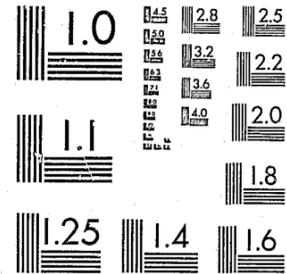


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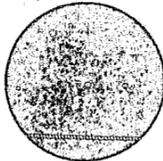
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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

4/27/83

MF I



NATIVE PEOPLE IN THE ADMINISTRATION OF JUSTICE IN THE PROVINCIAL COURTS OF ALBERTA

81890

Alberta
BOARD OF REVIEW
PROVINCIAL COURTS

U.S. Department of Justice
National Institute of Justice

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Alberta

BOARD OF REVIEW

Provincial Courts

NCJRS

NOV 12 1981

ACQUISITIONS

REPORT NO. 4



BOARD OF REVIEW

Provincial Courts

Mr. Justice W.J.C. Kirby, Chairman
Dr. M. Wyman
J.E. Bower, Esq.

J.L. Lewis, Esq., Counsel
Emile Gamache, Esq., Secretary

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BOARD OF REVIEW

ADMINISTRATION OF JUSTICE IN THE PROVINCIAL
COURTS OF ALBERTA

TERM OF REFERENCE OF REPORT NO. 4

Item 18

Such other matters as may be deemed relevant by the Board of Review in order to ensure a full and fair inquiry and to enable it to make a report and such recommendations as it deems fit.

To His Honour,

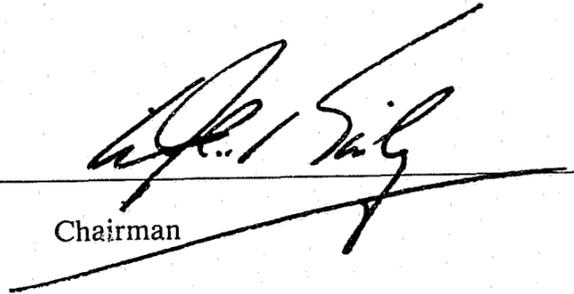
The Lieutenant Governor in Council.

May it please Your Honour:

Having been appointed by Order-in-Council dated the 5th day of June, 1973, a Board of Review under The Public Inquiries Act, to review the operation of the Provincial Courts, and to report thereon, the Board has submitted Reports Nos. 1, 2 and 3.

A final Report, No. 4, dealing with Native People in the Administration of Justice in the Provincial Courts of Alberta, is now submitted to Your Honour.

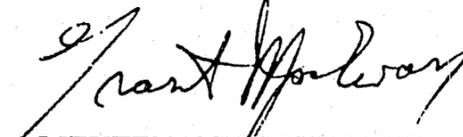
June 5, 1978.


Chairman



Approved and Ordered,

O.C. 867/73


LIEUTENANT GOVERNOR

Edmonton

June 5, 1973

WHEREAS it is expedient and in the public interest to have a review of the administration of justice in the Provincial Courts of Alberta:

THEREFORE, upon the recommendation of the Honourable the Attorney General, the Lieutenant-Governor-in-Council by these presents, nominates, constitutes and appoints, pursuant to the provisions of The Public Inquiries Act, a Board of Review consisting of MR. JUSTICE W.J.C. KIRBY, Calgary, of the Trial Division of the Supreme Court of Alberta, DR. M. WYMAN, President of the University of Alberta, Edmonton, and J.E. BOWER, Editor of the Advocate, Red Deer, members, with MR. JUSTICE KIRBY as Chairman, to review the operation of the Provincial Courts and to report thereon to the Lieutenant-Governor-in-Council and in particular to review and report on

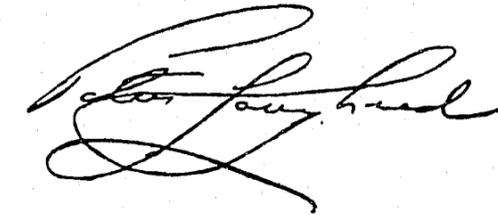
1. what should be the respective roles and relationships of the Provincial Judges, the Prosecutors, the Clerks of the Court and the Police in the administration of justice in these Courts;
2. whether any changes should be made in the administration of justice in the Juvenile and Family Courts and if so, what should be the respective roles of the Judges, Lawyers, Court Counsellors, Probation Officers, Clerks of the Court and other officers and officials of those Courts;
3. what changes, if any, should be made in the practice and procedures used in obtaining search warrants and the handling of the material seized;
4. whether any changes should be made in the practices and procedures presently being followed in the offices of the Coroners and with respect to inquests;

O.C. 867/73

5. whether any changes should be made to The Coroners Act;
6. whether Judges and Coroners should receive some initial and continuing training in their duties;
7. whether it would be desirable to appoint a Chief Provincial Judge or Senior Judges and if so, what should be their duties;
8. whether any changes should be made in the system of establishing or operating Circuit Courts;
9. whether the Provincial Judges presently presiding in the Provincial Courts of Edmonton and Calgary should travel on circuit and whether the Provincial Judges presiding in rural areas should from time to time sit in the Provincial Courts in urban centres;
10. whether the present practice of allowing Provincial Judges in rural areas to deal with juvenile offenders is desirable or necessary;
11. whether any changes should be made in the procedures followed in the enforcement of maintenance orders in the Family Courts or in any of the other procedures of those Courts;
12. whether lawyers of the Juvenile and Family Courts should act for either side in dispute matters;
13. whether any changes should be made in the procedures followed by the Clerks of the Provincial Courts in the performance of their administrative duties;
14. whether present facilities in remote areas provide satisfactory judicial services;
15. whether the present system of issuing Warrants of Committal against persons who default in payment of fines for provincial offences is desirable or necessary and if so, whether any changes should be made in the processing or enforcement of such Warrants;
16. whether the present system of levying fines against persons convicted of traffic offences should be continued and if not, whether a Traffic Violation Report System similar to that in use in the Province of British Columbia should be adopted;
17. whether it is desirable to treat infractions of municipal by-laws as offences in Provincial Courts and whether the collection of penalties provided for in by-laws for such infractions should be effected in the Small Claims Court or some other court of civil jurisdiction;

O.C. 867/73

18. such other matters as may be deemed relevant by the Board of Review in order to ensure a full and fair inquiry and to enable it to make a report and such recommendations as it deems fit.



CHAIRMAN

ACKNOWLEDGMENTS

Dr. Wyman and Mr. Bower, for reasons beyond their control, have been unable to participate in writing this Report, however, they have both given wise counsel in its preparation. In addition, Mr. Bower has been of inestimable help in editing the Report.

J.L. Lewis, Counsel to the Board, has rendered significant assistance in the preparation of this Report.

The Board expresses thanks to the Deputy Attorney General and officials in that Department; to the Deputy Solicitor General and officials in that Department, for their assistance and co-operation; to the Clerks of the Court in Fort Macleod, Wetaskiwin and Peace River in providing accommodation for public hearings.

We are particularly grateful for courtesies and assistance extended to the Board by the following:

Richard H. Vogel,
Deputy Attorney General of
British Columbia, Victoria;

G.L. Dalton,
C/Supt., "E" Division,
R.C.M.P., Victoria;

Richard Gosse,
Deputy Attorney General
of Saskatchewan, Regina;

Chief Judge Harold ff Gyles,
Provincial Judges Courts
of Manitoba, Winnipeg;

E.J. Webdale,
Manitoba Police Commission,
Winnipeg;

S.W. Kelly,
Supt., "K" Division,
R.C.M.P., Calgary;

Sgt. M.E.L. Foster,
i/c Gleichen Detachment,
R.C.M.P., Gleichen.

PROCEEDINGS OF THE BOARD

Following publication, in September 1973, of notice of public hearings to be held by the Board of Review, the Indian Association of Alberta asked the Board to hold additional hearings, more accessible to Indians living on reserves, to receive submissions dealing with their particular problems in the administration of justice in the Provincial Courts.

In response to this request hearings were scheduled and held at the following places:

Fort Macleod
Wetaskiwin
High Level
Peace River
Slave Lake
Fort McMurray

Briefs were submitted at these hearings by the following:

The Indian Association of Alberta
The Metis Association of Alberta
Native Counselling Services of Alberta
Calgary Urban Treaty Alliance
Native Brotherhood of Indians and Metis
Sagitawa Friendship Society
Poundmakers Lodge
Blood Band
Blackfeet Tribe,
Browning, Montana, U.S.A.
Blackfoot Band
Peigan Band
Ermineskin, Montana, Samson and
Louis Bull Bands (joint briefs)

Sunchild and O'Chiese Bands
(joint brief)
Upper Hay River Band
Meander River Band
Driftpile Band
Whitefish Lake Band
Grouard Band
Sawridge Band
Bigstone Band
Saddle Lake Band
Sarcee Band
Alexis Band
Enoch Band
Paul Band

In addition to these briefs, submissions were made to the Board in the earlier public hearings dealing with matters of particular concern to Native peoples.

The Indian Association of Alberta was represented by counsel at all hearings at which problems of particular concern to Indians were under consideration.

Members of the Board have visited the Blood Band Reserve, the Hobbema Reserve Detoxification Centre, the Assumption Reserve, the Blackfoot Band Reserve, the Sunchild and O'Chiese Band Reserves.

In October 1977, the Chairman visited Indian reserves and Metis settlements in Northern Manitoba.

INTRODUCTION

In this Report, the term *Native* embraces Treaty Indians, non-Status Indians and Metis.

There were approximately 35,000 Treaty Indians in Alberta as at December 31, 1977, most of whom reside on reserves occupied by 40 bands. Approximately 10,000, some of whom do not have band membership, reside elsewhere in the province, mostly in the cities. A map, showing the distribution of the bands throughout the province and a statement showing reserve populations, appear on the two pages next following.

There are approximately 60,000 Metis in Alberta, most of whom reside in the northern part of the province.

The various submissions to the Board by the Indian Association of Alberta, the Metis Association of Alberta, Band Councils, individuals and other organizations having an interest in the Native people of Alberta, draw attention to aspects of the provincial justice system which Native people believe depart from standards to which they feel entitled.

This Report is a response to the views expressed in those submissions.

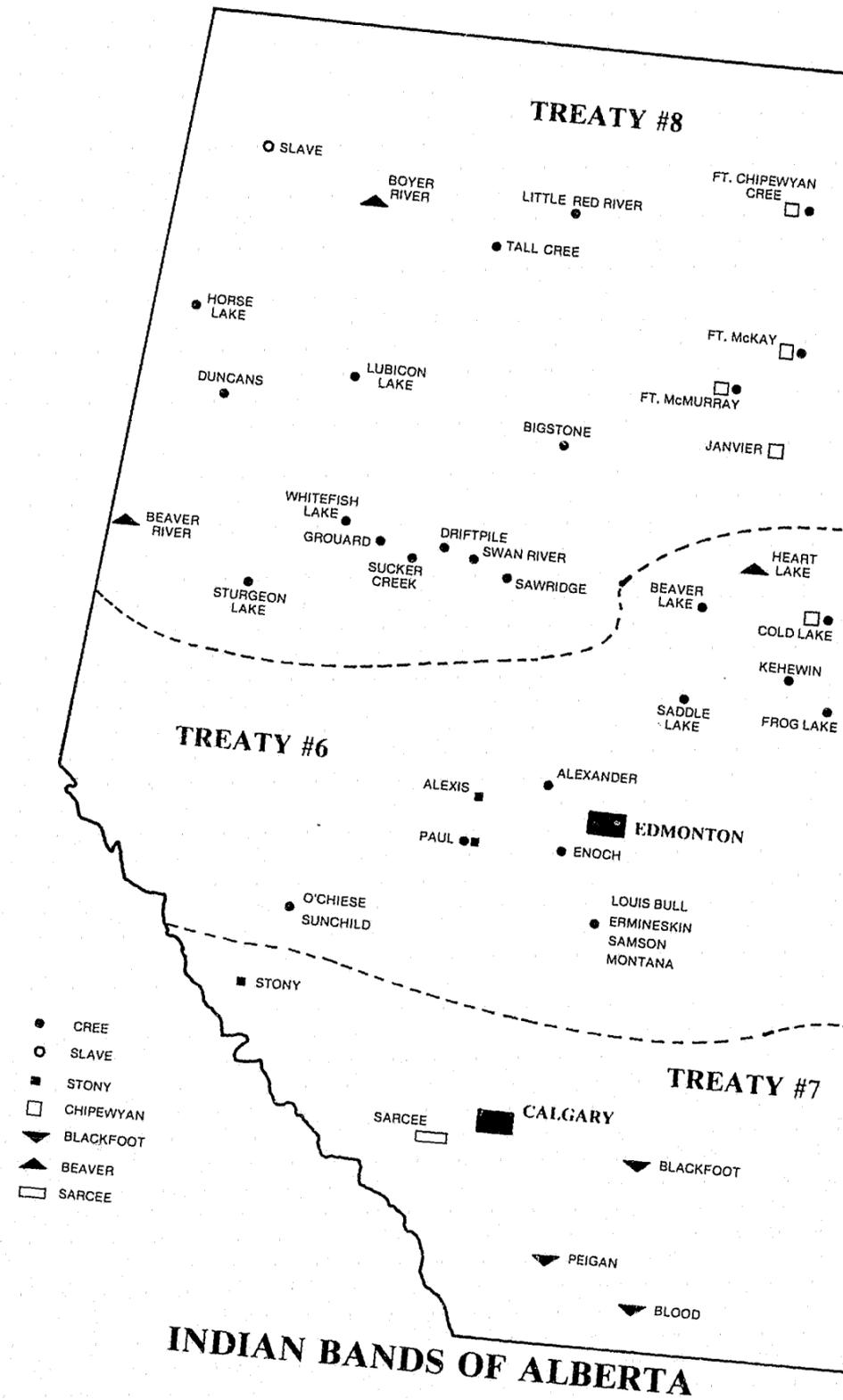
The very nature and complexity of many of the problems to which our attention has been directed and the Term of Reference preclude their proper consideration. Within these limitations, however, consideration is given in this Report to those aspects of the administration of justice in Alberta affecting Native people which can and should be corrected.

The recommendations are intended to bring about more sensitive recognition in the provincial justice system of the culture, customs and language of Native people.

I believe that their implementation will render Native people more responsive to the requirements of the Canadian system of justice.

In using the wide latitude conferred by Item 18 of the Terms of Reference to draw attention to problems confronting Native people which are beyond the scope of this inquiry, it is hoped that the Governments of Canada and of Alberta will be prompted to take positive steps to deal with them.

It is imperative that the divided jurisdiction with respect to Treaty Indians should not be allowed to stand in the way of finding the solutions which are so urgently needed.



BAND POPULATIONS!
(as at 31 December 1977)

Band	Pop.	Band	Pop.
Alexander	616	Kehewin	616
Alexis	604	Little Red River	1,253
Bearspaw	763	Louis Bull	579
Beaver Lake	253	Lubicon Lake	128
Bigstone	1,589	Montana	332
Blackfoot	2,826	McKay	191
Blood	5,147	McMurray	119
Boyer River	309	O'Chiese	328
Chiniquay	597	Paul	742
Chipewyan	272	Peigan	1,677
Cold Lake	962	Saddle Lake	3,239
Cree	865	Samson	2,332
Driftpile	627	Sarcee	606
Duncans	51	Sawridge	45
Enoch	629	Slaves of Upper Hay	1,250
Ermineskin	1,132	Sturgeon Lake	719
Frog Lake	754	Sucker Creek	565
General List	14	Sunchild	374
Grouard	64	Swan River	196
Heart Lake	83	Tall Cree	246
Horse Lakes	143	Wesley Bighorn	678
Janvier	230	Whitefish Lake	516
TOTAL			35,261

¹ Provided by Edmonton Office,
Department of Indian and Northern Affairs.

THE NATURE AND EXTENT OF THE INVOLVEMENT OF
NATIVE PEOPLE IN THE CORRECTIONAL SYSTEM OF ALBERTA

The total number of Native admissions into Alberta correctional institutions for the fiscal year 1976-77 is given below:

	Calgary	Lethbridge	Peace River	Fort Saskatchewan		Total
				Male	Female	
Indians	341	751	116	708	162	2078
Metis	66	41	199	501	54	861
	<u>407</u>	<u>792</u>	<u>315</u>	<u>1209</u>	<u>216</u>	<u>2939</u>

A study of the sentenced Native inmate population in Alberta Correctional Institutions on March 31, 1977, was carried out by the research and planning division of the Department of the Solicitor General.¹

For the purposes of this study the term *Native* was defined as including all Status and non-Status Indians and Metis. The data obtained in this study was compared with two other studies made on March 31, and July 16, 1976. The sample study in 1977, numbered 1,722 and in the other two studies 1,630 and 1,679 respectively. Since the number of Native remand (93) and penitentiary (22) inmates was comparatively small, the comparison was based upon analysis of the sentenced inmates who numbered 1,219. This compared with 1,264 and 1,259 respectively in the two other studies.

