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**Issues in Urban
Corrections for
Aboriginal
People**

Report on a Focus
Group and an Overview
of the Literature and
Experience

APC 17 CA (1998)

Aboriginal Peoples Collection

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Issues in Urban Corrections for Aboriginal People

*Report on a Focus Group
and
an Overview of the Literature and Experience*

**Edited and with supplementary material added
by Joan Nuffield**

March, 1998



EXECUTIVE SUMMARY

This is a report of a focus group held in June, 1997 to discuss issues related to the provision of urban Aboriginal corrections services in Canada.

The focus group included representatives of urban Aboriginal service agencies from various major urban centres across Canada, reflecting the wide variety of services available in urban areas. As well, the group included representatives from the Correctional Service Canada (CSC) and the Department of the Solicitor General Canada's Aboriginal Corrections Policy Unit (ACPU).

The focus group addressed issues including:

- The changing profile of urban Aboriginal offenders – higher risk, multi-need, more so than even in the recent past;
- The needs of urban Aboriginal offenders – they need to survive in a modern urban environment, but they also need to connect with their Aboriginal roots;
- The program elements which must be provided, and the focus which these programs should have;
- The needs of particular offender groups, including women, HIV⁺ offenders, sex offenders and gang members;
- Issues related to the delivery of service in urban areas – including the need to transcend narrow jurisdictional boundaries and fund programs in a comprehensive fashion, and;
- Innovative strategies for justice delivery in urban areas, including sentencing circles, justice councils, and restitution programs.

Additional material is provided from the Canadian literature on urban Aboriginal offenders, and Canadian experience with innovation in the urban Aboriginal justice sphere.

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INTRODUCTION

In June of 1997, officials of the Aboriginal Corrections Policy Unit of the Department of Solicitor General Canada brought together main stakeholders from across Canada in order to discuss key issues in the urban Aboriginal justice field. This is a report of that discussion.

The focus group discussion was the product of a number of developments. Previous work in the area had been commissioned by Solicitor General Canada with the objective of clarifying the issues and sharing information on current programs and activities. Specifically, the focus group used as its starting point *Selected Urban Aboriginal Correctional Programs in Canada: A Program Review*, by Thérèse Lajeunesse and Associates (1995). This was the twelfth report in the Aboriginal Peoples Collection of the Aboriginal Corrections Policy Unit.

That report, based on a review of correctional aftercare and other programs delivered by seven selected urban Aboriginal agencies within Canada, showed a wide variety of service delivery agencies and programs, including residential and non-residential programs. By the time of the 1997 focus group, another level had been added to this variety, with the inclusion of Okimaw Ohci, the first-ever federal penitentiary in Canada designed and run specifically for Aboriginal women.

Lajeunesse identified a number of larger themes pertinent to the experiences reported by service providers, the government agencies with whom they work, and their correctional clients. More particularly, Lajeunesse identified the following three needs which were considered critical to future advancement of services in this area:

- ◆ Further **staff training** for Aboriginal service personnel in the delivery of specific types of intervention with correctional clients;
- ◆ Improved **networking** within existing community resources, and;
- ◆ **Information exchange** with agencies and personnel involved in the provision of similar services.

With respect to arrangements between aftercare service providers and the government correctional agencies with whom they work, the following issues were also considered to be central:

- ◆ Arriving at satisfactory, stabilized – and perhaps, uniform – **funding formulas**;
- ◆ Increased **communication** between government liaison personnel and halfway house staff;
- ◆ **Cross-cultural training** for non-Aboriginal correctional staff who have contact with both Aboriginal offenders and halfway houses; and



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- ◆ Ensuring that institutional staff assist in **advising Aboriginal inmates** of the availability, criteria, and process for accessing the services of halfway houses.

One recommendation of the Lajeunesse report was a national workshop to discuss these issues and further share information of interest to service providers and government agencies. The present focus group is in partial response to this recommendation.

Incarceration of Aboriginal People in Canada

Another continuing concern which led to interest in the focus group is the high numbers of Aboriginal people incarcerated in Canada. Aboriginal people account for a much higher proportion of Canada's carceral population than would be expected from looking only at their numbers in the general population. Although Aboriginal people account for only 2% of the total Canadian population 18 years and over, they account for 16% of the total provincial/territorial sentenced admissions in 1996/97.¹

The reasons for this over-representation are numerous and complex; some of them have been explored in another report in the Aboriginal Peoples Collection, namely *Dimensions of Aboriginal Over-representation in Correctional Institutions and Implications for Crime Prevention* by Carol LaPrairie (APC 4 CA (1992)).

For correctional service providers, there are numerous issues and factors connected to the over-representation phenomenon. Aboriginal service providers in urban and non-urban areas alike often feel they have difficulty persuading justice system representatives to treat their programs seriously enough to consider them as viable alternatives to incarceration or to continued incarceration. In certain areas of the country, such as the Atlantic provinces, the numbers of Aboriginal offenders are (to borrow the phrase made famous in relation to female offenders in Canada) "too few to count" – meaning that it is difficult to find funding and other resources to devote specifically to the needs and risks presented by the relatively small numbers of Aboriginal offenders.

Since Aboriginal offenders often do not participate in, complete, or benefit as much as non-Aboriginal offenders from rehabilitation programs designed for non-Aboriginal offenders, this creates a gap in the provision of services which can help offenders stay out of custody, or help them be released from custody as early as possible. Then again, Aboriginal offenders who end up in custody tend to have multiple needs and to present higher risks on release (see Johnston, 1997; Hann and Harman, 1991). This in turn will affect their likelihood of being granted early conditional release.

¹ From the Canadian Centre for Justice Statistics bulletin dated May 1998.



Trends in On- and Off-Reserve Numbers of Aboriginal People

Our best assessment² of the official statistics suggests that there has been a dramatic shift over the past thirty years in the proportions of Aboriginal people in Canada living on- and off-reserve. Whereas in 1966, it would appear that 80% of the Aboriginal people of Canada lived on reserves, by 1990 this figure had dropped to 60%. Large populations of Aboriginal people reside in major urban centres such as Toronto, Winnipeg, Edmonton, Vancouver, Calgary, Saskatoon and Regina.

A wide variety of reasons have been cited to account for this significant shift in the location of Aboriginal people in Canada. These include reasons related to reserves, non-reserve areas, and law and policy respecting Aboriginal people. Regarding reserves, it has been suggested that housing and other on-reserve systems are too overtaxed to provide adequately for all members of certain bands; that the lack of employment and other opportunities in many reserve areas cause people to seek opportunities elsewhere; and that violence and other negative conditions on reserves, together with the insular and self-perpetuating nature of many on-reserve situations, cause people to migrate to urban communities.

With regards to urban and other non-reserve areas, some writers have suggested that it is the apparent attractions of these areas which draw people from reserves, including jobs, training opportunities, excitement, larger populations of like-minded people, and access to a wide variety of other stimuli.

Finally, some (e.g. Hendrickson, 1993) have suggested that legal and regulatory issues, such as changes to band membership provisions under the *Indian Act* and requirements respecting qualification for employment insurance, are key factors for those who stay on reserve and those who leave.

It is usually the more marginalized members of reserve communities who move to the city and, once they arrive, they lack the tools (such as education and employment skills) which would enable them to thrive in an urban environment. McDonald (1991) found that Aboriginal people living off-reserve are significantly younger, poorer, less well educated, and more prone to unemployment than are Canadians in general. Because of this, most gravitate to inner city cores, an environment which can promote criminal behaviour. Research suggests that Aboriginal people are over-represented in inner city populations (see Murphy *et al.*, 1992).

Crime and Incarceration from Urban and Non-Urban Areas

² “Best” assessment because official statistics on Aboriginal people in Canada are open to various criticisms concerning how certain peoples are counted, whether they have been counted at all (this is a particular problem with respect to poor and homeless urban people), and self-selection out of the Census process.



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It is not possible, given official statistics³, to make definitive statements about the relative levels of crime committed (or experienced as victims) by Aboriginal people in urban and non-urban areas. Differences in the levels of available police coverage of reserve and off-reserve areas (see INAC Task Force Review of Indian Policing, 1990) are also likely to skew the usefulness of available statistics, which are normally – with the exception of victimization surveys – limited to compilations of numbers of crimes reported to the police.

However, we do know that a large number of Aboriginal people who are admitted to correctional institutions in Canada lived in urban areas at the time of the offence. For example, the Cawsey Inquiry (1991) found that only 5.7% of the Aboriginal persons charged with a criminal offence in Alberta in 1989 were charged on reserve, even though 66% of all registered Indians lived on reserves at approximately the same time. McCaskill (1985) found that 67% of the federal and provincial prisoners from Manitoba in 1984 lived in urban areas at the time of the offence.

It is possible that the large numbers of Aboriginal offenders coming from urban areas are simply a function of different police coverage in those areas, and differences in the likelihood of being caught. Aboriginal people committing crimes in urban areas may be more likely to be reported, more likely to be detected because of greater police coverage in those areas, or because they commit crimes which are more likely to be reported or detected (e.g. public disturbances). It may also be that there are more opportunities for diversion from courts and from prisons in non-urban areas than in urban ones (see LaPrairie's (1991) observations regarding the ability of non-urban Northern Quebec Cree communities' ability to absorb crime and social problems in such a way that it does not necessarily come to the attention of police, nor is dealt with through the justice system). The larger urban numbers alone, however, are a significant factor which should inform public policy and resourcing.

A recent study of a large sample of Aboriginal inmates incarcerated in Canadian federal penitentiaries (Johnston, 1997) found that only one-quarter (24%) of the group had *originally* come from reserve or "remote" areas; 44% originally came from rural areas, and 30% from urban areas. (The interviewers did not ask about where the offenders had been living at the time of the offence.) Interestingly, this study also found that a majority of the group had left their home community after their youth. Less than one-fifth (18%) had lived in their home community all their life, apart from periods spent incarcerated.

Experiences of Urban Aboriginal People

³ Police agencies do not routinely collect information about the ethno-cultural identity of persons who are accused of crime or victimized by it. Occasional "snapshot" studies commissioned, with the cooperation of selected police agencies, by the Canadian Centre for Justice Statistics are the closest proximate.

