



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Public Safety and National Security

SECU • NUMBER 085 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, November 21, 2017

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Chair

The Honourable John McKay

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• (0845)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): I call the meeting to order.

Ladies and gentlemen, let's commence with meeting number 85 of the Standing Committee on Public Safety and National Security. For the first hour we have two witnesses. We have, from the Métis National Council, Dale LeClair, chief of staff, and from the Assembly of First Nations, we have Terry Teegee, regional chief.

Unless you have an agreement between you, I'll just call you in order.

Go ahead. Mr. LeClair.

Mr. Dale LeClair (Chief of Staff, Métis National Council): Good morning, and thank you very much, Mr. Chair.

It's a real pleasure to be before the committee to talk about correctional issues. I'm extremely pleased that I have my colleague here from the AFN, the regional chief, newly elected and raring to go and working hard for the nation.

This morning I've not really prepared a whole lot of discussion in regard to formal notes, but I just wanted to have an open discussion and hopefully some good questions with regard to the treatment of indigenous offenders in the system in terms of their care and custody and conditional release.

I did want to let the committee know that I was a correctional executive for 10 years and was the primary architect of the national healing lodge strategy, as well as the Pathways strategy within, as well as others, including the national elders advisory committee.

This is an opportunity for me this morning to look back. It's been about 12 years since I left the service, and I'm trying to gauge how well those projects and initiatives worked. At the time, when I was in the service, there were only 1,400 indigenous offenders in the system. The issues they faced were obviously the same issues that they face today in regard to higher recidivism rates, higher classifications within the prison system, primarily being at high risk or medium risk, and not cascading through the system.

As part of the initiative, we certainly felt that under the new legislation at that time, under sections 81 and 84, there were some opportunities to engage the indigenous community—or at that time, the aboriginal community—and get them fully engaged in both the correctional aspect of housing and working with indigenous

offenders, as well as doing the correctional release stuff, which was being looked after by the National Parole Board and the elder hearings.

I'm not surprised that the correctional service moved down a road to fully implement specific programs for men and women who find themselves in the correctional system. At that time, 12 or 14 years ago, it was very difficult for offenders to find themselves on a clean path, a well path, a healthy path out of prisons.

We took the initiative; I want to talk about how that initiative seems to have worked, but it seems to have not affected the flow in and out of prisons for indigenous people. The development of the healing lodge concept was really about moving high-risk offenders and cascading them through the system and getting them into community facilities such as Pê Sâkâstêw or Okimaw Ohci or Stan Daniels in Edmonton, and giving the first nations and Métis and Inuit communities the ability to truly deal with the unique issues that were faced by indigenous people and that continue to be faced by indigenous people.

Over the 10-year span when we started the program, we found success, but they were small successes, because in the system we were still having difficulty trying to understand indigenous issues, whether they were in the community or whether they were on the streets of Vancouver. There were the overwhelming issues of mental health, the overwhelming issues of growing up in a system that was foreign to them.

We did a study around 2000 that demonstrated that 95% of all men and women in the correctional system came through foster care. Look at the correlation in their developmental growth that was leading them down that road to what the second major issue is, which is that 75% to 80% of the crime being committed by indigenous people was under the influence of alcohol or drugs. It was a continuum of issues leading them into the criminal justice system, then through the courts, and then eventually into the prison system.

Corrections isn't about just corrections—this was our philosophy. Corrections is about what leads you to the road. It leads you down that road and into the prison system, and to a time when you leave that system.

●(0850)

Corrections is supposed to be about rehabilitation. It's supposed to be. I suspect it depends on which side of the coin you're on. It's also about incarceration. There has to be a better balance, a better understanding. I would say that within the context of indigenous issues and the Supreme Court v. Daniels, there are conditions and identifiable issues that could be dealt with in a much larger and much broader perspective. Corrections is only one component of the justice system.

You have to start at the beginning. You have to understand as a lawyer specialized in criminal law that there are conditions that lead people down the road. In today's society, we're now talking about reconciliation, getting healthier communities, engaging communities. You're talking with us about nation to nation and how we can truly address those issues. We've got to continue.

I won't sit here and bash the correctional system. The system is run by people. It's about people like you and me. I thought about something this morning: we're a long way from Millhaven. We're a long way in this room from Pê Sâkâstêw. What brought you to this table, and why is it such a short road for indigenous people to another table behind bars? We've got to think about that. We're got to deal with the best issues.

If this committee is looking at a study of what to do, look at the entire system. Government has to begin to address the issues of what effective indigenous, Métis, Inuit, first nation child care looks like, and maybe they will. I believe Minister Philpott is going to be pulling us all together in the new year to talk about building effective child and family services.

If those aren't there, the jails fill up. I remember writing in 2000, when there were 1,700 offenders, that by this time there would be 4,000, and I'm sad to say that there are 4,000. The systems have to change. It's my hope that this committee will look at what leads them there and what we can do for them, because I think the healing lodge program proved to be very successful for those who were really getting onto that healing path.

For the system within the medium- and high-security facilities, we created a program called Pathways. We tried to segregate indigenous offenders from the general population and get the elders and the programs that specifically target the issues faced by indigenous men and women.

I think there's a whole lot to dialogue about. We should have more that just 10 minutes. Obviously you have an important role to play here. You have to ask important questions. Open your mind to the entire system. I think the government as a whole and Canadians are moving toward a much more open reconciliation dialogue with indigenous people. I think our communities have some, not all, of the solutions. I think we just have to work together and define the path we need to be on. I don't want the road to be that short for our youth.

Terry and I were talking a little earlier about how our youth population is growing. We're the fastest-growing population in the country. I don't know what their future will be. Unfortunately, the reality is the future for some of them is going to be in penitentiaries,

and we've got to stop that. We've got to figure out how we stop that, and it's got to be a more holistic view.

I look forward to questions. There's so much to talk about. There are so many things to do. I'll leave it at that and I'll turn it over to my colleague, Terry, the regional chief.

●(0855)

The Chair: Thank you, Mr. LeClair.

One of the peculiarities of the committee system is that you have to address it through the chair.

Mr. Dale LeClair: That's right.

The Chair: It's peculiar, but it is what it is.

Go ahead, Mr. Teegee.

Mr. Terry Teegee (Regional Chief, Assembly of First Nations):
[*Witness speaks in an aboriginal language*]

First of all, I want to acknowledge that we are on unceded territory of the Algonquin people.

My name is Terry Teegee. My hereditary chief name is Maxweem Tsimghee, Wolf with a White Spot on the Head. I'm the newly elected regional chief of the British Columbia Assembly of First Nations.

I want to acknowledge the committee. [*Witness speaks in an aboriginal language*]

Thank you for allowing me and my colleague, Dale LeClair, to speak to you today to give you an overview of how the correctional system relates to the indigenous and aboriginal people across this country and of the disproportionate number of first nations people within the correctional system.

I want to provide a brief overview. Considering that we only have 10 minutes, I'll try to be as brief as I can and go through some of the stats that Dale already laid out for you.

The fact remains that we're only 4% of the population in this country, yet we represent about 24% of all inmates in the correctional system in Canada. That's very disproportionate compared to the rest of the population.

Over the years, during Harper's Conservative government, the total prison population increased substantially, and first nations and indigenous people in this country comprised the vast majority. These statistics have all but remained, in spite of the promise of policy and legislative changes and of a nation-to-nation relationship founded upon the rights articulated in the United Nations Declaration on the Rights of Indigenous Peoples, our constitutionally enshrined indigenous rights, and our recognized inherent title to the lands.

The reason I bring that up is that the dislocation of our people from off our lands really affects our place in society. We've seen that our displacement really affects our health. It affects our ability to be gainfully employed, participate in society as members of Canada, and create a life that is fulfilling. Our people haven't participated in the economy, and that's directly related to how we're affected with regard to the incarceration of many of our people.

The incarceration rate of our women has increased by 112% over the last decade. The increase has been attributed to many criminal laws, well over 30, that increase the punishment for various crimes, especially for small, petty crimes whereby this vicious cycle continues.

Like my counterpart here, Dale, we're seeing this vicious cycle with many of our people within the judicial system. We're here to break that cycle. Part of breaking the cycle is to have restorative justice and to look at alternative justice systems that are more culturally appropriate.

Finding restorative justice also means rehabilitation. Part of the solution, as we've been stating for many years, is that there needs to be more resources for many of our people to have restorative justice and rehabilitation.

In many jurisdictions across the country there is a lack of hard statistics and a lack of looking at what exactly the problem is in some of the jurisdictions. For example, in Saskatchewan there is an inability to share statistics with regard to our indigenous people, and that needs to change.

● (0900)

I think I'll just leave it at that. My counterpart Dale went over some of the issues as to why many of our people are in the judicial system.