Of the March 31, 1977, sentenced inmate sample 411 (33.7 per cent) were Native. This comprised 238 (19.5 per cent) Status Indians, and 173 (14.2 per cent) Metis and non-Status Indians. The sentenced Native population in the March 31, 1976, study was 413 (32.7 per cent) of the sentenced inmate population, and in July 16, 1976, 406 (32.2 per cent). From this data it is evident that over the past year there has been very little fluctuation in the actual numbers in proportion of sentenced Native inmates.

¹*Sentenced Native Population in Alberta Correctional Institutions, March 31, 1977*, by Mary Shanes with the assistance of Pat Tempest. Consultation from W. Hoffman.

The Summary and Conclusions of the report follow.¹

A comparison of the March 31, 1976, July 16, 1976, and March 31, 1977 studies has indicated that over the past year there has been little fluctuation in either the actual number or proportion of sentenced Native inmates incarcerated in Alberta correctional institutions. Approximately one-third of the sentenced inmate population in each study was Native. (See Table 1)

The percentage of sentenced Native inmates at each Alberta correctional institution on March 31, 1977 varied considerably throughout the province. The proportion ranged from 58.6 per cent at Peace River Correctional Institution to 17.6 per cent at Calgary Correctional Institution. Similar findings were indicated in the two previous one-day profiles. (See Table 2)

Significant findings of the study follow:

Socio-Demographic Background

A consideration of the socio-demographic data available on sentenced inmates in Alberta's Correctional Institutions on March 31, 1977 indicated that in comparison to non-Native inmates, there was a tendency for Natives to be older (26 years of age or more), more poorly educated (less than Grade 10), occupationally unskilled, from rural areas, and likely to report a problem with alcohol use. A comparison of these trends with those found in previous studies (March 31, 1976 and July 16, 1976) revealed no major differences.

Age

A comparison of mean age for the sentenced inmates, the Natives, and the non-Natives showed the Native group to be older (mean age of 26.3 years as compared to 25.0 years for the non-Natives).

The data indicated that although the majority of sentenced inmates were over 18 years of age, there was greater tendency for Natives, as compared to non-Natives, to be over 25 years. It was found that 44.5 per cent of the Status Indians and 39.3 per cent of the Metis, non-Status Indians belonged to the older age group (Table 11).

¹The Tables referred to are reproduced in Appendix "A".

Education

The sentenced Native inmate population tended to be more poorly educated. The data showed the Native inmates to have a mean of 8.2 years of education as compared to 9.9 years for non-Natives.

By far, the majority of both the Status Indian group (73.9 per cent) and the Metis, non-Status Indian group (71.5 per cent) reported an educational level of less than Grade 10. This compared to 35.1 per cent of the non-Natives who had achieved less than Grade 10. (Table 12)

Occupation

The majority of all sentenced inmates (irrespective of Native status) were occupationally unskilled (Table 13) but it was the Status Indians who reported the highest proportion in this category (86.1 per cent). The percentage in each group (i.e. Status Indian; Metis, non-Status Indian; and non-Native) reporting an unskilled occupation has risen over the past year. Although this increase was substantial, conclusions based upon the analysis must be limited due to the possible unreliability of this self-reported data.

Rural - Urban Residence

The data indicated that a large proportion of the Status Indian group reported their forwarding address as other than a large urban centre. Only 9.8 per cent and 6.6 per cent reported a forwarding address in Edmonton or Calgary respectively. On the other hand, while 51.9 per cent of the Metis, non-Status Indian group reported residence in non-urban centres in Northern Alberta, 32.3 per cent gave a forwarding address in Edmonton. This compared with 30.7 per cent and 29.9 per cent of the non-Natives who reported a forwarding address in Edmonton or Calgary respectively. (Table 14)

The findings indicated that it was more likely for Status Indians to reside in rural areas in either Northern or Southern Alberta. The Metis, non-Status Indians, on the other hand, tended to reside predominantly in rural areas of Northern Alberta or in Edmonton.

Conclusions drawn from this data should be considered with caution since there were a substantial number of missing cases.

Alcohol Use

The reported incidence of problem alcohol use was significantly higher for Natives (both the Status Indian group and the Metis, non-Status Indian group) than for non-Natives. The data indicated that both the Status Indian, and the Metis, non-Status Indian groups were more likely to report alcohol consumption as a problem (39.8 per cent and 32.2 per cent respectively) than were the non-Natives (21.8 per cent). (Table 15)

Again caution is urged in interpreting this data. Not only is reliability affected by the fact that this analysis is based upon self-reported information but also the criteria used in recording problem alcohol usage varies between institutions.

Inmate Characteristics

Analysis of the data available on the sentenced inmates in Alberta correctional institutions on March 31, 1977 revealed that Natives, in comparison to non-Natives, were significantly more likely to be incarcerated for alcohol offences, have a shorter aggregate sentence (3 months or less), have five or more commitments, and be incarcerated in default of fine payment. No significant variation between the Native and non-Native groups was indicated when considering location within the institutional setting on March 31, 1977 (institution, camp, temporary absence, other). A comparison of the findings of this study with those discussed in the previous one-day profiles indicated no significant differences.

A more detailed discussion of the relationship between Native status and the inmate-related characteristics under consideration will be presented in the following sections.

Sentence Offence

For the purpose of analysis only the most serious offence (decided on the basis of length of aggregate sentence) was considered. A significant difference between the Native and non-Native groups was found with respect to incarceration for alcohol offences. The data indicated that 19.5 per cent of the Natives were incarcerated for a most serious offence that was an alcohol crime as compared to 3.8 per cent of the non-Natives (Table 4). This trend was also evident in both of the previous one-day profiles (March 31, 1976 and July 16, 1976).

For the March 31, 1977 study, a more detailed breakdown is provided of the most serious offence type for the Status Indian group, the Metis, non-Status Indian group, and the non-Natives (Table 5). The data indicated that the tendency for a Status Indian to be incarcerated for an alcohol crime was significantly higher (24.0 per cent) than for a Metis, non-Status Indian (13.4 per cent). This fact was obscured when these two groups were considered as one (i.e. Native).

The data also indicated that it was most unlikely for Status Indians or Metis, non-Status Indians to be incarcerated on a drug offence (0.4 per cent and 0.5 per cent respectively). This compared to 14.5 per cent for the non-Native group.

For comparison purposes, data on offence type is provided from the July 16, 1976 study (Table 6). It should be noted that the Status Indian, and Metis, non-Status Indian groups were not considered separately but were combined as Native and also that minor theft, and breaking and entering were not separate categories. Considering this, very little change was observed.

Aggregate Sentence

A comparison made of the mean aggregate sentence for the sentenced inmate population, the Natives and the non-Natives indicated that the Native group tended to be incarcerated for a shorter length of time (mean aggregate sentence of 261 days) as compared to a mean aggregate sentence of 297 days for the non-Native group.

The data indicated that the proportion of Status Indians incarcerated for a period of three months or less was significantly higher (33.2 per cent) than the proportion of Metis, non-Status Indians (20.2 per cent) or non-Natives (21.0 per cent) (Table 7). Again this difference between the Status Indian, and Metis, non-Status Indian groups was obscured when the two were considered together as Native.

Number of Commitments

The mean number of commitments for the sentenced Native group (6.2 commitments) was considerably higher than that for the non-Natives (2.1 commitments).

The findings indicated that both the Status Indian, and Metis, non-

Status Indian groups were more likely to have five or more commitments (36.0 per cent and 27.4 per cent respectively) as compared to only 6.3 per cent for the non-Native group (Table 8). On the other hand, only 19.3 per cent of the Status Indians and 22.0 per cent of the Metis, non-Status Indians were incarcerated on March 31, 1977 on their first commitment as compared to almost one-half (47.1 per cent) of the non-Natives.

The sentenced Native population were more likely to be recidivist. Approximately one-third were incarcerated on their fifth or more commitment on March 31, 1977.

Reason for Incarceration

The Status Indian group was more likely to be incarcerated in default of fine payment (18.1 per cent) than either the Metis, non-Status Indian group (9.8 per cent) or the non-Natives (6.3 per cent) (Table 9). This could be a reflection of the fact that a proportionately greater number of Status Indians were incarcerated for alcohol offences.

It is difficult to draw meaningful conclusions from this data since the number of inmates convicted of similar offences for which a fine was paid is not currently available.

Location

A consideration of location within the institutional setting on March 31, 1977 for the sentenced population indicated very little difference between the Status Indian group, the Metis, non-Status Indian group, and the non-Native group (Table 10). Approximately three-quarters of each group was located within the institution itself on March 31, 1977 (rather than at Camp or a CRC, or on a temporary absence or day parole).

THE SOCIAL AND ECONOMIC PROBLEMS WHICH BRING NATIVE PEOPLE INTO CONFLICT WITH THE JUDICIAL SYSTEM

The following excerpts from the transcripts of the public hearings are indicative of some of the social and economic problems which are considered by Native people to be responsible for the disproportionate numbers of them in conflict with the justice system.

Alcohol

It is when the Indian drinks that he has his problems with the law. Intoxication, illegal possession and illegal conveyance sections of The Liquor Control Act are invoked against drunken Indians. As a result they find themselves in Court pleading guilty to the offence.

Unemployment

Q *How many of them are unemployed?*

A *... in the winter time, in the off-season, you would be looking around 90 per cent or better, you know, it is pathetic, I'm sorry to say that but it is pretty hard to absorb, you know, but that is a fact.*

Although much attention is paid to this area, educational and recreational opportunities for the people are still minimal. They need a diversion. They turn to drinking.

Over one-third of the male population of these four reserves is unemployed.

I have never seen them working on the highway. ..., some of them did work up at that dam, you know, when all those jobs were there, but very few of them, because they couldn't get over there, it's so far. A lot of them don't have cars, they can't afford to work.

The members of the band are mainly farmers or ranchers; however, a great number remain on welfare. Approximately 70 per cent are unemployed.

Poverty

Poverty means that there is no future for them here or elsewhere.

They try but cannot find work. And they find escape in alcohol. Sometimes, the story ends in suicide. Eventually they begin to like the jail, with its comfort and three square meals. They look on the jail as a home away from home. This can only be corrected by the energetic promotion of schemes which result in the employment of Indian persons on the reserve. The Indian does not like to leave the reserve to work much as a white man does not very often choose to go to the reserve to work. If he can work in surroundings that are compatible with his values, he will likely make the transition from a drinker to a reliable employee.

Welfare

The product of welfare is an Indian person with nothing to do and time on his hands. No alternatives are provided. He drinks.

Education

The Indian from the date of the treaties to the present has been the subject of a system of education directed to his assimilation in the white society and the forfeiture of his culture and language. The Indian people have not been consulted with concerning the sort of education their children receive. Now the Indian children are expected to attend school with white children and are exposed to a curriculum that negates their culture and identity altogether. ... the Indian child, in the face of so much white determination, becomes discouraged in looking for a familiar face. His mannerisms, appearance, culture and language set him apart. He is a product of a different upbringing, of different experiences. He does not live by the same rules as the others and is not accepted. He drops out at an early age. He has time on his hands and is ill-equipped for a modern life. This is a combination that leads to idleness, drinking and a Court experience.

Q *You indicated that these children were going to go to Rocky Mountain House next year. What happened to that program?*

A *Indian Affairs thought that there isn't enough money to pay for six students getting bussed into town every morning. It isn't worth it, they said.*

Q *So what happens to the children now, where do they go?*

A *I guess they will have to go back to Drumheller. If the six go back, you know, half of them dropped out already; they don't like it there.*

Q But they live in Drumheller?

A They live in the residence.

Q Do they live there for five days of the week when they go to school and come home on weekends?

A They can't come home; Indian Affairs can't afford to have them come home every weekend.

Recreation Facilities

Q So you mentioned there is nothing on the reserve to keep these people busy.

A There is nothing.

Well, we have a few things, you know, we do a few things in the school now that we have the school. We have a gym, and we try to organize sports activities but it isn't too successful so we just - a lot of times we go over there to have a game of volleyball and it is all filled up by kids going to school during the day; you know, we can't play because they are playing. So after a while, people just quit coming.

Q What recreation facilities have you for your young people?

A We have been asking for recreation centres in the past few years and the same type of recreation centres as they have in the south that I have seen to be built, but until today they keep referring back to us that there is no money and they can't get enough money to build a recreation centre on our reserve.

The sense of desperation felt by some Indian people is expressed in these words of an Indian chief:

. . . , as I see it there isn't enough understanding between the federal government and us Indian people. . . . I believe the white-speaking society . . . don't want to come to any conclusion to work together for us to be included, to have better understanding of what is going on in this part of the country . . . there is no understanding between us people and whoever is under the Indian Act. We might have a lot of things to do, we might have a lot of ideas, but the clear-cut understanding isn't there at all. You see, these are some of the things, if we could get this across I think we will get somewhere, because like I say, we have problems and what are we going to do

with it? What is the white society going to do? We have to . . . disband the bitterness, mistrusting each other, . . . that is what I say, understanding should be given to us and to all concerned before anything can be achieved, because I have tried and tried all over the country. I travelled the world to try and get information, but the people, Indian people are looked down upon, and I can go on and on and on, but to no avail. . . . it is a saddening thing to look at the Indian people, they are trying to help the Indian people, but is anybody going to listen to us? You see, the way they see it in Canada it is everybody for himself. These are some of the things I found out. In order to do the things that we talked about, the things that we want, we are not trying to ask you for handouts or anything, we are trying to help us, but there has to be some mutual understanding with all concerned to be able to achieve all of these things. . . .

A. NATIVE PEOPLE AND THE POLICE

Relationship with the R.C.M.P.

On the occasion of the signing of Treaty No. 7 at Bow River Crossing, Chief Crowfoot spoke these words:

If the police had not come to the country where would we be all now? Bad men and whisky were killing us so fast that very few, indeed, of us would have been left today. The police have protected us as the feathers of the bird protect it from the frosts of winter. I wish them all good and trust that all our hearts will increase in goodness from this time forward.

and Red Crow, head chief of the South Bloods, said:

Three years ago, when the police first came to the country, I met and shook hands with Stamixotokon (Colonel Macleod) at Pelly River. Since that time he made me many promises. He kept them all - not one of them was ever broken. Everything that the police have done has been good. I entirely trust Stamixotokon and will leave everything to him. I will sign with Crowfoot.¹

Although the relationship between Indians and the R.C.M.P. inevitably has been subjected to many strains in the ensuing years, the respect for the force expressed in these words still prevails.

This is reflected in this tribute appearing in an editorial in a special issue of Kanai News,² commemorating the Centennial of the formation of the R.C.M.P.:

So, on July 15, 1973, when we celebrate your one hundred years as the greatest law enforcement agency in the land, I hope you will realize that you have our respect and our thanks for all the work you have done on behalf of the Blood Tribe.

However, there are problems in the relationship between Native people and members of the R.C.M.P. which deserve to be noted and corrected. The most significant problems reiterated in brief after brief are enumerated below:

¹ The History of Alberta, Volume 1, p. 364.

² Kanai News, published at Standoff, Alberta by the Indian News Media Society, Special Issue *Kanai News Salutes the Royal Canadian Mounted Police, 1873-1973*.

- (1) Newly-appointed young R.C.M.P. officers, having little or no experience with Native peoples, are too hasty in laying charges and making arrests. They frequently stop and question Indians without any apparent reason. They often stop vehicles in which Indians are riding. If any occupant appears to be intoxicated, officers may lay a charge of being intoxicated in a public place. If the Indian raises any objection, a charge of obstructing the police may be laid. A belief is held by many Indians that young officers consider that their chances of promotion are related to the number of arrests they make.
- (2) Police frequently stop and search Indians without indicating the reasons for the search. Indians feel that they are entitled to an explanation before a bodily search takes place.
- (3) The same objection was raised to police searching motor vehicles in which Indians are travelling.
- (4) The treatment accorded Native people after arrest comes under strong criticism, including points such as these:
 - (a) Requests for medical treatment are often ignored. A case was cited in which a young Indian's request for medical help was unheeded. The following day he was found dead in his cell. It was stated that a coroner's inquest was not held.
 - (b) Lack of respect is shown for Indian customs. For example, although Indian custom regards nudity before another person as a breach of basic ethics, Indians are made to strip naked before police officers.
 - (c) When Native persons are under arrest, statements may be taken from them without their having an opportunity to contact a Native counselling service Courtworker. Natives often make statements in such cases without fully understanding their rights.
 - (d) Native people feel that they are often discriminated against by young members of the R.C.M.P. because of their race. The following incident narrated by a Metis serves to illustrate this feeling:

The Native in question who had been hunting in Swan Hills area went into a local beer parlour looking for his brother. While waiting for him to appear he sat at a table

drinking tomato juice and gingerale. During the two hours he was there, a young R.C.M.P. constable walked through several times. Shortly after the Native left the bar and was driving away, he was stopped by the same police officer. He was told to come to the police station. He replied that he was not leaving his vehicle in the road unless he was charged with something. The constable saw his rifle and hunting knife in the car and told him he was charged with illegal possession of an offensive weapon. When he pointed out to the constable that he was a professional guide and produced his hunting and guide licence, the constable then said he was charged with failing to dim his headlights. He was then taken to the police station. On smelling his breath, police officers were unable to find any indication of consumption of alcoholic beverages. Rather than seek the services of a lawyer to defend the charge, he admitted to the charge of failing to dim his headlights and paid the fine.