A significant advance in research on urban Aboriginal people, crime and the justice system occurred with the publication in 1995 of *Seen But not Heard: Native People in the Inner City* by Carol LaPrairie. LaPrairie interviewed 621 inner city Aboriginal persons in four major Canadian urban centres. Almost two-thirds of them had spent time in some form of detention or custody, and four-fifths had been charged with a criminal offence at some time in their lives. This study is of particular interest to a discussion of urban correctional issues. The proportion of the interviewees in each city who had been born off-reserve varied from 25% to 55%.

LaPrairie found that three reasonably distinct sub-groups could be distinguished among the inner city people interviewed. These three sub-groups differ from one another both in terms of their involvement in the justice system, and their socio-economic circumstances and lifestyles. From this finding, she suggests that involvement in both crime and the justice system is not so much a function of race/racism, as a function of class. In other words, those inner city people who were living lives of greater poverty and dysfunction were more likely to be involved in the justice system than were those who were less dysfunctional and were making a better life for themselves.

Analysis of the interviews with these inner-city people revealed that they fell into three fairly distinct groups:

- ◆ People whom LaPrairie calls the **Inner 1 group** had the greatest involvement in the criminal justice system – more total criminal offences, charges, and total custody time. The Inner 1 group were people for whom “from childhood and into adulthood, life ... [was] a downward spiral” (1994:56). Many of them were street people. This group had the most exposure to violence, disruptive and unstable family circumstances, unemployment and the welfare system, criminal victimization, alienation from society in general and from reserves, and severe alcohol involvement.
- ◆ The **Inner 2 group** had less involvement in the justice system, and had somewhat better life circumstances than the Inner 1 group. They reported having had more stable childhoods, were somewhat better educated, were more likely to have worked half their adult lives, and had less severe problems with alcohol.
- ◆ The **Outer (but still urban) group** had the least involvement with the justice system, and were also the most likely to report a stable family upbringing, more education, less unemployment, current residence in a neighbourhood they liked, and aspirations to alternative lifestyles for themselves and their children.

From these patterns, LaPrairie concludes that the differences in the lives of urban Aboriginal people also explain much about their different experiences with crime and justice.



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The second of LaPrairie's major findings which are of direct relevance to this report, is that **the method of approach to these different inner-city Aboriginal groups must be different** if they are to be helped through services organizations and others.

- ◆ Inner 1 people are major users of street-level services, but these services tend to be for very basic needs and have no fundamental impact on their lives. What they most need and can benefit from is safety, periodic detoxification, and shelter. Their ability to use education and vocational training may be very limited. "Direct contact with this group is required when [service availability] information is being dispensed" (1994:89).
- ◆ By contrast, the Inner 2 group are more likely to benefit from education, vocational training, and job-entry opportunities for learning skills on the job. LaPrairie suggests they must also be contacted and recruited through direct person-to-person interventions by service organizations, because they are unaware of what services are available and because, like the Inner 1 group, they have "memories [which] plague and often immobilize them" (1994:90).
- ◆ The Outer group, although they have fewer problems, are the primary users of existing services. In general, many of them are already motivated to improve their lives. They are "most able to benefit from [indirect] advertising and more likely to seek out opportunities and services than the other groups" (1994:90).

The third of LaPrairie's findings which is of particular interest has to do with **what inner-city interviewees said about what they most wanted in the way of opportunities and services**. Although a scant majority (56%) said they believed there were enough services for Aboriginal people in their area, those who wanted more opportunities were most likely to name:

- ◆ employment – even though "the actual ability of people to work varied greatly" (42%);
- ◆ better delivery of services (more co-ordination among existing services, more proactive information-sharing and recruitment of clients, facilities closer to the inner core, longer or more "street-wise" operating hours, etc.) (31%);
- ◆ housing/shelter (30%);
- ◆ drop-in centres (28%);
- ◆ education (25%);
- ◆ community development – by which interviewees appeared to mean the creation of a sense of real community (25%);
- ◆ cultural opportunities(7%); and
- ◆ legal services (4%).

Finally, LaPrairie notes that "the usual response to crime and disorder is not to improve communities or respond differently to the problem, but to expand [or change] the criminal justice system" (1994:234). What is needed instead, she argues, is broad-based prevention,

intervention, research and evaluation to assess the impact of strategies to improve the lives of inner-city people who are motivated to achieve something better.

Characteristics of Urban Aboriginal Offenders

A few studies have looked at the differences between Aboriginal and non-Aboriginal offenders and inmates, but no research to date distinguishes urban Aboriginal offenders in Canada from non-urban ones. Generally, these studies suggest that Aboriginal offenders and inmates suffered much greater disadvantages than did non-Aboriginal offenders or Aboriginal people in general. These disadvantages extend to areas of early childhood experiences including family violence, education, vocational skills, substance abuse and other areas of dysfunction, income and employment (Cawsey Inquiry, 1991; McCaskill, 1970 and 1985).

Other studies suggest that Aboriginal inmates tend to be admitted for more serious offences. Hann and Harman (1991) found that:

- ◆ 32% of Aboriginal offenders released from penitentiary during 1983/84 had been admitted for a crime against the person (excluding robbery), as compared to 19% of non-Aboriginal offenders.
- ◆ On the other hand, only 24% of Aboriginal offenders had been admitted for robbery, a property offence which includes at least the threat of violence, while 35% of non-Aboriginal offenders had been admitted for robbery.
- ◆ Twice as many Aboriginal offenders as non-Aboriginal offenders (14% versus 7%) had been admitted for a violent sexual offence.

Overall, Aboriginal offenders recidivated at a higher rate than did non-Aboriginal offenders.

Urban Aboriginal offenders are often high risks for the "revolving door syndrome" of reoffending. One reason for this is that after their release, many of them return to the harmful environments that initially caused them to offend. For those who return to inner cities, this means a return to environments with few employment opportunities, poor living conditions, and strong peer subcultures that promote criminal behaviour. In addition, inner cities are characterized by extreme degrees of violence. Research has shown that exposure to extreme violence and normalization of violence characterize many inner-city Aboriginal offenders. This violent lifestyle complicates their integration into society, and makes them high risks to reoffend. Another problem that inner cities pose to reintegration is that, unlike reserves, they usually lack supportive family and community networks to help the offender with reintegration. Often, the only social ties that can be formed are to people who encourage the offender to reoffend.



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Organization of this Report

This report is organized according to the issues which were discussed at the June 1997 focus group among urban Aboriginal corrections service providers. The material does not necessarily flow in the chronological order of the discussion. It is hoped that this format will be more helpful to the reader who is looking for information about a specific issue. The report also contains a separate chapter which reviews some of the key Canadian literature on urban Aboriginal issues which are pertinent to corrections and correctional clients. This chapter also provides information on some of the alternative justice arrangements being explored in urban areas within Canada.

There is not a perfect correspondence between the issues raised in the focus group and the issues found in the literature. There certainly is overlap, but some issues discussed at the focus group are given little or no attention in the literature, and vice versa. Areas of disagreement also exist. To some extent, this is probably a reflection of differences in the preoccupations which concern the people involved. The members of the focus group were, for the most part, people who manage or work within correctional or aftercare operations. By contrast, most of the literature reviewed was written by researchers and policy-makers or critics of various kinds. One would naturally expect these groups to focus on somewhat different perspectives, reflecting the different matters which absorb their attention on a daily basis.

The contrasts seem to reveal, however, more than just a difference in the day-to-day business of correctional service providers, researchers, critics and policy-makers. To some extent, they reveal a real difference in approach. These differences are of great interest to those who would like to see these groups learn from and exchange ideas and expertise with one another.

PART 1 – THE FOCUS GROUP DISCUSSION

The purpose of this focus group was to bring a small group of knowledgeable people in the area of urban Aboriginal corrections together to discuss:

- ◆ issues facing Aboriginal people in urban centres,
- ◆ priorities for people working in the field,
- ◆ ways in which governments can assist service providers to deliver correctional programs, receive information about available resources, and share experiences and information with one another, and
- ◆ ways of addressing the fact that perhaps 70% of Aboriginal offenders in Canada come from and return to urban areas.

THE ABORIGINAL AGENCIES REPRESENTED

To better understand where things stand today and where the front-line organizations are coming from, it is useful to include brief descriptions of the organizations and the services offered by them. Appendix A provides a complete list of the participants and their affiliations. The participants included representatives of agencies, as well as federal corrections authorities, an Elder, and a freelance Aboriginal journalist.

Circle of Eagles Lodge

Formerly the Allied Indian and Metis Society (AIMS), Circle of Eagles provides help to Aboriginal ex-offenders in Vancouver. It is a 10-bed transition facility for Aboriginal men, of which two are reserved for provincial offenders. Services include individual counselling, shelter and food services, mandatory Alcoholics Anonymous meetings, sweat lodges and talking circles. The focus of this organization is to heal men and their families as well as help fill the void that these people feel in their lives. An Elder who is associated with the program conducts drug and alcohol counselling, a parent-teen program and does outreach with high-risk Aboriginal schoolchildren. A Talking Stick program has been developed to teach the clients a little more about who they are, where they come from, and what their roots are as Aboriginal people.

Community Training Residence (CTR)

A residential centre under the direction of the Elizabeth Fry Society, the CTR provides help to Aboriginal women who are at risk of reoffending. The CTR is located in Saskatoon, Saskatchewan, but most of its clients are not originally from the immediate area. At the time of the focus group, it had been open about eight months. CTR has the capacity to house 12 women, with two intermittent-sentence clients. Clients are received directly from the courts,



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from Pine Grove (the only provincial correctional centre for women in Saskatchewan), and from the Okimaw Ohci Healing Lodge (the only federal correctional centre for Aboriginal women). The residence practices holistic health, and at various times has tried various alternative therapies such as tai chi, aromatherapy and massage. Many of the clients have drug abuse problems as well as overwhelming pain and the centre looks for alternative ways to deal with pain and stress. Programming is focused on healing in order to address certain areas that cause them to reoffend. Less emphasis is put on finding employment for clients. There is access to a camp in the country, and sweats are held every weekend. The average length of stay is three months.

