety
Attorney General



Government of Newfoundland and Labrador
Justice and Public Safety
Office of the Minister and Attorney General

August 12, 2020

Grand Chief Gregory Rich &
Deputy Grand Chief Etienne Rich
Innu Nation
PO Box 1106, Stn. C
Happy Valley-Goose Bay, NL
A0P 1C0

Chief Eugene Hart
Sheshatshiu Innu First Nation
PO Box 160
Sheshatshiu, NL
A0P 1M0

Chief John Nui
Mushuau Innu First Nation
PO Box 190
Natuashish, NL
A0P 1A0

Dear Sirs:

I write in response to your correspondence of July 30, 2020 regarding the Labrador Correctional Centre. I apologize again for the delay in response to yours of February 21, 2020, which was in the process of being addressed when we found ourselves at the beginning of the COVID-19 pandemic.

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This work requires collaboration with our partners and key stakeholders. While the administration of justice rests with the provinces, the federal government is a critical partner in relation to these issues, given its exclusive Constitutional jurisdiction for Indigenous Peoples, and Criminal Law and Procedure. This work, also, requires hearing from those individuals directly involved. I am always willing to meet with you and community members to discuss ways to improve the justice

2

system for Indigenous peoples. I believe our meeting of yesterday was constructive and informative. As discussed during our meeting, Superintendent Dan Chafe will be in contact with Judith Rae soon to arrange an in-person meeting in the coming weeks in Natuashish. As we agreed yesterday, we will also schedule a follow-up to yesterday's meeting with you soon after you have had an opportunity to meet with Superintendent Chafe.

I look forward to the continuation of this constructive dialogue.

Sincerely,



ANDREW PARSONS, QC
Minister of Justice and Public Safety
Attorney General

From: [Judith Rae](#)
To: [Ballard, Donna](#)
Cc: [Steve Joudry \(sjoudry@irtsec.ca\)](#)
Subject: FW: Meeting

Hi Donna,

This is the other email I mentioned. I have highlighted the part that deals with the meeting on incarceration more generally that has yet to occur.

Judith

Judith Rae
Olthuis Kleer Townshend LLP
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From: Judith Rae <jrae@oktlaw.com>
Sent: Friday, October 16, 2020 5:15 PM
To: Chafe, Dan <DanChafe@gov.nl.ca>
Cc: Wright, Kendra <KendraWright@gov.nl.ca>; Nesbitt, Megan <MeganNesbitt@gov.nl.ca>; Gover, Aubrey <aubreygover@gov.nl.ca>; White, Judy <JudyWhite@gov.nl.ca>; Steve Joudry (<sjoudry@irtsec.ca>) <sjoudry@irtsec.ca>; Donna Paddon <donna.paddon@kashkuan.ca>
Subject: RE: Meeting

Good afternoon Mr. Chafe and others,

My understanding is that the province is not willing to have a broader discussion of incarceration issues with the Innu at this time, but may be willing to do so later. I must say that the response on this issue (which feels to us like a shift) has been frustrating and confusing for us. Please advise as to when this meeting can be arranged and with whom.

Innu still wish to proceed with the meeting on Tuesday regarding Jacob Collins. Please find a draft agenda attached. The meeting will be at 1pm on at the IDLP office in Goose Bay, 6 Burnwood Drive, 709-896-3174. I am attaching a draft agenda that has our list of anticipated attendees.

Best,
Judith

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From: Judith Rae
Sent: October 15, 2020 4:54 PM
To: Chafe, Dan <DanChafe@gov.nl.ca>

Cc: KendraWright@gov.nl.ca; ADM Megan Nesbitt <MeganNesbitt@gov.nl.ca>; Gover, Aubrey <aubreygover@gov.nl.ca>; Judy White - ADM Indigenous Affairs NL (JudyWhite@gov.nl.ca) <judywhite@gov.nl.ca>; Steve Joudry (sjoudry@irtsec.ca) <sjoudry@irtsec.ca>; Donna Paddon, Kashkuan Communications <donna.paddon@kashkuan.ca>

Subject: RE: Meeting

Mr. Chafe,

I have not heard further on this matter since my email Friday. We would like to confirm both meetings.

Regarding the meeting on the 21st, I am enclosing the letter Innu Nation received from Minister Parsons that led us here. His letter raises Mr. Collins' death, but also wider matters, ie. the Jesso Report, NL's plans on improving mental health, the over-representation of Indigenous people in the criminal justice system, etc. Within the same paragraph he suggests the Innu should meet with you, he wrote: "This work, also, requires hearing from those individuals directly involved".

It is within that context that we have anticipated conducting this meeting. There are practical matters we hope can be advanced through open discussion.