- (e) A tendency among police to influence Native people to enter a plea of guilty before they consult a Native Court-worker or a Legal Aid officer, is reported by many Native people.
- (f) Techniques employed by police to obtain confessions are considered to be prejudicial. The following description of this technique was related to the Board:

If arrested for breaking, entry, and theft and they can't get enough grounds out of you, they will try two different methods: the good guy who is sticking up for you and the other guy not.

If the good guy can't get anything, the bad guy works you over trying to get you to admit things so they can get a case on you. As a result, most people just give in to get it over with. The police know they can get away with these beatings because Native people are quiet and won't speak up. The officers know this and take advantage of it.

Having made a plea of guilty to one charge, Natives claim they are then pressured into signing statements admitting to other offences.

- (g) Several references were made with respect to Native peoples being *roughed up* by police officers in the course of being arrested and while in custody.

- (h) Requests by Natives who are under arrest to make phone calls are frequently denied.
 - (i) Acting under the authority of section 84 of The Liquor Control Act, police detain Indians arrested for being intoxicated in a public place overnight in police cells and then release them in the morning. Often the Indian has no means of transportation back to the reserve or money with which to pay for transportation. In winter months this has dangerous implications when the reserve is a long distance away. It was suggested that when Indians who have been detained overnight in these circumstances are being released, police should notify the Band Council so that arrangements for transportation can be made.
- (5) In some areas R.C.M.P. officers are found to be reluctant to answer calls from Indian reserves and do not make themselves readily available when their services are needed.
 - (6) Police constables generally have a negative attitude with respect to domestic matters such as wife-beating.
 - (7) It was pointed out in the submissions of many bands that members of the R.C.M.P. do not put in an appearance on reserves unless they are investigating a complaint. Under these circumstances, it was pointed out, they are met with hostility. It was felt that if they visited the reserves more frequently and established contact with their inhabitants under more friendly circumstances, a better relationship would result and they would become better known.

The Assumption Reserve in Northern Alberta affords an example of the benefits that result from a friendly relationship between the police and the people on the reserve. Officers of the R.C.M.P. detachment there participate in recreational and other activities on the reserve. They have requested and been granted permission by the chief and Band Council to speak to Indian children and adults on The Highway Traffic Act, The Wildlife Act, The Liquor Control Act and the Criminal Code and other topics of mutual interest.

The good relations which exist between the police and the people living on this reserve is attributed to this involvement of the members of the detachment as well as the fact that the detachment is located on the reserve. One of the results of this good relationship, it was emphasized, is that the use of search warrants by R.C.M.P. on the reserve is practically non-existent.

An R.C.M.P. inspector appearing before the Board said detachments policing Indian reserves have been instructed to visit reserves on occasions other than when investigating complaints of offences.

Notwithstanding all of the foregoing complaints, the Board sensed a deeply-felt respect for the R.C.M.P., substantiating the Kanai News editorial which opened this chapter.

Most of the complaints were directed against the youthful, generally inexperienced, police constable familiarly known as a *rookie*. It was repeatedly emphasized that the underlying cause of these complaints was a lack of understanding by junior police officers of Indian culture and customs.

It is noted with satisfaction that the need for a better understanding of the Indian culture has been recognized by the R.C.M.P. A cross-cultural training course has been developed at Depot Division of the R.C.M.P. in Regina. In *Liaison*, a monthly newsletter for the federal criminal justice system, the following statements with respect to this course appear:¹

The course, which involves discussions, films, slides, readings and simulation exercises, evolved, according to Supt. W.F. MacRae, out of the recognition that the Force '... must make every attempt that we can to broaden and develop its sensitivity towards the special problems encountered by Native peoples'. This, it was felt, could be achieved only by an understanding of different cultures and cultural expectations, by talking to Natives, and by coming to an understanding of some of the reasons for social disorganization.

'I think it's generally accepted that white society--and not just the R.C.M.P.--doesn't understand other cultures', Supt. MacRae commented. 'A great many of us fail to understand our own culture, let alone be prepared to offer an adequate definition of what culture means. At Training Depot we've been trying for several years to deliver this message in different ways, using Native resource people-- and while they did what we asked them to do in a limited time frame, and did it very well, it's just as obvious that the approach wasn't achieving its purpose.' Working with Native groups, such as the Native Council and the Federal Advisory Council, the Training Development Branch at Regina formulated the standards for a new approach and asked Dr. Sealey, a Metis specialist in cross-cultural

¹ *Liaison*, a monthly newsletter for the Criminal Justice System, Vol. 3, No. 6, June 1977, at p. 7.

education, to design a course that would help new recruits to become aware of the special problems of Native people. For the purpose of this course, the emphasis tends to be on Native people-- Indian, Metis, Inuit. 'But, the point is,' says Sealey, 'you give recruits a sort of theoretical framework, a basic understanding of culture and value systems that is then applicable to any situation.'

How successful is the new sensitization approach? Both Dr. Sealey and Supt. MacRae feel it is difficult to evaluate such a subtle commodity as attitude. Certainly, the R.C.M.P. is dedicated to making its members more culturally 'aware'--a situation that must in the long run help alleviate tensions, not only between minority groups and the R.C.M.P., but also amongst minority groups and the dominant Canadian majority.

The assistant commissioner of the R.C.M.P. in his appearance before the Board stated that this educational process is followed up as part of the training program in Edmonton and in discussions in seminars at the local detachment level.

Since 1972, the R.C.M.P. in British Columbia have provided a form of liaison with Native people by appointment of a Native Policing Co-ordinator. In a recent reorganization of the division into two districts, the Native policing responsibility was delegated to two districts and each district has a Native Policing Co-ordinator whose duties include the following:

- *developing and administrating Division Native Policing Programs directed towards maintaining sound policing relationships between the R.C.M.P. and Indian/Inuit peoples;*
- *assisting detachments and units, in conjunction with the Crime Prevention and Community Relations Co-ordinator, in organizing, implementing and maintaining programs and activities designed to improve police services to Native/Inuit peoples;*
- *developing specific programs to meet the particular needs of the Division in the Native/Inuit policing field;*
- *maintaining direct liaison with Native Policing Branch, Headquarters, Ottawa, other Divisions and Police Departments to supply information and be aware of current programs and assess their suitability for Division use;*
- *encourage members to work with Band Councils, Indian*

Affairs and Northern Development, and other involved agencies to establish Native detoxification and/or rehabilitation facilities in an attempt to reduce alcohol consumption.

- *soliciting and evaluating via detachment members, Native/Inuit opinions regarding problem areas, and developing and administering programs designed to eliminate or ameliorate undesirable situations;*
- *stimulating and encouraging detachment participation in developing and implementing structured recreational facilities, and taking part in ceremonial rituals when invited;*
- *meeting with detachment personnel, community organizations and citizens to resolve community problems associated with high concentration of Native peoples.¹*

District Native Policing Co-ordinators are not now full-time positions but the need to revert to one full-time position is currently under review.

It is suggested that the appointment of an officer of the R.C.M.P. as a Native Policing Co-ordinator having duties similar to those of the Native Policing Co-ordinators in British Columbia would contribute much to bringing about a better mutual understanding and respect between the R.C.M.P. and Native people in this province.

RECOMMENDATION

The position of Native Policing Co-ordinator should be established by the R.C.M.P. in Alberta for the purpose of providing liaison between the R.C.M.P. and Native people.

City Police

Since the majority of the briefs dealing with Native people were submitted by Indian bands, the problems brought to the attention of the Board for the most part relate to the R.C.M.P. which alone exercises police jurisdiction over the reserves.

Only a few submissions contain specific references to city police. The tenor of these submissions is that the Native people feel that they are being discriminated against by Edmonton and Calgary city police. This

¹ Letter to the Board from "E" Division Headquarters, R.C.M.P., Victoria, B.C., dated September 14, 1977.

feeling is summed up in one of the briefs in these words:

Whenever an Indian is involved in any situation, he is wrong and has committed a crime.

It must be assumed that this attitude on the part of the police constables, if it in fact exists, is neither approved nor authorized by the police administration.

No representations were made concerning the Lethbridge and Medicine Hat police.

RECOMMENDATION

Appropriate administrative directions should be given to city police to ensure that all complaints by Native people about suspected discrimination by city police are brought to the immediate attention of the chief of that police force.

Band Police

The brief submitted by the Sarcee Band states:

There has been a policy of involving Native people in the policing of their own reserves for many years. It has been recognized in the past and the band wishes to reaffirm this, that the best people to correct our problems are Indians. Indian policing goes some way toward achieving this end.

The brief then continues:

While the Department of Indian Affairs has also recognized the value of Native policing, there continue to be problems with respect to the powers of constables appointed pursuant to this policy.

Band Police receive their training from the R.C.M.P. This training comprises a two-week course provided at Edmonton. Bands which have tribal police consider the program of training to be inadequate.

Many Indian bands having Band Police expressed dissatisfaction with the manner in which they are required to operate.

The following reasons were given for this dissatisfaction:

- (1) They operate under the direct supervision of both the R.C.M.P. and the Band Council. This divided authority is con-

fusing both to the Native constables and to the Band Council.

- (2) Because of their limited authority they are relegated to an ineffectual role. This role was likened in one brief to that of *stool pigeon* for the R.C.M.P.
- (3) Not being permitted by the R.C.M.P. to carry sidearms or to undertake any activities involving danger often places them in an intolerable position.
- (4) The ineffectual role which they are called upon to play diminishes their self-esteem, thereby rendering them less efficient. It also lowers the esteem in which they are held by other Indians who sometimes treat them with open contempt.
- (5) This lack of respect renders the position of band constable less attractive and discourages the recruitment of the best type of young men into the force.
- (6) The standard of training of band constables is inadequate.
- (7) The salaries that Band Councils are able to pay are too low. The maximum paid on the Blood Reserve in April 1974, was \$7,200.
- (8) Band constables do not have authority to stop and search vehicles on the reserve as provided for in The Liquor Control Act.¹
- (9) Although some reserves are *dry reserves*, band constables do not have the authority to deal with breaches of this status.

Since these submissions were made, the provincial government has taken steps to confer more authority on Band Police.

The Police Act 1973² empowers the Attorney General to:

- (a) *appoint such special constables as he considers necessary,*
- (b) *define the offices, positions, territorial jurisdiction and duties of special constables, and*

¹ The Liquor Control Act R.S.A. 1970, ch. 211, sections 108 - 116.

² Alberta Statutes 1973, ch. 44 s. 38.

- (c) *make regulations governing the office, position, duties and conduct of special constables and any other matter concerning special constables.*

Special Constables are appointed under this authority by the Solicitor General on the application of Indian Band Councils. The Indians recommended for appointment are generally already band constables.

An assessment is then made by the R.C.M.P. which makes appropriate recommendations to the Solicitor General. If the assessment is favorable, the Solicitor General issues a Certificate of Appointment which outlines the authority conferred upon the constable.

There are two types of appointments for Special Constables, full authority and limited authority. The full authority includes:

- (1) *The Motor Vehicle Administration Act*
- (2) *The Highway Traffic Act*
- (3) *The Public Service Vehicles Act*
- (4) *The Off-Highway Vehicle Act*
- (5) *The Liquor Control Act*
- (6) *The Litter Act*
- (7) *The Indian Act, sections 30, 94 and 97*

The limited appointment gives them authority to enforce band bylaws, The Liquor Control Act and its Regulations dealing with intoxication and illegal possession, and those portions of The Highway Traffic Act and The Motor Vehicle Administration Act which deal with non-moving violations of the Acts, except on a primary highway or on a road designated as a secondary road under The Public Highways Development Act.¹

Upon recommendation from the more experienced band constable or the R.C.M.P., this appointment may be extended to full authority.

The appointment in each case states that the Special Constable is not

¹ Letter to Board of Review from Director of Law Enforcement, Department of Attorney-General, dated September 28, 1977.

permitted to carry a firearm. The Solicitor General's department provides a contribution to the band in the amount of \$11,100 per constable to cover the cost of salary, uniforms and transportation. The band is free to supplement this contribution from band funds.

A directive from the director of law enforcement, Department of the Attorney General, dated February 12, 1974, to the Commanding Officer, "K" Division, Royal Canadian Mounted Police states:

Special constable appointments issued to band constables in Alberta provide for the enforcement within the boundaries of the Indian reserve of the band bylaws, the provisions of The Liquor Control Act of the Province of Alberta and its Regulations which deal with intoxication and the illegal possession of liquor and those portions of The Highway Traffic Act of the Province of Alberta which deal with non-moving violations of the Act, except on a primary highway or on a road designated as a secondary road under The Public Highways Development Act. The authority of a peace officer is confined to the duties as stated in this appointment and does not authorize the appointee to carry a firearm in the performance of the duties stated.

The directive details the authority of band constables in enforcing these Acts as follows:

The Liquor Control Act - the provisions of The Liquor Control Act dealing with offences for illegal possession and intoxication are found in sections 82, 83 and 84 of the Act. The peace officer authority of the band constable appointed as a special constable under section 38 of The Police Act is confined to the enforcement of the three sections mentioned. The band constable's authority does not extend to the provisions for search and seizure contained in sections 108 - 116 inclusive of The Liquor Control Act. This is a responsibility that must remain with the R.C.M.P. The role of the band constable will be that of assistance to the R.C.M.P.

The Highway Traffic Act - Non-moving violations include:

- (a) offences related to 'Operators Licenses' as contained in Part 1 of The Highway Traffic Act*
- (b) offences related to the 'Registration of Motor Vehicles and Trailers' as contained in Part 2 of The Highway Traffic Act*
- (c) offences related to 'Equipment Required on Vehicles' as contained in Part 3 of The Highway Traffic Act*

(d) offences related to 'Parking Restrictions' as contained in sections 137 to 141 inclusive in Part 5 of The Highway Traffic Act, and

(e) offences related to 'Financial Responsibility of Owners and Drivers' as contained in sections 252 to 255 inclusive of Part 14 of The Highway Traffic Act.

It is not intended that band constables should stop vehicles on the reserve or conduct random vehicle checks of moving vehicles merely to detect the non-moving offences indicated. When such action becomes necessary it will be carried out by the R.C.M.P. and the role of the band constable will be that of assistance to the R.C.M.P.

Section 184 of The Highway Traffic Act directs that 'every driver shall, immediately he is signaled or requested to stop by a peace officer in uniform, bring his vehicle to a stop and furnish such information respecting the driver or the vehicle as the peace officer requires and shall not start his vehicle until such time as he is permitted to do so by the peace officer'. The band constable is, by virtue of his appointment as a special constable, also a peace officer for the purpose of enforcement of the non-moving violations listed above and, should he be required to do so and have reasonable and probable grounds to support his actions related to the non-moving violations referred to, he would then have the authority under section 184 of The Highway Traffic Act to stop a vehicle for the purpose so stated. The band constable must at all times exercise discretion in stopping vehicles under the authority provided by section 184 and he should be cautioned that abuse of this authority could result in the cancellation of the special constable authority.

It is specifically pointed out in this directive that Special Constable appointments do not provide authority for band constables to enforce the provisions of the Criminal Code, other than as a citizen who may arrest without warrant a person whom he finds committing an indictable offence.¹

Since the training given Band Police prior to their authority being extended was considered insufficient, a longer and more comprehensive course of training would seem to be desirable.

It was pointed out to the Board that Band Police are vulnerable to pressures, by reason of their appointment by and responsibility to the Band Council. Pressures in the discharge of their duties could be exerted

¹ Criminal Code, Section 449 (2).

by the chief or members of the council, the Board was counselled.

