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Canada. Ministry of
The Solicitor General.



Solicitor General
Canada

Solliciteur général
Canada

RESPONSE OF THE
SOLICITOR GENERAL OF CANADA
TO THE
METIS AND NON-STATUS INDIAN CRIME
AND
JUSTICE COMMISSION REPORT

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INTRODUCTION

In presenting my response to the Report of the Métis and Non-Status Indian Crime and Justice Commission I would like to thank the members of the Commission for the thoughtful way they approached their task and for their findings and particularly for the recommendations they have made.

These have been carefully reviewed by the National Parole Board, the Correctional Service of Canada, and the Royal Canadian Mounted Police.

Implementation of these recommendations is not solely in the hands of my Ministry and the agencies in it. It will call for co-operation from Native communities, Native organizations, both outside and inside our institutions. As indicated, some of the programs proposed must be initiated by the Native inmates themselves.

The Report refers, from time to time, to the "Federal Advisory Council" and the "Canadian Aboriginal Justice Council". In general, I have not responded to recommendations bearing upon these bodies since, in turn, they have been wound up since the Report was presented.

At the time of writing we are in consultation with the national organizations of the Indian, Métis and Non-Status Indian and Inuit peoples about the future advisory structure to be established. For consideration we have before us a two-part structure, an advisory council of Native persons actively engaged in criminal justice services to be appointed in consultation with Native leaders and organizations, and a twice-yearly consultative meeting between the Presidents of the national Native organizations and Ministers most directly interested in Native peoples and the criminal justice system.

It is my hope and expectation that when this structure is in place the advisory council will assist in the implementation of this Report, with the guidance of the consultative meeting of Presidents and Ministers.

While much remains to be done, the Ministry is making progress. I have, in the Ministry Secretariat, a National Consultant on Native Affairs. The Correctional Service of Canada has recently established a National Co-ordinator of Native Offender Programs. There is also a Native offenders program officer in the Prairie Region where over 60% of the persons of Native ancestry known to be in our penitentiaries

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are to be found. The Parole Board has two permanent members of Native ancestry and there are three more on Board Community Panels. The RCMP has a well-established Native Policing Branch in Ottawa with Native policing co-ordinators in all provinces where the RCMP act as provincial police, and in the territories.

All of these resources are available to me for advice, and I draw upon them regularly. These resources will also be available to the advisory council when it is established.

In thanking the members of the Commission for the work they have done I should also like to express my appreciation for the co-operation of the many groups and individuals who contributed to the study and the Report.

Jean-Jacques Blais

SECTION I: NATIVE CONSULTATION AND ADVISORY INPUT

Recommendation: 1 (A I)

"That the Provincial Advisory Councils be revived under the title of 'Provincial Advisory Councils' or 'Justice Councils'."

Response: The Solicitor General favours the establishment of Provincial Advisory Councils. Efforts to establish Provincial Advisory Councils have not been widely successful in the past owing to the lack of support from the Native communities. It is noted, however, that in the Province of Ontario all the Native organizations are co-operating on the Ontario Native Council on Justice, which is the only provincial advisory council working in the problem areas of Natives within the Criminal Justice System in co-operation with the Ontario Attorney General's office and the Solicitor General's regional Consultation Centre in Ontario. The efforts of this advisory council are concentrated in two areas: advisory input into policy development; and initiation of pilot projects on a demonstration basis.

Recommendation: 2 (A II)

"That a special Ministerial committee on the incarcerated Native be established within the Department of the Solicitor General of Canada."

Response: The Solicitor General agrees in principle with this recommendation but questions the proposed structure.

The principle of establishing effective Native advisory input into the development of policy matters within the Ministry is accepted. The office of National Consultant on Natives was established in 1976, within the Ministry Secretariat. By strengthening this office with the necessary support staff, more can be achieved in the area of reform measures for Natives within the Criminal Justice System than through any committee structure.

In addition, the National Consultant works with the National Co-ordinator of Native Offenders Programs in the Correctional Service of Canada, and the National Co-ordinator on Native Policing in the Royal Canadian Mounted Police.

Recommendation: 3 (A III)

"That similar representation be set up within the penitentiary service itself, at the National headquarters and that these persons be responsible for advising and assisting in the implementation of institutional policies programs and any other decision affecting Native people under the jurisdiction of the penitentiary service, and future 'Corrections Branch'."

Response: The Solicitor General agrees in principle with this recommendation but questions the proposed structure. Native interests must be fully represented in the decision-making process. As already mentioned, there is a National Consultant on Natives in the Ministry Secretariat, a National Co-ordinator on Native Policing in the Royal Canadian Mounted Police headquarters office with provincial regional offices on Native policing, and a National Co-ordinator of Native Offender Programs in the Correctional Service of Canada.

A person of Native ancestry has been appointed to this position. He is responsible for reviewing existing policies and programs as they affect the Native population within the Correctional Service of Canada and for recommending changes, where appropriate, to senior management.

Already in the Prairie region, which has by far the largest number of Native offenders, a Native program officer has been employed at the Correctional Service of Canada regional headquarters to work full-time on programs and activities involving this group.

Other regions do not have as large a proportion of Native inmates and there is less need at this time to establish a Native offenders office within these regions. The office of the National Co-ordinator of Native Offender Programs is able to adequately meet the needs of the Native inmates in these other regions.

Recommendation: 4 (A IV)

"That within each of the five penitentiary service regions, at least one Native person be hired to work in conjunction with the regional director to advise, to assist in the implementation of recommendations, programs and policies affecting Natives."

Response: There is now a Native offenders program officer in the Prairie region, where over some 60% of the Natives known to be in the penitentiary system are located.

The National Co-ordinator of Native Offender Programs will be responsible for monitoring population trends and ascertaining possible needs that may be developing among Native offenders in those regions where there is no co-ordinator at the regional level.

Past experience has shown that, together with adequate Native advisory personnel, emphasis should be put on recruiting and training Native personnel in the existing program functions of the Corrections Service.

Recommendation: 5 (A V)

"That in regions where there are large numbers of Native inmates relative to the general inmate populations, a second Native person be hired to advise, recommend and implement in all program-ming areas relevant to Native inmates."

Response: The Solicitor General agrees in principle with this recommendation. As previously mentioned, there is a Native offenders program officer within the Prairie region where the Native inmate population is large in relation to the total inmate population. The National Co-ordinator of Native Offender Programs has specific instructions to perform this function in the other regions.

Recommendation: 6 (A VI)

"That these persons be part of a 'Regional Team' for Natives as elaborated below."

Response: Disagree. To concentrate on the advisory function of Natives in the C.S.C. rather than to recruit, train and staff Natives in program functions is unlikely to achieve the desired objectives. Instead, by creating an atmosphere which impels the Native communities and their representative organizations whether it be the elected Band Councils, traditional councils, regional associations, tribal associations, or national associations to participate in an advisory capacity on reform and rehabilitation programs for Natives within the Criminal Justice System may produce the best results. The work of the Ontario Native Council on Justice is an example of how this can work.

