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Aboriginal Justice Learning Network
 Réseau de la justice autochtone

LINK

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Spring, 1999

RCMP Workshop in Iqaluit

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Community members and justice department officials from the federal and territorial governments met with members of the RCMP to discuss community-police relations in Nunavut. RCMP Commissioner Philip Murray and Deputy Commissioner Roy Berlinquette attended the three-day conference, held in Iqaluit in February 1999.

Inspector Dan Fudge said that the conference was very successful, and commended the facilitators for doing a tremendous job.

Topics of discussion included past practices of the RCMP, how communities and the RCMP can work better together, recruiting of Inuit RCMP officers, and restorative justice.

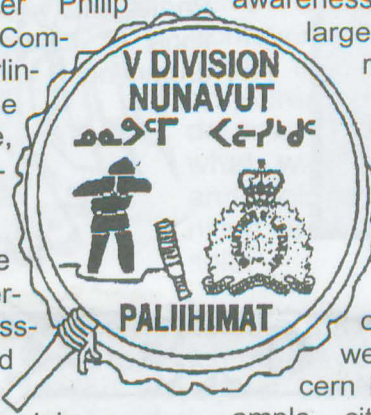
Suggestions about how to improve police-community relations included the following:

having more workshops where people can communicate; having police officers communicate in Inuktitut; being more proactive in drawing on Inuit values; instituting mandatory cross-cultural awareness training; and having a larger RCMP presence or role in schools.

Discussions on the recruitment of Inuit constables involved the changing of standards. Participants remarked that some of the skills required were not always a concern in the north. For example, city driving and high-speed pursuit skills are not required, but the ability to drive snowmobiles and all-terrain vehicles are skills that are more valued in the North. The RCMP is considering having an Inuk facilitator during the training of Inuit constables.

In discussions on restorative justice, delegates noted that there

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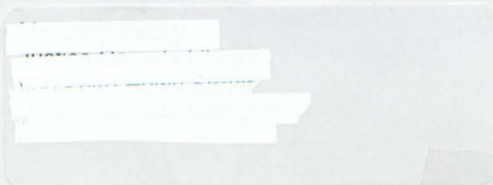


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Iqaluit...continued from page

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should be a focus on restitution and healing, rather than punishment. It was recommended that victims be involved in healing sessions in communities. The need for helping inmates was highlighted. Another suggestion was that the community justice committees be informed when parolees are returned to the communities, and that the committees should provide counselling to parolees when they first arrive. Participants suggested that the community justice committees, rather than the RCMP, lead the community justice forums.

Participants were treated to demonstrations of Inuit dancing, singing, and drumming.



Clare Beckton, Assistant Deputy Attorney General, Aboriginal Affairs, lights the ceremonial qulluq.



Correction

In the January 1999 issue of *Link*, we highlighted the release of the *Nitinaht Chronicles*, a video by the National Film Board. We listed the contact person as Jack Horwitz. This is incorrect. If you are interested in purchasing a copy of this production, please call the National Film Board's toll-free line at 1-800-267-7710, or visit the web site at www.nfb.ca. Please note that many libraries carry National Film Board products.

In that same article, we mentioned a recent release of a CD-ROM compilation of material from the Solicitor General Canada, titled *Healing*. If you are interested in receiving a copy of this CD-ROM, please fax the Aboriginal Corrections Policy Unit, Solicitor General Canada, at (613) 991-2846 or e-mail: abocor@sgc.gc.ca Internet site: www.sgc.gc.ca.

We apologize for any inconvenience our mistake may have caused.

National Aboriginal Achievement Award Winner The Honourable Madam Justice Rose Toodick Boyko

The Aboriginal Justice Learning Network, together with the Aboriginal Justice Directorate, of the Department of Justice Canada, wishes to congratulate Madame Justice Rose Boyko, recipient of the 1999 National Aboriginal Achievement Award for Law and Justice.

Justice Boyko has been a participant in several AJLN conferences and continues to support the Learning Network's objectives. In her own words, Justice Boyko says that she "believes alternatives to a court-administered justice system now practised in many Aboriginal communities are models all courts should consider."