Part of the problem, though, is that once they are incarcerated or on probation, indigenous persons must have access to resources to ensure their successful rehabilitation and reintegration into society. It's not only reintegration into general society, but back into the community. I think that's what really is needed here. When many of our people come back to our reserves, they need to be placed in a setting that is culturally appropriate so as to be reintegrated into our communities.

Dozens of conditions are imposed on individuals. In British Columbia today, 40% of criminal court matters are now attributed to the administration of justice, offences that include breaching of conditions of bail and/or probation. In B.C., my jurisdiction, the court system is failing the indigenous people. The court system is lacking the number of judges needed to look at all the cases within the province of B.C. I know this is the case not just in British Columbia but in other jurisdictions across the country. This is another case of a vicious cycle, whereby many of our people continue to return into the judicial system and are brought back to the many jails in this country.

When it comes to restorative justice, there have been many reports, including the Truth and Reconciliation Commission's. Among the recommendations of the Truth and Reconciliation Commission, if you have one of those books—and perhaps we should provide some of them to you—we have the calls to action from number 30 to number 42, in which there are many recommendations to change the judicial system, to break the cycle, to provide to many of our community members resources for the mental health of our people, as well as to deal with such problems as FASD and with the rehabilitation of our people to integrate them back into society and back into our communities.

I want to leave it with you to look at the many reports. Some are international and relate to the United Nations Declaration on the Rights of Indigenous Peoples; some relate to the Truth and Reconciliation Commission. We all know about the 94 calls to action and the effects of the residential school system, as well as about the effects of colonialism and why many of our people are living with the legacy of colonialism and how it relates to the effects upon our people who have been taken off our lands, who aren't participating fully within society and our communities, how it has broken up many of our families, and also, as Dale said, how it has led to many of our children having been taken away.

We've seen the vast majority of our children taken into the family care system. We've never seen these high numbers before, and there's a direct correlation between the foster care system and the judicial system. We have to prevent this from occurring, see the devolution of the child care system into our jurisdictions, and make sure that preventive measures are put in place during the lives of our children to ensure that they stay within the community. I think these form part of the preventive measures. Not only prevention but also rehabilitation is critical to decreasing the numbers of indigenous people in the judicial system and in incarceration.

● (0905)

I just want to leave it at that.

We have to do something. It's quite plain to see that we've seen so many reports, provincial reports and federal reports, about the disproportionate numbers of indigenous people incarcerated into the system, so thank you, committee. I certainly hope to work with you and talk to you once again. As my counterpart said, we could talk about this all day just to scratch the surface, and 10 minutes doesn't give justice to our people, so I look forward to working with you some more and making changes for the betterment of our indigenous people.

The Chair: Thank you, Mr. Teegee.

Our first questioner is Ms. Dabrusin.

You have seven minutes, please.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you.

I'd like to thank both of you. You're right that there's a lot to cover. I would like to say I carry the calls to action on my phone, but I would really appreciate it if I could get a paper copy. It would be easier to flip through. I will be referring back to some of them right now.

I want to start with something that you mentioned, because it's been coming up a fair bit: what are the resources that we need to help get people who are leaving prison back into their communities? I was looking through the Spirit Matters report and some other places. There seemed to be two specific issues. One is about going back to reserves, but the other is in the urban context.

Could you help us to think about what resources we need?

Mr. Dale LeClair: I'll start.

If you take a look at the family dynamics of coming from a community where you're charged, obviously you go back to the city by which you were charged and sentenced. In many regards, for many years, and I think still, the system tries to connect men and women who are in prison with their families and connect them back to their communities. I think the problem with going back to reserves or the Métis communities in the north is that it's a little more difficult because of the disconnection the individual has in their home community. That's always been one of the major issues. Somebody will identify themselves as coming from Whitefish Lake First Nation, but they haven't been there since they were a kid, because they were taken out.

In prison, the correctional system tries to reconnect them to who they are and with their spirituality. We have the elders, and they do wonderful work. We have programs that are oriented for and from first nations instructors, Métis instructors, and so on. There is a real desire for men to connect back.

The problem is that most times they're rejected. Whitefish doesn't... They know the name, but they don't know anything else. I think some work within the community is needed in understanding and providing resources in the community to understand the correctional system better and provide some capacity, whether it's through justice workers, community parole, or community case management officers. A lot more work has to be done.

Section 84—I think it's 84—of the act allows for this community reintegration, parole services, and case management in the community, but I don't think the Correctional Service of Canada has the financial ability to make those connections.

There's a disconnection between the services work and the work that's done by the parole board, even if it's done within what they refer to as “elder hearings”. There has to be a better connection between that, the offender, the national Parole Board, and the community.

Urban issues create a much greater issue. Again, I know places like... You're going to speak with Al Benson today, I think just right after us. He provides a service that's urban, the Stan Daniels centre, and he's done a remarkable job of integrating. I think they need more dollars and cents for reintegration programs, connecting with work, connecting with health services, and so on, and having the ability to bring family there and connect with family again.

I'll finish with this. When we built Ochichakkosipi in Manitoba, a healing lodge, one of the main concepts that sort of got lost as we got in, but was fundamental to the program, was bringing family members to the facility. We had family homes, and they were to integrate with the offender as they were transitioning out, so they'd learn together. The regional chief talks about being on conditional release. Sometimes if an offender has a no-alcohol condition and he goes around even a sniff of alcohol, there's an opportunity to bring him back. You're now healing the offender, but now you've got to go back in the community and heal the community as well.

I think resources like that need to be reinforced and provided to communities, both urban and in community.

● (0910)

Mr. Terry Teegee: I can only really speak from experience, just as Dale was talking about his experience earlier.

In British Columbia, we have alternative justice courts. There are approximately four or five in British Columbia. I should also mention that I have the justice portfolio for BCAFN and I'm also the tribal chief of the Carrier Sekani Tribal Council. One of the things that we're doing at urban centres such as Prince George—and I know it's happening in New Westminster and on Vancouver Island—is looking at alternative courts. Those court systems need to be resources. They're looking at an alternative justice in which elders are laying out the punishment, if you will, or the restorative justice. We need things like that.

In the precincts of Prince George, there needs to be a stronger relationship between the indigenous communities and the RCMP to better understand why many of our people are being incarcerated and prevent some of those issues. I had the luxury of meeting Brenda Butterworth-Carr. As a matter of fact, we worked with her and really changed that relationship between the indigenous people and the superintendent of Prince George. She has now become the lead RCMP person in British Columbia, and she worked out here in Ottawa, so there's another relationship whereby we can perhaps prevent many of our people from coming into jails.

Then the direct connection with foster children and the child care system needs to change, and we're trying to change that. We've never seen so many children in the foster care system.

Ms. Julie Dabrusin: I only have half a minute, so I'm just going to jump in quickly, because I think we'll get back to that.

The Spirit Matters report suggested that the Correctional Service of Canada should create the position of a deputy commissioner for aboriginal corrections, which hasn't been done. I wonder if you can tell me—you have 20 seconds—to what extent that is still a priority.

● (0915)

The Chair: Be brief, please.

Mr. Dale LeClair: You go ahead.

Mr. Terry Teegee: I would think so. Anything that would assist and help indigenous people in regard to making changes and perhaps implementing policy changes would assist our cause.

Mr. Dale LeClair: Really quickly, that's been a request for the last 30 years. It's been out there, and correctional investigators and others have referred to it. National leaders have reinforced it. I think it's a very important position and focus to be created, but more than just creating the commissioner is to begin to pull aside and put some real dollars behind it, so that more work.... I want to end with this. In my time it was 1,400 to 1,700 incarcerated. Now it's 4,000, and it's going to go to 4,000 or 5,000. More resources and more specific focus and direction are needed. A commissioner who's focused on that mandate and has the ability to do what we started with the healing lodge programs and some of the community reintegration programs, I think, is fundamental to the ask.

The Chair: Thank you, Ms. Dabrusin, and I compliment you, Mr. LeClair, on turning 20 seconds into a minute and a half.

Mr. Motz, you have seven minutes, please.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Mr. Chair, and thank you, gentlemen, for being here today. We appreciate it.

One of the themes for me as we've gone through this particular study is that there is no disputing the numbers, the disproportionate numbers of indigenous peoples in our systems. My question has always been, "Why?" We know that there are the restorative justice and alternative justice programs that have, depending on the individual, varying degrees of success.

I believe that generally the system is working toward improving the care of indigenous peoples who are in custody and then helping them to integrate into the community. I know there are such points there, but my question keeps going back to the issue of the numbers that keep increasing, and it's not always reoffenders. There are so many new ones coming in.

Therefore, my first question to you, Chief Teegee, in your new role, is where do you want to go with making the difference on the front end with your youth and your communities so that those who might find themselves in conflict with the law work toward improving so that they aren't going to be one of those stats coming forward?

Mr. LeClair, I'll ask you the same question. I'm always intrigued to hear your perspectives on what should be done. Sir, you are in a position to do something about that, and I'd really be interested to see how we play that forward.