Recommendation: 7 (A VII)

"That within each region, a regional team consisting of Native staff employed under service contract be set up. In addition to the person or persons hired at the regional headquarters, this team would comprise the following:

- Special Native Classification staff."

Response: Disagree. See reply to Recommendation 6 (A VI).

Recommendation: 8 (A VIII)

"That within each region, a regional team consisting of Native staff employed under service contract be set up. In addition to the person or persons hired at the regional headquarters, this team would comprise the following:

- Sensitization staff."

Response: Disagree. We recognize the need for cultural awareness training for non-Native staff. We believe, however, that it can best be provided by bringing in outside resource persons to conduct sensitization workshops as part of our various staff training program functions now operating within the Correctional Service of Canada.

Recommendation: 9 (A IX)

"That within each region, a regional team consisting of Native staff employed under service contract be set up. In addition to the person or persons hired at the regional headquarters, this team would comprise the following:

- Community field worker."

Response: The Solicitor General disagrees with the format proposed in this recommendation, but agrees with the principle of establishing the function of a community field worker, working in the area of criminal justice with Native communities.

The Ministry has recently introduced Native community field workers, on contract, in the Prairie and Atlantic regions with Native liaison agencies.

Recommendation: 10 (A X)

"That within each region, a regional team consisting of Native staff employed under service contract be set up. In addition to the person or persons hired at the regional headquarters, this team would comprise the following:

- Native parole advocate."

Response: The Solicitor General agrees with the principle of establishing the function of Native parole advocate.

At this time, because of their exposure to the Native population within institutions and their experience in dealing with the National Parole Board, the Native liaison workers are best qualified to undertake the function of:

- a) ensuring that the parole applicant fully understands the procedure of a parole hearing;
- and
- b) assisting the inmate at the hearing, ensuring that the regulations and the rights outlined in Bill C-51 are carried out, and that due process is maintained.

This Native liaison worker would attend the parole hearings in the capacity of the institutional representative, in lieu of, or in addition to the classification officer, or the parole officer.

In addition to this parole advocate function of the Native liaison officers, it is the job of the classification officer to ensure that inmates know the parole application procedures and to help them with their application.

Recommendation: 11 (A XI)

"That the Regional Team(s) in the penitentiary regions be co-ordinated by the three Native persons in the penitentiary national headquarters."

Response: We do not agree with the concept of "regional teams" as outlined in the preceding recommendations. The National Co-ordinator of Native Offender Programs will be responsible for co-ordination, from a national perspective, of all C.S.C. policies and programs relating to Natives.

Recommendation: 12 (A XII)

"That the chairmanship of the Federal Advisory Council rotate solely amongst the voting representatives of the National Native Organization members of the F.A.C. and that the Ministry representatives on the F.A.C. act in the capacity of consultants to the F.A.C."

Response: As mentioned in the Solicitor General's introduction, discussions between Ministers and the Presidents of National Native Organizations have been held in contemplation of the setting-up of a two-part advisory structure.

Ministers and national Presidents would meet on an annual basis to deal with wide-ranging issues and policies. There would also be an advisory council made up of persons of Native ancestry actively engaged in criminal justice programs, representative of all indigenous groups and of all the regions of Canada. These persons would be appointed by order-in-council and Native organizations, national, regional and local, would be asked to propose names. The advisory council would meet every three months.

The annual report of the advisory council would be an agenda item at the annual consultative meeting of Ministers and Presidents, who would have an opportunity to comment on the work of the Council and offer guidance for the following year.

Recommendation: 13 (A XIII)

"That the funding for the Federal Advisory Council be on a three year basis, subject to a yearly audit in the normal course, at a level of \$100,000.00 per year."

Response: See response to 12 (A XII).

Recommendation: 14 (A XIV)

"That the four designates from the four Ministries presently participating in the council be held accountable to the F.A.C. for Ministry policy."

Response: See the response to 12 (A XII).

Recommendation: 15 (A XV)

"The abandonment of the Canadian Advisory Council as a National body, to be substituted with broadly-based and provincially funded provincial justice councils based on the Ontario precedent."

Response: The Canadian Advisory Council no longer exists. Establishment of broadly based provincially funded provincial advisory councils will depend upon the initiative and action taken by the Native community on a provincial basis. Without a strong impetus from the Native community few inroads into the areas of development of new reform measures can be made.

Recommendation: 16 (A XVI)

"That only after receiving provincial funding, and being representative of broadly-based Native opinion within a province, that application be made by a provincial justice council to join the Federal Advisory Council."

Response: No longer applicable. See response to 12 (A XII).

Recommendation: 76 (G 9)

"That the F.A.C. be given until November 15, 1977 to provide the Chairman of the National Parole Board with a list of ten (10) suitable Native candidates as potential board members."

Response: No longer applicable so far as F.A.C. is concerned. Any group or individual may suggest names as candidates for the National Parole Board. Provision of names would be a function of the advisory council described in the response to Recommendation 12 (A XII).

Recommendation: 103 (L 1)

"L. IMPLEMENTATION OF RECOMMENDATIONS
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1. That a funded workshop occur at the earliest possible date, to discuss the recommendations in the context of the Criminal Justice System, and the Penitentiary System as they now stand, and that at this workshop there be representatives from all Native organizations with a responsibility in areas related to Justice, and also representatives at senior levels from the Ministers concerned (Provincial and Federal) and Penitentiary Services and that there also be inmate representation."

Response: The Solicitor General will consider funding workshops on specific program activities. There might be good reason to have a national workshop to discuss implementation of the Report when a reasonable period for implementation has been allowed.

Recommendation: 104 (L 2)

"2. The workshop to be chaired by the Crime and Justice Commission. The purpose of the workshop to be the development of specific work plans for implementation and target dates for completion."

Response: See response to immediately preceding recommendation. The selection of a chairperson would be determined by the normal procedures at a workshop.

Recommendation: 105 (L 3)

"3. That the implementation be monitored by the Federal Advisory Council on Native People and the Criminal Justice System."

Response: See response to 12 (A XII).

SECTION II: NATIVE STAFFING

Recommendation: 46 (D 1)

"Need for Native Staff

- 1) i) That such experience be taken into account in the hiring practices of the Penitentiary Service (and the Public Service Commission) and should be recognized as an indication of capability, and that such modifications to hiring practices be extended to include ex-inmates.
- ii) Until these modifications occur that Native staff be hired on service contract in proportions appropriate to the numbers of Native inmates at the very least."

Response: Agreed. The demonstrated competence and experience of Native people applying for positions should be taken into account, and to some extent should be substituted for "paper" qualifications. However, it would not be possible or desirable to do away completely with the standard educational and other requirements of employment for all hiring of Natives.

The hiring of Native staff on contract is a normal practice in the Ministry whenever the need can be demonstrated.

Recommendation: 47 (D 2)

"That the hiring of such Native staff be made particularly in the areas of classification and social development, and any other areas where interest is shown."

Response: Agreed. Efforts are being made to train Native people for positions in classification and social development in the corrections service. In these fields qualifications for work requirements are a necessity, along with experience of Native behaviour.

