

Holly Meuse, a Mi'kmaq Customary Law Case Worker with Mi'kmaq Legal Support Network (MLSN), will be in our Yarmouth office on December 5 from 10 am to 2 pm to meet with any Band members who require services or information from MLSN. Information about MLSN can be found below.

MLSN Overview

The Mi'kmaq Legal Support Network (MLSN) began operations in July 2002 under the umbrella of The Confederacy of Mainland Mi'kmaq. Its purpose is to develop and maintain a sustainable justice support system for all Mi'kmaq / Aboriginal people involved in the Nova Scotia Criminal Justice System.

The objectives of MLSN are as follows:

- To provide legal support services to all Mi'kmaq / Aboriginal people living in or visiting Nova Scotia.
- To communicate with Mi'kmaq / Aboriginal organizations, communities, individuals, identified key stakeholders, and Provincial and Federal Governments for the improvement of the administration of justice for Mi'kmaq/Aboriginal people.
- To research and develop justice programming which will initiate change for the betterment of all parties.
- To promote and create justice programs which will meet the changing and growing needs of Mi'kmaq / Aboriginal people living in or visiting Nova Scotia.
- To develop a network among Mi'kmaq / First Nations, justice forums and mainstream justice programs.
- To decrease the percentage of repeat offences and the number of First Nations people going through the criminal justice system.

The vision of the MLSN is that Mi'kmaq / First Nation people will have autonomy and control over their justice support system within a time-frame to be determined by the Mi'kmaq / First Nation people and their leadership

The short term direction is to develop a sustainable justice support system that will address the inequities experienced by Mi'kmaq / First Nation peoples within the mainstream justice system and to build strong partnerships with all levels of government.

The vision of MLSN provides for a short and long term framework that seeks to provide a "sustainable justice support system" that not only addresses current inequities within the mainstream justice system, but also one that reflects the goals and aspirations of the Mi'kmaq / First Nation people in Nova Scotia. Although MLSN has been in existence for a relatively short period of time, a number of initiatives have taken place that improved the administration of justice for Mi'kmaq / Aboriginal people in Nova Scotia. Often these objectives have been achieved through relevant research, education and communication initiatives that have fostered an improved relationship between Mi'kmaq / Aboriginal persons and the Canadian Justice System. MLSN has also supported a better understanding of the many issues that arise through the application of the justice system to Mi'kmaq / Aboriginal people and their respective

communities in general. In this manner, the objects of the Nova Scotia Law Foundation mirror and are directly relevant to the vision of MLSN.

The goals of MLSN are as follows:

- To build a partnership and a new relationship between the Criminal Justice System and the Mi'kmaq / First Nations people of Nova Scotia in a staged and progressive manner.
- To promote, facilitate, advance and improve the administration of justice as it affects Mi'kmaq / Aboriginal people in Nova Scotia through a centralized administrative entity.
- To create and establish new justice arrangements recognizing the diverse needs, traditions and cultures of Mi'kmaq / Aboriginal people as it relates to aboriginal justice issues.
- To educate Mi'kmaq / Aboriginal people and mainstream justice workers on the system, cultures and traditions in an effort to build and strengthen the relationship between the judicial system and Mi'kmaq / Aboriginal people in Nova Scotia.

In achieving its vision and goals, MLSN recognizes the need to create linkages and develop partnerships with government, public and private entities. Through its goals, MLSN seeks to improve the administration of justice as it pertains to Mi'kmaq / Aboriginal people by providing justice support services to its clients who are involved in the criminal justice system. Often these goals are achieved through research, education and communication activities. These activities develop and implement services that operate "on the ground" within both the provincial court system and Mi'kmaq / Aboriginal communities.

The purpose of the MLSN is to develop and implement support programming that assists Mi'kmaq / Aboriginal people with access to the law. It provides an examination of the existing justice support system within Nova Scotia and encourages the use of Aboriginal specific support programming to ensure fair and equitable service under the law. MLSN achieves this end through the administration of its two main programs; the Mi'kmaq Court Worker Program and the Mi'kmaq Customary Law Program.

Within Nova Scotia, the road to the development of a positive relationship between Mi'kmaq / Aboriginal people and the Criminal Justice System has been long and hard. Often, the larger public view of Aboriginal life is shaped by media events that center on conflict and despair. On other occasions, the historic, cultural, social, political and economic realities of First Nation life have a direct impact on the perception and approach that many First Nation people have with the Canadian Justice System. Conversely, the administration of justice is often intimidating through an adversarial system is largely process oriented and, at times, lacks sensitivity to Mi'kmaq / Aboriginal life.

