



MUSKODAY FIRST NATION
COMMUNITY RESTORATIVE JUSTICE COMMITTEE

Restorative Justice Circle Guide



Artist Marie Bear

Muskoday First Nation Community Restorative Justice Committee wishes to promote healing for all affected people by providing an opportunity for those responsible for wrongdoing to make amends. This empowers those that have been negatively impacted by the offensive behavior by giving them a voice and shared responsibility in finding good solutions. We want to address underlying causes of conflict or dispute so that a sense of community, communication and belonging is restored. We want our community to respect and take ownership of Muskoday's Laws.

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Background & Introduction

Muskoday First Nation was established after signing Treaty 6 in 1876. It was originally the John Smith Band. Initially there was only one band comprised of five hundred tents who attended the Treaty negotiations in 1876. The band was a mixture of Cree, Saulteaux, mixed blood, and Metis peoples. The Treaty discussions led to the one band being broken into one hundred tents resulting in five bands under the Chiefs' John Smith (Muskoday), James Smith, One Arrow, Chakastapaysin, and William Twatt (Sturgeon Lake). Later, the Chakastapaysin band would be forced off their land and separated because they fought with Louis Riel in the Rebellion. Chakastapaysin currently has an ongoing land claim today.

Upon signing the Treaty, the *Indian Act* was imposed on the community. This led to the destruction of Muskoday's systems of governance, justice, and family structures.

Prior to the Treaty, restorative justice was practiced. Circles were used to bring peace and harmony between people, family, with nature, land, and the Creator.

The Restorative Justice Committee respects traditional values while adapting restorative measures to modern times thus bridging the gap between our history and the current state of today's justice system.

By revitalizing Restorative Justice Circles, we hope to build trust in our community through a fair, unbiased and equitable process that will promote healing and harmony in our Nation.

This document was developed as a guide to provide a general procedure to be utilized; however, it is understood that circumstances may require an adaptation of the general procedures.

VISION

Achieve peace and harmony in the Muskoday First Nation community and to promote a healthier and safer community.

MISSION

Change will happen when people take the restorative justice road rather than the road of retributive justice.

The Muskoday First Nation Community Restorative Justice Committee's mission is to:

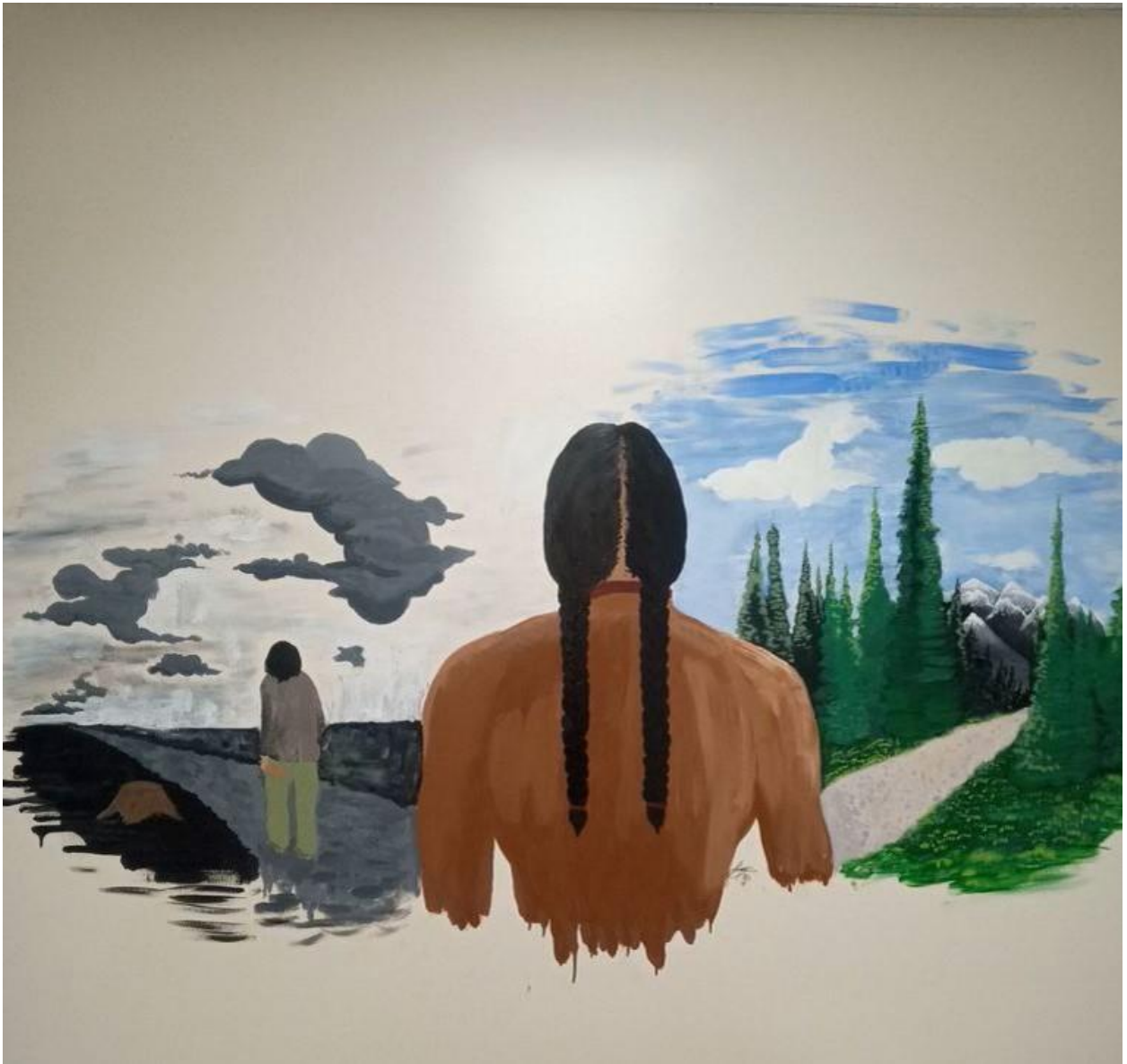
- ❖ Promote and provide opportunities to persons who seek restorative justice alternatives;
- ❖ Restore physical, mental, emotional, and spiritual balance in persons (children, youth, adults, and elders) and families through restorative justice initiatives in order to achieve peace and harmony within the Muskoday First Nation community;
- ❖ Under the direction of the Muskoday membership and the Committee, address community justice issues in a manner using traditional and non-traditional values and processes; and
- ❖ Design justice initiatives to facilitate positive change within a person, family and the community in a holistic manner resulting in true justice and healing for the victim, the offender, the family, and the community who choose to participate in community restorative justice initiatives.