Recommendation: 48 (D 3)

"That the salaries paid to such staff be consistent with their duties and experience."

Response: Agreed. This is the normal practice of all public service employees and government contracts.

Recommendation: 49 (D 4)

"That Native staff hired on service contract have a work load which is no higher than that of other penitentiary staff, and the situation does not arise where liaison workers or classification staff find themselves performing several functions."

Response: The duties of Native liaison workers are clearly set out in the service contract and additional duties cannot be imposed without the consent of the liaison worker involved. These duties are now identified as follows:

- 1) The Native Program Co-ordinators shall facilitate communication between institutional staff, Native inmates and the urban Native community.
- 2) The Native Program Co-ordinators shall co-ordinate Native Brotherhood meetings on a regular basis by: attending Brotherhood, Native Alcohol and Drug groups, pow-wows and other cultural activities relating to Native organizations.
- 3) The Native Program Co-ordinators shall act as liaison with other government agencies in helping to meet the needs of Native inmates. Such needs including, employment, shelter and other social services.
- 4) The Native Program Co-ordinators shall encourage Native inmates on maintaining their family and social relationships and responsibilities.

- 5) The Native Program Co-ordinators shall co-ordinate the efforts of urban community groups who wish to offer services to inmates.
- 6) The Native Program Co-ordinators shall set up information workshops to foster a better understanding between the inmates and organizations which may be of help to them.
- 7) The Native Program Co-ordinators shall supply information services to Native inmates in the area of temporary absences, interpreting services for parole hearings and inmate program planning board and referrals for post-release services such as employment and half-way houses.
- 8) The Native Program Co-ordinators shall assess the need for Native programs within the institution and provide assistance to institutional staff in developing programs.
- 9) The Native Program Co-ordinators shall explore and develop resources in the community to assist in the re-integration of the Native offender in the urban area with the assistance from the Citizens Advisory Committee.
- 10) The Native Program Co-ordinators shall recommend appropriate members of the Native community to act as volunteers, workers under contract with the Correctional Service of Canada or for recruitment as employees of the Correctional Service of Canada.
- 11) The Native Program Co-ordinators shall be aware of all institutional, community and funding resources to further facilitate inmate program development.

Recommendation: 50 (D 5)

"Not all Native people identify themselves as Native. We would, therefore, strongly recommend that not all Native people be required to deal only with Native staff."

Response: Agreed. The Solicitor General subscribes to the universal principle of equal access to opportunities and programs. Specialized programs for Natives are alternative to, and not exclusive of, normal opportunities and programs available to all inmates.

SECTION III: JUSTICE WITHIN THE WALLS

Recommendation: 27 (B 11)

"That whenever possible, infractions of penitentiary regulations which are committed by an outside group or individual should not result in a disciplinary action which has the effect of penalizing the inmates unnecessarily."

Response: Agreed. No inmate, Native or otherwise should be made to suffer for an infraction that he or she did not commit. All infractions of a criminal nature committed by visiting guests to a given penitentiary or in connection with the penitentiary system will be prosecuted through the normal process of the law.

Recommendation: 45 (C 10)

"That accountability be built into the system such that penitentiary staff should be accountable for their decisions concerning Native inmates, (i.e. transfers, temporary absences, reasons for disciplinary action, parole decisions), and should expect to give reasons for such decisions to the liaison officer, and preferably also to the inmate himself/herself. This would help to correct the present imbalance where Native liaison officers can be made accountable to the inmates, the penitentiary staff, and their 'outside' organization, but in reality have nobody accountable to them."

Response: Agreed. Subject to regulations regarding confidentiality and providing they meet appropriate levels of security, Native liaison workers will be provided with the necessary information on inmate files, and decisions affecting inmates, to adequately perform their duties.

Native liaison workers should be used as a key resource to the case management team, and should be fully consulted before any major decisions, such as the ones mentioned, are made respecting their clients. By functioning in an advisory role to case management staff, the workers can have a greater say in decisions that are made, and furthermore, such a consultative mechanism helps clarify the lines of accountability for all concerned.

SECTION IV: SOCIALIZATION

Recommendation: 24 (B 8)

"That increased participation from community groups and individuals be actively encouraged by the institution. This must involve a more adequate public relations campaign to encourage community responsibility."

Response: Agreed. C.S.C. is placing increasing emphasis on programs to educate the public about the role and objectives of federal corrections. Bodies such as the Citizens' Advisory Committees have been established specifically in order to give the public a greater understanding of and share in the operations of the penitentiary and parole systems. Since these bodies are supposed to represent a cross-section of the community, it is desirable that native people should be involved in them wherever possible.

In addition, it should be pointed out that part of the job of the Native liaison and community workers is to go about within Native communities explaining and interpreting the criminal justice system to as wide an audience as possible.

Recommendation: 25 (B 9)

"That community groups and individuals who do participate be consistent and reliable in their approach. They must not make commitments which they will be unable to fulfill and they should not state in their funding application that they will assist Native inmates, and then lapse in this commitment."

Response: Agreed. The initiative and action in response to this recommendation must be taken by the community groups themselves, although it is the duty of institutional management to ensure that such groups are made up of responsible people who can be relied upon to deliver on their commitments.

Recommendation: 26 (B 10)

"That all groups or individuals who encourage inmates to take part in research 'studies' in the institution must be careful to explain exactly what is the purpose of the investigation, and what is the realistic outcome. That this be done whether the investigation is internal to the Penitentiary Service or whether it is by an individual or group from outside. Further to this, all inmates must have access to the results of any such studies when they become available."

Response: Agreed. The Correctional Service of Canada fully supports this recommendation and we intend to see that it becomes a condition of any future research involving Natives within the federal system.

Recommendation: 62 (F 3)

"There could be provisions for recreational programs and more cultural activities. It is interesting to note that our data indicates that all seventeen inmates at the Prison for Women do not say they participate in sports or hobbies."

Response: Agreed. There is a definite need to socially animate and motivate the inmates to participate in these types of programs.

SECTION V: REHABILITATION, WORK, EDUCATION AND TRAINING

Recommendation: 20 (B 4)

"That Native spiritual leaders be given the respect which is concomitant with other religious orders, and Native religious ceremonies be allowed, consistent with the (Native) policy of freedom of religion, and that such ceremonies be given the status of any other form of religious or spiritual activity."

Response: Agreed. There is, however, a practical difficulty. The great diversity of religious denominations and sects that exist make it difficult to distinguish genuine practitioners from imposters who set themselves up as ministers of religion. To overcome this problem a system of accreditation is being developed to help institutional directors recognize bona fide religious organizations and so facilitate their valuable work with inmates. As part of this accreditation process, our Chaplaincy Services are developing a network of contacts with recognized Native religious leaders in each region, with whom they can form working relationships and so learn about elders and medicine men who are interested in visiting institutions.

Recommendation: 21 (B 5)

"That consideration be given to identifying Native teachers to participate in educational courses. The inmates often stated that they would like to take part in such programs, but their educational qualifications were too low to take part in the standard upgrading course. At present there is a high drop-out rate of Native people, and they felt that a Native teacher would help to prevent this, and would teach in a way which was more consistent with Native needs."