Micmac Friendship Centre

This cultural centre has been assisting Aboriginal people in and around the Halifax area for 25 years. The six-bed halfway house has been closed, and corrections services are now offered on a voluntary basis. The Centre offers alcohol and drug counselling, crisis counselling and intervention, cultural education, language classes, daycare, a child development centre, and a justice worker to help with legal issues. The Centre has 32 staff members and also provides emergency assistance with food, clothing and shelter. Several years ago, to assist offenders in developing skills to gain employment, the Friendship Centre started a school which has since come become a full-fledged community college.

Native Clan Organization

An organization based on helping offenders, Native Clan has a strong focus on Aboriginal programming for provincial as well as federal offenders. Its halfway house, Regina House, has been in operation since 1978. Regina House's capacity is 35 beds, and currently 70% of clients are Aboriginal. At Regina House, the organization runs a relapse prevention program, an Elder program, and medicine wheel teachings. Native Clan also manages a forensic behaviour clinic for the assessment and treatment of sex offenders, liaises with and provides on-site services (such as community assessments, Elders and sweat lodges) for federal correctional institutions, provides cultural activities and 24-hour counselling and parole supervision. A bush camp project was successfully begun and is now an independent program.

Okimaw Ohci (The Healing Lodge)

Okimaw Ohci is the first federal penitentiary in Canada specifically designed for Aboriginal women sentenced to terms of two years or longer. It is located in Maple Creek, Saskatchewan and can accommodate 30 women and 10 children. Legally a penitentiary, it delivers all core and Aboriginal programs offered by Correctional Service Canada (CSC), plus additional programs designed to meet the unique needs of its clientele. Okimaw Ohci was included at the focus group due to its unique, innovative program. Okimaw Ohci is accountable both to CSC and to a Governing Council comprised of three national Healing Lodge Elders, local Elders, and

members of a larger steering committee that includes representatives from the Nikaneet First Nation.

Pedahbun Lodge

Pedahbun Lodge is a long-standing treatment/rehabilitation centre for Aboriginal people in Toronto. It offers a client-centred, four-month addictions treatment program that uses traditional ways of teaching, as well as fundamental life skills. The Lodge is open to both men and women and is affiliated with Aboriginal Legal Services of Toronto (ASLT). In the past, the Lodge found that clients just released from incarceration could only be accepted one at a time, in order to reduce disruptions to the Lodge's program. At the time of the focus group, this policy had been changed to acceptance of parolees only after they had been out for a minimum of 30 days, due to the staff's lack of training in deinstitutionalization.

Regina Aboriginal Human Services Co-operative (RAHSC)

A collective of non-governmental agencies, the Co-op provides programs and services for Aboriginal people in Regina. The aims and objectives are to strengthen and promote existing services, to identify gaps and overlaps in existing services, design new services where needs have been identified, and to be accountable to the Aboriginal community. In addition, they are working towards the devolution of government services to the Aboriginal community. RAHSC now runs the Regina Alternative Measures Program (RAMP), a pre- and post-charge diversion program with a restorative justice focus. The RAHSC has proposed a holistic program for post-release Aboriginal offenders based on healing principles.

Stan Daniels Correctional Centre

Run by Native Counselling Services of Alberta (NCSA), the Stan Daniels Centre is a 75- bed community correctional centre in Edmonton with a strong focus on Aboriginal programming. Some 80% of its clients are Aboriginal. Certified with the provincial and federal governments, Stan Daniels houses offenders on conditional release and at minimum security levels. Programming includes an Elder on staff who resides at the centre three days a week, a seven-week life skills program, a four-week grief program, anger management, voluntary urinalysis, and a relationships program for residents and spouses. NCSA also provides parole supervision and a Courtworkers program, has a ten-day halfway-back program for those who violate parole, and provides liaison services to Bowden Penitentiary.

Waseskun House

Waseskun House is a halfway house for Aboriginal men in Montreal. The program lasts 20 weeks, but offenders may stay on longer if they wish. The programming is rooted in an inclusive approach to Aboriginal cultural tradition. Each individual has a program developed to



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specifically address his needs. Aspects include individual and group counselling, Aboriginal family systems awareness, human sexuality, men's issues, conflict resolution, life skills, talking circles, sweats and more. A sexual deviation clinic is available for those who require it. Formerly, there was a direct employment program (Waseskun had its own moving company), and there is a need for more vocational training and employment programs. They still maintain a job search program for offenders, funded by welfare. Waseskun also has access to a healing camp in the country.

FEDERAL CORRECTIONS PARTICIPATION

Correctional Service Canada was represented by three officials: the Kikawinaw (Warden) of Okimaw Ohci, the federal penitentiary for Aboriginal women in Maple Creek, Saskatchewan; a representative from the Prairies Region who specializes in contracting with Aboriginal agencies and governments for the provision of correctional services to Aboriginal offenders; and a specialist in female offender programs from National Headquarters. In addition, a member of the National Parole Board (NPB), Prairies Region, and members of the Aboriginal Corrections Policy Unit, the official hosts of the focus group, were in attendance.

ISSUES CONCERNING THE CLIENTS

Client Profiles

There was general agreement that the **client profile of these urban Aboriginal correctional and treatment agencies is changing**. In general, clients in recent years had a greater tendency than in the past to be:

- ◆ More violent (e.g. a higher proportion of so-called Schedule 1 offenders – persons convicted of violent offences and committed to federal custody);
- ◆ Involved in more than just property crime and public order crime;
- ◆ Younger;
- ◆ Abusing drugs as well as, or in preference to, alcohol;
- ◆ Higher risk;
- ◆ Higher need;
- ◆ More likely to be involved in a gang, particularly in Western cities;
- ◆ More likely to disclose having been a victim of a sexual offence, particularly those convicted of sexual offences;
- ◆ HIV⁺.

Client Needs



The needs presented by clients are serious and numerous. Among the needs discussed by the focus group are:

- ◆ **Substance abuse** is currently the key need of most of the clients served by the agencies. While addictions present their own problems in terms of contributing to dysfunctions in lifestyle, they also mask and are connected to a wide range of other needs, including those listed below.
- ◆ **Isolation:** many clients have no positive social contacts, nor a healthy community to return to.
- ◆ **Role models:** clients need positive role models to identify with and to guide them.
- ◆ **Spiritual and cultural activities:** ironically, with the advances made in spiritual and cultural opportunities in penitentiaries, some clients have more difficulty finding as many opportunities in the community.
- ◆ **Loss of pride and identity:** clients need to understand their Aboriginal heritage and take pride in it.
- ◆ **Emotional counselling:** most clients still require help in healing from early childhood and other relationship deficiencies in their lives; one focus group member referred to this as a need for nurturing. Emotional needs may surface in the form of hostility and rage, suicidal tendencies, family violence, or other dysfunctional behaviour.
- ◆ **Sexual and physical abuse treatment:** many clients are still dealing with recovery from their own abuse, and many of these need to work on their own abusive behaviour.
- ◆ **Relationship skills:** a related need is to learn skills in dealing with family, community and other relationships in positive ways.
- ◆ **Institutionalization:** many clients coming straight out of custody present difficulties for agencies as the staff often lack the skills necessary to cope with the offenders' behavioural problems.
- ◆ **Education and vocational skills:** many clients require educational and vocational skills in order to find and retain employment.
- ◆ **Employment:** many clients have a history of chronic unemployment or underemployment.

Program Content

The Aboriginal agencies represented at the focus group discussed their various approaches to the design and delivery of their program. As would be expected from their widely varying situations and clientele, these agencies displayed a number of varying approaches to their work.

Approaches to Offender Needs

The emphasis placed on different needs varied from agency to agency. **Some agencies seem to focus more on Aboriginal spiritual and cultural activities** than on any other area; to some extent, this may be because, for offenders, they are the only source of Aboriginal



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spirituality and culture – there is no other avenue through which Aboriginal offenders can gain access to smudges, sweats, and other ceremonies. These agencies therefore pay particular attention to meeting this need for their clients.

Other agencies put strong emphasis on **building offenders' concrete skills for surviving in the urban environment**: skills such as literacy, educational upgrading, vocational trades training, job search, and job placement. Without losing sight of their clients' unique cultural background, these agencies focus on helping them support themselves through legitimate employment and thereby stabilize their daily routine.

In fact, the Micmac Friendship Centre, so concerned about the need to upgrade its clients' educational and vocational skills for self-sufficiency, created a school for them which is now an independent community college associated with the Centre. Waseskun House started a moving company in order to employ its clients; currently, Waseskun House collaborates with provincial welfare authorities to fund Pay Programs, a job search program which attempts to match clients' interests to placements in the community. Aboriginal agencies, said one participant, need to be better organized to serve clients' education and employment needs.

Still other agencies consciously downplay the need for legitimate income and job stabilization, in the first instance, for clients. The clients of these agencies may be in more need of basic life skills or healing than others. CTR in particular takes the view that the women in its care will be **unable to benefit from any other assistance until their most basic needs for emotional, sexual, and spiritual healing are addressed.**

Finally, some agencies have come to the view that the best approach is a combination of modern and traditional (or mainstream and Aboriginal) approaches. These agencies take what they consider to be the most useful techniques from both cultures. This is consistent with the warning reported (in Zellerer, 1994) by an Aboriginal spousal assault program worker that programs should not be allowed to become simply a cultural group, but rather should combine elements of Aboriginal spirituality and culture with the best of what is known from the offender treatment field. In fact, Zellerer's most consistent finding from her review of the literature and extensive discussions with program workers across Canada is that "programs should combine mainstream or contemporary methods with traditional Aboriginal approaches" (1994:40).

Okimaw Ohci is a good example of this attempt to merge the two approaches in a modern correctional environment. This institution, purposely built for Aboriginal female federal offenders, incorporates such Aboriginal elements as a circular design and connection to nature. In addition, the institution focuses on the individual needs of each offender. It operates on a non-hierarchical management model, constantly informed by the best teachings of Elders from the local and national scene. Okimaw Ohci is, at the most essential level, designed to provide a caring, non-judgmental and supportive community for women who may never, in their previous lives, have experienced the kind of safety and support which they need in order to heal. At the

same time, it delivers CSC's core programs, including the flagship Cognitive Skills⁴ program for offenders, the evaluation of which has shown it to be effective for both Aboriginal and non-Aboriginal offenders. In fact, Okimaw Ohci provides, if anything, a more intensive experience of cognitive skills training for its clients than do other CSC penitentiaries, giving offenders as well as staff enough understanding and experience with the principles and skills that they could move on to become trainers themselves.