This has been resolved by The Pas Reserve in Manitoba through creation of a Protective Services Committee comprising three band councillors and four other members of the reserve. This committee directs the day-to-day activities of the Band Police within specific guidelines laid down by the Band Council. In serving as a buffer between the Band Police and the council, it is considered to have brought about better performance by the Band Police.

RECOMMENDATIONS

1. Band Police and Special Constables appointed under The Police Act 1973 should be given a longer and more comprehensive course of training.
2. Band Police Commissions, having a membership made up of a minority representation of the Band Council and a majority representation from the reserve at large, should be established on reserves having Band Police.

Native Special Constables

A report based on a study of policing on Indian reserves conducted by the federal government 1971-1972¹ recommended a number of options which included the following:

- (1) Band Council policing
- (2) Municipal policing
- (3) Provincial policing

The response from Indian Associations in several provinces indicated a preference for the creation of a special branch of the R.C.M.P. specifically charged with responsibility for policing Indian reserves and areas adjacent to them.² This became known as Option 3b.

Acting on this expressed preference, negotiations for cost-sharing agreements were carried out with the provinces. In these negotiations the following principles were stated by the Minister of Indian Affairs:

- *each band should be consulted about its policing needs;*

¹ *The Report of Task Force - Policing on Reserves*, January 8, 1973.

² *Dialogue*, Indian and Eskimo Affairs Program, Vol. 2, No. 6, 1976.

- *policing services on reserves must be improved both in quality and quantity;*
- *constitutionally, law enforcement is a provincial responsibility, and therefore should be provincially cost-shared;*
- *Special Indian Constables would assist the R.C.M.P., the O.P.P. and la Sûreté du Québec to carry out their responsibilities, not only on reserves but in areas adjacent to them;*
- *the program would provide for improved police-community relations with increased emphasis on crime prevention and diversion of the offender from the traditional concept of imprisonment.*

Recruits for Native Special Constables are given a 10-week course of training in the R.C.M.P. Depot at Regina. Upon successful completion of the course they are posted to R.C.M.P. detachments serving Indian reserves. Factors taken into consideration in postings are: the acceptance by the band members, knowledge of the area and the residents, and language. Generally the detachment to which a Native Special Constable is posted is responsible for policing the reserve on which he lived prior to recruitment and on which he will continue to reside.

The Option 3b Program came into operation in Alberta in 1975, with the formation of a troop of nine Indians in "K" Division. Upon completion of the course at Regina, Special Native Constables were posted to detachments in High Prairie, St. Paul, Pincher Creek, Cardston, Gleichen, Cochrane, Slave Lake and Calgary. Since then additional Native Special Constables have been trained and posted to other detachments in Alberta. As at November 10, 1977, 26 Native Special Constables have been qualified and posted to R.C.M.P. detachments in Alberta. The financing of this program is shared between the federal and provincial governments on a 60:40 basis.

Native Special Constables are required to sign a five-year contract of employment. The salary range is \$11,500 to \$14,648.

Special Native Constables interviewed by the Board were found to be sensitive to the fact that instead of being provided with official R.C.M.P. badges for purposes of identification, they are issued a plastic I.D. Card. They feel this identification tends to diminish their prestige and authority. It was pointed out as a practical consideration that in an emergency, it is more difficult to speedily produce an I.D. Card than the official badge.

Concern was also expressed over no provision having been made, as yet, for promotion of Native Special Constables to higher rank.

The Option 3b Program has great potential for improving the administration of justice with respect to Indians. Not only does it afford an opportunity for Indians to assume greater responsibility in law enforcement on reserves, it can also be the means of solving the problem of communication between Indians and the R.C.M.P. The Special Native Constable, because he lives on the reserve, can communicate with the residents in their Native language, shares their customs and culture, and is sensitive to their problems. This program can serve to bring about greater confidence on the part of Indians in the administration of justice.

RECOMMENDATIONS

1. The Native Special Constable Program should continue to be accorded full support by the provincial government.
2. R.C.M.P. should be requested to give consideration to:
 - (a) providing Native Special Constables with official badges;
 - (b) the matter of promotion of Native Special Constables.

B. NATIVE PEOPLE AND THE COURTS

This quotation sums up the basic problem of many Native people who become involved in the Court system:

The native Indian often feels greatly handicapped by virtue of his different cultural upbringing, lack of formal education, understanding and acceptance of the non-Indian way of life, in asserting and ensuring his rights when brought in contact with the various law enforcement agencies. The strange situation with which he is faced when brought before the Courts is often overwhelming and incomprehensible. . . . Indians have little understanding of their legal rights, of Court procedures or resources such as Legal Aid (As a consequence) it appears that most Indian people enter guilty pleas either because they do not understand the concept of legal guilt and innocence or because they are fearful of exercising their rights.¹

Various ways in which this problem should be dealt with were submitted to the Board. They are considered under the following headings:

- (1) Court Sittings
- (2) Native Courtworkers
- (3) Legal Aid
- (4) Native Court Interpreters
- (5) Sentencing

¹ *The Indian Counsellor Project - Help for the Accused*, by Michael C. Bennett, Executive Director, the John Howard Society of Vancouver Island, B.C., (1973) 15 Can. J. Corr. 1.

(1) Court Sitings

The following statement appears in the submission of the Indian Association of Alberta:

A common theme in the many Indian briefs presented to the Board of Review has been the need for sensitivity and understanding of the Indian people by officials of the Court - judges, lawyers, police and others respecting the Indian, his community society, culture and language. It is only from such exposure that these people can come to realize that the Indian is not a brown white man. He is different and these differences must come to be understood before the law will be relevant to him.

Since judges generally lack effective opportunity to attend courses dealing with Indian culture or to visit reserves, one solution lies in Provincial Court and Family and Juvenile Court sittings being held on reserves. This would enable judges to meet and talk with Indians in their own community setting, thereby enlarging their understanding of Indians' social life styles, problems and agencies. It also would benefit accused persons in that they would feel more at ease among their own people. They might be better able, therefore, to express themselves. It was also suggested that an accused person being tried before fellow tribesmen likely would feel a shame that in itself would have a deterrent effect on unlawful behavior. The Indian community similarly would benefit through a more meaningful perception of such behavior and society's reasons for discouraging it. It should also lead to a better understanding within the Native community of the whole Court process.

The practice of Provincial Court and Family and Juvenile Court sittings being held on Indian reserves has been adopted in Manitoba with considerable success. Indeed, this involvement of the Court in the Native community has been extended beyond Court sittings. Seminars organized by the Manitoba Police Commission are held in different parts of the province where there are Indian reserves and non-Status Indian and Metis settlements. In these seminars, Provincial Court and Family Court judges together with Crown attorneys, defence counsel, representatives of the R.C.M.P., Court Communicators (in Alberta known as Native Courtworkers) meet with representatives of Band Councils and Native Community Councils to discuss their roles in the administration of justice.

Not only do these seminars serve to bring about a better understanding on the part of Natives of the administration of justice, they also develop a greater sensitivity on the part of judges, lawyers and police to Natives, their culture, their community, their language and their problems. They are a useful means of diffusing those mutual misconceptions

which create a barrier of distrust between Natives and non-Natives.

When special problems occur on Indian reserves or in non-Status and Metis communities with respect to the administration of justice, Provincial Court and Family Court judges meet with representatives of the Band Council and/or of the Community Council to discuss these problems. These meetings not only serve as a means of coping with particular problems involving Natives in the administration of justice but also bring about a better mutual understanding and respect between the Court and Native people.

In Manitoba a means of liaison between Native people and the provincial justice system is afforded through the Manitoba Police Commission. An official of that commission, formerly an officer in the R.C.M.P. who had extensive experience in Northern Manitoba in dealing with Native people, performs an active role in organizing and carrying out the seminars.

It would seem desirable that in Alberta a special office should be established in the Department of the Attorney General for the purpose of providing liaison between the Native people and the Provincial, Family and Juvenile Courts.

Another proposal advanced by the Indian Association is for a panel of lay persons to assist judges during their deliberations. Indeed, the brief of the Indian Association went further in proposing that wherever there is a high concentration of Native population, the requirement of legal training for Provincial and Family and Juvenile Court judges should be dispensed with and lay Indian judges should be appointed instead.

The practice of having lay judges in the Provincial Court and the Family and Juvenile Courts is being discontinued in this province as a matter of government policy. Not only would it be contrary to this policy to have a panel of lay persons to advise a judge in his or her deliberations or to have an Indian judge without legal qualifications, it would be incompatible with the concept of the equality of all before the law which is fundamental to our system of justice.

However, the appointment of Indian Justices of the Peace (JPs) to serve on reserves might do much to meet this understandable desire of Indians to play a more active role in the administration of justice.

The Indian Act provides for the appointment by the Governor in Council of Justices of the Peace with limited jurisdiction.¹ Wider

¹ R.S.C. 1970, ch. 1-6, s. 107.

jurisdiction is available under the provisions of the Alberta Justices of the Peace Act.¹

In Manitoba a system has been instituted whereby Native Justices of the Peace and magistrates with limited jurisdiction have been appointed. Their jurisdiction is limited by administrative order.

A magistrate with limited jurisdiction is one who has not been granted jurisdiction under Part XVI of the Criminal Code and therefore to all intents and purposes exercises the same jurisdiction as a Justice of the Peace.

They take pleas of guilty only with respect to summary conviction matters and if the summary conviction matters are pursuant to the Criminal Code, then the specific consent of the Crown attorney must be obtained. This consent is granted either on a blanket basis or an individual case basis depending on the calibre of the appointee and other circumstances.

These JPs and magistrates are also instructed that if, after receiving a plea of guilty, they intend to impose a term of incarceration without the option of paying a fine, then they should have the plea withdrawn and remand the matter to the regular Provincial Judges' Court.

They also exercise considerable jurisdiction with respect to summary conviction juvenile delinquencies under The Highway Traffic Act and The Liquor Control Act. It should be noted in this connection that the maximum age for juveniles in Manitoba is 18.

A Native Justice of the Peace Program has also been established in Saskatchewan. Some of the advantages of this program were stated as follows:²

- (a) *provision for increasing the effectiveness of bylaws passed by band councils attempting to improve local conditions;*
- (b) *provision for reduction of travel distance over difficult roads in remote areas;*
- (c) *provision for an educational link between the Native people and the administration of justice which would hopefully increase their understanding and awareness of the concept of justice;*

¹ Alberta Statutes, 1971, ch. 57.

² Letter to the Board of Review from the Deputy Attorney General of Saskatchewan, dated October 17, 1977.

- (d) *provision for application of the law that would be more sensitive to the needs of the community and needs of the particular offender.*

The program was implemented in close collaboration with the Federation of Saskatchewan Indians and with the co-operation of the R.C.M.P. Candidates for appointment were not required to have special qualifications. Familiarity with Native problems and ability to respond to the role of intermediary between the justice system and Native people was considered essential. Special training was provided at workshops.

The appointment in this province of Native Justices of the Peace with limited jurisdiction could be a means of enabling Natives to play a more active role in the administration of justice.

RECOMMENDATIONS

1. Where practicable, Provincial, Family and Juvenile Court sittings should be held on Indian reserves when those reserves are not easily accessible to centres in which sittings are held.
2. A program involving the training and appointment of Indian Justices of the Peace with limited jurisdiction should be implemented on a trial basis.
3. (a) A special office should be created in the Department of the Attorney General to provide liaison between Native people and the Provincial, Family and Juvenile Court systems.
(b) A function of this office would be to organize seminars involving the participation of Native people with respect to the administration of justice.
(c) Another duty of this office should be co-operation with the agency responsible for the implementation of this Report.

(2) Native Courtworkers

A most significant step was taken toward ensuring better treatment for Native people in the Courts in this province through the formation of the Native Counselling Services of Alberta. This organization was an outcome of a Native Courtworkers Program which originated in the Native Friendship Centre in Edmonton in 1960. The circumstances leading up to this program were stated by Chester Cunningham, executive director of Native Counselling Services in these words:

The Native Counselling Services of Alberta is an organization of people of Indian ancestry which is registered under The Societies Act of Alberta. The Service is non-political and non-sectarian. The Service presently concentrates on two special problem areas for Native people -- the Courts and the use of alcohol.

The reason for the Courtworker program was that in sitting in the Courts, in the Municipal Courts which are now the Provincial Courts, we found that about 60 per cent of the people going through on the docket were Native people. There were several problems that they were facing, and one of them was frequently a language barrier existed, unfamiliarity with Court proceedings, inability to pay fines, reluctance to speak up for oneself, lack of knowledge of agencies to turn to for assistance or guidance, confusion as to the law, and confusion as to Native rights.

Initially the program dealt only with first offenders in the Edmonton area. Later, the Metis Association, in co-operation with the provincial government, agreed to set up a province-wide Courtworkers Program. The Indian Association of Alberta was approached and agreed to participate on a joint basis which was formalized in 1970.

In addition to a main office in Edmonton, regional offices administered by an area supervisor have been established in Standoff, Calgary, Hobbema, Peace River and Lac La Biche. Some of the field staff employees in rural areas work from their own homes; others work out of Friendship Centres, Courthouses, band administration offices or rented offices in commercial buildings. In September 1977, the services had a total full-time staff of 74, in addition to several part-time employees. Of these, 26 are employed as Native Courtworkers in the Provincial Court and 20 are serving in the Family and Juvenile Courts.

The role of Native Courtworkers is described in the briefs of the Native Counselling Services in these words:

They are called upon to interpret; explain Court procedures; speak

to sentence; provide background information; make referrals to appropriate resources; and provide counselling to individuals, families, and groups. The objective of these activities is to ensure that Native people fully understand their rights, choices, responsibilities, and obligations in relation to the various parts of the Justice System such as the Police and other enforcement agencies, the Courts and related judicial functions, and Corrections including Probation, Parole, Institutions and Diversionary Programs such as Fine Options, Temporary Absences, and Community Residential Centres.

In addition the Criminal Courtworkers work in close co-operation with the Justice System to ensure that its agencies and personnel are aware of and sensitive to the circumstances, concerns, needs, and perspectives of the Native people it deals with.

Their role in Family and Juvenile Courts is described as follows:

The family Courtworkers assist Native individuals and families in their dealings with Police, Judges, Social Workers, and Counsellors involved in the Family and Juvenile Courts. Family Courtworkers are called upon to interpret; explain Court procedures; make recommendations as to dispositions; make referrals to appropriate resources; supervise Native delinquents; and provide counselling to individuals, families and groups.

The Family Courtworkers also work closely with Social Workers to help them understand the needs, concerns, and perspectives of their Native clients.

The services provided by Native Courtworkers contribute much in assuring Native people more equitable treatment in the provincial justice system. The worth of these services has been recognized both by the Courts and the police. In a letter to the director regarding the departure of a Native Courtworker to further his education, a Provincial Court judge wrote:

The Court could operate without a replacement ... but there would be a definite lack of efficiency and a lack of the natural justice to the Native people which prevails at the present time.

The assistant commissioner of the R.C.M.P. told the Board:

We fully support ... the counselling service, in their efforts to expand their program of Court services and the counselling services, ... I think it is perhaps sort of inferred here that the counselling service is only for the benefit of the individual concerned, but it helps the police also in our investigations. We have certainly found through the Courtworkers that they have been able to talk to complainants

who have been reluctant to lay charges where they have been grievously offended.

While the role of Native Courtworker is highly valued by Indians and Metis, the following criticisms were heard with respect to the services they provide:

- (1) The services of Native Courtworkers are often not available immediately after the arrest of a Native person - when the Courtworker is most needed. Upon arrest, an accused immediately needs an explanation of the nature of the charge, his or her rights, the availability of Legal Aid and how to secure private legal services.
- (2) The services of Native Courtworkers are not always available to juveniles facing charges under the Juvenile Delinquents Act or for consultation by the parents.
- (3) Services of Native Courtworkers are often not available in many parts of the province, both in the Provincial Court and in the Family and Juvenile Courts.
- (4) The services of Native Courtworkers are generally confined to charges relating to offences under the Criminal Code and not to summary offences under provincial statutes.
- (5) Native Courtworkers are often called upon to perform the duties of interpreter in Court. This places the worker in a difficult role, being required to act for the Court and at the same time being required to advise his client.
- (6) Some Native Courtworkers are not adequately trained.
- (7) Sufficient funds are lacking for formal training of Native Courtworkers.
- (8) Natives living on reserves are often unaware of the availability and nature of Native Counselling Services.
- (9) Often Native Courtworkers do not appear until just prior to a Court hearing, too late to properly advise accused persons of their rights and to permit acquisition of Legal Aid or private legal services.
- (10) Securing the services of a Native Courtworker is a particular

problem in the more remote parts of the province where distances are great and fast means of communication and travel are lacking. In some of these remote areas, the services of Native Courtworkers are simply not available.