VALUES

The Muskoday First Nation Community Restorative Justice Committee holds the following values:

- ❖ Fairness
- ❖ Accountability
- ❖ Kindness
- ❖ Open-minded
- ❖ Respectful
- ❖ Non-judgmental
- ❖ Confidentiality
- ❖ Honesty
- ❖ Sincerity
- ❖ Trustworthy
- ❖ Teamwork
- ❖ Sharing
- ❖ Inclusive of all segments of the community (youth, adults, and elders).

RESTORATIVE JUSTICE CIRCLES



Artist Lacy Maude Thomas

Overview

Restorative Justice Circles not only allow for information and facts to be shared but also permit the expelling and cleansing of feelings. In turn, a new path can be paved towards reconciliation.

Restorative Justice Circles are available to Muskoday First Nation band membership and non-members of Muskoday First Nation who have familial connection to the community.

Participants include Elders, Restorative Justice Committee members, the offender, the victim, and their support people; however, may also include other members of the community who may have a vested interest in being a participant.

A referral to the Restorative Justice Circle is not a means of punishment but rather an opportunity for a person to start walking on a healthier path that will benefit their life and the community in a better way.

A person cannot be forced to partake in a Restorative Justice Circle, however, Chief and Council have a sworn duty to protect and ensure the safety of the Membership of Muskoday First Nation as such the person will be subject to a Removal Order from Muskoday First Nation.

Section 1

Use of Restorative Justice Circles

Restorative Justice Circles will be used in Muskoday First Nation when a referral is made to the Muskoday First Nation Restorative Justice Committee (MFNRJC). The referrals may be received from the courts, the federal and provincial Ministries who oversee correctional services, the Royal Canadian Mounted Police (RCMP), Muskoday First Nation Community Safety Officers (CSOs), Muskoday First Nation Leadership, agencies that serve Muskoday First Nation or from members of the community.

The use of Restorative Justice Circles is open for any conflict that may need help to reach a resolution. No conflict is too small.

The offender must agree to participate in the Restorative Justice Circle in order for one to be held.

When an offender does not agree to participate or fails to complete the Restorative Justice Circle process, the Restorative Justice Committee will notify in writing the referral source and Muskoday First Nation Chief and Council. The offender will be subject to a **Removal Order** (see page 20) from Muskoday First Nation and must abide by the Removal Order process.

Section 2

Referral Process for Restorative Justice Circles

2.1 Referral received from Court or Federal/Provincial Ministries for Correctional Services:

- 2.1.0 Referrals will be made in writing to the Justice Coordinator for Muskoday First Nation.
- 2.1.1 The Justice Coordinator will advise Chief and Council upon receiving the referral.
- 2.1.2 The Justice Coordinator will notify the Restorative Justice Committee.
- 2.1.3 The Process for Restorative Justice Circles will be followed (see page14).
- 2.1.4 If the referral is from court, the victim has the option of going through the Restorative Justice Circle or have the matter remain in the court system.

