

Aboriginal Justice Learning Network
Réseau de la justice autochtone

LINK

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The Aboriginal Justice Learning Network

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RCMP Conferencing Video

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The RCMP Aboriginal Policing Branch, in partnership with the Aboriginal Justice Learning Network, has completed a 16-minute video describing the RCMP diversion process, Community Justice Forums (CJF).

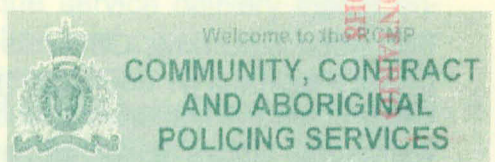
The video will enhance an overall training package that includes a study guide and three days of classroom instruction. The training is designed for volunteers who want to facilitate Community Justice Forums.

The Aboriginal Policing Branch of the RCMP adopted the CJF process as a regular police practice in 1997. Approximately 1,600 volunteers from across Canada are now trained to facilitate the forums. Based on the New Zealand model of family group conferencing, the CJF is an alternative to court. The process is based on heal-

ing relationships and restoring harmony between an offender and a victim rather than punishing the offender.

The CJF video examines the process by capturing a training session for 20 facilitators in Ottawa. In a series of mock forums, viewers follow all stages of the training from the wrongful act to the resolution. The video is available in English or French from RCMP diversion representatives across Canada.

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Enhancing the Role of Aboriginal Communities in Corrections

*Ms. Gina Wilson, Director General, Aboriginal Issues
Correctional Operations and Programs, Correctional Service Canada*

The Supreme Court of Canada has recently joined the Royal Commission on Aboriginal Peoples and the Auditor General in a call to stop filling Canadian prisons with Aboriginal peoples. The high court justices commented on the high rate of incarceration of Aboriginal peoples. On April 23, 1999, the Supreme Court ordered all lower court judges to find ways to use restorative justice processes instead of jail, particularly with Aboriginal offenders. The case involved Jamie Tanis Gladue, who fatally stabbed her husband in 1995. She pleaded guilty to manslaughter and was sentenced to three years in prison. Her case was appealed to the Supreme Court on the grounds that on sentencing, the trial judge did not adequately consider her particular circumstances as an Aboriginal offender.

While the courts often find suitable alternatives to jail, there is still a need to develop similar responses for offenders who do end up in jail. It is simply not enough to ignore the root causes of their behaviour and release them back into communities without addressing those causes. Several studies have proven that many of those imprisoned will eventually end up back in jail. To lower incarceration rates means engaging alternative methods for offenders both within the courts, and within the prisons.

The Correctional Service of Canada (CSC) is working with other departments and agencies to stem the tide of Aboriginal incarceration. Ultimately, it is CSC who must find ways to safely and successfully reintegrate the growing numbers of Aboriginal offenders who have entered the federal system.

For some time now, CSC has developed working relationships with the Aboriginal Elders, who provide spirituality, counselling and a connection to an Aboriginal identity for many offenders. Several federal institutions, such as Stony Mountain in Manitoba, have Elders as permanent staff members. Native liaison officers are providing a bridge for a better understanding of the cultures. Federal institutions are introducing Aboriginal-focussed healing programs and curriculum into their rehabilitation programming. Healing Lodges such as the Okimaw Ohci Healing Lodge and the Pe Sâkâstêw Center provide environments designed entirely for Aboriginal offenders both male and female.

The focus for Corrections now is to build partnerships with communities and to achieve a better balance of offenders in federal institutions. CSC recognizes that the strength found within Aboriginal communities is a key element in the successful reintegration of Aboriginal offenders. By

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Aboriginal Law Centre opens doors

*Kent Patenaude, Manager of Native Programs,
Legal Services Society of British Columbia*

For people who live in poverty, the consequences of legal problems are often severe. Many do not know what services are available to them, or how to access them. The result is that too many poverty-stricken citizens are left to fend for themselves. Aboriginal people living in Vancouver's downtown eastside, however, can now look forward to some legal relief with the re-opening of the Vancouver Aboriginal Law Centre (VALC). Details of the VALC services were unveiled at an open house on March 25, 1999.