- (11) Some Native Courtworkers do not speak the language or dialect of the Native people in the area they serve.
- (12) Some Native Courtworkers do not appear to have the right temperament for the proper discharge of their duties. Reference was made in this connection to those who were uninformed, those who seemed to be indifferent, those who were unreliable in appearing when they were needed or when they promised to appear. A brief characterizing one Native Courtworker observed:

He just comes for nothing.

- (13) The services of Native Courtworkers too seldom are available in Family Court.
- (14) Some Native Courtworkers do not notify the parents of children charged under the Juvenile Delinquents Act either of the Court hearing or explain to them the nature of the charge.
- (15) Some Native Courtworkers do not inform Natives of the availability of Legal Aid; how to get it or how to secure the services of a lawyer.

These criticisms were made in the course of the Board's public hearings in 1974. Since then, many changes have been effected which have resolved many of the problems enumerated here.

For instance, changes have been made in the training program. In the early years of the Native Counselling Services, most of the training of Courtworkers was on-the-job, working in company with an experienced Courtworker, augmented by discussions at staff meetings in which judges, lawyers and police officers were invited to participate. Later, resource persons specializing in human relations skills became involved.

In 1974, a six-week training session was organized at Grant MacEwan College, Edmonton. The legal component of this course was handled by the Faculty of Law of the University of Alberta.

In February 1976, the services of a full-time training co-ordinator were engaged. The appointee has a Master's degree (Corrections) from the University of Alberta and had eight years' prior experience as a pro-

bation officer, parole officer and social worker in correctional institutions. Now, all the field staff and most of the office staff receive a two-week orientation session before or shortly after assuming their duties, one week of which focuses on legal skills and the other relates to human relations. Follow-up workshops are held whenever possible.

Native Counselling Services staff also participate in seminars, workshops and conferences dealing with topics related to their work and sponsored by other agencies.

Steps have been taken to ascertain the extent to which Native persons are aware of the Native Counselling Services and their programs. In the summer of 1977, five Native students were hired through Summer Temporary Employment Program (S.T.E.P.) to talk with Native people throughout the province. The survey indicated that while most Native people are aware of the existence of the services, there is uncertainty about the specifics of the various programs. This survey enabled Native Counselling Services to identify the areas in which improvements can be made.

Programs have been initiated to familiarize Native people with the various aspects of the judicial system and dealing with social problems and legislation which are of immediate concern to them. In consultation with local leaders, workshops have been organized in which judges, police, parole officers, social workers, probation officers, Court clerks, Legal Aid representatives, Fish and Wildlife officers and representatives of other agencies which deal with Native people participate.

Slide/sound shows funded by the Law Foundation of Alberta presenting information with respect to law and social matters affecting Native people are being written, directed and produced by the Media Department of the Native Counselling Services using Native people as participants. Some of the topics dealt with in these shows are hunting and fishing, child welfare, glue sniffing, alcoholism, arrest and rights, and Ombudsman. These shows are available for viewing by any interested individual, group or community.

They are being financed by the Law Foundation of Alberta for a period of three years, after which alternative funding arrangements will have to be made.

Financing has been placed on a stable basis. Funds for the program in Provincial Courts is shared jointly by the Federal Department of Justice and the Department of the Attorney General of Alberta. Funds for the program in Family and Juvenile Courts are provided by the Department of Social Services and Community Health. To ensure the proper management and control of these funds, a full-time qualified accountant supervises all financial matters including budget preparation,

payroll and operating expenses. This has resulted in financial stability. For the fiscal year 1976-1977, the brief of the Native Counselling Services states that actual expenditures came within one per cent of budget requirements of approximately \$1.3 million.

Native Counselling Services are also extensively involved in other activities relating to the administration of justice which, although not directly involved in the Court process, are an extension of that process. Some of these services drawn to the attention of the Board are as follows:

Liaison Officers

Eight Prison Liaison Officers, five of whom work in provincial correctional institutions and three in federal penitentiaries, perform the following role:

. . . work with Native inmates to help them understand institutional programs, procedures, and services. They act as resource persons to Native groups within the institutions. . . . maintain contact with Native communities, groups, and individuals that can assist inmates upon their release. . . . also try to make institutional personnel more aware of the needs, concerns, and perspectives of Native inmates. At the present time, the Liaison Officers spend nearly all their time inside the institutions. The demand for their help from both staff and inmates is so great that there is not enough time to work with Native individuals, families, groups, and communities affected by the prison system.

Funding for Liaison Officers serving in provincial correctional institutions is provided by the Solicitor General of Alberta. Services rendered in federal penitentiaries are funded by the Solicitor General of Canada.

Parole Officers

Two Native Parole Officers, one in Edmonton and one in Calgary, deal with parole matters in co-operation with the National Parole Service. Their role is to provide the National Parole Service with assessments and information concerning Native inmates who are being considered for passes, parole and mandatory supervision. They also provide supervision and counselling to Native people while on parole and under mandatory supervision. Services rendered to the National Parole Service are paid for on a fee-for-service basis.

Bush-Clearing Projects

In 1974, the Neegan Society administered largely by Natives was

formed for the purpose of providing work experience and living-skill programs for inmates of provincial correctional institutions. In 1976, when the society ran into financial administrative problems, the Native Counselling Services agreed to assume responsibility for the financial and administrative operations of the society. Since that time, bush-clearing projects, paid for on a per diem rate plus basis, have been undertaken under contracts with public companies.

These programs have generated an income of approximately \$70,000, part of which pays the Native inmates and part offsets the cost of the program. Discussions are being held with officials of the Solicitor General's department with respect to the possible establishment of one or more minimum security trailer camps for Native inmates in provincial correctional institutions. These camps would be operated and administered by Native people in conjunction with the bush-clearing projects.

Juvenile Delinquents Camp

Native Counselling Services actively supported the establishment of two camps for Native juvenile delinquents; the Makinaw Camp near Nordegg and the Nelson Small Legs Senior Boys Ranch at Brocket.

In these camps boys are brought into contact with Native elders and other adults who endeavour to help them develop good working habits and find a sense of identity in their Native culture. The results being obtained in these camps are described as encouraging.

High Level Diversion Project

Native Counselling Services has secured the co-operation of several federal and provincial agencies in sponsoring a Pre-Charge Diversion Project at High Level in Northern Alberta. The concept of this project is to reconcile a criminal complaint to the satisfaction of the complainant, the accused and the community in order to avoid a formal charge being laid and the imposition of a Court sanction, emphasis being placed on dealing with the problem in the community, utilizing community resources.

Impaired Drivers Project

This program has as its object assisting convicted Native impaired drivers to better control of drinking and driving behavior. The program operates in the Lethbridge, Cardston and Fort Macleod areas. It brings together offenders and specialists in law enforcement, insurance and alcoholism, to discuss the effects of drinking and driving.

Native Homemakers Program

As a result of discussions between Native Counselling Services and the Department of Social Services and Community Health, the concept of having Native women receiving social assistance to go into Native homes and help with child care, housekeeping, handling money, has been developed. Training is provided with the co-operation of the Alberta Vocational Centre at Edmonton. The *Homemakers* as they are called are available to go into homes when requested by a Family Courtworker or a Social Worker and are paid on an hourly basis. Administrative arrangements are handled by Native Counselling Services. Benefits from this program not only accrue to the homes receiving the services but to the Homemakers whose earnings enable them to *work their way off social assistance*, thus restoring their sense of independence and worth.

Community Involvement

The following quotation from the brief submitted by Native Counselling Services is indicative of the extent to which the services are involved in community activities:

The staff of Native Counselling Services are stable people who usually live and work in the same community. They are on 24-hour call, whenever someone has a problem. During non-working hours, Native Counselling Services' staff continue to serve their communities. They are involved in organizing sports, Band Councils, church groups, Friendship Centres, education committees, housing matters, Legal Aid committees, Native Credit Union committees, Cub leaders, and countless other community service activities. Many staff are active AA members and are a source of encouragement for many other Native people.

The Native Counselling Services are playing a significant role in the administration of justice in Alberta. They have demonstrated a capacity to enlist the co-operation and active support of many different agencies within the justice system. As a Native organization functioning under the direction of Natives, and utilizing the services of Natives, they have earned a high degree of credibility and acceptance among Native people. They merit being considered an integral and essential part of the justice system in this province.

The following recommendations were made by Native Counselling Services for improving the quality of service it is providing:

1. *That private office space in all Courthouses in areas of substantial Native populations be made available to Courtworkers, with suitable reception and telephone answering services.*

2. *That the Board of Review support Native Counselling Services' plans to expand its Liaison Officer program. This way, the Liaison Officers would be able to spend less time inside and more time in Native communities, thereby assisting more to get Corrections back into the community.*
3. *That the Legal Aid Society of Alberta receive greater funding. This could make Legal Aid more flexible and sensitive to the individual needs of all applicants. It could provide faster service and be much less bound with red tape if the Legal Aid staff who deal with the public every day could make more of the decisions concerning financial eligibility.*
4. *That the Legal Aid Society of Alberta be empowered to handle more summary conviction offences. Native Counselling Services estimates that there is less use of legal counsel for offences of a hybrid nature. Native Counselling Services believes there are cases where the Crown chooses to proceed summarily so as to reduce the chances of the accused being adequately represented by legal counsel.*
5. *That the Board of Review urge the agencies and personnel in the various parts of the Justice system to make more use of Native Counselling Services of Alberta in community-based programs such as diversion projects, Probation investigations and supervision. Temporary Absence investigations and supervision, local Fine Option programs, Police-public relations programs, community residential centres, homes for juveniles, Parole investigations and supervision, initial Legal Aid interviews, child neglect situations, social history investigations concerning juveniles and so on. To do so would be to take advantage of Native Counselling Services' reputation and contacts within Native communities which would improve the delivery of these services.*
6. *That the Board of Review support Native Counselling Services' bid to raise the base rate for Courtworkers and Liaison Officers from \$756 per month to an amount more in keeping with the salaries of other social services personnel.*
7. *That private office space be allocated for Courtworkers and/or Liaison Officers in the Edmonton and Calgary Remand Centres.*
8. *That private office space be allocated for Courtworkers in the Provincial Courthouses in Edmonton and Calgary.*

The scale of salaries for Native Courtworkers does not compare favorably with those for civil servants who perform duties of a comparative nature.

As at April 1, 1977, the monthly salary scale for Native Courtworkers was \$756 to \$1,009.

The monthly salary scales for Native Liaison Officers, Social Service Technicians and Social Workers I were as follows:

Native Liaison Officer I	\$1,004 - \$1,369
Social Service Technician	\$1,004 - \$1,214
Social Worker I	\$1,004 - \$1,369

The many duties outlined above that Native Courtworkers are called upon to perform call for a wide range of knowledge of the justice system, sound judgment, initiative, tact, and a high sense of responsibility. In order to attract and hold the services of Native people possessing these qualifications, adequate remuneration must be offered. The present salary scale for Native Courtworkers does not meet that requirement.

RECOMMENDATIONS

1. To the extent that it has not yet been done, Native Counselling Services should take appropriate steps to deal with the criticisms of its operations enumerated above.
2. Suitable office facilities should be provided for Native Courtworkers:
 - (1) in the Provincial Courthouses in Edmonton and Calgary,
 - (2) in all Courthouses serving areas in which there is substantial Native population,
 - (3) in the Edmonton and Calgary Remand Centres.
3. Consideration should be given to the plans of Native Counselling Services for the expansion of the Liaison Officer Program.
4. The services of Native Counselling Services should be utilized to the fullest extent in all areas in which Native people are involved in the administration of justice.
5. The salary scales of Native Courtworkers should be reviewed so as to bring them in line with the salary scales of Native Liaison Officers I, Social Service Technicians and Social Workers I respectively.

(3) Legal Aid

Considerable dissatisfaction was expressed with the availability of Legal Aid. The principal criticisms were these:

1. Many Native people are not made aware of the nature and availability of Legal Aid.
2. Many Native people do not know how to go about seeking Legal Aid.
3. Native Courtworkers do not inform Native people charged with criminal offences about the availability of Legal Aid or assist them in applying for it.
4. Legal Aid services often are not made available until immediately prior to trial, thereby depriving Natives of sufficient time in which to give their legal counsel proper instructions.
5. Counsel appointed by Legal Aid sometimes fail to appear at the time appointed for trial.
6. The procedures for obtaining Legal Aid often deter Native people from applying for it. This is particularly the case in remote areas where the lack of communication facilities prevents Native people from establishing contact with Legal Aid assessment officers or where they are required to apply in person and have no means of transportation.
7. Legal Aid committees are uninformed about the problems of Native people and sometimes appear to be indifferent to their need for Legal Aid.
8. Legal Aid offices are too centrally located.
9. The Legal Aid Society should be empowered to act in more summary conviction offences.

The following proposals for making Legal Aid more easily available to Native people and more responsive to their needs were submitted:

1. At the time of being charged with a criminal offence, Native people should be made aware by the police officers of the availability of Legal Aid and how to apply for it.
2. Native Courtworkers should be required to ensure that a Native person charged with an offence is informed of the availability of Legal Aid and to assist him or her in obtaining it if it is requested.

3. Counsel provided by Legal Aid should be available for consultation and instructions at a reasonable time prior to the trial.
4. Native people should have representation on Legal Aid assessment committees.
5. Legal Aid assessment committees should be more widely located.
6. Legal Aid assessment officers should travel on circuit to reserves situated in remote areas.

The implementation of the Board's recommendations in Report No. 2 with respect to Legal Aid will serve to meet some of the above-mentioned complaints.¹

There are, however, additional steps which should be taken to ensure that Legal Aid is made more readily available to Native people. One is that Native Courtworkers should be required to ensure that a Native person charged with an offence is informed of the availability of Legal Aid and to assist him or her in obtaining it. Another is that Legal Aid counsel should be made available in sufficient time before trial to permit adequate consultation. It is desirable that Native persons be accorded representation on Legal Aid assessment committees.

RECOMMENDATIONS

1. Native Courtworkers should be required to ensure that a Native person charged with an offence is informed of the availability of Legal Aid and to assist him or her in obtaining it. In the absence of a Native Courtworker, this information should be provided by the police.
2. Legal Aid counsel should be required to be available for consultation with their Native clients in sufficient time before trial to afford an opportunity for proper consultation.
3. More simplified and speedy procedures should be provided by the Legal Aid Society to enable Native people living outside centres where Legal Aid offices are situated to obtain Legal Aid services.
4. A program should be initiated by the Legal Aid Society to acquaint Indians living on reserves and non-Status Indians and Metis living in Native communities with the services provided by the society and how those services can be obtained.

¹Report No. 2, p. 83.

5. Native people should be accorded representation on Legal Aid assessment committees.
6. Consideration should be given to extending Legal Aid in more summary conviction offences.

(4) Native Court Interpreters

The fact that there are seven different Indian languages in use in Alberta, some having several dialects, creates a problem in providing adequate translation for Native people appearing in Court either as accused persons or as witnesses. The Board received many complaints about the lack of uniformity and the inadequacy of this service in the Provincial, Family and Juvenile Courts.

Frequently an interpreter is selected from Native people who happen to be in Court or are available, without regard to their competence to serve in this role.

Often they do not have a sufficient knowledge of English or understanding of the legal process to adequately convey to a Native person charged with an offence either the nature of the offence or the significance of the alternative pleas that are available.

The person selected may not have a sufficient understanding of the dialect used by the Native person charged with an offence or used by a witness giving evidence. An interpreter selected in this way may not be objective in making a translation.

Native people finding themselves involved in proceedings which they do not comprehend are filled with apprehension, understandably enough. They are sensitive about their lack of understanding of what is happening and about their deficiency in the language of the Court. In the result, they often become mute, unable to say anything and may enter a plea of guilty without fully realizing its significance or simply to get the whole thing over with - *to get out of the Court*. This is particularly true of older Native people and of juveniles, and in the more remote parts of the province.

In cases involving Indians from the more affluent reserves where there is generally a social services department, social workers are generally called upon to render interpreter services.

One brief pointed out that the department is called upon to provide *probation officers, witnesses, translators, Courtworkers and prosecutors: difficult roles to fill all at once*. A social worker called upon to act as interpreter may be placed in a difficult position when he or she is in a Court in a representative capacity either for the Crown or for the parents or for a juvenile in Family and Juvenile Courts. Native Courtworkers who are frequently called upon to act as interpreters feel that this is in conflict with their role in Court. In many instances, particularly in the Family and Juvenile Courts, interpreters are not available.

It is imperative, if justice is to be done in the Provincial, Family and Juvenile Courts, that Native people be provided with competent, objective interpreters and that this service should be uniform throughout the province.

To achieve this, Native people having sufficient formal education and fluency in the English language should be given training in a basic understanding of the legal process, plus emphasis on their responsibility to provide objective and accurate translation.

