

ON BEING A NORTHERN JUDGE

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When it comes to Native or Northern justice issues, I accept the analysis in the Royal Commission report, *Partners in Confederation*, that Aboriginal self-government is an inherent right and that it is now just a question of implementing that right. I believe we have an offender-processing system, but I'm not sure we have a criminal justice system. At least that's been my experience in northern Saskatchewan, and I'm now in my nineteenth year in La Ronge, flying the northern circuit.

My overall impression after all this experience is that any criminal justice system must have credibility in order to function. It doesn't matter if it's a criminal justice system in parts of Canada or Ecuador or anywhere else. If you don't have credibility, you don't have anything. It's our stock in trade, our currency, and we suffer from a great lack of credibility in northern Saskatchewan. I can't speak for the rest of the province because I've only been a judge in the North, but I think Alphonse Janvier put it very well: when you have a large number of people in a community who feel their liberty depends on whether or not the judge takes a pinch of snuff before he sentences you, you don't have any credibility, and without credibility the system cannot function.

I feel we have to take an about turn away from the case-processing punitive system—the EuroCanadian system—under which we now operate and turn in the direction of a social-justice healing process, such as is happening in the Hollow Water Reserve in Manitoba. It's the only thing that I have seen that might be able to deal with the maelstrom of dysfunction that is occurring in some communities.

I don't need to try to list here the reasons for the dysfunction. Other people have done that. We know that the economy in our communities is in a shambles. We know there are dysfunctions associated with violence and substance abuse. There's no need for me to make a list of those things, but you cannot deal with these problems by punishing people. You can't punish a community into functioning as a community, as a peaceful community. It's got to be a healing process. There's been a lot of harm done and there is a lot of hurt out there.

I learned recently that there are going to be more police officers appointed to La Loche and La Ronge and other places to deal with an increasing caseload. I am terribly dismayed. This is what happens when communities

see things getting out of hand. Very frequently the response is: "We need more police; we need judges imposing harsher sentences." I'm dismayed because that is not an effective response. It is not a response that will resolve conflicts. All it means is that I'm going to be making more sausage and I'm going to be making it faster because, basically, I've become a very good sausage-maker. I can put through a lot of cases in a day. What I don't do is resolve any conflicts.

I get on my plane at six or seven o'clock at night having dealt with many cases, and the conflicts that were brought before me in the morning are still there. I haven't resolved anything. Sometimes if things work out right in a sentencing circle and it turns into a healing circle, we have at least made a good beginning to resolving the conflict that was placed before us in that particular case. That's the only hopeful thing I've seen in quite a long time.

I'm not really interested in making more sausage or better sausage or adding spice to the sausage. Personally, I want to see a change away from that. I want to see us doing good work. I sometimes feel it doesn't really matter if I don't do the forty or fifty cases placed before me on the docket in the morning, because if I do get them all done I will not have done them very well. If I could do just a few of them and do them well, I would probably be further ahead than having case-processed them all and having done a bad job. So what we have at the moment, I believe, is an offender-processing system. It's not a criminal justice system because we're not achieving justice. We're not resolving the conflicts and the problems that are brought to us, and I think that our present system, as we operate it, just doesn't have the wherewithal to do that.