The mandate of the Law Centre is to provide the most effective legal aid services possible for Aboriginal people in Vancouver. The staff is committed to providing legal services in a culturally sensitive manner, in an environment that reflects the unique needs of the Aboriginal community. Located at 191 Alexander Street, the VALC is affiliated with the Vancouver branch office of the Native Programs Department of the Legal Services Society (LSS), a non-profit organization legislated to provide legal aid services to all British Columbia residents.

A great deal of thought, care, and attention was taken to create a comfortable atmosphere for Aboriginal clients and to alleviate their fear of the justice system. VALC staff, almost all of whom are of Aboriginal origin, are familiar with the problems facing Aboriginal people and are sensitive to the particular needs of their clients. The VALC offers a full range of intake services, including legal infor-

A poverty law issue is defined as one that threatens:

- An individual's or family's physical or mental safety or health;
- An individual's ability to feed, clothe, and provide shelter for himself or herself; or
- An individual's livelihood.

mation, summary advice, or diversion to appropriate alternative agencies. Two paralegals provide poverty law services to clients who are financially eligible and fall within the LSS coverage guidelines. Typical poverty law problems handled may include: employment insurance, worker's compensation, welfare and pension appeals, housing issues, including landlord/tenancy problems.

Staff may also refer clients to private lawyers or to staff lawyers at the Vancouver LSS Family Criminal and Community Law clinics. Two Aboriginal lawyers are on contract to assist with Aboriginal law issues. Staff work closely with the University of British Columbia's First Nations Law Clinic. The proximity of the two offices creates a vital linkage for Aboriginal clients. In effect, this nearness creates a one-stop shopping venue. There is a 99 per cent chance that if the VALC cannot deal with the problem, the UBC First Nations Law Clinic can. This unique service delivery model ensures that an Aboriginal person will have his or her legal problem addressed as expeditiously as possible instead of being referred to other agencies. The bottom line for the VALC is to provide services to Aboriginal individuals who would otherwise have no means or re-course to resolve these problems. For further information regarding the VALC and the services provided, please contact the manager of the LSS, Native Programs Department, at (604) 601-6039, fax (604) 682-0787.



Legal
Services
Society

Providing legal aid
and legal education
for British Columbia



Mi'kmaq Young Offenders Program Growing

When the Mi'kmaq Young Offenders diversion program began in April 1995, the cases it dealt with were limited to young offenders and referrals were restricted to those made by the Crown. Since November 1998, however, referrals now include adults. So far, six adult cases have been diverted through the program. Another seven are confirmed for the coming months.

Ms. Paula Marshall, executive director of the program, says the decision to include adults was sparked by community demand. Ms. Marshall says that many community members had seen the program work successfully with young people and have asked that it be expanded beyond youth cases. Adult referrals may also include offenders with prior convictions. "We wanted to be able to offer the program to adults who may have been in trouble before. When you are dealing with adults, it's unlikely that the cases you'll see will be from first-time offenders. The adults wanted this because it is successful in terms of healing, instead of having situations where victims and offenders stay as enemies forever," Ms. Marshall said.

When the program began, referrals came from only the Crown. Now, referrals may be made by the police, the Crown, courts, and Correctional Services. At corrections, counsellors assist in developing release plans for inmates who are returning to their communities. Ms. Marshall says a priority in working with release cases is

being able to provide a more intense level of supervision and accountability than is offered through the provincial probation offices.

Much of the credit for the success of the Mi'kmaq Young Offenders Program is owed to 52 youth justice volunteers working in the field. Together, they service nine First Nation communities in Nova Scotia. Their role is to facilitate justice circles and supervise healing plan agreements. Four staff members help coordinate the program from its Eskasoni-based office. A court liaison officer was hired last year.