Five years ago Justice Boyko became the first Aboriginal woman appointed to a superior court in Canada. She presides in the General Division of the Ontario Court of Justice in Newmarket, Ontario.

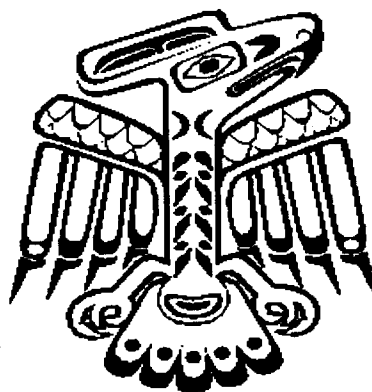
Ms. Boyko was born on her family's trapline at Finlay Forks, in northern British Columbia. At 16, after completing high school, she moved to Montreal, to train as a nurse. She worked as an outpost nurse in James Bay communities in Northern Quebec. Ms. Boyko returned to school and graduated from the Royal Victoria Hospital as a registered nurse in 1972. She attended Queen's University, earning a Bachelor of Arts in 1977. After completing the Saskatchewan Aboriginal Pre-law Program, Ms. Boyko returned to Queen's University to receive her law degree.

Her legal career in the federal public service took her from Ottawa to Edmonton, Saskatoon, and Quebec City. She was a legal adviser to several government departments, worked on legislative reform, legal policy

analysis, and was at one time a director in the Department of Indian Affairs and Northern Development.

Two years ago, she received an Honorary Doctor of Laws for her efforts to promote Aboriginal legal education at Queen's University. She serves on the Board of Trustees at Queen's University and is the Vice-President of the Canadian Chapter of the International Association of Women Judges.

When told that she would receive a National Aboriginal Achievement Award, Justice Boyko said that she was truly honoured. "I never had big dreams, I simply kept doing what was meaningful for me and took advantage of opportunities that came along," she said.



Justice Boyko says that she will continue to strive to enrich the way disputes are settled, to find ways that blend traditional values with her duties as a judge. She adds, "I am encouraged by a growing interest in the legal community to find means to heal relationships as a way of addressing the underlying disputes between litigants and between offenders, victims, and the community. Many of these efforts are occurring within Aboriginal communities, which often have nowhere else to turn for solutions. Their successes are becoming models for resolving disputes elsewhere, even in urban environments, among non-Aboriginal people. The community can assist courts in finding better and longer-lasting solutions to repair the harm of offenders and to restore a better relationship between offenders and their communities."



National Aboriginal Achievement Award Winner James Igloliorte

The Aboriginal Justice Learning Network and the Aboriginal Justice Directorate of the Department of Justice Canada, wish to congratulate Newfoundland and Labrador Provincial Court Judge James Igloliorte, a recipient of the 1999 National Aboriginal Achievement Award for Law and Justice. The Honourable Judge Igloliorte has sat as a circuit court judge in Newfoundland since 1980.

Born in the tiny community of Hopedale, Labrador, Mr. Igloliorte says that, as a young Inuk boy, he was influenced by the many cross-cultural changes that occurred when Newfoundland and Labrador joined Confederation in 1949.

Mr. Igloliorte's working career began in geology, first as a prospector guide and then as a field assistant to a geologist in Seal Lake, Newfoundland. In 1971, he worked in the Ramah Bay and Nachvak Fiord area, assisting geologists with geologic mapping.

Mr. Igloliorte graduated from Memorial University of Newfoundland in 1974 with degrees in science and education. This led to his job, from 1973 to 1980, as a teacher in St. John's. He eventually became a vice-principle in Lark Harbour, Newfoundland. Mr. Igloliorte returned to university and earned his law degree in 1985 at Dalhousie University in Halifax, Nova Scotia.

Mr. Igloliorte has presided as a judge throughout Newfoundland and Labrador. His duties have taken him from Nain to Mary's Harbour in Labrador, Corner Brook and the Northern Peninsula, including the Burgeo and Stephenville circuits. Today, Judge Igloliorte is based in Happy Valley-Goose Bay, Labrador.

