



Jury rolls in crisis

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Feb 26, 2013



Frank Iacobucci gives his report on First Nation representation on jury rolls in Ontario on Feb. 26, 2013

First Nation representation on Ontario jury rolls is in a crisis, says the province's independent reviewer.

Frank Iacobucci, a former Supreme Court of Justice, released the findings from his report along with 17 recommendations Tuesday. The Ontario Attorney General appointed Iacobucci to look into the issue of First Nation representation on jury rolls.

Iacobucci said during a media conference on Tuesday that the report only reveals a small part of a much bigger problem.

"This review, I believe, has shed light on some of the issues," he said. "Those issues involve serious failings of the system. This has been remarked on by two Supreme Court of Canada

judges. To paraphrase, the Canadian Justice system has failed many Aboriginal communities. That is not made up. If nothing is done I believe it will set back our relationship with Aboriginal people.”

Iacobucci spoke with many First Nation communities over the course of the year in 2011.

The report shows that many First Nation communities distrust the justice system and consider it foreign as it encourages judgment and punishment on an accused, which is the opposite to Aboriginal values that promotes harmony and peaceful solutions.

Another issue mentioned in the report was the mistreatment of First Nation inmates and general disrespect by police.

The report mentions one person in Kenora being released from jail in winter without shoes or socks.

Iacobucci said if one person’s liberty or freedom is lost then that’s something the system should want to eliminate.

“These perceptions are really important,” he said. “They don’t seem to be made up. There seems to be a lot of collaboration of these perceptions. They’re getting in the way of moving on and improving the systems so we have to deal with these opinions that I heard. These issues are real.”

But those may not be issues for First Nation representation on coroner’s jury list, as those proceedings do not require participants to render a judgement.

Some of Iacobucci’s recommendations include:

- Establishing an implementation committee with First Nation membership, government officials and individuals who would be responsible for implementing the report
- Establishing a First Nation advisory group to the Attorney General on matters relating to Aboriginal justice issues
- Providing cultural training to all government officials working in the justice system who are in contact with First Nations
- Look into the possibility of using other government databases such as Ministry of Transportation information, band residency information etc.
- Amending the questionnaire to be more appropriate for First Nations
- Creating an assistant deputy Attorney General position that would deal with Aboriginal issues including implementing the report

He also stressed the importance of creating a better government-to-government relationship and encouraging First Nation communities’ desire to be more involved with justice.

While Iacobucci admitted that not all of his recommendations could be implemented in a single swoop, he said he hopes the government will respond in a way that gives the signal that there needs to be some urgency in implementing the recommendations.

Following questions from media, the floor was open to the audience.

Marlene Pierre was the only one in Thunder Bay to ask a question and asked about the death of her 27-year-old grandson, Jacy. She wondered why there hasn't been an inquest into the death of Jacy, who died in an apparent overdose in Oct. 2007.

Pierre called the inquest process unfair because they had the right to have Aboriginals on the jury, but found it difficult fill those juries. Pierre said she was satisfied with Iacobucci's recommendations.

"We made recommendations in June and almost all of those recommendations we made including the oversight committee were included," she said.

"I think what we're mostly concerned about is that we've waited over five years and it has been very hard as a family and still go on with life as good as we can. Even with today's public release, we know this has to go to the Attorney General and it could take well over a year before we get an inquest date."

Fort William First Nation chief Peter Collins called the report a step in the right direction. Collins pointed out that many of the recommendations are resource driven, which means the question will now be whether the Ontario government will put those resources toward fixing the problem.

Funding, however, can be another issue.

"One of the problems we as First Nations face and our community members face is the travel, the expenses and being away from your family," Collins said. "Those kinds of things are costly initiatives and when you sit on the jury you don't get paid that well."

Collins said there's also problems with filling out the questionnaire. Many First Nation members don't want to put down Canadian as their citizenship and not doing so means they're automatically eliminated from the jury selection process, he said.

Nishnawbe Aski Nation deputy grand chief Alvin Fiddler praised the report for its findings and called it solid and credible. He added that it's a wakeup call for the province.

"(Iacobucci) has not pulled any punches," he said. "Justice Iacobucci has told the truth on how the justice system treats First Nation people and how it operates in the North.

"He has called on the Ontario government to move urgently and we agree. He has reported systemic discrimination in police, in the prisons and the poor quality of legal representation that makes guilty pleas and convictions almost automatic."