To attract competent interpreters, provisions should be made to compensate them adequately for their services.

RECOMMENDATIONS

1. Provision should be made for Native Court interpreters to be available as a matter of regular practice in all Provincial, Family and Juvenile Courts when Native people are involved either as accused persons or as witnesses.
2. A course of training should be given Native Court interpreters. This course could be provided by the Legal Education Society of Alberta.
3. Successful completion of such a course should be a requirement for appointment as a Native Court interpreter.
4. A roster of qualified Native Court interpreters should be established.
5. Native Court interpreters should be adequately compensated for their services.

(5) Sentencing

The statistics referred to earlier in this Report and quoted in Appendix "A", are indicative of the disproportionate number of Native people being confined in provincial correctional institutions for non-payment of fines.¹ It is contended in many briefs that these statistics and the high rate of recidivism indicate that detention is not accomplishing much either in the way of rehabilitation or deterrence and that there is an urgent need for more productive ways of imposing sanctions than confinement.

The economic effect of the fine itself or the alternative on default of detention are considered to be discriminatory in two respects:

- (1) The amount of fine imposed often does not take into account the limited financial resources of many Native people. A fine appropriate for a person of high earning power may impose a harsh burden on a Native person having a low or no earning power. The burden of fines is often then borne by the wife and family or by other relatives.
- (2) The seasonal nature of employment of Native people is not always taken into account. Earnings of Indians in the southern part of the province generally occur in the summer and fall, while the earnings of Native people in the northern part of the province, employed in the timber industry, or in hunting and fishing, are realized in the winter months. Native people required to pay fines in their off-seasons of work are often faced with the only alternative - serving time in detention.

The following alternatives were proposed:

- (1) Native persons should be afforded an opportunity to pay fines by doing work in their community. Such work in the case of Reserve Indians could be performed on the reserve under the supervision of the Band Council. The suggested benefits that would accrue are these:
 - (a) To the convicted person, some measure of self-respect in paying off his or her obligation to society by a constructive activity as well as avoiding the detrimental effects incidental to incarceration.
 - (b) To the government, a saving in the cost of detention and

¹ Appendix "A", Table 9.

in the payment of welfare to the family of the person in detention.

- (c) To the reserve, in the benefits of the work carried out to liquidate the fine.

One brief suggested that if funds were made available to Band Councils by the government, wages for the work done could be paid to the convicted person, with deductions to pay off the fine, leaving a balance for the support of the person and dependents, if any. The cost to the government would be offset in such cases by the social assistance payments that might otherwise be payable.

- (2) Recognition of the seasonal nature of employment of Native persons by making provision for payment of fines over a period of active employment.
- (3) Wider use of the alternatives of probation and conditional discharge which similarly could be tied up with community work.

The Indian Association proposed the creation of a federally-funded Indian Corrective Service (I.C.S.) staffed by Indians to administer all aspects of the proposals stated above. I do not consider this to be a practical solution. Because of the wide dispersion of Native people throughout the province, many of them in remote, relatively inaccessible areas, a cumbersome and costly administrative machinery would be necessary.

I believe, however, that in the case of Indians living on reserves, Band Councils and reserve social service agencies should play a key role in the supervision of these proposed alternatives to detention. These proposals could be effectively incorporated in the Fine Option Program being implemented by the Solicitor General.

RECOMMENDATION

Administrative arrangements should be made to enable Band Councils and reserve social service agencies to participate in the Fine Option Program with respect to Indians living on reserves who are unable to pay fines imposed by Provincial Courts.

C. NATIVE PEOPLE AND THE PROBLEM OF ALCOHOL

Contrary to most white opinions the Indian people have a deep and abiding concern regarding this problem and many suggestions which will hopefully lead to its solution.

These words in the brief of the Blood Band convey the attitude of Native people with respect to the abuse of alcohol which is recognized as one of the most serious problems confronting Native people in all parts of the province.

In a study conducted by the Native Counselling Services for inclusion in its submission to the Board, an analysis was made of convictions under The Liquor Control Act resulting in detention in provincial correctional institutions. The data relates to the months of October 1972, and February 1973. The purpose of the study was to examine the problem of alcoholism as it relates to Native population and to compare the incidence of sentences on the Native and non-Native population.

The report of the study shows that of 288 individuals serving sentences for offences under The Liquor Control Act for the two-month period, 228 (78.1 per cent) were Natives.

A detailed analysis of the sentences imposed on Natives and non-Natives in Provincial Courts in the province for this two-month period indicates that Native persons, both male and female, are treated more severely than non-Natives for offences under The Liquor Control Act, with the exception of illegal possession, where the opposite is true by a narrow margin.

While these findings because of the limited period of time covered in the study cannot be regarded as conclusive, they are consistent with the findings of the report of the research and planning division of the Solicitor General's department to which reference has been made, and specifically with the figures in Table 6 of the report (Appendix "A") in which the ratio of sentenced Native inmates to non-Natives for alcohol-related offences was approximately 3:1.

The data indicates that the Status Indian and the Metis, non-Status Indian groups are more likely to report alcohol consumption as a problem (39.8 per cent) and (32.2 per cent) respectively, than were non-Natives (21.8 per cent) (Table 15, Appendix "A"). Even though the report urges caution in the interpretation of this data because it is based on self-reporting information and the criteria used in recording problem alcohol usage varies between institutions, it is supported by statistics

from an analysis of the most serious types of offence (Table 6, Appendix "A").¹

The data also indicates that in the March 1977 study, 19.5 per cent of the Natives were in detention for a *most serious offence* that was an *alcohol crime* as compared with 3.8 per cent of the non-Natives. The corresponding percentages for Natives in the March 1976 and July 1976 studies were 14.98 per cent and 15.3 per cent respectively and for non-Natives 6.0 per cent and 5.0 per cent respectively (Table 4, Appendix "A").

A more detailed breakdown of the March 31, 1977 study with respect to *most serious offences* indicates that the tendency for Status Indians to be incarcerated for a serious crime involving alcohol was significantly higher (24.0 per cent) than for non-Natives (3.8 per cent) and considerably higher than for a Metis and non-Status Indian (13.4 per cent) (Table 5, Appendix "A").

Neither the data in the 1972-1973 study nor that in the 1976-1977 study take into account the number of Native people found to be intoxicated in a public place who have been detained for a period of up to 24 hours and then released under section 83 of The Liquor Control Act without being charged.

The approximate population of Alberta at the time these studies were made was 1,650,000. The Native population then was 90,000, made up of 30,000 Status Indians and 60,000 Metis and non-Status Indians. Thus the Native minority of the population was five per cent. Yet in the 1977 study, this five per cent minority accounted for:

- (1) 45.9 per cent of the reported alcohol use problems;
- (2) 72.1 per cent of the most serious offences related to alcohol use;

and in the 1972-1973 study, accounted for 78 per cent of sentences under The Liquor Control Act.

Native people feel that this disproportionate number of their population being placed in detention for offences related to the consumption of alcohol points to the imperative need of the problem being recognized as a medical, social and economic problem calling for a different approach.

¹ The offences classified as *most serious* are violent crimes, major theft, minor theft, breaking and entering, drugs, alcohol and other.

Detoxification Centres

Positive action has been taken by Indians to deal with the abuse of alcohol as a medical and social problem in providing short-term treatment centres for problem drinkers. These centres are termed *Detoxification Centres*.

This approach to the problem in Alberta was initiated on July 29, 1973, by the Band Council and the Tribal Counselling Service of the Ermineskin, Samson, Montana and Louis Bull Bands at Hobbema (hereinafter referred to as the Four Bands), in co-operation with the Wetaskiwin City Council.

The underlying concept of the project is to provide a comfortable place in friendly surroundings for an Indian who has been picked up by the police in an intoxicated condition, or who has spent a night in jail for intoxication and has been released the following morning pursuant to the provisions of section 83 of the Act.

The philosophy underlying the concept was stated in these words in the submission of Tribal Counselling Services of the Four Bands and the Detoxification Centre:

The Indian people are not skillful drinkers. Nor are they social drinkers. They drink much like guilty children, gulping it all down before somebody takes it away from them. When the bars were opened to the Indian people in 1966, no preparation for this very fundamental change was made. It caught the Indian people flat-footed. They indulged in alcohol and couldn't handle it.

It is when the Indian drinks that he has his problems with the law. Intoxication, illegal possession and illegal conveyance sections of The Liquor Control Act are invoked against drunken Indians. As a result they find themselves in Court pleading guilty to the offence. This results in a fine and a term of imprisonment in default being levied. Often the people can't pay the fine and end up spending a short time in jail. The problems which this term of imprisonment creates in the family, with the potential of the person holding a job and with his exposure to the criminal element are incalculable.

The Detox Centre seeks to break this cycle.

... If he finds himself in this place once or twice a month, under the eyes of his fellow Indians, he may come to realize that he has an alcohol problem. It is this realization that can form the turning point in his way of life.

By arrangements with the R.C.M.P. in Wetaskiwin and Ponoka, the closest urban centres to the Four Bands, any Native who is apprehended while drunk or who is released after detention for intoxication is brought to the Detoxification Centre. Here beds are provided and counselling is available on a voluntary basis. The counselling usually involves a discussion of the problem faced by the client and what can be done about it. Generally the patient is released the same day but some stay in the centre for as long as two weeks. Sometimes it may take two or three additional visits before the client is convinced that he or she should try to do something about the problem.

Clients are encouraged to take a 28-day treatment program offered at the Alberta Hospital at Ponoka. During their stay at the hospital, counsellors from the Detoxification Centre make a point of visiting them and arranging for visits by their friends and family, visits which are considered an important part of the treatment program. During the period September 1, 1973 to April 23, 1974, 53 Indians were accepted by the Alberta Hospital from the Detoxification Centre. A letter from the hospital to the centre dated April 23, 1974, states:

A few of those you have referred have not stayed for the whole program, but by far the majority has stayed, participated actively, and seemed to benefit from their stay. You and your staff have made great, and mostly successful, efforts to screen out those who are not serious and sincere in their desire to achieve sobriety. Your weekly visits to consult with our staff have been a major contribution to good communication and co-operation between our two programs; a contribution which we deeply appreciate, and which has greatly enhanced our mutual effectiveness.

The staff of the centre consider that the results of the program indicate a considerable measure of success. They estimated that when the program was started 2½ years before their submission to the Board on May 2, 1974, a realistic estimate was that 75 per cent of the total population of the Four Bands had serious problems in the use of alcohol. At the time of their submission they estimated this had been reduced to 40 per cent. At the beginning of the program charges against Indians under section 84 of the Act were averaging 150 per month and at the time of their submission they had been reduced to 86 per month. They estimated that of those referred to the alcohol treatment at Alberta Hospital, 50 per cent had been successful in staying off alcohol.

The Detoxification Centre, incorporated under The Societies Act, started with a small grant from the Band Council and the Department of Indian Affairs. The Alberta Alcohol and Drug Abuse Commission (AADAC) donated money, medical services and wages for two counsellors. The Department of Indian Affairs paid \$14 per patient/day

which was later changed to \$1,700 per month paid by the Department of National Health and Welfare.

Owing to uncertainty over financing the centre was on the verge of closing in May, 1974. When this situation was drawn to the attention of the Minister of Social Services and Community Health by the Board, steps were immediately taken to provide the necessary financing in order to keep the centre in operation.

The Board has been provided by Native Counselling Services with information with respect to the following other agencies which are providing alcoholic rehabilitation services to Native people.

Northern Alberta

Action North Recovery Centre, Footner Lake.

This is a 12-bed centre providing a six-week alcoholic rehabilitation program. As of March 1, 1978, a new centre will be established to include a 20-bed accommodation for both male and female clients. Funding is provided by the Alberta Alcohol and Drug Abuse Commission; the Solicitor General's department; the Department of Indian Affairs; the Department of Social Services and Community Health and client support.

Bonneyville Indian Metis Association, Bonneyville.

This centre, seven miles from Bonneyville, is designed to meet the needs of the Natives with alcohol problems in Northeastern Alberta. It has accommodation for 22 patients and provides a 28-day rehabilitation program. It is funded by AADAC.

Kehewin Tribal Counselling Services, Bonneyville.

This organization provides a field operational program with no live-in facilities. It is funded jointly by AADAC and the federal Department of Health and Welfare.

Metis Indian Town Alcohol Association, High Prairie.

This community project has bed accommodation for nine, plus an assessment room which provides counselling for a maximum of four

clients for a period of four to 12 hours. This period of counselling can be extended to seven days. The project is financed by AADAC.

Sputinow Counselling Services, Heinsburg.

This organization provides an out-patient counselling program. Clients are referred to long-term in-patient treatment centres with follow-up services upon their return to the community. The program is financed by AADAC.

In addition, the following programs in Northern Alberta are funded by the National Advisory Board on Native Alcohol Abuse (hereinafter referred to as NABNAB):

Slaves of the Upper Hay River
Alcohol Counselling Program, Chateh;

Saddle Lake Drop-In Counselling Services,
St. Paul;

Goodfish Lake Alcohol Counselling,
Goodfish Lake;

Goodfish Lake Youth Awareness,
Goodfish Lake;

Frog Lake Counselling Services,
Frog Lake;

Beaver Lake Alcohol Program,
Lac La Biche.

Edmonton Area

Community Corrections for Women, St. Albert.

This centre with accommodation for eight to 10 clients provides service for women. It offers an active street program offering assistance to women appearing in need and involves a daily visit to city police cells. The centre is jointly funded by AADAC and the Solicitor General's department.

**Jellinek House,
Edmonton.**

This is a post-treatment recovery centre serving clients who are working. Accommodation for nine is provided in single and two-bedroom apartments. Funding is provided by AADAC with self-support from residents.

**McDougall House Association,
Edmonton.**

This is a residential home for women over 18 years of age. It has accommodation for 19 clients and is staffed by counsellors on a 24-hour basis. Funding is shared with AADAC by the Solicitor General's department and the Department of Social Services and Community Health.

**Nechi Institute on Alcohol and
Drug Education, Winterburn.**

This institute provides training for counsellors, volunteers and program administrators on alcohol and drugs. The courses offered at this institution have been accredited for 18 credits in the social services course being offered at Grant MacEwan College. The institute also conducts an Indian summer school in which courses are offered for training counsellors and a course in program management for administrators. It is funded jointly by AADAC and the Native Alcohol Task Force.

**Poundmaker's Lodge,
Edmonton.**

This is a treatment centre having accommodation for 60 clients of both sexes over 16 years of age. It provides a 30-day treatment program. It is funded jointly by AADAC and the Solicitor General's department.

**Recovery Acres Society,
Edmonton.**

This is a post-treatment centre with accommodation for 36 male persons. A two-week program is provided which is designed to enable clients to continue working at their regular employment. The rehabilitation program is based on the concept that three months of treatment is conducive to good therapy. The centre is funded by AADAC.

**Walter A. "Slim" Thorpe Recovery
Centre, Lloydminster.**

This is a detoxification centre serving both male and female clientele

who may remain for a period of seven days. It has accommodation for 14. The program is jointly funded by AADAC and the Alcoholism Commission of Saskatchewan.

In addition, the following programs are funded by the NABNAB:

Paul Band Alcohol Program,
Duffield;

Enoch Native Alcohol Program,
Winterburn.

Calgary Area

Alberta Seventh Step Society, Calgary.

This society was established for the rehabilitation of those who have been incarcerated in jails and penitentiaries in Alberta. In addition to an alcohol and drug program, it offers a young offender program, parole supervision, counselling services, public education and an employment program. The society has five chapters of which two are located in Calgary, one in Edmonton, one in Drumheller and one in Innisfail.

Calgary Youth Aide Centre Society, Calgary.

This society operates from a residence known as Patterson Lodge, providing accommodation for male and female adolescents who have been in conflict with the law. A rehabilitation program is provided over a three-month period covering in addition to drug and alcohol abuse instruction in communication and vocational direction. Funding is shared by the Solicitor General's department and the Department of Social Services and Community Health.

Crowfoot Sunrise Residence, Calgary.

This co-educational centre is equipped to accommodate up to 20 persons for a rehabilitation program of four to eight weeks duration. Funding is shared by AADAC, the Solicitor General's department and the Department of Social Services and Community Health.

Native Alcohol Services, Calgary.

This centre also known as *Out-Patient Centre* provides out-patient counselling on weekdays. It assists the clients by referring them to rehabilitation centres and half-way houses.

Recovery Acres Society, Calgary.

This is a part-time treatment centre with accommodation for 36 men. A two-week program is designed to enable clients to work at their employment while taking treatment. Funding is shared by AADAC and the Solicitor General's department. Room and board is paid by residents who have employment.