The different approaches to offender needs demonstrated by the different agencies at the focus group seem to reflect a number of other factors. For those agencies operating in cities with few other Aboriginal organizations, there is a strong need to fill a gap in Aboriginal spiritual and cultural opportunities for those offenders coming out of custody who wish to pursue their spiritual heritage. For offenders, the needs created by their offending behaviour may exclude them from opportunities with Aboriginal organizations which are not experienced in working with criminal behaviour. In these cases, agencies which work with offenders are most likely to provide the cultural and spiritual opportunities.

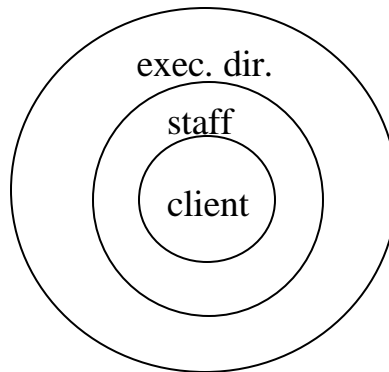
The availability of other Aboriginal agencies in the city may determine whether an Aboriginal corrections agency will focus on so-called criminogenic⁵ needs such as employment and unresolved anger which manifests in criminal behaviour. Some Canadian cities have a large number of agencies of and for Aboriginal people and, according to some focus group participants, there may actually be competition for client resources and services; halfway houses often find a specific niche for services and may specialize in deep-end criminal behaviour, such as sex offending and other forms of violence, which are not addressed by other agencies.

Client-Centred Approaches

The focus group discussion gave rise to an apparent distinction in the approaches taken by Aboriginal agencies in dealing with offenders. Several participants referred to the client as the centre of a number of concentric circles representing various interests and viewpoints. One participant, for example, described the workings of treatment as a series of concentric circles, similar to the action of a stone being dropped in water and producing ripples outward.

⁴ Cognitive Skills Training is a core program of Correctional Service Canada (CSC). It is premised on the assumption that offenders can learn alternatives to self-destructive and self-justifying errors, such as impulsiveness, lack of empathy for victims, not thinking through the positive ways they could react, etc. The training combines teaching offenders to see the errors in their path, as well as experientially coaching them in new skills for finding alternatives. Evaluation (Robinson, 1995) shows positive effects from Cognitive Skills Training on post-release adjustment. However, Aboriginal offenders in penitentiary are more likely not to complete Cognitive Skills Training than are non-Aboriginal offenders. Those who do complete it are less likely to commit a new offence after release than those who do not, although they are also more likely to be readmitted to penitentiary on a technical violation.

⁵ See Part 2, page 41.



In the inner circle is the client. The client is seen as a relative, as a person who belongs to someone somewhere – someone’s grandfather, son, wife, niece – and, as such, that person deserves respect. That person has a place in the community.

The next circle is the staff. They are responsible to the client; they have to make a commitment to help.

The outer circle is the Executive Director. This person has a responsibility to create a safe environment for both the staff and clients so they can do the work that needs to be done.

The operational plan for Okimaw Ohci, contains a similar drawing, with the client at the centre.

This approach appears to differ from that of most non-Aboriginal correctional facilities. There, the emphasis is more on the client’s responsibilities to observe the rules and the programs of the institution, and less on the responsibilities of the staff and the community to assist the offender to find the right path. To some extent, of course, this is an effect of the much larger size of most prisons and penitentiaries where crowd control becomes a greater concern.

The circular approach reflects the principle of the interconnectedness of all things, wherein the circumstances which give rise to the criminal behaviour, and those which may cure it, are the responsibility of all, not just of the offender.

Another difference appears to lie in the extent to which the program is influenced by the offender him- or herself. A number of focus group participants took pride in distinguishing their own client assessment and treatment design from others, stating that each offender’s program was individually tailored to the client.

To some extent, this may be a reaction against the complex process of case management followed by CSC and other correctional systems. For CSC, case assessment entails a sizeable manual, the use of certain standard measures, the application of a number of assessment tools

such as risk and needs scales, and the generation of a number of forms for completion. For many Aboriginal agencies this process seems excessively standardized and often appears to amount to just so much paper. They describe their own process as one which is based on each individual.

This may reflect a cultural difference in the way the work is perceived. Mainstream correctional agencies employ various assessment tools which have been validated by research as useful for distinguishing high-risk offenders from low-risk offenders, and for suggesting the most important offender needs to work on. However, these tools are based on research about “the average” – and certainly, on samples of offenders who are mostly non-Aboriginal. They are a way of helping the correctional worker to make decisions about how to address the individual offender based on research on a large number of other offenders.

By contrast, Aboriginal agencies state that they approach their work first and foremost from the point of view of the individual offender. The preferred learning style, for the workers as well as the offender, is “learning by experience”. The preferred means for the worker to understand and connect to the individual is through the (hopefully) similar experiences of the worker and his/her relations.

Since most research about what works in corrections is in fact based on the application of non-Aboriginal treatments to non-Aboriginal offenders, this reluctance to adopt the mainstream direction is fully understandable. To the extent that it darkens the perception of the usefulness of assessment tools, and research and evaluation generally, it may be unfortunate, as funding agencies do in fact rely on available research to make funding decisions.

Finally, the client-centred approach to correctional work contrasts with mainstream approaches to the extent that it implies the offender will direct, to some extent, the correctional work. Increasingly, mainstream correctional research suggests that treatment which is fairly structured and based on concrete approaches to specific criminogenic problems is most likely to succeed. To the extent that the treatment of Aboriginal offenders is determined more by the offender’s personal developmental inclinations, it will differ. Whether this approach is more effective with Aboriginal offenders will have to be shown by experience.

Elders

Every participant at the focus group indicated that there was a critical need for more Elders to work with offenders. The Elders who now work actively in corrections are stretched to the limit. They work inside custodial facilities, conduct healing circles, drug and alcohol counselling and one-on-one counselling with offenders in the community, advise Aboriginal agencies, do outreach to the community, and perform a host of other duties.



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Some penitentiaries have more access to the services of Elders than do communities. In fact, some workers have seen offenders establish solid connections with Elders while incarcerated, only to have their need to continue such a relationship go completely unfulfilled after the offender's release.

Outreach

Most of the urban Aboriginal agencies also do outreach to the local Aboriginal community, both in an effort to involve more community people in the work of the agency, as well as to attempt to reach at-risk youth, involve spouses and family members in their work with offenders, and to do other related work. Many agencies try to involve criminology and law students in practicum placements to bolster their resources.

Working with HIV⁺ Clients

Most of the focus group agencies have had experience in working with HIV⁺ clients. Aboriginal offenders, and Aboriginal female offenders in particular, are at relatively high risk to become infected.

Like CSC, the agencies are working on a number of fronts to deal with the issues this gives rise to. Staff training is essential, and some agencies have received training directly from provincial governments. The agencies do public awareness and education work: one runs a needle exchange program which is funded by the Ministry of Health; two have condom distribution programs for clients; and two have confidential testing programs. One agency has designated a staff member as the co-ordinator for AIDS-related issues and activities and he does most of the public education work.

Generally speaking, the residences have had no problems mixing HIV⁺ clients with others. The problems are in ensuring that infected clients are not put at further risk (e.g. by improperly prepared foods, etc.), in assisting them to get their medications and other necessary care, and in trying to persuade infected clients to give up lifestyles and behaviours which put others at risk.

All participants expressed a need for help in this area, especially for CSC to take a more direct stance, as the inevitable rise in HIV⁺/AIDS clientele will place further strain on already strained resources. Participants expressed doubt that this help would arrive in the foreseeable future but were still dedicated to helping their clients, regardless of what that might mean to their already stressed workloads.

Working with Women

Far too often the issue of women is overlooked in the broader scheme of Aboriginal corrections. This is due, in part, to the relatively small numbers of Aboriginal female offenders.

Greater attention has been given this issue in recent years due to the CSC Task Force on Federally Sentenced Women, the problems at the Prison for Women in Kingston, and the subsequent Arbour Inquiry.

As a result of these various developments, a healing lodge (Okimaw Ohci) for Aboriginal women was built in Nikaneet First Nation, Saskatchewan to help deal with the unique concerns of Aboriginal women. At the time of the focus group in June 1997, 40 women had already been through the Healing Lodge; 18 had been released and one had re-offended.

Okimaw Ohci tries to provide a safe and supportive environment for the women, a sense of community. They deal with conflict not in a punitive way, but through mediation and other constructive conflict resolution techniques. Staff at Okimaw Ohci help the women to link up to their home communities. Tribal Councils have been very supportive, meeting with the women before they are released, going to the parole hearing, and providing information, resources and other support for the women.

After the women leave, there is a general lack of resources in the community for them. There is more of a support network available inside than out and most of the available community resources are primarily aimed at crisis situations. Women tend to be isolated and institutionalized when they are released. Halfway houses for women in particular are a badly needed resource. It is not considered a viable alternative to place the women in houses principally occupied by men. NPB has been very supportive in approving private home placements for women but, at present, this is an option only for full parolees.

Working with Sex Offenders

Approaches to dealing with sex offenders vary considerably. Some agencies have developed their own programs for assessment and treatment of sex offenders. Others use outside contract resources, most commonly psychologists, to come in and work with the clients. In most cases, agencies run essentially the same program for sex offenders as they do for others, but may send the offender to a sexual deviance clinic or bring in a psychologist for specific treatment. No one reported any problems mixing sex offenders and other clients in the same residence.

Native Clan sends an Elder into the penitentiaries to work with Aboriginal sex offenders there. In the community, they use a combination of traditional Aboriginal approaches and mainstream psychology.

Some participants felt there was a need for a change in the present methods of handling sex offenders. Non-Aboriginal psychologists do not have enough knowledge of the culture to correctly interpret everything which the client says to them. Clients may be suspended in cases where an Elder would have continued working with them in the community, and the Elder and



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the client are unable to persuade the psychologist to adapt their view. There is a need for more Aboriginal psychologists.