We are reviewing a draft agenda internally, which I should be able to forward tomorrow.

We would appreciate hearing confirmation of your intentions. You are welcome to call me at 416-998-0995.

Best,

Judith Rae

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From: Judith Rae

Sent: October 9, 2020 1:44 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Cc: KendraWright@gov.nl.ca

Subject: RE: Meeting

Good afternoon Mr. Chafe,

The meeting on the 21st is by no means a community meeting. It is a meeting with a select group of leadership and staff. The purpose is not to discuss "overall justice issues". It is to discuss incarceration specifically, and experiences inside the jails.

This meeting is essential. It was discussed this week at the Innu Round Table and all sides are anticipating that it will occur. It has been discussed with Innu leadership several times since August.

If any issues arise that are outside of your mandate, it would be entirely appropriate to refer them back to Kendra Wright (who I have copied) to link to IRT or elsewhere. However there

are many matters specific to operations inside the LCC and other facilities that the Innu are keen to discuss with you and that I believe fall within your mandate, such as:

- training for facility staff, e.g. on Innu history, culture and experiences, as well as mental health
- a proposal involving the Canadian Mental Health Association to assess mental health needs amongst Innu inmates at LCC and enhance services
- availability of mental health services within the facilities, particularly at LCC
- access to health care services for inmates generally and the manner in which such access occurs (e.g. access to hospital services, etc.)
- access to funerals and other important family events for inmates and the manner in which such access occurs
- opportunities to collaborate for more intensive and/or residential mental health and addictions services, which are services now offered by the First Nations (I note that Corrections Canada has also been exploring these options for federal inmates, particularly with Apenam's House, the Innu addictions treatment centre)
- coordination of discharge procedures, and COVID-planning in particular in terms of potential discharge issues if either community goes into lockdown again (this arose in March)
- implementation of the Jesso Report recommendations

As mentioned in my email below, I was planning on compiling this list into an organized agenda to be provided to you shortly.

Innu leaders also wish to hear from you, to get to know you, and to develop greater understanding of the provincial jail system and the Innu inmates within it, from your perspective as that system's head administrator.

It would be unusual, from our perspective, to have the head of a key service refuse to meet with Indigenous representatives to discuss that service when presented with the opportunity to do so.

As Kendra can attest, there have been numerous occasions when she, as the Province's main justice representative at IRT, has had to refer matters elsewhere for further discussion. A recent example is a meeting she set up earlier this year between the Chief Judge of the Provincial Court and Chief Eugene Hart of Sheshatshiu, to discuss his call for return of the court to Sheshatshiu. Another example would be meetings we have had previously with the RCMP. In other service area, I note there are also many meetings regularly between lead administrators of CSSD child protection services and Innu staff. The IRT does not replace the need for these sorts of meetings to get into the "nitty gritty" of specific services. In fact, matters raised at IRT are quite frequently referred out to more specific meetings.

Please note that our intentions with regard to these two meetings have been consistent throughout. For instance, my email below of August 17th says: *"We're hoping to arrange a time for you to meet with Innu representatives from Innu Nation, Sheshatshiu Innu First Nation and Mushuau Innu First Nation. In addition, the family of Jacob Collins may wish to meet with you."* (emphasis added) There will be significant disappointment and surprise if the main

meeting is cancelled.
I await your response.
Judith

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From: Chafe, Dan <DanChafe@gov.nl.ca>

Sent: October 9, 2020 12:39 PM

To: Judith Rae <jrae@oktlaw.com>

Subject: RE: Meeting

Hi Judith,

I am happy to meet with the family of Mr. Collins in HVGB rather than Natuashish as discussed in August, should the family prefer and Innu Leadership is supportive of that location. I understand that the meeting is intended to be a small meeting with the family and leadership, should the leadership wish to participate.

I have discussed the request for a community meeting. There are other venues to discuss overall justice issues (including the IRT meetings of this week) which would be a more appropriate forum for community discourse on a broader range of topics.

Please confirm that the family of Mr. Collins would like to proceed with a focused meeting in HVGB and that October 20th would work best. I look forward to hearing from you.

Kind regards,

Dan Chafe | Superintendent of Prisons

Department of Justice and Public Safety

Corrections and Community Services – **Adult Corrections Division**

Her Majesty's Penitentiary

89 Forest Road, Box 5459, St. John's NL A1C 5W4

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Email: danchafe@gov.nl.ca

From: Judith Rae <jrae@oktlaw.com>

Sent: Thursday, October 8, 2020 4:12 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Subject: RE: Meeting

Hi Dan,

Just want to confirm – do these times work for you?