Youth diversion includes sending young offenders to traditional events or activities such as powwows or moose hunts. Some youths have been ordered to attend the Donald Marshall Sr. youth cultural camp. The camp is a week-long experience that introduces troubled or delinquent youths to traditional Mi'kmaq skills and spirituality. Schools and communities are also involved in resolving non-criminal matters through healing circles.

Although the program is expanding to include referrals of adult offenders, the emphasis continues to be on diverting young offenders from court, to more culturally appropriate options.

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Police Recruits to Receive Aboriginal Awareness Training

The province of Ontario is changing the way it trains police officers. Some of those changes are intended to raise their awareness of important Aboriginal issues in Canada. Beginning in May 2000, police recruits will have to demonstrate a level of knowledge about Aboriginal people and issues prior to being accepted into the Ontario Police College. It's part of a new provincial initiative called the *Police Foundations Program (PFP)*.

Joe Moylen is heading up the program from Algonquin College in Ottawa. He says the program was the result of work done by a group within the Ontario Ministry of Solicitor General. The group was formed in 1989 with a mandate to review police training issues at the Ontario Police College.

The final outcome of that review was to move the academic training portion out of the Ontario Police College and into the newly created PFP. The Ontario Police College will continue to provide physical and forensic police training.

The Foundations Program consists of two compo-

nents. One is the training program and the other is the final examination is based on that training. The training portion is not mandatory, but passing the exam will be mandatory as of May 2000. The examination is called the *Police Qualifying Examination*. Mr. Moylen says that as a result of prior training or experience, some candidates will be able to pass the exam without completing the entire foundations program. Recruits who do not pass the exam will not qualify for acceptance into the Ontario Police College. This new training initiative will apply to all police candidates wishing to work in Ontario.

Aboriginal content

To pass the examination, students will need to demonstrate knowledge of: po-

lice-related law, the criminal justice system, community policing principles, social services, racial and ethnic diversity, and communication skills. Of the eight to 10 courses that comprise the entire program, one is dedicated specifically to Aboriginal issues. Sixty-five percent of the First Nations People course grade is based on two tests that will determine the student's understanding of the culture and issues of Aboriginal peoples. Another 25 percent of the grade is based on a research assignment on a specific Aboriginal political, social, legal or cultural issue.

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The course, titled First Nations People, will provide instruction on:

- theories about the origins of Aboriginal peoples,
- changes that occurred within Aboriginal cultures resulting from European contact,
- the development of Aboriginal politics and influence within the current century,
- current legal and social issues affecting Aboriginal people, and
- the current strategies in place to address those issues.

Crime Prevention for Aboriginal Communities

What is crime prevention through social development? And what does it mean for Aboriginal communities across Canada? Traditionally, crime prevention meant everything from better lighting in parks and convenience stores to increased police enforcement and tougher laws and sentences. For Aboriginal peoples on and off reserves, it meant an overrepresentation in the criminal justice and correctional systems. What was missing was the need to identify and address the root causes of criminal activity and work towards preventing crime **before** it happened – not preventing it from happening **again**. This is where crime prevention through social development comes in.

The National Crime Prevention Centre (NCPC), through its National Strategy on Community Safety and Crime Prevention, is working towards helping communities uncover and address the root causes of crime. It accomplishes this by providing the financial resources to build stronger foundations and recapture the social and spiritual well-being of communities.

Under the Strategy, Aboriginal peoples are identified as one of three priority groups along with children and youth, and women. As a result, out of the 396 projects funded in 1998/1999, 98 (25 per cent) were specific to Aboriginal groups and communities. These projects accounted for \$2.5 million worth of funding. Approximately half of these projects were based in rural Aboriginal communities.

The projects address issues such as substance and alcohol abuse, delinquency, general community safety and personal empowerment, spirituality and education. One pilot-project developed by the Métis Family and Community Justice Services in Saskatchewan is entitled *Store Front Schooling for High Risk Youth*. The project is a plan to implement intervention and prevention programs which target school drop-outs and assist them complete their schooling, as well as providing career planning. High-risk students who have dropped out, or have been discontinued, are assisted in making the transition back to school.