2.2 Referral from Muskoday First Nation Chief and Council:

- 2.2.0 Referrals will be made in writing to the Justice Coordinator by Muskoday First Nation Chief and Council.
- 2.2.1 The Justice Coordinator will notify the Restorative Justice Committee.
- 2.2.2 The Process for Restorative Justice Circles will be followed (see page 14).

2.3 Referral from agencies that service Muskoday First Nation, RCMP, CSOs or a community member of Muskoday First Nation:

- 2.3.0 Referrals will be made in writing to Muskoday First Nation Chief and Council.
- 2.3.1 Muskoday First Nation Chief and Council will refer to the Justice Coordinator.
- 2.3.2 The Justice Coordinator will notify the Restorative Justice Committee.
- 2.3.3 The process for Restorative Justice Circles will be followed. (see page 14).

Section 3

Structure of Restorative Justice Circles

3.1 Participants will consist of:

- ❖ Elders – Male and Female
- ❖ The offender
- ❖ Support person(s) for the offender *Note: Maximum of 2 support people (as identified in the pre-interview). A youth may have their caregiver(s) in addition to the maximum 2 support people*
- ❖ The victim or surrogate
- ❖ Support Person(s) for the Victim *Note: Maximum of 2 support people (as identified in the pre-interview)*
- ❖ Restorative Justice Committee Members *Note: A Restorative Justice Committee member will be designated as the facilitator, and one will be designated as the notetaker/follow up person*
- ❖ Community Supports (service providers such as mental health or addictions) Through the pre-interviews with both the offender and the victim, community supports will be identified to be part of the process.
- ❖ CSOs/RCMP if applicable
- ❖ Other community members who have a vested interest in the incident and signaled they wish to attend. It should be noted though these other community members must notify the Justice Coordinator a minimum of two weeks prior to the Restorative Justice.

3.2 Location

Participants will be notified of the time and location.

3.3 Physical Structure of the Restorative Justice Circle

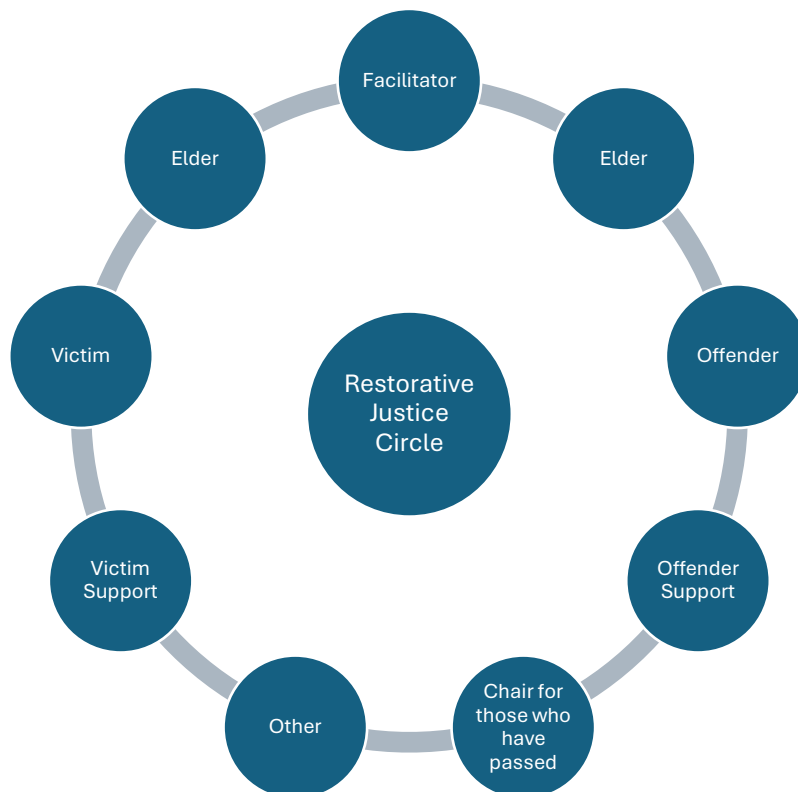
The Restorative Justice Circle will consist of an Inner Circle and may also have an Outer Circle. Adaptations will be made to meet the participant's needs.