Response: It is agreed that every effort should be made to recruit or contract with qualified Native teachers to teach courses which are geared to the needs and interests of Native offenders.

Recommendation: 22 (B 6)

"Further to recommendation four (4) above, the courses which are available should become more relevant to the type of opportunity available in the Native or rural communities. This must not result in the elimination of Native people from the standard programs."

Response: Agreed.

Recommendation: 23 (B 7)

"Wherever there is a university or community college in the vicinity of the institution which runs courses in the areas of community development, counselling, band management, etc., that negotiations take place with a view to including these in the institutional educational programs."

Response: Agreed.

Recommendation: 29 (B 13)

"There is a need for more resource material for the groups, such as films and books. Perhaps these could be supplied on a regional or rotating basis."

Response: Agreed. It should be pointed out, however, that the brotherhoods and sisterhoods must show a sustained interest in having these materials. Institutional and regional librarians will do what they can to accommodate serious requests. As well, they will explore the possibility of compiling, with the help of Native studies, universities and other sources of information, a bibliography of books, periodicals and films of Native culture, current affairs, etc. that would be of interest to Native inmates. The role of animating and motivating an interest among inmates to further investigate information on a subject which they demonstrate an interest in should be a program function of the Native liaison officers.

Recommendation: 31 (B 16)

"We recommend that a coherent orientation to the structure of the Department of the Solicitor General and Penitentiary Services be given. This should include information about the structures of the various departments and divisions of the service, also the precise jurisdictions of the officials and penitentiary staff, and to whom they are accountable."

Response: Agreed. Orientation programs are already given to all newly arriving inmates as part of the reception process.

All Regions have produced or are producing orientation handbooks for their inmates. In addition, Parole Board of Canada has published a handbook entitled, "Conditional Release Guide for Penitentiary Inmates". This book is intended to provide inmates with an explanation of the parole system.

Recommendation 32 (B 17)

"That consideration should be given to establishing more co-operative ventures such as 'NELOF' in Mountain Prison, where inmates can make use of their own skills and compete on the open market in selling their goods, preferably with the co-operation and assistance of an outside Native agency. Such projects could also be extended to the 'outside' thus allowing some continuity. They could also be continued should Native half-way houses (Recommendation H.1) be established."

Response: More experiments along the lines of the "NELOF" manufacturing co-operative should be encouraged. Programs and industries staff in the institutions are receptive to any well thought-out, practicable proposal, and would be willing to assist a brotherhood or a sisterhood in getting a project started.

In addition to the well-known NELOF project at Mountain Prison, there has been operating for some time in the Prairie Region a Native co-operative called "Weathercheck". This successful business was started under the auspices of the Native Clan Organization of Manitoba, and it employs Native parolees and ex-offenders in the manufacture of insulation for commercial and home use.

Recommendation: 33 (B 18)

"As recommended in the Report of the Parliamentary Subcommittee on the Penitentiary System, Commissioner's directive should be made available to all inmates, and if changes are made, they should be up-dated accordingly. Such a move should lessen the appearance of arbitrariness in decisions directly affecting inmates."

Response: Agreed. It is established Correctional Service of Canada's policy that the Commissioner's directives should be available to inmates, and that they should be updated on a regular basis.

The task of informing the Native inmates of all current directives from the Commission is a program function of the Native liaison worker.

Recommendation: 35 (B 20)

"We do not recommend that the above recommendations, if implemented, should limit the Native inmates only to the Native programs."

Response: Agreed. This idea is implicit in all our policies and programs relating to Natives.

Recommendation: 60 (F 1)

"Contact should be established with unions, employers and government services to promote better adjustment to the labour market."

Response: Agreed. These concerns were also echoed by the recommendations put forward by the National Advisory Committee on Female Offenders, calling for more diversified job training for inmates of the Prison for Women. The needs of Native women offenders under federal responsibility will be one of the concerns of the National Co-ordinator of Native Offender Programs within the headquarters operations of the Canadian Corrections Service.

Recommendation: 61 (F 2)

"Non-sexist trades training should be considered such as auto-body work and welding."

Response: Agreed. There is a definite need to provide Native female offenders with non-sexist trades training in areas where they demonstrate an interest and an aptitude.

Recommendation: 63 (F 4)

"In 1975 it was suggested that VTR equipment be brought into the institutions, to teach interested female inmates how to operate the apparatus. It was thought that once the procedure is learned, activities within the cultural classes such as basketweaving and beading could be taped and used by the sisterhoods in developing and teaching novel skills to the incoming Native inmates. Also, with the increasing importance of communications, in both Native and non-Native communities such experience would be extremely useful."

Response: The initiative must come from the inmates themselves and the proposal requires careful study to determine its feasibility and potential usefulness.

Recommendation: 64 (F 5)

"Some type of management/administration courses could be arranged with volunteer Native groups, (especially Native women's groups) in order to provide inmates with training related to prevention programs such as drug and alcohol abuse and pre-employment counselling, enabling them to participate in some type of community work once they are released."

Response: Agreed, but the initiative must come from the inmates themselves.

Recommendation: 65 (F 6)

"We would recommend also, as for all Native inmates, the provision of programs to do with community development, band management, housing, etc., which would be particularly useful for inmates who wished to return to, and be employed in, Native communities."

Response: Agreed, if there is sufficient interest in such a program.

Recommendation: 66 (F 7)

"Education courses in regards to the criminal justice system would prepare the inmate to be hired later on as a possible court worker, liaison worker, para-legal worker, juvenile court judges, lay assessors (to sit with judges), parole officers, and to serve on parole boards."

Response: Agreed. Such courses should be made more widely available to Native inmates. It is the job of the National Coordinator of Native Offender Programs to collaborate with education and training specialists in CSC in determining how this may be done.

Recommendation: 67 (F 8)

"For those women who feel more comfortable in a secure feminine setting, there should be training programs provided to help develop better homemaking and life skills, (i.e., child-rearing, budget balancing). (National Advisory Committee on the Female Offender)"

Response: A variety of courses of this kind have been offered in the past, but have terminated because of the lack of sustained interest on the part of the inmates. CSC will work to help create an environment that will motivate inmates to develop their own programs and accept a greater share of responsibility for them.

SECTION VI: NATIVE LIAISON STAFF

Recommendation: 36 (C 1)

C. Native Liaison Staff (p. 217-218)

"That Native liaison staff have access to the orientation given to inmates concerning the Department of the Solicitor General, Penitentiary Services, Indian Affairs and Northern Development, and local, provincial and national political Native organizations."

Response: Agreed. Native liaison staff have an important part of their own to play in the orientation program; to explain their role as a resource to Native offenders.

Recommendation: 37 (C 2)

"That they have access to inmate files and any information which is relevant to decision-making about their clients."

Response: Agreed - subject to regulations regarding confidentiality and providing they meet appropriate levels of security.

Recommendation: 38 (C 3)

"That they have input into decisions which are to be made concerning their clients, and that this be on an equal, and not a token basis."