Riverside Villa Association, Calgary.

This is a treatment centre for women providing a 28-day treatment program with accommodation for 12. It is funded primarily by AADAC.

Social Orientation Services, Calgary.

This centre with accommodation for 12 men provides an alcohol rehabilitation program extending over six weeks. It is funded jointly by AADAC, the Department of Social Services and Community Health, the City of Calgary social service department and the United Church of Canada.

In addition to the above in the Calgary Area, there is Siksika Counselling serving the Blackfoot Band at Gleichen, which is funded by NABNAB.

Southern Alberta

Napi Lodge, Lethbridge.

This is a 20-bed facility within the grounds of the Lethbridge Correctional Institute. Clients are required to remain at the lodge for a minimum of 30 days. The centre has accommodation for 20. It is jointly funded by AADAC, the Solicitor General's department, Recreation Canada and the Department of Indian Affairs.

Southern Alcare Society and Industries, Lethbridge.

This is a residential home with accommodation for 10 men. Residents are expected to remain in the home for at least 28 days and may stay for a period of four to six months to progress towards recovery. Funding is shared by AADAC, the Department of Social Services and Community Health, the Solicitor General's department and payments from clients.

In addition, the following programs are funded by NABNAB:

Peigan Alcohol Counselling Program,
Brocket;

Kanai Alcoholism Counselling Program,
Standoff;

St. Paul Treatment Centre, Blood Reserve,
Standoff.

Rehabilitation Services to Native People

There are Indian reserves and Native settlements in remote areas of the province where rehabilitation services are not available. Native people feel strongly that rehabilitation programs for persons having alcoholic problems are most effective when they are available on the reserve or in the home community of the Native person having the problem. They also feel that treatment and counselling programs are likely to be more successful when they are conducted by Native people.

Inspol Sports Organization

In addition to these various agencies endeavouring to cope with the problem of alcohol in Native society, preventative measures have been initiated in the promotion of a program of organized sports and recreation on Indian reserves and in Indian communities.

This program is being carried out under the direction of an organization known as *Inspol Sports Organization* formed in 1969 by the Indian Association of Alberta. In 1972, the All Chiefs Conference at Camp He-Ho-Haw passed a resolution declaring *INSPOL* an autonomous organization.

The object of the association is to develop sports and recreational programs on Indian reserves and in Indian communities throughout the pro-

vince, and to develop leadership at the reserve level by providing resource people, workshops and clinics. The policy has been to help at the request from the reserve on an advisory basis and not as a funding agent at the reserve level. *INSPOL* is itself funded by Recreation Canada of the Department of Health and Welfare on an annual basis. Brochures published by *INSPOL* described the program as follows:

Programs

Annually INSPOL co-ordinate with a hosting community the following events:

- (1) *Hockey Provincials*
- (2) *Basketball Provincials*
- (3) *Boxing Provincials*
- (4) *Curling Provincials*
- (5) *Minor Hockey*
- (6) *Recreation Directors Workshop*
- (7) *Sports Clinics*
- (8) *Coaches and Managers Clinics*
- (9) *Native Summer Games (11 Sports)*
- (10) *Fastball Provincials*

The above events are sponsored by INSPOL with local bids submitted by communities who co-host the activities.

The organization of *INSPOL* is based on the three treaty areas in the province, each area having a regional co-ordinator who co-ordinates the recreational program within that area. A brief submitted by J. Wilton Littlechild, who was involved in the organization of the program and who is now sports consultant, states that while two resource people now are in the northern part of the province, this is insufficient and a third field worker will be added shortly.

An executive director and secretary in the Edmonton office co-ordinate the activities of the organization. There is a board of directors comprising of two members of each treaty area elected annually at the assembly of the association. They play a direct part in planning the program during the year.

In a brief submitted by Mr. Littlechild, the following particular problems were pointed out:

- (a) *The Northern part of the Province, due to its vastness and geographical isolation of many Reserve Communities, is very difficult to co-ordinate with one or two staff members, with the result that this area must receive greater concentration due to its lack of recreation development. It is this area, more than the central and southern parts of the Province, that requires assistance in terms of finances and manpower.*
- (b) *The programs under the Inspol Sports Association must begin to consider greater scope in terms of recreational activities for all age groups and not focus too much on the athlete or athletics as a program.*
- (c) *The unique aspect of the program in terms of cultural revival and maintenance must be broadened to include more Native games so as to revive Indian cultural pride which is very necessary when one considers reasons why people come in conflict with the law.*
- (d) *The Inspol Sports Association must be expanded to include the three areas of involvement that are possible in the Province, however, this is only possible with increased financial resources and manpower such that needs which are expressed at the local level can be met with a reasonable chance of success.*
- (e) *The poorer and more isolated communities are not getting the assistance they require from anyone to develop sports and recreation facilities and programs because, due to a lack of finances generally, this particular area is not considered a priority in many communities. Perhaps more seminars and workshops to inform people as to the importance of such programs could be organized such that sports and recreation can become a priority in communities. It is a feeling that many people in leadership roles do not understand the full purpose of sports and recreation in community development, individual development and relationships between communities, Native and non-Native.*
- (f) *Financing a program on an annual basis, necessitating an annual trip to Ottawa for program approval, precludes long-range planning which is essential for effectively carrying out the program in all Reserves and communities.*

The Brief emphasizes that the INSPOL Sports and Recreational

Program must have continued support from both levels of government, federal and provincial. In this connection the brief states:

It will be shown in the future that if sports and recreation programs are developed, then individuals on Indian Reserves and Communities will be utilizing their available leisure time more constructively, with the resulting decrease of conflict with the law and abuse of alcohol. The negative effects of alcohol in athletic performance or any other physical activity can be shown to Indian people as they become involved in more programs. The role of INSPOL then becomes very important, not only in terms of combatting alcohol problems but also in preventing further conflicts with resulting penal sanctions.

Give me the \$100,000 to \$150,000 it costs to keep 10 Indians in gaol for one year and I will keep 10 out of gaol for the same period.

I am in complete accord with this view.

While these various agencies are playing an indispensable role in the alleviation of the alcohol problem through education, counselling and treatment, and in preventative measures through the sports and recreational program, the underlying causes remain.

It is only by determining what these underlying causes are, and then coping with them, that the problem of excessive alcohol consumption by Native people can be brought within reasonable bounds. They consider these causes to be social and economic. They point to inadequate housing, high unemployment - on some reserves as high as 90 per cent - lack of recreation facilities for their children and youth, as contributing factors.

It is beyond the scope of this inquiry to probe into this complex problem. The many submissions to the Board on this matter, however, make it abundantly clear that until these causes are identified and dealt with, the problem will remain.

RECOMMENDATIONS

1. The Government of Alberta should continue to assist in funding the various agencies which provide treatment, counselling and education programs for Native people who have problems in the use of alcohol.
2. A study should be undertaken to determine the need for more detoxification centres and other counselling and educational programs on

Indian reserves and in Native settlements, particularly in the remote areas of the province.

3. A study should be undertaken to evaluate the performance of the agencies now in operation and to establish a system for compiling data for continuing evaluation and assessment of the various programs.
4. These two studies should be initiated by the Solicitor General's department and could be conducted with the assistance of AADAC and NABNAB.
5. A comprehensive study should be undertaken of the social and economic problems of Native peoples in Alberta.
6. Financial support for *INSPOL* sports and recreational programs should be continued.
7. Financial commitments to *INSPOL* should be made on a five-year basis instead of annually.
8. The financial support should be expanded in order:
 - (1) to develop a more sound recreational philosophy on Indian reserves;
 - (2) to promote more training programs in the form of seminars, clinics and workshops, with respect to all forms of sports and recreation;
 - (3) to insure that the program is being carried out on reserves in all parts of the province.
9. Funds should be made available to provide recreational facilities on Indian reserves not having sufficient financial resources to provide them.

D. NATIVE PEOPLE AND THE ENFORCEMENT OF THE WILDLIFE ACT AND RELATED STATUTES

The Indian people are deeply concerned over the erosion of their hunting, trapping and fishing rights in the administration of The Wildlife Act and related statutes. They feel that the livelihood of those who are dependent upon these activities is being jeopardized as the result of the erosion of these rights.

The brief submitted by the Indian Association of Alberta states:

Our people signed treaties many years ago with Her Majesty the Queen. In Alberta, these are Treaties 6, 7 and 8. Each of these treaties have provision relating to hunting, trapping, fishing, or agricultural use of land by the Indian people of this province. The Association takes the position that an honest historical assessment of the social realities existing prior to and at the time of the signing of the treaties is essential to interpreting the meaning of the treaties in modern day. The chiefs and band members of that time were a pre-literate people. But they expressed concerns during the negotiations on common social themes. They accepted in good faith the explanation given by the Commissioners as presented by the interpreters of the written text of the treaty. They accepted in good faith the verbal promises made on behalf of the Crown by the Commissioners, which proved not to be contained in the written text of the treaties. And they relinquished their title to vast areas of valuable land.

The promises made by the Commissioner on behalf of the Crown and relied upon by the signatory bands created legally binding obligations. Now, however, we find that the promises made by the Commissioners are not part of the treaties.

The following are the provisions in the treaties and the assurances given by the commissioners to the Indians prior to the treaties being signed, to which the brief refers.

Treaty No. 6 signed at Fort Carlton and at Fort Pitt in 1876, with the Plains and Wood Cree and other tribes of Indians, contains this provision:

Her Majesty further agrees with her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by her Government of her Dominion of Canada, and saving and excepting

*such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes by her said Government of the Dominion of Canada, or by any of the subjects thereof, duly authorized therefor, by the said Government;*¹

Treaty No. 7 signed at Blackfoot Crossing on the Bow River in 1877, with the Blackfeet, Blood, Peigan, Sarcee, Stony and other Indians contains this provision:

*And Her Majesty the Queen hereby agrees with her said Indians that they shall have right to pursue their vocations of hunting throughout the tract surrendered as heretofore described, subject to such regulations as may, from time to time, be made by the Government of the country, acting under the authority of Her Majesty; and saving and excepting such tracts as may be required and taken up from time to time for settlement, mining, trading, or other purposes by her Government of Canada, or by any of Her Majesty's subjects duly authorized therefor by the said Government.*²

Treaty No. 8 which was signed at Lesser Slave Lake and other locations in Northern Alberta in 1899, contains this provision:

*And Her Majesty the Queen HEREBY AGREES with the said Indians that they shall have right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the country, acting under the authority of Her Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes.*³

Alexander Morris, Lieutenant-Governor of the Northwest Territories, one of the commissioners who negotiated Treaty No. 6 in his report to the Canadian government wrote:

I had ascertained that the Indian mind was oppressed with vague fears; they dreaded the treaty; they had been made to believe that they would be compelled to live on the reserves wholly, and abandon their hunting, and that in time of war, they would be placed in the front and made to fight.

¹ The Treaties of Canada with the Indians of Manitoba and the Northwest Territories, by the Hon. Alexander Morris, P.C.

² The Treaties of Canada, *ibid.*

³ *ibid.*

*I accordingly shaped my address, so as to give them confidence in the intentions of the Government, and to quiet their apprehensions. I impressed strongly on them the necessity of changing their present mode of life, and commencing to make homes and gardens for themselves, so as to be prepared for the diminution of the buffalo and other large animals, which is going on so rapidly.*¹

Prior to the signing of Treaty No. 6, Lieutenant-Governor Morris spoke these words to the assembled chiefs:

Understand me, I do not want to interfere with your hunting and fishing. I want you to pursue it through the country, as you have heretofore done. . . . I told you also that what I was promising was not for to-day or to-morrow only, but should continue as long as the sun shone and the river flowed.

You want to be at liberty to hunt as before. I told you we did not want to take that means of living from you, you have it the same as before, only this, if a man, whether Indian or Half-breed, had a good field of grain, you would not destroy it with your hunt.

I want the Indians to understand that all that has been offered is a gift, and they still have the same mode of living as before.

. . . this is the fourth time that I have met my Indian brothers, and standing here on this bright day with the sun above us, I cast my eyes to the East down to the great lakes and I see a broad road leading from there to the Red River, I see it stretching on to Ellice, I see it branching there, the one to Qu'Appelle and Cypress Hills, the other by Pelly to Carlton.

*All along that road I see Indians gathering. . . . I see them receiving money from the Queen's Commissioners to purchase clothing for their children; at the same time I see them enjoying their hunting and fishing as before, I see them retaining their old mode of living with the Queen's gift in addition.*²

David Laird, Lieutenant-Governor of the Northwest Territories, one of the commissioners who negotiated Treaty No. 7 in his report to the Canadian government wrote:

They were also assured that their liberty of hunting over the open prairie would not be interfered with, so long as they did not molest settlers and others in the country.

¹The Treaties of Canada, *ibid.*

²The Treaties of Canada, *ibid.*

Prior to the signing of Treaty No. 7, Lieutenant-Governor Laird said this to the chiefs:

I would explain that it is your privilege to hunt all over the prairies.¹

Lieutenant-Governor Laird who was also one of the commissioners negotiating Treaty No. 8, said in his report to the Canadian government:

There was expressed at every point the fear that the making of the treaty would be followed by the curtailment of the hunting and fishing privileges, . . .

We pointed out that the Government could not undertake to maintain Indians in idleness; that the same means of earning a livelihood would continue after the treaty as existed before it, and that the Indians would be expected to make use of them.

Our chief difficulty was the apprehension that the hunting and fishing privileges were to be curtailed. The provision in the treaty under which ammunition and twine is to be furnished went far in the direction of quieting the fears of the Indians, for they admitted that it would be unreasonable to furnish the means of hunting and fishing if laws were to be enacted which would make hunting and fishing so restricted as to render it impossible to make a livelihood by such pursuits. But over and above the provision, we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into it.

In the main the demand will be for ammunition and twine, as the great majority of the Indians will continue to hunt and fish for a livelihood. It does not appear likely that the conditions of the country on either side of the Athabasca and Slave Rivers or about Athabasca Lake will be so changed as to affect hunting or trapping, and it is safe to say that so long as the fur-bearing animals remain, the great bulk of the Indians will continue to hunt and to trap.²

It is in the context of the foregoing provisions of Treaties Nos. 6, 7 and 8 and these assurances given to their forebears that Indians feel en-

¹ Treaties between Her Majesty the Queen and Indians of Canada, Ottawa, Queen's Printer, 1957.

² Treaties between Her Majesty The Queen and Indians of Canada, *ibid.*

titled to more generous treatment being accorded to them under The Wildlife Act and related statutes.

The brief also refers to other ways in which their treaty rights have been eroded at the federal government level:

1. In the Migratory Birds Treaty in which as a result of their hunting rights being disregarded, they have lost the right to hunt migratory birds out of season, whether on or off reserve and regardless of whether the birds are required for food.
2. In federal fishing regulations, which restrict their fishing rights.
3. In the Natural Resources Transfer Agreement of 1930, in which it is not recognized that hunting, fishing and trapping are not *vocations* of the Indians in the prairie provinces. It restricts their right to hunt, fish or trap out of season only to those times when they need food. Indians feel entitled to hunt, fish or trap to provide for their economic well-being as well as for food.

The brief refers to the particular concern felt by Indians with respect to the following critical shortcomings of governments' implementation of their treaty rights:

1. The drastic reduction of the land and water base upon which they exercise their treaty rights. They fear this will be further reduced if the provincial government passes legislation designating vast areas of land as *occupied Crown lands* as well as by the creation of additional provincial parks.
2. Rapid industrial development without adequate legislation protecting wild animals and fish.
3. The restriction of their hunting, fishing and trapping rights by the narrow interpretation of the regulations not only denying the vocational scope of hunting, fishing and trapping but by regulations which limit net size or require special permits.
4. The policies and procedures of the fish and wildlife division of the Department of Lands and Forests which disregard the special hunting, fishing and trapping rights of Treaty Indians.

The following specific examples of these restrictions were cited:

Trapping

- (1) The infringement of Indians' entitlement to preference when traplines become available by the increasing number of registered traplines held by non-Indians in areas adjacent to reserves;
- (2) The encouragement of a highly commercial approach to trapping which tends to exhaust wildlife resources; and
- (3) The requirement of payment of a fee for each additional resident trapper permit to trap with written permission from the owner of private lands.

Hunting

- (1) The denial of access to unposted private lands which creates a particular problem when a wounded animal runs onto private lands; and
- (2) The proposed requirement for Indians to tag their game.