In 1996, he became a member of a nine-person comprehensive land claims team for the Labrador Inuit Association. During his career on the bench, Judge Igloliorte has utilized sentencing circles. Since 1980, Judge Igloliorte says he has participated in an average of six

sentencing circles a year. He hopes to use the circle process more regularly. "We find that when we do attempt to apply restorative justice principles, they are much more effective in the long term."

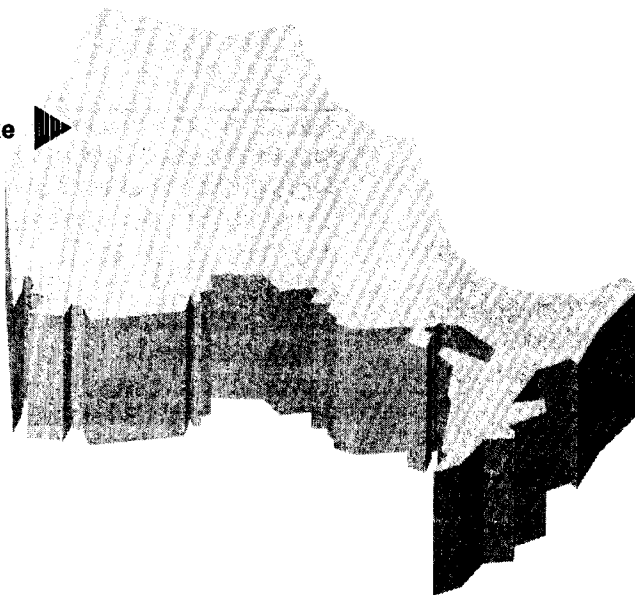
When he heard that he would receive a National Aboriginal Achievement Award, Mr. Igloliorte's first thoughts were of those who had stood behind him and encouraged him. "The award is a tribute to the people who trusted and guided me through my own personal and professional life," he said.

Apart from his duties as a judge, Mr. Igloliorte maintains a connection to the communities he serves. He is a member of the Newfoundland Provincial Judges Association, the Labrador Inuit Association, and the Canadian Bar Association. His past memberships include the Newfoundland Teachers Association, the Lark Harbour Community Council, the Boy Scouts of Canada, the International Grenfell Association, and the Melville Native Housing Association.



Sandy Lake Community Council

Sandy Lake



When a community takes on the responsibility of justice for its own people, it is generally understood that the formal court will be available for more serious cases. But where is the line that separates the two? In a case that shook up the community of Sandy Lake, Ontario, the community and the court found a unique way to work together and cross the line that sometimes separates them.

The Incident

In August 1998, a 16-year-old male was charged with arson after he destroyed a police vehicle in Sandy Lake, Ontario. The incident began when the youth complained to a First Nations constable about an alleged assault. When he felt that his complaint was not being taken seriously, he went to the constable's home and set fire to the constable's truck. The vehicle was parked very close to the front door of the officer's home.

A passer-by tried but wasn't able to put out the fire. Seeing the potential for serious damage or injury, the passer-by towed the

vehicle away from the house, but not before the fire had spread to the front door of the constable's home. Trapped inside, the constable and his wife were forced to escape out a window. They were then able to extinguish the house fire. The vehicle fire, however, was burning out of control, and the truck was destroyed. The youth was later charged and taken into custody. He remained in custody from August until December, 1998.

The accused was well known in Sandy Lake and had been in trouble on several previous occasions. Many people in the community felt that he was headed for a lengthy term in custody, considering the seriousness of the offence and the offender's criminal history.

Community Circle

Wayne Kakepetum, head of the Sandy Lake Justice Committee, said that because the incident took place in the community, the local people wanted to have a say in what happened to the accused. However, the act was so serious that it could not be completely diverted from the formal court.

In December 1998, the Sandy Lake Justice Committee and the court, acting together, decided to conduct a community circle for the young offender. Celina Reitberger, Restorative Justice Coordinator for Nishnawbe-Aski Legal Services of Thunder Bay, attended. Ms. Reitberger points out that this process is not to be confused with a sentencing circle. The community circle provided the community with an opportunity to tell the accused how the behavior affected them and what they expect from him in the future. The participants wanted the young offender to know that they were not there to kick him out of the community or to punish him,

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but to find a way to bring him back into the society, with certain conditions. The offender understood that he would have to return to court for sentencing.

