

LAWRENCE BURKE, by Mr. Ross

1 LAWRENCE BURKE, being recalled and advised still under oath, testified
2 as follows:

3 BY MR. ROSS:

4 Q. Mr. Burke, for the record my name is Anthony Ross, and there's
5 one or two questions I want to ask you about your work as a
6 probation officer and the way it involved Black people. Now
7 I understand that you've been working as a probation officer
8 from around 1969?

9 A. Yes.

10 Q. And I understand further that you were restricted to an area
11 that did not involve Black people up until 1976. So is my
12 information correct?

13 A. Yes.

14 Q. Now in your work as a probation officer I take it you would have
15 become familiar with the Court Worker Program that was being
16 conducted by the Union of Nova Scotia Indians?

17 A. Yes.

18 Q. Did you become quite familiar with that program?

19 A. I met some of the gentlemen who were working with the program
20 because they would come in to represent kids who were appearing
21 in our Court.

22 Q. Had you been in Court when any of the Court Workers were there
23 and interceded on behalf of any of the accused?

24 A. I don't recall in particular.

25 Q. Do you think, sir, that you're sufficiently familiar with the

1 way the Court Worker Program was conducted to comment on whether
 2 it would be a good idea that such a program be invoked in the
 3 juvenile court system for all accused as opposed for just
 4 Indians? Are you sufficiently qualified? Are you sufficiently
 5 familiar --

6 A. I was aware of the program but I wasn't -- I don't think I'm
 7 sufficiently aware to make that kind of a comment.

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LAWRENCE BURKE, by Mr. Ross

1 Q. Yes. Now the other thing as -- as a probation officer I
2 take it that you would only become after -- after there
3 has been an accused and there has been a conviction?

4 A. Yes.

5 Q. Now the people that you've been seeing, is it fair to say
6 that you've got a very, very small number of Black people
7 in your charge?

8 A. That is correct.

9 Q. And is it fair to say that that has been consistently the
10 position between 1976 and now that you've had a very small
11 number of Black people?

12 A. In my experience, yes.

13 Q. Yes, and is it fair to say that this is not only a small
14 quantum number but it is a very small percentage of the
15 Black population that is involved in the activity which
16 results in criminal conviction?

17 A. In my experience, yes.

18 Q. Now tell me after these people have been convicted, do you
19 get an opportunity to speak with their parents?

20 A. Yes, I do.

21 Q. Do you spend a substantial amount of time with the parents?

22 A. A fair amount of time.

23 Q. Do you encourage the parents to come to court when these
24 people are being sentenced?

25 A. They are summonsed to come to court. They --

LAWRENCE BURKE, by Mr. Ross

1 Q. They're summonsed to come to court?

2 A. Yes.

3 Q. Do you get an opportunity to review the pre-sentence or the
4 pre-disposition reports with these parents?

5 A. Definitely.

6 Q. And you invite full comment from the parents?

7 A. Yes.

8 Q. Thank you. And from time to time do you find that -- that
9 that race or their living locale provides any difficulty as
10 far as getting favourable reports are concerned?

11 A. Could you explain that?

12 Q. I'll put it another way.

13 MR. SAUNDERS:

14 Excuse me, my Lords. It's a two-part question and I'm not sure
15 of which --

16 MR. ROSS:

17 Well, I --

18 MR. SAUNDERS:

19 -- part of the question the witness is being asked to -- to
20 answer. If Mr. Ross could split it up.

21 MR. CHAIRMAN:

22 The witness has asked Mr. Ross if he'd explain it to him.

23 MR. ROSS:

24 Thank you.

25

LAWRENCE BURKE, by Mr. Ross

1 | BY MR. ROSS:

2 | Q. I'll just put it in a very, very direct way: do you find the
3 | fact that Black people living in the Whitney Pier area, that
4 | it's more difficult to find people saying good things about
5 | them for the purpose of pre-sentence report?

6 | A. That hasn't been my experience.

7 | Q. It has not been your experience?

8 | A. No.

9 | Q. And as far as coming to court is concerned, do you find that
10 | generally the people that's in your charge and I'm specifically
11 | addressing the Black people; that their dress is satisfactory for
12 | court, or do you have to prompt them to -- to recognize that
13 | that it's in their interest to try to impress the judge?