Mi'kmaq Court Workers Program (MCWP)

The Mi'kmaq court workers program is a national program primarily designed to assist Aboriginals who are facing the justice system to eliminate some of the barriers that they face. Court workers are trained to deliver and Interpret information related to explain criminal code offences, the court process, judicial programming, legal aid, corrections, public prosecution services and victim services.

The Mi'kmaw Court Worker Program and the Mi'kmaw Customary Law Program form the cornerstone in service delivery for MLSN. Each program operates in accordance to their own work plans and reporting requirements. Further specifics on each program include the following:

MLSN currently manages four Mi'kmaq court workers who provide services throughout the province. Mi'kmaq Court Workers provide justice support services to Mi'kmaq / Aboriginal clients who are involved in the Criminal Justice system. They provide relevant information to help clients understand the criminal justice process by informing them of their charges, rights, options and requirements of the Criminal Courts. They also act as a resource to aid in the process of seeking legal advice from a lawyer, explaining the court process and if requested, provide client referrals to services and/or agencies which may be helpful to the client. The Mi'kmaq court workers also provide other support services that are specific to the clients needs. Mi'kmaq court workers do not provide legal advice to their clients nor do they provide any direct financial assistance. Although there is an express need, Mi'kmaq Court Workers are not involved in Family Court services other than assisting in legal aid applications.

Mi'kmaw Customary Law Program (MCLP)

Before the arrival of the Europeans, the Mi'kmaq people had their own form of justice system by having everyone in the community involved, holding the individual accountable to the village.

Customary law is a traditional approach of servicing justice to the offender, the victim and the community.

A Mi'kmaw justice circle is a gathering of people affected by the offence. The victim, police officers and community members may be invited. Trained facilitators assist the group to talk about the offence and its effect on others.

The group will decide how to repair the harm. It may include an apology, community service work, repayment to the victim or a talk with an Elder.

The Mi'kmaw Customary Law Program (MCLP) - MCLP is a program that is also cost shared between the federal and provincial governments. MCLP seeks to develop and nurture a meaningful and culturally relevant delivery of culture specific justice to Mi'kmaq / Aboriginal people. It also seeks to empower Mi'kmaq / Aboriginal communities by placing ownership and responsibility of service delivery to Mi'kmaq staff and volunteers. MLSN currently manages four Mi'kmaq Case Workers who provide specific restorative justice programming to Mi'kmaq youth under the age of 18. To this end, MCLP facilitates sentence, justice and healing circles on behalf of their clients which involve intense involvement between Mi'kmaq / Aboriginal communities and relevant persons involved in the criminal justice system. MCLP also accepts referrals from criminal courts to conduct circles for Mi'kmaq / Aboriginal persons who are outside of the definition of youth.

Throughout these years, MLSN has been able to carry out a number of activities that have benefited many Mi'kmaq/Aboriginal people who have been involved with the criminal justice system.

MLSN acts as an overarching umbrella organization for the Mi'kmaq Customary Law Program (MCLP) and the Mi'kmaq Court Worker Program (MCWP). It provides services throughout the

province of Nova Scotia through three offices located in Eskasoni, Millbrook and Halifax. In addition to the MCLP and MCWP, MLSN also coordinates a number of activities and initiatives in an effort to complement existing programs /services and address identified justice related gaps throughout the province. These gaps stem from a recognized need for improved program and service delivery for Mi'kmaq / Aboriginal people in Nova Scotia. Given its limited resources, MLSN has had to be selective and strategic in the manner in which it addresses these new issues.

Mi'kmaw Victim Support Services

In 2009 a pilot project with Nova Scotia Victims Services to address a new holistic cultural for dealing with Aboriginal victims of crime. It was felt, with an increased presence in First Nation communities, enhanced services to victims would lead to a decrease crime in various direct and indirect ways. Victims in First Nation Communities have not responded to mainstream approaches and it was felt that a more holistic approach to dealing with victim would work much better. The pilot has demonstrated that dealing with victims in their community, having face to face meetings with them and enlisting the support of other services providers in the community makes the difference in how a victim will cooperate with both law enforcement and prosecution.

Year one and two of the program focused on enhancing the services and programs of the Nova Scotia Victim Services. In Year three the pilot programming was transferred to MLSN and

services to victims were further enhanced. MLSN was able to hire three VSS case workers (two Cape Breton, one in central mainland).