The community circle consisted of the victim, the accused, and community members. A separate observers circle was assembled for the court party, members of the justice committee, and six teenage friends of the accused. The six friends were awaiting sentencing on an assortment of non-related charges to which they had previously pleaded guilty. The court ordered them to attend the observers' circle to witness the impact of delinquent behavior on others. The observers' circle was situated around the outside of the community circle.

What impressed Ms. Reitberger, a member of the observers' circle, was the level of concern for the accused, instead of the usual focus on punishment. "I was astounded that there was no bitterness or rancour; the forgiveness had already occurred," she said. Ms. Reitberger added that the police officer whose vehicle was destroyed was among the

first to forgive the accused and to invite him to attend his church group.

Mr. Rupert Ross, Crown counsel, said that the accused was the first to speak, and that he offered the group a very perfunctory apology. However, after listening to all the participants, the young man apologized a second time. By then, it was obvious to Mr. Ross, the judge, and the community members that he meant it. "Everyone in the circle had said that this teenager understood what he had done, at an emotional level, and that's what victims need more than long terms of custody," said Mr. Ross.

The court agreed to release the young man for the circle, his first time out of custody since his arrest in August. Following the circle, he was allowed to stay in his community until his sentencing in mid-January. At the sentencing, Judge Donald Fraser called the community circle a success. He noted the change of attitude that it generated in the accused and through the ensuing weeks that he spent in the community until his sentencing. Judge Fraser said that, at the start of the circle, he

was not convinced that the accused was genuinely remorseful for his actions. The judge was also pleased that the young man had been able to stay out of trouble during the time that he had been released.

On January 14, 1999, the youth was sentenced to one year in custody. The youth was told by the judge that, if he maintained his current attitude and behaviour, he could expect a positive review from the court during a review hearing in six months time. Mr. Ross said that it was unlikely that such an offer would have been made if the youth had been processed entirely through the regular court.

Mr. Kakepetum said that the Sandy Lake justice committee is now examining other cases that could benefit from a community circle. The justice committee is hoping to incorporate the community circle as a regular process, one that works on both sides of the line that separates community justice and the court.

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Vancouver Urban Diversion

Beginning in the spring 1999, the City of Vancouver will join other Canadian cities when it begins to look to the community, instead of to the courts, for assistance with resolving certain criminal matters. The Vancouver Restorative Justice Project (VRJP) is an initiative that will create an alternative justice model for the Lower Mainland region of British Columbia. The model will be based on the principles of rehabilitation and healing versus those of isolation and punishment.

Diversion Program

By diverting certain criminal matters away from the formal court, project organizers hope to help reduce the disproportionate number of Aboriginal people in the criminal justice system. Kent Patenaude, manager of the Legal Services Society of British Columbia and VRJP Chairperson said, "Here in British Columbia, Aboriginal people comprise approximately four percent of the general population yet account for seventeen percent of total admissions to correctional facilities."

Mr. Patenaude said that a diversion process that is reflective of Aboriginal peoples' unique cultural and social needs will give offenders an opportunity to deal with the root cause of their disruptive conduct. "The contemporary justice sys-

tem has continually failed Aboriginal people in the worst possible way. A vicious cycle of criminalization and recidivism was created the moment a foreign justice system and its laws were imposed on Aboriginal people," Mr. Patenaude said.

The concept of restorative justice was integral to the governance of Aboriginal communities before the European arrived. It is the inability of the current system to stem the tide of Aboriginal offenders flooding the courts and correctional facilities that has necessitated the return of Aboriginal justice practices.

Demographics

Demographics from Statistics Canada indicate that Aboriginal people between the ages of 16-28 comprise the fastest growing population group in Canada. Other studies show that the Aboriginal population in greater Vancouver is also increasing rapidly.