A caution was offered in terms of careful screening of Elders. Sometimes they hide behind the Elder status in order to manufacture their own traditions or rules. Cautioned one participant: "Just because we are Aboriginal doesn't mean we are lily white!"

Working with Gangs

Aboriginal gangs were reported to be a problem in some of the cities represented at the focus group. Winnipeg, Regina, and Edmonton have Aboriginal gangs, but not Vancouver, Toronto or Montreal. In the latter three cities, not only is there an absence of Aboriginal gangs, but there is no significant Aboriginal component to the existing gangs. Gangs were not reported east of Montreal.

In Winnipeg, at least, there is a variance in the degree to which Aboriginal gangs are either organized or commit impulsive crimes. Also, the women are not gang members, strictly speaking. Rather, they are "auxiliaries" or work (typically as prostitutes) to support the male gang members.

The typical gang member is a young (age 10 to 30) school drop-out from a single-parent family where there is not a lot of nurturing or support. The gang becomes the person's surrogate family. People also join gangs while they are in jail (where gang recruitment is active) for their own safety. When they are released, some try to leave the gang, but this is hard to do.

Preventing gang membership in the first place is (or ought to be) easier than removing people from the gang once they are in it. As long as the socio-economic conditions which support gang formation are present in communities, there will be gangs. The U.S. has found that imprisonment of gang members is ineffective at best, and counter-productive at worst. The focus group members felt that they had neither the personal nor the financial resources to tackle the large job of implementing preventative measures; rather, this would require a concerted focus on the problem, with the organization and co-ordination of **all** stakeholders at the level of family, community, and governments.

Obstacles To Achieving Agency Goals

Participants were asked what they thought the biggest obstacles to achieving their goals and objectives were. The following were the most frequent responses:

- ◆ Funding. Government funds are not only scarce, but in some cases are expended in what are considered to be the wrong areas. Ways in which the funds were administered also created problems.

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- ◆ Lack of resources within the community.
- ◆ Information/Education.
- ◆ Fear, both of failure and public opposition.
- ◆ Technology (i.e. it is good that so much is available on the Internet, but it is useless to those who cannot access it).
- ◆ Lack of co-operation between Aboriginal political organizations, which do not have the same agendas as the community.
- ◆ Government policies and systems. There seems to be a lack of commitment on behalf of governments as well as a lack of flexibility and cultural sensitivity to develop integrated approaches.
- ◆ Public opinion regarding incarceration. Generally speaking, the public does not trust anyone who has been incarcerated. It makes it very difficult for offenders and those agencies working with them.
- ◆ Lack of cultural awareness. This results in unfavourable public attitudes towards Aboriginal people which can lead to racism.
- ◆ Lack of community support.
- ◆ Lack of commitment and willingness on behalf of individuals and groups .
- ◆ Programming deficits.
- ◆ Staff training deficits.
- ◆ Lack of access to land outside urban areas as well as the difficulties in, or inability to, perform Aboriginal ceremonies in urban areas.
- ◆ Shortage of transportation to non-urban areas where powwows, sweats and other events and ceremonies are held.
- ◆ Shortage of suitable Elders in the community.
- ◆ Lack of recognition by CSC (and, to a lesser extent, by NPB) of Aboriginal programming which has prepared the offender for release.
- ◆ Lack of consistency in agreements with service providers.
- ◆ Lack of agreement on what services should be provided, the direction to take and the opportunities available.



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Some of these obstacles are expanded on below.

Funding

A number of concerns were raised regarding the funding of urban Aboriginal correctional programs. There is a **general perception that governments wish to off-load as many of their current responsibilities as possible onto local communities – including Aboriginal communities – but they are unwilling to pay the true cost of doing so.**

In the correctional sphere, concern about funding took a number of specific forms. Since governments base their funding of such agencies on **fee-for-service** (payment on the basis of the number of offenders in care), **reductions in the number of offenders released to the community** will directly affect the agency's ability to run its entire program. There was a general perception that releases had dropped in the years prior to the focus group. Thus, many agencies were struggling with under-utilization and budget problems.

In some cities, there is also competition for clients among the Aboriginal agencies. For example, in Vancouver, there are no fewer than 57 Aboriginal agencies operating. To some extent, it appears that governments see this situation as an over-abundance of resources. As a result, each individual agency has to struggle for clients and funding. A greater **co-operation and co-ordination among the various Aboriginal agencies** would assist in dealing with this problem, but too frequently the response is to criticize those agencies which are apparently successful.

Other problems include the ways in which additional grants and contributions for ancillary programs are awarded. Frequently, an agency will only be **informed in March – just before the end of the fiscal year – that its funding has been approved.** This causes the agency to have to scramble to get the program up and running, and creates a constant sense among staff that their work is teetering on the brink of extermination.

Problems in Dealing with Non-Aboriginal Governments

Focus group participants also expressed concern at having to deal with the **various narrow mandates of each of the many federal, provincial and municipal government departments** which have funds to contribute to pulling offenders and communities out of the cycle of crime and recidivism. Since each government department has its own individual priorities, funding parameters, eligibility criteria and rules, agencies must become adept at understanding government – a formidable task for anyone! The seeming inability of governments to “see the big picture” and collaborate on achieving a holistic vision leaves private agencies with the task of convincing a large number of disparate government officials of the need to work on all elements of the problem.



At the same time, there were indications of the **increasing ability of non-Aboriginal governments to show some degree of flexibility in adapting** to the needs of Aboriginal agencies in urban environments. In Toronto, a municipal ordinance against fires was relaxed enough to give Pedahbun Lodge a permit which allows them to light a fire at sunrise every morning and conduct full-moon ceremonies in its back yard. In Stony Mountain Penitentiary, a ban on firewood was circumvented by the use of a flame-thrower to create a sweat lodge.

The NPB and CSC were also mentioned by a number of participants as agencies which had shown flexibility. It was felt that CSC has made impressive advances in the past few decades in its willingness to allow inmates to have Aboriginal spiritual and cultural activities in the institution. It was noted that CSC is, in fact, in a better position to deliver such activities in some areas than are local communities. NPB, in its conduct of hearings and search for alternatives to revocation, is showing creativity. In some areas, NPB had agreed to conduct parole hearings in a circle, without tables separating the participants, which is more suited to Aboriginal ways.

Other examples of increased flexibility on the part of correctional authorities were noted. Native Counselling Services of Alberta (NCSA), with its Stan Daniels Centre in Edmonton, although in essence a facility run by a private organization, has been officially designated as a CCC (Community Correctional Centre) under federal law. It is one of the largest urban correctional centres in Canada. NCSA, through the Courtworkers program, also acts as the parole officer for significant numbers of Aboriginal offenders, and has obtained approval to administer a ten-day “halfway back” program for offenders who relapse and who might otherwise have been revoked and returned to penitentiary. It is the staff at Stan Daniels who decide whether offenders who have relapsed ought to be revoked or sent to their relapse program.

Thus, although there are still areas in which focus group participants would like federal correctional authorities to show more flexibility and willingness to grant an equal status to Aboriginal agencies, there are hopeful signs in many quarters that non-Aboriginal governments can and will adapt to meet the reasonable requests of Aboriginal agencies.

Other problems remain, however. A number of focus group participants mentioned their **perception that NPB still considers Aboriginal programs to be of less value than non-Aboriginal programs in preparing offenders for release.** As a result, Aboriginal offenders who do not participate in or complete programs designed for the non-Aboriginal majority are less likely to be paroled, even if they participate actively in Aboriginal programs.

There was general agreement that there is a **need for more halfway-house and halfway-back programs aimed specifically at Aboriginal offenders.** For Aboriginal women, this need is particularly acute – there is only one Community Residential Facility (the CTR in Saskatoon) designed and run specifically for Aboriginal female offenders in Canada.



Halfway-back programs are of particular importance, given that Aboriginal offenders may suffer from substance abuse problems more often, and more severely, than do non-Aboriginal offenders.⁶ When they relapse, therefore, there is a more acute need for alternatives. Returning offenders to a penitentiary is an expensive and not always productive option.

Pedahbun Lodge in Toronto has observed that when their clients relapse, the first 30 days are critical. If they can re-establish a connection with these clients and bring them back into the program within 30 days, these offenders often do extremely well. In fact, such clients often make the best workers after they are fully healed. Stan Daniels Centre in Edmonton operates a voluntary urinalysis program, and as a result they have learned of relapses on a regular basis and have had a high suspension rate. This was the genesis of the ten-day halfway-back program noted above at Stan Daniels.

Another concern was raised in terms of **non-Aboriginal governments' unwillingness to enter into contracts with Aboriginal treatment centres** who may be interested in becoming involved with released offenders. Many of these agencies are accustomed to dealing with severely disadvantaged Aboriginal people, but they have not identified themselves as being geared towards offenders specifically. If they are to become involved in working with offenders, correctional authorities need to begin entering into agreements with them to deliver programs to offenders. These agencies need to be brought along. They need information, staff training, and assistance in expanding their program to deal with offenders. The result could be a greater availability of services to offenders.

Focus group participants also called for **more creativity on the part of governments in designating alternative home placements** where released Aboriginal offenders can live. Some experiments are currently under way in this area. In the Prairies Region, CSC has instigated a new initiative under the Custody Home Placement Program, through which offenders can be released to the care and custody of Elders. More of this kind of flexibility is needed.

The Provision of Information

One of the greatest difficulties is in knowing what governments are willing to do with Aboriginal agencies and communities, and what funding and other arrangements are available. It was suggested that it would be beneficial to let communities know what is available. It is difficult for communities to access funds or programs if they are not aware that they exist.

One useful government resource which was about to be released at the time of the focus group is the ***Guide to Federal Initiatives for Urban Aboriginal People***. It lists federal programs

⁶ See Part 2, page 41.

and services available for urban Aboriginal organizations. This document is available at the Government of Canada website: http://canada.gc.ca/programs/pgrind_e.html.

Some agencies expressed hope that the Internet will one day be of major assistance to them in finding information, sharing information with other Aboriginal service providers, and linking up with sources of support within the Aboriginal community. A number of participants are currently co-operating in an effort to increase the amount of information available on the Internet and the number of Aboriginal contributors in Canada. Industry Canada's CAP (Community Access Program) is giving funds to residents and businesses in small and rural communities to increase their access to and input into the Internet. This may result in expanded contacts among Aboriginal service providers all across Canada. Some pertinent website addresses are listed in Appendix B.