In partnership with Victim Services through the development of an MOU, the VSS pilot grew to be more holistic and accessible program for Aboriginal Victims. The pilot ended March 31, 2011, however the program received continued funding with the Federal Department of Center for policy Issues for Victims. This will be a multi-year funding agreement

The pilot reached over 150 Aboriginal victims of crime since June 2010 within the 9 Aboriginal communities of Eskasoni, Membertou, Chapel Island, We'koqma'q, Wagmatcook, Paq'tnekek, Millbrook, Pictou Landing, and Indian Brook. The majority of these cases included common assaults and assaults with a weapon. 25% of the cases are Domestic violence with a high lethality rating. 10% of the clients are children, majority of these children cases were sexual assaults. Without continuation of funding, 80 ongoing Aboriginal clients that are victims of crime will have reduced access to justice and lack the necessary justice support services to meet their needs.

Building a Bridge Program

Under this program MLSN would begin conducting Section 84 release planning and related Support Circles within Nova Scotia for federal offender wishing to reintegrate back into a First Nation community within Nova Scotia. This program has continued funding until November 2011.

Gladue Reports

The courts of Nova Scotia continue to show an interest in having Gladue Reports prepared for Aboriginal offenders who are entering into sentencing. Currently, Gladue Report writing is not a program of the MLSN and is a fee-for-service contract model. Due to the lack of trained writers MLSN has devised a protocol to ensure high priority cases are provided an opportunity to explore this option. MLSN will complete a report when the following three criteria are in place; 1) Youth; 2) High harm offence; and 3) A period of custody is likely. All other referrals will be completed only as writers are available.

Adult Restorative Justice and Adult Community Service orders

MLSN is taking part in a pilot project to participate in organizing Mi'kmaq Justice Circles for adults who are eligible for the provincial Adult Diversion Program. Over the past six (6) months MLSN has attended discussions on how the pilot project will be implemented and the role MLSN can play within this process. It has been determined that referrals of this nature will be streamlined through Community Corrections for the purpose of evaluation and data gathering during this pilot. By the end of this reporting period the CLP facilitated seven (7) Mi'kmaq Justice Circles for adult clients.

Secondly, Nova Scotia Corrections is now referring adult clients with community service orders to MLSN. MLSN arranges the placements and works as a liaison between the client and the placement.

_Discussions with Provincial Court Services on MLSN service related issues.

- Presentations at a number of justice conferences on MLSN activities.
- Conflict Resolution and FASD training for select MLSN staff.
- The provision of Legal Aid services on-reserve.
- Promotion of Sentencing Circles & Healing circles

Future Direction

In addition to these main programs, MLSN is also mandated to provide other justice support services to Mi'kmaq / Aboriginal persons and communities when requested. Currently, there is an express need to address a number of gaps in the provision of appropriate justice support services to the Mi'kmaq / Aboriginal people. MLSN activities also seek to fill in these gaps on a case by case basis which involve, in part, the following initiatives:

- Design and implementation of a Mi'kmaq Translator service;
- Support to Mi'kmaq / Aboriginal persons on wills and estates currently administered under the Indian Act;
- Development of constructive partnerships with Correctional Services of Canada and the National Parole Board on the re-integration of Aboriginal Offenders;

- Cultural gatherings at adult and youth correctional facilities throughout Nova Scotia;
- Development of Mi'kmaq / Aboriginal youth mentoring initiatives;
- Facilitation of legal aid and court services on First Nation communities;
- Meeting the need for Mi'kmaq / Aboriginal victim services;
- Development of Gladue reports in pursuant to s.718.2 (e) of the Criminal Code;
- Diversion of regulatory offences as related to the Moose Harvest.

Many of the above mentioned initiatives are undertaken in response to an existing need within Mi'kmaq / Aboriginal communities. Other initiatives exist as a legal requirement from legislation which although is intended to accommodate Mi'kmaq / Aboriginal concerns, lacks support services necessary to allow a transition in service to take place. In other instances where support services are found to exist, there exists a gap in cultural and traditional values from a Mi'kmaq / Aboriginal perspective.

As a province wide initiative with an expansive mandate, MLSN is properly positioned to fill in these gaps by building linkages and enhancing partnerships with all relevant stakeholders involved in the Criminal Justice System. This is the main advantage on MLSN and exists as a prime example on how its initiatives will be accomplished both today and into the future.