Mr. Patenaude says that these figures alone dictate that, unless something is done to address the root causes of crime, there will be large increases in the number of Aboriginal offenders showing up at 222 Main Street (Vancouver's busiest courthouse, located in the downtown east side). The VRJP is a major step in addressing the situation, and will provide a mechanism for Aboriginal

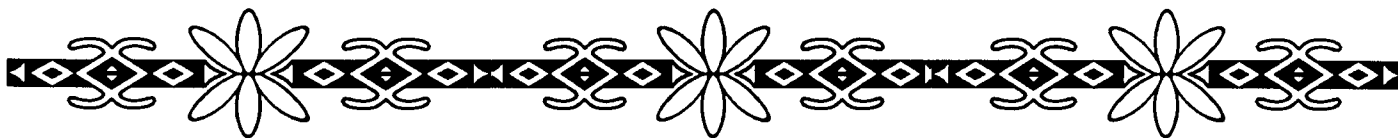
peoples to resolve those difficulties. The basic premise of this process is to return the accountability of Aboriginal people to communities.

Restorative Justice

The VRJP will blend the concepts of restorative justice and community development. Restorative justice attempts to restore harmony among those affected by crime (the victim, the offender, their families and the community). Community development empowers individuals to form appropriate responses and strategies to deal with crime. For example, an offender may be diverted to a community justice committee where a healing plan, rather than punishment, is negotiated. A healing plan could include treatment for various addictions or other counselling services. The healing plan may incorporate culturally specific elements, such a taking part in a "sweat" or a "sharing circle" guided by an Elder.

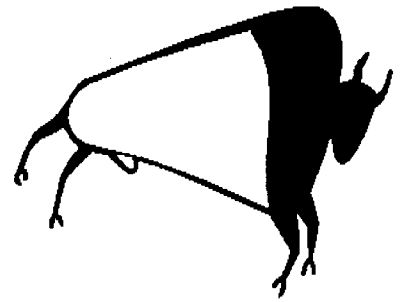
Mr. Patenaude said that there was much to be gained from a recent tour of restorative justice programs in other regions of the country, supported by the Aboriginal Justice Learning Network. A small VRJP delegation travelled to Winnipeg and met with Aboriginal Ganootamaage Justice Services. From

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Winnipeg Youth Challenging Retributive Justice

Submitted by The CP.1879 Youth Diversion Project



"I think the name of our program is really telling about the work that we do," said Mike Alexander, a coordinator of the CP.1879 Youth Diversion Project. "CP stands for the Canadian Plains, and 1879 is the year that the federal government proclaimed that the last of the buffalo on these plains had disappeared" continues Tracey Fontaine, also a coordinator for the program. "We think that there is hope. We think that the buffalo are returning."

Mediation Services

CP.1879 is a program offering mediation services for first-time young offenders in Winnipeg, Manitoba. The program operates in partnership with Aboriginal Ganootamaage Justice Services of Winnipeg.

According to Ms. Fontaine and Mr. Alexander, the CP.1879 program provides options to offenders from 12 to 17, who would otherwise face a justice system that is both alien and damaging to Aboriginal peoples. Those options include victim-offender mediation and community justice forums (provided by the Royal Canadian Mounted Police). Ms.

Fontaine and Mr. Alexander are trained in several methods of conflict resolution, including mediation, family group conferencing, interpersonal conflict resolution, and conciliation skills. "These approaches really rely on the offender taking responsibility, as opposed to 'taking one's medicine'," said Ms. Fontaine.

"First Nations children have a right to inherit a world free from hostilities. Presently there is not a lot of faith that formal systems of punishment will restore broken spirit relations. Jail is punishment. Punishment is not about healing. Relationships are central to the healing process of our youth, as well as to the understanding and processing of conflict," said Mr. Alexander. Instead of a fine or custody, many referrals to the CP.1879 program are ordered to work with elders or other community members. The idea is to repair the damaging effects of the criminal behaviour, in a manner that is holistic and culturally relevant.