Cross-Cultural Training

Many focus group participants wondered if cross-cultural training is a waste of time and money, as it appears to have had no effect over the years when it has been in place. This contributes to the frustration that Aboriginal people have with government and contributes to the feeling that the government does not care. After years of cross-cultural work, very little change is seen in opinions and attitudes. At the same time, the **need for a greater understanding of each other's culture** is still seen as being at the heart of Aboriginal people's ability to move forward.

Culture, it was suggested, could be part of the problem. People tend to look at things from their own perspective unless they are made aware of the fact that there is an alternative. Awareness of alternatives does not necessarily translate into understanding. People need to be educated to look at things from different perspectives and to realize that there may be more than one way to deal with things.

Some participants saw the government as overly paternalistic. There is a real need to move away from this type of relationship and become open to other agendas and relationships. While departments are driven by policy, communities are driven by people. The two do not necessarily complement one another.

Despite the fact that there are problems with cross-cultural training, not all cross-cultural training programs fail: cross-cultural awareness and sensitivity takes time and will not change attitudes overnight.

Section 81 of the CCRA

At the time of the focus group meeting, only one agreement had been signed under Section 81 of the *Corrections and Conditional Release Act*, passed by Parliament in 1992 to replace the outmoded *Penitentiary* and *Parole Acts*. Section 81 authorizes the federal Solicitor General or



his agent to “enter into an agreement with an aboriginal community” for the “provision of correctional services to aboriginal offenders”.

There is some measure of confusion and disappointment concerning the application of Section 81. The term “Aboriginal community” was defined in the Act as “a first nation, tribal council, band, community, organization or other group with a predominantly Aboriginal leadership”, and “correctional services” as “services or programs for offenders, including their care or custody”. These definitions appear designed to leave room for considerable creativity in application, but focus group participants found progress slow and frustrating.

Although, as many commentators have noted, it is difficult to identify the “Aboriginal community” in an urban environment and sort out who should represent its correctional or other interests, it is still anticipated that urban Aboriginal agencies do qualify under Section 81. Still, progress seems slow. A large part of the problem appears to be that in some regions CSC has just not freed up much funding in order to enter into Section 81 agreements. Also, there is uncertainty and disagreement, even within CSC, as to how services under Section 81 should be manifested. There was a call for more **clarification as to what kinds of activities would qualify for funding consideration under Section 81**. Some focus group participants reported having been informed by CSC officials that at this time, negotiations under Section 81 were only open to discuss the provision of healing lodges – residential facilities for the custody and treatment of offenders. Although there is nothing in the Act which prevents CSC from entering into contracts for a wide variety of other correctional services with a wide range of Aboriginal organizations, Section 81 agreements are seen as imparting an additional measure of stability to arrangements in lieu of creating new approaches. The advice offered by one CSC representative at the focus group was, in essence, “just do it” – make a proposal and press for its implementation.

Research and Evaluation

One of the strongest differences in emphasis between Aboriginal program operators/practitioners and government funders is in the area of research and evaluation. Program operators, who typically spend their professional lives struggling to keep their program open in the face of budgetary constraints within and outside of government, understandably see the delivery of programs as the most important use of public and private funds. Often, they see the call for research and evaluation as tantamount to taking funds away from operations, and at best as a thorn in the operator’s side, or a potential basis for cancelling or scaling back important programs. Operational people frequently feel that they and the issues they deal with have been researched to death.

Proponents of research and evaluation argue that without research we are less likely to move forward in our understanding and treatment of social problems. While there are many valid ways of approaching social problems and the treatment of individual offenders, researchers argue that

it stands to reason that some will be more effective than others, in certain circumstances and with certain client groups. With research and evaluation, we can learn what skills, approaches and techniques are most likely to work best in various circumstances.

There is very little research on urban Aboriginal offenders and corrections in Canada which meets the mainstream definition of sound empirical research or evaluation. The small number of urban correctional programs specifically designed for Aboriginal offenders is reflected in the even smaller numbers of descriptive reports, let alone evaluations, available of such programs. To a large extent, our knowledge of urban Aboriginal offenders and correctional programs is limited to anecdotal information. The questions remain: Do we wish to rely principally on anecdotal evidence about the best approaches with individual offenders or is there a role for research and evaluation studies with large numbers of offenders? Can this research be done without penalizing programs financially or through resources?

How to Improve Government-Community Co-operation?

Focus group participants were asked to suggest ways in which, at a general level, resources could be used strategically to break down barriers between government and communities. The responses pertained to corrections in particular, but could also be applied to other substantive areas.

Focus group participants felt that CSC still needs to be educated about Aboriginal people. The bureaucrats have little or no knowledge of the training that Aboriginal people have received and the fact that some of these people have administered programs very well. Many Elders remember traditional laws and have a strong sense of tribal justice. If section 81 agreements were in place, many of these laws could resurface. If that happened, non-Aboriginal governments would be forced to recognize the existence and validity of traditional ways.

“More communication” was a refrain echoed by all. This was closely followed by “more openness to alternative ways of doing things”. People don’t trust what they don’t understand. This is one of the root problems between Aboriginal and mainstream society. Neither really understands the other.

Aboriginal programs, both inside and outside the institutions, have to be recognized for what they are doing and the success spread to other organizations. Nationally, Aboriginal groups have to start working together to look at alternatives to incarceration. While it appears tedious and unnecessary, there always has to be research to justify that something is working.

Obstacles Within Aboriginal Agencies And Communities

Not all obstacles discussed at the focus group had solely to do with non-Aboriginal governments. For example, it was noted earlier that Aboriginal agencies sometimes have a



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tendency to criticize and compete with one another, rather than co-operating and supporting one another in the common cause of helping other Aboriginal people.

Staff Training and Support

It will be recalled that one of the three needs which urban Aboriginal agencies had considered critical to future advancement of services in the area of corrections in the Lajeunesse (1995) study was staff training. The 1997 focus group reinforced this finding.

Surprisingly, with few exceptions, there was little discussion of staff training needs specific to techniques for working more effectively with offenders. Those agencies which are not used to taking offenders directly from prison or penitentiary asked for the assistance of correctional authorities in **training them to deal with the disruptive and institutionalized behaviour which offenders display immediately after release**. The experience of these agencies is that it takes about a month for these offenders to settle down and be ready for effective intervention. In the meantime, however, they can disrupt and completely alter the regimen of the centre if its staff are not trained to deal with immediate post-release behaviour.

The Community Training Residence is receiving more high risk, high need offenders and is finding that it does not have the resources to deal with their problems: the women are in great need of healing and support when they arrive as a result of drug use, past abuse, etc.

The focus group discussed the **need for support and healing for staff** who constantly work with offenders. Pedahbun Lodge has affiliated with a hospital in the area for the purpose of peer support training. The support of other professionals in the community is considered part of the job. There is no question that those who work with high-need offenders have a strong requirement for peer support, healing, and renewal.

Support in Communities

Another obstacle to further progress is in the lukewarm support of, or outright hostility in some communities, to the continued presence or return of offenders.

One focus group participant suggested that Aboriginal communities are losing sight of their responsibility to treat themselves, their families and the community. In her view, Aboriginal communities are too quick to send people to treatment rather than admit their own responsibility. One of the key ingredients in the creation of a criminal is a lack of adequate parenting. Corrections and addictions treatment cannot substitute for parenting. Aboriginal communities need to rebuild their strength of family and community. People and the communities where they live are lacking in discipline. Aboriginal people are becoming a generation of “who are we”, removed from the strength of their culture.

Many offenders leave their home reserves because of lack of access to opportunities of all kinds – housing, jobs, and additional resources. LaPrairie (1994:31) found that more than half the inner city Aboriginal people believed their families were “looked down upon [on reserves] ... The primary reasons for non-acceptance were ‘being different’ or ‘parental misbehaviour’... For those who fit in, reserve life is positive; for those who are different, it is not.” Of course, part of being different can include committing offences which are not tolerated on reserves.

Some focus group participants were involved in attempts to work with Aboriginal communities in order to reintegrate criminal offenders. For example, NCSA is working with reserves near Edmonton to **organize parole hearings on reserve**. The victim, police and community members are invited in the hope that the community will take the offender back and assist him/her to reintegrate productively back into the reserve. Mediation training is to be given in an effort to bring all parties to consensus on reintegration. Once communities are ready, NCSA hopes to see the **responsibility for parole supervision of such offenders transferred to the community itself**. Community justice committees are a substantial step in this direction.

In urban communities the same principle applies, although the logistics of bringing the community together in an urban setting are considerably more challenging. Anonymity in the urban setting is much greater, and there is no clear authority or set of authorities who speak for the urban Aboriginal community. There may also be greater difficulties getting all the applicable Aboriginal resources to work together in an urban setting to provide the assistance required by the offender. Community agencies tend to work in isolation from one another. This results in little or no support for offenders and inadequate information and training for staff. The end result is a high burnout and turnover rate in staff. Consequently, there is very little continuity in programs or services. Agencies need to share information and experience on an on-going basis, and support one another.

Expansion/Movement to Rural Settings

Urban settings also provide a richer variety of negative influences for those offenders who are inclined to use them. For this reason, many urban agencies would prefer to **relocate to rural settings** (some of which would also be closer to penitentiaries). For example, Waseskun House has planned the development of a healing centre which would be accessible to everyone. It is felt that such a centre should be in an area which is fairly isolated, with less ready access to drugs, alcohol, and violence.

Other agencies have similar visions; they aspire to opportunities to run multi-purpose facilities with sheltered workshops, plenty of land, and resources to take on entire families for treatment. As a kind of prelude to this vision, a number of agencies operate rural camps to which they regularly bring clients, families, and others. The healing which occurs during a single week in such a setting takes a month in the city.



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The focus group then raised the question: **If urban Aboriginal agencies relocate to rural settings, what will become of the inner-city people they now serve?** Who will fill the gap in services?