The Chair: Go ahead, Mr. Teegee.

Mr. Terry Teegee: I think the solution here, or the opportunity for me to make change, really comes back to the community. It comes back to our indigenous communities, where many of the systems are broken. To really make change here, there are going to have to be cross-jurisdictional changes within the system. If you look at our communities, there is a substantial amount of poverty. As soon as you have poverty, there is a direct relation to incarceration and laws being broken.

Really, you have to look at the root of the problem where, as I said before, there is colonialism, the legacy of the residential school system. We have to intervene somewhere. My purview involves the economic development of many of our communities, where we're fully involved with the resources and the development of many of

our economies in our communities, which provides more resources to prevent many of these issues from happening, and it provides more resources so we can bring many of our children back to their communities.

Right now, the children in the foster child care system outnumber the residential school system number at its highest point. We have to get those children back to their communities to prevent many of these issues from happening.

Part of the solution, too, is education. There needs to be culturally appropriate education for our children, not only in the public school system but back in our communities. If we see graduation rates as low as 40%, compared to 80% to 90% for the general population, there is a problem. If we see children are not graduating or are not fulfilling their obligations as learners within the public school system, perhaps the public school system is the problem.

Really, as soon as you open this box, you see that there are many problems with this whole system. As you look at this Pandora's box and start scraping the surface, you can see what the problems are within the system of not only provincial jurisdiction, but also federal jurisdiction.

What I would say is to make changes. Look at all those issues related to economic development, education, and the ability for our children to participate in alternative places, such as being involved in sports, which is a big deterrent to having our children or our young teenagers incarcerated.

If you look at the North American Indigenous Games, which took place recently in Toronto—and I just found this out yesterday from Grand Chief Wilton Littlechild, who is one of the writers of the United Nations Declaration on the Rights of Indigenous Peoples—you will see that six months before the games and six months after the games there was a definite decrease in the number of offences in some of our communities. I think that's really telling in regard to our children having the opportunities to participate. That's one of the success stories of the North American Indigenous Games and other things we need to do.

In the next three years, that's what I would like to see.

● (0920)

Mr. Glen Motz: Mr. LeClair, you have one minute that you may want to extend to two and a half or three. I'm not sure.

Mr. Dale LeClair: I think the regional chief has hit all the marks. It's really about where Canada is in its society.

If you had asked me 15 years ago whether we were truly going to be in a reconciliation environment with indigenous people in this country, I would have said that you were crazy. I grew up in a community where we faced racism, misunderstanding, and this sort of thing all the time.

I think we've broken from the shackles of that, and I'm really proud of that. I think if this committee and this country as a whole, in a non-partisan way, begin to adapt and to look at the primary issues that we face in our communities, and engage and become part of that full dialogue about wellness in our communities.... It starts with discussions around child and family services, with discussions about poverty, and with discussions about being empowered and the relationship that we have.

I know I have only a minute, and I have—

The Chair: You haven't got a minute anymore.

Mr. Dale LeClair: Okay.

I think it's really about that. Let's get ourselves into a true reconciliation framework and let's look closely at the real issues that the Truth and Reconciliation Commission talked about. Let's talk about the relationship that we have and about empowering indigenous groups such as ourselves to truly move away from the colonial model.

I have lots more, Mr. Chair, but—

The Chair: I can see that running the clock is going to be a challenge. Possibly I should switch to a sundial.

Mr. Dubé is next.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you, Chair.

One of you made a point about the lack of statistics.

I am wondering if that could be elaborated on with regard to what specific information is missing. If we want to develop policy, we need to get a better sense of this stuff. That was mentioned, and I didn't quite catch what exactly we need to be measuring more of in terms of some of the issues the communities are dealing with.

Mr. Terry Teegee: Thank you, Matthew.

One of the things we wanted to see were police interactions with indigenous people, such as in Saskatchewan and with the municipal police force. They are exempt from freedom of information legislation. If Regional Chief Bobby Cameron wants information in regard to how many people are incarcerated in Saskatchewan, he can't find out that information, and I think some jurisdictions would not provide that information.

It would be useful to have some way to see what kind of interactions are happening. Is it stopping for suspicion, or is it stopping him because he was drinking and driving? Looking at the statistics of why some of our people are incarcerated and why they are stopped by the police is vital to understanding what is going on.

That's just one case that we know of. I'm sure there are many more out there.

• (0925)

Mr. Dale LeClair: Mr. Chair, Monsieur Dubé, I think there are a lot of statistics out there. The whole matrix, whether we look at it within the context of the judicial system, the policing system, or the correctional system, I think it's all there.

When we take a look at other educational outcomes, take a look at children in care, or take an understanding of drug and alcohol

treatment centres and those kinds of things, we see there's a tremendous amount of information out there for us to act upon. I think we always tend to take a narrow focus. You know, we get into our little sectoral views and say that this is the problem, something like recidivism rates of first nations men and women or Métis men and women coming out of prison. We get stuck on that, and then we analyze and rationalize why they have been brought back into the system.

I think it's time for action. As for compiling data to understand poverty, understand racism and colonialism, I think it's there. It think it's just to act on that now.

The fundamental basis for recognizing the issues is there. I think we need to take that and use that and analyze those stats to say where some of the targeted areas are that we need to focus on.

Mr. Matthew Dubé: With regard to young people, a lot has been said about education and child care in the comments you've made, and certainly those things are very important. However, one thing that certainly shocked me was hearing department officials from Correction Service of Canada say that despite all the programs they offer for those who unfortunately are now in the system, in the penitentiaries, there are no programs tailored specifically to younger offenders to help them, the ones who risk even higher rates of recidivism.

Given the large youth population, would you feel there should be programs specifically tailored to helping those folks deal with perhaps addiction issues or mental health issues? After all, with a young person who gets out, when we want to reintegrate them into society, it's even more important, because—and it sounds crass to say—they have many more years ahead, and we want them to be full members of our community.

Mr. Terry Teegee: I think here is a really difficult situation for many of the jurisdictions.

I can speak for Carrier Sekani. Depending on that person's lineage and ancestry, you need somebody there for that culturally appropriate rehabilitation. If that person is Métis, we need a Métis person there.

This is where we need more resources for our children connecting back to our culture, connecting back to the land. I know for a fact that these young offenders—I wish I had statistics for it—have more of a chance of breaking the cycle once they have culturally appropriate restorative justice—

Mr. Matthew Dubé: Pardon me for interrupting, but my time is limited. In the context of those culturally appropriate programs, do you believe that there should be a specific aspect for young offenders?

Mr. Terry Teegee: Yes, and this is part of it. As young offenders, they need to have a culturally appropriate program. If they're Carrier, they should have one that's culturally appropriate to a Carrier, and the age of that person really doesn't matter, because to me, if an elder is speaking to me, whether I'm my age now or as a younger person, the wisdom that I get from that elder, whether I'm a chief or not a chief, is quite important.

I think the access to the right people, the right culture, is vitally important.

• (0930)

Mr. Matthew Dubé: Do you have anything to add?

The Chair: You have the proverbial 40 seconds.

Mr. Dale LeClair: The absolute clear answer is yes. I think the regional chief has expressed the other aspects of correctional programming.

If stats tell me anything.... It's a very well-known fact that when you're in prison and you talk with an aboriginal inmate, if you say, "How long are you in for?", he says, "Well, I'm just doing life on the instalment plan."

We have to do better work, especially with young people. We have to do a better job outside the system with young people as well.

The answer is clearly yes.

Mr. Matthew Dubé: Thank you.

The Chair: Thank you.

Ms. Damoff is next.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Mr. Chair.

Thank you both for being here. I appreciate all your testimony about the issues in communities and with young people and colonialization and residential schools. This committee looks at corrections, so that's why our study was focused on what we can do for people who are in the system to make sure that they are accessing programming and early release, because that's just not happening now.

I invite you both to come to the status of women committee, because we're studying indigenous women in corrections, where our mandate will be much broader and include access to justice and that type of thing.

You touched on the deputy commissioner and whether we should have that. The other issue that has come up is the need for indigenous corrections officers and parole officers, and the lack of people who are getting into that profession. When the Union of Solicitor General Employees was here, they said that it would be really good to have people from corrections actually go into the community, and also to provide resources for people to access the courses they need. Not everybody can support themselves for three months without income to do what they need to do to be able to work in corrections.

Do you agree with that sentiment in terms of doing recruitment by actually going into the communities? Do you have any other suggestions on how we can recruit more people to work in the system?

Mr. Dale LeClair: That's a great question and observation. When we talk about the corrections issue, as you may or may not know, at one time there wasn't an assistant commissioner for women. Certainly after the Arbour report and growing further with the service developing Okimaw Ohci, which is an indigenous female healing lodge in Saskatchewan, I think the focus is necessary. While I was there, I did put pen to paper into a national aboriginal hiring program. We were successful in Saskatchewan in growing the

numbers, but not successful in relation to the rate of incarceration, certainly.