The staff of CP.1879 spent six months preparing to accept referrals

from the provincial Crown. The first referrals were identified in early October 1998. "What we have set up is not as bureaucratic, and hopefully kids won't have to wait for months and months before being able to carry on with their lives. It's a voluntary process, and because of that, we've seen the possibility for a high percentage of successful agreements between broken spirit relations" said Mr. Alexander.

The staff of CP.1879 say that community outreach is also integral to the success of the program. "We're dealing with cultural issues, as well as identity issues. We're trying to provide options for young people and, as it turns out, we are empowering ourselves as a result of becoming involved in the culture," added Mr. Alexander. "People call restorative justice an 'alternative' to formal structures. If this is the case, it then makes sense to examine power

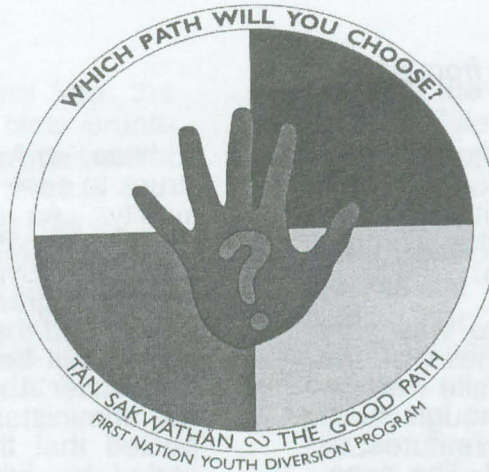
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Youth Diversion for Whitehorse

Hi my name is Cherish Clarke. I am a member of the Taku River Tlingits. Also my Grandmother is Evelyn Jack and my Grandfather is Sylvester Jack. Being a first nation person I have witnessed a lot of drug and alcohol abuse. That is why I choose the right path in life. The hand in the middle represents the question "What path will you choose?" I painted the four different races around the blue hand because no matter which race of people you come from you have to make the choice! Finally, I traced my own hand so that on the poster it would represent youth. Giunolcheesh"

This striking design is the creation of Cherish Clarke, a 13-year-old member of the Taku River Tlingit First Nation located near Whitehorse, Yukon Territory. Her design was selected after a local design contest to be the logo for the recently launched youth court diversion program in Whitehorse. The program name, Tån Sakwäthän, was given by Southern Tutchone Elders



Paddy Jim and John Adamson. In English, it means "The Good Path"

The Tån Sakwäthän program consists of a 12-week course for the client and his or her family. Nina Bolton, Program Coordinator for Tån Sakwäthän, says that clients and families receive instruction on three topics: traditional laws and values, traditional parenting, and family communication. Four weeks of instruction are dedicated to each topic.

Ms. Bolton says there are many examples of families

who have had little or no communication prior to entering the program, but were able to overcome that, and are now working towards building healthier relationships as a family.

Tån Sakwäthän staff began processing post-charge cases in August 1998. To date, 20 youths from the city of Whitehorse have successfully completed the program. Clients of the Tån Sakwäthän Program are referred there by employees of the local Native Courtworkers Program. The courtworkers assess first-time offenders to determine whether they are suitable for the program. Successful completion of the program halts further court action.

Ms. Bolton says that the court was slow to cooperate at the start of the program. She adds, however, that since the program has proven to be successful, referrals are coming in on a much more regular basis.

Contact: Nina Bolton
(867) 633-7680

We need your stories!

We are very pleased to announce that the response from our readers to the new LINK format has been very enthusiastic. Many people from across the country are calling and encouraging us to continue with this expanded version.

We wish to thank Mr. Mike Alexander and Ms. Tracy Fontaine, coordinators of the CP.1897 Youth Diversion Project, for their submission to LINK. Mr. Kent Patenaude, manager of Native Programs for the Legal Services Society of British Columbia, was tremendously helpful with the Vancouver diversion article, and we extend our thanks to Mr. Patenaude.

We encourage all our readers to submit articles, pictures, reviews, notices, etc.. If you know of, or are involved in, an interesting alternative or restorative justice program, we want to know about it.



Vancouver.....continued from page 7

Winnipeg it went to the Thunder Bay Aboriginal Community Council Program. The last stop was with the Aboriginal Legal Services of the Toronto Community Council Program.