14 | A. I wouldn't get involved in that part of it in regard to --
15 | a client regardless whether they were White or Black or --

16 | Q. So you --

17 | A. -- I -- I don't prompt them. I don't --

18 | Q. -- you do not give them this general information?

19 | A. -- no.

20 | Q. I see. And my understanding is that from time to time there
21 | are general meetings of probation officers, is that
22 | Provincial?

23 | A. Yes.

24 | Q. So you meet with probation officers from other areas in Nova
25 | Scotia?

LAWRENCE BURKE, by Mr. Ross

- 1 A. Yes.
- 2 Q. What about inter-Provincial, do you have an opportunity to
3 meet with anybody, for instance, from New Brunswick,
4 Newfoundland or even P. E. I.?
- 5 A. No.
- 6 Q. So your activity is restricted specifically to the Province
7 Nova Scotia?
- 8 A. Nova Scotia.
- 9 Q. And in your experience in dealing with other probation officers
10 who have got Black people in their charge, would you agree that
11 Sydney presents a rather unique Black community as compared
12 with the rest of the Province of Nova Scotia?
- 13 A. Yes, it would depend on what you mean by "unique."
- 14 Q. Well, as far as, I mean, your work is concerned, that you've
15 got very few or a much lower number of Black people from
16 Sydney involved with the criminal justice system as compared
17 with --
- 18 A. As compared --
- 19 Q. -- the rest of the Province of Nova Scotia?
- 20 A. -- yes, yes.
- 21 Q. Yes, and do you know whether or not any studies have been done
22 to determine the impact of employment and economics on the
23 number of people that are winding up before the court system
24 -- the number of minorities, sorry?
- 25 A. No, I'm not aware.

LAWRENCE BURKE, by Mr. Ross

1 Q. You don't know of any system?

2 A. No.

3 Q. Do you know whether or not there are -- there is any opportunity
4 for probation officers, people like yourselves who are dealing
5 with to a large degree young people, at about the pre-high
6 school level, am I correct?

7 A. Pardon me.

8 Q. Most of your charges are pre-high school?

9 A. They're between twelve and sixteen years of age.

10 Q. Yes, do you know whether or not -- sorry, have you participated
11 in any sensitivity-type studies to prepare you for any
12 problems which could be racially motived as far as your
13 charges are concerned?

14 A. No, I haven't.

15 Q. Do you have any difficulties which would -- which would require
16 such sensitivity programs?

17 A. I haven't experienced any.

18 Q. You haven't experienced any. What about when you're meeting
19 with other probation officers, have they expressed any of
20 these problems?

21 A. Not that I can recall.

22 Q. There's been a staticial report prepared by, I think his name
23 is Doctor Ed Renner, some years ago, which looked at certain
24 -- certain facts and prepared a staticial review which would
25 affect the Halifax area. The bottom line was that they found

LAWRENCE BURKE, by Mr. Ross

1 that when Black people appeared before the court system, their
2 sentences were to a degree harsher than White people for the
3 same type of charge. Were you aware of that study?

4 A. No.

5 Q. You weren't aware of it?

6 A. No.

7 Q. Okay, however as far as your experience is concerned, what
8 can you tell us about the sentencing of Black youth as compared
9 to the sentencing of White youth for similar criminal activity
10 in this area?

11 A. I haven't--in our court, I haven't seen any differences.

12 Q. There have been no difference. Do you find any -- do you find
13 it to any degree more difficult dealing with Black parents
14 when looking after Black juveniles in your charge as opposed
15 to dealing with White parents with respect to problems
16 involving their children?

17 A. I haven't experienced any.

18 Q. So I take it then that for across the board, you're
19 experience has been -- your being a probation officer, you've
20 got certain charges to look after and your experience has
21 been just about consistent throughout?

22 A. Yes.

23 Q. Thank you very kindly, sir, no more questions.

24 MR. CHAIRMAN:

25 Thank you, Mr. Burke -- that's all thank you, Mr. Burke. We'll

LAWRENCE BURKE, by Mr. Ross

1 | adjourn until 2:15.

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3 | (WITNESS WITHDREW)

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5 | INQUIRY ADJOURNED: 12:47 p.m.

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