Response: Agreed. The Native liaison worker should be an important resource person by the case management team.

Recommendation: 39 (C 4)

"That Native liaison staff not be expected to take on a caseload similar to that of a classification officer as well as functioning effectively in their liaison activities."

Response: Agreed. The work load of any Native liaison worker within the Ministry is determined by the terms of reference as set out in the contract.

Recommendation: 40 (C 5)

"That they be given access to their clients whenever necessary, whether or not the Native Brotherhood or Sisterhood group is functioning."

Response: Agreed. This is the practice with regard to the activities of Native liaison officers.

Recommendation: 41 (C 6)

"That consideration be given to supplying adequate space for the liaison officers to meet with their clients, more specifically office space."

Response: Agreed. Many institutions already make arrangements for liaison workers to have office space during their visits. Other institutions will do the same as soon as they have adequate facilities.

Recommendation: 42 (C 7)

"That if the inmates so request, the liaison officer be allowed to speak on behalf of inmates at parole or disciplinary hearings."

Response: Agreed, at the discretion of the disciplinary board chairman.

Recommendation: 43 (C 8)

"That there be sufficient liaison staff to deal adequately with the numbers of Native inmates in any given institution, and where the numbers do not warrant a full-time staff member, a time-sharing arrangement should be considered."

Response: Agreed.

Recommendation: 44 (C 9)

"That consideration be given to placing Native liaison officers in the Quebec Region, after a reliable count of Native inmates in this region has been carried out."

Response: At the present time there are less than ten (10) Native inmates in the Quebec region. If the number should increase materially, further consideration will be given to this recommendation.

SECTION VII: NATIVE BROTHERHOODS AND SISTERHOODS

Recommendation: 17 (B 1)

"That the brotherhood and sisterhood groups not be merely tolerated or allowed to exist, but be encouraged to expand into areas which are considered to be of value to the membership."

Response: We agree that Native brotherhoods and sisterhoods ought to be recognized as a valuable correctional resource. Our present policy is to encourage initiatives on the part of these groups; provided they respect the rules and regulations governing their activities in the institutions.

Recommendation: 18 (B 2)

"That the groups be recognized as a standard self-help group with therapeutic value to the members. That this be recognized on paper and in practice, and that the groups be given the facilities and status consistent with this recognition."

Response: Agreed.

Recommendation: 19 (B 3)

"That penitentiary staff become more aware of the brotherhood or sisterhood groups' activities and philosophies. Inmates have stated that although staff members are quite welcome to attend, they very seldom did so, except for the staff member who was directly involved with their activities."

Response: Agreed. A staff member cannot be compelled to attend. It should be the role of the Head of Social Development, or whoever is designated as staff liaison officer for the group, to promote awareness of and interest in the brotherhood among other institutional staff members.

Recommendation: 28 (B 12)

"That in order to assist participation from outside groups, funding be made available for the brotherhood and sisterhood groups to enable people who would be of assistance to the whole group to visit in cases of hardship. Where there are several institutions together, perhaps such resources could be pooled to allow the individual or group to visit several institutions at one time."

Response: It is sometimes possible to arrange for payment of travel and other expenses for outside resource people (band councillors, elders, etc.) participating in Native brotherhood functions. Requests for such assistance can be made through the institutional Head of Social Development.

Recommendation: 30 (B 14)

"Brotherhood organizations have more contact with one another, so that they could compare programing and resource needs, etc."

Response: Agreed. Brotherhoods and sisterhoods have been brought together in a given region for conferences and workshops. Inmate delegates to such a meeting must meet the normal criteria for the temporary absences that they would need to attend. If Native brotherhoods and sisterhoods wish to correspond with each other on business matters they are allowed to do so as long as they observe the rules laid down in the Commissioner's directive dealing with inmate correspondence.

Recommendation: 34 (B 19)

"Brotherhood members should be permitted to take part in an orientation program for incoming Native inmates."

Response: Agreed. Orientation programs are already given to all newly arriving inmates as part of the reception process. Their usefulness for Native inmates could be enhanced by having a brotherhood member or Native liaison worker assist in explaining to the newcomers the various programs available to Native people.

SECTION VIII: PAROLE

Recommendation: 10 (X)

- "1. That one of the members of the regional team be a Native parole advocate, whose functions would be:
 - a) to ensure that the parole applicant fully understands the procedure of a parole hearing;
 - b) to assist the inmate at this hearing, and to ensure that the regulations and rights outlined in Bill C-51 are carried out, and the "due process" is maintained.
2. That the parole advocate be trained in one centre for a period of three months and that the training include the questioning of witnesses."

Response: The Solicitor General agrees in principle with this recommendation but questions the proposed format. The Native liaison workers would best fulfill this function.

Recommendation: 68 (G 1)

"The rights of an inmate enunciated in Section 9 are regulatory only, not statutory.

Recommendation: The inmates' right to a parole hearing (upon application for parole or revocation), access to file information, to assistance at a parole hearing, and to reasons for a decision and time thereof, be made statutory rights."

Response: Disagree. Regulations made pursuant to an Act of Parliament are binding on the Board as much as the Parole Act, in that the Board cannot deviate from these regulations. The right to a hearing does not have to be in a specific Act of Parliament. An Act specifically for this purpose would have no appreciable effect on the rights inmates now have.

Recommendation: 69 (G 2)

"The regulatory right to a parole hearing contained in 9 (G) of the Parole Act speaks of 'prescribing the circumstances' in which an inmate is 'entitled' to a hearing upon any review of his case for parole.

Recommendation

That the Federal Advisory Council develop these 'circumstances' jointly with the National Parole Board, as they apply to Native inmates.

The regulatory right to information, 'and the form thereof' is contained in 9 (H). However, this regulatory right must be read along with Sections 52 and 53 of the new Canadian Human Rights Act (Bill C-25). Section 53 provides for 'exemptions' to the right of access, one of which is information which:

- b) Would be likely to disclose information obtained or prepared by any government institution or part of a government institution that is an investigative body:
 - ii) in the course of investigations pertaining to the detection or suppression of crime generally, or
 - iii) in the course of investigations pertaining to particular offenses against any Act of Parliament."

Response: Agreed. The Solicitor General invites advisory input from any co-ordinated body of Native organizations on the development of regulations affecting parole of Natives.

It is important to note that at the present time the 'circumstances' in which an inmate is entitled to a hearing are already set out in regulations under the authority of the Parole Act of Canada.

Recommendation: 70 (G 3)

"That the regulatory right in Section 9 for information; and the statutory right in Section 52 for information (exempted by Section 53) be interpreted in as wide a manner as possible in favour of the Native inmate; and that the Native inmate have recourse to a retired judge, supernumerary judge, or member of the bar who can rule on material held back by the corrections system. Said retired judge, supernumerary judge or member of the bar being a person mentioned in Recommendation #30 of the Parliamentary Subcommittee on Prisons, and in the Minister's response of August 5, 1977 (page 16).

The regulatory right to the 'kind and intent of assistance' and the persons or 'class of persons who may provide the assistance' involves a far-reaching change."