I've always used the adage, in speaking with thousands of offenders, that it's easy to blame the system in that a white person arrested you, a white person put you in jail, and now you have a white jailer, so you're just mad at the system. You develop these negative tendencies toward white people. I'm putting it bluntly.

When we developed the healing lodge concept and the program, these were facilities that were run by indigenous people. Pé Sâkâstêw has 60% to 70% indigenous employees. We took that reasoning and that blame away from them. I would say the same thing.

As a senior correctional official I also spend time working within the system, solving employee-on-employee racial disputes. I can be totally honest with the committee: when I started the healing lodge program, I was told by wardens and regional deputy commissioners that they would never build a healing lodge in their region. They just didn't think it was the right way to go. However, slowly and ever more slowly, I guess, eventually the healing lodge concept, the Pathways concept grew, and as we saw more and more indigenous men and women coming to the system, I think we did see incremental success. I would say to your question, yes, there has to be another concerted effort.

I haven't been around for 10 or 12 years in the correctional system, and both the deputy minister now, Gina Wilson, and I worked very hard, along with our team, to push these things forward. I think there's time for another review and another task force to look at these issues, because corrections is about a human system. It's not about bars and concrete. It's about a human system and those people working in those systems. We need to go out there and identify people who understand indigenous people, and those can be indigenous people or non-indigenous people. The more we fill our systems with indigenous people who want to help and understand the system, the better.

I would say you need to go out there and reinforce. The only problem is that most people don't think the first place they want to work is in a prison, because you get inundated—

• (0935)

Ms. Pam Damoff: But they do. If you know—

Mr. Dale LeClair: But there's a horrible environment. I don't mean to argue—

Ms. Pam Damoff: No, but we're not—

Mr. Dale LeClair: People get jaded.

Ms. Pam Damoff: When I was in Winnipeg, I was actually surprised when I went to Stony Mountain and saw how many people did consider that a good career and how many people had worked there as summer students. That's because they live in a community where it's considered a good career. I think it depends on.... You and I could go on all day with this.

Mr. Dale LeClair: The only thing I want to say is, let's get that message out, because I think you are right. As I was saying, it's not your first choice to go to Stony Mountain or Kent Institution, but you might want to go to Pé Sâkâstêw or Okimaw Ohci.

Ms. Pam Damoff: I don't know if you're aware that in the last budget the government committed \$65 million to provide more resources for community development officers, so there has been more money put into it.

Did you want to add anything to that, Mr. Teegee?

The Chair: You have one minute.

Mr. Terry Teegee: Thank you, Chair.

The Chair: I am sorry about the time.

Mr. Terry Teegee: I think having more indigenous people within the system would probably be a good thing. One of the issues we're dealing with in the indigenous communities is policing. We have indigenous police forces that are grossly underfunded, with no pay equity and outdated equipment. That's within the correctional system, and in this whole system we're already seeing inequities in regard to our people who are trying to police many of our communities.

I know that's a little bit different, but it's kind of related. I do believe that if we have more indigenous people within the correction system, perhaps they could provide insight to you, as a committee, if we brought indigenous people in to let us know what the problems are within the system. I think that would be—

Ms. Pam Damoff: We had an indigenous parole officer here at our last meeting.

That's my time.

The Chair: Thank you, Ms. Damoff.

Ms. Leitch is next.

Hon. K. Kellie Leitch (Simcoe—Grey, CPC): Thank you both for taking the time to be here today. It's greatly appreciated.

I have two sets of questions, and I'm fine with either of you answering them. I won't direct them.

Both of you have mentioned the lack of economic activity as one of the greater challenges—whether it be on or off reserve—for opportunities for aboriginal Canadians, Inuit, and Métis. With respect to on-reserve activities, but also off reserve for those who are Métis or Inuit, what do you think are some of the specifics that are needed? We talk in generalities, but in order to implement change, my experience has been that we need to know specifics.

Is that developing trade skills? Is that making sure there are opportunities with royalty rights? What are the specifics that would be at the top of your list of things that could be done collaboratively with your peoples and the government to be successful?

Mr. Dale LeClair: Thank you very much, honourable member.

It's extremely important that we begin to look at the.... I'll use our relationship with the Métis Nation. We have our ASETS program, which is now referred to as ISETS. It's about training and about....

We have and will continue to utilize that, and hopefully, as we grow, we will start to target a larger relationship with the government under the permanent bilateral mechanism. There is going to be some more investment in those areas, and they are going to have a great impact on our families' abilities to stay healthy and keep themselves out.

We often refer to the Métis as “the working poor”. We pay taxes, we work hard, but we're just not getting there for a number of reasons.

Whether it's in our communities in the north or in the cities, we are targeting, and there are areas. I don't think there's any one specific area, Madam, but there is a real need to begin to integrate that with other aspects.

We are now, as Métis people, just starting to integrate more fully within the governmental system and beginning to identify areas. Economic development is a big one. We were meeting last night and talking about how we could impact our communities in developing those areas.

It's imperative that we begin to tie systems together and become much more effective as Métis people—

● (0940)

Hon. K. Kellie Leitch: Let me take you off so he can speak, because I have two more questions after this.

Mr. Terry Teegee: Definitely, trades skills are really important in regard to funding and for our people to become gainfully employed.

I could give an example. We had a training organization called PTP ASEP, which trained approximately 1,500 of our people. About 1,000 of them have jobs. This was in preparation for the development of an LNG pipeline that never occurred. However, they found jobs in the forest industry, the mining industry, and elsewhere.

For the community to be sustainable, our people need access to resources that go back to our communities, where we have tenures and access to developing perhaps a mine or renewable energy or what have you. That relates back to our land use planning, developing our own lands in a culturally appropriate way in regard to environmental assessment, and having projects that have been reviewed by our people related to consent—

Hon. K. Kellie Leitch: I'm going to cut you off, because I'm going to run out of time.

Going to the same point you both made earlier about investing in young people and making sure they're healthy and therefore don't find themselves part of the criminal justice system, what does each of you know about the aboriginal head start program and the literature behind it?

Mr. Dale LeClair: We know a lot about the head start program. We're pushing government to get more engagement in the head start program.

Mr. Terry Teegee: Head start has been successful in all areas in British Columbia—

Hon. K. Kellie Leitch: When we look at the literature, it's actually the only program that has shown some proven changes in making sure young people graduate from high school, among others. My question is whether you think that would be valuable in making sure people are not ending up in the incarceration system because they have a better education.

Mr. Dale LeClair: Yes.

Mr. Terry Teegee: Yes. The first five years are the most important.

The Chair: Thank you for your increasing respect for time.

Unfortunately, Mr. Fragiskatos, if I give you your five minutes, you actually have two. Do you want to postpone your questions to the next panel, or do we carry on? I can give you five minutes, but then we run over time.

Mr. Peter Fragiskatos (London North Centre, Lib.): That's fine. The questions, in fact, overlap with the next panel.

The Chair: Then you'll hold off until the next panel?

Mr. Peter Fragiskatos: I can do that.

The Chair: Okay.

I apologize for being the tyrant of time here, but I appreciate the discussion that both of you have contributed to the committee's deliberations, and I'm sure I speak on behalf of the committee when I say thank you for your efforts to be here and thank you for your contributions.

We are suspended.

• (0940) _____ (Pause) _____

• (0945)

The Chair: I call this meeting back to order.

On our second panel of witnesses, we have Mr. Allen Benson and Claire Carefoot from the Native Counselling Services of Alberta.

Lois Frank is where?

A voice: She's supposed to be here.

The Chair: We'll start with you two, in whatever order you choose to speak, and then hopefully Ms. Frank will come.

Dr. Allen Benson (Chief Executive Officer, Native Counselling Services of Alberta): First of all, thank you for the opportunity.

My name is Allen Benson. I'm a member of the Beaver Lake First Nations on Treaty 6 territory. I want to acknowledge the traditional territory that I'm on, the Algonquin nation.

I am here representing Native Counselling Services of Alberta. I am also past chair of the National Associations Active in Criminal Justice and present chair of the Family Violence Death Review Committee in Alberta.

Our non-profit organization goes back to 1970. The agency was created to address aboriginal overrepresentation in the criminal court system at that time.

Since that time, we've grown to an agency that has addressed services in all court levels except civil and we have expanded our services to providing services in the correctional services industry, corrections centres where we provided elders and liaisons to begin with, and then expanded to run a joint federal-provincial institution in Edmonton called the Grierson Centre. That centre was then transferred to what's known as a section 81 healing lodge.

That section 81 healing lodge is called the Stan Daniels Healing Centre. We will speak more to those facilities shortly.

We would like to address a little of our experience in the quality and type of service provided, and then address some of the issues.