The inner circle participants will consist of:

- ❖ Restorative Justice Circle Facilitator(s)
- ❖ Elders
- ❖ Offender
- ❖ Offender support
- ❖ Victim
- ❖ Victim support
- ❖ Any other relevant parties identified through pre-interviews

The outer circle will be determined at the pre-interview phase and may consist of:

- ❖ Notetaker to record recommendations
- ❖ Community members who may have a vested interest in participating but not directly related to the incident



Section 4

Process of Restorative Justice Circles

- 4.1 Once a referral is received by the Restorative Justice Committee, a decision will be made who will be designated from the committee as the Facilitator and as the Notetaker for the circle.
- 4.2 The designated facilitator will set up a **pre-interview with the offender**. During the pre-interview, the following will be completed:
- ❖ A **Consent Form to Participate in Restorative Justice Circle** (Appendix 1 page 34) will be provided to the offender to sign. The form includes parameters on confidentiality including the use and sharing of information. *Note: An offender must consent to participate in the Restorative Justice Circle. If they do not, the circle will not be held, and relevant parties will be notified.*
 - ❖ The offender will be provided with information on the structure and process of the circle.
 - ❖ The facilitator will request the offender to provide relevant information related to the wrongdoing.
 - ❖ The offender is required to provide the feast which is held at the end of the Restorative Justice Circle. This will be discussed further with the offender during the pre-interview.
 - ❖ The offender will be asked to identify who they will be requesting to attend as their support (maximum 2).

- ❖ The offender will be asked to identify if they already have community services support people that would be beneficial to attend. If not, a discussion will be had on who may be invited as community services support.
- ❖ Any concerns raised by the offender will be addressed during the pre-interview.
- ❖ A list of Health services, traditional and non-traditional community contacts will be provided.

4.3 The designated facilitator will next arrange a **pre-interview with the victim**. During the pre-interview, the following will be completed: *Note: a surrogate may be designated should the victim not wish to participate in the Restorative Justice Circle. This will be arranged through Saskatoon Tribal Council by the facilitator.*

- ❖ If the referral is from court, the victim has the option of going through the Restorative Justice Circle or have the matter remain in the court system. (If the victim wants it to remain in the court system, the Justice Coordinator will notify the Court).
- ❖ The victim will be provided with information on the structure and process of the circle.
- ❖ The facilitator will request the victim to provide relevant information related to the wrongdoing by the offender.
- ❖ The victim will be asked to identify who they will be requesting to attend as their support (maximum 2).
- ❖ The victim will be asked to identify if they already have community services support people that would be beneficial

to attend. If not, a discussion will be had on who may be invited as community services support.

- ❖ Any concerns raised by the victim will be addressed during the pre-interview.
- ❖ A list of Health services, traditional and non-traditional community contacts will be provided.

4.4 The Restorative Justice Committee will then determine the date, time, and location of the Restorative Justice Circle.

4.5 The Restorative Justice Committee will be responsible for the following:

- ❖ Notifying all determined participants with date, time, and location.
- ❖ Advising participants of the opportunity to complete Impact Letters which will be read out during the Restorative Justice Circle either by the person who wrote it or, if requested, by the facilitator. *Note: Impact Letters must be received no later than one week prior to the date the Restorative Justice Circle is set to be held and must be provided to the Justice Coordinator.*
- ❖ Arranging for tobacco/offering for the Elders/Skapio (helper).

4.6 **Rules of the Restorative Justice Circle:**

- ❖ All participants have the right to feel safe. No physical or verbal abusive behavior will be tolerated.
- ❖ No swearing or yelling.
- ❖ No cellphones or recording devices.
- ❖ Everyone will have a chance to speak.
- ❖ Whoever has the designated “talking stick” has the floor (no interrupting)

- ❖ Muskoday Chief and Council or delegate will represent the victim when a crime is committed against the band or band property.
- ❖ There may be an instance when Muskoday Chief or Council may be identified as a support person for the offender or victim; however, they will be attending in the support person role **only** and not in the role of an elected Chief or Councilor for Muskoday First Nation.
- ❖ A circle is never broken (interrupted) once it starts. *Note: if a participant requires a break, the participant can signal the facilitator.*
- ❖ Scheduled start times for the circle will be strictly adhered to with no admittance after the start time.
- ❖ Decisions for the agreement are reached by input from the victim within reason as well as others within the circle and will be achievable by the offender.
- ❖ The Facilitator is responsible for maintaining the order and process of the circle.

4.7 Procedure of the Restorative Justice Circle

Round 1: Introduction

- ❖ Elder Prayer (opening prayer/smudge)
- ❖ Guidance by Elders (give guidance on 7 sacred teachings, matriarchal authority during Restorative Justice Circle)
- ❖ The facilitator will review the process and rules of the circle with all participants including the agreed upon issue(s) that are before the circle that day to be addressed. *Note: The Facilitator is responsible for maintaining the order and process of the circle.*
- ❖ Introductions by all participants (name and their purpose for participating)

Round 2: Reflecting Stage

- ❖ The offender will explain what wrong they have done (taking ownership, being accountable)
- ❖ All participants will then be given an opportunity to speak about the harm that was done. Turns for speaking will be conducted by following the next person to the right of the offender and so on. *Note: If a participant has completed an impact letter, they have chosen to read it themselves, it would be done when it is their turn to speak.*
- ❖ Any impact letters that were provided and requested to be read by the facilitator will be completed.
- ❖ The facilitator will ensure any disputed facts are resolved prior to moving onto the next round.