Response: Agreed. It is the practicing procedure of the National Parole Board under the regulations made pursuant to Section 9 of the Parole Act, 1958, c. 38, s. 1, namely:

"Information to be supplied to an inmate.

17. (1) Subject to sub-section (3), the Board shall furnish an inmate whose case is to be reviewed for full parole pursuant to paragraph 8(1)(a) of the Act, orally or in writing, with all relevant information in the possession of the Board.
- (2) Where the Board decides to provide an inmate with information in writing referred to in sub-section (1), such information shall be provided at least fifteen days before the review.
- (3) The Board is not required pursuant to sub-section (1) to furnish an inmate with any information;
 - (a) contained in a document prepared before the coming into force of this section;
 - (b) described in paragraphs 54 (a) to (g) of the Canadian Human Rights Act.

also,

Revocation of Parole

21. Where the Board revokes the parole of a federal inmate who is in custody, it shall within fifteen days after the parole is revoked, inform the federal inmate, in writing, of the reason his parole was revoked."

To assist the Native inmates in the utilization of advisory personnel such as a retired judge, for the preparation of the inmate's case for parole, the Native Liaison Officer of the Correctional Service of Canada will be assigned the task of undertaking the co-ordination of such a task.

Recommendation: 71 (G 4)

"That a new category of job be funded by the federal government (with the carrier agency to be determined) called a Native Parole Advocate. And, that this person receive three months of intensive training in one national centre. Such training to involve the questioning of witnesses. (See Recommendation 2, page 195, 'Regional Team')

The regulatory right of the 'circumstances in which the Board must provide the inmate with its reasons for decision and the form thereof'."

Response: This has already been answered in Recommendation 10 (X).

Recommendation: 72 (G 5)

"That full reasons for a negative decision by the Board be made to the Native inmate and that dissatisfaction with the content of said reasons (not the decision itself) be open to review between the Native inmate, a Regional Native Consultant paid by the federal government, and to be attached to each of the five corrections service regions of Canada, and a designated employee of the National Parole Board. This review would not affect or deal with, in any way, the Board's decision -- rather merely the content of the reasons would be reviewed."

Response: It is agreed that full reasons should be given for a denial of full parole, or the revocation of parole of a federal inmate. This accords with the long-standing practice of the Board, a practice that it is now required to follow by the Parole Regulations made by the Governor in Council.

It is not clear as to how the reasons given could be reviewed without bringing the decision itself into question. Certainly there can be no objection to having the content of the reasons discussed with the inmate if he fails to understand them. It is worthy of note that although this recommendation does not speak of questioning the decision, in fact the regulations enable a federal inmate to require the Board to conduct a review of any decision that denies full parole or revokes a parole including a day parole or mandatory supervision. Such a review is conducted by Board Members who did not participate in the decisions being re-examined.

Recommendation: 73 (G 6)

"That these five regional Native Consultants to the Corrections Service monitor all aspects of the application of the regulations under Section 9, as they affect Native inmates.

The regulatory right to recrediting of last remission must, as it involves actual length of sentence, be governed by concepts of due process. This is particularly true in light of the elimination of statutory remission. Otherwise, despair will lead to violence and chaos."

Response: The Solicitor General agrees with the principle of establishing a system of Native scrutineers who would draw to the attention of the authorities any instances where they thought a Native inmate had not been accorded the full rights prescribed by a regulation. But rather than employ additional personnel with the Correctional Service of Canada and the National Parole Board to undertake this task, the Ministry strongly emphasizes utilizing the present Native Liaison Workers of the Correctional Service of Canada in this capacity.

Recommendation: 74 (G 7)

"That the 'terms and conditions' referred to in 9 (m) of the Parole Act, concerning remission, be developed jointly by the F.A.C. and the National Parole Board.

We are conscious of Section 9 (2b) of the Parole Act wherein regulations above can apply to a 'certain class or classes of inmates'. 'Native' must be defined as a 'class' if you wish regulations made only to 'Native inmates'. However, the recommendations above call for close consultation and/or applicability in such a way so as to be applicable to non-Native inmates. Thus the definition problem does not arise.

In conclusion, although the Commission has not dealt with all parts of Section 9, two final matters must be mentioned.

Section 3.1 of the Parole Act (new) creates the regional panel concept. The statutory authority speaks of the Chairman of the Board designating 'municipal or other local authorities therein or members of local, professional, trade or community associations' to constitute a regional panel for that region."

Response: At the time of printing of this report the Canadian Aboriginal Justice Council, the sequel to the Federal Advisory Council, had been dissolved by its members, the national Native organizations. To develop rigid regulations for section 9 (m) of the Parole Act would not provide the necessary desired results in this matter. Instead, a set of guidelines and case histories would be more appropriate for this circumstance.

Recommendation: 75 (G 8)

"That the 'local authorities or community association' referred to in Section 3.1 of the Parole Act specifically include the Band chief and council on Indian reserves, and also Native organizations which have been a legal entity for five years or more.

Appointments to the expanded Parole Board should include at least three new Native members."

Response: Every effort is made to ensure that the Board reflects the ethnic and racial make-up of the country. The Board has, at this time, two full-time Native members.

SECTION IX: NATIVE HALF-WAY HOUSES

Recommendation: 77 (H 1)

"That facilities for the development of Native half-way houses and/or pre-release centres should be made available."

Response: Agreed. The Solicitor General will support the establishment of half-way houses for Natives in any locality, urban or rural, where there is a demonstrated need for such facilities. The Correctional Service of Canada will negotiate with and assist any Native organization which is interested in setting up a half-way house. It is desirable that the half-way houses should be directed and staffed by Natives, although not necessarily in all cases by ex-offenders. In some cases setting up a half-way house may require the willingness of a provincial government to enter into a cost-sharing agreement.

Recommendation: 78 (H 2)

"That these be established either in, or close to Native communities."

Response: Agreed. The initiative and action taken to establish a Native half-way house within or near a Native community should come from the community itself.

Recommendation: 79 (H 3)

"That Native half-way house facilities be also expanded in urban centres for Native inmates who would prefer to be released to an urban area."

Response: Agreed.

Recommendation: 80 (H 4)

"That such half-way houses that are established be run by Native people and that consideration be given to employing ex-inmates."

Response: Agreed.

Recommendation: 81 (H 5)

"That consideration be given to establishing small businesses, possibly along the lines of 'Native extraordinary line of furniture' (Mountain Prison) and that training programs be established according to the needs and wishes of the community."

Response: Agreed.

Recommendation: 82 (H 6)

"That this proposal be reconsidered in the light of the obvious need for such facilities."

Response: Agreed. The C.C.S. Community Resources Development Division plans to examine the feasibility of this proposal in the near future and to discuss it with officials of the Department of Indian and Northern Affairs and the Department of Manpower.

Here again, the initiative to establish such a facility within a Native community must come from the community itself.

Recommendation: 83 (H 7)

"That no such programs be initiated without extensive consultation with the members of the community in which the facility would be established."

Response: Agreed.