The answer appears to be that **these agencies would wish and need to operate programs in both urban and rural settings.** Operating in urban settings is essential to reach inner-city people, to obtain access to such unique services as serum clinics for HIV⁺ clients, psychologists, CSC and provincial officials, staff support, and to avoid the problems of transportation to more natural settings. Operating also in rural settings allows for deeper and more intensive healing, connection to reserve communities (where many agencies hope to encourage the creation of healing lodges), and – in some cases – better access to penitentiaries.

Most agencies at the focus group do **not anticipate that the reserves in their areas will be able, in the near future, to assume correctional responsibilities.** Eventually, they will. But for now, the urban agencies perceive that these communities need to obtain more training, support, and facilities/infrastructure before they will be in a position to take over control. However, the urban agencies anticipate that, eventually, reserve communities will take over the provision of correctional services for offenders in their area. Some communities already want to assume this responsibility, but they are not yet ready.

Future Aspirations

There appeared to be general agreement that, given the seriousness and the prevalence of problems in urban Aboriginal communities in Canada, prevention was a goal worth aspiring to.

Participants suggested that people should be dealt with before they end up in a correctional institution and if they do go, then help should be provided for them when they get out. Focusing on justice issues alone will never solve the problem. The legal aspect is only one component of a much larger socio-economic problem. The whole array of things that impact on the community has to be addressed. Dealing with one problem in isolation is very ineffective.

A prevention mentality will take time to grab hold. In the meantime, agencies continue to focus on narrower justice issues. The focus group participants reiterated their commitment to help Aboriginal people and affirmed that they will not give up this struggle easily. They expressed the hope that with increased understanding and co-operation among all stakeholders, and with adequate human and financial resources, the aspirations of Aboriginal people will be met. Their hope is that a true relationship will be established, with equality for all partners, where a more focused, but all-encompassing view of urban Aboriginal corrections will evolve.

PART 2 – URBAN JUSTICE INITIATIVES

Introduction

Despite the large volume of Canadian writing on the subject of justice for Aboriginal people there has been surprisingly little attention paid specifically to the issues of crime, justice and correctional programming among Aboriginal people living in urban areas up until the last five or ten years. This is perhaps a case of the process taking time to catch up with the reality. As was seen earlier, the past thirty years in Canada have seen an enormous shift in the proportions of Aboriginal people living on reserves and off.

Moreover, since a large number of Aboriginal people living in urban areas are overwhelmingly poor and without a voice to speak for them, they are perhaps easier to ignore than their on-reserve counterparts. Accordingly, the number of alternative justice initiatives occurring in urban areas has been small. The attention gap suffered by Aboriginal people in urban and other non-reserve areas has contributed to a serious deficiency in our understanding and response to the issues. Fortunately, there are signs that this imbalance may be beginning to correct itself.

In this part, we will review some of the issues involved in establishing urban Aboriginal justice initiatives. Some of the issues related to governance and representation will be discussed. Some examples of experimental and alternative justice practices in Canadian cities will then be reviewed as illustrative of some of the action which can be taken regardless of governance issues. First, however, we will summarize the available literature on the needs of urban Aboriginal offenders.

Needs of Urban Aboriginal Offenders

As was seen in Part 1, Aboriginal service providers tend to focus on a wide variety of factors when they work with an Aboriginal offender. Some tend to focus on concrete urban survival skills, such as finding the offender a job. Others tend to focus on more basic issues because they see the offender as too needy to benefit from attempts to address any but the most fundamental and heartfelt issues – issues such as caring for self, becoming clean and sober, and dealing with grief and loss. Still other agencies try to address all the issues they see including the need for cultural and spiritual programs. It would appear, however, that everyone is agreed that we have a long way to go before a truly holistic and comprehensive service is available to offenders – in urban areas or elsewhere.

Research suggests that **Aboriginal offenders may have more criminogenic needs, and may have more severe needs in certain areas, than do non-Aboriginal offenders.** For



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example, Vanderburg *et al.* (1994) found that among penitentiary inmates, Aboriginal offenders showed more severe problems in struggling with alcohol than did non-Aboriginal offenders.

LaPrairie's (1994) study of Aboriginal people living in the inner cores of four large Canadian cities revealed lives of hardship and alienation. (Although not all of these urban people were also consumers of correctional services, it will be recalled that a majority had been charged with a criminal offence and at some time in their lives had spent time in custody.) LaPrairie notes that:

- ◆ Three-quarters of all persons interviewed had suffered childhood abuse.
- ◆ Among these, one-quarter had experienced abuse "of the most severe kind".
- ◆ For most of the people interviewed, abuse and violence were facts of childhood and adult life.
- ◆ Many experience a high incidence of current instability in the home and family life.
- ◆ Many are chronically transient, moving around a great deal.
- ◆ Many experience severe or moderate problems in dealing with their own consumption of alcohol.
- ◆ Many have few skills and little formal education, chronic unemployment.
- ◆ They are subject to victimization more than other urban people.
- ◆ Many lack any connection to stable influences other than drinking buddies.

The most severely affected of the people LaPrairie interviewed "are found in soup kitchens, shelters, drop-ins or on the street, moving from one place to another in search of food, clothing or a place to sleep" (1994:xiii). These people virtually define the term "need".

Johnston (1997), in a recent study of a large number of Aboriginal penitentiary inmates (30% of whom *originally* came from urban areas, and more of whom doubtless lived in urban areas at the time of the offence), found that 66% were considered high-need (i.e. as having criminogenic needs in several areas). In fact, fully 47% were rated as *both high-need and high-risk*. A **majority** were rated by case management officers and other penitentiary staff who knew them, as having needs in the following areas:

- ◆ substance abuse needs (88%),
- ◆ personal/emotional needs (82%),
- ◆ employment needs (63%), and
- ◆ education needs (54%).

Less than a majority, but still a significant proportion, were also rated as having needs in relation to:

- ◆ pro-criminal attitudes (49%),
- ◆ marital and family issues (42%),
- ◆ community functioning (36%),



- ◆ criminal associates (33%), and
- ◆ sexual offending (31%).

Many Aboriginal service delivery agencies, as well as Aboriginal offenders themselves, tend to emphasize needs which, for offenders from the mainstream culture, would not be considered criminogenic. Johnston (1997), for example, reports that federal Aboriginal inmates rank **spiritual or ceremonial activities** as their first choice among “Native activities” available to them in federal penitentiaries, with other cultural activities also ranked relatively high. Almost half of the Aboriginal inmates interviewed by Johnston stated that they participated in a “Native activity” in penitentiary daily or more than once a week.

Response to Treatment by Aboriginal and Non-Aboriginal Agencies

Research suggests that **Aboriginal offenders are less responsive to rehabilitative programs which they perceive as not being designed or provided for Aboriginal people**, and they are **more likely to drop out of treatment** than are non-Aboriginal offenders. It is therefore important to design programs for Aboriginal people which will resonate with their world view, draw on their feeling of connection to other Aboriginal people, and respond to their perception of the dynamics of their own behaviour. For this reason, correctional agencies have begun to make available pre-treatment programs specifically for Aboriginal people, designed to introduce them to treatment issues in a culturally appropriate way and prepare them to receive maximum benefit out of later rehabilitative programs designed for all offenders (see Weekes and Millson, 1994).

There is little question that **programs which are designed for and delivered with Aboriginal people in mind are more likely to be positively received by Aboriginal offenders**. Johnston (1997) found that over two-thirds (69%) of Aboriginal inmates expressed a desire to have more institutional programs designed for or modified to a culturally relevant format for Aboriginal offenders. Among the penitentiary programs which Aboriginal inmates named when asked to consider which were most effective, most were specifically aimed at Aboriginal clients (although the most common response was that there were no effective programs). Aboriginal inmates also stated, as one of their strongest desires while incarcerated, the need to talk to other Aboriginal people.

When seeking help, Aboriginal offenders tend to turn to other Aboriginal people. Johnston also found that the vast majority of Aboriginal penitentiary inmates (86%) recognized that they could use some counselling. A majority wanted counselling in personal, emotional or spiritual areas. When asked to state whom they would prefer as a counsellor, they were most likely to suggest an Elder or spiritual leader. The next most likely group to be mentioned for possible counselling assistance were the inmates’ friends and family.



Issues in the Delivery of Urban Aboriginal Justice Programs

In the past ten years, issues involved in the process for (rather than the substance of) delivering services to urban Aboriginal people have been increasingly under discussion. The reasons for this increased attention are numerous. The 1992 Charlottetown Accord brought attention to the issue of the inherent right of self-government for off-reserve and urban peoples as well as for First Nations residents. As the process of self-government and land claims negotiations for reserve peoples has continued to unfold, various urban tables for discussion of off-reserve issues have been established. The Alberta and Manitoba Justice Inquiries also began to take some notice of urban justice issues for Aboriginal people; the Royal Commission on Aboriginal Peoples drew attention to urban issues with a separate round table in 1992 (Royal Commission, 1993).

In the justice area, the debate often seems to centre on questions of creating a separate justice system for Aboriginal people. In reserve and settlement areas, non-Aboriginal governments have indicated their willingness to give Aboriginal communities complete authority over the enforcement of their own laws on their own lands. In addition, the use of alternative adjudicatory measures is encouraged, with the proviso that anyone who wishes to have access to the mainstream courts shall have an absolute right to do so.


For non-reserve areas, the negotiation positions are somewhat less clear. The notion of separate justice systems seems to come down to a question of courts: should there be separate Aboriginal courts in urban areas? How would these courts be empowered, and should there be limits on the kinds of offences, offenders, and other situations they could deal with? Who (the court, the offender, the victim, etc.) would have a say in whether the matter goes to an urban Aboriginal court or a mainstream court?

Proponents of separate urban Aboriginal justice systems seem to be divided into those who advocate such a system on principle, and out of a desire to see Aboriginal communities take greater responsibility for their own destiny, and those who wish to see justice dispensed in a different way – less punitive, more restorative, more focused on the individual. Some (e.g. Hendrickson, 1993) who press for a separate Aboriginal justice system in urban environments advocate the best of both worlds – full protection for the legal rights of offenders, as provided by the mainstream system, and restorative approaches to disposition and sentencing.