For 47 years we have been addressing the issues around indigenous families and individuals in Alberta, and for 30 years we've had a partnership with Correctional Service of Canada. We think we've gained a lot of knowledge and wisdom over the years in addressing the issues of men and women and their reintegration journey. It has taken us as an agency that long to gain the experience and knowledge needed to address the needs of the offenders, and through that knowledge we have been able to better address crime prevention and the needs of the individuals and families to prevent them from incarceration.

Our approach to providing correctional services is informed by two decades of research on the effects of colonization on indigenous individuals, families, and community, and on the Cree teachings of Wahkohtowin, which is a doctrine of relationships as taught to us by our elders in our territory.

These research findings were used to create an evidence-based indigenous model for building resilience in 2009. The model has been expanded and deepened by an ongoing research and action and reflection process by the board and the management of the agency, which makes certain our programs and services address the issues of our clients' presence and reflect a profound understanding of the healing process.

Four critical beliefs and assumptions guide our work.

One is that indigenous criminal behaviour is connected to historic trauma and being victimized as children. It's the legacy of colonial law and policies, such as residential school systems, a legacy that has been passed intergenerationally in indigenous families and communities.

The second is the four dimensions of historic trauma, which include isolation from healthy family and community support networks, colonized identity, hopelessness and powerlessness, and being disconnected from legal tradition.

Therefore, addressing these issues should be the focus of our healing interventions.

The third is reconciliation of these damaged relationships. It's critical that indigenous offenders be supported to reconcile relationships they have been damaged through criminal and unhealthy behaviour. Therefore, we believe in accountability.

Fourth, healing is a self-directed journey. Indigenous offenders need to be responsible for their healing and reconciliation process, and they require trauma-informed support in this process.

These are the four pillars that guide everything we do, not just in the correctional services, but throughout the agency.

• (0950)

Ms. Claire Carefoot (Director, Corrections Program, Buffalo Sage Wellness House, Native Counselling Services of Alberta):

My name is Claire Carefoot. I'm the director of correctional services for Native Counselling Services of Alberta and a past member of the National Parole Board.

In 1988, Native Counselling Services of Alberta began operating the Grierson Community Correctional Centre, which then became the Stan Daniels Healing Centre. It was designated as a section 81 facility in 1999.

Stan Daniels Healing Centre is a 72-bed facility that houses either conditionally released offenders on day parole or full parole, offenders on statutory release with residency, or residents with inmate status in minimum security. The effective operation of this centre relies on the belief that indigenous offenders require culturally specific programs and support to address their social, emotional, educational, physical, and spiritual needs.

The centre combines support programs and services with diligent community supervision to promote both public safety and the successful reintegration of indigenous men. Residents of the centre are expected to take responsibility for their healing journey by actively participating in the establishment of release plans and goals. They also are expected to have the opportunity to learn from, mentor under, and receive spiritual guidance from our elders.

Native Counselling Services of Alberta has been a leader in program innovation of successful reintegration programs for indigenous offenders since 1995. We developed the first historical trauma healing program—the “in search of your warrior” program—which we piloted at Stan Daniels Healing Centre. Since that time we have also developed the “spirit of a warrior” program for indigenous women and the “tapwe warrior” program for youth.

Based upon the NCSA resilience model, the warrior program has three primary goals: to assist indigenous people to better understand their personal, intergenerational cycle of historic trauma-informed behaviour; to build knowledge and skills that will reduce and eventually eliminate trauma-informed behaviour in program participants; and to facilitate the participants' connection and commitment to their lifelong journey.

The warrior programs are nationally and internationally recognized, and for over a decade CSC has worked in partnership with NCSA to offer these programs to their inmates. In our last grad ceremony at the Stan Daniels Healing Centre, we had one of the judges from Alberta attend. They were wondering how they could put our program into their release plans for their offenders when they see them in court.

In 2010 NCSA opened the first section 81 facility for indigenous women in the country.

• (0955)

The Chair: You have two minutes.

Ms. Claire Carefoot: I have two minutes? Okay, I'll get going.

Currently, the Buffalo Sage Wellness House is a 16-bed facility. Actually, we've now added 12 beds to our facility. It's for federally sentenced minimum security women and conditionally released

women on day parole, on statutory release with residency, or on full parole. We have 28 beds now.

We all know the overrepresentation of indigenous women and men in the correctional system. We need to address the historical trauma, the generational trauma, the pain, and the anger; then these people can become whole. They can take back their kids and families and get back into their communities in a safe way.

I keep telling the women at Buffalo Sage that this is the generation of women who are going to say, “Enough. We have had enough. We're going to put a stop to the violence, we're going to put a stop to the drug and alcohol abuse, we're going to take back our kids, and we're going to take back our lives.” In order to do that, we need more funding, of course. We need funding for programs, facilitators, career development officers, and escorts for the community.

We have many successes. We have a woman who was nationally known for her violence. Everyone in this room would know her name if I were to tell you. Several years ago she spent six years at Buffalo Sage Wellness House. She's in university right now and is going to be a lawyer. We have a woman who's a manager of a Tim Horton's. That maybe doesn't sound like a wonderful career for some people in this room, but believe me, for her it's a major step.

We just need the funds and the help. These women and men need the help to do what they can.

Am I over my two minutes?

The Chair: Your timing is impeccable. So also is Ms. Frank's timing impeccable.

Welcome to the committee. I hope we're not rushing you, but we'll be interested in what you have to say for the next 10 minutes, please. Thank you.

• (1000)

Ms. Lois Frank (Gladue Writer, Alberta Justice, As an Individual): I apologize. I got caught up in your Ottawa traffic.

I have 10 minutes, right?

The Chair: Yes. Thank you.

Ms. Lois Frank: I would like to talk about the work that I do. I have a presentation here, but I'll go through it quickly.

My name is Lois Frank. I'm from the Blood Tribe in southern Alberta. I'm a person who has been working with justice. I also teach at the University of Lethbridge. At the college, my area is criminal justice. I teach classes on aboriginal people in the justice system. I also served on the policy commission. I was their chair, and I created programs such as peacemaking.

The work that I've been doing lately has been in the area of Gladue writing. Over the years, I've interviewed a lot of people who are in the system, who are incarcerated or facing sentencing, and I've learned a lot. These people have given me a real education, and I've come to see a lot of things that maybe need to be improved upon or changed in the system.

I'll just go through this, and then you may have questions.

I've seen the hopelessness of some of these people, but I also see their hope. A lot of the people who are in the system have faced a lot of trauma due to childhood abuse, foster care, parental neglect, and things like that, which has made a transition into the jails because of the institutionalization. Many of these are young offenders who were the product of the residential school era through their parents and their grandparents, as mandated under the Indian Act.

Many times, by the time I see them, a lot of them have already been sentenced. They're found guilty or they plead guilty. A lot of the people in the system are subjected to a lot of the abuses in the system, and they don't know their rights. This is where I come in, and I write the reports. I get an opportunity to hear their stories, to listen to their backgrounds, and to give some recommendations to judges on what needs to happen with some of these people.

It's like a cookie cutter. A lot of them have parents who went to residential schools. They were in foster care. They've gone through a lot of abuses, but still there's hope. I see a lot of hope in a lot of these individuals.

Once they're incarcerated, though, nothing happens. They're left in systems where they're forced to choose between belonging by being part of a gang, fitting in. That is their family once they go into these institutions, whether federal or provincial, but in the provincial institutions they are remanded. A lot of times they have no access to programs. Many of them are in solitary confinement for whatever reasons, spending 23 hours a day in solitary. I see women, men, the youth.

I had this all prepared, but because of the time limit... I really believe that we need to look at this whole system. As a Gladue writer, I'm restricted. I'm not here representing the Alberta justice department, although I do reports for them. I'm an educator, a mother, a grandmother, and I have come to see things in a totally different light.

I've taught Native American studies, justice, and many different disciplines. One of the things that I've found in doing a lot of the research is that native people across the Americas had their own justice. They had their own philosophies. They had their own justice systems. Justice was swift, and it was based on a spiritual model. Your actions had consequences. Some would say it was something like karma. They believed that what you did came back to you.

Justice was internalized. They didn't have jails. They banished people who committed violations; they didn't call them crimes. They were deviations that needed healing in communities, but it was very swift, and it was done by the elders.

- (1005)

The grandmothers were really important. They were the ones who kept things in line. I've made recommendations to some of my

clients that they be monitored by their grandmothers. Some of them are under house arrest with their grandmothers, and that's a real sentence for some of them, because they're scared of their grandmothers.

I think we need to return to some of those concepts, because once they get in jail, there's no rehabilitation in many cases. In tribal societies, if you look at the history, you see there were no jails. In Native American studies, I've researched tribes across the Americas, and there were no jails. People would be banished. They would be shamed. There were ways to deal with people who committed these deviations. Mostly there were ceremonies that people had to endure to deal with their actions.