Recommendation: 84 (H 8)

"That consideration be given also to extending such facilities to allow Native people to complete their entire sentences in these community-based centres."

Response: In theory, there is nothing to prevent an inmate from being sent to a Community Residential Centre or Community Correctional Centre directly after sentencing. However, if such centres are to fulfil their proper function of facilitating the reintegration of inmates into the community, their residents must have paroles or day paroles to enable them to leave the centres for purposes of work and other activities. Under existing parole regulations, an inmate is not eligible for either parole or day parole until he has served at least a portion of his sentence in an ordinary penitentiary. Amendments would have to be introduced into the Parole Act to change this.

SECTION X: DIVERSION

Recommendation: 53 (E 3)

"We suggest that innovative approaches should be used wherever possible in an attempt to prevent the repetition of past mistakes, and that these include diversion, (at all stages in the judicial process) increased use of personal and family counselling, drug and alcohol rehabilitation services, the use of lay panels in sentencing, etc."

Response: Agreed. At the present time there are 40 diversion projects operating in Canada. Of these only three deal specifically with Natives. The Ministry would like to see such projects extended to areas where there are a large number of Native offenders, such as Kenora Ontario, Prince Albert Saskatchewan, and Yellowknife Northwest Territories. But the initiative to establish programs in these areas and other similar areas must come from the Native communities and interested community groups in these areas, in co-operation with the provincial authorities who are responsible for the administration of justice.

Recommendation: 86 (J i)

"There are several points which should be noted in developing diversion programs in Native communities where at the pre-charge, pre-trial or post-trial stages:

- i) The program should be set up outside the formal correctional system."

Response: Agreed.

Recommendation: 87 (J ii)

"Although volunteerism by the members of a diversion board or committee is commendable, the financial resources available to Native people are frequently lacking. Funding should be available to pay the expenses of the members (baby-sitting, travel, per diems, etc.). People frequently cannot afford to miss working days."

Response: This recommendation is to the provincial governments.

Recommendation: 88 (J iii)

"Participation in the program by the offender must be voluntary."

Response: Agreed. This is the present practice of all diversion programs.

Recommendation: 89 (J iv)

"Some kind of resources must be available should the individual not live up to his/her commitments."

Response: Agreed.

Recommendation: 90

"The Department of Indian Affairs should contribute funds to diversion programs and committees where they occur on reserves. This appears to be allowed under Section 81 of the Indian Act:

"The council of a band may make by-laws not inconsistent with this act or with any regulation made by the Governor in Council or the Minister for any of the following purposes, namely:

- c) The observance of law and order,
- d) The prevention of disorderly conduct and nuisances".

Response: Agreed. The Department of Indian Affairs may contribute funds for diversion programs and committees where they occur on Indian reserves under the authority of Section 81 of the Indian Act, if any Indian band were to request such programs through the enactment of a band by-law for the establishment of such a diversion program. (Information supplied by the Department of Indian Affairs and Northern Development.)

Recommendation: 91

"We would recommend that a follow-up to the National Conference on Diversion take place with particular reference to diversion in Native communities, particularly considering the number of Native people who:

- i) come into conflict with the law, and
- ii) subsequently become incarcerated at an early age, and extend this imprisonment pattern into later life."

Response: Agreed. The consultation Centre of the Ministry is planning a workshop on diversion for Native people in the coming fiscal year.

SECTION XI: POLICING

Recommendation: 85 (I)

The Commission recommends that: "A task force be created to determine the following:

1. To examine the current policing situation which exists in each province with respect to Métis and Non-Status Indian Communities and the Indian Communities and the rationale for it;
2. To determine the problems encountered in each province with respect to Métis and Non-Status Indian Communities and the solutions developed there to resolve them;
3. To develop, in consultation with the Provincial Métis and Non-Status Indian organizations, alternative methods to resolve these problems; and
4. To make recommendations as to the most satisfactory policies the Provinces might adopt to deal with policing in Métis and Non-Status Indian Communities in the national context.

The Native Council of Canada should take the responsibility to arrange for Provincial/Métis consultation. This being so, the Native Council of Canada should develop this task force and the task force should decide to ask each of the Provinces to consult with the respective Métis Associations in its region as to how arrangements could be made to determine the wishes of Métis Communities as to the most efficacious ways of improving policing services."

Response: The Solicitor General agrees in principle with the concept of reviewing policing of Native communities in Canada, but does not agree with the recommended format of this proposed task force on Native policing to be co-ordinated by the Native Council of Canada.

For those areas of the country which the Royal Canadian Mounted Police are presently involved with, namely, Indian communities, and all the Métis and Non-Status Indian communities in Canada, except for the provinces of Ontario and Quebec where the provincial governments are providing policing services, there is an on-going review system of evaluating all the aspects of policing on a provincial and territorial basis. Within each province and territory there are Native policing co-ordinators and offices within the operations of the Royal Canadian Mounted Police.

To establish a task force on the generalities of: examination and determination of problems associated with Métis and Non-Status Indian communities, plus the development of probable solutions and alternative organizational methods of dealing with these problems on a national basis would not be likely to provide the most productive results. Provincial reviews on specific areas of Native policing are carried out; the Community Constable Program in Manitoba is an example of such initiative.

The Solicitor General encourages provincial organizations of Métis and Non-Status Indians to increase their liaison with the Provincial Governments and Royal Canadian Mounted Police on policing matters and pledges the full co-operation of the R.C.M.P. in such initiatives.

SECTION XII: FUTURE RESEARCH

Recommendation: 92 (K 1.1)

The research concerned with juveniles should be directed towards:

"Accurate data collection, concerning the numbers of Native juveniles who are either in care, or under detention."

Response: Agreed. At the present time, there are no Native juveniles within the Federal penal institutions; Status Indians, Métis and Non-Status Indians, Inuit, or others.

Since the Juvenile Delinquents Act of Canada is administered by the Provincial and Territorial Governments, and the majority of the detention terms are within Provincial penal institutions the Ministry cannot readily recall statistical information on these cases.

Since 1977, the Ministry has employed staff to work on the identification of all Native offenders within Provincial and Territorial institutions. Because of the complexities of retrieval of information in this format, this work is still on-going.

Recommendation: 93 (K 1.2)

The research concerned with juveniles should be directed towards:

The identification of the most frequent reasons for the above, the type of dispositions used and whether Native juveniles are indeed placed in situations which are appropriate, i.e. in Native foster homes, in the community, etc.

Response: Agreed. See 92 (K 1.1).

When accurate information on all statistical data is compiled the Ministry will make available the appropriate publications.

Recommendation: 94 (K 1.3)

Future research on Native Juveniles:

The research concerned with juveniles should therefore be directed towards:

The development of alternatives to institutional treatment whenever possible.

Response: Agreed. By encouraging diversion programs throughout the country the Solicitor General, in co-operation with the provinces and private sector agencies, has been able to facilitate the introduction of alternatives which are producing results.

Recommendation: 95 (K 1.4)

Future research on Native Juveniles:

The research concerned with juveniles should therefore be directed towards:

The development of programs, such as diversion which prevent penetration into the formal criminal justice system, whether at the pre-charge or post-charge stages.