Mr. Patenaude said that he was very appreciative of the helpfulness of the staff at each centre. "Each site was extremely insightful, and although each program had its own unique features, all are effective and successful. The experience and information gathered will prove invaluable as the VRJP moves ahead."

The developmental phase for the VRJP is well under way. A 22-member steering committee will guide the development of the court diversion program. In

addition, an Aboriginal caucus has been struck to seek consensus from the community. An executive director will be hired to negotiate final diversion protocols with provincial and federal Crowns. Formal agreement on the program model, and the nature of cases to be diverted, will be established soon. The Vancouver Aboriginal Friendship Center will administer the program. It is expected that the first cases will be diverted by July or August 1999. The VRJP funding is provided on an equal cost-shared basis by the federal Department of Justice and the Province of British Columbia.

Contact: Kent Patenaude
(604) 601-6039

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dynamics, control, and defining deviant behavior. We begin with ourselves and then share that knowledge with students, parents, leaders, friends, everybody we encounter on our journey."

Ms. Fontaine has spent time sharing songs with a local youth drum group. "They called us up wanting to be a part of a powwow we organized. We are looking for ways to help young offenders learn how to express their remorse and to take responsibility." Mr. Alexander participates in a bi-monthly sharing circle with members of Winnipeg's Aboriginal community.

Intergenerational Activities

An example of the youth working with community Elders will take place April 14 -16, 1999. CP.1879 will be working with Aboriginal Ganootamaage Justice Services at the second Annual Elders Gathering, Community Consultation Forum, in Winnipeg, Manitoba. "It's been very helpful to work with Elders in our community on this. Some of the people we've been talking to

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Justice Meeting in Big Cove First Nation, New Brunswick

In mid-December 1998, members from the 14 First Nation communities in New Brunswick met with representatives of the federal and provincial governments to discuss justice issues. The two-day meeting was an information-sharing session in which all parties had the opportunity to present information and points of view to the others. John MacNair, Deputy Minister of Justice of New Brunswick, attended the first day of the conference.

Chief Robert Levy of Big Cove First Nation welcomed participants and Elder Donna Augustine sang an opening prayer. Millie Augustine, who assisted in setting up the meeting, introduced the First Nation presenters. John MacNair introduced the provincial representatives. Mary Tobin Oates introduced the federal representatives. Michel Perrier, Aboriginal Justice Directorate, spoke of federal government initiatives, and Mary Tobin Oates spoke on recent activities of the Aboriginal Justice Learning Network. Kim Fever of the Aboriginal Corrections Policy Unit of the federal Department of the Solicitor General, provided samples of various policy documents that are available.

Provincial representatives made presentations about the various programs that are available: the alternative measures program; legal aid; family court issues; changes in sentences; and increased community involvement in the administration of justice.

Andrea Bear Nicholas, professor at St. Thomas University, presented the Aboriginal point of view before contact and contrasted

that with the immigrant or colonial point of view. Gilles Lemieux introduced Amy Sock, a member of Big Cove First Nation who is now duty counsel at the nearby courthouse. Dr. Ronald Brun discussed some possible solutions to problems with the current system and stated that the guiding principle should be respect. Michael Benson from Native Counselling Services of Alberta (NSCA) spoke of the successful programs that are run through NSCA. He mentioned using mediation or peace making at the community level as a way of reducing anger, costs, and time. He said differences should be resolved through respect and honesty.

The second day of the conference began with a prayer and song. Madam Justice Bria Huculak described how sentencing circles work in her circuit court in northern Saskatchewan. A video clip on sentencing circles was shown. Susan Stewart, AJLN, made a short presentation on the peace-making circle training that was conducted in Conne River, Newfoundland, in September 1998. Jim Albert of the Odawa Urban Aboriginal Justice Committee spoke about the need for healing. Doug Reti and Shannon Ward led an exercise about community justice forums, the RCMP model of dispute resolution. There was a closing prayer.

If you are interested in having a similar information-sharing session in your community or region, please call:

Mary Tobin Oates at (613) 941-4180