Fishing

The restrictions in their fishing for food by the following policies and regulations:

- (1) *Indians are required to hold anglers licences (for which they must pay) if they fish off the reserve. This is completely foreign to the concept of the treaties.*
- (2) *In some areas attempts are made to limit the seasons during which Indians fish domestically.*
- (3) *Domestic licences are usually limited to two lakes for each applicant.*
- (4) *Domestic licence holders are subjected to commercial mesh size regulations in the nets they may employ even when the fish caught is food for themselves and their families.*

Many Indians, particularly in the more remote northern parts of the province, are confused by the legalistic interpretation of the regulations made under The Wildlife Act and related statutes.

They consider themselves subject to abuse by fish, wildlife and forestry officers who frequently do not approach them in an understanding

manner but in a way Natives feel is *abrupt, impolite and impatient*. They feel that these officials should be trained in the exercise of greater sensitivity to Indians and greater respect for their rights. They stress the need for clarification and simplification of the regulations and the urgency of a planned program designed to acquaint Indians with the requirements of these regulations. The minimum fines provided for breaches of these regulations often impose a serious burden on their limited financial resources.

The Metis people advanced two main priorities in the area of hunting and fishing which ought to guide government policy:

The first is that in all cases the right to hunt and fish for survival or as a supplement to a family's diet should take precedence over any other form of hunting or fishing right. To the Metis people of Alberta this means more than simply ensuring the possibility of a decent standard of living. It means the continued existence of an economic base for their traditional way of life for preservation of their culture.

The second priority is an extension of the first but relates to commercial rather than domestic fishing. Strong objection was voiced against the apparent decline of the commercial fishing industry in Alberta in favor of an enlarged tourist and sports fishing industry. Where the ability of one segment of Alberta's people to earn a living is necessarily in conflict with ability of another segment to enjoy a specific form of leisure and recreation, the former must be given precedence. Again, this is more than a simple human priority. For the Metis people it means the continued existence of a way of life.

The following words spoken to the Board by an Indian reveal the deep sense of frustration felt by Native persons who find themselves in conflict with the wildlife regulations:

There are some problems. Like the attitude of the Fish and Game officers, they feel they have to uphold the Fish and Wildlife Act, right up to the hilt. They feel that they should make the Indian tow the line. And the Indian, the Treaty Indians feel when our forefathers had signed the treaty, they never signed the fish and wildlife over to anybody, they say we will keep the wildlife for our children.

The Indians signed a peace treaty, not a surrender. This is our feelings, we feel we can go out and hunt and fish without the Fish and Wildlife harassing us anytime we turn, which is what they do, they take every opportunity to see that they tow the line. You have to follow all the rules and regulations which the Fish and Wildlife have

set out. . . . for instance, I go out, kill a moose, say I give a quarter to my dad and a quarter to my father-in-law, my mother-in-law and a quarter to my brother and leave a quarter to me. So I have to go out hunting again. I'm going to run short before the month is over, because my dad is eighty-two years old, he can't go out and hunt for himself, so I supply the meat for him. This, the Fish and Wildlife don't take into consideration. They just feel I'm always out there in the bush hunting, they figure I'm selling this meat and I'm not, I supply three families.

The Indian Association proposed exempting Indians from provincial fish and wildlife legislation and establishing an Indian-controlled and operated conservation and game management program, funded by the federal government.

It does not seem to me that such a program would be feasible.

I do believe, however, that greater recognition should be accorded in The Wildlife Act and related statutes and in the regulations thereunder and in their enforcement, to the rights of Indians in hunting, fishing and trapping, implicit in the Indian treaties by virtue of the assurances given by the commissioners to the assembled chiefs prior to the treaties being signed.

Metis in the northern part of Alberta whose livelihood is similarly dependent upon hunting, fishing and trapping experience the same problems as Indians under the governing legislation and likewise deserve special consideration.

The matters raised in the briefs submitted by the Indian Association of Alberta and the Metis Association of Alberta should receive from the Government of Alberta the sympathetic consideration they deserve. Representatives of the two associations should be afforded an opportunity at the earliest possible date to discuss them with representatives of the provincial government.

The purpose of these discussions should be:

1. To acquaint the Government of Alberta with the problems of Indians and Metis arising out of the provisions of The Wildlife Act, related statutes, and the regulations thereunder.
2. To bring about a more equitable interpretation of the rights of Indians with respect to hunting, fishing and trapping implicit in the Indian treaties.
3. To effect changes in The Wildlife Act and related statutes that

will give effect to such an interpretation and that will likewise recognize the corresponding needs of the Metis.

RECOMMENDATION

Discussions between representatives of the Government of Alberta, the Indian Association of Alberta and the Metis Association of Alberta should be initiated by the government at the earliest possible date for the following purposes:

- (a) to discuss the problems arising out of the provisions of The Wildlife Act, related statutes and their enforcement;
- (b) to bring about a more equitable interpretation of the rights of the Indians implicit in the Indian treaties with respect to hunting, fishing and trapping;
- (c) to effect changes in The Wildlife Act and related statutes that will reflect that interpretation and accord recognition to the corresponding needs of the Metis.

E. IMPLEMENTATION OF THIS REPORT

The implementation of most of the recommendations of this Report will involve the Attorney General's department and the Solicitor General's department. So that this may be accomplished within reasonable time by personnel free from other responsibilities, it is recommended:

1. The Attorney General and the Solicitor General should establish an office charged with responsibility of initiating and supervising the implementation of the recommendations of this Report.
2. The office should have a director and such other staff as may be required.
3. The director should be assisted by a panel of advisers comprising a Provincial Court judge, a Juvenile Court judge, a representative of each of the Departments of the Attorney General, the Solicitor General, Social Services and Community Health, Recreation Parks and Wildlife, R.C.M.P., Edmonton and Calgary Police, Legal Aid Society, the Indian Association of Alberta, and the Metis Association of Alberta.
4. The office should be adequately funded.
5. The powers and duties of the director should be clearly defined.
6. The director should be required to report to the Attorney General and the Solicitor General.

APPENDIX "A"

TABLE 1

*NATIVE STATUS of Sentenced Inmates
in Alberta Correctional Institutions*

	<i>March 31, 1976</i>	<i>July 16, 1976</i>	<i>March 31, 1977</i>
<i>Status Indian</i>	<i>18.7% (236)</i>	<i>19.3% (244)</i>	<i>19.5% (238)</i>
<i>Metis, and Non- Status Indian</i>	<i>14.0% (177)</i>	<i>12.9% (163)</i>	<i>14.2%¹ (173)</i>
<i>Non-Native</i>	<i>67.3% (851)</i>	<i>67.8% (858)</i>	<i>66.3% (808)</i>
<i>Total</i>	<i>100% (1264)</i>	<i>100% (1265)</i>	<i>100% (1219)</i>
<i>Missing Cases</i>	<i>7</i>	<i>5</i>	<i>3</i>

¹ For the March 31, 1977 study, the sentenced Metis, non-Status Indian group was comprised of 151 Metis and 22 non-Status Indian inmates.

APPENDIX "A"

TABLE 2

*NATIVE STATUS of Sentenced Inmates at
each Alberta Correctional Institution¹*

<i>Institution²</i>	<i>Percentage of Sentenced Inmates with Native Status</i>		
	<i>March/76 %</i>	<i>July/76 %</i>	<i>March/77 %</i>
<i>PRCI</i>	53.9	59.4	58.6
<i>FSCI (W)</i>	32.8	36.2	52.6
<i>LCI</i>	44.3	50.0	43.3
<i>FSCI</i>	37.3	32.9	38.5
<i>BCCC</i>	29.0	24.0	26.0
<i>NBFC</i>	25.0	42.3 ³	24.1
<i>CCI</i>	15.5	15.8	17.6

¹ For the March 31, 1976, July 16, 1976, and March 31, 1977 one-day profiles, the number of sentenced inmates at CRC (Calgary Remand Centre) numbered 7, 11, and 3 respectively. Since the percentage with Native status was not meaningful, data for this institution was not presented.

² *PRCI* - Peace River Correctional Institution
FSCI (W) - Fort Saskatchewan Correctional Institution (Women's Side)
LCI - Lethbridge Correctional Institution
FSCI - Fort Saskatchewan Correctional Institution
BCCC - Belmont Community Corrections Centre
NBFC - Nordegg Base Forestry Camp
CCI - Calgary Correctional Institution

³ The large increase in the proportion of Natives at NBFC could be the result of a selectively applied reduction in inmate population. It should not be interpreted that an increasing percentage of Natives are serving at NBFC.

APPENDIX "A"

TABLE 4

NATIVE STATUS BY OFFENCE TYPE for Sentenced Inmates
in Alberta Correctional Institutions
(March 31, 1976; July 16, 1976; March 31, 1977)

Most Serious Offence

	Alcohol Crime			Other			Row Totals		
	March 1976	July 1976	March 1977	March 1976	July 1976	March 1977	March 1976	July 1976	March 1977
Native	14.8% (61)	15.3% (62)	19.5% (80)	85.2% (351)	84.7% (344)	80.5% (330)	100% (412)	100% (406)	100% (410)
Non- Native	6.0% (51)	5.0% (43)	3.8% (31)	94.0% (796)	95.0% (814)	96.2% (776)	100% (847)	100% (857)	100% (807)

CONTINUED

1 OF 2

APPENDIX "A"

TABLE 5

NATIVE STATUS BY OFFENCE TYPE for Sentenced Inmates
in Alberta Correctional Institutions
(March 31, 1977)

78

	Most Serious Offence							Row Totals
	Violent Crimes	Major Theft	Minor Theft	Breaking & Entering	Drugs	Alcohol	Other	
Status Indian	18.5% (44)	12.6% (30)	17.2% (41)	13.4% (32)	0.4% (1)	24.0% (57)	13.9% (33)	100% (238)
Metis, and Non- Status Indian	20.9% (36)	14.0% (24)	16.3% (28)	19.8% (34)	0.5% (1)	13.4% (23)	15.1% (26)	100% (172)
Non-Native	13.4% (108)	19.5% (157)	18.0% (145)	20.3% (164)	14.5% (117)	3.8% (31)	10.5% (85)	100% (807)

Missing Cases = 5

APPENDIX "A"

TABLE 6

*NATIVE STATUS BY OFFENCE TYPE for Sentenced Inmates
in Alberta Correctional Institutions
(July 16, 1976)*

69

	<i>Violent Crimes</i>	<i>Major Theft</i>	<i>Minor Theft (including Breaking & Entering)</i>	<i>Drugs</i>	<i>Alcohol</i>	<i>Other</i>	<i>Row Totals</i>
<i>Native</i>	19.2% (78)	11.3% (46)	34.0% (138)	0.5% (2)	15.3% (62)	19.7% (80)	100% (406)
<i>Non- Native</i>	12.0% (103)	22.1% (189)	35.4% (303)	16.2% (139)	5.0% (43)	9.3% (80)	100% (857)

Missing Cases = 7

APPENDIX "A"

TABLE 7

*NATIVE STATUS BY AGGREGATE SENTENCE for Sentenced Inmates
in Alberta Correctional Institutions*

	<i>Aggregate Sentence</i>					<i>Row Totals</i>
	<i>3 Months or less</i>	<i>3 - 6 Months</i>	<i>6 Months - 1 Year</i>	<i>1 Year - 18 Months</i>	<i>18 Months +</i>	
<i>Status Indian</i>	33.2% (79)	22.7% (54)	23.5% (56)	13.5% (32)	7.1% (17)	100% (238)
<i>Metis, and Non- Status Indian</i>	20.2% (35)	22.5% (39)	30.1% (52)	16.8% (29)	10.4% (18)	100% (173)
<i>Non-Native</i>	21.0% (170)	20.2% (163)	31.8% (257)	17.2% (139)	9.8% (79)	100% (808)

Missing Cases = 3

APPENDIX "A"

TABLE 8

*NATIVE STATUS BY NUMBER OF COMMITMENTS for Sentenced
Inmates in Alberta Correctional Institutions*

	<i>Number of Commitments to Institution of Incarceration</i>				<i>Row Totals</i>
	<i>One</i>	<i>Two</i>	<i>Three or Four</i>	<i>Five or More</i>	
<i>Status Indian</i>	19.3% (44)	21.9% (50)	22.8% (52)	36.0% (82)	100% (228)
<i>Metis, and Non- Status Indian</i>	22.0% (27)	23.2% (39)	27.4% (46)	27.4% (46)	100% (168)
<i>Non-Native</i>	47.1% (375)	30.3% (242)	16.3% (130)	6.3% (50)	100% (797)

Missing Cases = 29

APPENDIX "A"

TABLE 9

NATIVE STATUS BY REASON FOR INCARCERATION for Sentenced Inmates in Alberta Correctional Institutions

	<u>Reason for Incarceration</u>		<u>Row Totals</u>
	<u>Mandatory Sentence</u>	<u>In Default of Fine Payment</u>	
Status Indian	81.9% (195)	18.1% (43)	100% (238)
Metis, and Non-Status Indian	90.2% (156)	9.8% (17)	100% (173)
Non-Native	93.7% (767)	6.3% (51)	100% (808)

Missing Cases = 3

APPENDIX "A"

TABLE 10

NATIVE STATUS BY LOCATION for Sentenced Inmates in Alberta Correctional Institutions

	<u>Location</u>				<u>Row Totals</u>
	<u>Institution</u>	<u>Camp</u>	<u>TA/Day Parole /CRC</u>	<u>Other</u>	
Status Indian	73.5% (175)	15.6% (37)	10.1% (24)	0.8% (2)	100% (238)
Metis, and Non-Status Indian	76.9% (133)	18.5% (32)	2.9% (5)	1.7% (3)	100% (173)
Non-Native	75.7% (612)	11.9% (96)	9.7% (78)	2.7% (22)	100% (808)

Missing Cases = 3

APPENDIX "A"

TABLE 11

NATIVE STATUS BY AGE for Sentenced Inmates
in Alberta Correctional Institutions

	Age			Row Totals
	18 Years and Under	19-25 Years	26 Years and Older	
Status Indian	18.1% (43)	37.4% (89)	44.5% (106)	100% (238)
Metis, and Non- Status Indian	20.8% (36)	39.9% (69)	39.3% (68)	100% (173)
Non-Native	22.9% (185)	45.7% (369)	31.4% (254)	100% (808)

Missing Cases = 3

APPENDIX "A"

TABLE 12

NATIVE STATUS BY EDUCATION for Sentenced Inmates
in Alberta Correctional Institutions

	Reported Education Achieved		Row Totals
	Less than Grade 10	Grade 10 and Better	
Status Indian	73.9% (176)	26.1% (62)	100% (238)
Metis, and Non- Status Indian	71.5% (123)	28.5% (49)	100% (172)
Non-Native	35.1% (282)	64.9% (522)	100% (804)

Missing Cases = 8

APPENDIX "A"

TABLE 13

*NATIVE STATUS BY OCCUPATION for Sentenced Inmates
in Alberta Correctional Institutions*

	<u>Reported Occupation</u>		<u>Row Totals</u>
	<u>Unskilled</u>	<u>Some Skills</u>	
<i>Status Indian</i>	86.1% (204)	13.9% (33)	100% (237)
<i>Metis, and Non- Status Indian</i>	81.5% (141)	18.5% (32)	100% (173)
<i>Non-Native</i>	65.8% (528)	34.2% (275)	100% (803)

Missing Cases = 9

APPENDIX "A"

TABLE 14

*NATIVE STATUS BY FORWARDING ADDRESS for Sentenced
Inmates in Alberta Correctional Institutions*

	<i>Forwarding Address Location</i>					<i>Row Totals</i>
	<i>Edmonton</i>	<i>Calgary</i>	<i>Northern Alberta</i>	<i>Southern Alberta</i>	<i>Other</i>	
<i>Status Indian</i>	9.8% (18)	6.6% (12)	59.0% (108)	16.9% (31)	7.7% (14)	100% (183)
<i>Metis, and Non- Status Indian</i>	32.3% (51)	7.0% (11)	51.9% (82)	3.1% (5)	5.7% (9)	100% (158)
<i>Non-Native</i>	30.7% (209)	29.9% (203)	21.0% (143)	6.2% (42)	12.2% (83)	100% (680)

Missing Cases = 201¹

¹ *A large proportion of the missing cases was due to the fact that forwarding address was not available on all admission forms (LCI, Nordegg) at the time of the March 31, 1977 study.*

APPENDIX "A"

TABLE 15

*NATIVE STATUS BY ALCOHOL USE for Sentenced
Inmates in Alberta Correctional Institutions*

Reported Alcohol Use

	<u>Problem</u>	<u>No Problem</u>	<u>Row Totals</u>
<i>Status Indian</i>	39.8% (94)	60.2% (142)	100% (236)
<i>Metis, and Non- Status Indian</i>	32.2% (55)	67.8% (116)	100% (171)
<i>Non-Native</i>	21.8% (175)	78.2% (627)	100% (802)

Missing Cases = 13

END