Women were really respected. I'm surprised in doing the work that I've done that there isn't a real emphasis on bringing back the grandmothers, the women, into healing some of these problems. I speak from experience, because I am a mom. I'm a grandmother, and most recently I've become a great-grandmother. I have kids coming in and out of my house, and some live there for a while. I don't need to say more. I set the rules. I give them direction. I do it with love and compassion, but when they see that look, and they've done something wrong, they know that they need to listen to their parents and their grandparents.

There has been so much trauma in some of our communities because of the policies and the Indian Act requiring all people of that generation to attend residential school. Sometimes seven generations of people were colonized. They were put into the schools. It's the children and the people in the community who are paying for it now. A lot of these young people didn't go to residential schools, but maybe they have parents who have lost parental skills or who are maybe not intact. However, we still have the connection with the elders, the grandparents, and I think that's something we need to look at.

I'm humbled by the experiences of a lot of these people who have endured neglect, physical and sexual abuse, substance abuse, and I see the anger building in a lot of these people. Without doing anything about it, I think we're going to see these problems increase. It's not up to the justice system to fix the problems, but I think there are ways in which we can do things, such as bringing in some programming. A lot of my clients who request counselling or spiritual advice or anything like that are maybe given a pamphlet.

One of the abuses concerns people who have legal aid lawyers. I'm not criticizing lawyers, but a lot of times they plead them out, and there are not adjudicated facts. Under the Criminal Code, the sentence has to match the crime, and in a lot of cases that isn't happening.

With the Gladue reports, sometimes I get on the nerves of some of these lawyers because I present the client's version. Many times it has not been investigated, and they're pleading out because they're afraid. They don't know their rights. I feel fortunate to be able to advocate for some of these people, and to instruct judges as well. I've been called upon many times by judges. Gladue reports are supposed to be impersonal and unbiased, and I try to follow that, but I also will go to court with some of these people, and judges have asked me to speak in many cases.

I see the limitations of the Gladue system, the Gladue report writing, and people can do something. I would like to see some changes there. I have recommendations here.

• (1010)

A lot of them are sentenced. They go to prison. Prisons are places of hope and places where there can be a lot of rehabilitation, but bringing the traditions back is really important. I don't mean just a sweat lodge or a pipe ceremony; bringing the wisdom of some of the grandmothers and some of the people back into the community is really important.

I have all of these recommendations.

The Chair: Thank you, Ms. Frank. I appreciate your efforts to stay within our time constraints.

As there's been no opportunity to brief, Mr. Fragiskatos is going to ask questions of the panel for the next seven minutes, and then Mr. MacKenzie, Mr. Dubé, and Mr. Spengemann. That will be the order of questioning.

Go ahead, Mr. Fragiskatos, for seven minutes.

Mr. Peter Fragiskatos: Thank you very much, Mr. Chair.

Thank you for being here today, all of you, and thank you for the work you're doing.

I have a question, first of all, about indigenous peoples' courts, if I could put that question to you, Ms. Frank.

You spoke about your experience researching indigenous history and the approach that was taken to transgressions when it came to violations of the community.

I wonder if you could speak to the issue of indigenous peoples' courts and whether or not that aligns, at least in principle, with some of the history that exists in terms of indigenous culture. To what extent do you think that indigenous peoples' courts are very important, from a reconciliation perspective, when we're trying to address problems of criminal justice and how it affects indigenous peoples specifically?

Ms. Lois Frank: Because there were so many different tribes in the Americas, there were different ways in which people did things. To institutionalize another problem, there's a danger in that.

I believe the charter protects the tribes. People respect the justice system. I think things like Gladue courts could work, but there are only a few in this country, from what I understand. I think it would be a unique way to look at that.

However, it's not just the courts; it's sentencing, it's prisons. Prisons are where a lot of them end up, but courts could be aligned with the correctional facilities.

Mr. Peter Fragiskatos: I believe the first one was established in Toronto in 2001. I know that Ottawa recently had one established as well.

I think it's a very interesting approach to these issues, specifically when we think about applying a reconciliation lens to these matters.

Dr. Allen Benson: May I address that question as well?

Mr. Peter Fragiskatos: Yes, of course.

Dr. Allen Benson: An agency has been doing court work since the beginning of time in Canada. I think it's really important to address that, because it's the responsibility of all courts to act equally in the administration of justice.

We don't believe that the separation of a court should exist. There may be special circumstances in larger centres where Gladue courts occur because of the large aboriginal population, such as a mental health or a family violence court, but across the board it is the responsibility of all judges to administer the law according to the law, and I think it's important that they as well should be equally educated on the issues of aboriginal justice.

Mr. Peter Fragiskatos: Thank you very much.

Ms. Frank, can you tell me about what goes into the writing of a Gladue report, the sensitivity and the skill set that are required? Do you have help in the making of a Gladue report?

I ask because there was a piece written just recently, I believe it was in the CBC, talking about this very issue and the difficulty in finding people with the skill set to write Gladue reports. There is an Ottawa-based law firm specializing in indigenous issues that is now going to partner with the Vancouver Community College, as I understand it, to come up with a curriculum to teach what is needed to write a Gladue report.

Tell us about that.

Ms. Lois Frank: Well, with Gladue reports, we've been given a guideline. Normally we look at the community history and at the individual's history and background. We look at things like mental health and physical health and all of that, and their community of origin, and residential schools. A lot of the people I interview are younger. They haven't gone to residential schools, but their parents went, generally. There's sort of a checklist for whether they've been in foster care, whether they have substance abuse issues, whether they've been abused, and things like that. There is a long checklist, and normally I'll go through that.

However, there isn't a checklist, which is one of the things I have observed about these reports, for the justice system. For instance, did the police do a proper investigation? Did the person get a fair trial? The onus is on the individual and the Gladue writers.

We're told that we don't give recommendations to judges, only a background on the person, but that doesn't make sense to me. I think the judges need to be able to hear some of the recommendations, but maybe that's just the way that Gladue reports are set out.

• (1015)

Mr. Peter Fragiskatos: Thank you very much.

Ms. Carefoot, you touched on this in your remarks. I wonder if you could speak about Wellness House's work, specifically with indigenous women, and the award that the organization won for the work. Could you go into successes in terms of how you measure success? Is it lower recidivism rates? What exactly is being carried out to produce the good results, and what do you mean by "good results"?

Ms. Claire Carefoot: First of all, we agree with Ms. Frank. We have an elder who lives at the women's facility, and we have an elder at the men's facility as well. The woman who lives at the women's facility comes in on Monday and stays for three days and three nights, so she is there in the evenings as well. Trust me: I'd much rather talk to a judge or a lawyer than to our elder Vicky, because she is really tough. She is an awesome lady, and she holds the women to a very high set of standards.

We have many successes. We have some...I'm not going to say failures, but sometimes it takes more than one or two tries to have our successes. We consider it a success when a woman gets her children back. We have a mother-child program there. When the women are well enough, they can bring their children in and look after them there. Many of them don't have parenting skills because of the historical trauma. They never had parents who had the skills to look after them.

I am being told to slow down here. I am very passionate about this work, as you can tell. I do tend to get carried away.

The Chair: You'll have to work your passion into the responses to Mr. MacKenzie's questions.

Ms. Claire Carefoot: I will.

Mr. Dave MacKenzie (Oxford, CPC): Thank you very much for being here.

Our study is very interesting, because we are looking at aboriginals in prison, yet many of us think that we have already failed when the community ends up in the prison system. If we can break that cycle, we are already ahead.

One thing we've heard is that the people within the prisons and within the system always self-identify as to what their background is. I think that presents some issues with respect to how we deal with people. One of the concerns I have is how to identify percentages, if there is such a thing, from reserves and from urban areas. Obviously there is a difference in dealing with elders when you are in an urban area and when you are on a reserve, where the elders are close and the grandmothers.... I've dealt with the grandmothers, and they are the hardest, if you will. They are harsh in their views of what is right and wrong, and they take care of it in their way.

How would you define the differences between reserve inmates and inmates from urban settings?

Dr. Allen Benson: It's difficult to separate, because of the transient population. In a centre like Edmonton, we have a lot of movement from isolated northern communities in and out of the city. We do have a large urban population that's born, raised, and situated in Edmonton. In those situations, it's difficult to separate those who have traditional knowledge from those who don't, largely because there is an expansion of services around traditional knowledge for urban aboriginal people. We've opened the first culturally sensitive area and ceremonial grounds in the area, with the City of Edmonton, for that purpose.

It's often difficult to separate them. Our agency is challenged with a clientele of over 100,000 people in the city of Edmonton alone, in a number of different service areas. In those areas, about 60% of those people access cultural services.

•(1020)

Mr. Dave MacKenzie: Does anyone else want to comment?