At meetings this week, I was able to re-confirm with my clients that this schedule works for them. IRT Secretariat has gone ahead and booked a meeting room at Hotel North 2 for the 21st, and we are looking for an Innu-operated space potentially for the smaller meeting with Jacob Collins' mother Virginia Collins on the 20th.

We will provide a draft agenda and small briefing package in advance. Do you have items you

wish to have on the agenda?

Thanks

Judith

Judith Rae

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From: Judith Rae

Sent: September 30, 2020 1:41 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Subject: RE: Meeting

Hi Dan,

I have some more specific timing updates.

We will be inviting the family of Jacob Collins to meet with you and some other Innu representatives to discuss his case specifically, in Goose Bay on the afternoon of Tuesday October 20th.

We are planning for a larger discussion with various staff and leadership for a full day meeting in Goose Bay on Wednesday October 21st.

We are going ahead to book space for those meetings. We may be able to fit the first meeting in an in-house location but the larger meeting will require more space, likely Hotel North 2.

Can you please advise if the Province is able to cover or share costs for the meeting room and food?

Thanks

Judith

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From: Judith Rae

Sent: September 17, 2020 4:42 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Subject: RE: Meeting

OK let's plan for those dates. I think that timing will work well.

I personally wish I could be there in person, but the Atlantic bubble doesn't make that possible. I will probably be a voice on a computer or something like that.

We can both follow up to confirm more details but let's plan to move forward with those dates.

Thanks Dan.
Judith

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From: Chafe, Dan <DanChafe@gov.nl.ca>

Sent: September 17, 2020 4:09 PM

To: Judith Rae <jrae@oktlaw.com>

Subject: Re: Meeting

Hi Judith

The October 20-22 would be ideal for me if we can make that work.

Thanks

Dan

Sent from my iPhone

On Sep 17, 2020, at 5:00 PM, Judith Rae <jrae@oktlaw.com> wrote:

Hi Dan,

Innu leadership are suggesting October 13-14 (Tuesday-Wednesday). The meetings could be in Goose Bay, possibly Sheshatshiu as well. People from Natuashish will come down for the meeting.

Would that work for you? It is right after Thanksgiving.

An alternative could be the following week, October 20-22.

Thanks,

Judith

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From: Chafe, Dan <DanChafe@gov.nl.ca>

Sent: September 17, 2020 12:01 PM

To: Judith Rae <jrae@oktlaw.com>

Subject: RE: Meeting

Hi Judith

As of right now my schedule is wide open for October.

Tuesdays, Wednesdays and Thursday are better for me in general however I am

flexible.

Thanks

Dan

Dan Chafe | Superintendent of Prisons

Department of Justice and Public Safety

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Email: danchafe@gov.nl.ca

From: Judith Rae <jrae@oktlaw.com>

Sent: Tuesday, September 15, 2020 2:50 PM

To: Chafe, Dan <DanChafe@gov.nl.ca>

Subject: RE: Meeting

Hi Dan,

It looks like September will not work out. Many Innu are spending time on the land at this time of year.

Are there dates in October that may work for you? I will be speaking with my clients again tomorrow and I'm hopeful we may be able to pin something down then.

Judith

Judith Rae

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From: Judith Rae

Sent: August 17, 2020 9:41 AM

To: DanChafe@gov.nl.ca

Subject: RE: Meeting

Hi Dan,

Thanks for getting in touch. Yes, your name came up in a call Innu Nation had recently with the Minister, DM and ADM in which I participated.

We're hoping to arrange a time for you to meet with Innu representatives from Innu Nation, Sheshatshiu Innu First Nation and Mushuau Innu First Nation. In addition, the family of Jacob Collins may wish to meet with you. I will follow up with my clients about dates. There was just recently an election completed at Innu Nation so there may be some delay in getting instructions but I'll

be in touch.

Are there any dates in September we should rule out?

Best,

Judith

Judith Rae

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From: info <info@oktlaw.com>

Sent: August 17, 2020 9:32 AM

To: Judith Rae <jrae@oktlaw.com>

Subject: FW: Meeting

From: Chafe, Dan <DanChafe@gov.nl.ca>

Sent: August 12, 2020 9:55 AM

To: info <info@oktlaw.com>

Subject: Meeting

Good Morning Judith

I'm the recently appointed Superintendent of Prisons for Newfoundland and Labrador.

My assistant Deputy Minister asked that I reach out to you to arrange a date and time to meet in Goose Bay.

I'm booked up until August 28th but can be flexible after that date.

I can be reached on my cell at 709-693-9760 or via email.

Thank you

Dan

Dan Chafe | Superintendent of Prisons

Department of Justice and Public Safety

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