Projects range from needs assessments, public awareness campaigns, workshops, local meetings, conferences, outreach efforts and training and education. An example of a needs assessment project in British Columbia is the *South Okanagan Crime Prevention Program* sponsored by the Penticton First Nation. The project aims to identify and carry out activities to expose the underlying causes of crime and the factors that contribute to crime on and off the reserve.

Proposals for funding can be submitted under four programs: the Partnership Program, the Investment Fund, the Community Mobilization Program, and the Business Action Program. Further information can be attained by calling or writing:

The National Crime Prevention Centre
Department of Justice
SAT 5 – 284 Wellington Street
Ottawa, Ontario
K1A 0H8
Tel : (613) 941-0505 Fax : (613) 952-3515
Toll free: 1-877-302-NCPC / CNPC
Web site : <http://www.crime-prevention.org>



Stand-alone training

The biggest recruitment change for Aboriginal police candidates will be the plan for a stand-alone training center designated specifically for Ontario Aboriginal police candidates. Glen Bannon is the Police Chief for the Anishinabek Police Service in Garden River, Ontario. He is also the President of the National First Nations Chiefs of Police Association. He says that several First Nations police services were concerned about enrolling candidates from remote communities to the PFP, only to have them graduate without getting a job. However, Greg Brown, the project manager for the implementation of the PFP for the Ministry of Solicitor General for Ontario, says that an agreement is now in place that should alleviate those fears. Mr. Brown says students of the Aboriginal stand-alone program may be hired by a police agency prior to being sent for training. Mr. Bannon says that his association is now planning to recruit 500 First Nations officers during the next five years in Ontario. "This allows us to do active recruiting and we don't end up dashing the dreams of people who go off on the training," Mr. Bannon said.



"The stand-alone program will be the same as the overall Foundations program, but where appropriate, there will be an Aboriginal focus," Mr. Brown said. The start date for the Aboriginal Foundations program is January or September 2000.

The Foundations program is available through 22 colleges and three private institutions throughout Ontario. Mr. Brown says that the Ministry of Solicitor General recently surveyed police agencies across Ontario to determine their recruitment needs over the next few years. For the past several years Ontario police agencies hired an average of 720 new officers per year. As a result of factors such as changes to the police pension plan, the Ministry now estimates the province will need 1,100 police college graduates per year. To fill that need, about 2,500 candidates will need to complete the Foundations program each year.

www.algonquin.on.ca / www.gov.on.ca:80/OPP

Enhancing...continued from page 2

sensitizing correctional workers and facilities to Aboriginal culture and communities, offenders who wish continue their healing journey on the "outside," can find the tools and resources to assist them.

Projects and discussions are underway with several First Nation, urban, Inuit and Métis groups to develop a capacity for transferring elements of federal corrections to Aboriginal communities. These alternatives to incarceration, along with Aboriginal parole supervision are very important steps for federal Corrections.

Aboriginal communities have assumed control of many matters including health, education, policing, corrections and so on. Correc-

tions will be delivered in a different way. Aboriginal groups are finding that corrections methods that incorporate healing, reconciliation, spirituality, balance and restoration, work better in communities.

For an information package on "Enhancing the Role of Aboriginal Communities in Corrections," please call (613) 995-2555 or fax your request to (613) 943-0493.

Please visit:

www.sgc.gc.ca/EPub/EAbocorrlist.htm

We need your stories!

We are pleased to announce that the response from our readers to the new LINK format continues to be enthusiastic. Many people from across the country are encouraging us to continue with this expanded version.

We wish to thank our partners and colleagues at the Micmac Young Offenders Program, RCMP, Solicitor General Canada, and the National Crime Prevention Centre, for their contributions to this issue. Mr. Kent Patenaude, manager of Native Programs for the Legal Service Society of British Columbia, was tremendously helpful with the article on the opening of the Law Centre.

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

In the next issue:

Gladue: A Summary of the Supreme Court of Canada Decision

Advisory Committee: An Update of Recent Meetings

Gang Workshop held in Edmonton

Restorative Justice Meeting in Regina