Round 3: Recommendation(s) Stage (Repairing the Harm)

- ❖ Generally, the victim will be asked for recommendations to repair the harm first followed by the rest of the participants including the offender.
- ❖ From the recommendations, the decisions for what will form the agreed upon actions required by the offender to repair the harm will be made in the circle.
- ❖ Any dispute of recommendations will be heard. The decision on any disputed recommendations will be made by the Elders and that decision will be final.

Break: A break will occur where the Restorative Justice Committee will review the recommendations and will synthesize an agreement.

- ❖ The offender can use this time while the Restorative Justice Committee is synthesizing the agreement, to ensure the feast is ready.
- ❖ The offender will sign the agreement.

Round 4: Closing Stage

- ❖ The circle will be closed with a prayer.
- ❖ The offender will leave first out of the circle, shake hands with all participants and will lead to the feast.

4.8 The Restorative Justice Circle Agreement:

- ❖ The agreement will be specific with measurable outcomes (e.g., 5 sessions with Mental Health)
- ❖ The agreement will also include consequences if not followed.
- ❖ The offender will be responsible for maintaining contact and providing updates on their progress in completing their required action items outlined in the agreement in the time frame provided.
- ❖ The Restorative Justice Committee will be responsible for monitoring the offender's completion of the action items required by the offender in the signed agreement.
- ❖ The original agreement will be held by the Justice Coordinator along with outcome reporting.
- ❖ A letter will be sent to the referral agent, Chief and Council, the offender, and the victim by the Restorative Justice Committee upon completion by the offender of all required action items outlined in the agreement. This will signal the conclusion of the Restorative Justice Circle process.

REMOVAL ORDERS



Artist Marie Bear

Overview

Muskoday First Nation Chief and Council have a sworn duty to protect and ensure the safety of the Membership of the Muskoday First Nation.

By way of a Band Council Resolution (BCR), Chief and Council may deem a person as jeopardizing the safety and harmony of the community which may result in the issuance of **Removal Order** of that person from Muskoday First Nation.

Section 5

Removal Order Issuance

The issuance of a Removal Order by Chief and Council will be considered for a person who has been brought to the attention of Chief and Council as jeopardizing the safety and harmony of the community from the following four circumstances:

1. Has been convicted of a crime and is subsequently incarcerated;
2. Has been convicted of a crime but is not incarcerated;
3. Has been charged with a crime and it has been deemed a removal order needs to be considered to protect and ensure the safety of the community; or
4. Has not been charged or convicted of a crime but it has been deemed a removal order needs to be considered to protect and ensure the safety of the community.

Section 6

Removal Order considerations by Chief and Council

Chief and Council will consider several factors when deciding the removal of a person from Muskoday First Nation. ***The Muskoday First Nation for Removal Order Decision Making Document*** (Appendix 2 page 35) will be utilized in Chief and Council's decision-making process. This document will be kept as a record of decision providing transparency and documentation as to how the Chief and Council arrived at their decision.

Further to the above, if there is a determined conflict of interest within Chief and Council that is not conducive to a fair, just and equitable decision-making procedure, the person(s) deemed to be in conflict will recuse themselves from the process.

Section 7

Process as it relates to Circumstance

The process followed by Chief and Council will be determined on the circumstance in which a person was brought to the attention of Chief and Council.

The following process will be followed for the four identified circumstances outlined in Section 5:

1. Has been convicted of a crime and is subsequently incarcerated;

- a. Chief and Council will utilize *The Muskoday First Nation for Removal Order Decision Making Document*.
- b. If a Removal Order was issued, and the person has indicated prior to their release date they wish to return to the community upon release, the person will be required to follow the referral process for Restorative Justice Circle outlined in Section 2 page 10 (referral from Corrections, Parole, Probations).
- c. If a Removal Order was issued by Chief and Council, and the removed person has served their sentence and is no longer incarcerated but wishes to return to the community, the removed person will be required to follow the appeal process outlined in Section 9 page 30.
- d. If a Removal Order had not been issued, and the person has indicated they wish to return to the community prior to their release date, the person will be required to follow the referral process for Restorative Justice Circle outlined in Section 2 page 10 (referral from Corrections, Parole, Probations).