Ms. Claire Carefoot: Many of the women and men—the women in particular—have never known their culture until they come to prison. It's really interesting to be able to help them learn and to see the lights go on when they say, during our warrior program, “Oh, my gosh. That's why I behave the way I do.” We do introduce a lot of the culture to these people. We also have our own sweat lodges.

Ms. Lois Frank: I think it's more difficult for places like.... I live on a reserve, so I have first-hand knowledge of what's happening in the communities. A lot of these young people don't learn their culture in prison, because many times they don't have access to programs. The only one they have is beadwork, and I disagree with that, because there needs to be programming for life skills and for getting them help in aftercare or getting them involved in planning their own job skills and things like that.

I have a lot of clients, and I know we'd like to believe that prisons are rehabilitating people, but they are not. A lot of these young people are joining gangs for protection. They sometimes see the prison as a home, because they've been in foster care. The last guy I saw, on Wednesday, has been in 15 foster homes. Also, the drug problem is becoming very significant.

We can't just look to the elders. There's a problem I have with that, because I think that sometimes our elders are also products of the residential school system. They were mandated to attend. If we're going to use elders, we have to train them too. My area is curriculum development. I train elders to do peacemaking. I had to school them on the Criminal Code and all of these things.

It's such an easy thing for judges to say, “Send them to a treatment centre.” Well, it's temporary. Sending them to an elder or sending them to a sweat lodge is not going to do it. They have to learn their culture and identity all over again. I think those things can be done by native people who are professionals and are in touch with their knowledge base about traditions, but to just send them to a sweat lodge as a quick fix—

Mr. Dave MacKenzie: How do we do that before they get to the prison system, so that we break the chain of people going to prison? You're saying that once they're in prison, we introduce them to their culture. What's the way for us to introduce people to their culture before they get to the prison system?

Ms. Lois Frank: I don't know who you're addressing.

Mr. Dave MacKenzie: I think the whole panel.

Ms. Lois Frank: I believe you can. It's something you grow up with. That's the advantage that people on reserve have—they're connected to the traditions—but it's a source of trauma as well. I think that to separate urban and reserve Indians...they have the same problems. As was mentioned, sometimes they're transient. They move back and forth between the city and the reserve. One of my clients on Thursday—I saw three this week—says, “The reserve is my jail; I feel safer in here.” Still, it's not doing what it could be doing.

Mr. Dave MacKenzie: Thank you.

There's one last question I have. If you're banished by the grandmothers, how do you get back?

Ms. Lois Frank: Grandmothers don't banish; it was tribal societies like the Brave Dogs. We had societies who were protectors or police—

Mr. Dave MacKenzie: How do you get back, then?

Ms. Lois Frank: It was through restitution. There were ceremonies where people would be reintegrated back into the community.

• (1025)

Mr. Dave MacKenzie: Thanks.

The Chair: Thank you, Mr. MacKenzie.

Go ahead, Mr. Dubé.

Mr. Matthew Dubé: Thank you, Mr. Chair, and thank you to the witnesses for being here.

I want to look at how the choice is made between medium- and maximum-security institutions. It's come up a few times. I was wondering if anyone had thoughts on that in terms of the difference it can make and how the assessment is made by CSC and whether that is appropriate or not.

Dr. Allen Benson: The risk assessment tool has been a question for a lot of years. The late Dr. Joe Couture, who was a psychologist, a former brother with the Catholic Church, and an aboriginal elder, and who worked in corrections for a lot of years, argued that we missed the boat when it came to addressing the risk assessment tool that's used.

It's constantly being defended. The risk assessment tool has never properly addressed the needs of an indigenous offender. Because of that, the risk factors are addressed and used to determine the level of incarceration—so medium, maximum, or minimum—and that's why we see an overrepresentation of offenders in maximum security. It's rare that you see someone moving from maximum to medium quickly, and certainly not from medium to minimum. That's one of the challenging issues we have.

The other part that fits with that is the programming. The philosophy around accessing programs at a maximum level is really unrealistic. Maximum should be for those offenders who are at risk to other offenders and who represent a high risk to society. Medium is where we should be pointing most of our offenders for treatment and rehabilitation. From that we can then provide the right tools for assessment into minimum security and then release into the community.

We're spending too much energy and effort on maximum security. We see the result when we have so many statutory release offenders, and now statutory release with residency, which is a challenge for our whole society. We should be seriously concerned about that.

If I could address that statutory release issue, the national Parole Board uses statutory release with residency. Sometimes the offender isn't notified until just days before they're released that they have a residency clause, so when they're released they're very angry and they're very unhappy. They go into a halfway house or a healing lodge and usually will commit UAL—be unlawfully at large—

within a day or two, because they don't feel they have an obligation to serve more time and they think that they've served their time.

That whole issue of statutory release is more a risk to society than it is a safety issue.

Mr. Matthew Dubé: Thank you.

Does anyone else want to comment?

The other piece I want to look at is young people, which you talked a little bit about. That's something that's come up at the federal level. Let's say it is 18 to 35. I'm just throwing a number out there. I'm not sure what the official piece is.

Some great points have been made about where they feel at home and some of the long-term consequences of mental health and addiction issues and things like that. When we had CSC here, they confirmed that there are no specific programs tailored to that age bracket. Considering the large aboriginal youth population and the way it's growing compared to the rest of the population, is that something that should be a priority?

Dr. Allen Benson: The youth in corrections issue is a real challenge, and yes, it should be a priority. Correction Service of Canada did an evaluation a number of years ago on the “in search of your warrior” program that addressed healing, and 87% of those offenders have not reoffended violently. That's a high success rate. That program was used for young offenders and for the younger population, and yet that program is no longer supported or delivered in correctional centres.

We train people across Canada to deliver that program. I think it's important that they revisit the kind of healing programs or rehabilitation programs that address the younger, more violent population.

Ms. Lois Frank: May I address that?

Mr. Matthew Dubé: Of course.

Ms. Lois Frank: I deal with a lot of these young offenders. They're not serial killers. They're demonized when they're in the system, but a lot of them are in there for breaches. They couldn't pay a fine or they couldn't get to court, or things like that, so they're recirculated in the system.

I think programs like the one he mentioned, as well as mentorship and things like that, would be very useful. Sometimes just listening to them and letting them figure out what they want to do and offering that kind of support is really important. These are one-year programs, and the funding runs out.

•(1030)

Ms. Claire Carefoot: We have a 19-year-old at Buffalo Sage right now. Two weeks ago, the Regina city police wanted to come to talk to her. We agreed that they could talk to her. They went into a room and they wanted to question her about her behaviour in the community. When they left, the police officer said to our head of security, "I've never seen such a change in a young woman. We won't be back to see her."

Mr. Matthew Dubé: Thank you for that.

To perhaps square that circle, CSC mentioned that part of the flawed risk assessment process involves things like gang affiliations or potential gang affiliations and things like that. It's far from scientific; it's more anecdotal than anything else. Hearing some of these factors that are used, the sense I get—and to conclude, I would like to hear from you on this—is that these things will inevitably profile young offenders differently in terms of the different risks they may pose, and then end up shoving them up to a maximum security facility, and then that can cause problems in programming and things like that.

Would that be a fair assessment, based on your experiences?

Dr. Allen Benson: It is a fair assessment.

When you move a young offender, especially a newer one, into maximum security, where they're victimized and where they're going to be forced into more gang and criminal activity, is more a harm to society than it is a safety measure.

Mr. Matthew Dubé: I think my time is up. Thank you.

The Chair: You have 15 seconds, but thank you for that extra time. I'm sure Mr. Spengemann will appreciate it.

You have seven minutes. Go ahead, please.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Mr. Chair, thank you very much.

Thank you to our witnesses for being here.

Mr. Chair, we've heard compelling testimony so far. I think part of what we've heard is that we have to be very mindful to not inadvertently perpetuate or even recreate elements of the residential school system through our correction system. We've also heard in very compelling terms this morning from your predecessor witnesses that this is a much broader issue than corrections itself. We're talking about criminal justice here. These issues are issues of social justice.

I'd like to start out by asking you to venture outside the box. I'm very mindful that this committee has its parameters and other committees on Parliament Hill have their parameters and that they're masters of their own destiny. If issues are horizontal and cross-connected in such a profound way, maybe we can create some inspiration or ideas, and it will then be up to us as parliamentarians to connect the dots.

I'd like to ask each of you if you could identify as precisely as possible, maybe as a theme of inquiry or maybe in whatever terms you see fit, the top one or two system-external drivers that have indigenous offenders end up in your system in the first place. In other words, if you're saying the correctional system isn't working as well as it should and that out there in Canadian society we are still

perpetuating a mindset that leads to such a huge concentration of indigenous offenders, what do we need to change outside of the parameters of the correctional system to achieve reconciliation in a nation-to-nation sense?