Response: Agreed. This is already a priority of the Ministry, but is a question first and foremost for provincial governments.

Recommendation: 96 (K 2)

Research into the Provincial System (Adults)

To collect accurate data with a view to identifying the problem communities from which inmates originate, and thus develop alternatives to incarceration, particularly for the first offenders and property offences.

Response: At the present time there is very little reliable data with regard to Native peoples in the criminal justice system. A study of data sources, both provincial and federal, has been undertaken and will be completed in July, 1979. When this is finished, it should be possible to proceed to the collection of reliable data.

The use of alternatives to incarceration for first and minor offenders is a major concern of the Solicitor General. In addition to the long-standing examples of probation, fines and suspended sentences, there is a new concentration on crime prevention and on diversion, fine option programs, community service orders and mediation as alternatives to sentences of imprisonment.

Recommendation: 98 (K 4)

1. Cultural misunderstanding on initial classification.
2. The difficulties that Native people have in obtaining parole or temporary absences because of the lack of:
 - i) community support and facilities
 - ii) the higher probability of violation by Native inmates, at least partially as the result of (i) above.
3. The low participation in institutional programs resulting in an apparent lack of effort at self-improvement.

The results of these three factors taken in conjunction could very well have the effect of reducing the chances of the Native inmate completing much of his sentence in a medium or minimum security penitentiary relative to a non-Native inmate.

"We recommend that an investigation of the classification system be undertaken on a National basis to determine the interactions between the above factors.

We also understand that increased participation by parole officers in the initial classification process is occurring in some regions. We are interested in the outcome of these developments.

In some regions also, there is increased input by Native organizations in these matters, and would like to know the effects of such co-operation with a view to increasing this interaction in all classification boards, if it is advantageous."

Response: The extent of cultural differences between Native inmates and the rest is difficult to ascertain. To determine the effects of such differences will require competent Native expertise.

Also to examine the reasons for the high probability of violations of parole by Native inmates will require examination by qualified Native expertise.

This entire matter of classification is presently being reviewed by the National Co-ordinator of Native Offenders within the headquarters of the Ministry.

It is anticipated that the proposed advisory council will play a key role in these matters, and the National Co-ordinator of Native Offenders will be prepared to support the advisory committee in this matter.

Recommendation: 99 (K 5).

That particular emphasis be placed on the relationships between the economic structure of Native communities and the high rate of Native incarceration.

This affects all of the areas defined above, particularly 1-3. Namely:

1. Cultural misunderstandings on initial classification.
2. The difficulties that Native people have in obtaining parole or temporary absences because of the lack of:
 - i) community support and facilities,
 - ii) the higher probability of violation by Native inmates, at least partially as the result of (i) above.
3. The low participation in institutional programs resulting in an apparent lack of effort at self-improvement.

Response: Agreed.

Recommendation: 100 (K 6)

"All these research projects should be carried out by, or at least supervised by, people or organizations who are familiar with the geographic area and the communities. The Provincial Advisory or Justice Councils could take on this role."

Response: It is the opinion of the Ministry that all programs dealing with Natives and the Criminal Justice System should have a strong Native advisory input. A steering committee is certainly necessary in a major research project, but may not be needed in every case.

Recommendation: 101 (K 7)

"Where research is to be done on a National basis, the research should be carried out by local people or organizations who are familiar with the area, but co-ordinated nationally by people hired for this purpose under the auspices of the F.A.C."

Response: The Solicitor General agrees that all programs dealing with Natives and the Criminal Justice System should have a strong Native advisory input.

Recommendation: 102 (K 8)

"As a general recommendation concerning new and innovative programs which are operating now, shortly to be implemented, or those which arise out of these and other recommendations, we strongly suggest that an evaluation mechanism be built into the program itself, rather than trying to evaluate the relative success of a program apparently as an after-thought. This should apply in principle and in practice to all such programs, whether they are initiated and run by the Penitentiary Service or whether they are operated by outside agencies."

Response: Agreed. All new programs of the Ministry are subject to evaluation.

SECTION XIII: ECONOMIC DEVELOPMENT

Recommendation: 52 (E 2)

"We further urge that all facilities for the treatment of offenders be developed with a strong community backing and a community focus, and further, that these should be with Native involvement at all stages: in planning, in running and controlling programs, and in evaluating them."

Response: Although this recommendation is not solely applicable to the Ministry of the Solicitor General of Canada, the Ministry is prepared to co-operate wherever possible in the achievement of these goals.

Recommendation: 58 (E 8)

"Education and training programs in the penal institutions which are specifically oriented to the sub-regional opportunities as they develop."

Response: Agreed. To date what is required is pertinent course material dealing with these developmental issues of Native communities. A program requirement of the National Consultant on Natives of the Ministerial Secretariat and the National Co-ordinator of Native Offender programs will be to work with the education and training division of the Correctional Service of Canada in the area of curriculum development of these pertinent courses for training and educating Native inmates in these areas.

Recommendation: 51 (E 1)

"We strongly urge the Government of Canada, provincial and federal, community groups, Native organizations and interested individuals to attempt, now, to put in place a mechanism to deal with situations where there is a sudden increase in development rather than waiting for the problems to arise and trying to develop strategies in a reactive manner."

Recommendation: 54 (E 4)

"Substantial amounts of risk capital, to be invested in enterprises judged by responsible Natives to be consistent with the needs and values of Natives: enterprises which are economically viable in terms of their values and of the needs of the Northern American market."

Recommendation: 55 (E 5)

"Corporate organizations, structured in such a manner as to be suited to the responsible administration and control of risk capital."

Recommendation: 56 (E 6)

"A substantial (multi-million dollar) program of invention and innovation of technologies which are suited to the physical, economic, cultural and human-capability characteristics of the distinct hinterland environments."

Recommendation: 57 (E 7)

"Management, marketing, trades-training, research and entrepreneurial break-up for the initiation of a coherent pattern of Native enterprise, sub-region by sub-region, across the whole hinterland."

Recommendation: 59 (E 9)

"Provincial and territorial natural resource planning and allocation policies which are coherent with the concept of integrated sub-regional socio-economies."

Recommendation: 97 (K 3)

"As a result of the above, innovative projects and programs must be developed in communities. This will of course involve extensive consultation with community members, the identification of facilities which might be available, and if they are not available, the facilities which would be necessary. Elsewhere in this report, we have suggested the use of disused residential schools for such programs. We would not recommend the mere extension of programs such as probation, as these have been shown to be inadequate. We would also not recommend that any programs be imposed on a community from the outside, but that community members be fully involved in the planning and implementation stages. Such community programs might involve the use of law panels to sit with judges for sentencing, as in the program in Christian Island, Ontario. The development of tribal courts should also be investigated."

Response: These recommendations are not made to the Solicitor General alone. There are a number of programs available in the economic field to persons of Native ancestry. There are also mechanisms by which the Native communities can make their broad concerns known to the federal Government, including the Cabinet/N.C.C. and the Cabinet/N.I.B. Committees.