2. Has been convicted of a crime but is not incarcerated;

- a. Chief and Council will utilize *The Muskoday First Nation for Removal Order Decision Making Document*.
- b. If a Removal Order was issued by Chief and Council, and the removed person wishes to return to the community, the removed person will be required to follow the appeal process outlined in Section 9 page 30.
- c. If a Removal Order was not issued during the decision-making process by Chief and Council, and the person has indicated they wish to return to the community the person may be required to follow the Restorative Justice Circle process outlined in Section 2 page 10. The person will be notified by Chief and Council should this be the case.

3. Has been charged with a crime and it has been deemed a removal order needs to be considered to protect and ensure the safety of the community; or

- a. Chief and Council will utilize *The Muskoday First Nation for Removal Order Decision Making Document*.
- b. If a Removal Order was issued, and the person is later sentenced to incarceration as a result of being convicted in court and has indicated prior to their release date they wish to return to the community upon release, the person will be required to follow the referral process for Restorative Justice Circle outlined in Section 2 page 10 (referral from Corrections, Parole, Probations).
- c. If a Removal Order was issued by Chief and Council, and the person is not later sentenced to incarceration after being convicted in court but wishes to return to the community, the removed person

will be required to follow the appeal process outlined in Section 9 page 30.

- d. If a Removal Order was not issued during the decision-making process by Chief and Council, and the person has indicated they wish to return to the community the person may be required to follow the Restorative Justice Circle process outlined in Section 2 page 10. The person will be notified by Chief and Council should this be the case.

4. Has not been charged or convicted of a crime but it has been deemed a removal order needs to be considered to protect and ensure the safety of the community.

- a. Chief and Council will utilize *The Muskoday First Nation for Removal Order Decision Making Document*
- b. If a Removal Order was issued by Chief and Council, and the removed person wishes to return to the community, the removed person will be required to follow the appeal process outlined in Section 9 page 30.
- c. If a Removal Order was not issued during the decision-making process by Chief and Council, the person may still be required to follow the Restorative Justice Circle process outlined in Section 2 page 10. The person will be notified by Chief and Council should this be the case.

Please Note:

A referral to the Restorative Justice Circle is not a means of punishment but rather an opportunity for a person to start walking on a healthier path that will benefit their life and the community in a better way.

A person cannot be forced to partake in a Restorative Justice Circle, however, Chief and Council have a sworn duty to protect and ensure the safety of the Membership of Muskoday First Nation.

As such, if the person is not willing to participate in the Restorative Justice Circle, receiving the assistance to lead them to a healthier path, the referral agent will be notified, Chief and Council will be notified, and the person will be subject to a Removal Order from Muskoday First Nation.

Similarly, if the person does not complete the process of the Restorative Justice Circle, the referral agent will be notified, Chief and Council will be notified, and the person will be subject to a Removal Order from Muskoday First Nation.

Section 8

Removal Order

Upon Muskoday First Nation Chief and Council deciding a Removal Order is warranted, they will issue a **Band Council Resolution** (BCR) followed by the Removal Order. The ***Muskoday First Nation Removal Order*** (Appendix 3 page 40) and a copy of the BCR will be served on the removed person.

8.1 Service of documents:

- ❖ Muskoday First Nation Chief and Council may delegate any person to serve any document, order or notice related to Removal Orders or Appeals of Removal Orders.
- ❖ The person serving will attend with at least one other person who will witness the service.
- ❖ Upon service, the server must complete the ***Certificate of Service for Removal Order*** (Appendix 4 page 41) which has space for the signatures of the offender, the server, and the witness.
- ❖ Documentation of service must be completed by the person serving the Removal Order on the ***Notes for Service of the Muskoday First Nation Removal Order*** (Appendix 5 page 42) and affixed to the originally signed Removal Order. Documentation of service will include if a person refuses service (e.g., refuses to take a copy or sign the Removal Order).
- ❖ Original documents will be kept as record by the Justice Coordinator.

- ❖ CSOs and/or RCMP may be requested to attend when a person is being served a Removal Order to keep the peace. A copy of the Removal Order and record of service will be provided to the CSOs for the purpose of enforcing the *Muskoday First Nation Trespass Law, 2016* or any other relevant laws and legislation.

Section 9

Appeal of Removal Order

Upon every issuance of a Removal Order, the removed person will have the right to appeal the decision. The process below will be followed if a removed person wishes to appeal the Removal Order.