Ms. Lois Frank: Perhaps I could answer that, because I teach criminal justice.

I think there's a disconnect between police, the courts, and corrections. It needs to be more coordinated.

Kids are being carded when they're walking down the streets. One of the things I keep hearing is that the police are identifying these people and searching them out whenever there's a crime. There's racism that exists with policing. Most of the judges I've dealt with are very fair-minded and generous to the people, but when they get to the jails, some of them are fighting, because there's racism in the correctional system too. Some of them are fighting, and they end up in solitary. I've had a lot of people in solitary, and that really needs to be examined. I think that coordination would be useful.

Mr. Sven Spengemann: Thanks for that.

Are there any other external drivers?

Ms. Claire Carefoot: I have one woman at Buffalo Sage who was in 58 foster homes. She was pregnant at 14 from the last foster father she stayed with. The foster care system has to be looked at.

Mr. Sven Spengemann: That's helpful. Thank you.

Dr. Allen Benson: Foster care, education, and youth justice are the three areas that have the biggest impact on our communities.

We've seen a number of reviews of the education system. In Alberta a lot of effort is being put into a new relationship between indigenous education and mainstream education.

In child welfare, we have a child intervention panel. One of your community members sits at that panel, along with my wife and other experts, and that panel is addressing child intervention.

The whole area of youth justice fits into all of this. In child welfare courts and youth justice courts, I don't believe our judges are receiving the right kind of direction and support from the courts. Our youth justice system focused on rehabilitation and has now become punitive.

•(1035)

Mr. Sven Spengemann: That's very helpful. Thank you very much.

Mr. Chair, we heard testimony before the committee from the correctional investigator recently. In fact, there's a report out. We had a discussion on gender aspects. The report itself doesn't make any recommendations that are gender-specific.

In your testimony this morning, you touched on gender aspects. What specifically needs to change, relating to women and girls, other than just increases in facilities and bed spaces? In some respects those are obvious, but if we drill down a bit more deeply, looking at the extremely disproportionate representation of indigenous girls and women in the correctional system, what changes would you recommend?

Ms. Lois Frank: Could I address that?

With this murdered and missing women issue and the inquiries, they talk about the experiences of first nations people and how women are really at risk. That's why I believe grandmothers would be useful in helping.

These education programs would be useful, but a lot of my clients have dropped out of school. Maybe the institutions that exist now for them could be places where they could learn these things. I think some of the dollars that have gone to this truth and reconciliation initiative could go to programs like that for women.

Dr. Allen Benson: The aboriginal women population, as we know, is growing faster than any other population in the justice system. There are a couple of key things we'd like to address. One is that we believe it's the responsibility of the men in our communities to start taking responsibility for the abuse that has happened in our communities. The women have worked really hard to be leaders in our healing movement and have made the necessary changes. Now it's up to the men to buck up.

We say that from a number of points. One is to educate our young men properly and to provide them with the right education as to the role of men in our community. The other, speaking as the chair of the Family Violence Death Review Committee, is that we recognize that most of the victimization occurs, and the violence occurs, with our men. As a result, we see victims becoming perpetrators in the women's population.

Mr. Sven Spengemann: Thanks very much.

Mr. Chair, in the final 45 seconds—

The Chair: Excuse me, Mr. Spengemann.

The bells are ringing. Technically, I have to adjourn unless I get the unanimous consent of the committee to finish out the final 10 minutes.

Do I have the unanimous consent of the committee to continue?

Some hon. members: Agreed.

The Chair: Thank you.

Mr. Spengemann, you have 45 seconds.

Mr. Sven Spengemann: Thank you very much, Mr. Chair.

I wanted to explore with our witnesses the potential space for role models in the indigenous community. Is there a space for that?

I know that elders are culturally very important. Is there a potential to construct role models and to showcase role models who have gone through the corrections system, who have turned the corner, and who really could serve as leaders and examples?

Ms. Lois Frank: Perhaps I could answer, because I feel very strongly about this point.

When we talk about role models, we look outside. I think there needs to be more accountability of our tribal leaders. They should be involved in things like what is happening here. Oftentimes they're off doing something with treaties or economic development and that kind of thing. They're not taking care of their own people.

You know, a lot of people wanted tribal accountability for funds. When the new government took away that transparency, it was a real disservice to a lot of people, because those dollars could be used for programs. Our tribe gets over \$120 million. It doesn't trickle down to a lot of the people.

The Chair: Mr. Spengemann, we'll have to leave it there. Mr. Motz, you have the final five minutes.

Mr. Glen Motz: Thank you.

First, thank you very much for being here, all of you.

Thanks especially to my friend Lois. Thanks for being here. You prepared a presentation that you didn't have time to present. Could you table it so that it's in the evidence for the committee? That would be awesome.

● (1040)

The Chair: Is it in two official languages? If not, we'll get it translated.

Mr. Glen Motz: Thank you.

I appreciate your last comments. I'd love to explore that aspect. We've had those conversations before, and I agree. I've had many people from my constituency, your reserve, tell me they don't need a dollar more to do what they need to do to make things better on the reserve; they need the transparency act back. They need their chief and council to be responsible for the funds they have and to look after their own people, because your own people are damaging your own people. Those are quotes I've heard from your own people, and I agree with you. Thank you.

I love your approach that we have to get back to the more traditional aspect of grandmothers, which is about the value of family on reserve. We do know that in times past, the grandmothers, the matriarchs, set rules and dictated how things happened. In Ontario, for example, many grandmothers have been very outspoken over the years about having contraband cigarettes and tobacco on the reserves, saying that contraband tobacco brings guns, gangs, and drugs. They didn't want them. The chief and council ignored those things, and we have those issues.

How do we fix the disconnect that I have seen and witnessed on the Blood? There is a disconnect between what the elders and so many of the people want, when the chief and council seem to be, as you said, distracted with other issues that don't actually add value to their people. It's the reason that you and many others from all three communities around the reserve are involved in trying to change that—with me, and I appreciate that. It's fantastic. I'm looking forward to the excitement of it. How do we fix that disconnect, the fact that chief and council are not engaged in this process?

Ms. Lois Frank: Today in government, half of the people who are in power are women, so I think that could be a start to having the voices. Most times in our community, there's only one woman on council, and sometimes there are no women on council.

That would be something that we could use as a start.

Mr. Glen Motz: Thank you.

Are there any other comments?

Dr. Allen Benson: I come from the Beaver Lake first nation in northern Alberta. We have a woman as chief, and she has been chief for a number of terms now. The issue for us is that it's up to the community to hold leadership accountable.

I'll speak about the 87 elders who were just at a gathering with us to address the issues of culture and leadership in the community. Their response was that it's not the government's responsibility to hold chiefs and councils accountable: it's up to us as the people. I take that to heart and I take that seriously as a leader in my community. We have to do a better job of holding our leadership accountable. It's not an issue that we should leave to government.

Mr. Glen Motz: Thank you.

Those are my questions.

The Chair: I have a couple of minutes left.

Mr. Spengemann, do you want to finish off the questioning?

Mr. Sven Spengemann: Thank you, Mr. Chair. That's helpful.

I wonder if I could ask a question on the urban-rural divide. It's a fairly general question.

To what extent does that factor in? We're here in Ottawa, and other cities such as Toronto, Montreal, Vancouver have large indigenous populations in the urban centres. What about the dynamic between the rural reserves and the urban indigenous population? Where do people get released? Where do they want to be? What are the prospects for reintegration on either side of that fence?

Ms. Lois Frank: You can look at Rupert Ross. He categorized it. It's not just urban-rural. There are people who are what he termed

new traditionalists, as well as traditionalists, bicultural.... It's much broader than just reserves and off reserve.

A voice: Yes.

Mr. Sven Spengemann: Are there any recommendations in terms of how we address those sensitivities and complexities through our correctional system?

Dr. Allen Benson: I think there are a couple of things. One is that we need to be able to be clear that the diversity exists, as our friend mentioned, and, within that diversity, to try to develop strategies that meet those needs.

For example, the mayor and council of the City of Edmonton have chosen to designate specific land and resources for culture and ceremony for those who are interested in accessing that service within the city limits. The other thing they've provided is a centre for transients, for people moving in from northern and isolated communities, where there's a welcome centre to provide the kinds of services that are necessary, and, for those living in the community, to provide that kind of access for those who have grown up in Edmonton to the right services to help them to identify and deal with the issues.

Mr. Sven Spengemann: Thanks very much.

• (1045)

The Chair: Thank you, Mr. Spengemann.

Before I bring this meeting to a close, I want to thank each of you on behalf of the committee and to thank you particularly for your efforts to be here. They were considerable and commendable.

Colleagues, our final panel is next Thursday. We're going to be three people. We're going to empanel for about an hour and a half and then leave the last bit of the meeting time to get direction from the committee as whole as to where we go from here.

Again, thank you so much.

The meeting is adjourned.

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