There appears to be general agreement among Aboriginal commentators and service providers on a number of points with regard to the provision of urban Aboriginal services generally (not just in regard to justice decisions and services) :

- ◆ there is an urgent need to respond more effectively to the needs of urban Aboriginal people;

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- ◆ services delivered by Aboriginal people are more likely to be used by Aboriginal people;
- ◆ there are jurisdictional “boundary wars” (more often described as offloading wars) among federal, provincial and municipal governments which appear to conspire to complicate and prevent strategic progress in the co-ordination of adequate services to all;
- ◆ Aboriginal service providers also agree that they would prefer to see non-Aboriginal government departments at all levels abandon their narrow mandates and fund services in a more holistic and global fashion; and
- ◆ Many urban Aboriginal people would also argue that the rights and entitlements of status Indians should be portable – they should not be lost when the individual leaves the reserve.

Beyond these first areas of agreement, however, there appears to be little consensus among Aboriginal people about the issues involved in designing a better process for service delivery. The key issues include:

- ◆ Who speaks for urban Aboriginal people? Who decides who speaks for urban Aboriginal people, and how is this decided?
- ◆ Should there be a parallel urban Aboriginal government to deliver services of various kinds to urban Aboriginal people – a government given stability and legitimacy through long-term funding or Constitutional entrenchment, or both?
- ◆ If so, who elects or otherwise decides on who will form this parallel government, and how it will operate? How will this parallel government be accountable to its constituency(ies)?
- ◆ Should the various Aboriginal people in urban areas form a single constituency or should they – status Indian, non-status, Inuit and Metis – each have their own parallel government or service delivery system? What role should band councils, tribal councils and national organizations play, if any, in the roles, responsibilities and decisions of these urban service delivery systems?
- ◆ Should urban Aboriginal service delivery aim for a one-stop shopping/super-agency approach, or a loose affiliation of individual agencies?
- ◆ Does it make sense to spend a lot of time arguing about the above issues, or should we “just do it” – just go after more funding and better administrative arrangements?



The projects described below are examples of “just doing it”. These examples are all in the justice area, but many extend beyond what is usually thought of as corrections. Nonetheless, many of them serve the same ends as do correctional processes, and go beyond them as well.

Circle Sentencing in Urban Environments

Judges in a few urban environments in Canada have ventured into the use of circle sentencing. These urban environments include Vancouver, Prince Albert, and Saskatoon, and possibly others as well.⁷

Circle sentencing is a process, not a program. In itself, it probably does little to address the risks and needs of “deep end” offenders with serious problems, as many Aboriginal offenders could be described. Rather, it is a different method for fixing the offender’s sentence, and in so doing, it is intended to:

- ◆ Gather more information about the offender and the community’s reaction to the offence and the offender than would otherwise be obtained;
- ◆ Give the victim the opportunity to confront the offender, explain the impact of the offence, ask for the sentence outcome which s/he considers most appropriate, and gain a direct understanding of the offender, what motivated the offence, and how remorseful the offender is;
- ◆ Give the offender the opportunity to understand the impact of his/her offence on the victim, his/her family and friends, and the larger community;
- ◆ Assist the judge to understand the offender and his/her risks and needs;
- ◆ Assist the judge to understand what the community wishes – or could reach a consensus on – in the sentencing of the offender;
- ◆ Identify resources in the family or community who would be willing to help the offender, if s/he were given a community-based sentence;
- ◆ Allow community members to speak directly to the sentence and provide a general catharsis for the community – allow views to be exchanged, feelings to be expressed, etc.; and

⁷ For a description of two circle sentencings in urban environments, see *Satisfying Justice*, by the Church Council on Justice and Corrections (1996).

- ◆ Mitigate the potential punitiveness of some sentences, as once community members and victims actually meet the offender, they are often less inclined to seek a harsh punishment.

Circle sentencing is still a relatively new phenomenon in Canada and, as yet, there is little information available on how well it works: Do victims feel better or worse afterwards? Does the process tend to unite the members of the community, or divide them? Who actually comes to circles, and why? Are offenders launched on a rehabilitative process by the experience, and if so, what follow-up occurs?

Circle sentencing arose in non-urban environments; **one of the most interesting questions about circles is how portable they are to urban environments.** They are usually⁸ considered appropriate for reserve and settlement areas because the offender is typically known personally to all or most members of the community, virtually every member of the community is affected in some way by the offence and the sentence, and, given the numbers and relative homogeneity of the residents, the community has the potential to act *as a community*.

In urban environments, the issues around community are far less clear. The offender and the victim are likely to be strangers to large numbers of local area residents. Would it be appropriate, therefore, for only those who are acquainted with the principals to attend or should strangers be invited to represent the community? If the latter, who decides who should be invited, and on what basis? What importance will the offender attach to the opinions of these people? To whom are those in attendance accountable?

The local urban community is likely to be, far more than in reserve areas, a collection of people of many different interests, cultural backgrounds, lifestyles and world views. Should a cross-section of all attend, or only those with similar cultural backgrounds or world views? If the former, to what extent will the process enhance urban Aboriginal peoples' sense of taking back some measure of control of justice?

If one purpose is to “restore harmony within ... the community” (Church Council on Justice and Corrections, 1992), is circle sentencing appropriate principally for communities which are relatively harmonious to begin with – or at least not deeply divided and troubled, like many inner city areas?

How representative of the community and its views should any individual resident's opinions be considered? If the crime was committed outside the offender's neighbourhood, should at-large circle members be chosen from his neighbourhood, or from the area where the crime occurred? Fundamentally, what is the purpose of attendance at the circle?

⁸ But not always, or by all commentators. E.g., Pauktuutit Inuit Women's Association (1992).



Community Councils

Aboriginal Legal Services of Toronto (ALST), Toronto

A somewhat different model for achieving some of the same results is the Community Council. A prime example of the use of a Community Council in an urban area is the Aboriginal Legal Services of Toronto's Council. The Council is composed of Elders, traditional teachers and other members of the Aboriginal community. These persons are selected on the basis of their wisdom, knowledge of traditional Aboriginal ways, and respect in the community. They are accountable to a community board of directors.

As stated in Lajeunesse (1994:73), the purposes of the Council, and the diversion program it makes decisions for, are to:

- ◆ Return a greater degree of responsibility to the Aboriginal community;
- ◆ Reduce recidivism; and
- ◆ Encourage offenders to accept more responsibility for their criminal behaviour and instil in them a greater degree of accountability for their conduct by more active involvement in undoing the wrong they have done.

Potential diversion candidates are selected from court dockets by staff of the ALST, through defense counsel, Aboriginal agencies, and other offenders. Once the Crown Attorney consents, the accused is approached. ALST staff prepare background information about the accused for consideration by the Council. Victims and counsel are encouraged to attend if they wish. Options available to the Council in dealing with these (mostly minor) offences and offenders include: fines, restitution, community service, treatment recommendations, and participation in culturally appropriate activities and programs. Charges are stayed as the process unfolds, and can be reinstated if the process breaks down.

The differences between this process and circle sentencing are apparent. No attempt is made to involve the larger community in the first instance; the persons in attendance are chosen on the basis of their wisdom and their inherent authority in the extended Aboriginal community. There is continuity in participation and decision-making. Council members are accountable for their decisions to a board of directors, and indirectly also, to the Crown, who if they were dissatisfied with the process could cease consenting to referrals. The Council need not rely on what is and is not said at the meeting, since professional staff prepare a case work-up for their consideration.



Regina Alternative Measures Program (RAMP)

RAMP is another diversion program, one which operates on yet another model. It takes referrals both pre- and post-charge, adult and juvenile, and is colour-blind – a significant proportion of its clientele have been non-Aboriginal. Non-eligible cases include family violence, sexual assault, child sexual abuse, perjury, some driving offences, and cases which have failed at a previous diversion opportunity within the past six months.

RAMP is a creation of the Regina Aboriginal Human Services Co-operative, a group of Regina agencies, all but one of which aims its services primarily or exclusively at Aboriginal clients. RAMP is accountable to the community through the Co-op's board of directors, and to its government supporters through an operations committee.

Case management staff of RAMP and the John Howard Society (a Co-op member at the time of the focus group) make assessment and case streaming decisions. There are four basic options: formal cautioning, victim-offender mediation, family group conferencing, and healing circles. With the exception of mediation for juvenile cases (which is handled by the John Howard Society), these options are usually carried out by RAMP staff, although on occasion it will be necessary to refer a case to another agency, usually a member of the Co-op. Elders are usually involved in family group conferences (even for some non-Aboriginal cases), but not in the other options.

APPENDIX A

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APPENDIX B

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WEBSITES

Native Counselling Services of Alberta: <http://www.compumart.ab.ca/ncsa>

This site contains a variety of resources which may be ordered, including books and videos.

Native Law Centre - University of Saskatchewan: <http://www.usask.ca/nativelaw>

This site features information on sentencing circles and land rights. In addition, it is a source of publications on Aboriginal legal issues.

The Waseskun Network: <http://www.waseskun.net>

This domain was designed to assist front-line community workers. It has six permanent chat rooms, including Aboriginal justice and Aboriginal corrections, as well as a database of Aboriginal-specific information.

National Association of Friendship Centres: <http://www.nafc-aboriginal.com>

This site contains links to friendship centres across Canada as well as to specific youth and employment services.

The Visions Centre of Innovation: <http://www.visions.ab.ca>

This site deals specifically with Aboriginal health issues. It looks at training, employment, the provision of information, and research.

Access to Justice Network: <http://www.acjnet.org>

This site contains information on legal issues in Canada, including a specific section on Aboriginal people.

Useful Government Websites

Health Canada: <http://www.hc-sc.gc.ca>


Health Canada has a health promotion on-line section which deals with various health issues, including AIDS and alcohol and drugs.

Solicitor General Canada: <http://www.sgc.gc.ca>

Among other things, this site contains publications on corrections, both Aboriginal and non-Aboriginal.

Government of Canada: <http://infoservice.gc.ca>

This is a general site with links to federal government departments.

Issues in Urban Corrections for
Aboriginal People 

Human Resources Development Canada: <http://www.hrdc-drhc.gc.ca>

This site contains information about jobs, social insurance numbers, and youth initiatives. It also has an Aboriginal Relations Office dedicated to working with communities.

Indian & Northern Affairs Canada: <http://www.inac.gc.ca>

Among other things, this site contains information on treaties, Gathering Strength (federal government response to RCAP), as well as a youth strategy program.