- 9.1 The removed person must notify Chief and Council in writing if they wish to appeal their Removal Order. *Note: The removed person must provide updated contact information in their notification.*
- 9.2 Chief and Council will make a referral to the Appeal Board.
- 9.3 The Appeal Board will hold a hearing for the banished person. *Please note, a minimum of two weeks will be required by the Appeal Board to set up an Appeal Hearing.*
- 9.4 The representatives from the Muskoday First Nation Community Restorative Justice Committee will be responsible for notifying all participants of the Appeal Hearing on the date, time, location, and completing appeal documents as directed by the Elders.
- 9.5 The Appeal Board will make the final decision on whether a Removal Order is rescinded or not.
- 9.6 The Appeal Board will be comprised of two ex-officio (non-voting) representatives from the Muskoday First Nation Community Restorative Justice Committee and a minimum of three Elders.
 - ❖ The Elders will be the decision makers.
 - ❖ The representatives from the Muskoday First Nation Community Restorative Justice Committee will participate

only to provide guidance on the process, provide notification to all required participants and complete appeal documents on behalf of the Elders.

9.7 During the Appeal Board Hearing, the Appeal Board, will be gathering the following information that will be taken into consideration when making their decision:

- ❖ Has the person taken responsibility for their wrongdoing(s)?
- ❖ Are there any criminogenic risk factors?
- ❖ Has the person taken any programming specific to their wrongdoing(s)?
- ❖ Has the person shown remorse for their wrongdoing?
- ❖ Has the person made amends to the affected person(s) and the community?
- ❖ What steps has the person taken to ensure they will no longer jeopardize public safety and steps taken towards peace and harmony of Muskoday First Nation?
- ❖ What is the person's long-term plan to be a healthy contributing member of the community? What steps have been taken?

9.8 A letter will be provided to the person on the decision by the Appeal Board. Should it be determined by the Appeal Board that the person has not met all the required Appeals Process Criteria, the letter will outline what is required by the removed person. If, after receiving such a letter, the removed person has completed all requirements as outlined, they must make application for another appeal hearing as per the appeal process outlined in this section.

Section 10

Harboring/Aiding or Abetting Fugitives and/or Removed Persons

Harboring /Aiding or Abetting Fugitives and/or prohibited person(s) is a violation of the *Muskoday First Nation Trespass Law, 2016*.

Be aware, if anyone is found to be harboring/aiding or abetting fugitives/prohibited person(s), they are in violation of the *Muskoday First Nation Trespass Law, 2016* and will be subject to penalties assigned including the loss of a housing unit assigned to them with or without children or spouse and whether they are band members or not in accordance with Muskoday First Nation Housing Committee/Authority. Further, the person may be subject to termination if employed by Muskoday First Nation.

About the Artists

Marie Bear

Marie Bear is a Plains Cree artist from Prince Albert, Saskatchewan. Attending the University of Regina, she is pursuing a Bachelor of Fine Arts degree to make connections and gain experience with curators and other artists. Her goal is to share her perspective on the world to inspire and help other creative people on their journey.

Living in a time of reconciliation and breaking generational cycles can be intimidating at times; however, it is Marie's belief that art and visuals can make big concepts and actions seem less daunting. Creativity can also serve as an outlet for those who find that words are too much or not enough to help with grief.

*"Creation is at the very core of society. And the gift I thank
Creator for each day"*

-Marie Bear

Lacy Maude Thomas

Lacy is a Grade 12 student attending the Victor Thunderchild School in Prince Albert, Saskatchewan. She is from James Smith Cree Nation with family in Muskoday First Nation as well. Lacy has a great interest in art and music. She also has strong writing abilities and will often write about her lived experiences. Previously, she was active in traditional dance and is currently working on a new regalia as part of her plans to return to dancing. Lacy plans to further her education after graduation.

Appendix 1



**Consent to participate in the Muskoday First Nation
Restorative Justice Circle**

Restorative Justice Circle held between:

_____ and _____
(Offender) (Victim)

I, _____, hereby consent to participate in the Muskoday First Nation Restorative Justice Circle.

I understand that by participating in this process it will or can put me on a healthier path that will benefit my life, and the community in a better way.

I understand if I do not complete the recommendations agreed to as a result of the Restorative Justice Circle and/or fail to complete the process of the Restorative Justice Circle, I will be subject to a Removal Order by Muskoday First Nation Chief and Council.

It is understood that certain information pertaining to the Restorative Justice Circle be kept confidential.

Signed by:

Offender

Date

Witnessed by:

Restorative Justice Committee Member

Date

Appendix 2



**Muskoday First Nation Criteria for Removal Order
Decision Making Document**

1. **Name of Person:** _____

2. **Date Decision Meeting Held:** _____

3. **Association to Muskoday First Nation:**

- Band Member
- Non-Member – Specify connection to the community:

- Youth (removal order should only be considered for severe circumstances)
- Adult

4. **Circumstance by which the person was brought to the attention of Chief and Council:**

- Convicted Crime
- Charged with Crime (in court process)
- Not charged or convicted but reported by community

5. **Please provide a brief description of the circumstances (e.g., *charged with drug trafficking*)**

6. **Severity of Crime or Allegation(s):** – *Disclaimer: This is a guideline to determining severity; however, known circumstances of the crime or allegation may lead to the decision to deem the severity in a different level from what is included within the levels. Check which applies.*

- Persons Crime:**
 - High:**
This may include but is not limited to death or grievous/severe physical harm, involves children or the elderly, weapons utilized, domestic

violence; threats of death to individuals, groups, or businesses (e.g., threat to shoot at band hall), sexual assault, gang/drug activity, witness intimidation.

