



## Partnerships & Cooperation with First Nations and Provincial / Federal Governments & Agencies



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# Enforcement of Laws: Pilot Project

- Muskoday First Nation (“**MFN**”), Whitecap Dakota First Nation (“**WDFN**”) and the Province of Saskatchewan (the “**Province**”) have been working together to establish a process for the enforcement of the First Nation’s Laws.

# Memorandum of Understanding (“MOU”)

- On October 18, 2019, MFN, WDFN and the Province signed a Memorandum of Understanding which creates a joint working group (the “**Trilateral Task Group**”) to find solutions to issues associated with the enforcement of the First Nations laws.
- Issues include investigations, laying of charges, prosecutions, and adjudication

# The Trilateral Task Group

- Members of the Trilateral Task Group include representatives from all 3 parties.
- The MOU also recognizes that the federal government has an important role with respect to the enforcement of First Nations laws and may be invited to participate

# Deliverables of the Trilateral Task Group

- The Trilateral Task Group intends to draft mechanisms and processes for the enforcement of First Nations laws
  - Includes processes for prosecutions and scoping out the role of Saskatchewan's Provincial Court.
- The Trilateral Task Group will also consider the costs of enforcement and who will be responsible for what costs



# Existing Procedures

- The Framework Agreement and most of MFN's and WDFN's own laws provide that offences will be prosecuted through the "summary conviction" procedures under the Criminal Code
  - Summary conviction offences are usually heard in Provincial Court
- The Framework Agreement sets out that a First Nation may appoint their own prosecutors or enter into an agreement with a province to use provincial prosecutors
- The Framework Agreement also set out that a First Nation may appoint Justices of the Peace to enforce their laws

# Work of the Trilateral Task Group

- Given those existing procedures, the Trilateral Task Group is working through all of the jurisdictional issues that arise with enforcing First Nations laws in the provincial court system
  - Issues include the jurisdiction of provincially-appointed Justices of the Peace, Provincial Court judges and prosecutors to enforce First Nations laws
  - Further, if provincial employees are to be involved, the Trilateral Task Group will have to address proper training for provincial employees who will be working with First Nations laws

# Partnership and Cooperation with the Province

- Benefits to Partnership and Cooperation with the Province:
  - Access to Province's resources and expertise with law enforcement and prosecutions
  - Access to Provincial Court system and already established procedures
  - Ability to take what is useful from provincial systems and add in MFN and WDFN's own traditional values to the enforcement process
  - Resourcing issues can be discussed
  - Creation of a government to government relationship





# Questions?

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