

MUSHKEGOWUK COUNCIL

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Mushkegowuk Council 23rd Annual Assembly

Resolution No. 2008-11-23

Attawapiskat
First Nation

Moved by:

Kashechewan
First Nation

Chief Keith Corston
Chapleau Cree First Nation

Fort Albany
First Nation

Seconded by:

Evadney Friday
Kashechewan First Nation

Moose Cree
First Nation

New Post
First Nation

Chapleau Cree
First Nation

Carried

Missanabie Cree
First Nation

Certified copy of a resolution
passed on November 14, 2008


Stan Louffit, Grand Chief

November 14, 2008
Chapleau, Ontario

Criminal Sentencing Reform in Mushkegowuk Territory

WHEREAS the Mushkegowuk Council (the "Council") has held justice conferences in 2006 and 2007 to look into a criminal justice system that is more appropriate to the Omushkego people in terms of their culture and traditions, particularly in the area of sentencing; and

WHEREAS Section 718.2 of the Criminal Code, *R.S.C. 1985, Chap. C-46*, makes it mandatory on courts to consider all available sanctions, other than imprisonment, that are reasonable, with particular attention to the circumstances of so called "aboriginal offenders"; and

WHEREAS such sentencing principles in relation to aboriginal offenders would allow for the imposition of non-incarceration sentences, like restorative and so-called "Gladue" sentences; and

WHEREAS barriers exist that prevent the imposition of non-incarceration sentences on aboriginal offenders in the Mushkegowuk region, particularly in relation to adult offenders; and

WHEREAS the personal circumstances of alleged offenders who are aboriginal who are or who are not incarcerated should be addressed in terms of sentencing and correctional services as those circumstances may have led to the commission of crime.

THEREFORE BE IT RESOLVED that the Council supports and calls for the imposition of sanctions other than incarceration in particular with respect to adult offenders in the Mushkegowuk region, that is more appropriate for addressing criminal behaviour;

FURTHER BE IT RESOLVED that the Council supports and calls for serious efforts to be undertaken to identify the barriers to the imposition of alternative criminal sentencing for offenders in the Mushkegowuk region, particularly adult offenders, and to examine how those barriers may be overcome;

FURTHER BE IT RESOLVED that the Council encourages the establishment of the necessary supports in the Mushkegowuk region to enable the courts to impose non-incarceration sentences on alleged offenders who are aboriginal, particularly adult alleged offenders;

FURTHER BE IT RESOLVED that the Council calls on governmental authorities and others to provide any necessary funding that may be needed to enable the imposition of alternative criminal sentencing for offenders, including sentencing circles, particularly adult offenders;

FURTHER BE IT RESOLVED that the Council supports and calls on all persons who participate in the criminal justice system to collaborate and coordinate their efforts in order that sanctions other than imprisonment may

be imposed on offenders in the Mushkegowuk region, particularly with respect to adult offenders; and

FURTHER BE IT RESOLVED that the Council calls on the authorities, especially those in correctional services, to provide offenders with services, particularly aboriginal services, that address their personal needs and circumstances, and to enable and encourage access to those services;

FINALLY BE IT RESOLVED that full and appropriately trained translation services be available in all Mushkegowuk communities and in municipalities such as Cochrane and Timmins for the benefit of Mushkegowuk citizens.