Medium

This may include, but not limited to acts of minor physical harm such as a push or slap

Low

This may include, but not limited to acts that result in no physical harm such as threat to assault or an assault that resulted in no physical harm (e.g., being pushed)

Property Crime:

High

This may include, but not limited to acts where the safety of an individual's home or work has been compromised such as a Break and Enter to a residence or arson

Medium

This may include, but not limited to acts such as theft or mischief (including vandalism) that is over \$5000 dollars.

Low

This may include, but not limited to acts such as theft or mischief (including vandalism) that is under \$5000 dollars.

7. Is the person:

- Currently on conditions from court
- Currently on conditions from parole
- Currently on conditions from probations
- Unknown if on conditions
- In custody - sentenced
- In custody – still before the court
- Not applicable

8. Is the person currently wanted for a criminal offence(s)?

- Yes
- No

9. What is the impact on the victim(s)/families?

- Mental
- Physical
- Spiritual
- Emotional
- Financial Losses
- Other, please specify _____

10. Was there an impact on the community at large?

- Yes - Please specify: _____
- No

11. Known Criminal History:

- Yes - Please specify: _____
- No

12. Criminogenic Risk Factors:

- Substance Use – Illegal or Illicit Drugs
- Substance Use – Alcohol
- Unemployed
- Employed
- In school
- Not in school. Did not finish high school (Grade 12)
- Not in school. Finished high school (Grade 12)
- Known mental health disorders
- Known cognitive impairments
- Known gang member
- Suspected/Unknown gang member

- Known gang affiliation
- Suspected/Unknown gang affiliation

13. Please provide any other information not listed above but which has been taken into consideration in the decision-making process. Leave it blank if no other information has been considered.

14. Decision Rendered:

- Removal Order
- No Removal Order but referred to Restorative Justice Circle.
- No Removal Order and no referral made.

*****Note: Please ensure this document is kept as a record of the decision. *****

Number of Council Members present ____ (4 Council Members constitutes a quorum)

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Appendix 3



Muskoday First Nation Removal Order

Whereas the Muskoday Chief and Council met at a duly convened meeting on *(insert date)* _____ . As a result of the meeting, you, *(insert name)* _____, has been deemed as jeopardizing the safety and harmony of the community; therefore, you are prohibited from being on all Muskoday lands pursuant to the *Muskoday First Nation Trespass Law, 2016* effective immediately; thereby, as a prohibited person, you will no longer be in favor, nor receive or be in receipt of any further benefits, programs, services, or any privileges administered by the Muskoday First Nation.

Further, you acknowledge that you will be prosecuted under the *Muskoday First Nation Trespass Law, 2016* if this Removal Order is disobeyed now or at any time in the future.

Be aware, if anyone is found to be harboring/aiding or abetting fugitives/prohibited person(s), they are in violation of the *Muskoday First Nation Trespass Law, 2016* and will be subject to penalties assigned including the loss of a housing unit assigned to them with or without children or spouse and whether they are band members or not in accordance with Muskoday First Nation Housing Committee/Authority. Further, the person may be subject to termination if employed by Muskoday First Nation.

If you wish to appeal the removal order, a written request for appeal must be submitted to Muskoday First Nation Chief and Council for consideration for reinstatement. Chief and Council will refer the request to the Removal Order Appeal Board. The removal order will remain in effect pending the outcome of the appeal process. Please note, where applicable, you must be prepared to take responsibility for your actions, acknowledge the harm caused, and follow through on any agreement resulting from the Appeal Board decision.

Number of Council Members present _____ (4 Council Members constitutes a quorum)

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Original Signed (keep for records)

Appendix 4



Certificate of Service for Removal Order

I, _____, hereby certify a copy
of the Removal Order issued to _____
was served on _____
in person on (date and time) _____
at (location) _____.

Signature of Server

Date:

Signature of Witness

Date:

Appendix 5



Notes for Service of the Muskoday First Nation Removal Order

Re: _____

Please provide details on the service of the Removal Order on the above individual. Include such things as date, time, location and the names of who attended with you for service. Should the individual refuse to sign the Removal Order, please provide notes of that particular interaction. Please keep this document with the originally signed Removal Order.

Signature of Server

Date:

Authors

Cori L. Pederson

Glenda J. Brass

Barry R. Bear

Darcy T. Bear

Linda McClosky

Louis Bear